

1. Council Meeting Agenda

Documents:

[REVISED 03-20-18 FINAL AGENDA.PDF](#)

2. Council Meeting Packet

Documents:

[MARCH 20, 2018 COUNCIL PACKET.PDF](#)

3. Council Action Minutes

Documents:

[ACTION MINUTES 03-20-18.PDF](#)



Revised 3/19/18

**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MARCH 20, 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 –

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. PUBLIC HEARINGS -

1. Approving submission of Michigan Land and Water Conservation Fund (LWCF) grant application for Rutherford Pool Renovations
 - A. Resolution No. 2018- 068, determination
 - B. Open public earing
 - C. Resolution No. 2018- 068A, close public hearing

XI. ORDINANCES – FIRST READING -

1. Bell-Kramer Rezoning of Residential parcels currently zoned PMD to CN-Mid
 - A. Resolution No. 2018-055, determination
 - B. Open public hearing
 - C. Resolution No. 2018-056, close public hearing

Ordinance No. 1303

2. Bell-Kramer Rezoning of city-owned vacant parcels currently zoned GC and PMD to P (Park)
 - A. Resolution No. 2018- 057, determination
 - B. Open public hearing
 - C. Resolution No. 2018- 058, close public hearing

Ordinance No. 1304

3. Medical Marijuana Text Amendments in response to MMFLA
 - A. Resolution No. 2018- 059, determination
 - B. Open public hearing
 - C. Resolution No. 2018- 060, close public hearing

4. Medical Marijuana Text Amendment to permit Provisioning Centers in the General Corridor
 - A. Resolution No. 2018- 061, determination
 - B. Open public hearing
 - C. Resolution No. 2018- 062, close public hearing

XII. ORDINANCES – SECOND READING –

Ordinance No. 1302

Resolution No. 2018- 063, approving an ordinance to provide for a service charge in lieu of taxes (PILOT) for Towne Centre (401 W. Michigan Avenue), a housing project for low income persons and families to be financed with a federally-aided or Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq* (the "Act"))

XIII. CONSENT AGENDA –

Resolution No. 2018-064

1. Resolution No. 2018-065, approving minutes of March 6, 2018
2. Resolution No. 2018-066, approving appointments to Boards and Commissions
3. Resolution No. 2018-067, approving the removal of a section of Armstrong Court, 143 feet north of Armstrong Drive

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-069, approving an application for a Neighborhood Enterprise Zone (NEZ) Rehabilitation Certificate for Lillie Covington, 406 S. Hamilton, Ypsilanti, MI

XV. 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

XVI. COUNCIL PROPOSED BUSINESS –

XVII. COMMUNICATIONS FROM THE MAYOR –

XVIII. COMMUNICATIONS FROM THE CITY MANAGER –

List of gun manufacturers and private owners of Prison Operators in which City or Fire/Police pension funds are invested

XIX. COMMUNICATIONS –

Nominations

Ypsilanti Community Utilities Authority

Jon Ichesco (Reappointment)
1218 Pearl
Ypsilanti, MI 48197

Police Advisory Commission

Michael Stone-Richard (Ward 3)
844 Railroad
Ypsilanti, MI 48197

Andy Fanta (Ward 2)
1221 Westmoorland
Ypsilanti, MI 48197

XX. AUDIENCE PARTICIPATION –

XXI. REMARKS FROM THE MAYOR –

XXII. CLOSED SESSION –

Closed Session to discuss personnel evaluation pursuant to OMA 15.268, Section 8(a)

XXIII. ADJOURNMENT –

Resolution No. 2018-070, adjourning the City Council meeting



Revised 3/19/18

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Resolution No. 2018-070, adjourning the City Council meeting



REQUEST FOR LEGISLATION
March 20, 2018

To: Mayor and Council

From: Joe Meyers, Community Development Manager

Subject: Michigan Department of Natural Resources Land and Water Conservation Fund Grant Request

SUMMARY & BACKGROUND: In January 2018, Staff and the Parks and Recreation Commission were approached by the Friends of the Rutherford Pool to apply for a grant from the Michigan Department of Natural Resources Land and Water Conservation Fund (LWCF) in the amount of \$300,000 to renovate the existing bathhouse and provide a warm, welcoming and safe place for children, families and other community members in the Ypsilanti area to recreate and learn water safety.

The project will include redesigning the bathhouse and bringing the building up to current ADA standard and improving the HVAC, electrical and plumbing systems. The redesigning of the bathhouse will also include the addition of family/single user restroom/changing/shower facilities. These will improve ADA compliance and accessibility, by for instance serving a wheelchair user with an attendant who may be a different gender, while also meeting the needs of parents with small children, transgender users, and others needing privacy for other reasons. Meeting this need will require reworking the circulation through the building to provide access to the new spaces. The renovation will also include façade improvements.

By approving this resolution the city is agreeing to become the applicant for this grant and to come up with the local match which is a total of \$25,000 in cash and committed to raising the additional \$275,000. The Friends of the Rutherford Pool has agreed to put forward the \$25,000 in cash and has committed to raising the rest of the funds. The Friends of the Rutherford Pool are not allowed to apply for LWCF Funds.

ATTACHMENTS: Rutherford Pool Project Description

RECOMMENDED ACTION: Staff recommends approval of the Resolution to apply for the LWCF Grant.

CITY MANAGER APPROVAL: _____

COUNCIL AGENDA DATE: 3/20/18

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2018-068
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, supports the submission of an application titled, "Rutherford Pool Bathhouse Renovation " to the Land and Water Conservation Fund for development of renovating the nearly 50 year old bathhouse at Recreation Park; and,

WHEREAS, the proposed application is supported by the Community's 5-Year Approved Parks and Recreation Plan; and,

WHEREAS, City of Ypsilanti through the Friends of the Rutherford Pool has made a financial commitment to the project in the amount of \$25,000 matching funds, in cash and/or force account; and,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Patroncity Campaign (MEDC Pending) -	\$100,000
Local Foundations (Pending) -	\$125,000
County and Township Support (Pending) -	\$25,000
Total -	\$275,000

THEREFORE, BE IT RESOLVED that the City of Ypsilanti hereby authorizes submission of a Land and Water Conservation Fund application for \$300,000, and further resolves to make available a local match through financial commitment and donation(s) of \$300,000 (50 %) of a total \$600,000 project cost, during the 2018-2019 fiscal year.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

PROJECT DESIGN : Rutherford Pool Bathhouse Renovation

The purpose of the project is to renovate the nearly 50 year old bath house at Rutherford Pool in Ypsilanti in order to provide a warm, welcoming and safe place for children, families and other community members in the Ypsilanti area to recreate and learn water safety.

The bath house is a concrete block structure, constructed at a modest cost, with mostly 46-year old systems stressed by heavy use, humidity, temperature extremes, and limited maintenance budgets. A 1997 renovation provided accessible toilet stalls, a fresh coat of paint, and other minor revisions, but did not modify showers or drinking fountains for ADA compliance, or otherwise change the dated appearance of the building.

Throughout the bath house structure, many of the walls are cracked or crumbling and the flooring has fractures, which provides safety hazards for the hundred of patrons who come through daily. The paint on the walls is peeling and the lighting is inadequate. Much of the electrical system is what was originally put in the building when it was first constructed.

With layout redesigns taking place in the building over the past several decades, the electrical configurations have not kept up -- and lighting switches and HVAC controls are not in appropriate places. Lighting for the locker rooms, for example, are accessed on the electrical panel in the back boiler room -- on the other side of the building from the actual rooms they light.

Another update that will be addressed is redoing the pool bath house plumbing. Every year we suffer several leaks and pipe breaks. This requires us to break into the concrete walls (sometimes in several different places), repair the pipes, and slapdash patch the walls -- leaving them unsightly and further susceptible to problems. At best these fixes get us through the season. Our air circulation system is also over 20 years old and requires replacement.

A roof replacement would also accompany the rehab project. This project would also include replacement of exterior fascia and wood structures that are part of the roofing and exterior portions of the building. Many of the wood elements have rotted and been removed.

Additionally the bath house rehabilitation plans include the addition of new sink and bath room fixtures, bench seating, new lockers and re-configured storage areas -- all ADA compliant and designed to be universally accessible. Some of the features will include: door clearance widths of 32 inches, a design to minimize maneuvering clearances at doors and gates, new flooring without thresholds, sinks, counters and mirrors located in the facility within ADA recommended heights, knee clearance and reach ranges, lockers and cubbies with clear floor space and ADA recommended unobstructed reach ranges and heights., wheelchair accessible toilets with accessible door hardware, hooks and grab bars, showers with a folding seat and a shower spray

unit with a hose that can be used both as a fixed-position shower head and as a handheld shower. We will also provide additional signage at the pool, as well as updating the website, to advertise accessible elements in the bath house and pool.

Perhaps even more important, we plan to address a concern the user community has been requesting for years, which is provision of family or single user restroom/changing/shower facilities. These will improve ADA compliance and accessibility, by for instance serving a wheelchair user with an attendant who may be a different gender, while also meeting the needs of parents with small children, transgender users, and others needing privacy for other reasons. Meeting this need will require reworking the circulation through the building to provide access to the new spaces.

Finally in order to provide some shading in the front of the building, where many patrons congregate, we are planning on constructing a pergola structure at the pool entrance.

Crime Prevention and Safety

Rutherford Pool continues to be a safe place for community members to enjoy. With pool management who have been with the City pool for over 20 years, there exists a strong training and supervision program for pool staff and lifeguards. Safety, especially for the City's children who come by the 100s daily (often times without adults) will continue to be a top priority in managing and overseeing the pool.

The pool is situated on the perimeter of one of the City's largest parks, along Congress Street (a main thoroughfare into through the City's Second Ward). A large vertical sign adorns Congress Street, providing a clear demarcation of the pool's location. The street is patrolled regularly by the City police, whose headquarters is 1/3 of a mile straight down Congress. The parking lot and pool building have significant lighting to help maintain a secure environment in the evening. During the pool's reconstruction powerful LED lights were installed all along the perimeter of the bath house that create a brightly lit area around the pool. Additionally video surveillance cameras were installed during the reconstruction to deter unwarranted behavior after hours. The pool is also under the watchful eye of Normal Park Neighborhood Association, who takes great pride and support of the pool. This support includes approximately 100 volunteers who come to the Park and pool each May for Ypsilanti Pride day to help weed, landscape, and re-paint the pool structures.

The parking lot was recently resurfaced, which included a newly installed curbed ramp which provides easy access from the parking lot to the front of the bath house for people with physical disabilities aided by a wheelchair or other mobile device. Additionally a new crosswalk

was installed across Congress Street, into the entrance of the parking lot, complete with a "Yield to Pedestrian" sign installed in the middle of the road within the crosswalk.

Population Served & Programming/Marketing

Rutherford Pool continues to serve residents primarily from the City and Ypsilanti Township. There are also several families that come from Ann Arbor and outlying areas of Washtenaw County to use the pool on a daily basis. For the coming year fee structure, the charges are as follows:

- Family Passes-no size limit on the family or what the "family" consists of is \$265.
- Senior Passes 62 and older \$75
- Individual \$110
- Lap swim \$3
- Tot Splash \$2
- 1-5PM entrance for kids \$3.00
- 6-8Pm entrance for kids \$2.25
- Adults (18 and up) are always \$4.00

This fee structure, as well as pool hours and special programs are all listed on the Friends of Rutherford Pool website (www.forpool.org) and through the printing and dissemination of 3,000 brochures annually. The 2017 brochure follows as an attachment.

Access to Rutherford Pool is one of the driving values of the community. As such, FORP partners with the Ypsilanti Community Schools, the Ypsilanti Library, Eastern Michigan University, area early childhood education programs and the YMCA to offer free or reduced price pool passes, free lessons, and lifeguard training programs targeted at underserved youth/children throughout the region.

The pool is also used throughout the summer by the Ann Arbor Area YMCA, which runs a summer camp program weekly in Recreation Park and brings the children daily in the afternoon to use the pool. This coming year we will also be partnering with Parkridge Community Center's summer program to both offer general swim time during their regularly scheduled camp programs and to offer a week of swim lessons to children in their program during the week of July 4th.

A majority of the marketing efforts come through Ypsilanti Community Schools. The Pool distributes flyers to the Preschool and Kindergarten students and every elementary school in the district, up to 6th graders. Last year the pool offered each local elementary school a free pass day, for the children and their families to experience the pool and to encourage them to

become regular users. Pool staff also attend several outreach events that occur through Ypsilanti Schools including open houses and special events (i.e. Girl Magic).

Friends of Rutherford Pool also achieves its marketing and outreach through a newly designed website (launched in 2017) and an active Facebook page. FORP maintains an active email list of 285 with a weekly update going out to these subscribers. On-line information about the pool can also be accessed through the City of Ypsilanti's website.



Resolution No. 2018-068A
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

THAT the public hearing for the Michigan Land and Water Conservation Fund (LWCF) grant application for Rutherford Pool Renovations **is hereby closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
March 20, 2018

From: Bonnie Wessler, City Planner

Subject: Bell-Kramer Neighborhood: Residential Parcel Rezoning to CN-Mid

SUMMARY & BACKGROUND:

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. This also had the effect of making existing residential uses in the neighborhood nonconforming. The residents and owners of the area requested a right-to-rebuild clause in the PMD zoning while additional testing was performed; this was executed in 2017, as well as additional testing. Test results support returning the area to a residential zoning classification for the existing residential properties. Staff has recommended a zoning to CN-Mid; under this classification all parcels and uses in the area are conforming, and new construction and additions are possible.

Planning Commission heard the issue at their regular February meeting. Planning Commission recommended approval (5:0) of this rezoning at that meeting.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Staff Report (see page 2 for maps)
Planning Commission minutes excerpt

CITY MANAGER APPROVAL: _____

COUNCIL AGENDA DATE: 3/20/18

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2018 - 055
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City has an interest in protecting the health, safety, and welfare of its citizens;
and

Whereas, the City has performed environmental testing in the Bell-Kramer neighborhood to
address concerns regarding the former City Landfill site; and

Whereas, the test results indicate that the area can be returned to residential zoning; and

Whereas, the Planning Commission has affirmed that the rezoning is not consistent with the
City Framework (Future Land Use Map) of the Master Plan, but new information regarding the
area has been developed, thus changing the conditions since Master Plan adoption; and

Whereas, the Planning Commission has found that the residential zoning classification of CN-
Mid most appropriately matches the pattern of existing development; and

Now therefore be it resolved that the Ypsilanti City Council approve the ordinance entitled
Rezoning of Bell Kramer Residential Parcels.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Ordinance No. 1302

An Ordinance Entitled "Rezoning of Bell Kramer Residential Parcels"

THE CITY OF YPSILANTI HEREBY ORDAINS:

That the properties herein described:

- **11 Kramer St:** 11-11-37-105-002, W 1/2 OF LOT 9 PLAN OF CLARKSVILLE;
- **15 Kramer St:** 11-11-37-105-003, W 89' OF LOT 10 PLAN OF CLARKSVILLE;
- **21 Briggs St/21 Kramer St:** 11-11-37-105-004, LOT 11 PLAN OF CLARKSVILLE;
- **124 Bell Rd:** 11-11-37-101-012, LOT 12 PLAN OF CLARKSVILLE;
- **45 Kramer St:** 11-11-37-101-010; W 66 FT OF LOT 13 PLAN OF CLARKSVILLE;
- **132 Bell Rd:** 11-11-37-101-009, LOT 14 PLAN OF CLARKSVILLE;
- **134 Bell Rd:** 11-11-37-101-008, LOT 15 PLAN OF CLARKSVILLE;
- **128 Bell Rd:** 11-11-37-101-011, E 82 1/2' OF LOT 13 PLAN OF CLARKSVILLE;
- **118 Bell Rd:** 11-11-37-105-005, E 76' OF LOT 10 PLAN OF CLARKSVILLE;
- **110 Bell Rd:** 11-11-37-105-001, E 1/2 OF LOT 9 PLAN OF CLARKSVILLE;
- **111-113 Bell Rd:** 11-11-37-100-001, LOT 16 PLAN OF CLARKSVILLE.;
- **115 Bell Rd:** 11-11-37-100-002, LOT 17 PLAN OF CLARKSVILLE;
- **119 Bell Rd:** 11-11-37-100-003, LOT 18 PLAN OF CLARKSVILLE;
- **123 Bell Rd:** 11-11-37-100-004, LOT 19 PLAN OF CLARKSVILLE;
- **125 Bell Rd:** 11-11-37-100-005, LOT 20 PLAN OF CLARKSVILLE;
- **129 Bell Rd:** 11-11-37-100-006, LOTS 21 & 22 PLAN OF CLARKSVILLE.

Be rezoned from Production, Manufacturing, and Distribution (PMD), to Core Neighborhood Mid (CN-Mid).

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 in the Washtenaw Legal News 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: _____



February 16, 2018

**Staff Review of Rezoning Application
Bell-Kramer Neighborhood-CN-Mid**

11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd.

GENERAL INFORMATION

Applicant:	City of Ypsilanti
Action Requested:	Recommendation to City Council to approve a Map Amendment to rezone 11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd. from PMD to CN-Mid.

PROJECT AND SITE DESCRIPTION

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. This also had the effect of making existing residential uses in the neighborhood nonconforming, thus making it challenging for prospective buyers to obtain a mortgage. The residents and owners of the area requested a right-to-rebuild clause in the PMD zoning while additional testing was performed, to mitigate the sales issue while further information was gathered regarding risk. In 2017, the City performed additional testing.

Based on the results of that testing, the City is proposing two zoning changes and a well prohibition ordinance. The zoning changes are before you tonight. This report concerns the zoning changes from PMD to CN-Mid of the majority of the neighborhood parcels.

Figure 1: Subject Site Location & Current Zoning

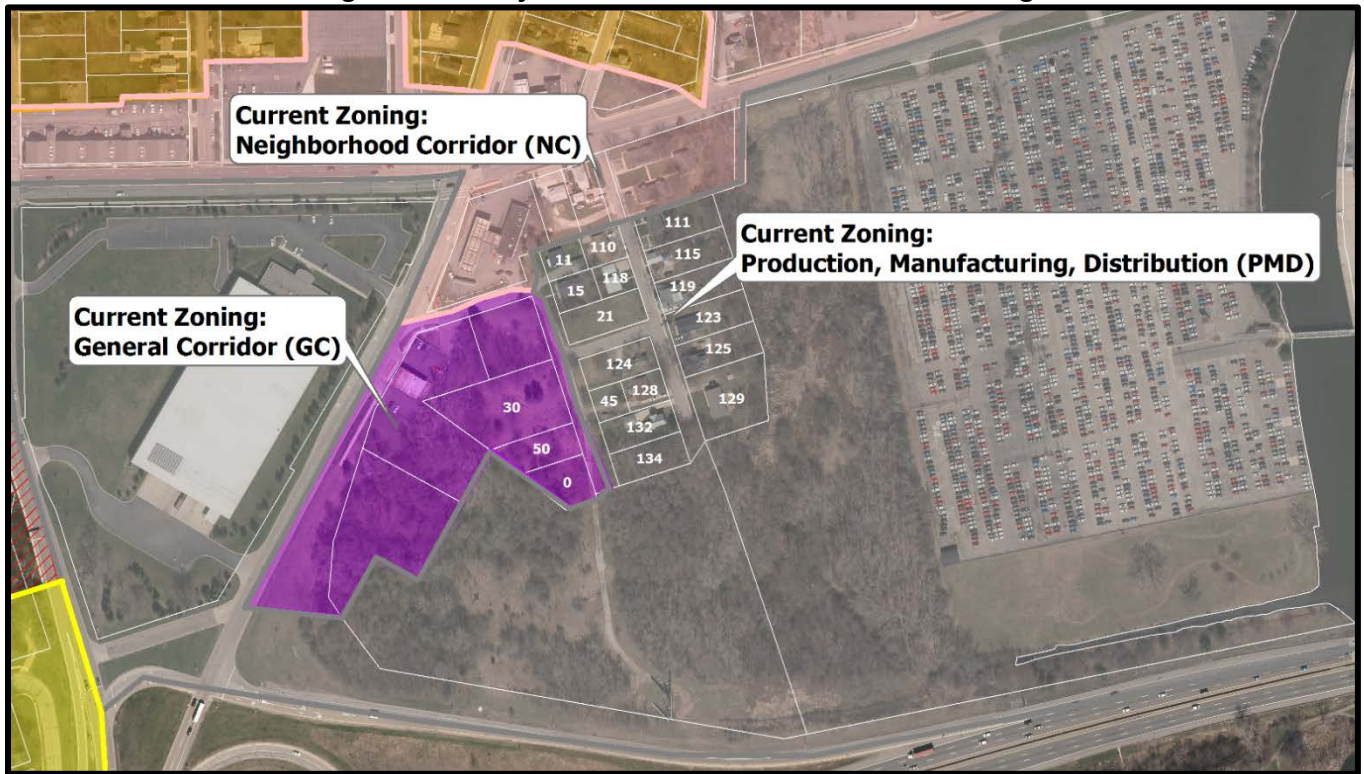
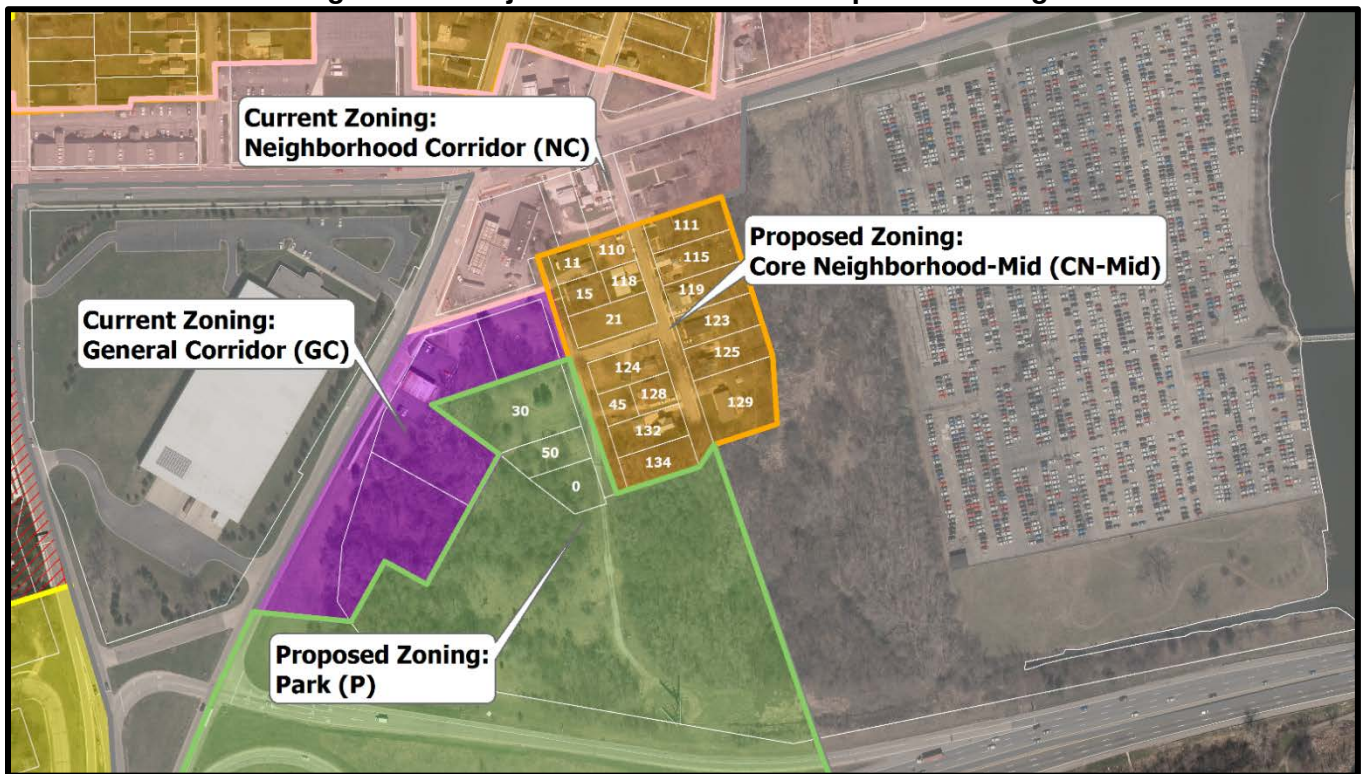


Figure 2: Subject Site Location & Proposed Zoning

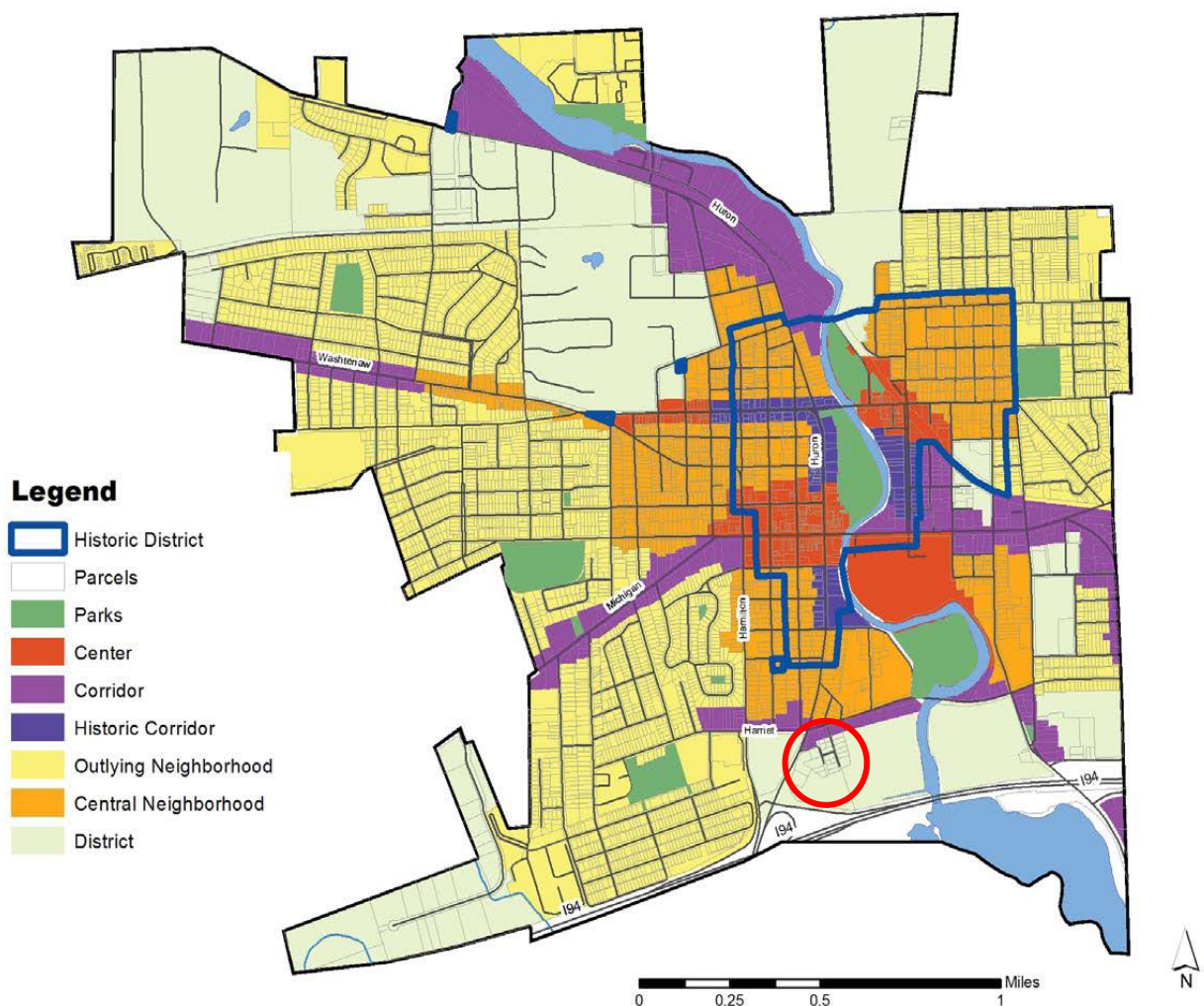


MASTER PLAN

The subject property is within the “District” future land use. These areas are parts of the city dedicated to a single type of activity, like Eastern Michigan University, the office and medical area on Towner, and the industrial areas of the City in the south. The challenge is to use the street network design to integrate them into the City while assuring that students, faculty, workers and suppliers can reach their destinations easily.

The future land use map, below, shows the property as District.

Figure 3: Future Land Use Designations



REZONING IMPLICATIONS

The areas proposed to be rezoned are smaller lots, generally containing single-family homes, with one to two two-family homes. CN-Mid accommodates the mix of existing uses as well as the smaller lot sizes.

REZONING CONSIDERATIONS

122-362(b)

(b) Zoning Map Amendment. For a change in the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:

(1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

At the time of the adoption of the future land use map, soil and water pollution concerns had not yet been fully explored. Now that testing has occurred, we have more and better knowledge of the soil and water conditions. As these conditions have changed, residents and property owners have expressed a desire for their homes to be rezoned back to a residential classification. This fits with the existing character of the neighborhood.

(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

This rezoning does not create any additional demands on the area's natural features.

(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.

It can. The properties' current use is aligned with the zoning classification proposed.

(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

The properties' current use and proposed zoning classification is aligned with the neighborhood.

(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
The capacity is sufficient.

(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
It will not be detrimental.

(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

Staff does not believe a negative impact would result.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.

The rezoning does not disturb the expansion or growth of nearby businesses, nor does it prevent any anticipated developments.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.

The property was zoned in accordance with the knowledge the City held at the time; as the City has gained more knowledge, the City believes this rezoning to be appropriate.

(10) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.

The rezoning is consistent with the City's desire to preserve the existing residential neighborhood.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** of the rezoning of Recommendation to City Council to approve a Map Amendment to rezone 11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd. from PMD to CN-Mid. to City Council with the following findings:

- (1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
- (2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
- (4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
- (5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
- (6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
- (7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
- (8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
- (9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

Applicant

Amber Fellows – lives in Ward 3. She had further discussion on non-residents on the Master Plan Subcommittee. The original charter language is very strong, which she reviewed. Since that time, she heard that we need to borrow language from the Planning Commission by-laws that is based on interest and expertise, which is not in the charter language and questions what it means to be an expert in this field. Most of the people on the committee are not experts because they have a deficit of experience. Most of them are middle class, homeowners, and have multiple properties, which is fine. She doesn't need to work with everyone to collaborate. It is her opinion that we don't always have to have people in the various entities making all the decisions since they are not always correct every single time.

Many people on the committee have not had the same life experience that she has, which is fine, however, what it comes down to is that for some of them the stakes are much higher. She doesn't want to have the original language changed, which is very strong and this recommendation would be widening the goalposts. This committee should not be called "a citizen advisory committee" but rather a lobby, or a firm with some tokens on it. She does not want to be a token. The most important part is that she still has hope to have a relationship that could be more equitable, that includes mutual aid, understanding and respect to work together but in order to do that we must have baseline principles that extend trust in the process that was set forth in the charter. She will have to evaluate her commitment to the committee. There is a long history in Ypsilanti in not having a say. Non-residents should be included because they could arrange financing or resources to the committee but not have voting power. There is no one representing Ward I or the Historic Southside and they are some of the people that will be affected by decisions.

Kyle Hunter, 420 S. Adams – reiterated what the previous speakers stated. He is also recommending that we do not consider this change.

Chair Jugenitz stated that in response to the previous speakers, we do have on the agenda to discuss some modifications to the charter, which ones to change/modify.

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Bell Kramer Neighborhood: PMD to CN-Mid – Public Hearing: Map Amendment

Ms. Wessler, City Planner, gave a brief staff presentation. There is a neighborhood south of the intersection of Spring and S. Huron that is currently zoned Production Manufacturing and Distribution. It was zoned this pursuant to the 2013 Master Plan and 2014 Zoning Update because of concerns about potential contamination due to the adjacent landfill as a way of blocking new residential development. New residential development does not require environmental analysis before taking place. Over the past year, there has been environmental tests on site, the results of which have been encouraging and staff is recommending that the area that is currently residential be rezoned to CN-Mid which closely mimics the previous classification of R2 – allowing for one and two family units by right as well as accessory units by right – there is a limitation on special uses. All of the lots are compliant with CM-Mid – there are no unbuildable lots. Staff is recommending on the rezoning.

Chair Jugenitz thanked staff for all of their work on this issue because of the value of the homes of the residents and how this change will affect them going forward.

Commissioner Dahl-MacGregor asked staff if notices had been sent on this issue and Ms. Wessler responded that copies of all the notices were sent out for those residents within 300 ft of the properties as well as letters being mailed to any others in the area that were directly affected. Commissioner Bedogne stated that he was excited about the rezoning and would urge city council to take action. He also responded to previous speakers on the last Master Plan and the zoning. The sentiment of what happened on the PMD zoning was not to intentionally disenfranchise anyone but rather to keep this from happening from a safety standpoint and now we are trying to fix it.

Commissioner Dahl-MacGregor moved to open the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Erin Snyder, 2430 Merrill – supports this change. She is the property owner of 129 Bell that is currently rented. While the rezoning may not be a perfect solution, it is a big improvement over the previous situation.

Amber Fellows – she spoke with someone on the Sustainability Commission regarding the rezoning and agreed that we should try to find out what the community would like to see, i.e. solar array. Also, it could be possible for some of the money to go to the residents as a community benefit. She would like to see more participation as to what the neighborhood would want. They might not like a solar array and we should consider a mutual agreement and a better way to gather information. She admires the intent but we need to build relationships and defer to residents to determine what they want.

Cherissa Lamarr, 123 Bell – is a long-time resident. She applauds the committee for any positive steps that have been taken. It has been quite stressful to her. Originally they wanted the neighborhood rezoned back to R2 but that never happened. Her hope is that the city will protect them from any further negativity. The landfill has been there since she was a child and it has been neglected and not taken care of. The residents want protection from anything popping up around the people who live there on a daily basis. There are weeds, traffic, and trash - it is an ongoing issue. They have not been allowed to put in gardens and seem to be discouraged from doing anything positive in that area. They need enforcement on trash, etc. from surrounding businesses and they want to be included on what is going on there as far as future businesses.

Desiree Simmons – Is inspired by the previous speaker and while it isn't always on purpose that things happen and intention isn't always negative but the outcome can sometimes be impactful. We have to focus on what happened and to think about how we right the wrongs.

Michael Simmons, 128 Bell – thanked the committee for working diligently on the restoring the neighborhood back to a neighborhood. He is fine with the proposed rezoning but we need to keep investors out of their neighborhood as well as keeping residents informed and get ideas from them. The City needs to do a better job of keeping city property cleaned up. Also need to work with residents when considering changes.

Lois Richardson, City Councilmember, Ward 1 – thanked the committee for listening and making the rezoning whole and restoring the area although it is not completely what they want

but she appreciates the commission taking action. Most of the people have lived there for many years – they know what they are talking about as far as changes happening over the years. People deserve a better neighborhood. Commission members should drive through the area and see what the residents are talking about. She feels that the effect of the landfill has caused health problems over the years to some of the residents. We need to do whatever we can to better to improve their neighborhood and ensure that the businesses take care of their property.

Norm Burgess, owner of 29 Bell and 102 Spring – agreed on the problem with trash, noting that the ordinance officer is responsible for resolving the problem with city property.

Commissioner Dahl-MacGregor moved to close the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Commissioner Bedogne moved that the Planning Commission recommend approval of the rezoning to City Council to approve a Map Amendment to rezone 11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 115 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd, from PMD to CN-Mid with the following findings:

- (1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
- (2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
- (4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
- (5) The capacity of City infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the city.
- (6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
- (7) The rezoning would not negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square foot lease or sales rates, and other impacts.
- (8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
- (9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

The motion was supported by Commissioner Talaga. A roll call vote was taken and carried unanimously, 5:0.



Resolution No. 2018-056
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

THAT the public hearing for the ordinance entitled Rezoning of Bell Kramer Vacant Parcels, residential zoning classification of CN-Mid **is hereby closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
March 13, 2018

From: Bonnie Wessler, City Planner

Subject: Bell-Kramer Neighborhood: Vacant Parcel Rezoning to Parks

SUMMARY & BACKGROUND:

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. Additional testing was performed in 2017 which supports a return for residential zoning for the residential parcels. The vacant parcels under City ownership, including the former City Landfill, are largely unsuitable for industrial development due to their limited access and proximity to the residential neighborhood. A zoning classification of Parks is proposed; this classification allows for some low-impact and low-traffic uses (either by City or private parties), including that of a solar farm. Note that this is a zoning classification only, and does not obligate the land in any way to recreational use.

Planning Commission heard the issue at their regular February meeting. Planning Commission recommended approval (5:0) of this rezoning at that meeting.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Staff Report (see page 2 for maps)
Planning Commission minutes excerpt

CITY MANAGER APPROVAL: _____

COUNCIL AGENDA DATE: 3/20/18

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2018 -057
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City has an interest in protecting the health, safety, and welfare of its citizens;
and

Whereas, the City desires these parcels to remain low-intensity due to their environmental
history and access-challenged location; and

Whereas, the Parks zoning district precludes many high-intensity uses; and

Whereas, the Planning Commission has affirmed that the rezoning is not consistent with the
City Framework (Future Land Use Map) of the Master Plan, but new information regarding the
area has been developed, thus changing the conditions since Master Plan adoption; and

Whereas, the zoning classification of Parks most appropriately matches the desired intensity;
and

Now therefore be it resolved that the Ypsilanti City Council approve the ordinance entitled
Rezoning of Bell Kramer Vacant Parcels.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Ordinance No. 1303

An Ordinance Entitled "Rezoning of Bell Kramer Vacant Parcels"

THE CITY OF YPSILANTI HEREBY ORDAINS:

That the properties herein described:

- **30 Kramer St:** 11-11-37-101-003, LOTS 6 & 7 OF CLARKSVILLE ADD & UNPL. LD COM AT NW CORLOT 6, TH WLY ON N LINE LOT 6 EXT. 138.74', TH SELY TO A PT ON S LINE LOT 7 EXT. THAT IS 41.38' WLY OF SW CORLOT 7, TH NELY TO SW COR LOT 7, TH NLY 132' TO PT OF BEG.
- **50 Kramer St:** 11-11-37-101-004, LOT 8 PLAN OF CLARKSVILLE.
- **Bell Rd:** 11-11-37-101-013, BEG SE COR OF LOT 8 CLARKSVILLE ADDITION, TH WLY 132 FT, THSE'LY DEFL 125-10 TO LEFT 114.88 FT, TH ELY DEFL 53-26 TO LEFT 65.74 FT TH NLY DEFL 91-20-30 TO LEFT 95.5 FT TO POB. PART FC 680 T3S R7E.

Be rezoned from General Corridor (GC), to Parks (P);

And furthermore, that the property herein described:

- **I-94/699 S Huron:** 11-11-37-101-007, COMM AT A PT ON THE CITY LIMITS LINE 272.27 FT E OF CENT LINE S HURON ST, TH N 72-E 1,193 FT, TH NWLY AT RT ANG 56 FT FOR PT OF BEG, TH N18-W 530.8 FT, TH S 57-W 43.37 FT, TH S 72-W 175.24 FT, TH S 30-W 15.22 FT, TH S 74-W 67.5 FT, TH N 54-W 50.2 FT, TH N 38-W 126.9 FT, TH S 76-W 41.4 FT, TH N 50-W 4.5 FT, TH S 31-W 301.4 FT, TH N 59-W 86 FT, TH S 31-W 137 FT, TH S 27-38'50"E 63 FT, TH S 62-49'32"E 111.81 FT, TH S 80-14'53"E 510.46FT, TH S 85-29'53"E 195.98 FT, TH N 84-E 30 FT, TO PT OF BEG, BEING APPROX 6.25 ACRES.

Be rezoned from Production, Manufacturing, and Distribution (PMD), to Parks (P).

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 in the Washtenaw Legal News 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: _____



16 February 2018

**Staff Review of Rezoning Application
Bell-Kramer Neighborhood- Parks**

GENERAL INFORMATION

Applicant:	City of Ypsilanti
Action Requested:	Recommendation to City Council to approve a Map Amendment to rezone 30 Kramer, 50 Kramer, and 0 Bell (11-11-37-101-013) from GC, General Corridor, to Park, and to rezone 599 S Huron from PMD to Park.

PROJECT AND SITE DESCRIPTION

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. This also had the effect of making existing residential uses in the neighborhood nonconforming, thus making it challenging for prospective buyers to obtain a mortgage. The residents and owners of the area requested a right-to-rebuild clause in the PMD zoning while additional testing was performed, to mitigate the sales issue while further information was gathered regarding risk. In 2017, the City performed additional testing.

Based on the results of that testing, the City is proposing two zoning changes and a well prohibition ordinance. The zoning changes are before you tonight. This report concerns the zoning changes from GC and PMD to Park on the vacant City-owned parcels on the west side of Kramer and the former City landfill.

Figure 1: Subject Site Location & Current Zoning

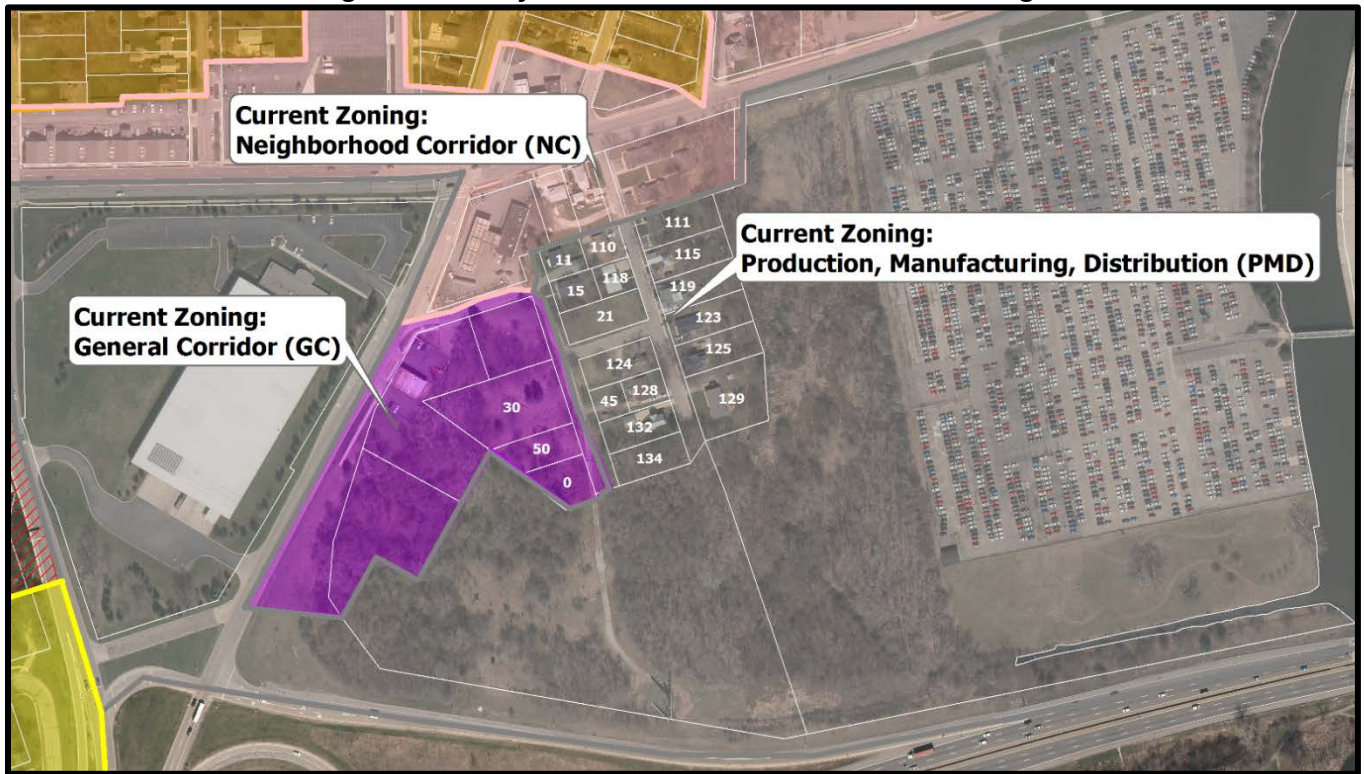
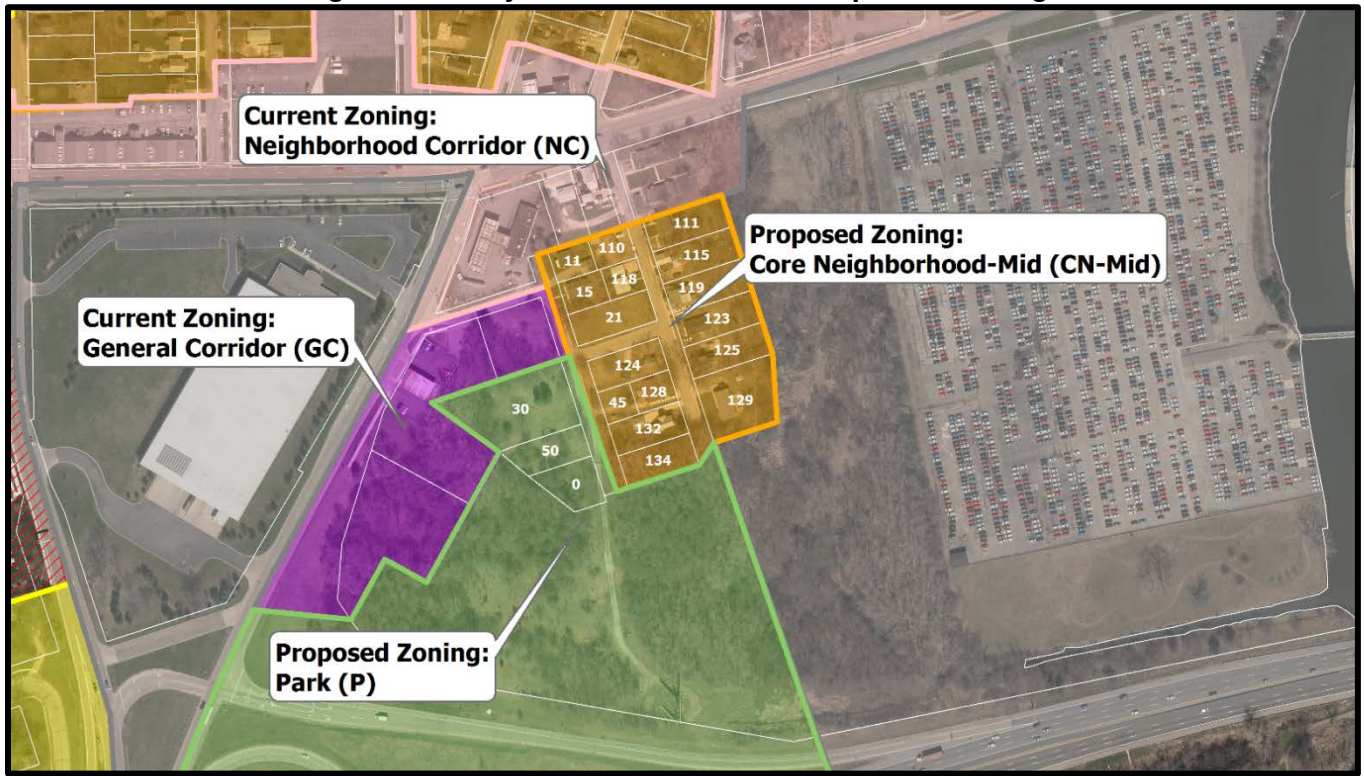


Figure 2: Subject Site Location & Proposed Zoning

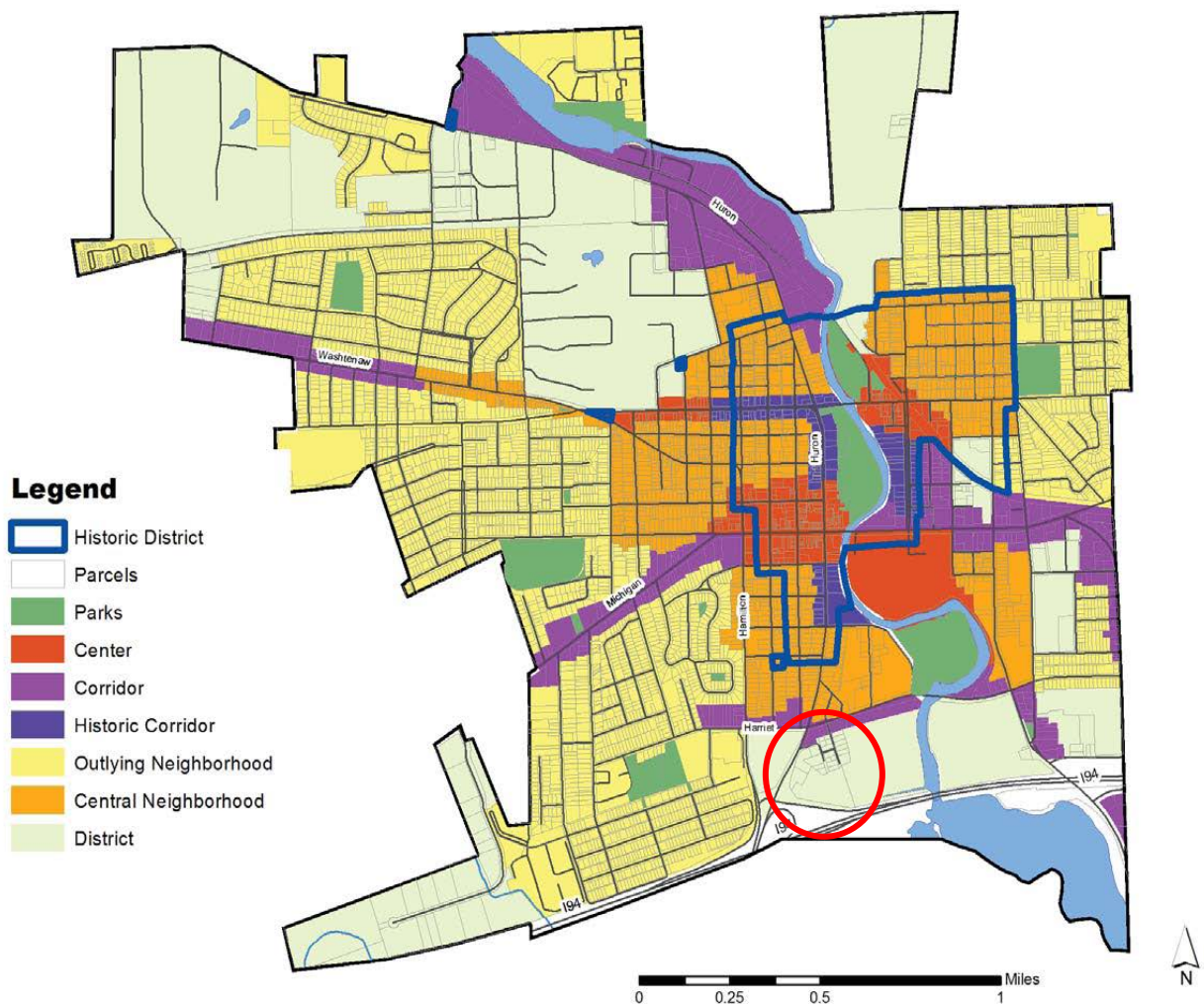


MASTER PLAN

The subject property is within the “District” future land use. **Districts** are parts of the city dedicated to a single type of activity, like Eastern Michigan University, the office and medical area on Towner, and the industrial areas of the City in the south. The challenge is to use the street network design to integrate them into the City while assuring that students, faculty, workers and suppliers can reach their destinations easily.

The future land use map, below, shows the property as District.

Figure 3: Future Land Use Designations



REZONING CONSIDERATIONS

§122-362(b)

(b) Zoning Map Amendment. For a change in the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:

(1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

At the time of the adoption of the future land use map, soil and water pollution concerns had not yet been fully explored. Now that testing has occurred, we have more and better knowledge of the soil and water conditions. As these conditions have changed, residents and property owners have expressed a desire for the vacant areas to remain vacant or low-intensity; zoning these areas from GC and PMD to Park satisfies that request, and limits potential soil and water disturbance.

(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

Limiting development in these currently-vacant, City-owned lots helps to create a buffer between the residential neighborhood and the freeway, as well as limiting the potential soil and water disturbance on these properties.

(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.

Indeed they can. Note also that zoning to Park does not open the parcels to recreational use; they will not be maintained as City parks.

(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

The limited slate of potential uses within the Park district serves to help buffer the residential neighborhood from the freeway and the businesses along Huron Street, and will preserve the existing aesthetic. The limited slate of uses also minimizes any potential negative environmental impacts.

(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.

The capacity is sufficient.

(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.

It will not be detrimental.

(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

Staff does not believe a negative impact would result.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.

The rezoning does not disturb the expansion or growth of nearby businesses, nor does it prevent any anticipated developments.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.

The property was zoned in accordance with the knowledge the City held at the time; as the City has gained more knowledge, the City believes this rezoning to be appropriate.

(10) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.

The rezoning is consistent with the City's desire to provide a buffer around the residential neighborhood from adjacent business and the freeway, as well as to minimize the disturbance to these specific sites. It does not preclude future use as a solar field.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** of the rezoning of 30 Kramer, 50 Kramer, and 0 Bell (11-11-37-101-013) from GC, General Corridor, to Park, and the rezoning of 599 S Huron from PMD to Park, to City Council with the following findings:

- (1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
- (2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
- (4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
- (5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
- (6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
- (7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
- (8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
- (9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

2. **Bell-Kramer Neighborhood: PMD and GC to Park – Public Hearing: Map Amendment**

Ms. Wessler, City Planner, gave a staff presentation stating that the city currently owns four properties in this area, 30 Kramer, 50 Kramer, 0 Bell, from GC, General Corridor, to Park, and to rezone 599 S. Huron from PMD to Park. All of them are vacant; 599 S. Huron is the former landfill. These are currently zoned PMD in the case of the landfill and GC in the case of the Kramer addresses. Staff is recommending that they be rezoned to Park in order to maintain them as open space. She reviewed the various uses in Park. Notices were mailed to everyone in the surrounding areas within 300 ft. and notices would be mailed prior to any City Council hearing or action on the subject.

Commissioner Zuellig asked about solar farms, to which Ms. Wessler responded that solar farms are special use and alternative energy is an accessory use. The rezoning of Park does not make it a park and explained the difference. Commissioner Dahl-MacGregor asked what it takes to make it an actual park and Ms. Wessler responded in detail as to the necessary process and what would be involved to accomplish this. This led to a discussion on vacant spaces, gardens, etc. as well as the problem with trash in open spaces.

Commissioner Dahl-MacGregor moved to open portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Norman Burgess – The landfill is vacant land and is not taxed – if it is rezoned, will it be taxed? Ms. Wessler responded that the landfill and other vacant properties are city owned and not taxed so it would only involve moving money from one pocket to another. If Mr. Burgess is asking about taxing value of neighboring properties, she does not have information on that. Any questions should be taken to the City Assessor.

Michael Simmons, 128 Bell – stated that it is his opinion the designation of property could be worked out with the City and community working together.

Commissioner Dahl-MacGregor moved to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Commissioner Talaga moved to recommend approval of the rezoning of 30 Kramer, 50 Kramer, and 0 Bell (11-11-37-101-013) from GC, General Corridor, to Park, and the rezoning of 599 S. Huron from PMD to Park, to City Council with the following findings:

- (1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
- (2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
- (4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

- (5) The capacity of City infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the city.
- (6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
- (7) The rezoning would not negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square foot lease or sales rates, and other impacts.
- (8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
- (9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried unanimously, 5:0.

3. Bell-Kramer Neighborhood: Well Restriction Ordinance – Presentation

Ms. Wessler, City Planner, stated there is no action required on this item. Environmental testing has taken place in the Bell-Kramer neighborhood over the past year, due to concerns about migrating contamination from the former City landfill to the south. Based on those results, our environmental and legal consultants have recommended that we pass an ordinance restricting well installation or usage within the potentially affected areas. The proposed ordinance and a map outlining the areas affected were given to the Planning Commission for their information. This will also be checked by MDEQ. It will be going before City Council. For approval at the same time as the other Bell-Kramer changes.

4. Medical Marijuana Provisioning Centers and Growing &/or Processing Facilities Public hearing: Zoning Text Amendments

Staff presentation was made by Ms. Wessler, City Planner, who stated that Medical Marijuana has changed within the State of Michigan. In 2008, the state adopted the voter initiated Medical Marijuana Act and the city adopted zoning ordinances pursuant to that in 2011. The City permitted growing facilities, all of which Ms. Wessler detailed. The state regulations regarding medical marijuana facilities have recently changed, allowing provisioning centers an opportunity for long-term stability and growth. However, several provisioning centers within the City, although legal at their establishment, have been made legal nonconforming due to zoning changes. Council has expressed a desire to allow these establishments an opportunity to become conforming, thus helping to ensure their long-term stability.

There are amendments to our zoning ordinance that are necessary to bring it more into compliance with the Facilities Act and are relatively minor, which Ms. Wessler detailed. Refer to staff report dated 14 February 2018 on city website.

Commissioner Bedogne stated that he appreciated the way Ms. Wessler laid it out with the side-by-side visuals, which helped everyone better understand the changes. Ms. Wessler provided a map of the buffers and were available for anyone in attendance at the meeting.



Resolution No. 2018-058
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

THAT the public hearing for the ordinance entitled Rezoning of Bell Kramer Vacant Parcels, zoning classification of Parks **is hereby closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
March 20, 2018

From: Bonnie Wessler, City Planner

Subject: Medical Marijuana: Zoning Text Amendment to Align with the MMFLA

SUMMARY & BACKGROUND:

In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of this Michigan Medical Marijuana Act (MMMA).

The State adopted the Medical Marijuana Facilities Licensing Act (MMFLA) in late 2016, which permitted fully commercialized medical marijuana facilities under one corporate owner, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments.

In November 2017, Council passed an ordinance opting-in to the MMFLA. As the existing zoning ordinance was drafted under the 2008 MMMA and has remained relatively untouched due to the regulatory uncertainty at the State and Federal levels, much of the language is outdated and requires updating. Under the

Planning Commission heard the issue at their regular February meeting. Planning Commission recommended approval (5:0) of this amendment at that meeting.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Staff Report
Planning Commission minutes excerpt

CITY MANAGER APPROVAL: _____

COUNCIL AGENDA DATE: 3/20/18

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City has opted-in to the Medical Marijuana Facilities Licensing Act (MMFLA); and

Whereas, the City has existing zoning ordinances developed under the Michigan Medical Marihuana Act (MMMA); and

Whereas, the existing zoning regulations must be updated to align with the MMFLA; and

Now therefore be it resolved that the Ypsilanti City Council approve the amendment to Chapter 122, Sections 122-203, 122-446, 122-532, and 122-533 to better align the text of the Zoning Ordinance with the MMFLA.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Ordinance No. 1304

An Ordinance Entitled "Medical Marijuana Facilities Act Zoning Update"

THE CITY OF YPSILANTI HEREBY ORDAINS:

That Section 122-203 be amended as follows:

Medical marijuana dispensary or provisioning center means a facility, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. that sells, supplies, or provides marijuana to registered qualifying patients, directly or through a registered primary caregiver; and as defined by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, as amended.

Medical Marijuana Growing/~~Manufacturing~~ and/or Processing Facility. A facility for the cultivation and/or processing of medical marijuana into a usable form by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met. and "grower" or "processor" as defined by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, as amended.

Medical Marijuana Facility. A "marihuana facility" as defined by the Michigan Medical Marijuana Facilities Licensing Act.

That Section 122-446 be amended as follows:

Medical Marijuana ~~Dispensary~~ Provisioning Center (permitted)

That Section 122-451 be amended as follows:

Medical Marijuana Growing/~~Manufacturing~~ and/or Processing Facility (special use)

That Section 122-532 be amended as follows:

Sec. 122-532. Medical Marijuana ~~Dispensaries~~ Provisioning Centers.

- (a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict

~~compliance with the Act or the General Rules~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~

(b) The following Standards for Medical Marijuana ~~Dispensaries shall Provisioning~~ Centers apply:

- (1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
- (2) ~~The dispensary provisioning center shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the dispensary provisioning center is located and to the outermost boundaries of the lot or parcel on which the school is located;~~
- (3) ~~The dispensary provisioning center shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed dispensary medical marijuana facility and to the outermost boundaries of the lot or parcel on which the lawfully existing dispensary or growing/manufacturing medical marijuana facility is located;~~
- (4) ~~Smoking and/or use of medical marijuana shall be is prohibited at the dispensary on the premises;~~
- (5) All activity related to the dispensary shall be done indoors;
- (6) The premises shall be open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
- ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~
- ~~(8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~
- ~~(9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;~~
- ~~(10) Dispensary d (7) Drive-through and walk-up or similar facilities shall be prohibited;~~
- ~~(11) (8) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act~~

the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;

- ~~(12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; All provisioning centers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;~~
- ~~(13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal;~~
- ~~(14) (9) Growing, or cultivation, or processing of medical marijuana in a dispensary provisioning center is prohibited.~~

That Section 122-532 be amended as follows:

Sec. 122-533. Medical Marijuana Growing/Manufacturing and/or Processing Facility.

- (a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules State of Michigan laws and rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~
- (b) The following standards for Medical Marijuana Growing/Manufacturing Growing and/or Processing Facilities shall apply:
 - (1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (2) ~~The growing/manufacturing and/or processing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing and/or processing facility is located and to the outermost boundaries of the lot or parcel on which the school are is located;~~
 - (3) ~~The growing/manufacturing and/or processing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured~~

- from the outermost boundaries of the lot or parcel on which the proposed growing/manufacturing and/or processing facility and to the outermost boundaries of the lot or parcel on which the lawfully existing dispensary or growing/manufacturing medical marijuana facility is located;
- (4) ~~Smoking and/or use of medical marijuana shall be prohibited on the premises at the growing/manufacturing facility;~~
 - (5) All activity related to the growing/manufacturing and/or processing facility shall be done indoors;
 - (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
 - ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~
 - ~~(8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marijuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~
 - ~~(9)(7) If the growing/manufacturing and/or processing facility ceases operation for a length of time of sixty (60) days or greater, the any Special Use permit shall expire;~~
 - ~~(10) (8) Growing/manufacturing facility dDrive-through and walk-up or similar facilities shall be prohibited;~~
 - ~~(11) (9) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act the General Rules of the Michigan Department of Community Health, the MMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein, as amended;~~
 - ~~(12) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;~~
 - ~~(13) (10) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;~~
 - ~~(14) (11) Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council All growing and/or processing facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;~~

- ~~(15) The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal;~~
~~(16) (12) The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.~~
~~(17) (13) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.~~

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 in the
Washtenaw Legal News 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: _____



14 February 2018

**Staff Review of Rezoning Application
Medical Marijuana Text Amendments
Alignment with State MMFLA**

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Text Amendment to 122-203, 122-446, 122-527, 122-532, 122-533 to align Marijuana Facilities ordinances with State law.

SUMMARY

State regulations regarding medical marijuana facilities have recently changed with the adoption of the Medical Marijuana Facilities Licensing Act (MMFLA). These regulations allow for commercial facilities, whereas the previous MMMA allowed only for caregiver facilities. The changes proposed

BACKGROUND

In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing groups of caregivers to grow under one roof; and caregivers to connect with patients at dispensaries. The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under corporate ownership, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments. In November 2017, Council passed an ordinance opting-in to the MMFLA. At the time, Council also directed staff to recommend updates to the Code to accommodate existing facilities under the new MMFLA. Two updates to the zoning code are being proposed at this time; one, to permit provisioning centers (dispensaries) as a Special Use in the GC zoning district, and another, generally updating the specific standards and definitions for medical marijuana facilities. This is the latter.

DISCUSSION

This is intended to be a straightforward update of the zoning ordinance as it regards medical marijuana facilities within the City. No policy changes or other major changes are being proposed at this time.

122-203 (definitions)	
Medical marijuana dispensary means a facility, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law.	Medical marijuana dispensary or provisioning center means a facility, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law: that sells, supplies, or provides marijuana to registered qualifying patients, directly or through a registered primary caregiver; and as defined by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, as amended.
Medical Marijuana Growing/Manufacturing Facility. A facility for the cultivation and processing of medical marijuana into a usable form by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met.	Medical Marijuana Growing/Manufacturing and/or Processing Facility. A facility for the cultivation and/or processing of medical marijuana into a usable form by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met, and “grower” or “processor” as defined by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, as amended.
Medical Marijuana Home Occupation means the cultivation of medical marijuana by a registered	No changes proposed.

primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL §333.26423(e), within a single family dwelling that is the registered primary caregiver's primary residence and which cultivation is in conformity with the restrictions and regulations contained in the Act and in the State Regulations developed by the Michigan Department of Community Health (MCDH). Medical Marijuana Home Use does not include any multi-family dwelling. (State Law reference(s)--Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.264 et seq)	
New	<u>Medical Marijuana Facility.</u> A “marihuana facility” as defined by the Michigan Medical Marihuana Facilities Licensing Act.
<i>Explanation:</i> updating language to be reflective of the state act yet legible in situ. Home occupation will continue to be regulated under the MMA; provisioning centers, growers, and processors under the MMFLA.	
122-446: Center	
Medical Marijuana Dispensary (permitted)	Medical Marijuana Dispensary <u>Provisioning Center</u> (permitted)
<i>Explanation:</i> language change only.	
122-451: General Corridor	
Medical Marijuana Growing/Manufacturing Facility (Special Use)	Medical Marijuana Growing/Manufacturing <u>and/or Processing</u> Facility (special use)
<i>Explanation:</i> language change only.	
122-527: Home Occupation	
Sec. 122-527. Home occupations. (c) Medical Marijuana Home Occupation. In addition to the requirements in §122-527, Medical marijuana home occupations must be subject to the following requirements: (1) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time. (2) A registered primary caregiver operating a medical marijuana home occupation must not be located within 1,000 feet of a school, as measured from the outermost boundaries of	No changes proposed.

the lot or parcel on which the home occupation and school is located. (3) Not more than one (1) primary caregiver per parcel may be permitted to grow or cultivate medical marijuana. (4) Not more than five (5) qualifying patients may be assisted with the medical use of marijuana within any given calendar week. (5) All medical marijuana must be contained within an enclosed, locked facility inside a primary or accessory building. (6) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located. (7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm and 7am must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties. (8) That portion of the building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code. (9) The premises must be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.	
<i>Explanation:</i> no changes were made to the caregiver structure by the MMFLA.	

122-532: Dispensaries -> Provisioning Centers**Sec. 122-532. Medical Marijuana Dispensaries.**

- (a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.
- (b) The following Standards for Medical Marijuana Dispensaries shall apply:
- (1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (2) The dispensary shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the dispensary and school are located;
 - (3) The dispensary shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed dispensary and lawfully existing dispensary or growing/manufacturing facility is located;

Sec. 122-532. Medical Marijuana ~~Dispensaries~~ Provisioning Centers.

- (a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~
- (b) The following Standards for Medical Marijuana ~~Dispensaries~~ Provisioning Centers shall apply:
- (1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (2) ~~The dispensary shall not be located within one thousand (1,000) feet~~

(4) Smoking and/or use of medical marijuana shall be prohibited at the dispensary; (5) All activity related to the dispensary shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended. (9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire; (10) Dispensary drive-through facilities shall be prohibited; (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended; (12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an	of a school, as measured from the outermost boundaries of the lot or parcel on which the <u>dispensary provisioning center is located and to the outermost boundaries of the lot or parcel on which the school is located</u>; (3) The <u>dispensary provisioning center</u> shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed <u>dispensary medical marijuana facility</u> and <u>to the outermost boundaries of the lot or parcel on which the lawfully existing dispensary or growing/manufacturing medical marijuana facility is located</u>; (4) Smoking and/or uUse of medical marijuana shall be is prohibited at the dispensary on the premises; (5) All activity related to the dispensary shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.
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application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; (13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal; (14) Growing or cultivation of medical marijuana in a dispensary is prohibited.	(9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire; (10) Dispensary d (7) Drive-through and walk-up or similar facilities shall be prohibited; (11) (8) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein; (12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; All provisioning centers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances; (13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal; (14) (9) Growing, or cultivation, or processing of medical marijuana in a dispensary provisioning center is prohibited.
<i>Explanation:</i> minor language updates and naming of current correct state administrative body. #7 is redundant with the previous statement (#6). #8, logging and tracking is now regulated under the MTA. #9, redundant with the City's permitting ordinance. #12, redundant with the City's permitting ordinance. Replaced with general obligation to obtain all necessary state licenses and city permits. #13, redundant with permitting ordinance.	

122-533: Growing/Manufacturing -> Growing/Processing**Sec. 122-533. Medical Marijuana Growing/Manufacturing Facility.**

- (a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules,. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.
- (b) The following standards for Medical Marijuana Growing/Manufacturing Facilities shall apply:
- (1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (2) The growing/manufacturing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing facility and school are located;
 - (3) The growing/manufacturing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured from the outermost boundaries of the lot or

Sec. 122-533. Medical Marijuana Growing/~~Manufacturing~~ and/or Processing Facility.

- (a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules State of Michigan laws and rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~
- (b) The following standards for Medical Marijuana Growing/Manufacturing Growing and/or Processing Facilities shall apply:
- (1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (2) The growing/manufacturing and/or processing facility site shall not be located within one thousand (1,000) feet of a school,

parcel on which the proposed growing/manufacturing facility and lawfully existing dispensary or growing/manufacturing facility is located; (4) Smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility; (5) All activity related to the growing/manufacturing facility shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended. (9) If the growing/manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire; (10) Growing/manufacturing facility drive-through facilities shall be prohibited; (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended; (12) All necessary building, electrical, plumbing and mechanical permits shall be	as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing <u>and/or processing</u> facility is located and <u>to the outermost boundaries of the lot or parcel on which the school are is</u> located; (3) The growing/manufacturing <u>and/or processing</u> facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing/manufacturing <u>and/or processing</u> facility and <u>to the outermost boundaries of the lot or parcel on which the lawfully existing dispensary or growing/manufacturing medical marijuana</u> facility is located; (4) Smoking and/or use of medical marijuana shall be is prohibited on the premises at the growing/manufacturing facility; (5) All activity related to the growing/manufacturing <u>and/or processing</u> facility shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility
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obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located; (13) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code; (14) Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; (15) The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal; (16) The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited. (17) There shall be no other accessory uses permitted within the same building.	shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended; (9)(7) If the growing/manufacturing and/or processing facility ceases operation for a length of time of sixty (60) days or greater, the any Special Use permit shall expire; (10) (8) Growing/manufacturing facility drive-through and walk-up or similar facilities shall be prohibited; (11) (9) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act <u>the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein, as amended;</u> (12) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located; (13) (10) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code; (14) (11) Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council <u>All growing and/or processing facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;</u> (15) The police department shall review the proposed application to operate a dispensary
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	or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal; (16) <u>(12)</u> The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited. (17) <u>(13)</u> There shall be no other accessory uses permitted within the same building, <u>other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.</u>
<i>Explanation:</i> minor language updates and naming of current correct state administrative body. #7 is redundant with the previous statement (#6). #8, logging and tracking is now regulated under the MTA. #9, clarified that it means the Special Use permit; #12, redundant – all such activities are required to get a permit, and redundancy here invites confusion; #11, redundant with the City's permitting ordinance. Replaced with general obligation to obtain all necessary state licenses and city permits. #15, redundant with permitting ordinance.	

STANDARDS FOR AMENDMENTS

§122-362(a)

(a) Text Amendment. For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and

Applicable guiding values of the Master Plan include:

- Diversity is our strength: per the decision-making rubric. This maintains and potentially improves the diversity of the mix of businesses in Ypsilanti.
- Ypsilanti is sustainable: per the decision-making rubric, this action maintains, and has the potential to create, job opportunities for Ypsilantians.
- Great place to do business, especially green and creative: This action retains and fosters the growth of local businesses.

(2) The rezoning is consistent with description and purpose of the proposed district, and.

The amendment is an update only and does not materially change the existing zoning; it is consistent with existing zoning.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and

Per §122-100, the intent of the ordinance is to promote the public health, safety, and welfare. In particular, to:

- create a safe, diverse, and sustainable city;
- meet the needs of the City's residents for food, fiber, energy, and other natural resources;
- guide the location of places of residence, recreation, industry, trade, service, and other uses of land;
- ensure that uses of the land shall be situated in appropriate locations and relationships;
- limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;

- facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;"

The amendment is an update only and does not materially change the existing zoning; it is consistent with existing zoning.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and

Staff anticipates that this amendment will enhance functionality of the City.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and

Staff does not anticipate that this amendment will negatively or positively affect the historic nature of the City.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and

Staff does not anticipate that this amendment will negatively affect the natural features or environmental sustainability of the City.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or

Staff anticipates that this amendment will indeed do so by bringing the zoning code into closer alignment with state law.

(8) The proposed amendment is needed to correct an error or omission in the original text; or

This amendment does not correct an error.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and

Staff does not anticipate that this change will significantly impact a community need in physical or economic conditions.

(10) The proposed amendment will not result in the creation of significant nonconformities in the City.

The proposed amendment will not result in nonconformities.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend **approval** of the proposed text amendments to sections 122-203, 446, 451, 532, and 533 with the following findings:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan;
- (2) The rezoning is consistent with description and purpose of the proposed district;
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance;
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City;
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City;
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City;
- (7) The proposed amendment will protect the health, safety, and general welfare of the public;

- (9) The proposed amendment will address a community need in physical or economic conditions or development practices;
- (10) The proposed amendment will not result in the creation of significant nonconformities in the City;
- (11) The proposed amendment is needed to align with recent changes in State law.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

- (5) The capacity of City infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the city.
- (6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
- (7) The rezoning would not negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square foot lease or sales rates, and other impacts.
- (8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
- (9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried unanimously, 5:0.

3. Bell-Kramer Neighborhood: Well Restriction Ordinance – Presentation

Ms. Wessler, City Planner, stated there is no action required on this item. Environmental testing has taken place in the Bell-Kramer neighborhood over the past year, due to concerns about migrating contamination from the former City landfill to the south. Based on those results, our environmental and legal consultants have recommended that we pass an ordinance restricting well installation or usage within the potentially affected areas. The proposed ordinance and a map outlining the areas affected were given to the Planning Commission for their information. This will also be checked by MDEQ. It will be going before City Council. For approval at the same time as the other Bell-Kramer changes.

4. Medical Marijuana Provisioning Centers and Growing &/or Processing Facilities Public hearing: Zoning Text Amendments

Staff presentation was made by Ms. Wessler, City Planner, who stated that Medical Marijuana has changed within the State of Michigan. In 2008, the state adopted the voter initiated Medical Marijuana Act and the city adopted zoning ordinances pursuant to that in 2011. The City permitted growing facilities, all of which Ms. Wessler detailed. The state regulations regarding medical marijuana facilities have recently changed, allowing provisioning centers an opportunity for long-term stability and growth. However, several provisioning centers within the City, although legal at their establishment, have been made legal nonconforming due to zoning changes. Council has expressed a desire to allow these establishments an opportunity to become conforming, thus helping to ensure their long-term stability.

There are amendments to our zoning ordinance that are necessary to bring it more into compliance with the Facilities Act and are relatively minor, which Ms. Wessler detailed. Refer to staff report dated 14 February 2018 on city website.

Commissioner Bedogne stated that he appreciated the way Ms. Wessler laid it out with the side-by-side visuals, which helped everyone better understand the changes. Ms. Wessler provided a map of the buffers and were available for anyone in attendance at the meeting.

Commissioner Dahl-MacGregor moved to open the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Norman Burgess – asked if we are using the state guidelines for these dispensaries or incorporating our own zoning laws. Ms. Wessler responded that the State does not put forth any guidelines for these so we are basically updating our existing 2011 guidelines. Oddly enough, since Ypsilanti was on the leading edge of the marijuana legislation, a lot of the regulations around the state mirror ours.

Michael Simmons, 128 Bell – stated that one problem regarding dispensaries is the amount of traffic it has generated around his neighborhood. He would like to see traffic re-routed. He was referring to specifically to the 539 S. Huron dispensary.

Some discussion was held on buffering, to which Ms. Wessler recommended that this would be a subject to be discussed at another public meeting after having been noticed.

Commissioner Dahl-MacGregor moved to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Commissioner Zuellig moved that the Planning Commission recommend approval to City Council of the proposed text amendments to Sections 122-203, 446, 451, 532 and 533 with the following findings:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan.
- (2) The rezoning is consistent with the description and purpose of the proposed district.
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance.
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City.
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City.
- (6) The proposed amendment will protect the health, safety, and general welfare of the public
- (7) The proposed amendment will address a community need in physical or economic conditions or development practices.
- (8) The proposed amendment will not result in the creation of significant nonconformities in the City.
- (9) The proposed amendment is needed to align with recent changes in State law.

The motion was supported by Commissioner Dahl-MacGregor. A roll call vote was taken and carried unanimously, 5:0.

5. General Corridor – Addition of Special Use for Medical Marijuana Provisioning Centers
Public Hearing: Zoning Text Amendment

Staff report was presented by Ms. Wessler, City Planner, who stated that back in 2011 we approved zoning for both dispensaries and also growing facilities. We permitted them in B2, B3 and B4 zoning districts by right. In 2014, our zoning code changed drastically. At the time,



Resolution No. 2018-060
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The public hearing for the amendment to Chapter 122, Sections 122-203, 122-446, 122-532, and 122-533 to better align the text of the Zoning Ordinance with the MMFLA **is hereby closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
March 14, 2018

From: Bonnie Wessler, City Planner

Subject: Medical Marijuana: Provisioning Centers in General Corridor

SUMMARY & BACKGROUND:

In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing caregivers to connect with patients at dispensaries in the B2, B3, and B4 zoning districts by right.

Seven dispensaries located in the City from 2011-2014; two in the B2 zoning district, four in the B3 district, and one in the B4 district. In 2014, the zoning ordinance shifted to a hybrid form-and-use-based schema. Of the dispensaries, four were zoned C, and three zoned GC; in these new zoning districts, dispensaries were only permitted by-right in C, and not permitted in GC. Thus, the three dispensaries in GC were then considered legal nonconforming.

The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under one corporate owner, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments.

In November 2017, Council passed an ordinance opting-in to the MMFLA, allowing up to three grow/processors and seven provisioning centers (dispensaries). At the time, Council also directed staff to recommend updates to the Code to accommodate existing facilities under the new MMFLA. Allowing provisioning centers as a Special Use allows these businesses the opportunity to become conforming, should Planning Commission choose to grant a Special Use Permit. Businesses would also have the opportunity to move or expand, again with an application for a Special Use permit.

Planning Commission heard the issue at their regular February meeting. Planning Commission recommended approval (4:1) of this amendment at that meeting.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Staff Report
Planning Commission minutes excerpt

CITY MANAGER APPROVAL: _____

COUNCIL AGENDA DATE: 3/20/18

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2018 -061
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, there are several Provisioning Centers in the City; and

Whereas, the City wishes success for existing businesses in the recently changed market; and

Whereas, Provisioning Centers are considered nonconforming uses in the General Corridor zoning district; and

Now therefore be it resolved that the Ypsilanti City Council approve the amendment to Chapter 122, Article IV, Section 451, to permit Provisioning Centers as a Special Use in the General Corridor zoning district.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Ordinance No. 1305

An Ordinance Entitled "PROVISIONING CENTERS IN GENERAL CORRIDOR"

THE CITY OF YPSILANTI HEREBY ORDAINS:

That Section 122-451 be amended as follows:

"Provisioning Center" be added to the category of "Services" and permissible in the General Corridor as a Special Use.

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 in the
Washtenaw Legal News 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: _____



14 February 2018

**Staff Review of Rezoning Application
Medical Marijuana Text Amendments**

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Text Amendment to GC, General Corridor Zoning District, permitting Marijuana Provisioning Centers (Dispensaries) as a Special Use (§122-451)

SUMMARY

State regulations regarding medical marijuana facilities have recently changed, allowing provisioning centers an opportunity for long-term stability and growth. However, several provisioning centers within the City, although legal at their establishment, have been made legal nonconforming due to zoning changes. Council has expressed a desire to allow these establishments an opportunity to become conforming, thus helping to ensure their long-term stability.

BACKGROUND

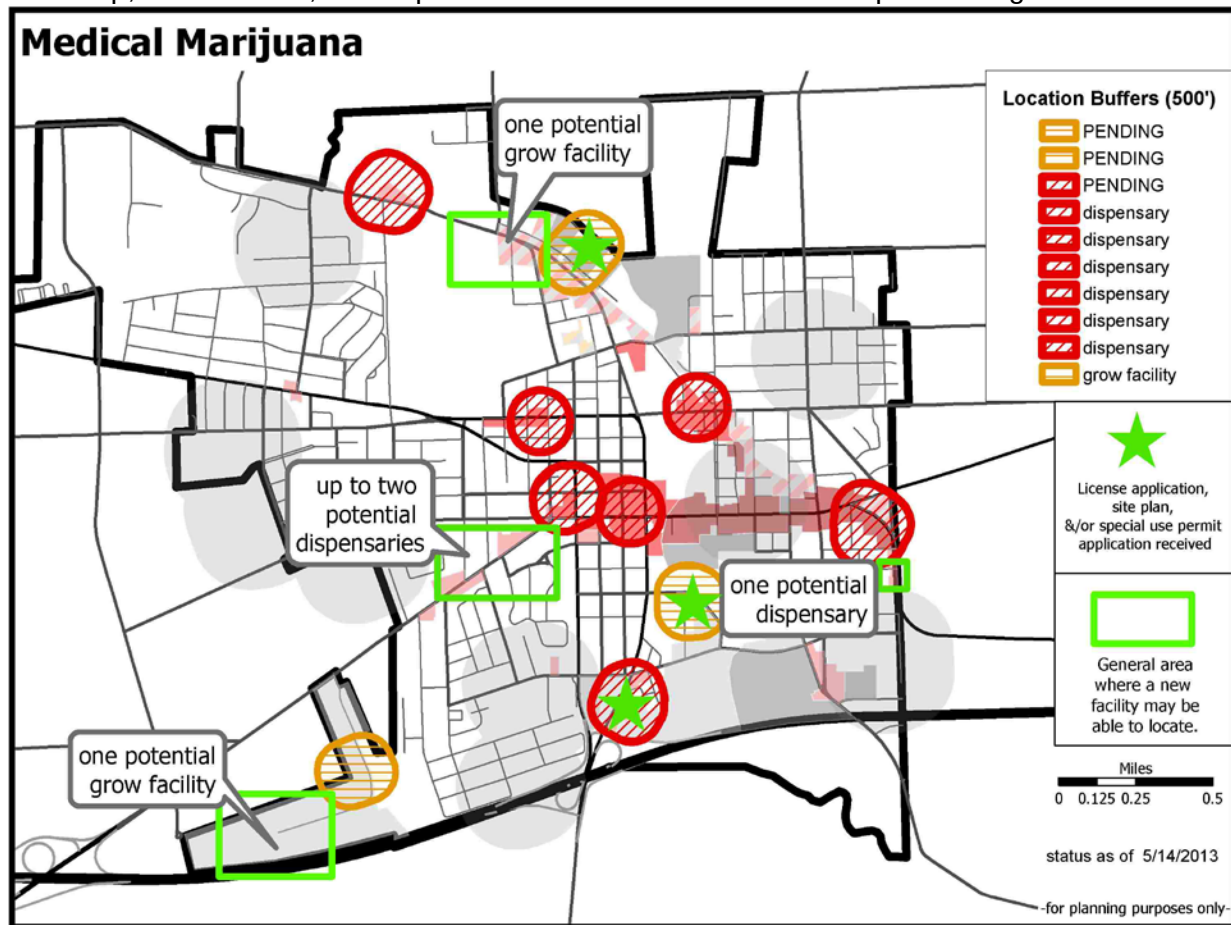
In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing groups of caregivers to grow under one roof in the M1, M2, WS, and CI zoning districts with a Special Use Permit; and caregivers to connect with patients at dispensaries in the B2, B3, and B4 zoning districts by right. Three growing facilities located in the City; two in the M1 zoning district and one in the M2 zoning district. Seven dispensaries located in the City; two in the B2 zoning district, four in the B3 district, and one in the B4 district. In 2014, the zoning ordinance shifted to a hybrid form-and-use-based schema. Of the grow facilities, one was now zoned PMD, one GC, and one CN (later rezoned to PMD); in these new zoning districts, grow facilities were permitted as a Special Use in GC and PMD only. Of the dispensaries, four were zoned C, and three zoned GC; in these new zoning districts, dispensaries were only permitted by-right in C, and not permitted in GC. Thus, the three dispensaries in GC were then considered legal nonconforming. The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under one corporate owner, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments. In November 2017, Council passed an ordinance opting-in to the MMFLA, allowing up to three grow/processors and seven provisioning centers (dispensaries). At the time, Council also directed staff to recommend updates to the Code to accommodate existing facilities under the new MMFLA. Two updates to the zoning code are being proposed at this time; one, to permit provisioning centers

(dispensaries) as a Special Use in the GC zoning district, and another, generally updating the specific standards and definitions for medical marijuana facilities.

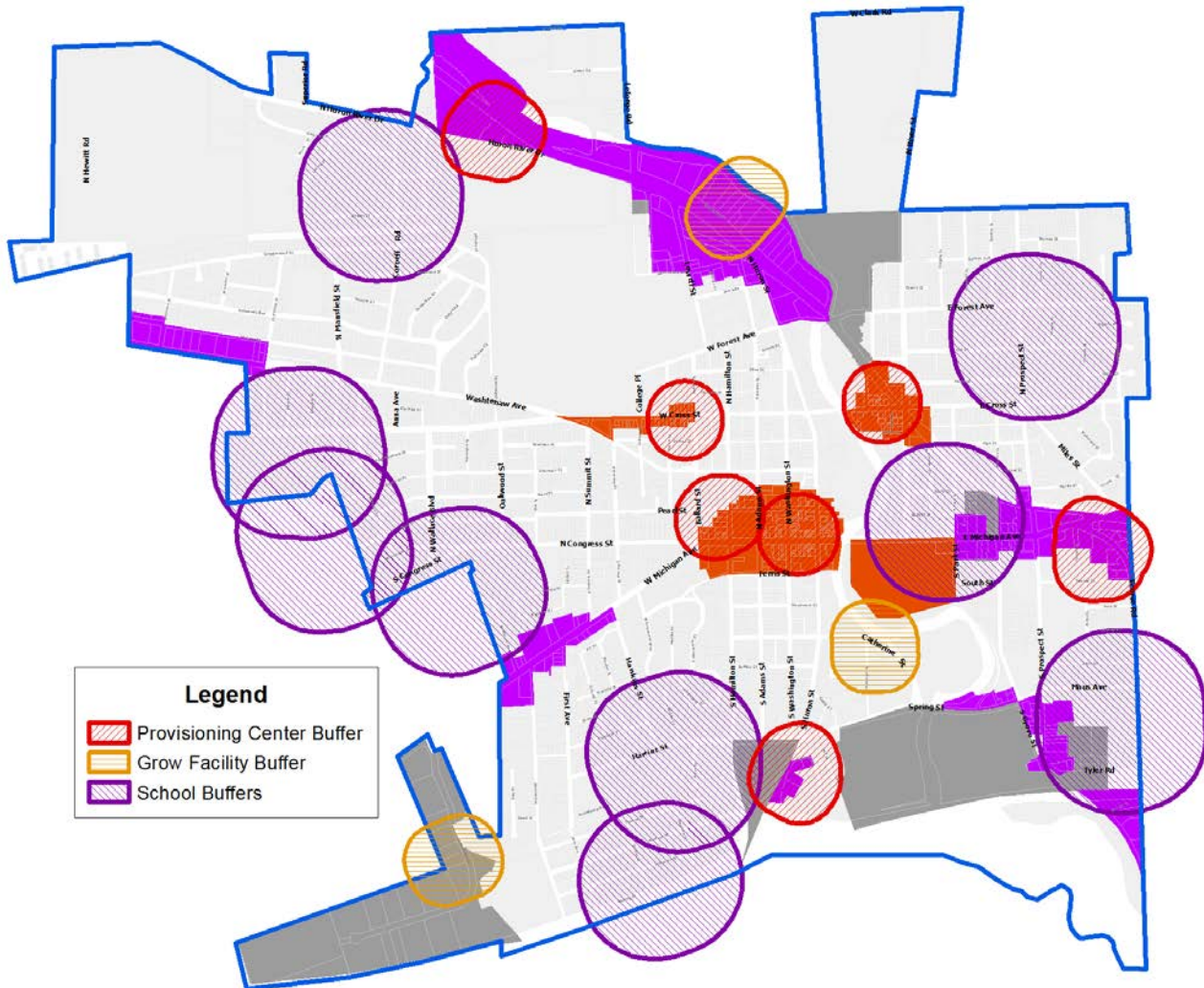
DISCUSSION

When the 2011 zoning amendments permitting dispensaries and grow facilities were adopted, there was no cap on the number of facilities, and the industry was untested and highly stigmatized. A cap on the number of facilities was introduced in 2013, as Council felt the local market was satisfied, and further increases in the number of facilities were unwise due to uncertainty in the State and Federal regulation. Many of these facilities have been operating since 2011; the newest opened in 2013. These facilities have, overall, been in compliance with local ordinances, including permitting on-demand inspections. The crime rate at these businesses is equivalent to other retail &/or industrial businesses.

This map, as of 5/2013, shows potential locations for additional dispensaries/grow facilities.



This map shows the *current* existing school buffers, facility buffers, and zoning districts. As a reminder, grow facilities are currently permitted only with a Special Use permit in GC and PMD; dispensaries are permitted by right in Center. The proposal on the table would add dispensaries as a special use in the GC district. Recall also that Planning Commission has discretion in granting Special Use permits under §122-324.



STANDARDS FOR AMENDMENTS

§122-362(a)

(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and Applicable guiding values of the Master Plan include:

- Diversity is our strength: per the decision-making rubric. This maintains and potentially improves the diversity of the mix of businesses in Ypsilanti.

- Ypsilanti is sustainable: per the decision-making rubric, this action maintains, and has the potential to create, job opportunities for Ypsilantians.
- Great place to do business, especially green and creative: This action retains and fosters the growth of local businesses.

(2) The rezoning is consistent with description and purpose of the proposed district, and.

The description of GC is as follows: "Corridors are mixed-use and commercial areas located along the arteries of the City, such as Washtenaw, Huron, Hamilton, Michigan, Harriet, and River. General Corridor (GC). General corridors are located along roads with heavy traffic and have commercial establishments, restaurants, offices, and other businesses that are geared toward automobile traffic. Multiple-family residential building types and uses are appropriate in this district.

The amendment does not conflict with this.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and

Per §122-100, the intent of the ordinance is to promote the public health, safety, and welfare. In particular, to:

- create a safe, diverse, and sustainable city;
- meet the needs of the City's residents for food, fiber, energy, and other natural resources;
- guide the location of places of residence, recreation, industry, trade, service, and other uses of land;
- ensure that uses of the land shall be situated in appropriate locations and relationships;
- limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
- facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;"

Given the tenure of the existing businesses, it would appear that they are indeed meeting area residents' needs for medical support. GC is a district which covers a significant amount of area within the City; by allowing provisioning centers with a special use permit, Planning Commission will be able to ensure compatibility on a site-by-site basis.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and

The change to the zoning ordinance has the long-term potential to do so. In the short-term, it will simply preserve the existing character of the City.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and

Staff does not anticipate that this amendment will negatively or positively affect the historic nature of the City.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and

Staff does not anticipate that this amendment will negatively affect the natural features or environmental sustainability of the City.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or

The proposed change to the zoning ordinance will help maintain residents' access to medical marijuana, as prescribed by their doctor. As noted, medical marijuana facilities in the city have had good track records of compliance, and the City has established licensing/permitting, inspection, and

enforcement procedures regarding the businesses. As the industry develops in the coming years, so too shall these processes.

(8) The proposed amendment is needed to correct an error or omission in the original text; or
One could indeed argue that failure to include provisioning centers in the GC district was an oversight, not given much attention at the time due to the instability of the industry overall. GC was a combination of the B4 and CI districts, with elements of B2. Dispensaries were permitted in two of those three districts.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and

Staff does not anticipate that this change will significantly impact a community need in physical or economic conditions. However, if the industry continues to grow, it is likely that we would see significant reinvestment at dispensary sites in the GC zoning district.

(10) The proposed amendment will not result in the creation of significant nonconformities in the City.
The proposed amendment will enable resolution of nonconformities within the City.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend **approval** of the proposed text amendment to add “Marijuana provisioning centers” as a special use to the GC (General Corridor) zoning district, section 122-451, with the following findings:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan; and
- (2) The rezoning is consistent with description and purpose of the proposed district, and.
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City;
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City
- (7) The proposed amendment will protect the health, safety, and general welfare of the public; or
- (8) The proposed amendment is needed to correct an error or omission in the original text; or
- (9) The proposed amendment will address a community need in physical or economic conditions or development practices;
- (10) The proposed amendment will not result in the creation of significant nonconformities in the City.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

Commissioner Dahl-MacGregor moved to open the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Norman Burgess – asked if we are using the state guidelines for these dispensaries or incorporating our own zoning laws. Ms. Wessler responded that the State does not put forth any guidelines for these so we are basically updating our existing 2011 guidelines. Oddly enough, since Ypsilanti was on the leading edge of the marijuana legislation, a lot of the regulations around the state mirror ours.

Michael Simmons, 128 Bell – stated that one problem regarding dispensaries is the amount of traffic it has generated around his neighborhood. He would like to see traffic re-routed. He was referring to specifically to the 539 S. Huron dispensary.

Some discussion was held on buffering, to which Ms. Wessler recommended that this would be a subject to be discussed at another public meeting after having been noticed.

Commissioner Dahl-MacGregor moved to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Commissioner Zuellig moved that the Planning Commission recommend approval to City Council of the proposed text amendments to Sections 122-203, 446, 451, 532 and 533 with the following findings:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan.
- (2) The rezoning is consistent with the description and purpose of the proposed district.
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance.
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City.
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City.
- (6) The proposed amendment will protect the health, safety, and general welfare of the public
- (7) The proposed amendment will address a community need in physical or economic conditions or development practices.
- (8) The proposed amendment will not result in the creation of significant nonconformities in the City.
- (9) The proposed amendment is needed to align with recent changes in State law.

The motion was supported by Commissioner Dahl-MacGregor. A roll call vote was taken and carried unanimously, 5:0.

5. **General Corridor – Addition of Special Use for Medical Marijuana Provisioning Centers** **Public Hearing: Zoning Text Amendment**

Staff report was presented by Ms. Wessler, City Planner, who stated that back in 2011 we approved zoning for both dispensaries and also growing facilities. We permitted them in B2, B3 and B4 zoning districts by right. In 2014, our zoning code changed drastically. At the time,

there was not a whole lot of thought given to medical marijuana facilities because it is a volatile area of regulation on both the State and Federal level. As a result, three of the dispensaries became nonconforming located in the GC, General Corridor and are now not allowed in that district. In order to help them come into conformance, we are proposing that we approve a text amendment to GC, General Corridor Zoning district, permitting Marijuana Provision Centers (Dispensaries) as a Special Use (Sec 122-451). Refer to Staff report dated 14 February 2018 on the city website.

After some discussion with board members on special uses, Commissioner Dahl-MacGregor moved to open the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.

Dennis Cowan, Attorney – was in attendance to represent Corey and James Nemeth, 539 S. Huron. Mr. Cowan urged the board to approve the text amendment, which will give the owner the opportunity to apply to expand their facility and re-invest in the community. Mr. Cowan added that the site plan will involve new construction and total demolition of the canopy.

Norm Burgess - Asked if the holding tanks had ever been removed from that property, to which Ms. Wessler responded that they were removed in the 1980's.

Commissioner Dahl-MacGregor moved to close the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.

Commissioner Zuellig is supportive of this project but wondered what other communities are doing on special conditions for these kinds of facilities, i.e. hours of operation. Also wants to ensure that items that are leftover from another use and don't have anything to do with the proposed business be removed, i.e. canopies. Commissioner Bedogne supports additional special conditions. The City Planner stated that Planning Commission does have another tool to use and that is the power in Sec 122-329 to revoke the special use with special conditions, which is something that should not be done lightly and there should be findings of fact.

Much discussion was held on the pros and cons and setting a precedent.

Commissioner Dahl-MacGregor moved that the Planning Commission recommend approval to City Council the proposed text amendment to add "Medical Marijuana Provisioning Centers" as a special use to the GC, General Corridor zoning district, Section 122-451, with the following findings:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan; and
- (2) The rezoning is consistent with description and purpose of the proposed district; and
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City.
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City.
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City.

- (7) The proposed amendment will protect the health, safety, and general welfare of the public; or
- (8) The proposed amendment is needed to correct an error or omission in the original text; or
- (9) The proposed amendment will address a community need in physical or economic conditions or development practices.
- (10) The proposed amendment will not result in the creation of significant nonconformities in the City.

The motion was supported by Commissioner Talaga. A roll call vote was taken and carried 4:1. Commissioner Zuellig opposed. Motion carried.

6. 75 Catherine – Public Hearing: Special Use and Site Plan

Ms. Wessler, City Planner, stated that this is a requested for approval of a Special Use and Site Plan.

Chair Jugenitz stated that since Commissioner Talaga is also our representative on the Zoning Board of Appeals and they already voted on this matter, he cannot vote and we do not have a quorum, therefore, we are recommending that this item be tabled until next month.

Commissioner Bedogne moved to open the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.

Norm Burgess – He is not familiar with special use and site plan – is there a limit on how close you can have these facilities and what is exactly the proposed use for the site.

City Planner Wessler gave a brief background on this property. A special use permit was granted for the site for its use as a medical marijuana grow facility back in March 2013. The property was rezoned from CN to PMD in October 2017. The applicant requested a variance from the front, street side and rear setbacks and was seen by the Zoning Board of Appeals at their January 24th meeting. The ZBA approved the front and street side setback variances but denied the rear setback. The applicant has since corrected the rear setback on the plans to conform to the zoning ordinance. The current plans indicate a building expansion to 19,062 sq. ft. with a north addition of 3,121 sq ft, and a south addition of the 8,326 sq ft. New concrete curbing and asphalt paving, dumpster, landscaping and lighting will be installed on site.

This would be an expansion of the existing Special Use Permit for Medical Marijuana Grow/Processing. This expansion is being requested due to changes in State law with the passage of the Medical Marijuana Facilities Licensing Act (MMFLA), which now allows for commercial growing and processing of medical marijuana, instead of the smaller caregiver model. The applicant is pursuing a commercial grow license from the State; an expansion would allow them to remain competitive in the newly opened market.

Commissioner Dahl-MacGregor moved to close the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.



Resolution No. 2018-062
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

THAT the public hearing for the amendment to Chapter 122, Article IV, Section 451, to permit Provisioning Centers as a Special Use in the General Corridor zoning district **is hereby closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**Barr,
Anhut &
Associates, P.C.**
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Karl A. Barr
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Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: March 1, 2018

FROM: Dan DuChene, Assistant Ypsilanti City Attorney

SUBJECT: City of Ypsilanti Tax Exemption Ordinance – Towne Centre

SUMMARY/BACKGROUND

Last year Jonathan Rose Companies purchased a controlling interest in several Forest City properties, Towne Centre being among them. Towne Centre is currently exempt from property taxes and pays a service charge in lieu of taxes (PILOT) pursuant to Section 15a of the State Housing Development Authority Act and Chapter 30, Article VI, Division 2 of the Code of Ordinances. The current PILOT payment is five percent of 95 percent of shelter rents (rent less utilities). The PILOT ordinance, which provides for the exemption and PILOT, would expire when MSHDA no longer has an interest in the property. Jonathan Rose assumed the MSHDA mortgage when it took over Towne Centre, thus the PILOT ordinance is still in effect.

Jonathan Rose is now seeking to refinance this debt through HUD, which requires a Housing Assistance Payments (HAP) Contract. This financing would still qualify the property for exemption under state law, but the PILOT ordinance would expire. Thus, Jonathan Rose is requesting a new PILOT ordinance, which is what is before City Council for consideration.

This new ordinance provides for a PILOT payment of six percent of contract rents and/or shelter rents (rent received less utilities). Additionally, Jonathan Rose is proposing an additional payment to the City through a Municipal Services Agreement, which Council will consider separately from this ordinance. More information about the Municipal Services Agreement will be provided in the RFL for that resolution. However, as this relates to the ordinance: the ordinance would expire on its own terms if the Municipal Services Agreement is no longer in effect and the PILOT payment would rise to 10 percent of contract and/or shelter rents for any year in which the City is not paid according to the Municipal Services Agreement.



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

March 16, 2018
Page 2

A few final notes about the proposed ordinance: First, any unit that is not occupied by a low-income person or family is not exempt under the ordinance. Second, staff at MSHDA has reviewed the proposed ordinance and have provided suggestions to the language, which were incorporated in the version for Council consideration. Finally, Jonathan Rose has provided a memo providing some background on the matter and information about the proposal in addition to a proforma discussing the specific financials. These are both attached for Council review, as well as the HAP Contract.

RECOMMENDED ACTION: Review and consideration

DATE RECEIVED: _____ AGENDA ITEM NO: Resolution No. 2018-063

CITY MANAGER COMMENTS: _____

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL: _____

COUNCIL ACTION TAKEN: _____



Resolution No. 2018-063
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "City of Ypsilanti Tax Exemption Ordinance-Towne Centre" be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1301**

An Ordinance to provide for a service charge in lieu of taxes for a housing project for low income persons and families to be financed with a federally-aided or Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq* (the "Act")).

1. THE CITY OF YPSILANTI HEREBY ORDAINS

SECTION 1. This Ordinance shall be known and cited as the "City of Ypsilanti Tax Exemption Ordinance-Towne Centre."

SECTION 2. 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 Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance 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.

SECTION 3. Definitions.

A. 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.

B. Authority means the Michigan State Housing Development Authority.

C. Contract Rents means the total Contract Rents (as defined by the U.S. Department of Housing and Urban Development ("HUD") in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended) received in connection with the operation of a housing project during an agreed annual period, exclusive of Utilities.

D. Low Income Persons and Families means persons and families eligible to move into a housing project.

E. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or 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 a housing project, and secured by a mortgage on the housing project.

F. Sponsor means Towne Centre Place Associates Limited Dividend Housing Association and any entity that receives or assumes a Mortgage Loan.

G. 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.

SECTION 4. 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. It is further determined that Towne Centre Place is of this class.

SECTION 5. Establishment of Annual Service Charge.

The housing project identified as Towne Centre Place 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. 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 Ordinance, 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 Ordinance. Therefore, in consideration of the Sponsor's offer to rehabilitate 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 6% of the Annual Shelter Rents/Contract Rents actually collected by the housing project during each operating year. Contemporaneous with the adoption of this Ordinance, Sponsor entered into a Municipal Services Agreement (Agreement) with City.

The Agreement provides, in part, for Owner to pay an annual Services Improvement Fee to the City on or before July 1 of each year. In any operating year that the Services Improvement Fee is not paid to the City, as described by and according to the Agreement, the annual service charge shall be equal to 10% of the Annual Shelter Rents/Contract Rents actually collected by the housing project during that operating year.

SECTION 6. 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 Ordinance.

SECTION 7. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, 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.

SECTION 8. Payment of Service Charge.

The annual service charge in lieu of taxes as determined under this Ordinance 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 15 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*).

SECTION 9. Duration.

This Ordinance shall remain in effect and shall not terminate so long as the duration of the Agreement described in Section 5 and so long as the Sponsor and the Project receive rental subsidy from HUD under a Housing Assistance Payments (HAP) Contract, but not longer than 50 years.

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: _____



Resolution No. 2018-064
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2018-065, approving minutes of March 6, 2018
2. Resolution No. 2018-066, approving appointments to Boards and Commissions.
3. Resolution No. 2018-067, approving the removal of a section of Armstrong Court 143 feet north of Armstrong Drive.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2018 - 065
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of March 6, 2018 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MARCH 6, 2018
7:00 p.m.**

I. CALL TO ORDER –

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

II. ROLL CALL –

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

Council Member Murdock moved to remove the appointments to the Police Advisory Commission from Resolution No. 2018-048.

Council Member Murdock moved to add an additional Audience Participation prior to the discussion regarding the Community Benefits Ordinance.

Council Member Bashert moved to remove Resolution No. 2018-049, Governor Snyder's Environmental Initiative, from the Consent Agenda and add it to Resolutions/Motions/Discussions.

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

VI. INTRODUCTIONS –

Mayor Edmonds introduced the following individuals; City Manager Darwin McClary, City Clerk Frances McMullan, City Attorney John Barr, Assistant City Attorney Dan DuChene, Economic Development Director Beth Ernat, and a number of Board and Commission members.

VII. PRESENTATIONS –

Washtenaw County Solid Waste Management Plan 2017 Amendment – Commissioner Evan Pratt

AAATA Millage – Gilliam Ream Gainsley, Member of AAATA Board of Directors

AAATA Board Member Gilliam Gainsley and AAATA CEO Matt Carpenter provided a presentation regarding the AAATA Millage renewal that will appear on the August ballot.

Mayor Edmonds asked if the possibility of relocated the Ypsilanti Transit Center is still a part of the study scope. Ms. Gainsley responded in the affirmative.

Council Member Murdock asked when the study for the Transit Center will take place. Mr. Carpenter responded the study began last year and will be engaging the community in the summer. The technical recommendation will be brought to staff by September, at that time design and financing strategies will be completed. The study will be completed sometime in the fall.

Council Member Murdock asked what the staff hours are for the Transit Center. Mr. Carpenter responded he did not know that information, but there is an increased need for onsite supervision in the afternoons and evenings. Mr. Murdock asked for specific information be sent to Council. Mr. Carpenter responded in the affirmative. Ms. Gainsley added AAATA is moving toward staffing the center with internal staff rather than hiring outside security personnel.

Council Member Murdock asked if the AAATA is currently involved in the Regional Transit Authority's attempts to provide transportation between Washtenaw and Wayne Counties. Ms. Gainsley responded in the affirmative. Mr. Carpenter added the Washtenaw County Commissioners have reached out to understand how they can receive input, but it would be ambitious to have a millage on the November ballot, but not impossible. Mr. Murdock stated his understanding is the RTA is the recipient of transit funding and allocate funds. He asked what will happen if there is not a plan in place for that funding. Mr. Carpenter replied there is an existing formula in place that could be employed, but additional questions should be answered in the next year.

Council Member Bashert stated she was the co-chair of 2014 millage committee, and is excited to see it come back because public transportation is important in this community.

Ms. Gainsley stated the ballot language will be adopted at the March 16th Board meeting.

VIII. AUDIENCE PARTICIPATION –

1. Jack Alferio, 2970 International Drive #107B, stated it was disrespectful the Police Department raised the Transgender Flag last year. Police brutality has been an issue for the Trans community and would prefer it to be raised by City Council.
2. Alex Mclaushin, Greater Ypsilanti Area, stated she is a pastor and she and her congregation care deeply about affordable housing in this community. A Community Benefits Ordinance needs to allow community members to negotiate with developers.
3. Jason Branham, 26 S. Grove #3, encouraged Council to vote to approve Resolution No. 2018-053 and move the recycling center from its current location abutting Frog Island Park. He said Depot Town is in need of additional parking, which has a multiplying effect on the business community. He added reconfiguring the medians in the Frog Island Parking lot will also assist in creating additional parking. He understands there is contention regarding the installation of parking

meters in that lot, however, he is in favor of parking meters in the Frog Island lot. He asked a sales tax be initiated by district to create revenue for the construction of a parking structure.

4. Michael Anthony, 533 Maus, thanked Council for passing a resolution to fly the Transgender Flag last year. He stated he does not know if the Police Station is the only location the city has to raise the flag, but suggested the Police Department go through sensitivity training regarding non-conforming people. Encouraged Council vote yes to approve that resolution.
5. Cheryl Farmer, 214 N Huron St., stated in 1993 ethical principles were added to the City Charter for a reason, no one is above the law. Council Member Robb lives in the Historic District and performed exterior work without applying to the HDC as required. Staff sent two letters for Council Member Robb to remedy the problem, which he has ignored. She submitted a complaint to be heard by the Ethics Board on February 26th, which outlines the language of how Council Member Robb has committed an ethics violation. Possible remedies include; Council Member could apologize to the HDC and to the people of Ypsilanti for his failure to follow the rules, pay the fine, and retroactively follow the HDC process. The Mayor could nominate, and Council approve enough members to the Ethics Board to consider the complaint. Council could affirm the belief that Council follow all the city's ordinance and laws, as outlined in the oath of office, and if Council Member Robb continue to stonewall the process he could be sanctioned by the members of Council. She asked Council to please do the ethical thing and follow the rule of law.
6. Kyle Hunter, 430 S. Adams, stated he is a Human Relations Commissioner for the city and the Mayor is corrupt as the day is long.
7. Phyllis Mason, 403 S. Huron St., stated she is concerned about the erosions of the unions at Eastern Michigan University, in particular parking employees. She is against the privatization of parking at EMU, which would terminate those positions. She asked Council to consider people that would lose their jobs if parking is privatized.
8. Noah Rucker, 1839 Ashley Dr., stated he represents the Parkridge Community Garden and invited Council to visit the garden in spring. He wished the city the best in the year to come, and hoped the city can come together and work out issues.
9. Nicole Saint Germaine, 6425 Pitch Pine Lane, stated she brought a petition to raise minimum wage and if anyone would like to sign it.
10. Gail Wolkoff, 1728 Whittier, stated she is here as a representative of Educate Youth and there is currently a lot of excitement at the library, Transit Center, and the Beer Cooler. She has contacted the schools about truant officers, and suggested everyone as a community patrol the streets.

IX. REMARKS BY THE MAYOR –

- Stated the only place the city has a flag pole to raise the Transgender Flag is the Police Station. She understands the concern and in the future the city can address that concern. She asked that if anyone has ever felt they have been mistreated by the Ypsilanti Police Department please file a police complaint.

Council Member Robb stated the City Attorney's recommendation based on the complaint it should be dismissed for the lack of showing cause. He added he is willing to provide copies for anyone that asks.

X. PUBLIC HEARINGS -

Issuance of Revenue Notes - Eastern Michigan University Parking System

A. Resolution No. 2018-042, determination

WHEREAS, Preston Hollow Capital, LLC ("PHC") and the Board of Regents (the "Board") of Eastern Michigan University (the "University") are parties to the Concession Agreement for Eastern Michigan University Parking System, dated as of January 4, 2018 (the "Concession Agreement"), pursuant to which, in consideration of the concession payment (the "Concession Payment") to be made by PHC to the University, and certain other consideration, and subject to the terms and conditions of the Concession Agreement, the Board will grant to PHC an exclusive and irrevocable right for and during the term of the Concession Agreement to operate the University's Parking System (as defined below) and to provide Parking System services in connection therewith;

WHEREAS, PHC and Provident Group – EMU Properties LLC (the "Borrower"), an Arizona limited liability company, are entering into an assignment and assumption agreement, pursuant to which all of the rights of PHC under the Concession Agreement will be assigned to, and all of the obligations of PHC under the Concession Agreement will be assumed by, the Borrower;

WHEREAS, the sole member of the Borrower is Provident Resources Group Inc., a Georgia nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code 1986, as amended (the "Code");

WHEREAS, the Borrower has requested the assistance of the Arizona Industrial Development Authority (the "Authority"), an Arizona nonprofit corporation designated as a political subdivision of the State of Arizona, incorporated with the approval of the Arizona Finance Authority, pursuant to the provisions of the Constitution and law of the State of Arizona and the Industrial Development Financing Act, Title 35, Chapter 5, Articles 1 through 5, Arizona Revised Statutes, as amended (the "Act"), to issue its revenue notes, bonds or other obligations, in one or more series, in an aggregate principal amount not to exceed \$65,000,000 (the "Notes"), the proceeds of which will be used to make a loan to the Borrower to (a) finance the Concession Payment to use, operate, manage, maintain and rehabilitate the University's parking system, consisting of approximately 1,145 parking garage spaces, 8,309 parking lot spaces and any metered or permitted parking spaces designated as such by the University and located on the roadways and rights-of-ways within the University, including the parking system assets and improvements forming a part of and used in connection with the operation of such parking facilities (collectively, the "Parking System"), (b) finance other required amounts in connection with such acquisition, including certain permissible working capital costs, (c) fund certain reserves as may be required, and (d) finance costs of issuance of the Notes (collectively, the "Project");

WHEREAS, the Parking System, located in the City of Ypsilanti, County of Washtenaw, Michigan (the "City"), is presently is owned by the University and will be owned and/or operated by the Borrower (or its assignee) under and pursuant to the Concession Agreement exclusively for the benefit and support of the University and its students, faculty, visitors and staff, and assisting or otherwise supporting the educational mission of the University;

WHEREAS, pursuant to Section 147(f) of the Code, the financing of the Project and the issuance of the Notes by the Authority requires approval, following a public hearing, by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located;

WHEREAS, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the applicable elected representatives eligible to approve the Notes and the financing of the Project under Section 147(f) of the Code;

WHEREAS, the Borrower has requested that the City Council approve the issuance of the Notes and the financing of the Project in order to satisfy the public approval requirement of Section 147(f) of the Code;

WHEREAS, the notice of the public hearing (the "TEFRA Notice") was published in the Washtenaw County Legal News not less than 14 days prior to the date of the public hearing and the TEFRA Notice is attached hereto as Exhibit A;

WHEREAS, on March 6, 2018, a public hearing was held by the City Council at the time and place set forth in the TEFRA Notice with respect to the issuance by the Authority of the above-referenced Notes for the purpose of providing financing for the Project;

WHEREAS, such public hearing was conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on both the issuance of the Notes and the location and the nature of the Project which is to be financed by the Notes;

WHEREAS, attached hereto as Exhibit B are the minutes of the public hearing prepared by the City Clerk of the City (the "City Clerk"); and

WHEREAS, the City Council now desires to approve the issuance of the Notes and the financing of the Project for the purposes of Section 147(f) of the Code;

NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED by the City Council of the City of Ypsilanti, Michigan, as follows:

Section 1. It is the purpose and intent of the City Council that this resolution constitutes approval of the issuance of the Notes and the financing of the Project for the purposes of Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) of the Code.

Section 2. The City Clerk and applicable officers of the City Council are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 3. Nothing in this resolution shall be construed to create any obligation or liability of the City in any respect whatsoever pertaining to the Notes. No statement, representation or recital herein shall be deemed to constitute a legal

conclusion or determination that any particular action or proposed action is required, authorized or permitted under the laws of the State of Michigan, the State of Arizona or the United States. The Notes are not issued by the City or on behalf of the City but are issued by the Authority pursuant to the laws of the State of Arizona on behalf of the Borrower. The Notes shall never constitute an indebtedness or pledge of the City within the meaning of any constitutional or statutory provision, and the owners of the Notes shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any other revenues of the City.

Section 4. The City Clerk shall forward a certified copy of this resolution to:

**Orrick, Herrington & Sutcliffe LLP
777 South Figueroa Street, Suite 3200
Los Angeles, California 90017-5855
Attention: Sean Baxter**

Section 5. This resolution shall take effect immediately upon its adoption on this 6th day of March, 2018.

PASSED AND DULY ADOPTED at a regular meeting of the City Council of Ypsilanti, Michigan on this 6th day of March, 2018.

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

EMU Chief Financial Officer Mike Valdez provided an overview of why this has been submitted to Council for approval.

Mayor Edmonds asked how staffing would change. Mr. Valdez responded currently EMU employs four staff for its parking operations. The parking operator will employ eight personnel at the beginning of operations, and those currently employed were offered positions. Council Member Bashert asked if the job offers were comparable in terms of wages and benefits. Mr. Valdez responded they were comparable in terms of wages, but he is not certain in terms of benefits.

Mayor Pro-Tem Brown asked if the positions offered were parking related. Mr. Valdez responded it would include personnel that had duties outside of the office. Council Member Richardson asked if only four employees service the entirety of EMU's parking system. Mr. Valdez responded yes, four fulltime employees serviced the parking system with the student help to supplement personnel. Ms. Richardson asked how many students were used to supplement personnel. Mr. Valdez responded twenty-four which all positions will be retained. Mayor Edmonds asked if the current employees were in the union. Mr. Valdez responded yes, they were representative of both UAW unions. Ms. Edmonds asked if the new positions would be unionized. Mr. Valdez responded no.

Council Member Bashert asked if the new employees would be paid comparable to what EMU currently pays. Mr. Valdez responded in the affirmative.

Mayor Pro-Tem Brown asked if the new positions would be with Laz Parking. Mr. Valdez responded in the affirmative.

Mayor Pro-Tem Brown asked how the change would affect parking rates. Mr. Valdez responded over the last four years the average annual increase in rates was over 16%, under the terms of the agreement over the first five years the concessioner can raise rates no more than 5% annually. For the remaining thirty years of the contract rates cannot be raised more than 4% annually. Council Member Vogt asked what the current rates are. Mr. Valdez responded rates vary greatly by group, but \$155 for student commuter tag per semester.

City Council Meeting
March 6, 2017

Council Member Bashert asked if parking generated revenue for the university. Mr. Valdez responded in the affirmative. Ms. Bashert asked if the parking system generated revenue why would it chose to privatize the system. Ms. Valdez responded the system generates around \$2 million in annual profit and creates around \$750,000 in annual expenditures. The payment of \$55 million will be invested in the universities reserves, and expect to yield an annual return of 5% on that investment, or \$2.5 million.

Mayor Pro-Tem Brown asked how the parking system will change by its privatization. Mr. Valdez replied the system will be more user friendly by employing technology to indicate where parking is available.

Council Member Robb stated Jeff Larcom's article indicated EMU budgeted \$4.5 million in parking revenue not \$2 million. Mr. Valdez responded there is a difference in metric, the article listed revenue not revenue over expenditures.

Council Member Bashert asked if Laz would be responsible for capital expenditures under this contract. Mr. Valdez responded in the affirmative.

Council Member Bashert asked if any bids received to provide the parking system were union employers. Mr. Valdez responded the Request for Proposals did not use a union company as a qualifier, but many companies exist as both union and non-union. Mayor Edmonds asked if Las is a union company in other locations. Mr. Valdez responded he is not certain.

Council Member Robb asked if the city's only involvement is because EMU's Board of Regents is appointed and an elected body needs to approve this. Mr. Valdez responded the TEFRA Law requires the elected body of the jurisdiction the area is located in needs to approve the issuance tax exempt status.

Mayor Pro-Tem Brown asked what would happen if Council does not approve this resolution. Mr. Valdez responded it would impose a significant financial burden on the university, which is in an already challenging financial position.

Council Member Murdock asked if this is approved who the city would contact if it would like to partner with the University for parking. Mr. Valdez responded the city would work with the staff member of the parking bureau or the appropriate contact for government relations. Mr. Murdock asked what the university is doing to reduce the amount of vehicles traveling in and out of campus. Mr. Valdez responded encouraging public transportation, promote a commuter lot, and sell passes at a reduced rate for students to use the AAATA system. Mayor Edmonds asked if a cost analysis has been done to provide students with free passes to use public transportation. Mr. Valdez responded in the affirmative, however, due to the university's financial situation it would be challenging.

Council Member Vogt stated given the thirty-five year length of the contract it could cause issues for the city if it wished to reconstruction roads, intersections near the university. He asked what provision of the contract will help to mitigate these issues as they arise. Mr. Valdez replied there are a few provisions that would navigate through those issues; one the requirement of governmental approval and providing compensation if a change is made.

Mayor Edmonds asked if the positions created by the agreement would include any environmentally sustainable methods. Mr. Valdez responded in the affirmative. Ms. Edmonds asked if the positions created would be retained through the duration of the agreement. Mr. Valdez responded not specifically, staff levels will be considered by EMU.

Council Member Bashert asked when EMU privatized its food services were the effected positions union jobs. Mr. Valdez responded in the affirmative. Ms. Bashert asked when the employees were rehired by the concessioner were the positions still union. Mr. Valdez responded essentially the bargaining agreement with food service employees had a no outsourcing clause to the contract. EMU then allowed all the bargaining unit staff to remain at EMU salary and benefits and fill the privatized positions. Many employees chose to stay with the private company in order to be a part of a worldwide known organizations. There are more jobs provided through the private company then when previously employed through the university. Student satisfaction increased in taste, value, and sustainability through that process. He added those positions are still represented by the same bargaining unit.

Council Member Bashert stated she as a person is not in favor of privatization. EMU gave up its roll through the privatization of the university's food services, and there will be a similar loss through this process. EMU has a large footprint in Ypsilanti and the city has an investment in the university. The people involved in the privatization of EMU's food service have a different opinion than university representation. Mr. Valdez stated the privatization assists in achieving the core mission of the school. Ms. Bashert responded recruitment of students goes beyond the university's core mission, it is the culture of the university. The culture includes all university amenities and Ypsilanti as a whole.

Council Member Robb stated this is a different situation because the city is not involved in the project and Council was not provided with all the information. He asked if the rate increases would create \$162 million in revenue through the duration of the contract. Mr. Valdez responded that is possible. Mr. Robb stated the university is being paid \$55 million meaning \$107 million would be leaving the community over the thirty-five years. Mr. Valdez replied the upfront payment of \$55 million would create interest in the amount of \$303 million.

Council Member Richardson stated asked what the university would receive in payment annually, or is the \$55 million all the city receive in terms of payment. Mr. Valdez replied the \$55 million is essentially what the university would be paid.

B. Open public hearing

1. William Teeppen, 718 Lowell St #24, stated EMU claims it is in a financial bind, but he has heard reports the university is spending a great deal of money on athletics. He asked that those be handled first and then worry about parking.
2. Judy Kullberg, EMU Professor and President of the AAUP Faculty Union, urged Council to vote no because the parking agreement was made behind closed doors without consultation of stakeholders. The university's 21,000 students, 1,300 faculty, and other employees were not consulted nor did they provide consent to this agreement. This public forum is not adequate to engage the public on this issue. This agreement was not inadequately publicized by the university or the city. The city should also vote no because the text of the agreement was not provided to Council. It is shocking that a public university would go to such great lengths to shield this decision from the public. This agreement is not a simple outsourcing of services, rather it is a transfer of a public property to a for profit equity firm for thirty-five years. Per the agreement the private equity firm will decide who runs the parking system, no the university. This agreement will substantially increase the cost of parking on campus. This agreement will only add to the cost of education to already burdened student body.
3. Charles Cunningham, 1007 Cross St., stated he has been a professor at EMU for nearly fourteen years and asked Council to vote against this resolution. EMU is property exempt because it is an institution that serves the public good. EMU is proposing to privatize parking and sell the assets of the citizens of Michigan to private equity profiteers that hide behind the guise of non-profits. The financing cross several state lines and the corporation is not in this deal for the public good. It is troubling this is being rushed through Council with barely enough time to read the agreement. The resolution states the agreement will not cost the city, but he disagrees. The agreement means Ypsilanti will be subsidizing profit making entities for decades.
4. Alex Nuttle, 116 Pittman Hall, stated he is a senior at EMU and a resident of Ypsilanti for three years. He claimed EMU's Chief Financial Officer is misleading and encouraged Council to vote against the resolution. EMU has not taken measures to get the campus community's thoughts on this agreement. Education and democracy go hand and hand and EMU has been aggressively on democratic in this process. Privatizing parking will only increase costs and decrease quality, many students cannot afford these costs. The

university claims this agreement will assist in decreasing its debt, but it was the university's action that created the debt. The university has cut summer courses and sought retribution against protesters who were protesting the treatment of African Americans. The university does not care about its students, and the university has cut budgets that directly affect its students.

5. Derrick Thorn, 190 N. Washington St., stated he is President of the EMU Federation of Teachers and represents part-time and full-time lecturers. He encouraged Council to vote no on this resolution. The environment on EMU's campus is tense, the university is facing serious economic issues. EMU has some very unhappy employees and students. The university does not act in a very democratic manor, and agreements such as these occur without much notice. This is a great opportunity to hold EMU accountable for its decisions. Council has been giving the opportunity to tell the university to stop and engage the community about this topic and others.
6. Noah Rucker, 1839 Ashely Dr., stated he is a health teacher and sees this as creating an unhealthy environment for the student body.
7. Desiree Simmons, 407 Charles, stated claims have been made that EMU is a good partner for the city. This is a great way for the city to get something back from the university, and how the \$55 million could be used for EMU staff and the city. Questions must be asked what steps the university is taken to ensure it is financially solvent.
8. Rebecca Thomas, 320 N. Adams, stated it is strange when an entity is looking to privatize services it does not depict it as a privatization. This is done because it has a negative connotation. EMU has been selling off parts of the university for years and there are only so many things an organization can sell before it fails. Erosion of collective bargaining agreements helps no one, which this agreement will assist in doing. If the positions offered by Laz are not union positions they are not comparable. She encouraged Council to vote no on this resolution.
9. Beth Currans, 915 Woods Dr., stated she is a professor of Woman's and Gender Studies and EMU. She is thankful to what has already been said, and added the university is privatizing a service while asking the city to maintain its tax exempt status. That is not helpful to Ypsilanti or EMU.
10. Phyllis Mason, 403 S. Huron, stated she has been clerical employee at EMU for the past twenty-four years. The positions created through privatization are temporary, they only need to continue until that person retires. None of these positions will be maintained as union positions. The choice given to union employees is to either accept the privatized positions or be laid off. Union employees would not be able to move to another job classification because the other union jobs in that category have been eliminated.
11. Melinda Holmes, 2005 Merrill Ave, stated she is a junior at EMU and an employee for community involvement. She does not have a lot of faith in her government and she is tired that decisions about her education and life being made by an upper-class man. An increase in parking costs would be difficult for her to pay.
12. Olivia Grills, 520 Brown Hall, encouraged Council to vote against this resolution. Privatization has never been a good thing for universities, it only provides another way for the university avoiding communicating with the community. She cannot afford the cost of parking, and increasing the cost still will not solve the problem of lack of parking.

C. Resolution No. 2018-043, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The public hearing with respect to the proposed issuance by the Arizona Industrial Development Authority (the "Authority") of its revenue notes, bonds or other obligations in one or more series from time to time pursuant to a plan of financing (the "Notes"), in an amount not to exceed \$65,000,000 is hereby 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 Richardson asked if the administration had spoken with the union and other stakeholders regarding this agreement. She stated decisions cannot be made unless those involved are spoken to. The parking lots are public land owned by the city and EMU resides there for \$0. If the parking lots are privatized the EMU should forfeit the tax-exempt status of the lots.

Mayor Pro-Tem Brown appreciated all the feedback provided during the public hearing. As a student at EMU it was very difficult to afford the cost of parking and to find available parking. It is difficult to make a decision without all the information and it is parallel to other issues Council is discussing regarding community participation. Council needs to understand how to address the concerns raised during audience participation. She asked what the timeline is for the transition to privatized parking. Mr. Valdez responded the Board of Regents approved the award in December, the President signed the agreement in January, EMU approached the city to get on an agenda in February, and are working toward a closing date prior to summer courses.

Mr. Valdez stated the agreement was distributed broadly across the campus in late May in an information portal called EMU today and emailed to all EMU users. He added parking assets remain with the university, this agreement provides the concessioner a license to operate and maintain the parking system.

Mayor Edmonds asked if the Board of Regents meetings are open meetings. Mr. Valdez responded in the affirmative.

Council Member Richardson stated this company would be benefiting from public land at approximately \$2 million a year. Since this private entity is seeing profits of \$2 million a year the land should be returned to the tax rolls.

Council Member Vogt stated he is not familiar with the act in which this is proposed. Mr. Valdez responded TEFRA is the act. Mr. Vogt stated this strikes him as a rare opportunity for an independent body to review this matter. The Federal Government created an act for an elected body to review matters such as these. Mr. Valdez responded the TEFRA Act does not provide overseeing ability, it allows the governing body of the jurisdiction has a license regarding tax exempt status of land in its borders. Mr. Vogt replied the act imposes a responsibility on Council to make that determination. He said he is not willing to make a decision at this meeting. He empathizes with the Board of Regents, but over the years he has found that the majority of privatizations motivation is for profits rather than public interest. He added some years ago the university constructed softball fields by his former home without engaging the community. If the community were engaged through that process it could have avoided problems caused for the nearby neighborhood. He believes the university should listen and speak with the community its decisions affect. There are problems that go beyond the financing that are not addressed in the proposal. He agrees with Council Member Richardson and others that decisions such as these should not be done in secrecy. Mr. Valdez this was communicated to the entire campus and was offered as a public bid opportunity to firms across the country.

Mayor Edmonds thanked all for the questions and concerns and also finds issues with how the Board of Regents are selected, and who they are accountable to. She agreed with Council Member Vogt that this is an opportunity for further

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listening and consideration. She agrees with strategies that decrease demand, such as encouraging use of public transportation.

Mr. Valdez stated postponing this resolution would have implications for the university.

Mayor Pro-Tem Brown asked if postponing this resolution would disrupt the timeline for implementation. Mr. Valdez responded in the affirmative. Mayor Edmonds asked if there would be other implications other than delaying implementation. Mr. Valdez responded EMU would not be able to issue parking permits for staff and students under the new system for fall, however, he does not know what the implications would be for EMU's partners.

Council Member Murdock stated he was not aware the city was a participant in the privatization of EMU's parking system. He has never been a fan of privatization, and in this particular instance the city is being asked to give a private entity the use of tax exempt property for their private gain. It is ironic that Council will be discussing a community benefits ordinance later on the agenda and this agreement provides no community benefit. He disagrees the city does not have direct interest in this agreement and it should use its best judgment when considering this resolution. Clearly there are some issues raised during the public hearing Council cannot resolve. He will not be supporting this resolution tonight and will not support its postponement.

Council Member Robb stated it is not in Council's power to control EMU's process it can only vote upon what has been provided. This is a bizarre resolution because Council has not been given the information it typically would receive when being asked to approve a project. He encouraged Council to not table this item to allow time for parties not in the control of Council to provide additional information.

Council Member Murdock moved, seconded by Council Member Richardson to call the question.

On a roll call, the vote to call the question of Resolution No. 2018-042 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 (Edmonds, Brown, Vogt, Bashert) ABSENT: 0 VOTE: Carried

Council Member Bashert moved, seconded by Council Member Vogt to postpone Resolution No. 2018-042 until April 17, 2018.

Council Member Bashert stated the city just went through a situation that was very similar to this. She would like to see that a meeting occurred with representation of the union around the long term vision of where this is heading. Mayor Edmonds stated there are other stakeholders that will be affected by this agreement and she would like to see them involved in discussions.

On a roll call, the vote to postpone Resolution No. 2018-042 was as follows:

City Council Meeting
March 6, 2017

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

VOTE:

YES: 4 NO: 3 (Robb, Murdock, Richardson) ABSENT: 0 VOTE: Carried

XI. ORDINANCES – FIRST READING

Ordinance No. 1301

An ordinance to provide for a service charge in lieu of taxes (PILOT) for Towne Centre (401 W. Michigan Avenue), a housing project for low income persons and families to be financed with a federally-aided or Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq* (the "Act"))

A. Resolution No. 2018-044, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "City of Ypsilanti Tax Exemption Ordinance-Towne Centre" be approved on First Reading.

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

Assistant City Attorney Dan DuChene provided a summary of why this resolution is being submitted for approval.

Mayor Edmonds asked how many occupied units would have exempt status. Mr. DuChene responded he believes it would be 100%. Ms. Edmonds asked how the timeline would affect other aspects of this process. Mr. DuChene responded he believes the process is on time to complete this prior to the new agreement.

B. Open public hearing

None

C. Resolution No. 2018-045, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a Public Hearing on an ordinance entitled "City of Ypsilanti Tax Exemption Ordinance-Towne Centre" 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 asked if Mr. DuChene agreed the approval of this PILOT would trigger a Community Benefits Agreement if a Community Benefits Ordinance were in place. Mr. DuChene responded that would be up to the discretion of Council. However, his thoughts is that one of the benefits of a CBO is affordable housing and that is exactly what this would provide. He added it is Council's discretion, but they might want to remove PILOTS from a potential CBO. Ms. Edmonds stated her reasoning is although progress has been made to the Towne Center it still is in need for improvements. Where

City Council Meeting
March 6, 2017

the city has leverage it could use it to ensure improvements are made. Mr. DuChene replied what is being suggested are not necessarily community benefits, but additional compliance updates, which can still be added as a stipulation of approval. Ms. Edmonds stated her idea of what the spirit of a CBO is to provide stakeholders with a voice to make these changes.

Council Member Richardson asked what will be involved with the municipal service agreement. Mr. DuChene responded the municipal service agreement would provide a different revenue stream to the city and this would tie the agreement to the PILOT. If there is an issue with the municipal service agreement the PILOT would be terminated. Ms. Richardson asked what would cause the municipal service agreement to void. Mr. DuChene responded a possible court ruling, a termination from one of the involved parties, and several other possibilities.

Towne Center Representative Barry Cunningham thanked the Attorney's Office for approaching MSHDA prior to submitting the PILOT to Council for approval. He added Mr. DuChene also increased the payments with the new formula for the municipal agreements. It is beneficial for the city because payment goes directly to the city's General Fund. Over the years the building has seen some problems because regulatory agreements made capital expenditures more difficult. He has worked with developers throughout the country and the Jonathan Rose Company has provided great services for its residents.

Mayor Edmonds asked for an explanation regarding when the Jonathan Rose Company obtains a property it maintains its management personnel. Mr. Cunningham responded the management company is based in Cleveland and it is his understanding only on position from Forest City will be retained, the Regional Manager. He explained Jonathan Rose imposes pretty high expectations once they take title. Ms. Edmonds asked if once the sale is final when management will transition is. Mr. Cunningham responded in the affirmative. Ms. Edmonds stated there are still challenges facing the Towne Center and hopefully this will remedy those issues.

Council Member Richardson stated she recalls when Forest Hills took control of the Towne Center and the city was given the same promises it is being given by Jonathan Rose. Once Forest Hills took over things went smoothly, but services began to decline and she received many complaints. When people live to a certain age they deserve to live comfortably and peacefully. Mr. Cunningham asked Council Member Richardson to take a close look at the reputation of Jonathan Rose.

Mayor Edmonds encouraged Mr. Cunningham to inspect the properties directly across the street from the Towne Center that have long been vacant. These buildings to provide services for Towne Center residents. Mr. Cunningham responded he would.

Council Member Murdock asked if the PILOT would be distributed to all the taxing units. Mr. DuChene responded in the affirmative. Mr. Murdock asked if the municipal service agreement would only apply to the city. Mr. DuChene responded in the affirmative. Mr. Murdock stated the definition provided stated low income persons and families mean persons and families eligible to move into housing projects. Mr. DuChene replied that is the definition provided by MSHDA. Mr. Murdock asked what the criteria is for deciding who is eligible to live at the Towne Center, and if it is exclusively for seniors. Mr. Cunningham responded the building is for seniors. Mayor Edmonds asked if individuals with other disabilities, not necessarily a senior citizen, are eligible. A representative of Towne Center responded at one point there was a waiver for those not fifty-five years old, or older, but now it is all sixty-two years old, or older. Mr. Cunningham responded those at 30% area median income or below are eligible for housing at the Towne Center. Mr. Murdock asked if rents are based on income. Mr. Cunningham responded in the affirmative.

On a roll call, the vote to approve Resolution No. 2018-044 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		

City Council Meeting
March 6, 2017

VOTE:

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

XII. CONSENT AGENDA –

Resolution No. 2018-046

1. Resolution No. 2018-047, approving minutes of February 20, and February 21, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of February 20th and February 21, 2018 be approved.

2. Resolution No. 2018-048, approving appointments to Boards and Commissions.

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:

<u>NAME</u>	<u>BOARD</u>	<u>EXPIRATION</u>
Steven Landstrom 716 Stanley Ypsilanti, MI 48198	Ethics Commission	2/1/2023
Elizabeth Currans 915 Woods Dr. Ypsilanti, MI 48197	Ethics Commission	2/1/2023
Daquann Harrison (Ward 2) 1118 N. Huron River Dr. #3 Ypsilanti, MI 48198	Police Advisory Commission	TBD
Gail Wolkeff (Ward 2) 1728 Whittier Rd. Ypsilanti, MI 48197	Police Advisory Commission	TBD
Heather Freeling (Ward 1) 422 S. Huron St. Ypsilanti, MI 48197	Police Advisory Commission	TBD
Bill Riccobono (Ward 3) 503 Roosevelt Blvd. Ypsilanti, MI 48197	Police Advisory Commission	TBD
Kathleen McCormick (Ward 1) 407 Ainsworth Cir. Ypsilanti, MI 48197	Police Advisory Commission	TBD
Bryan Foley 425 Ainsworth Circle Ypsilanti, MI 48197	Sustainability Commission	5/1/2021

City Council Meeting
March 6, 2017

~~3. Resolution No. 2018-049, supporting Governor Snyder's Environmental Initiative~~ **(Moved and Heard During Section XIII)**

4. Resolution No. 2018-050, approving Washtenaw County Solid Waste Management Plan 2017 Amendment.

WHEREAS, Part 115 of the Natural Resources and Environmental Protection Act, 194 PA 451, as enforced by the Michigan Department of Environmental Quality (MDEQ), requires each Michigan County to have a Solid Waste Management Plan to assure that solid waste generated in the county is collected and recovered, processed or disposed of for a ten-year period at facilities that comply with state laws and rules; and

WHEREAS, in furtherance of the statutory requirements, the Washtenaw County Board of Commissioners appointed a 14-member Solid Waste Planning Committee in August 2015 to amend Washtenaw County's 1999 Solid Waste Management Plan; and

WHEREAS, pursuant to Michigan statute, the draft Solid Waste Management Plan amendment was opened to a lengthy and robust public comment period, held from April through October 2017; and

WHEREAS, the Plan language promotes municipal and residential coordination and collaboration with Washtenaw County to provide integrated solid waste management programs and policies that emphasize waste prevention, reduction, recycling and composting; and

WHEREAS, On December 6, 2017, the Washtenaw County Solid Waste Management Plan 2017 Amendment was formally approved by the Washtenaw County Board of Commissioners and will next be presented to the 28 jurisdictions within Washtenaw County for their consideration and action of approval prior to submittal to the Michigan Department of Environmental Quality for final approval.

NOW, THEREFORE, BE IT RESOLVED, that the Ypsilanti City Council supports the Washtenaw County Solid Waste Management Plan 2017 Amendment; and

BE IT FURTHER RESOLVED, that the Ypsilanti City Council approves the Washtenaw County Solid Waste Management Plan 2017 Amendment, and supports the Plan being submitted to the Michigan Department of Environmental Quality for final approval.

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Vogt

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

Council Member Robb moved, seconded by Council Member Vogt to extend the meeting until 12:00 a.m.

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

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-049, supporting Governor Snyder's Environmental Initiative.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, there is a lack of funding for cleaning up contaminated sites throughout Michigan; and

WHEREAS, Michigan's recycling rate at 15% is one of the lowest in the nation; and

WHEREAS, Governor Snyder has proposed a plan to address critical environmental needs for brownfield site clean-up, waste management and recycling; and

WHEREAS, Governor Snyder's plan calls for the increase in landfill tipping fee from \$0.36 per ton to \$4.75 per ton to provide \$79 million annually; and

WHEREAS, Revenue generated from this fee would bolster critical environmental protection programs, including:

- **Remediate and Redevelop Existing and Future Contaminated Sites (\$45 million)**
- **Solid Waste Management (\$9 million)**
- **Recycling Grants to triple Michigan's Recycling Rate (\$15 million)**
- **Water Quality Monitoring Grants (\$5 million)**
- **State Park Infrastructure (\$5 million)**

THEREFORE BE IT RESOLVED that the City Council of the City of Ypsilanti supports Governor Snyder's Environmental Initiative and urges its passage by the state legislature; and

FURTHER RESOLVED that this resolution be forwarded to Governor Rick Snyder, Senator Rebecca Warren, Representative Ronnie Peterson and Kirk Profit.

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Murdock

Mayor Edmonds explained that she removed this from the Consent Agenda in order to note a republican governor is increasing taxes in order to encourage positive environmental policy.

On a roll call, the vote to approve Resolution No. 2018-049 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

2. Discussion of Community Benefits Ordinance

AUDIENCE PARTICIPATION –

City Council Meeting
March 6, 2017

1. Desirae Simmons, 407 Charles, stated she does not accept the proposed ordinance. The city claims it does not want to deter development in the city, and asked to see evidence that doing things the way they have always been done is equitable. Decisions should occur in the public sphere and not behind closed doors. Gentrification can be overcome with real action, and she is offended of the implication the people cannot think for themselves. Renters want better and more frequent inspections.
2. David Reynolds, 229 Miles St., stated he has a great deal of experience with CBOs working with the City of Detroit. Community Benefits Agreements are agreements between a community coalition and a developer. It can be incorporated into the public approval process. CBAs arose out of the failure of the city and developer negotiation process. The draft Ordinance has nothing to do with community benefits agreements. What it does is adds an appointed advisory process to the existing way of doing things. The draft ordinance is basically calling a development agreement a community benefits agreement. He added a coalition has drafted an ordinance for the review of Council.
3. Brian Geiringer, 415 Pearl, thanked Council Member Richardson, Mayor Pro-Tem Brown, and Council Member Murdock for all they have done through this process. He said meetings from the community should be the basis for any negotiation for a CBA, the majority of the CBA Committee is to be elected through community meetings, and the negotiating team must reflect the diversity of Ypsilanti. If members from city commission are brought together to act as the negotiating team it would not be a community driven process.
4. William Teepen, 718 Lowell, stated the city has a good bottom-line philosophy the Redy Coalition would like to see improvements. There needs to be more input from voters in the city when developing a CBO. The drafted CBO does not include much detail in what benefits can be negotiated, and more detail of the offered benefits.
5. Mike Auerbach, 712 N. River St., stated the CBO should serve two central functions; to create a venue for the community to have a dialog with the developer and securing benefits to the public from that developer. It can also be an opportunity to gain the support of the public support for a development. He added an ordinance like this must have strong public support and asked Council to engage the Redy Coalition.
6. Amber Fellows, Ward 3, stated she hopes this process will include dialog with the community, and if that cannot happen tonight she would hope a working session would be scheduled. The advantage to Council in the development of this ordinance is much of the work has already been completed by the coalition.
7. Amy Shordes, River St., invited Council Members to meet with members Redy Coalition individually, or as a group. She said there are a lot of other organizations working on the development of a CBO, not just the individuals that are present during Council meetings. She asked Council to think of a negotiating committee not as an advisory committee but a body that is actively involved in the process.

Mayor Edmonds stated she spoke with Mr. DuChene who informed her he had attended previous community meetings in 2017 years. This draft ordinance is a preliminary document and she agrees with the comment of Ms. Fellows that the community and staff work on this matter should merge. This discussion is to find that next step on how to develop a meaningful ordinance.

Council Member Richardson thanked Mr. DuChene for the work he has done to complete the preliminary draft. She wished more would have attended the Redy Coalition meetings, the coalition includes groups and organizations from throughout the city. She believes all of Council has been contacted by the coalition and encouraged them to engage that

City Council Meeting
March 6, 2017

group. Council does not always hear back from the community from action that it takes, and this is a process that can engage the community regarding the ordinance. The people from the community are those that will be affected by a development occurring in the city.

Council Member Vogt stated he has been very clear about his concerns regarding some of the proposals that have been discussed. As he said earlier this meeting he is very much in favor of community input, and well-reasoned ideas. He has critical of EMU's Board of Regents because they are not elected officials and not responsive to the community they serve. Council is an elected body and the Charter provides it with the power to create policy and direct the administration to carryout said policy. He encourages the sharing of ideas but that does not mean Council should abdicate its ability to be in control. His concern is any mechanism developed should allow Council to maintain that control. He is nervous and ill at ease with an unelected body, no matter how well meaning, to negotiate with a developer. Creating layers of authority can kill a negotiation prior to reaching the real decision makers. If the additional layer does not deter a developer said developer might just disregard any negotiations made prior to reaching the deciding body. Council is the deciding body and has the authority to direct staff to negotiate on behalf of the city, however, it should encourage and require ideas from the community. The committee appointed to negotiate, unless its three-hundred people, would eliminate several voices from groups, or organizations operating in the city. He suggested holding additional public hearings, public meeting, and develop in Council a set of roles and ideas. He feels the proposed document is a legal and procedural nightmare.

Mayor Pro-Tem Brown stated she met with members of the Redy Coalition to discuss ideas they put forth. One of the coalition's concerns is how the ad hoc committee would be formed, and its make-up. The draft ordinance is vague in the diversity of the body and what is meant by expertise. How can a way to hear community input that would not be categorized as experts. Mayor Edmonds stated the Redy document selection process includes residents form each ward and residents who live near the proposed development. It is of great importance to quantify those residents that would most be impacted by a development in order to provide a voice.

Council Member Bashert stated it appears there is a communication breakdown, Council is talking about developing an ordinance with an overarching structure. Council has then heard complaints the ordinance does not include enough specificity, and the intention was the specificity would change with each development. Mr. DuChene responded that is the intent. She asked if typically an ordinance would include an exhaustive list of what could be implemented through a CBA. Mr. DuChene responded he cannot think of an example in the code of ordinances that includes that level of specificity. To examine how a community benefits ordinance is structured can be difficult because there are not many models. Detroit's Proposal "A", which he was directed to examine did not include an exhaustive list, which designed to provide the committee direction but allow for creativity in the development of a CBA. Ms. Bashert stated the draft indicates the committee must meet within thirty days of its inception to begin the development of a CBA. She asked how this would effect a development's timeline, considering the need for other layers of approval. Economic Development Director Beth Ernat replied the additional layer would insert into the process as another step, which is why it is important to create a timeframe. Mr. DuChene stated the timeframes outlined in the proposed draft were suggestions of Council.

Council Member Murdock is concerned with the timeframes listed in the draft. A resolution approved by Council outlines the specific course of action to how Council is to be kept informed of developments, and when Council would vote on issues surrounding a development. He said thirty days to hold two meetings and develop a recommendation to Council does not seem like ample time. There are also possible Planning Commission issues a development might come across. Ms. Ernat replied any development of substantial size would begin with a time chart, which is essential to staff and the developer to understand the complexities of the project. In order for a developer to reasonably move forward it needs to secure the land, very few developers will begin conversation prior to this. When a developer is requesting something from the city it makes it easier to plug in an additional layer to the timeline. It is essential, regardless of what Council decides, that it is very clear at what point this layer is required and that the land can be optioned prior to negotiation. Mr. Murdock stated if a process is created where it would fit into the development process. Ms. Ernat replied first a request would go to Council for a simple consideration for selling land for this use, a letter of intent followed by a purchase agreement. Through the purchase agreement a CBA and development agreement would be negotiated. Ms. Ernat responded in the affirmative.

Council Member Richardson asked when developers typically begin to make requests to the city. Ms. Ernat responded on average it begins at the point the developer develops a proforma. Ms. Richardson stated she is asking to understand when the CBO should be triggered. Ms. Ernat replied the price of sale must be decided prior to the development of a proforma.

Mr. DuChene stated the CBO is flexible as to when it would be triggered into the CBA, and an incentive cannot be approved without going through the CBA process. Council can enter into a purchase agreement, or any other incentive subject to the approval of a CBA.

Council Member Bashert stated when discussing the development of a CBO she suggested a sunset clause to allow Council to review if the CBO was having the desired effect. She asked that a sunset clause be included in the ordinance once it is before Council for approval. The Redy document lists the work community extensively, the word is undefined in the document and could mean a number of things. She would like those selecting a committee by accountable to the city, has a track record of work in the city, and now that is Council. She commended Redy for the work they have completed and continue to move forward with Council in the development of a CBO. She said the Council is the representatives of the community and are accountable to the community. She added the work Redy has completed provide them with the knowledge to be a part of future CBAs.

Council Member Robb asked Mr. Reynolds to mark up the preliminary draft to insert the demands of Redy in order for Council and the Coalition to be on the same page. Mayor Edmonds agreed.

Council Member Richardson suggested Council meet with the community, not just Redy, but the people that reside in the city.

Council Member Murdock suggested Redy prepare a draft ordinance to submit to Council. He said there are disagreements on what would trigger a CBA, one is based on the dollar amount of the incentive and the other is based on investment. The largest difference in the CBO is how the CBA committee is created, the second is the mandatory discussion, and how the CBA Committee would fit into the timeline.

Mayor Edmonds asked to review scenarios on how this would work with city property. She would support having a specific clause for Water Street, and possibly the Ford Plant, because of the scale of those projects. Mr. DuChene suggested expanding the ordinance to include certain project Council would like treated separately, possibly a multiplier. Council could employ a similar graduate model for the ad hoc committee to serve as the CBA Committee.

Mayor Edmonds asked how a CBO would apply to a public developer. Mr. DuChene replied he could examine that possibility.

Council Member Bashert asked for a working session to be scheduled for the Planning Department to walk Council through potential scenarios. Mayor Edmonds asked for a list of potential properties that could be subject to the CBO. Council Member Richardson stated the Redy Coalition should be represented at the work session.

Mayor Edmonds asked that a working document be prepared that merges the work of the city and the Redy Coalition that Council could review and potentially amend. Mr. DuChene responded he does not have direction from Council on how to specifically incorporate the Redy document in to the document prepared by staff. Council Member Murdock asked if Redy is currently working on incorporating its work into the draft ordinance. Mr. Reynolds responded in the affirmative. Mr. Murdock suggested the Attorney's Office provide a redline document prepared through the merging of the city's and Redy's work. From there Council can make its own amendments. Mayor Edmonds asked Council Member Vogt to prepare a document that incorporates his concerns with the ordinance.

Council Member Bashert stated her concern is approving an ordinance that does the exact opposite of what Council intends. If this ordinance increases the cost of development it would increase the cost of rents, which is specifically what the city wants to avoid. She encouraged to take caution when developing this ordinance and keep in mind the goals the city is trying to accomplish.

Council Member Richardson asked Mr. Reynolds to mark up the city document and provide it to the City Attorney's Office prior to the work session.

3. Resolution No. 2018-051, in support of flying the transgender flag on Friday, March 30, 2018.

Council Member Richardson stated she plans to abstain from voting on this resolution because she has received several calls in opposition to the flag being flown at the Police Station. Council Member Bashert stated she would like Council Member Richardson to be brave for LGBTQ people as she is for African Americans. Ms. Richardson responded stated Council is longer acting in a civil manner, and it is the worst Council she has worked with in her seventeen years. She has no issue with LGBTQ individuals and she will not allow people to make untrue accusations about her. However, she must respect the people in the Ward she represents, and hopes all of Council would do the same.

WHEREAS, no federal or state of Michigan law currently prohibits discrimination based on gender identity in employment, housing, or public accommodations; and,

WHEREAS, the state of Michigan's own Department of Civil Rights has concluded that anti-LGBT discrimination "exists and is significant" and that such discrimination has "direct negative economic effects on Michigan"; and,

WHEREAS, discrimination impedes the city of Ypsilanti and the state of Michigan's ability to attract and retain talented, hard working, determined people and by extension economic growth and prosperity; and,

WHEREAS, in the absence of state action by Michigan's legislature forty-two Michigan communities, including the city of Ypsilanti, have enacted local, comprehensive nondiscrimination ordinances; and,

WHEREAS, March 31 has been recognized annually as "Transgender Day of Visibility" since 2009 when Michigan transgender activist Rachel Crandall founded the observance; and,

WHEREAS, recent action by the Trump administration withdrawing federal guidance on the rights of transgender students at school make it more important than ever for communities to speak out in support of these students,

NOW, THEREFORE, BE IT RESOLVED, that in recognition of "Transgender Day of Visibility" and in solidarity with and support of transgender people across the United States, the city of Ypsilanti shall fly the transgender pride flag on Friday, March 30, 2018.

OFFERED BY: Council Member Bashert

SECONDED BY: Mayor Pro-Tem Brown

Mayor Edmonds stated since March 31st is a Saturday this year the flag would be flown on March 30th.

On a roll call, the vote to approve Resolution No. 2018-051 was as follows:

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

VOTE:

YES: 6 NO: 0 ABSENT: 0 ABSTAIN: 1 (Richardson) VOTE: Carried

4. Resolution No. 2018-052, approving a municipal services agreement for Towne Centre, 401 W. Michigan Avenue.

WHEREAS, Jonathan Rose Companies (d.b.a. Towne Centre Place Limited Dividend Housing Association) recently acquired controlling interest in the affordable senior apartments known as Towne Centre Place; and

WHEREAS, the new owners are interested in refinancing its MSHDA debt with HUD financing, which would require the City Council to adopt a new PILOT ordinance; and

WHEREAS, the proposed PILOT ordinance for the project references and incorporates a Municipal Services Agreement between the City and the owner of the property; and

WHEREAS, City Council has reviewed and adopted the proposed PILOT ordinance on first reading; and

WHEREAS, the attached Municipal Services Agreement is only in effect so long as the PILOT ordinance is also in effect, and vice versa;

NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the attached Municipal Services Agreement is approved and that the Mayor and City Clerk are authorized to sign and execute the agreement, subject to the review and approval of the City Attorney.

OFFERED BY: Mayor Pro-Tem Brown

SECONDED BY: Council Member Bashert

Mr. DuChene provided a synopsis of why this resolution has been submitted to Council for approval.

Council Member Robb stated the Towne Center is a larger building than Chidester Place yet it the municipal service fee is much less. Mr. DuChene replied the amount is based on the proforma provided by the owner. Mr. Robb stated he does not like that the agreement is tied to the Consumer Price Index (CPI), and asked if the CPI is in the negative, as it was in 2009, would the municipal services agreement decrease. Mr. DuChene responded in the affirmative. Mr. Robb stated when the city approved the municipal services agreement for Chidester Place the amount was \$35,000 and increases 2% every year. The revenue from that agreement on last year's budget was \$39,214, which is not mathematically possible. He asked what the mechanism to ensure the numbers are correct is. Mr. DuChene replied if the payment is not made timely it increases to 10%, but he is not certain what mechanism is used to determine the amount. Mr. Robb reiterated it is a bad idea to tie the amount to CPI.

Mr. DuChene asked Mr. Cunningham is his organization would be against a flat annual increase of 2%. Mr. Cunningham asked if the agreement includes a provision that in no way the amount paid decreases. Mr. DuChene replied there is not, and asked if Mr. Cunningham would agree to add that provision. Mr. Cunningham agreed. Mr. Robb stated Council creates policy which sets the precedent of how future agreements are to be based. Mr. Cunningham replied historically CPI has been much greater than 2%. Mr. Robb stated the numbers he ran were based on CPI from 2008-2018 and if the annual increase was 2% the city would have greater revenue than if the amount was based on the CPI. Mr. Cunningham stated the PILOT will see an annual increase of roughly 2%, so both the municipal agreement and the PILOT will increase. Mr. Robb replied that would increase regardless of the municipal services agreement.

Council Member Murdock moved, seconded by Council Member Bashert to amend the contract by changing "adjusted" to "increased" to the second sentence of #2 at the bottom of the first page of the agreement, and adding "in no year shall the service improvement fee decrease" to the end of the same paragraph on the second page.

On a roll call, the vote to amend Resolution No. 2018-052 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

On a roll call, the vote to approve Resolution No. 2018-052 as amended 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	Yes
Council Member Bashert	Yes		

VOTE:

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

5. Resolution No. 2018-053, approving that the City partner with the Depot Town Downtown Development Authority to contract for design concepts and cost estimates for removing the recycling center and redesigning and expanding parking along Rice Street between Cross and Forest Street including the possibility of relocating Rice Street.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the success of Depot Town has created parking issues in and around Depot Town; and

WHEREAS, there is a need to relocate the Recycling Center in Depot Town; and

WHEREAS, Failure to relocate the recycling center will jeopardize several state grants; and

WHEREAS, the Rice Street Parking area is badly in need of reconstruction; and

WHEREAS, there is a need for increased parking in the Depot Town area.

THEREFORE BE IT RESOLVED that the City partner with the Depot Town Downtown Development Authority to contract for design concepts and cost estimates for removing the recycling center and redesigning and expanding parking along Rice Street between Cross and Forest Street including the possibility of relocating Rice Street.

OFFERED BY: Council Member Murdock

SECONDED BY: Council Member Robb

Council Member Murdock stated Council is aware of the issues with recycling center and this will assist in removing that facility.

City Manager Darwin McClary asked if this resolution would constitute the DDA and city would share the costs of the facilities removal. Mayor Edmonds replied the DDA has interest in removing the facility but has not voted on allocating funds for its removal. She explained this resolution would only begin an exploration of a partnership. Mr. McClary responded if what that partnership would look like it could be proposed to the DDA and not need to return to Council for

City Council Meeting
March 6, 2017

approval. Council Member Murdock stated he would like to split costs for the facilities removal between the city and DDA. Mr. McClary asked if the city was able to negotiate a 50/50 cost sharing arrangement that would be acceptable.

Ms. Ernat stated a grant application was submitted and some design completed around four years ago, but the city has never been awarded. The estimated cost was around \$320,000 for the facilities removal and parking lot construction, but did not include a relocation cost. The tax increment financing plan estimates \$100,000 for the relocation of the facility, but that was based off of receipts that are not being generated. She added finding a new location for the facility is problematic not removing it from Frog Island. She assumes there would be support for financial consideration, but DDA funds must be used for the district so any relocation fees would fall to the city.

Mr. McClary clarified Council is looking for conceptual designs, estimates for the cost, and possibility of shifting Rice St. to maximize parking. He asked if there is a limit on cost and if the city's portion of cost would come from the General Fund. Council Member Bashert stated if it goes over the \$25,000 purchasing power of the City Manager it would need to come back to Council.

On a roll call, the vote to approve Resolution No. 2018-053 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. 2018-026, adopting 2018-19 Council Goals and Budget Priorities.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Section 5.02 of the City of Ypsilanti Charter requires the city council to instruct the City Manager concerning the priorities of the City that the budget for the next year must address; and

WHEREAS, to comply with the city charter, the city council undertakes a goal setting process annually to identify its goals, objectives, and budget priorities; and

WHEREAS, the city council has identified its goals, objectives, and priorities for ensuing Fiscal Year 2018-19;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby instruct the City Manager to address the following priorities of the city in preparing the proposed budget for Fiscal Year 2018-19:

SOCIAL SUSTAINABILITY – Goal #1 – Improve Working Condition, Morale, and Staff Relationships with City Government

- Add staff in the public safety area (police department, fire department, public safety)

SOCIAL SUSTAINABILITY – Goal #2 – Enhance Communication between City Government and Residents

- Evaluate technology to enable high-quality live-streaming of City Council meetings

SOCIAL SUSTAINABILITY – Goal #3 – Enhance Performance of Public Safety Functions

- Hire 1-2 more police officers and 1-2 more firefighters
- Hire more employees in order to help the city with code enforcement and with building inspections
- Enhance training for public safety employees

ECONOMIC SUSTAINABILITY – Goal – Make Progress on Longer-Term Fiscal Issues Confronting City

- Look into municipal management software as a technology upgrade, with a goal of saving on labor costs, improving communication, and reducing use of Iron Mountain storage

ECOLOGICAL SUSTAINABILITY – Goal – Address Ecological Issues Facing the City

- Move recycling center as a way to open more grant options for the city
- Give more TLC to the park system

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

Mr. McClary stated staff received an additional Council Members list of priorities which would add to the list. Mayor Edmonds asked what the priorities are. Mr. McClary responded under goal #1, finding ways to increase compensation for city employees, both those who are bargained for and those who are not. Under goal #5, Develop parking strategy to provide more parking spaces in downtown areas, generate more revenue from parking, and provide funding for comprehensive study of parking downtown, would be added.

Mayor Pro-Tem Brown moved, seconded by Council Member Richardson to add under goal #1, finding ways to increase compensation for city employees, both those who are bargained for and those who are not, and under goal #5, Develop parking strategy to provide more parking spaces in downtown areas, generate more revenue from parking, and provide funding for comprehensive study of parking downtown.

Council Member Robb stated union contracts have already been approved. He asked if the recommendation is to reopen the contract negotiations, of increasing compensation for the union contracts that have not been approved. Mayor Edmonds stated not all goals will be completed this year, but steps can be taken to achieve those achieve them. Mr. McClary stated union contracts can be discussed during closed session and non-union contracts can be discussed during the budget process.

Council Member Murdock asked if it is still a goal to balance the budget. Mayor Edmonds responded it is still a goal it was just not selected as a priority. She added that is a core goal and should be assumed. Mr. Murdock stated the goals provide a blank check to hire staff that the city doesn't necessarily need, and doesn't take capital projects into consideration. He added he will not be supporting this resolution and that the city should be earmarking funds for capital projects. He would like to see a budget developed that uses the funds captured through the County Safety Millage. Ms. Edmonds responded the goals are based on what was submitted by Council, it does not mean the budget will not include these items.

On a roll call, the vote to amend Resolution No. 2018-026 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	Yes		

VOTE:

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

On a roll call, the vote to approve Resolution No. 2018-026 as amended 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	Yes		

VOTE:

YES: 4 NO: 3 (Murdock, Robb, Vogt) 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

XV. COUNCIL PROPOSED BUSINESS –

Murdock

- Asked the status is of 401 E. Forest.

Ms. Ernat responded the status the city has an active permit for that property.

- Asked the status of 214 N. River, and if there is a schedule of completion of construction.

- Asked for an update on the Border to Border Trail.

Ms. Ernat responded the final documentation has been submitted to the Department of Environmental Quality. There will be a two week review time for that documentation. Council Member Bashert asked when the trail will be open. Ms. Ernat responded as soon as the city receives a certificate of compliance.

- He asked if the city could divest in any money it might have in gun manufacturers.

Council Member Bashert supported divesting.

- The city needs to do an ordinance requiring properties to inform the city when units change from income based to market rate.

XVI. COMMUNICATIONS FROM THE MAYOR –

- The Review Committee met a week ago and a Closed Session will be held to present employee evaluations.

Council Member Richardson stated employee evaluations have taken an exceptionally long time. It is unfair to employees to have not provided them there evaluations.

- Informed Council she will be sending out potential dates for budget meetings.
- She is discouraged to hear SPARK is not prioritizing things in Ypsilanti's urban zone. She added there needs to be city representation on the SPARK Board, and understand what city census tracts are included.

Council Member Bashert asked if a formal letter can be sent to all involved. Mr. McClary responded in the affirmative.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVII. COMMUNICATIONS –

Marijuana Report 2017

XVIII. AUDIENCE PARTICIPATION –

1. Sue Melke, 330 Chidester, stated the city could sell ads on the Big Belly recycling bins. She suggested approaching bigger businesses in the city to sponsor the bins. She said the optics for Council goals is not positive. She stated the city needs to move the recycling center because it is in a park, but when it is removed it will be replaced with parking. She asked if the municipal services fees are to reimburse for any services it provides.

Mr. McClary responded in the affirmative, but it does not cover the entire cost. Ms. Melke responded Chidester does not pay their share.

2. William Teepen, 718 Lowell St #24, stated he assumes the word "community" in community benefits means voters.

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

Resolution No. 2018-054, 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: Mayor Pro-Tem Brown
SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the meeting adjourned at 12:00 p.m.

City Council Meeting
March 6, 2017



Resolution No. 2018 – 066
March 20, 2018

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:

<u>NAME</u>	<u>BOARD</u>	<u>EXPIRATION</u>
Daquann Harrison (Ward 2) 1118 N. Huron River Dr. #3 Ypsilanti, MI 48198	Police Advisory Commission	TBD
Gail Wolkoff (Ward 2) 1728 Whittier Rd. Ypsilanti, MI 48197	Police Advisory Commission	TBD
Heather Freeling (Ward 1) 422 S. Huron St. Ypsilanti, MI 48197	Police Advisory Commission	TBD
Kathleen McCormick (Ward 1) 407 Ainsworth Cir. Ypsilanti, MI 48197	Police Advisory Commission	TBD

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
March 20, 2018

From: Stan Kirton, Public Works Director

Subject: Act 51 Decertification of Armstrong Court

SUMMARY & BACKGROUND:

The Parkridge Homes Development required the removal of a section of Armstrong Court 143 feet north of Armstrong Drive. The removal of this section of Armstrong Court requires 143 feet to be removed from the Act 51 local street mileage certification.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution

CITY MANAGER APPROVAL: _____ AGENDA DATE: March 20, 2018

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2018 - 067
March 20, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti does wish to decertify a section of Armstrong Court from the Act 51 local street mileage certification; and

WHEREAS, this decertification of Armstrong Court located north of Armstrong Drive for a total decertification length of 143 feet; and

Now Therefore Be It Resolved That, the City Council approves the decertification of a section of Armstrong Court north Armstrong Drive for a total of 143 feet from the Act 51 local street mileage certification.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
3/20/2018

To: Mayor and Council

From: Joe Meyers, Community Development Manager

Subject: Neighborhood Enterprise Zone Application – 406 North Hamilton St

SUMMARY & BACKGROUND: On November 14, 2017 the city council passed a resolution to approve a NEZ application for 406 N. Hamilton. When preparing the resolution staff used the sample resolution for an old resolution as a template. In working with the state of Michigan to file the resolution, they have requested that we rescind the old resolution and adopt a rehabilitation certificate resolution in its place.

ATTACHMENTS: Rehabilitation facility resolution

RECOMMENDED ACTION: Staff recommends city council rescind resolution 2017-249 and adopt the new attached resolution.

CITY MANAGER APPROVAL: _____ **COUNCIL AGENDA DATE:** 03/20/18

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2018 - 069
March 20, 2018

**RESOLUTION APPROVING AN APPLICATION FOR A NEIGHBORHOOD ENTERPRISE
ZONE REHABILITATION EXEMPTION CERTIFICATE FOR LILLIE COVINGTON 406 S.
HAMILTON ST, YPSILANTI MI**

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

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

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

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Print**Citizen Advisory Boards and Commissions Participation Resume - Submission #333****Date Submitted: 12/6/2017**

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*

Michael Stone-Richard

Email Address***Address****City**

Ypsilanti

State

MI

Zip Code

48197

Phone Number***Fax Number****Number of Years in the Community**

12

Ward You Live In

3

Education

Some college -- most recently WCC 2009-10, Broadcast Arts Program

Occupation

Online Customer Service Manager

EmployerCastingWords, LLC -- <https://castingwords.com/>**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 have observed and interacted with the Ypsilanti Police Department on many occasions as they go about their duty of serving and protecting our community. I understand the budgetary constraints they're operating under as the City struggles to find the funding necessary for many city services.

I'm constantly impressed by the professionalism displayed by our officers, and would like be part of a team that comes together in an effort to improve police/community relations, searching for innovative solutions for issues, from the viewpoint of the officers and of the community they serve.

I'm a part time retiree, and have extensive experience in social media, both personally, and as the part time (formerly full time) Community Manager for CastingWords, LLC, an online audio transcription service based in Los Alamos, New Mexico.

CastingWords provides transcription for hundreds of customers in dozens of countries, and subcontracts the work out to thousands of workers in dozens of countries. Serving as CastingWords' Community Manager requires a sensitivity to gender, cultural, economic, religious, linguistic, and other difference, and being a thoughtful, courteous, and to-the-point communicator dozens of times daily, sometimes in the face of great anger on the other end of the conversation.

In our diverse Ypsilanti Community -- a microcosm of the world we live in -- cultural awareness is not an option, it's absolute necessity.

I wear many hats while going about my job, not just that of a customer service manager. My duties include, but are not limited to: writing blog posts for customers and workers; editing audio files; conducting research for new products; real-time communications with my co-workers, spread over four time zones and two countries; occasional video conferences and conference calls with co-workers and/or customers.

My local volunteer experience includes independent poll watcher (2004 general election), election worker (Ypsilanti Township November 2006), Barack Obama's 2008 presidential campaign (Ypsilanti and Los Alamos, NM), the Michigan Democratic Party (November 2016), the Ypsilanti Food Coop, and various social campaigns that address the issues of our times.

Work/volunteer experience related to the board or commission:

None for this commission.

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



**CITY OF YPSILANTI
BOARDS AND COMMISSIONS
CITIZEN PARTICIPATION RESUME**

****Note:** You must be a registered voter and a city resident to be eligible to serve on a City of Ypsilanti Board or Commission.

NAME: Andrew L. Fanta

ADDRESS: 1221 Westmoorland Boulevard
Ypsilanti, Michigan 48197

Number of years in the community: 25 Years

HOME PHONE: [REDACTED] Call: A.M. or P.M. (please circle)

CELL PHONE: [REDACTED] WORK PHONE: [REDACTED]

EMAIL ADDRESS: [REDACTED]

EDUCATION: B.A.; J.D.; PhD

CURRENT OCCUPATION: Attorney at Law in Ypsilanti/Washtenaw area 40 years

CURRENT EMPLOYER: Self employed

I would like to be considered and could devote sufficient time to serve on the following Board(s) or Commission(s) in order of preference:

1. Police Advisory Commission
2.

Please indicate experience and/or qualifications that would help make you an effective member of each board for which you have applied.

WORK/VOLUNTEER EXPERIENCE: I am a long time attorney in the Ypsilanti area. My legal practice falls very much in the areas of law that effect many individuals. Please see attached letter for a more detailed overview of work experiences.

I understand that appointment to a City of Ypsilanti Board or Commission requires regular attendance at board meetings.

SIGNATURE: [REDACTED] DATE: 2-12-18

(Return completed form to: City Clerk's Office, 1 S. Huron Street, Ypsilanti, MI 48197)

 Law Office of Andrew L. Fanta

4930 Washtenaw Avenue, Ann Arbor, MI 48108-1414

(734) 434-3800

Admitted:

Michigan

Ohio

United States Supreme Court

Mayor Amanda Edmunds
City of Ypsilanti
One Huron Street
Ypsilanti, MI 48197

RE Police Advisory Commission

Dear Mayor:

Enclosed you will find my application to join the Police Advisory Commission. I do so because of my experience as a long time practicing attorney in the Ypsilanti area and also because of the nature of my legal practice – family matters of a broad range as well as criminal defense experience.

As a member of the justice community (a former prosecutor for almost 5 years) and now as a defense attorney I feel well qualified to be a member of the commission. I also was a member of the task force created by Judge Shelton that reorganized the Washtenaw County Juvenile Court.

I think that I would be able to make a positive contribution to the City's efforts to establish the PAC and to work with others to develop both procedures and a process that would serve the needs and concerns of our citizens.



Andrew Fanta

Email: 



Resolution No. 2018-070
March 20, 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, MARCH 20, 2018
7:00 p.m.**

I. CALL TO ORDER –

The meeting was called to order at 7:03 p.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	Absent		

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 amended

Change:

Move: Resolution No. 2018-066, appointments to Boards and Commissions, from the Consent Agenda to Resolution/Motions/Discussions.

Remove: The Closed Session from the agenda.

VI. INTRODUCTIONS

VII. PRESENTATIONS –

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. PUBLIC HEARINGS -

1. Approving submission of Michigan Land and Water Conservation Fund (LWCF) grant application for Rutherford Pool Renovations

A. Resolution No. 2018- 068, determination

Offered By: Council Member Bashert; Seconded By: Mayor Pro-Tem Brown

Substitute Approved: Yes – 6; No – 0; Absent – 1 (Richardson)

B. Open public hearing

C. Resolution No. 2018- 068A, close public hearing

**Offered By: Council Member Bashert; Seconded By: Council Member Vogt
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

XI. ORDINANCES – FIRST READING -

Ordinance No. 1303

1. Bell-Kramer Rezoning of Residential parcels currently zoned PMD to CN-Mid

A. Resolution No. 2018-055, determination

**Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Vogt
Approved: Yes – 5; No – 1 (Robb); Absent – 1 (Richardson)**

B. Open public hearing

C. Resolution No. 2018-056, close public hearing

**Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Vogt
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

Ordinance No. 1304

2. Bell-Kramer Rezoning of city-owned vacant parcels currently zoned GC and PMD to P (Park)

A. Resolution No. 2018- 057, determination

**Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Vogt
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

B. Open public hearing

C. Resolution No. 2018- 058, close public hearing

**Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Vogt
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

Ordinance No. 1305

3. Medical Marijuana Text Amendments in response to MMFLA

A. Resolution No. 2018- 059, determination

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

B. Open public hearing

C. Resolution No. 2018- 060, close public hearing

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

Ordinance No. 1306

4. Medical Marijuana Text Amendment to permit Provisioning Centers in the General Corridor

A. Resolution No. 2018- 061, determination

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

B. Open public hearing

C. Resolution No. 2018- 062, close public hearing

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown
Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

XII. ORDINANCES – SECOND READING –

Ordinance No. 1302

Resolution No. 2018- 063, approving an ordinance to provide for a service charge in lieu of taxes (PILOT) for Towne Centre (401 W. Michigan Avenue), a housing project for low income persons and families to be financed with a federally-aided or Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq* (the "Act"))

Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Bashert

Approved: Yes – 6; No – 0; Absent – 1 (Richardson)

XIII. CONSENT AGENDA –

Resolution No. 2018-064

1. Resolution No. 2018-065, approving minutes of March 6, 2018

Offered By: Council Member Murdock; Seconded By: Mayor Pro-Tem Brown

Approved: Yes – 6; No – 0; Absent – 1 (Richardson)

- ~~2. Resolution No. 2018-066, approving appointments to Boards and Commissions~~ **(Moved and Heard during Section XIV)**

3. Resolution No. 2018-067, approving the removal of a section of Armstrong Court, 143 feet north of Armstrong Drive

Offered By: Council Member Murdock; Seconded By: Mayor Pro-Tem Brown

Approved: Yes – 6; No – 0; Absent – 1 (Richardson)

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-069, approving an application for a Neighborhood Enterprise Zone (NEZ) Rehabilitation Certificate for Lillie Covington, 406 S. Hamilton, Ypsilanti, MI

Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Bashert

Approved: Yes – 6; No – 0; Absent – 1 (Richardson)

2. Resolution No. 2018-066, approving appointments to Boards and Commissions.

Offered By: Council Member Murdock; Seconded By: Council Member Bashert

Approved as Amended: Yes – 5; No – 1 (Robb); Absent – 1 (Richardson)

XV. 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

XVI. COUNCIL PROPOSED BUSINESS –

XVII. COMMUNICATIONS FROM THE MAYOR –

XVIII. COMMUNICATIONS FROM THE CITY MANAGER –

List of gun manufacturers and private owners of Prison Operators in which City or Fire/Police pension funds are invested

XIX. COMMUNICATIONS –

Nominations

Ypsilanti Community Utilities Authority

Jon Ichesco (Reappointment)
1218 Pearl
Ypsilanti, MI 48197

Police Advisory Commission

Michael Stone-Richard (Ward 3)
844 Railroad
Ypsilanti, MI 48197

Andy Fanta (Ward 2)
1221 Westmoorland
Ypsilanti, MI 48197

XX. AUDIENCE PARTICIPATION –

XXI. REMARKS FROM THE MAYOR –

XXII. CLOSED SESSION –

~~Closed Session to discuss personnel evaluation pursuant to OMA 15.268, Section 8(a)~~ **(Removed)**

XXIII. ADJOURNMENT –

Resolution No. 2018-070, adjourning the City Council meeting
The meeting adjourned at 9:19 p.m.