

1. Council Meeting Agenda

Documents:

[05-01-18 FINAL AGENDA.PDF](#)

2. Council Meeting Packet

Documents:

[MAY 1, 2018 COUNCIL PACKET.PDF](#)



**CITY OF YPSILANTI REGULAR COUNCIL
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MAY 1, 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 –

Proclamation in honor of Fred Williams, III FOR 34 years of service with the Ypsilanti Fire Department – County Commissioner Ricky Jefferson

Legislative Update – Kirk Profit, Lobbyist

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. PUBLIC HEARING –

1. Underground electrical easement for 15 S. Washington Street
 - A. Resolution No. 2018-104, determination
 - B. Open public hearing
 - C. Resolution No. 2018-105, close public hearing

XI. CONSENT AGENDA –

Resolution No. 2018-106

1. Resolution No. 2018-107, approving minutes of April 17, 2018
2. Resolution No. 2018 -108, approving Ordinance No. 1301: Ozone House Planned Unit Development (PUD) for 1600 Huron River Drive (Huron/Superior vacant lot) at Second and Final Reading.
3. Resolution No. 2018-109, approving Ordinance No. 1308: Bell-Kramer and Former City Landfill Well Prohibitions at Second and Final Reading.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-094, approving the Rental Inspection Fee Schedule Update (***Tabled 4/17/18***)
2. Resolution No. 2018-110, approving Intergovernmental Agreement with Washtenaw County Road Commission for Resurfacing of Emerick St.
3. Discussion - Mandatory Recycling Ordinance and Relocation of Recycling Drop-off Center

XIII. LIAISON REPORTS –

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

XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

- Update on Train Platform
- Update on Public Participation Policy

XVII. COMMUNICATIONS –

XX. AUDIENCE PARTICIPATION –

XXI. REMARKS FROM THE MAYOR –

Nominations:

Ethics Board

Charisa G. Allen (new appointment)
450 Burton Court
Ypsilanti, MI 48197
cherisaallen@gmail.com

Planning Commission

Michael Simmons (new appointment)
128 Bell Street
Ypsilanti, MI 48197
resolvingconflicts@yahoo.com

XVIII. CLOSED SESSION -

Closed session to discuss City Clerk evaluation pursuant to OMA 15.268, Section (8)(a)

XXII. ADJOURNMENT –

Resolution No. 2018-111, adjourning the City Council meeting



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Council Member Richardson	P A		

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

REQUEST FOR LEGISLATION

DATE: April 27, 2018

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Michigan Advocacy Program – DTE Underground Easement

SUMMARY/BACKGROUND

The Michigan Advocacy Program has purchased the building located at 15 S. Washington and is currently performing renovations to relocate its operations to that location. In order to provide power to the building, the group has requested that the City grant an underground easement to the DTE Electric Company through the N. Huron parking lot. My office and Public Services has reviewed the language of the easement and have no issue. Public Services has also reviewed the plans for the work and is satisfied. The group will provide a performance bond through the permit process to ensure the condition of the lot is restored to its present condition once the work is completed.

Attached is a memo from Bob Gillett, Executive Director of the Michigan Advocacy Program, to provide more information about this request. Adoption of the instant resolution would approve the attached easement.

RECOMMENDED ACTION: Review and consideration

DATE RECEIVED: _____ AGENDA ITEM NO.: 2018-104

CITY MANAGER COMMENTS: _____

FOR AGENDA OF: 5-1-18 FINANCE DIR. APPROVAL: _____

COUNCIL ACTION TAKEN: _____

To: John Barr and Dan Duchene
From: Bob Gillett
Re: DTE easement for 15 S. Washington
Date: April 26, 2018

You asked for a memo summarizing the reasons why we are supporting the DTE easement request.

As you know, the Michigan Advocacy Program (MAP) purchased the 15 S. Washington site last fall and is redeveloping the building as our program offices. Our overall development will renovate a long-vacant and dangerous building and replace it with a community resource with about 40 professional staff coming to downtown Ypsilanti every day.

In the past, electric service to the building was provided by an overhead wire running from a pole in the City-owned lot to the northeast corner of the 15 S. Washington building. This service was discontinued when the building was vacant, so our request for service is considered a request for new service. Code now requires that electric service be provided underground. DTE needs the easement in order to dig a trench to connect the 15 S. Washington building to service. Other than a short interruption in traffic flow to dig and fill the trench, there will be no ongoing impact on the City's property.

As we've discussed, we have no objection to meeting the City's standards for repair of the trench area. We have agreed to provide a bond to assure that the repairs are completed to the City's requirements.

We would very much appreciate an expedited consideration of this request. We are hoping to complete the rehabilitation of the building and move by mid-June. The uncertainty about the availability of electric service is the most significant barrier preventing us from finalizing a move date.

Please let me know if you have any questions or would be interested in any additional information.

Cc: Timothy Stout
O'Neal Construction



Resolution No. 2018-104
May 1, 2018

RESOLUTION APPROVING GRANT OF UNDERGROUND
EASEMENT TO DTE ELECTIC COMPANY

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: the certain underground easement be granted to the DTE Electric Company, copy attached, is hereby approved and the mayor and city clerk are authorized to sign the same, subject to the approval of the city attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

On _____, 2018, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive underground easement ("Right of Way") in, on, and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is: City of Ypsilanti whose address is 1 South Huron St., Ypsilanti, Michigan 48197

"Grantee" is: DTE Electric Company, a Michigan corporation, One Energy Plaza Drive, Detroit, Michigan 48226

"Grantor's Land" is in the Original Plat of the Village (now City) of Ypsilanti as recorded in the transcripts on page 162 of Washtenaw County Records, and State of Michigan, and is described as follows:

THE LEGAL DESCRIPTION AND EASEMENT IS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Tax Identification Number(s): 11-11-39-101-018
More commonly known as: S. Huron/vacant

The "Right of Way Area" is a ten (10') foot wide easement on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described as follows:

EASEMENT DRAWING IS MORE PARTICULARLY DESCRIBED ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate and maintain underground utility line facilities, which may consist of wires, manholes, conduits, pipes, cables, transformers and accessories.
2. **Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area over and across Grantor's Land.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent. Grantor agrees, at its own expense, to remove any improvement that interferes with the safe and reliable operation, maintenance and repair of Grantee's facilities upon the written demand of Grantee. If Grantor fails to comply with such demand, Grantor agrees that Grantee may remove any such improvement and bill Grantor for the cost thereof, which cost Grantor shall pay within thirty (30) days after demand therefor.
4. **Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.
5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots growing or that could grow or fall in the Right of Way Area and remove any structures, improvements, fences, buildings or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's facilities. No landscaping, trees, plant life, structures, improvements or fences may be planted, grown or installed within 8 feet of the front door, or within 2 feet of the other sides, of transformers or switching cabinet enclosures, and Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in such areas.

6. **Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is reasonably practicable to the condition in which it existed prior to such damage. Restoration with respect to paved surfaces shall consist of asphalt hot patching of the damaged portion of any asphalted surfaces when the weather conditions suggest such use and the cement patching of the damaged portion of any cemented surfaces. Grantee shall have no liability, however, for the restoration or cost of any improvements located within the Right of Way Area, including, but not limited to, parking islands, gutters, fences or landscaping such as trees, bushes, or flowers (but not a simple lawn which, if damaged, will be patched and re-seeded by Grantee) that are damaged by Grantee in the course of constructing, reconstructing, modifying, adding to, repairing, replacing, operating or maintaining its facilities as described in paragraph 1 above.

7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

8. **Exemptions:** This Right of Way is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

9. **Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

Grantor: City of Ypsilanti

By: _____
(sign)

Name: _____
(print)

Title: _____

Acknowledged before me in _____ County, Michigan, on _____, 2018,
by _____

Notary's
Stamp _____

Notary's
Signature _____

Acting in _____ County, Michigan

Drafted by and when recorded, return to: DTE Energy Attn: Bleu Carter room 104 8001 Haggerty Rd Belleville Rd MI 48111

PLEASE USE BLACK INK

EXHIBIT "A"

DESCRIPTION OF PARCEL #11-11-39-101-018:

Lots 124 thru 129, except the south 106.09 feet of the west 132 feet of the "Original Plat of the Village (now City) of Ypsilanti", Washtenaw County, Michigan, as recorded in transcripts on page 162 of Washtenaw County Records.

PROPOSED 10 FOOT WIDE EASEMENT:

Describing a 10 foot wide Easement, being 5 foot each side of the following described Centerline:

Part of Lots 126 and 127 of the "Original Plat of the Village (now City) of Ypsilanti", Washtenaw County, Michigan, as recorded in transcripts on page 162 of Washtenaw County Records, more particularly described as follows: Commencing at the Southwest corner of Lot 129 of said "Original Plat"; thence along the Southerly line of Lot 129 and the Northerly line of Ferris Street, N 89°56'59" E, 132.63 feet (recorded as 132 feet); thence along the East line of the west 132 feet of Lots 126 & 129, as previously surveyed, N 00°01'27" W, 84.11 feet, to the POINT OF BEGINNING of the Easement Centerline to be described, being 22 feet South of the Northeast corner of the existing Building at 15 South Washington Street; thence N 89°56'59" E, 61.18 feet; thence N 00°01'27" W, 22.32 feet, to the POINT OF ENDING, being 5 feet West of the existing Power Pole.

Bearings were established by holding a bearing of due North along the West line of Lots 126 & 129 (also being the East line of South Washington Street) of the "Original Plat of the Village (now City) of Ypsilanti", as recorded in transcripts on page 162 of Washtenaw County Records.

REFERENCES:

1. Exhibit 1, City Parcel, Tax ID# 11-11-39-101-018 description.
2. Survey by Boss Engineering, Job No. 17-146, dated 4-26-17.

G:\17-146\docs\10-FOOT EASEMENT.doc
March 28, 2018
Page 2 of 2
Job Number: 18-057



3121 E. GRAND RIVER
HOWELL, MICHIGAN
517-546-4836
www.bosseng.com



CHRISTOPHER S. FERGUS, P.S.



Resolution No. 2018-105
May 1, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a Public Hearing regarding an Underground Electrical Easement for 15 S. Washington be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2018-106
May 1, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2018-107, approving minutes of April 17, 2018
2. Resolution No. 2018 -108, approving Ordinance No. 1301: Ozone House Planned Unit Development (PUD) for 1600 Huron River Drive (Huron/Superior vacant lot) at Second and Final Reading.
3. Resolution No. 2018-109, approving Ordinance No. 1308: Bell-Kramer and Former City Landfill Well Prohibitions at Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2018 - 107
May 1, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of April 17, 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, APRIL 17, 2018
6:00 p.m.**

I. CALL TO ORDER –

The meeting was called to order at 6:04 p.m.

II. ROLL CALL –

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Absent	Council Member Vogt (7:45)	Present
Council Member Murdock	Present	Mayor Edmonds	Present
Council Member Richardson	Present		

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

On a voice vote, the motion carried, and the absence was excused.

III. INVOCATION –

Mayor Edmonds asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

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

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

VI. CLOSED SESSION -

Closed session to discuss collective bargaining strategy pursuant to OMA 15.268, Section (8)(c)

Council Member Richardson moved, seconded by Council Member Bashert to adjourn to Closed Session.

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

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

VOTE:

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

Adjourned to Closed Session at 6:08 p.m.

Reconvened to Open Session at 7:07 p.m.

VII. INTRODUCTIONS

Mayor Edmonds introduced the following individuals; City Manager Darwin McClary, City Clerk Frances McMullan, City Attorney John Barr, Assistant City Attorney Dan DuChene, Interim Economic Development Director Joe Meyers, City Planner Bonnie Wessler, and DPS Director Stan Kirton.

Council Member Bashert moved, seconded by Council Member Murdock to hear Resolutions No. 2018-082, Ozone House PUD, next on the agenda.

On a roll call, the vote to amend the agenda was as follows:

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

VOTE:

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

VIII. ORDINANCES – FIRST READING –

Ordinance No. 1307

1. Ozone House Planned Unit Development (PUD) for 1600 Huron River Drive (Huron/Superior vacant lot)
 - A. Resolution No. 2018-082, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti supports the provision of adequate social services for its residents, particularly youth; and

Whereas, Ozone House is a reputable provider of such social services; and

Whereas, Ozone House has proposed to consolidate many of their services to a newly constructed site at 1600 Huron River Drive; and

Whereas, the Planning Commission has reviewed the application for a Planned Unit Development, and has recommended approval.

Now therefore be it resolved that the Ypsilanti City Council adopt the ordinance entitled "Ozone House Planned Unit Development" and approve the associated Planned Unit Development Agreement on First Reading.

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Murdock

City Planner Bonnie Wessler provided a synopsis of why this resolution was submitted for approval.

B. Open public hearing

1. Najah Graham, 1560 S. Harris, stated the importance of Ozone House to be approved this PUD, many local young people depend on the facilities services. It allows young people to have a stable home and environment.
2. Brendie Bottles, 104 Best Hall, stated Ozone House has been a tremendous support for her. She has been receiving PTSD treatment which has saved her life. Sometimes she has car troubles and moving Ozone House closer will help to ensure she is able to get to the treatment she needs.
3. Sakinah and Zakiyyah Rahman, spoke in support of Ozone House and have personally benefited greatly for the services Ozone House has provided. The proposed new location will assist greatly in expanding services.
4. Krista Girty, Executive Director, stated it makes sense for the Ozone House to be located in Ypsilanti because 80% of the people the facility serves reside in this city.
5. Emily Swan, 331 Vinewood Ct., supports Ozone House the services they provide are invaluable to the community.
6. Ramone Williams, Ann Arbor, stated while he attended Eastern Michigan University he was homeless and although he was out of the age range of those assisted by Ozone House they still provided services. If Ozone House secures this property it would be able to consolidate all of its services to one building.

C. Resolution No. 2018-083, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Public Hearing for "Ozone House Planned Unit Development" be officially closed.

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Richardson

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

Mayor Edmonds stated she is excited about this project moving forward and appreciates the work completed by staff.

Council Member Murdock asked for clarification for what this will approve. Ms. Wessler stated essentially a Planned Unit Development is just a zoning change. She explained the agreement was included in the packet and the site plan would be recorded with the Register of Deeds. Mr. Murdock asked the status of the purchase agreement for this property. Ms. Wessler replied the purchase agreement is still active and will not expire until May 21st. Mayor Edmonds asked when the

purchase agreement will be back before Council. Ms. Wessler replied she does not believe the purchase agreement will require another extension. Mr. Murdock believes this will be the last action Council takes for this project.

Council Member Bashert asked about the concerns regarding the geo-technical issue with the site. Ms. Wessler responded those issues have all been resolved.

Council Member Robb stated will happen if the zoning is changed and the sale is not executed. Ms. Wessler replied the property is zoned for this project, however, a clause is included that if this project is not begun by a certain date the zoning change is terminated.

Council Member Bashert is pleased and excited this project is continuing to move forward, and it will be a wonderful addition to the city.

On a roll call, the vote to approve Resolution No. 2018-082 was as follows:

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

VOTE:

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

Council Member Bashert Moved, seconded by Council Member to amend the agenda and hear Resolution No. 2018-042 next, along with Audience Participation for that item.

On a roll call, the vote to amend the agenda was as follows:

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

VOTE:

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

IX. AUDIENCE PARTICIPATION RESOLUTION NO. 2018-042 –

1. Andrew Maniotes, 911 Grant, urged Council to vote no on Resolution No. 2018-042. He has concerns this merger with a private business will take jobs away from university students. The students are also residents of this city and the money they earn will filter back into the community. Many of the faculty and union are proud residents and urge Council to vote no.
2. Judy Kullberg, EMU Professor, urged Council to vote no, the privatization of parking will add to the already high burden to pay for education. Privatization always adds to cost and decreases quality of service. She stated this agreement contains ethical issues including a lack of transparency. A full discussion has not been had with the community and the content of the agreement has not been made available. She believes the agreement contains several questionable elements. Many universities that have privatized its parking have seen a loss in revenue and operational control of its parking system.

3. Mark Higbee, 704 Hemphill, thanked Council for their hard work. He claims the reason the university is privatizing its parking system is the university wants to subsidize football on the backs of the students. The university is in a deficit because of the football and other athletic programs. Management has decided to eliminate four of the least expensive sports and continue programs that cost the most and have never been competitive. It should be easier to attend the university and more attractive to live in the city of Ypsilanti. The key to achieve those goals is to have an attractive campus and a high quality of life in the city. It is strange EMU is entering into an agreement with an Arizona corporation, it has nothing to do with education it is about giving money to private companies. This does not make good sense.
4. Alex Nuttle, 116 Pitman, urged Council to vote no on Resolution No. 2018-042. He explained the university has done little to communicate details of this agreement. EMU has a history of ignoring the student body, except a few student leaders who only purpose is to give the administration positive feedback on disastrous policy. This country is reaching a point that the quality of higher education is decreasing because of privatization. If Council wants to stand in solidarity with the students of EMU vote no.
5. David Schuett, 137 S. Grove, stated he is both a student and employee at EMU. He has issue with the privatization of EMU's parking system. As an employee of the university he makes very little and the cost of a parking permit is \$155 a semester. He is forced to pay that cost each semester so that he can go to work. He asked Council to vote no on the resolution.
6. Sam Jones-Darling, 122 Phelps Hall, stated this is not about the privatization of parking it is about the decreased experience for EMU students. The university needs to maintain control over parking to help finance needed renovations to university facilities. The \$55 million would provide the university the ability to bond to make the improvements to its facilities and expand public transportation. By saying no to this resolution Council would say no to the College of Technology and saying no to the students. He encouraged Council to vote yes to approve this resolution.
7. Annie Sommerville, 40 E. Cross, stated she is about to graduate from EMU and she is not proud of many of the decisions made by the university. She believes the privatization of departments at the university is a bad deal. She does not feel privatization of parking will benefit the university, and the funds created from the privatization will not be used to benefit the students. The idea that EMU puts education first has never been true. She urged Council to vote no.
8. Miles Payne, EMU Student Body President, stated student government recently held a vote regarding what they would do if they were in City Council's place. The outcome was eleven affirmative votes and five no votes. He asked Council to keep that in mind that those elected to speak for the students voted to approve this agreement. The deal will go through regardless of Council's vote, the only change will be the amount the university receives will decrease from \$55 million to \$45 million. However, he disagrees with the Board of Regents plan to move forward with the athletic complex and he has pleaded with the administration to be more transparent. He pleaded with Council to pressure the university to be more transparent.
9. Charles Cunningham, 1007 W. Cross, urged Council to vote against the resolution. He does not feel this agreement is good for Ypsilanti residents. City tax payers would be subsidizing private equity profit making. If the bond holder does not get their returns they will go after whomever they can, and the city could become a target. He asked Council not to be fooled by statements that a no vote will cost the university \$10 million. This will only allow the university to leverage more debt.

10. Desirae Simmons, 407 Charles St., stated EMU needs to be held accountable as a good neighbor to Ypsilanti. The people being laid off by the university are Ypsilanti residents and it is clear EMU is not a good neighbor. She is tired of hearing public-private partnerships are a good thing for the public. EMU made this decision prior to discussing it with the city and assumed the city would approve it without much regard. She asked Council to vote no.
11. Rodney Casey, Ypsilanti Township Delegate, urged Council to vote no on this resolution. He does not want the cost for parking to continue to increase drastically over the thirty-five year contract.
12. Daric Thorn, 190 N. Washington, stated He is the teacher's union president and he is tired of having to fight with the university. He said he would not have to fight if the university would have a conversation with the union. The university's regents are appointed by the governor and are accountable to only that office. The Council has an opportunity to hold the university accountable, and asked that they do that. He urged Council to vote no.
13. Allison Winters, 706 Pearl St., stated three out of the four residents of her apartment work for EMU parking, and have had difficulties with align work schedules with class schedules. She asked Council to vote no on this resolution.
14. Robin Lucy, 1105 Pearl St., stated the only time the school's motto of education first has been brought up tonight has been by students. This speaks volumes about the problems with the university. If education is first administration needs to be held accountable.
15. Ian Robinson, Lecture Union President, asked Council to vote no on Resolution No. 2018-042. He finds it very interesting EMU administration would rather take \$10 million in losses than submit the agreement for public scrutiny.
16. Riley Murray, 1015 Holmes, stated he is a freshman at EMU and asked Council to vote no.

X. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-042, approving the issuance of revenue notes for the Eastern Michigan University Parking System ***(Postponed 3/6/2018)***

Mayor Edmonds asked for clarification about the property being tax exempt, and if it could become taxable. City Attorney John Barr responded bonds can be both taxable and non-taxable. It depends on the internal revenue code if bonds are tax exempt, which there are many different codes. The specific code in this matter is a private activity bond, and the rationale is the government feels it does not have sufficient funding to perform a task and creates a partnership to bring in private funding. In order to facilitate that partnership certain bonds are tax exempt. The code requires the bond be issued by a governmental entity, and there is nothing in the code that ties the governmental agency to those bonds. Ms. Edmonds asked if this land could ever become taxable. Mr. Barr responded at the present state of the law this does not change the ownership of the property, nor the taxable status of the property. There would need to be a change of the law in order for that to be altered.

Council Member Murdock asked what the city's responsibility for the issued bonds. Mr. Barr responded the city has no obligation for these bonds. Mayor Edmonds asked if the concessionary defaulted would the city have any obligation. Mr. Barr responded no.

Council Member Richardson stated when Council postponed this resolution in March it requested the university to communicate with the stakeholders affected by this issue. She stated Council is hearing that was not done and she would like to hear from both sides. Chief Financial Officer Mike Valdez replied the agreement was shared with the faculty senate. Ms. Richardson asked if an open session was held that faculty and staff spoke with the administration. She

stated major decisions should be discussed by those most affected to avoid situations like this. Mr. Valdez replied there was not an off campus invitation to discuss this issue. Vice President of Communications Walter Kraft urged Council to vote to approve this resolution. There is something that is not being discussed, and that is the role this program will play in bringing new people to the campus. Michigan has a declining population of high school students, which has impacted enrollment at schools across the state. Community College enrollment is also declining leading to fewer transfer students. New funding sources must be identified in order to maintain the university. The ultimate objective of this parking agreement is to support the effort to enroll more students. Mayor Edmonds asked what the scenarios are if Council votes no to this resolution. Mr. Kraft replied most likely the program would be financed through taxable bonds, which would ultimately result in less upfront payment for the university. Preliminary estimates state a \$10 million reduction.

Council Member Bashert stated during the March meeting when this resolution was first heard she suggested having a dialogue with those affected by this agreement. It was not a requirement but a strong suggestion, and it is clear that suggestion was not taken. She thinks this will move forward regardless of Council's approval, and the health of the EMU community will be negatively if not more transparent in the future.

A Faculty Senate Member stated there has been no discussion regarding parking at the senate. There has not been an effort to share the agreement with faculty.

Mayor Edmonds asked how and when the agreement was shared with EMU's campus. Mr. Kraft stated a statement was released last May the university was considering privatizing parking. There was then discussion at the Board of Regents of which a notification was released. Ms. Edmonds asked if the agreement would have been available online for review. Mr. Kraft responded he is not certain. Mr. Valdez added the agreement has not been publically posted.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YPSILANTI, MICHIGAN,
APPROVING THE ISSUANCE BY THE Arizona Industrial Development Authority OF ITS
REVENUE NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT
NOT TO EXCEED \$65,000,000, TO FINANCE CERTAIN ACQUISITION COSTS RELATING**

TO THE EASTERN MICHIGAN UNIVERSITY's PARKING SYSTEM FOR

Provident Group – EMU Properties LLC

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 17th day of April, 2018.

PASSED AND DULY ADOPTED at a regular meeting of the City Council of Ypsilanti, Michigan on this 18th day of April, 2018.

OFFERED BY: Council Member Murdock

SECONDED BY: Council Member Vogt

Mayor Edmonds stated during the March meeting there was great discussion on the need for greater community engagement. It is clear that has not happened in a way people feel was adequate. She does not feel the university should be prioritizing athletics above education.

Council Member Bashert stated this has been a highly charged situation. She has personal and political issues with privatization of public responsibilities. There is always a cut in services and an increase in cost and that is not being acknowledged. There has been a theme of privatization on EMU campuses, and she wishes the vote was against privatization. Unfortunately, the vote is for a bond issue. EMU is not making the hard choices, and are blowing up their community as a result. She stated she will be reluctantly voting yes.

Council Member Richardson stated she is disappointed this agreement has already been settled. The only thing Council is voting on is whether EMU will be getting \$55 million or \$45 million. It is unfortunate this wasn't decided as a whole community, and she is firmly against privatization. She would like to see the university and the city working together, and for the university to be open with its own people. The university should have approached the city much sooner, and said it was not fair to put Council in this position. If this vote was for the privatization it would be undoubtedly no, but she is voting for the \$10 million for the university.

Council Member Vogt stated he shares the comments of Council, and is disappointed of the behavior of EMU administration's appointment. The issue is with Lansing, and nothing will improve until there is a change in leadership. He will reluctantly vote to approve this because the vote is not about those issues, it is about the specific bond and \$10 million.

Council Member Robb stated Council deals with contentious issues all the time. Council does not have power over this contract, but ultimately this is about privatization. However, he is offended Council is being inserted into a process that it has no control. He does not believe Council should be involved in a process that it does not control.

Mayor Edmonds asked if the city votes against this there would be an opportunity to get tax exempt bonds from the state. Mr. Valdez responded the TEFRA law allows for the jurisdiction the assets are in to approve the bonds. So the City of Ypsilanti, Washtenaw County, or the State could approve the bonds. Ms. Edmonds asked if this body votes no, would EMU approach one of the other entities for approval. Mr. Valdez responded he is not certain.

Council Member Murdock stated he is against privatization, but whether or not this vote is about privatization it is not a good vote. When this was brought to Council in March, it was the first time he was aware the city was a part of the process. This resolution was postponed in order for EMU to provide two things; to meet with affected parties, which did not happen to the degree Council had hoped, and what community benefit would this agreement provide to the city. The benefit was the university would return a portion of the North Washington St. lot back to the city. EMU's administration seem to be willing to move forward with that proposition. He does not feel comfortable with making this vote, but as Council Member Richardson said the agreement has been made, and a no vote would only result in \$10 million less for the university.

Mayor Edmonds stated she has given this issue much consideration. It is Council's duty to vote on what is presented to them, and has received clarification on most questions she has had. She feels it is very unfortunate Council is in this position by proxy. She is going to vote no on this resolution, and feels there are other options for EMU. Many times Council has been drawn into EMU issues is because of EMU's administration to be transparent.

Council Member Richardson stated the city is working on developing a community benefits ordinance, and hopes EMU will respect that ordinance. She will be asking the city to provide greater benefits for the city, especially in Ward 1.

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

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

VOTE:

YES: 4 NO: 2 (Robb, Edmonds) ABSENT: 1 (Brown) VOTE: Carried

XI. PRESENTATIONS –

Mayor Edmonds read a prepared statement regarding her involvement in city official's trip to China and the source of its funding. If Council votes to censure her she will not be requesting a hearing to dispute it.

XII. AUDIENCE PARTICIPATION –

1. Rae, Ypsilanti residents, stated regardless of how she feels about Council and their professional behavior they are her community members. She is disappointed, not in just those who took the trip to China, but all members of Council other than Council Member Richardson. Council was willing to sell the city out for the proposed International Village. Information was not shared with the community, which was not acceptable. The City Attorney and City Manager should have stopped the china trip.
2. Daniel Ing, 215 Woodward, stated he understands ongoing frustration with Water Street. He encouraged Council to continue looking for a developer for this site. He asked Mayor Edmonds to resign.
3. Zack Fosler, YHC Executive Director, voiced his support for the bike share pilot. This would be a great program for the community.
4. Emily Swan, 331 Vinewood, stated she supported having outside Counsel investigate the funding source of the China trip. She read the legal report and the article in Metro Times by Tom Perkins and the more she read is there is no definitive proof. Without proof there is no case and Council should only vote yes to censure based on facts.
5. Sam Jones-Darling, 122 Phelps, stated the mayor should not be the scapegoat because Council did not do its due diligence. Council's job is to manage the City Manager and his job is to manage staff, and staff made the error. The report implicates a former employee and the developer of a possible legal act, but it does not implicate the Mayor.
6. Bryan Foley, Ypsilanti resident, stated there is a plan by Ypsi Proud that would change the tennis court into a soccer court. The report claims the tennis court is unused, which is untrue. He takes issue that Ypsi Proud is going to make that change if the community wants it or not. It is very offensive to have an organization tell a community what they are going to do.
7. Patrick Elkins, 810 W. Jefferson, Ann Arbor, invited everyone to Totally Awesome Fest on April 27th through the 29th.
8. Jim Sundberg, 1309 Collegewood, stated the assumption of good intentions is important for building strong communities. He and his wife have been following the issues regarding Water Street, and prior to the trip to China City Council to approve the purchase process and the overall

development of the site. At the time of the trip the funding source appeared to be a student organization and not the developer. The intention of the trip was to gain information on Chinese architecture and financing. There is no official gain of perusing any type of criminal charge and he would see it as a waste of time.

9. Andy Fanta, 1221 Westmoorland, stated there are two things that face Council; one is an emotional motivation to censure the mayor and another is a legal motivation. Censuring the mayor would achieve nothing in the terms of the mayor's immediate career. What it will do is give the city a black eye and divide the community. If something like this happens again he implores Council to have the City Attorney investigate.
10. Cheryl Farmer, 214 N. Huron, stated on February 26th she submitted an Ethics Complaint to Council Member Brian Robb. The complaint was in reference to work Mr. Robb performed in his yard without an HDC permit. No one is above the law and elected officials in particular have a responsibility to follow the law. She is still waiting for Council to take action, while the China trip report resulted in a resolution of censure of the Mayor. The report is incomplete and all those who went on the trip were not interviewed. She asked if the Council will show the Mayor the same restraint they showed Council Member Robb.
11. Alex Husted, 430 S. Adams, stated Ypsilanti City Council does not care about public comment, which was very clear when Council voted the International Village.
12. Katy Clark, 430 S. Adams, stated she finds it disrespectful the Mayor said she was the only one to ask questions regarding the funding of the China trip. Questions were raised by community members. She is in support of censuring the Mayor and forwarding the report to the Washtenaw County Prosecutor.
13. An Audience member stated leadership is characterized by service. Asked the Mayor to resign immediately. Local activists led the questioning of the funding, and the claims the developer was funding the trip.
14. Christian Ken, Horton Ct, stated he is a mechanical engineering student at the University of Michigan. He would not be the person he is today without the love, mentorship, and support of Mayor Edmonds. Ten years ago Mayor Edmonds gave him the opportunity for his first professional job at growing hope. During his tenure he witnessed the impact the organization had on the community. He asked Council to stand with Mayor Edmonds because of her character and love for the city.
15. Michael Simmons, 128 Bell, stated his comments are concerning the Bell/Kramer issues later in the agenda. He appreciates Council for their efforts in contamination testing and rezoning the neighborhood back to residential. Regarding the trip to China he entrusts Council to make the appropriate decision.
16. Bob Krzewinski, 706 Dwight St., urged Council to vote to approve the bike sharing pilot program.
17. Mike Gibbons, 110 N. Hamilton, stated he is struck by the fact Council members who voted for the International Village Development are now planning to vote to censure. He is not clear what is to be gained politically from the vote. He believes the Mayor acted imprudently not maliciously. It is time to take the lessons of this incident and move forward, and not forward the report to the Michigan State Police.

18. Amy Shrodes, River St., stated there are four members on the Ethics Board and she is aware of another person who applied in January and is still waiting for a response. She does not understand why there is not a full Ethics Board. The public comment was three full days prior to the China trip so many people were asking questions. Accountability lies with all of Council and she does not see the benefit of censuring one person.
19. Quinn Philips, thanked the City Manager for not renewing the former Economic Development Director's contract. She appreciates Council for taking the time to complete the investigation. The City Manager should have done his due diligence, and should not have been a part of hiring of the investigation. She said the Mayor lied several times during this investigation. Council should vote to terminate Mr. McClary.

Council Member Bashert moved, seconded By Council Member Vogt to extend until midnight.

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

20. Nathanael Romero, resident, thanked everyone for their comments and Adam Gainsley for providing a live stream of Council meetings. He agreed with the previous Economic Development Directors comments regarding Water Street during the last Council meeting. Particularly, the comment that a marketing strategy should wait until the approval of a community benefits ordinance and an update to the master plan. He supports the Council's involvement with the REDY movement and the approval of the HRC resolution to hold a budget town hall. He does not believe the Mayor is solely responsible for the China trip, but she should have done more due diligence. The City Manager should also have done his due diligence.
21. Brian Geiringher, resident, emphasized the need for "neighborliness" which he has seen during meetings to discuss a CBO. He added not voting for a project that would add to gentrification would be neighborly.
22. Julia Bayha, 401 Michigan Ave, stated she is a member of the Sustainability Commission she is incredibly interested in creating a sustainable world. She is disturbed Ypsilanti is not putting its full weight behind solar power issues. There are millions of dollars at stake that could put Ypsilanti in a better place economically.
23. Janette Rook, 200 W. Michigan Ave., stated she has seen Ypsilanti transform over the past couple of decades, in part due to Mayor Edmonds. She asked Council to not vote to censure to Mayor Edmonds, and believes staff and elected officials were trying to do their part for this town. Clearly mistakes were made and have had an impact on their lives and the lives of their families. She stated just because people did not attend a public meeting does not mean they were not initially in support of the International Village Development. There were many good things about the proposed project.
24. Rebecca Thomas, 320 N. Adams, commended the activists who put in a lot of work to research the International Village Development. The censure of Mayor Edmonds appears to be an entirely political maneuver.
25. Adam Gainsley, 409 N. Adams, stated as a DDA Board member he has a close view of what his board and many other city boards are doing. There is a lot to do with the 38 acre Water Street site and there is a lot of money tied to it. He appreciates the politics involved with the site, but they are not important at this moment. He does not have a good argument against turning the investigation over to the Michigan State police, but it does not make sense to censure the Mayor.

26. Desirae Simmons, 407 Charles, stated her concerns that there are a lot of questions that have not been answered. She believes Council and staff should have done its due diligence with the China trip. She stated just being against the International Village Development does not mean they are against all development. She believes the investigation should be turned over to the state police. She added there needs to be greater accountability for building inspections.
27. Sue Melke, 330 Chidester, stated she was in support of the International Village Development. She believes if public were to pay attention they would have been aware of what was happening, it was not a secret. She does not believe censure is appropriate and believes all of Council should be held accountable.
28. Jesse, resident, thanked the activists who released the information. She said the impact of a decision is more important than intention and people should be held accountable.
29. Taylor Field-Qudoga, 201 N. Washington St., stated what you do affects people, impact matters. She does not care if city officials did not mean to take a bribe.

XIII. REMARKS BY THE MAYOR –

XIV. ORDINANCES – FIRST READING –

Ordinance No. 1307

- ~~2. Ozone House Planned Unit Development (PUD) for 1600 Huron River Drive (Huron/Superior vacant lot)~~
 - ~~A. Resolution No. 2018-082, determination~~
 - ~~B. Open public hearing~~
 - ~~C. Resolution No. 2018-083, close public hearing~~

(Moved and heard following the Closed Session)

Ordinance No. 1308

1. Bell-Kramer Well Prohibition
 - A. Resolution No. 2018-084, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled “An ordinance to amend Chapter 106, Article III, Division 3 “Groundwater Wells” of the Ypsilanti City Code to regulate the use of groundwater in certain areas of the City.” be approved on first reading.

OFFERED BY: Council Member Richardson

SECONDED BY: Council Member Bashert

City Planner provided a synopsis to why this resolution is being requested for approval.

- B. Open public hearing

None

- C. Resolution No. 2018-085, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for “An ordinance to amend Chapter 106, Article III, Division 3 “Groundwater Wells” be officially closed.

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

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

2. Former City Landfill Well Prohibition
 - A. Open public hearing

None

- B. Resolution No. 2018-086, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for "An ordinance to amend Chapter 106, Article III, Division 3 "Groundwater Wells" be officially closed.

OFFERED BY: Council Member Richardson
SECONDED BY: Council Member Vogt

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

Council Member Richardson thanked staff for the work they did to correct an error from the past. She applauded the Bell-Kramer neighbors for their patients.

Council Member Bashert stated there are issues like this occurring all over the state. This is a relief for Council and staff and she is very excited this neighborhood is satisfied.

Council Member Vogt thanked Council, especially Council Member Richardson, and staff. He is apologetic this was not completed quicker, but he is glad it was brought to a positive conclusion.

On a roll call, the vote to approve 2018-084 was as follows:

Mayor Pro-Tem Brown	Absent	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: 6 NO: 0 ABSENT: 1 (Brown) VOTE: Carried

XV. CONSENT AGENDA I –

Resolution No. 2018-088

1. Resolution No. 2018-089, approving minutes of April 3, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of April 3, 2018 be approved.

2. Resolution No. 2018-090, approving contract with Carr's Outdoor Services, Inc. for the 2018 City of Ypsilanti Pavement Maintenance Program

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, bids were duly advertised for The City of Ypsilanti Pavement Maintenance Program; and

Whereas, four (4) bids were publicly opened on Wednesday, April 21, 2018 at 2:00 p.m. and reviewed for compliance with bidding qualifications and project specifications; and

WHEREAS, the bid submitted by Carr's Outdoor Services, Inc., 48910 Ford Road, Canton, MI 48187 best meets the project specifications and qualifications and is in the best interests of the City; and

Now Therefore Be It Resolved That the City Council awards the bid to Carr's Outdoor Services Inc. in the amount of \$1.12 per pound for crack sealing services throughout the City during the 2018-19 construction season; and

THAT the Mayor and City Clerk are authorized to sign the necessary contract documents, subject to approval by the City Attorney, to facilitate the completion of this work.

FURTHER, that the City Manager is authorized to sign change orders subject to the approval by the City Attorney.

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

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

XVI. RESOLUTIONS/MOTIONS/DISCUSSIONS –

2. Resolution No. 2018-042, approving the issuance of revenue notes for the Eastern Michigan University Parking System ~~(Postponed 3/6/2018)~~ (Moved and heard following Ordinance 1307)

Mayor Edmonds recused herself and passed the gavel to Council Member Richardson.

1. Resolution No. 2018-091, regarding the China Trip Investigation Report

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

WHEREAS, City Council, pursuant to its authority under Article II, Section 2.07 of the City Charter, began an investigation on October 3, 2017, concerning the travel of several City officials to China and funding of such travel; and

WHEREAS, as part of this investigation, City Council authorized and directed the City Manager, with the help and aid of the City Attorney, to issue a request for proposals and hire a Michigan law firm to conduct a full and complete investigation of this matter and report to City Council; and

WHEREAS, pursuant to this direction, the City retained the services of the Plato Law Firm, PLLC on November 7, 2017; and

WHEREAS, in conducting its investigation, the Plato Law Firm took approximately 20 hours of sworn testimony from eight individuals and reviewed more than 1,500 pages of documents, and records; and

WHEREAS, the Plato Law Firm issued its complete report and attached exhibits on April 11, 2018; and

WHEREAS, City Council has read and reviewed this report, agrees with its findings, and wishes to adopt its opinions and recommendations;

NOW THEREFORE BE IT RESOLVED THAT: the report of the Plato Law Firm concerning the travel of Ypsilanti officials to China be adopted by the City Council, and that the Council investigation into the matter is complete.

BE IT FURTHER RESOLVED THAT: the City Attorney is directed to forward this report to the First District Special Investigation Section of the Michigan State Police, as well as the recovered item of jewelry located in the office of the former economic development director.

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Bashert

Council Member Murdock stated there has been a lot of discussion and finger pointing regarding the trip to China. In May the City Attorney opined the developer could not finance the trip to China, which was the understanding of Council. The investigator found that the developer did finance the trip. The investigation also found multiple contradictory statements made by the former Economic Development Director, and questionable statements made by the Mayor. He will be supporting the resolution in order to move on from the China trip, and move forward with other city business.

Council Member Robb stated the city hired the investigator, and should follow its recommendation to forward the investigation to the Michigan State Police.

Council Member Richardson stated she cannot support the recommendation, or accept the report because she does not feel that it was complete. The report only focused on three people, the Mayor, former Economic Development Director, and Amy Foster. It should have included the City Manager, Chief of Police, and Mayor Pro-Tem Brown. Perhaps the Mayor should have dug further to find the source of the funding, but at least she did try. Ms. Richardson stated she will be voting no on this resolution, because the investigation was incomplete. Council Member Robb asked if Council Member Richardson is asking to direct Plato Law Firm to conduct additional investigations. Ms. Richardson responded she is done with the process, and does not want to continue to spend time and money on this issue. Council Member Vogt replied by forwarding this to the Michigan State Police the investigation would continue until its completion. He believes that is what is appropriate.

Council Member Bashert believes Plato preformed enough research, and she is ready to put this behind the city. The Chief of Police and the Mayor Pro-Tem were passive participants and understands why the investigation was not focused on them. Her goal is to bring closure to this and go back to doing the business of the city.

On a roll call, the vote to approve 2018-091 was as follows:

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

VOTE:

YES: 4 NO: 1 (Richardson) ABSENT: 1 (Brown) ABSTAIN: 1 (Edmonds) VOTE: Carried

2. Resolution No. 2018-092, regarding the China Trip Investigation Report

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

WHEREAS, City Council, pursuant to its authority under Article II, Section 2.07 of the City Charter, began an investigation on October 3, 2017, concerning the travel of several City officials to China and funding of such travel; and

WHEREAS, as part of this investigation, the City retained the services of the Plato Law Firm, PLLC on November 7, 2017; and

WHEREAS, the Plato Law Firm issued its complete report and attached exhibits on April 11, 2018; and

WHEREAS, City Council adopted the opinions and recommendations of this report and concluded its investigation; and

WHEREAS, Article II, Section 2.06 of the City Charter provides that City Council shall be the judge of the qualifications of its members and may provide for penalties as it deems appropriate for the violation of its standards of conduct; and

WHEREAS, the Preamble to the City Charter provides ethical principles for the government of the City of Ypsilanti, which generally state public servants should treat public office as a public trust, not to attain personal benefits or pursue any private interest incompatible with the public good, and decide all matters free from conflicts of interest and apparent improper influences; and

WHEREAS, Article IX, Section 9.01(a) of the City Charter gives the general admonition that "[t]he use of public office for private gain is prohibited" and requires that City Council "implement this prohibition by ordinance," including regulating "the acceptance of gifts and other things of value;" and

WHEREAS, Chapter 46, Article III, Section 46-76 of the Code of Ordinances for the City of Ypsilanti provides that "no [city officer] shall accept a gift... based on an agreement that the vote or the official action or decision of an officer... would be influenced thereby;" and

WHEREAS, misconduct in office under Michigan law includes non-feasance, or the failing to do an act required by the duties of the office; and

WHEREAS, the requirement for a showing of corrupt intent for misconduct in office does not necessarily require an intent for one to profit for oneself; and

WHEREAS, the office of Mayor of the City of Ypsilanti is a public office under the relevant Charter and Code provisions cited herein; and

WHEREAS, censure is a reprimand by City Council showing express, severe disapproval of an action or inaction; and

WHEREAS the findings of the report adopted by City Council as part of its investigation include the following actions and inactions of Mayor Amanda Edmonds:

1. She understood the provisions and policies of the City Charter and Code of Ordinances relative to ethics for City officers, she knew that she could not accept gifts valued more than \$25, and she knew a trip to China would well-exceed this amount.

2. As early as May 24, 2017, she knew that Amy Foster was an agent of Global Capital Group.
3. In August of 2017, she knew or had reason to know that Amy Foster was obtaining the Mayor's visa, she understood that obtaining such a visa is not free, and she did not question who was paying for the visa.
4. On September 7, 2017, she knew or should have known that the scholarship letter purportedly from the Wayne State CSSA was originally e-mailed from Ms. Foster and that she never received a scholarship letter directly from the Wayne State CSSA, signed by a member of the Wayne State CSSA, or even identifying a member of the Wayne State CSSA.
5. On September 10, 2017, she found contact Piefeng Li, a former member of the Wayne State CSSA, online and sent him both an e-mail and a LinkedIn message confirming the organization's funding for the scholarship because she anticipated public scrutiny on the issue.
6. Mr. Li responded to her LinkedIn message on September 12, 2017, and stating "It's worth noting that these 'scholarships' are mainly funds from a company called Global Capital Group LLC, based out of Michigan." This indicates, without question, that it was Ms. Foster providing the funding for travel.
7. While she denies seeing Mr. Li's response before she left for China, she does admit she was anticipating a response, she would usually receive an e-mail message alerting her that she received a message on LinkedIn, that she gets e-mails on her phone, and that she searched her e-mail on September 13, 2017, to respond to a FOIA request for "emails or other written documents that have anything to do with the City Council's travel to China regarding International Village, the Water Street in Ypsilanti since April 1, 2017.
8. She voted in favor of a resolution approving a purchase agreement with International Village, which was adopted by City Council on September 18, 2017.
9. She learned directly from Ms. Foster on September 19, 2017, that the Wayne State CSSA was a pass-through for funding of the trip, though at the time purportedly from the Chinese Consulate.
10. The flight to China was "business class," but she did not question the fact that it might not have been feasible or realistic for a student group to fly Ypsilanti officials "business class" to China.
11. Had she been diligent in reviewing the communications and documents that came to her, she should have realized the intimate involvement of Ms. Foster in financing the trip to China and should have recognized the acceptance of such a gift was an unethical breach of her fiduciary duties of her office as Mayor.
12. While there appears to be insufficient evidence that she intentionally used her public office for private gain, she was careless, neglectful, and lax in carrying out these duties.

NOW THEREFORE BE IT RESOLVED that the City Council for the City of Ypsilanti determines that the findings show the actions and inactions of the Mayor do not comport to the ethical standards of conduct laid out by the Charter and Code of Ordinances for the City of Ypsilanti.

BE IT FURTHER RESOLVED that City Council shall hold a hearing on To be determined to allow the Mayor an opportunity to respond to these findings and show cause why she should not be censured by City Council.

BE IT FURTHER RESOLVED that this resolution shall serve as notice to Mayor Amanda Edmonds of the hearing and its purpose.

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

Council Member Murdock stated the Mayor indicated in her statement she would accept the censure, and would not pursue a hearing. He asked if that "Be it Further Resolved" be removed.

Council Member Bashert moved, seconded by Council Member Murdock to remove both the "Be it Further Resolved" sections from the resolution.

Council Member Robb stated the purpose of the resolution is to notice the meeting, not to censure and without those two section he is not certain what the resolution does. Mr. Barr replied if those two sections are removed it would indicate the Mayor does not comport to the ethical standards of conduct. If Council wishes it could add "and is hereby censured", or language to that effect to the last section.

Council Member Bashert stated her sense is the city does not need this to drag on further. If Council is going to vote to censure it should be done during this meeting.

On a roll call, the vote to amend 2018-092 was as follows:

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

VOTE:

YES: 5 NO: 0 ABSENT: (Brown) ABSTAIN: 1 (Edmonds) VOTE: Carried

Council Member Bashert suggested adding language stating "Be it Further Resolved that this resolution stand as a formal censure". Council Member Vogt suggested following the City Attorney's advice and simply add "and is hereby censured" at the end of the sentence.

Council Member Bashert moved, seconded by Council Member Vogt to add "is hereby censured" to the end of the amended resolution.

Council Member Richardson asked what it would mean to be censured. Council Member Vogt responded it is an expressed disapproval of an action or inaction. Ms. Richardson asked what a punishment is for a censure. Council Member Bashert replied the resolution itself is the punishment.

On a roll call, the vote to amend 2018-092 was as follows:

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

VOTE:

YES: 5 NO: 0 ABSENT: 1 (Brown) ABSTAIN: 1 (Edmonds) VOTE: Carried

Council Member Bashert stated this has been a very difficult question in the City. There are some in the community that want very strong action be taken against the Mayor. Others are asking for clemency. When leaders make a mistake it

can undermined trust. Taking risks is a part of being a leader but taking responsibility is also part. She would have liked the Mayor to have taken greater responsibility for her part. However, she does not believe the Mayor did anything malicious or intentional. She encouraged, if the Mayor is censured, to consider not trying to do too much too fast in the future.

Council Member Vogt stated he was a part of this motion because he felt it necessary Council deliberate on this issue. Council needed to determine if a censure was appropriate, which he feels it is. He has great admiration for the Mayor and does not believe she did anything corrupt, or intentionally. He agreed with the Attorney's Office that Council and staff should have been very careful and not except any gifts from the developer. He believes the Mayor had access to more information than the other member of Council that went on the trip. However, she was trying to do positive things for the city but failed to see key warning signs. As much as he hates to bring this judgment it is appropriate.

Council Member Robb stated the Mayor had greater access to information than the rest of Council. The issue is the systemic failure in how information is distributed to Council. He asked is the resolution a punishment for making a bad decision, and should the Council that purchased Water Street be punished. The ultimate judge of the Mayor is the electorate, but she has chosen not to seek reelection. Council had little information regarding this trip, and he finds it difficult to punish her. He believes the point has been made, and should be left at that.

Council Member Richardson stated as much as she was upset about the China trip, the Mayor did try and find out where the funding initiated. She isn't sure how Council can censure the Mayor without reprimanding the remaining members of the trip. She believes the Mayor has punished herself more than Council ever could, and like Council Member Robb she would like this to be over.

On a roll call, the vote to approve 2018-092 was as follows:

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

VOTE:

YES: 3 NO: 2 (Robb, Richardson) ABSENT: 1 (Brown) ABSTAIN: 1 (Edmonds) VOTE: Failed

Council Member Robb moved, seconded by Council Member Murdock to amend the agenda and create a second Consent Agenda, including Resolution No. 2018-093 and Resolutions No. 2018-095-099, Consent Agenda II.

On a roll call, the vote to amend the agenda was as follows:

Mayor Pro-Tem Brown	Absent	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: 6 NO: 0 ABSENT: 1 (Brown) VOTE: Carried

~~3. Resolution No. 2018-093, approving contract with Complus Data Innovations, Inc. (CDI) for parking services~~ **(Moved to Consent Agenda II)**

~~4. Resolution No. 2018-094, approving the Rental Inspection Fee Schedule Update~~

- ~~5. Resolution No. 2018-094A, approving Pre-payment of Rental Fees-(Moved to Consent Agenda II)~~
- ~~6. Resolution No. 2018-095, confirming the City Manager's reappointment of City Attorney for an additional one-year term and approval of an extension of the City Attorney Service Agreement (Moved to Consent Agenda II)~~
- ~~7. Resolution No. 2018-096, approving the rejection of Bid for Prospect/Maus Intersection Improvement Project-(Moved to Consent Agenda II)~~
- ~~8. Resolution No. 2018-097, approving application to Local Bridge Program for Forest Avenue Bridge (Moved to Consent Agenda II)~~
- ~~9. Resolution No. 2018-098, approving application to Local Bridge Program for Factory and LeForge Street Bridges-(Moved to Consent Agenda II)~~
- ~~10. Resolution No. 2018-099, approving application to State and Federal Bridge Program for Cross Street Bridge-(Moved to Consent Agenda II)~~

XVII. CONSENT AGENDA II –

Resolution No. 2018-088A

1. Resolution No. 2018-093, approving contract with Complus Data Innovations, Inc. (CDI) for parking services.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council approved the publication of a Request for Proposal (RFP) to solicit bids for a third-party parking ticket processing service; and

WHEREAS, the City Clerk issued an RFP on December 5, 2017 at 8:00 a.m. with a closing date of January 16, 2018 at 3:00 p.m.; and

WHEREAS, the RFP was advertised on MITN and the city's website; and

WHEREAS, on February 20, 2018, City Council selected Complus Data Innovations, Inc. (CDI) as the successful bidder and directed staff to negotiate an agreement to present to City Council for final approval; and

WHEREAS, the attached agreement is the result of such negotiations; and

WHEREAS, the City is desirous of entering into an agreement with a contractor to provide services to the Parking Violations Bureau to improve the current software infrastructure and connectivity as well as replace the services that will be lost when CLEMIS phases out its parking hardware;

NOW, THEREFORE BE IT RESOLVED that the attached services agreement with CDI is approved and that the Mayor and City Clerk are authorized to sign the necessary contract documents on behalf of the City of Ypsilanti, subject to approval of the City Attorney.

2. Resolution No. 2018-095, confirming the City Manager's reappointment of City Attorney for an additional one-year term and approval of an extension of the City Attorney Service Agreement

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Section 4.07 of the Ypsilanti city charter delegates to the City Manager the authority to appoint the legal officer of the city, subject to confirmation by the city council; and

WHEREAS, City Attorney John Barr's current term as legal officer will expire on June 30, 2018; and

WHEREAS, the City Manager desires to reappoint John Barr as legal officer for the City of Ypsilanti for an additional one-year term effective on July 1, 2018, and terminating on June 30, 2019, and requests that the Ypsilanti city council confirm the City Manager's appointment; and

WHEREAS, the City Attorney's compensation for services rendered is enumerated in the Attorney Services Agreement executed on July 21, 2015, and the City Manager desires to extend the agreement under the same terms and conditions for an additional one year period; and

WHEREAS, City Attorney John Barr desires to provide legal services to the city under the same terms and conditions for an additional one year;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby confirm the City Manager's reappointment of John Barr as legal officer for the City of Ypsilanti for an additional one-year term commencing on July 1, 2018, and terminating on June 30, 2019; and

BE IT FURTHER RESOLVED that the city council does hereby approve the extension of the Attorney Services Agreement dated July 21, 2015, under the same terms and conditions, so that the agreement shall expire on June 30, 2019, and authorizes the Mayor and City Clerk to execute the agreement extension on behalf of the city.

3. Resolution No. 2018-096, approving the rejection of Bid for Prospect/Maus Intersection Improvement Project

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, bids were solicited to make accessibility improvements and pave the Prospect @ Maus intersection; and

WHEREAS, bids were duly solicited on BidNet for this project; and

WHEREAS, one bid was received from Doan Construction Company in the amount of \$145,976.20; and

WHEREAS; the bid submitted by Doan Construction Company, is approximately 52% over the engineers estimate of \$95,600 for this project; and

WHEREAS; staff recommends rejecting the bid submitted by Doan Construction Company; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council rejects the bid submitted by Doan Construction Company in the amount of \$145,976.20; and

THAT, council directs staff to rebid this project in the near future to keep this project on schedule for the upcoming construction season.

4. Resolution No. 2018-097, approving application to Local Bridge Program for Forest Avenue Bridge

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the bridge on Forest Street over the Huron River in the City of Ypsilanti has deterioration and is in need of preventative maintenance repairs; and,

WHEREAS, Orchard, Hiltz & McCliment, Inc., Consulting Engineers for the City of Ypsilanti, completed the inspection of the bridge in the City and prepared Inspection Reports and other information on bridge that includes preventative maintenance repairs on the bridge; and,

WHEREAS, based on the findings and recommendations of the Consulting Engineers, the Director of Public Services recommends that the City Council authorize the Director of Public Services and OHM to make application to the Michigan Department of Transportation to include the bridge on the State and Federal Bridge Programs for bridge preventative maintenance; and

WHEREAS, the City of Ypsilanti has available their 5% portion of the project financing available,

NOW, THEREFORE, BE IT RESOLVED that the City of Ypsilanti is actively seeking financial participation to perform preventative maintenance repairs on Forest Street bridge over the Huron River and authorizes the Director of Public Services and OHM to make application to the Michigan Department of Transportation, to include the Forest Ave. Bridge on the State and Federal Bridge Programs list, and to make application for financial assistance from the State of Michigan and Federal government, and to do those things reasonably necessary or required in order to accomplish the maintenance repair work on the four bridges.

5. Resolution No. 2018-098, approving application to Local Bridge Program for Factory and LeForge Street Bridges

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the bridges on Leforge and Factory Streets, all over the Huron River in the City of Ypsilanti, all have varying needs for preventative maintenance repairs; and,

WHEREAS, Orchard, Hiltz & McCliment, Inc., Consulting Engineers for the City of Ypsilanti, completed the inspection of both bridges in the City and prepared Inspection Reports and other information on each bridge that includes the different needs for preventative maintenance repairs on each bridge; and,

WHEREAS, based on the findings and recommendations of the Consulting Engineers, the Director of Public Services recommends that the City Council authorize the Director of Public Services to make application to the Michigan Department of Transportation to include both bridges on the State and Federal Bridge Programs for bridge preventative maintenance; and

WHEREAS, the City of Ypsilanti has available their 5% portion of the project financing available,

NOW, THEREFORE, BE IT RESOLVED that the City of Ypsilanti is actively seeking financial participation to perform preventative maintenance repairs on Factory Street

and Leforge Street bridges over the Huron River and authorizes the City Manager to make application to the Michigan Department of Transportation, to include both bridges on the State and Federal Bridge Programs list, and to make application for financial assistance from the State of Michigan and Federal government, and to do those things reasonably necessary or required in order to accomplish the maintenance repair work on the four bridges.

6. Resolution No. 2018-099, approving application to State and Federal Bridge Program for Cross Street Bridge

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the bridge on Cross Street over the Huron River in the City of Ypsilanti has deterioration and is in need of replacement; and,

WHEREAS, Orchard, Hiltz & McCliment, Inc., Consulting Engineers for the City of Ypsilanti, completed the inspection of the bridge in the City and prepared Inspection Reports and other information on bridge that includes replacement of the bridge; and,

WHEREAS, based on the findings and recommendations of the Consulting Engineers, the Director of Public Services recommends that the City Council authorize the Director of Public Services to make application to the Michigan Department of Transportation to include the Cross Street Bridge on the State and Federal Bridge Programs for bridge replacement; and

WHEREAS, the City of Ypsilanti has available their 5% portion of the project financing available,

NOW, THEREFORE, BE IT RESOLVED that the City of Ypsilanti is actively seeking financial participation to perform preventative maintenance repairs on Forest Street bridge over the Huron River and authorizes the Director of Public Services to make application to the Michigan Department of Transportation, to include the Cross Street bridge on the State and Federal Bridge Programs list, and to make application for financial assistance from the State of Michigan and Federal government, and to do those things reasonably necessary or required in order to accomplish the maintenance repair work on the four bridges.

OFFERED BY: Council Member Robb

SECONDED BY: Council Member Murdock

On a roll call, the vote to approve the Consent Agenda II was as follows:

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

VOTE:

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

XVIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-094, approving the Rental Inspection Fee Schedule Update

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti operates a rental inspection program; and

WHEREAS, City Council seeks to increase the fees associated with the rental inspection program in order to have a more complete cost recovery system for operations of the rental inspection department; and

WHEREAS, City staff has researched the cost of operations, the staff time associated with operations, and the comparable costs in similar communities.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the proposed Fee Schedule Update for the Rental Inspection Program to go into effect on June 1, 2018

OFFERED BY: Council Member Richardson

SECONDED BY: Council Member Vogt

Interim Economic Development Director Joe Meyers provided a synopsis to why this has been offered for approval.

Council Member Richardson moved, seconded by Council Member Vogt to table resolution No. 2018-094 until the first meeting in May.

On a roll call, the vote to table Resolution No. 2018-094 was as follows:

Mayor Pro-Tem Brown	Absent	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: 5 NO: 1 (Robb) ABSENT: 1 (Brown) VOTE: Carried

2. Resolution No. 2018-100, approving Bike Sharing Pilot with the Ypsilanti Housing Commission and EMU at New Parkridge

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti endeavors to be a leader in provision of active transportation; and

Whereas, the City of Ypsilanti is a recognized Bike Friendly Community; and

Whereas, dockless bikeshare is an innovative new technology; and

Whereas, the City desires to ensure that the public right of way is kept safe for all users;

Now therefore be it resolved that the Ypsilanti City Council signs the "Stationless Bikeshare Pilot Program" agreement with Skinny Labs, Inc, dba Spin.

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

Ms. Wessler provided a synopsis to why this resolution was submitted for approval.

Caroline Sanders, Engage EMU, provided an overview of the program.

Mayor Edmonds asked if the new daycare center will be a part of this program. Ms. Sanders responded no. Ms. Edmonds asked if each bike is equipped with solar and pedal powered lights. Ms. Sanders responded in the affirmative.

Council Member Bashert stated this program was discussed at the Sustainability Commission meeting, and there was great support. The residents of Parkridge will need access to non-motorized transportation, and feels it is an excellent location to implement the program.

Council Member Vogt asked if there is a trike, or other versions of bikes available. Ms. Sanders replied not at this time, but the company does have a motorized scooter that it might rollout on campus.

Council Member Vogt stated this style of program has been extremely successful in Asia.

On a roll call, the vote to approve 2018-100 was as follows:

Mayor Pro-Tem Brown	Absent	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: 6 NO: 0 ABSENT: 1 (Brown) VOTE: Carried

3. Resolution No. 2018-101, authorizing the expenditure of an amount not to exceed \$8,500 from the Capital Park Fund for the purchase of Mulch and Matting for Prospect Park

WHEREAS, the Prospect Park playground is in great need of maintenance; and

WHEREAS, Ypsilanti Proud Day is Saturday, May 19, 2018; and

WHEREAS, The Friends of Prospect Park, YIES-PTO and the Ypsilanti Community Schools are partnering to re-mulch the Prospect Park playground on Ypsilanti Proud Day; and

WHEREAS, the City Parks and Recreation Commission has recommended that the Capital Park Fund be used to purchase the mulch and matting for an amount not to exceed \$8,500.

NOW THEREFORE IT BE RESOLVED THAT the City Council authorize the expenditure of an amount not to exceed \$8,500 from the Capital Park Fund for the purchase of mulch and matting for Prospect Park.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Robb

Mayor Edmonds stated she is going to reluctantly support his resolution because it was not given to Council in a timely manner. She wants Council to show the same amount of care for City parks throughout the city, not just Ward 3. Council Member Robb stated he is the champion of Ward 3 parks because he represents Ward 3. There is representation

on Council from Ward 1, and if there is a park that is not being championed it is because of that Wards representation. Mr. Robb stated he and Council Member Murdock did a lot of work on this project and followed the proper protocol. He stated Council Member Murdock should be thanked for his work. Ms. Edmonds appreciates the work that Council Member Murdock does, but this was only brought to her attention on Friday. Council Member Murdock stated he has been working on this project for a year. The reason this is on this agenda is because the DPS Director does not have authorization to spend \$8,500.

On a roll call, the vote to approve 2018-101 was as follows:

Mayor Pro-Tem Brown	Absent	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: 6 NO: 0 ABSENT: 1 (Brown) VOTE: Carried

Mayor Edmonds stated the City Manager recommends Community Development Director Joe Meyers be appointed as Interim Economic Development Director, and to all Boards and Commissions his processor was a member.

Council Member Richardson moved, seconded by Council Member Bashert to appoint Joe Meyers as Interim Economic Development Director.

On a roll call, the vote to approve the appointment of Joe Meyers as Interim Economic Development Director was as follows:

Mayor Pro-Tem Brown	Absent	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: 6 NO: 0 ABSENT: 1 (Brown) VOTE: Carried

XIX. LIAISON REPORTS –

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study - None
- C. Urban County – Mayor Edmonds stated the CDBG funds were allocated for the coordinated funding pool.
- D. Ypsilanti Downtown Development Authority - None
- E. Eastern Washtenaw Safety Alliance - None
- F. Friends of Rutherford Pool - None
- G. Housing Equity Leadership Team - None

XX. COUNCIL PROPOSED BUSINESS –

Richardson

- Stated she welcomes Ypsi Proud doing work at Parkridge Park, but she does not appreciate people telling people what they are going to do rather than get their opinion. She will not be in

town during Ypsi Proud Day, but there will be people there to ensure nothing will be changed at the tennis court.

Mayor Edmonds asked the City Manager to follow up with this issue.

Murdock

- Asked the status of the Border to Border trail.
- He asked when Council can expect to have an update regarding the train stop.
- He asked for an update about 220 N. Park. The purchase agreement expires soon.
- He asked what the recommendations for the DDA dedicated police officer are.
- He was not heard a schedule for budget and the CBO work session.
- He asked what is happening at Brandy's.

Mr. Meyers stated the building a single story building. Council Member Richardson asked if the current roof is being removed. Mr. Meyers responded in the affirmative.

- He asked about the Huron St. alley regarding the complaints about trash.

Mr. McClary stated code enforcement is currently working on that issue.

- He asked for an update about the house on South Prospect with fire damage.

Mr. McClary responded he will supply that to Council.

Bashert

- Thanked Mr. Meyers for acting as Interim Economic Development Director.
- She asked what the Budget Town Hall meeting will look like. She would like to be effective.
- The city needs to work on better structure for meetings that discuss a project so they are more effective.

Vogt

- Stated the Budget Hall Meeting should not just be a venue in which the public can voice complaints. Information should be provided to the public prior to the meeting.
- He asked if the projected cost for removing the recycling center includes remediation.

Mr. McClary responded his understanding it does not. Mayor Edmonds asked if the site will require remediation. Mr. McClary responded at this point he is not certain. Council Member Vogt stated he would like to make a decision on that as soon as possible.

Council Member Robb moved, seconded by Council Member Vogt to extend the meeting until 12:30 a.m.

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

Robb

- Requested the Mayor send out copies of the employee evaluations.

Mayor Edmonds responded they will be distributed during the Closed Session. Council Member Robb responded Council will not have information regarding what they are going to discuss prior to the meeting.

- Requested the See. Click. Fix data.

XXI. COMMUNICATIONS FROM THE MAYOR –

- Stated the budget dates are being finalized, along with locations.

XXII. COMMUNICATIONS FROM THE CITY MANAGER –

- Stated Council has received his report.

Council Member Richardson stated she would like to have the City Manager's report provided orally, rather than a memorandum.

XXIII. COMMUNICATIONS –

XX. AUDIENCE PARTICIPATION –

None

XXI. REMARKS FROM THE MAYOR –

XXII. ADJOURNMENT –

Resolution No. 2018-102, adjourning the City Council meeting

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Bashert

On a voice vote, the motion carried, and the meeting adjourned at 12:05 a.m.



Resolution No. 2018 - 108
May 1, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti supports the provision of adequate social services for its residents, particularly youth; and

Whereas, Ozone House is a reputable provider of such social services; and

Whereas, Ozone House has proposed to consolidate many of their services to a newly constructed site at 1600 Huron River Drive; and

Whereas, the Planning Commission has reviewed the application for a Planned Unit Development, and has recommended approval.

Now Therefore Be It Resolved that the Ypsilanti City Council adopts the ordinance entitled "Ozone House Planned Unit Development" and approves the associated Planned Unit Development (PUD) Agreement on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

An Ordinance Entitled "Ozone House Planned Unit Development"

THE CITY OF YPSILANTI ORDAINS:

That the property with the address 1600 Huron River Drive, tax identification code 11-11-05-240-003;

BE REZONED FROM NEIGHBORHOOD CORRIDOR TO PLANNED UNIT DEVELOPMENT.

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: April 17, 2018

Second Reading: _____

Published: _____

Effective Date: _____

STATE OF MICHIGAN

COUNTY OF WASHTENAW

CITY OF YPSILANTI

OZONE HOUSE PLANNED UNIT DEVELOPMENT AGREEMENT

This Planned Unit Development (“PUD”) Agreement (the “Agreement”) is by and between **OZONE HOUSE, INC.**, a Michigan nonprofit corporation (“Developer”), whose address is 1705 Washtenaw, Ann Arbor, MI 48104, and **THE CITY OF YPSILANTI**, a Michigan home rule city (“City”), whose address is One South Huron Street, Ypsilanti, Michigan 48197.

RECITATIONS

City is the fee owner of the property described on the attached and incorporated EXHIBIT A (the “Property”), located in the City of Ypsilanti, Washtenaw County, Michigan. Developer, or Developer’s assigns, desires to purchase and develop the property so described for a combination of medical and professional offices; child care; educational facilities; indoor recreation; supportive housing and homeless shelter for up to 50 individuals.

Developer voluntarily proposed rezoning and development of the Property as a PUD. Accordingly, Developer has applied for approval of an amendment to the Ypsilanti Zoning Ordinance granting a rezoning of the Property to PUD, with the zoning on the Property to be known as the Ozone House Planned Unit Development (“OZPUD”). Developer is the developer and proprietor of the OZPUD.

As part of the application and approval process, Developer has offered and agreed to make the improvements and to proceed with the undertakings as described in the PUD Documents (as defined in Section A below), which Developer and City agree are necessary and roughly proportional to the burden imposed in order to (1) ensure that the public services and facilities affected by the OZPUD will be capable of accommodating increased service and facility loads caused by the OZPUD, (2) protect the natural environment and conserve natural resources, (3) ensure compatibility with adjacent uses of land, (4) promote use of the Property in a socially and economically desirable manner,

and (5) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

For the purpose of confirming the rights and obligations in connection with the improvements, development, and other obligations to be undertaken on the Property once it has been rezoned, the parties have entered into this Agreement to be effective on the effective date of the City's Zoning Ordinance amendment granting rezoning of the Property to the OZPUD ("Granting Ordinance").

Now, therefore, as an integral part of the rezoning of the Property and approval of the development on the Property, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, it is agreed as follows:

A. Development as PUD. The Property shall be developed and improved only in accordance with the following (referred to collectively as the PUD Documents):

1. Article VII, Division 1 of the Ypsilanti Zoning Ordinance, as amended.
2. The approved PUD plans for the OZPUD, as attached to the Permit Conditions, and as approved by the Ypsilanti City Council (PUD Plans).
3. The Permit Conditions.
4. This Agreement.
5. Deed restrictions covering all property within the PUD, to be approved and recorded in the manner set forth in this Agreement.
6. The Conservation Easement for the OZPUD, to be approved and recorded in the manner set forth in this Agreement.
7. All applicable City ordinances and all design standards for the City of Ypsilanti, except those which have been approved as part of the PUD Plan approval.
8. Any and all conditions of the approval of the Ypsilanti City Council and Planning Commission pertaining to the OZPUD as reflected in the official minutes of such meetings.
9. Recordation with the Washtenaw County Register of Deeds office of an affidavit by the owner of the Property on the effective date of the rezoning, approved by the City Attorney, containing the legal description of the Property, specifying the date of approval of the OZPUD, and declaring that all future development of the Property has been authorized, restricted, and required to be carried out only in accordance with the Granting Ordinance and the PUD Documents referenced in that Ordinance.

10. The Granting Ordinance.

11. Any and all other easements and restrictions of record.

Furthermore, all development, use, and improvement of the Property shall be subject to and in accordance with all applicable City ordinances and shall also be subject to and in accordance with all other approvals and permits required under applicable City ordinances, the PUD Documents, and state laws for the respective components of the OZPUD. To the extent that there are conflicts or discrepancies between respective provisions of the PUD Documents, or between provisions of the PUD Documents and City ordinances, interpretation shall be based on the more strict regulation of the Property and interpretation shall be subject to the reasonable discretion of the Ypsilanti City Council.

B. Effect of PUD Approval. The Granting Ordinance amends the zoning of the Property and constitutes the land use authorization for the Property, and all use and improvement of the Property shall be in conformity with such Ordinance and this Agreement.

C. Land Use. Within the OZPUD, all buildings and site amenities shall be laid out, situated, and designed as described on the approved PUD Plan. The permitted density and land use mix shall be as described in detail in the permit conditions in the Granting Ordinance (“Permit Conditions”).

D. Water and Sanitary Sewer Systems. Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems. All of the foregoing improvements shall be designed and constructed in accordance with the approved PUD Plan and all applicable standards, codes, regulations, ordinances, and laws. Such water and sanitary sewer service facilities (including any on-site and off-site facilities), extensions (including a downstream relief sewer), and easements to reach the area to be served shall be provided by and at the sole expense of Developer, and shall be completed, approved, and dedicated to City (as required by City in its discretion) to the extent necessary to fully service all proposed and existing facilities, structures, and uses within the OZPUD to be served by those facilities, extensions, and easements, prior to issuance of any building permits for any building in the OZPUD, other than building permits issued prior to the date of this Agreement.

E. Signage. This Agreement shall not govern signage. Article VI, Division 5, Signs, of the Zoning Code of Ordinance, as amended, shall govern signage. For the purposes of this section, the Property shall be considered as zoned Health and Human Services. In the case that a future zoning code has changed substantially and no longer contains such a zone, the City Planner shall make a determination as to which zoning district currently in effect is substantially similar in permitted form and use to the Health and

Human Service District as it existed on the effective date of the City's Zoning Ordinance amendment granting rezoning of the Property to the OZPUD.

F. Drives and Parking Lots.

1. All drives and parking lots within and for the Property shall be designed, situated, and constructed in accordance with all requirements and applicable ordinances of City, the PUD Documents, and the approved PUD Plan.
2. Developer shall use its best efforts and diligently pursue the necessary easements over adjoining properties in order to provide access to the Property.
3. Developer and any assigns and transferees of Developer shall be responsible for maintenance and repairs of the drives, entranceways, and parking lots during the period of construction and, except for any drives that have been dedicated to City or to the Road Commission for Washtenaw County at the time of recording of the respective deed restrictions, Developer shall incorporate provisions in the deed restrictions providing for perpetual maintenance obligations by the owners of the Property in the manner more particularly set forth in the Permit Conditions.
4. Prior to completion of the paving of the roads, drives, and parking lots, Developer shall apply dust palliative to and otherwise maintain such areas as necessary to keep them in good repair and minimize problems for adjacent property owners and the motoring public at large. Developer shall also keep all existing public streets and roads free of debris and repair any damage caused by construction activities on or for the Property and use of such roads for construction purposes. If Developer fails to maintain and repair the roads, drives, parking lots, and/or streets as required by this Section G, in addition to any enforcement authorization or remedy provided in the deed restrictions or any other agreement, City may issue stop work orders and/or withhold issuance of further approvals, permits, and occupancy certificates for the Development until such failure is cured to the reasonable satisfaction of City.
5. For purposes of the maintenance obligations set forth in this Section G, the terms *maintenance*, *maintain*, and *maintained* shall mean and include regular inspections; grading and other earth-moving; removing dirt, debris, and any obstacles; repairing potholes and cracks; adding new materials; providing for drainage; constructing any needed structures (e.g., without limitation, to provide lateral support, curbing, drainage, etc.); graveling; sealing; resurfacing; and such other action as necessary or expedient to provide structural integrity and substantially continuous, unobstructed, and safe vehicular passage, and providing unobstructed drainage as necessary and required.

G. Storm Water Drainage. Developer, at its sole expense, shall construct and maintain an on-site storm water drainage system, in accordance with the PUD Plans, PUD Documents, and all applicable ordinances, laws, codes, standards, and regulations.

H. Walkways. Developer shall pay for the installation, construction, maintenance, and repair of an 8-foot-wide sidewalk along Huron River Drive, which shall connect to an internal privately-owned system of walkways and related amenities as depicted on the approved PUD Plans and in the PUD Documents. The internal and external walkways shall be maintained and repaired in a safe, unobstructed, and passable condition by Developer and Developer's successor owners of the Property, at their sole expense, pursuant to terms and provisions to be included in the deed restrictions in the manner more particularly set forth in Section ____ of this Agreement. Developer shall repair any damage to, and clear all debris that accumulates on, the internal and external walkways described in this Section as a result of any construction activities on or for the Property. If Developer fails to maintain and repair the internal and external walkways as required by this Section, in addition to any enforcement authorization or remedy provided in the deed restrictions or any other agreement, City may issue stop work orders and/or withhold issuance of further approvals, permits, and occupancy certificates for the Property until such failure is cured to the reasonable satisfaction of City.

I. Deed Restrictions. Developer shall submit to City proposed deed restrictions applicable to the Property. The deed restrictions shall be on a document entitled "Declaration of Covenants, Conditions, Easements, and Restrictions," which shall be applicable to all components of the development of the Property. The deed restrictions shall be subject to review by the City Attorney and approval by City prior to recording. As part of such deed restrictions, there shall be provisions obligating Developer and all future successor owners of the applicable portion of the Property to maintain and preserve all roads, drives, entranceways, parking lots, walkways, screening walls, landscaping, lighting, signage, greenbelts, open areas, pedestrian walkways and open area amenities (including the proposed Open Space), setbacks, storm drainage, detention and retention facilities and easements, and any other private common elements and improvements for or within the Property in good working order and appearance at all times and in accordance with the PUD Documents. Additionally, the deed restrictions shall identify and make reference to the PUD Documents and the regulations of the land provided in the Documents.

J. Conservation Easement. A conservation easement shall be granted to City for certain property proposed as open space, as shown on the approved PUD Plans, which shall be subject to the review and approval of the City Attorney and recorded prior to the issuance of any building permits.

K. City Enforcement. In the event there is a failure to timely perform any obligation or undertaking required under or in accordance with the PUD Documents, City may serve written notice on Developer setting forth such deficiencies and a demand that the deficiencies be cured within a stated reasonable time period, and the date, time, and place for a hearing before the City Council, or such other Council, body, or official delegated by the City Council, to allow Developer an opportunity to be heard as to why City should not proceed with the correction of the deficiency or obligation

that has not been undertaken or properly fulfilled. At any such hearing, the time for curing and the hearing itself may be extended and/or continued to a date certain. The foregoing notice and hearing requirements shall not be necessary in the event City determines in its discretion that an emergency situation exists requiring immediate action. If, following the hearing described above, the City Council, or the other Council, body, or official designated to conduct the hearing, determines that the obligation has not been fulfilled or failure corrected within the time specified in the notice, or if an emergency circumstance exists as determined by City in its discretion, City shall then have the power and authority, but not the obligation, to take any or all of the following actions, in addition to any actions authorized under City ordinances and/or state laws:

1. Enter the Property, or cause its agents or contractors to enter the Property, and perform such obligation or take such corrective measures as reasonably found by City to be appropriate. The cost and expense of making and financing such actions by City, including notices by City and legal fees incurred by City, plus an administrative fee in an amount equivalent to 25 percent of the total of all such costs and expenses incurred, shall be paid by Developer within 30 days of a billing to Developer. The payment obligation under this Section shall be secured by a lien against the Property, which lien shall be deemed effective as of the date of the initial written notice of deficiency provided to Developer pursuant to this Section or, in emergency circumstances, the date at which City incurred its first cost or expense in taking corrective action. Such security shall be realized by placing a billing that has been unpaid by Developer for more than 30 days on the delinquent tax rolls of City relative to such portion of the Property, to accumulate interest and penalties, and to be deemed and collected, in the same manner as for collection of delinquent real property taxes. In the discretion of City, such costs and expenses may be collected by suit initiated against Developer and, in such event, Developer shall pay all court costs and attorney fees incurred by City in connection with such suit if City prevails in collecting funds.
2. Initiate legal action for the enforcement of any of the provisions, requirements, or obligations set forth in the PUD Documents. Except in emergency circumstances, Developer shall be provided notice of the deficiencies from City and shall be afforded an opportunity to timely correct. In the event City obtains any relief as a result of such litigation, Developer shall pay all court costs and attorney fees incurred by City in connection with such suit.
3. Issue a stop work order as to any or all aspects of the Development, deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Development, regardless of whether Developer is the named applicant for such permit or certificate of occupancy, and suspend further inspections of any or all aspects of the Development.

L. Enforcement; Severability. Any failure or delay by City to enforce any provision contained in this Agreement shall in no event be deemed, construed, or relied on as a

waiver or estoppel of the right to eventually do so in the future. This Agreement is intended to establish zoning ordinance regulations applicable to the Property and shall be enforceable as a contract with contract remedies. Each provision and obligation contained in this Agreement shall be considered to be an independent and separate covenant and agreement and, in the event one or more of the provisions and/or obligations shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, all remaining provisions and/or obligations shall nevertheless remain in full force and effect.

M. Agreement Jointly Drafted. Developer has negotiated with City the terms of the PUD Documents and such documentation represents the product of the joint efforts and mutual agreements of Developer and City. Developer fully accepts and agrees to the final terms, conditions, requirements, and obligations of the PUD Documents, and Developer shall not be permitted in the future to claim that the effect of the PUD Documents results in an unreasonable limitation on uses of all or a portion of the Property or claim that enforcement of the PUD Documents causes an inverse condemnation, other condemnation, or taking of all or any portion of the Property. Furthermore, it is agreed that the improvements and undertakings described in the PUD Documents are necessary and roughly proportional to the burden imposed, and are necessary in order to (1) ensure that public services and facilities necessary for and affected by the Development will be capable of accommodating the development on the Property and the increased service and facility loads caused by the Development; (2) protect the natural environment and conserve natural resources; (3) ensure compatibility with adjacent uses of land; (4) promote use of the Property in a socially, environmentally, and economically desirable manner; and (5) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 et seq. It is further agreed and acknowledged that all such improvements, both on-site and off-site, are clearly and substantially related to the burdens to be created by the development of the Property and all such improvements without exception are clearly and substantially related to City's legitimate interests in protecting the public health, safety, and general welfare.

N. Ambiguities and Inconsistencies. Where there is a question with regard to applicable regulations for a particular aspect of the Property or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the PUD Documents that apply, City, in the reasonable exercise of its discretion, shall determine the regulations of City's Zoning Ordinance, as that Ordinance may have been amended, or other City ordinances that are applicable, provided such determination is not inconsistent with the nature and intent of the PUD Documents. In the event of a conflict or inconsistency between two or more provisions of the PUD Documents, or between the PUD Documents and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of City, shall apply.

O. Warranty of Ownership. City warrants that it is the owner in fee simple of the Property.

P. Running with the Land; Governing Law. This Agreement shall run with the land constituting the Property and shall be binding on and inure to the benefit of City and its successors, Developer, all future owners, developers, and builders of any part of the Property, all undersigned parties, and all of their respective heirs, successors, assigns, and transferees. An affidavit providing notice of the rezoning of the Property, the PUD Documents, this Agreement, and the general obligations relating to the PUD shall be executed by the property owners and may be recorded by any of the undersigned parties following the execution of this Agreement. This Agreement shall be interpreted and construed in accordance with Michigan law and shall be subject to enforcement only in Michigan courts. The parties understand and agree that this Agreement is consistent with the intent and provisions of the Michigan and U.S. Constitutions and all applicable law.

Q. Single Ownership and/or Control of PUD Property. City represents and warrants that the single ownership and/or control of the Property has been vested solely in City in accordance with and for all purposes necessary to satisfy Section **122-702(a)** of City Zoning Ordinance, and City is fully authorized and empowered to rezone and develop the Property in accordance with and pursuant to the PUD Documents and all other documents, agreements, plans, dedications, ordinances, and recordings applicable to the Ozone House Planned Unit Development as submitted to and as approved by the Ypsilanti City Council.

This Agreement was executed by the respective parties on the date specified with the notarization of their signatures and shall be considered to be dated and take effect on the effective date of the Granting Ordinance.

[Signature page follows]

By: _____
Its: _____

The foregoing was acknowledged before me this _____ day of _____, 20____, by _____, who being duly sworn, did say that she/he is the _____ of OZONE HOUSE, INC., and did represent that she/he was duly authorized to execute this document on behalf of said Michigan nonprofit corporation.

[Intentionally blank. Signatures continued on next page.]

Amanda Edmonds
Mayor

STATE OF MICHIGAN)
)ss.
COUNTY OF _____)

_____, Notary Public
_____, County, Michigan

My commission expires: _____

STATE OF MICHIGAN)
)ss.
COUNTY OF _____)

_____, Notary Public
_____ County, Michigan
My commission expires: _____

EXHIBIT A
(legal description of the Property)



RESOLUTION NO. 2018-109
May 1, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Chapter 106, Article III, Division 3 "Groundwater Wells" of the Ypsilanti City Code to regulate the use of groundwater in certain areas of the City" for Bell-Kramer and Former City Landfill Well Prohibitions be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1308**

An ordinance to amend Chapter 106, Article III, Division 3 “Groundwater Wells” of the Ypsilanti City Code to regulate the use of groundwater in certain areas of the City.

1. THE CITY OF YPSILANTI HEREBY ORDAINS that Chapter 106, Article III, Division 3 “Groundwater Wells” of its Code of Ordinances be amended to read as follows:

DIVISION 3. - GROUNDWATER WELLS

Sec. 106-121. Findings

The City Council finds that the use of certain groundwater wells and water supplies from such wells for human consumption or other purposes may constitute a public health risk and endanger the safety of residents of the City. The identified public health risks affect premises that are located on or in the vicinity of sites that are the source or location of contaminated groundwater, or where there is a known and identified threat of contaminated groundwater. The City Council has determined that a well water restriction ordinance is necessary and appropriate to prohibit and/or otherwise restrict the use of wells to supply water in and from the affected areas in order to protect City residents by minimizing public health, safety and welfare risks and minimizing the potential for migration of contaminated groundwater into presently unaffected groundwater.

Sec. 106-122~~1~~. - Definitions.

For the purposes of this division, the words and phrases listed below shall have the following meanings:

Affected Parcel means a parcel of land, any part of which is located within a Restricted Zone.

Applicant means a person who applies or applied for the establishment of a Restricted Zone pursuant to this Division.

City means the City of Ypsilanti.

City Property means any interest in real property owned or held by the City and shall include but not be limited to the following:

- i. Real property owned by the City;
- ii. Real property leased by the City as Lessee; and
- iii. City streets, alleys, or other City rights-of-way or easements.

Contaminated Groundwater means groundwater in which there is or may be present concentrations of materials that exceed drinking water criteria under the Safe Drinking Water Act, 1976 PA 399, as amended, or the residential drinking criteria established by the MDEQ in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101, et seq.) or Part 213, Leaking Underground Storage Tanks (MCL 324.21301a, et seq).

Domestic Use means the use of water for lawn, garden, or landscaping irrigation on a residential parcel of land. The term does not include water used for commercial, agricultural, or farm irrigation, except as specifically directed by the MDEQ.

Influential Well means a well outside the restricted zone that impacts the contaminated groundwater plume, whether by drawing contaminated water into the well or by merely changing the direction of groundwater flow.

MDEQ means the Michigan Department of Environmental Quality, or its successor agency.

Owner means the holder of record title for a parcel of land and also the occupant of a parcel of land in possession under a land contract or lease.

Person means any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unity, and the individuals consisting of that group or unit.

RAP means a remedial action plan under Part 201 of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA").

Restricted Zone means an area or ~~areas~~ legally described and incorporated within Section 106-123 of this division.

Well means an opening in the surface of the earth for the purpose of removing fresh water through non-mechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with NREPA, the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, or other applicable statute.

Sec. 106-123~~2~~. - ~~Water well~~ Restricted Zones.

~~(a) — The following described areas in the City shall be is the Restricted Zones as defined under this division. A sealed map illustrating the restricted zone is shown as Exhibit A below. See Exhibit B below for legal description. They may be referred to by the names provided in the caption preceding their descriptions. Additional Restricted Zones, along with a map illustrating the Restricted Zone, may be added by amending this division in accordance with Section 106-131 and all other applicable laws. Within 30 days after the establishment of an additional Restricted Zone, the City shall record a Notice of Water Well Restriction with the Register of Deeds to be recorded against all parcels in the Restricted Zone. The Notice shall include a copy of the ordinance, as amended, and a map illustrating the Restricted Zone.~~

1. Downtown Restricted Zone. Described below and depicted in the map attached as Schedule 2.

~~(b) — Except as provided in section 106-125 of this division, and after the effective date hereof, no person or legal entity shall install or allow or permit or provide for the installation or utilization of a well on any property on which they have an ownership interest, or lessee or tenant interest, or control within the restricted zone. Property within the restricted zone shall be serviced only by public water supply.~~

Exhibit A Legal Description

~~Lots 1 and 2, and the East 40.0 feet of Lot 3, in Howard's Addition to the City of Ypsilanti, Washtenaw County, Michigan, according to the Plat thereof as recorded in Liber 60 of deeds, page 711, Washtenaw County Records.~~

~~Property Identification: 11 11 40 481 014~~

Exhibit B Legal Description

~~That area of the City of Ypsilanti, Michigan described as follows:~~

Commencing at the Southwest corner of the intersection of West Michigan Avenue and North Hamilton Street, thence northerly along the westerly right of way of North Hamilton Street to the northwest corner of North Hamilton Street and Pearl Street, thence east along the northerly right of way of Pearl Street to the northeast corner of Pearl Street and Washington Avenue, thence south along the easterly right of way of Washington Avenue to the southeast corner of Washington Avenue and West Michigan Avenue, thence west along the southerly right of way of West Michigan Avenue to the point of beginning.

2. Bell Kramer Neighborhood Restricted Zone. Legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

3. Former City Landfill Restricted Zone. Legally described on the attached Schedule 1 and described in the map attached as Schedule 2.

Sec. 106-1243. - ~~Wells affecting contaminated groundwater~~Prohibition.

Except as provided in Section 106-125, no person shall install or utilize, or allow, permit, or provide for the installation or utilization of a Well on any Affected Parcel. Any existing Well at the time of the enactment of a Restricted Zone on any Affected Parcel within that Restricted Zone shall be plugged/abandoned by a well driller licensed in the State of Michigan at the expense of the Applicant within 30-days passage of the ordinance or ordinance amendment for that particular Restricted Zone and as provided for in Section 106-126 and in accordance with applicable laws, regulations and ordinances, unless such existing Well falls within one of the exceptions listed in 106-125. Except as provided in Section 106-125, no person shall use any groundwater from an Affected Parcel.

~~No well may be used or installed at any place in the city if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously un-impacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an MDEQ or United States Environmental Protection Agency approved groundwater monitoring or remediation system.~~

Sec. 106-1254. - ~~Nonconforming wells~~Exceptions.

A person may install or utilize, or allow, permit, or provide for the installation or utilization of a Well in any Restricted Zone if any of the following exceptions applies and the requirements of the exception are complied with. The party proposing an exception to the Well prohibition shall conduct all appropriate inquiry and prepare a due care analysis pursuant to Part 201 of NREPA.

- (a) *Proof of No Influence.* If the MDEQ makes a recommendation based on information provided to it by the person seeking this exception that the use of a Well in a Restricted Zone will not exacerbate any existing groundwater contamination related to the former landfill adjacent to the affected area, facilitate the migration of groundwater into uncontaminated areas, and that water from the proposed Well will not be affected by Contaminated Groundwater, and proof of the recommendation is delivered to the City, the Well may be so used.
- (b) *Groundwater Monitoring/Remediation.* A Well may be used for groundwater monitoring and/or remediation as part of a response activity approved by the MDEQ or the United States Environmental Protection Agency.
- (c) *Construction Dewatering.* A Well may be used for construction dewatering if the following conditions are satisfied: (i) the use of the dewatering Well will not

result in unacceptable exposure to Contaminated Groundwater, possible cross-contamination between saturated zones, or exacerbation of Contaminated Groundwater, as defined in Part 201 of NREPA; and (ii) the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction. Any exacerbation caused by the use of the Well under this exception shall be the responsibility of the person operating the de-watering Well, as provided in Part 201 or Part 213 of NREPA.

- (d) *Processing Activities.* If the MDEQ recommends that the use of a Well for non-contact heating, cooling, production, or processing involved in industrial or commercial activities will not cause migration or exacerbation of Contaminated Groundwater, and proof of that recommendation is delivered to the City, such use of the Well under terms and conditions specified by the MDEQ will be allowed. All information necessary for the MDEQ recommendation described in this subsection shall be provided by the person seeking this exception.
- (e) *Public Emergencies.* A Well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

~~Any existing well, the use of which is prohibited by this division shall be plugged or abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, in conformance with the protocol developed consistent with the American Standards for Testing and Materials Standard #D5299-92.~~

Sec. 106-1265. – ExceptionsSources of water supplied for Domestic Use and Irrigation Use.

- (a) For Affected Parcels that are not already connected to the City water system on the day of enactment of a Restricted Zone, the Applicant of the Restricted Zone shall be responsible for the costs to connect those Affected Parcels within that Restricted Zone to the City water system. Furthermore, for Affected Parcels that have a Well on the day of enactment of a Restricted Zone which is used primarily for Irrigation Uses, the Applicant of the Restricted Zone shall be responsible for the costs to connect the irrigation system on the Affected Parcel within that Restricted Zone to the City water system.
- (b) This Section shall not be deemed as affecting the rights and remedies of an Owner, or any other person or entity and/or of any federal, state or local

government that may exist under any law, regulation, rule, ordinance, order, agreement and/or remedial action plan addressing groundwater within the City.

- ~~(c) In no event shall the City be required to incur any expense or cost under this division, except as may otherwise be approved by the City Council for a public works project or by a separate agreement with the Applicant, Owner, other person or entity, or a governmental body or agency.~~
- ~~(a) Water service unavailable. If city water service is unavailable to a premises in the restricted zone, any well on that premises shall annually be tested by the city by a laboratory that is acceptable to and for chemical parameters specified by the Michigan Department of Environmental Quality Water Division (MDEQ). The results of that test shall be submitted to the MDEQ, or the Washtenaw County Health Department for review. If the MDEQ or the county health department determines that the well is safe and suitable for use, and proof of that determination is delivered annually to the city, that well may be used. No split or conveyance of property shall be effective to render city water services unavailable.~~
- ~~(b) Construction of de-watering wells. Wells in the restricted zone used for construction de-watering are not prohibited by this division, provided that the water generated by that activity is properly handled and disposed in compliance with all applicable laws and regulations. Any exacerbation caused by the use of wells under this exception shall be the responsibility of the person operating the de-watering well, as provided in Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.~~
- ~~(c) Groundwater monitoring and remediation wells. Wells used for groundwater monitoring and/or remediation as part of a response activity approved by the Michigan Department of Environmental Quality are not prohibited by this division.~~

Sec. 106-127. - Enforcement.

The City Manager, or his or her designee, shall be the official having the authority to enforce this division. After the enactment of a Restricted Zone, the enforcement official shall contact all Owners of Affected Parcels, which from the information available to the City, appear to have Wells prohibited under this division, giving written notice of the need to cease using such Wells and of the need for establishment of a Domestic Use water source as prescribed under Section 106-126, or to obtain approval or acknowledgment of an exception under 106-125. The Owner shall immediately take steps so as to comply with the provisions of this division with regard to provision of Domestic Use water within sixty (60) days from the date of such notice. Any existing Well in violation of this division shall then be plugged or abandoned in conformance with applicable legal requirements. Where, upon information available to the enforcement official, it is suspected that a Well is being used on an Affected Parcel in violation of this division, the enforcement official may inspect such Affected Parcel and

serve an appropriate notice and order of such violation requiring that action be taken promptly by the Owner to bring the Affected Parcel into compliance. If the Owner fails to act in accordance with such order, the enforcement official may seek remedies and penalties as provided in Section 106-128.

Sec. 106-1286. - Penalty.

Any person or legal entity who shall violate any provision of this division shall be deemed guilty of a misdemeanor offense punishable by imprisonment for not more than 90 days or by fine of not more than \$500.00 or both such fine and imprisonment in the discretion of the court.

In addition, the city may seek an order from a court of appropriate jurisdiction to restrain any person from violating this division, including the collection of costs and attorney fees associated with such enforcement action. Any well in violation of this division shall also be declared and deemed a nuisance, subject to abatement, and shall be immediately taken out of service and lawfully abandoned consistent with all applicable state and local regulations. Any person found to be in violation is subject to being ordered by a court of appropriate jurisdiction to properly and lawfully remove or abandon the well.

Sec. 106-129. - Building and zoning permits.

No permit for the construction or alteration of a building or structure nor any permit for any zoning approval shall be issued by the City Building and Zoning Administrator for any improvement on an Affected Parcel which has, or proposes, a water supply from a Well in violation of this division.

Sec. 106-130 - Administrative liability.

No officer, agent or employee of the City or member of the City Council shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to the division.

Sec. 106-13127. - ~~Notification of intent to a~~Amendment or repeal.

The MDEQ, an Applicant, an Owner, an entity involved in performing remedial actions in order to seek approval of a Response Activity Plan or No Further Action Report under Part 201 or in performing corrective actions in order to seek approval of a Financial Assessment Report or Closure Report under Part 213, or other interested party may request of the City in writing to add parcels to or delete parcels from a Restricted Zone or to establish an additional Restricted Zone or to otherwise amend or repeal this division. The City on its own motion may also take action to amend or repeal this division as it

deems appropriate. The amendment or repeal of this division shall be by ordinance and any such action shall be in the sole legislative discretion of the City Council.

At least 30 days advance notice to prior to any amendment or repeal in whole or in part of this division, the City of Ypsilanti shall notify the MDEQ Michigan Department of Environmental Quality, or its successor agency, of its intent to so act is required before City Council consideration of an amendment or repeal of this division. In addition, the local health department which has jurisdiction over the installation of wells in the area of the Restricted Zone shall be notified in writing not less than five days in advance of the meeting of City Council for the consideration of the proposed Restricted Zone. The local health department must also be notified in writing of the passage of any amendment or repeal not less than five days before the effective date of the subject ordinance. The party requesting such a repeal or amendment under this section, or the City if on its own motion, must provide such advance notice and provide the reasons supporting such a request.

Sec. 106-132. - Reimbursement of additional City construction costs.

The Applicant of a Restricted Zone shall reimburse the City for the reasonable additional costs the City incurs for dewatering Contaminated Groundwater or disposing of soils impacted by Contaminated Groundwater in connection with construction activity undertaken by the City on City property in that Restricted Zone, provided that the City supplies the Applicant with documentation confirming the amount and necessity of such additional costs, including the extent to which they exceeded the cost of dewatering or disposing of materials not impacted by Contaminated Groundwater.

Sec. 106-133. Influential wells.

No Influential Well nor a well within the restricted zone may be used or installed if it will have the effect of exacerbating a contaminated groundwater plume, unless it is part of monitoring and/or remediation in conjunction with a response activity or corrective action approved by the MDEQ or the United States Environmental Protection Agency.

Sec. 106-134. Prohibition on using existing Restricted Zones for future closures.

Once a Restricted Zone has been established by this Division, future Applicants may not utilize existing Restricted Zones to achieve closure under Part 201 or Part 213 of NREPA. An Applicant must petition the City to add an additional Restricted Zone by amending the Ordinance as outlined in Section 106-131 in order to assure that the closures and their associated institutional controls remain separate and distinct in the event of the repeal of a portion of this Division.

Secs. 106-135~~28~~—106-139. - Reserved.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or

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

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

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

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

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

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

Frances McMullan, City Clerk

Attest

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

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

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

Frances McMullan, City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



REQUEST FOR LEGISLATION
May 1, 2018

To: Mayor and City Council

From: Joe Meyers, Interim Director of Community and Economic Development

Subject: Rental Fees Update - 2018

SUMMARY & BACKGROUND:

Like presented at the city council meeting on February 20, 2018 the City of Ypsilanti operates a rental inspection program. In order to provide safe and properly maintained rental structures, rental properties are inspected every two years. There are over 8,500 rental units in the City. The Rental Inspection Division of the Building Department is staffed by a Department Manager, two full-time rental inspectors, and the department secretary. The last major update to the fee schedule was in 2009.

A new fee has been added to the fee schedule, Administrative Review. The two rental inspectors have been in their positions for less than 18 months and are both new to the department. The previous inspectors were in their positions for over 15 years each. With new inspectors, and new eyes of properties, there has been an increase in violations reported with many inspections. This has resulted in the questioning of the rental inspection staff and an increase in the department manager being involved in inspections.

As requested, reinspections, and reviews of inspection reports, take significant time, which means time away from other duties, therefore, we are proposing an Administrative Review fee. This fee would be applied when a property owner/landlord requests a review from the supervisor of an inspection report or violation. The proposed fee would be prepaid and would be accompanied by a written request.

If it is found that the violation was issued in error, the applicant's money will be returned in full. If the violation is upheld, the fee will be processed.

In addition to regularly scheduled inspections and reinspections, the department manager and the rental inspectors respond to all rental complaints and inquiries. They also manage the dangerous and vacant building program and general building inspection program.

As designed by the Bolt (Bolt v. City of Lansing) ruling, and expressed by the City Council, the rental inspection program should be self-funded and should only have fees in relation to the cost of providing services. As described above, there are several salaries, office supplies, and equipment that go into providing the rental inspection program. On average, it costs the department approximately, \$36.48 an hour to operate the rental inspection program. This

excludes the costs of vehicles and gas. The average time spent on inspections can range from five to 15 hours.

Current Fee Structure:

Dept./Div.	Ordinance Sec. No.	Shortcut Code for Treasury	G/L ACCT #	Type of Fee	Fee (\$)	Fee (\$)
Building	18-153			Certificate of Compliance Inspection Fees (rental inspection/per apt./unit/or as noted)		
				Multiple Family-3 or more dwelling units		
		100	101-4-3710-461-08	Initial certification inspection	50	
		100	101-4-3710-461-08	Re-certification inspection	42	
		100	101-4-3710-461-08	Re-inspection	40	
				Single Family and Duplex		
		100	101-4-3710-461-08	Initial certification inspection	75	
		100	101-4-3710-461-08	Re-certification inspection	65	
		100	101-4-3710-461-08	Re-inspection	55	
		100	101-4-3710-461-08	City scheduled inspection	42	
		100	101-4-3710-461-08	Search warrants obtained for inspection	65	
		100	101-4-3710-461-08	Rooming House - 1-3 sleeping rooms	55	
		100	101-4-3710-461-08	Rooming House - 4-7 sleeping rooms	100	
		100	101-4-3710-461-08	Rooming House - 8-11 sleeping rooms	160	
		100	101-4-3710-461-08	Rooming House - 12-15 sleeping rooms	210	
		100	101-4-3710-461-08	Rooming House - 16+ sleeping rooms	260	
		100	101-4-3710-461-08	Late cancellation or no-show inspection	55	
		100	101-4-3710-461-08	Commercial/residential certificate of occupancy	55	
		104	101-4-3710-461-00	After Hours Inspection (pre-approval required by inspector)		\$30 per .5 hours

Proposed Fee Structure:

Proposed Fee Structure:

Type of Fee	Fee (\$)
Certificate of Compliance Inspection Fees	
Single Family* – Initial Inspection	\$150 per unit
Single Family* – Recertification (2-year)	\$100 per unit
Single Family* - Recertification (3-year special circumstance**) and	\$135 per unit
Reinspection	\$55 per inspection
Multi-Family Building – Recertification (2-year)	
20 or less units	\$75 per unit
21 or more units	\$65 per unit
Reinspection	\$55 per unit
Multi-Family Complex – Recertification (2-year)	\$250 per building inspected plus \$35 per unit
Reinspection	\$55 per inspection
Townhouse/Condo – recertification (2-year)	\$70 per unit
Reinspection	\$55 per unit
Rooming House – recertification	\$120 per structure
Reinspection	\$55 per inspection
No Show Fee	\$85 per unit
Late Payment Fees	Original fee plus 1/2 the original fee
Lien Collection Fee	\$100
Administrative Review Fee	\$50 per unit
Search Warrants obtained for inspection	\$100 per unit

*single family includes one and two family dwellings as defined by the International Building Code	**3-year special circumstance certificate is available to single family rental properties that received an annual reinspection with less than 3 violations and no formal complaints during the last certification period
--	--

As requested by City Council an open meeting was held for landlords and property owners regarding the proposed changes to rental fees. At the meeting and from many conversations with landlords and property owners between the last proposal and now, the over whelming is opinion is to not include the reinspection with the recertification fee. The updated proposal has removed the included reinspection and balanced the fees accordingly.

We have also added a three year special circumstance certificate is a pilot program to incentivize preparation for recertification inspection, and property owners/landlords that provide good maintenance of their rentals. This program is only being offered for single family and will be reviewed over the next year, after which it will either be extended to multi-family, kept just for single family or deleted in its entirety. Offering the three year special circumstance certificate will also allow for rental inspectors to get caught up with rental inspections. It will only be used for rentals that have less than three violations in a recertification inspection and have had no formal complaints filed on the property during the last inspection cycle.

It is very difficult to predict the revenue increase from the proposed fee schedule update. The factors for consideration are how many, and what type of inspections, are done within a fiscal year cycle, and the number of reinspections required. Below are a couple of scenarios to offer an example of how the proposed fee structure will impact the budget.

Municipal Comparisons

Adrian:

Annual registration fee \$50/per building + \$10 additional units

Annual Inspection fee \$60 per building +\$10 additional units

Inspections include 1st reinspection, additional reinspections \$115 per unit

Kalamazoo:

16 month certifications/40 months/50 months

Annual registration - \$110 + \$1 per unit

Inspection fees - \$77 per unit

Enforcement letters - \$75 per letter

Alma:

Registration \$40 per unit + \$8/unit

Annual Inspection fee \$35 per building + \$35 reinspection

East Lansing:

Initial License \$1550

Renewal Licenses \$240

Annual Inspection \$165

Reinspection \$85

Dearborn:

Annual Registration \$200

Three-Year inspection \$200

Reinspection \$50

Mount Pleasant:

Annual Inspection \$66 + 19/unit

Reinspection ½ the base fee

RECOMMENDED ACTION: Staff recommends approval of the proposed new fee schedule to be effective April 1, 2018.

ATTACHMENTS: Resolution

CITY MANAGER APPROVAL: _____

COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti operates a rental inspection program; and

WHEREAS, City Council seeks to increase the fees associated with the rental inspection program in order to have a more complete cost recovery system for operations of the rental inspection department; and

WHEREAS, City staff has researched the cost of operations, the staff time associated with operations, and the comparable costs in similar communities.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the proposed Fee Schedule Update for the Rental Inspection Program to go into effect on June 1, 2018:

Type of Fee	Fee (\$)
Certificate of Compliance Inspection Fees	
Single Family* – Initial Inspection	\$150 per unit
Single Family* – Recertification (2-year)	\$100 per unit
Single Family* - Recertification (3-year special circumstance**) and	\$135 per unit
Reinspection	\$55 per inspection
Multi-Family Building – Recertification (2-year)	
20 or less units	\$75 per unit
21 or more units	\$65 per unit
Reinspection	\$55 per unit
Multi-Family Complex – Recertification (2-year)	\$250 per building inspected plus \$35 per unit
Reinspection	\$55 per inspection
Townhouse/Condo – recertification (2-year)	\$70 per unit
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Rooming House – recertification	\$120 per structure
Reinspection	\$55 per inspection
No Show Fee	\$85 per unit
Late Payment Fees	Original fee plus 1/2 the original fee
Lien Collection Fee	\$100
Administrative Review Fee	\$50 per unit
Search Warrants obtained for inspection	\$100 per unit

*single family includes one and two family dwellings as defined by the International Building Code	**3-year special circumstance certificate is available to single family rental properties that received an annual reinspection with less than 3 violations and no formal complaints during the last certification period

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION

May 1, 2018

To: Honorable Mayor and Ypsilanti City Council

From: Darwin D. P. McClary, City Manager

Subject: **INTERGOVERNMENTAL AGREEMENT WITH WASHTENAW COUNTY
ROAD COMMISSION FOR RESURFACING OF EMERICK STREET**

SUMMARY & BACKGROUND:

Emerick Street south of I-94 from Grove to the service drive is a city/township boundary, 0.2 mile roadway classified as a city local street under Michigan Public Act 51 of 1951. The city receives Act 51 funding from the state through gas and weight taxes and vehicle registration fees to assist with the costs of maintenance of this roadway. The city is responsible for maintaining this street, and the road is in serious need of repair.

The city attempts to complete road improvements on a priority basis as determined by the PASER ratings completed by the city's engineers and available funding to complete the improvements. In 2013, the engineers rated this portion of Emerick Street a 2 (Very Poor). Recently, Ypsilanti Township contacted the city and the Washtenaw County Road Commission offering to contribute toward the cost of resurfacing Emerick Street if the project could be completed this year. A meeting was held between the three entities, and the city and township discussed contributing 50% each toward the cost of the resurfacing project. The city obtained a cost estimate from the city's engineers for the project, and the estimate was \$202,000. Washtenaw County Road Commission has already competitively bid its unit quantities, and the road commission has determined that it can complete the project using the city engineer's specifications at a cost of \$110,000. The road commission is requesting that the city also pay an outstanding invoice from 2011 of approximately \$9,000 for the River Street resurfacing as part of this arrangement.

Ypsilanti Township has approved this project. The Board of County Road Commissioners will consider approving the agreement at its May 1, 2018, meeting. The city's engineers have confirmed that the scope of work proposed by the road commission is substantially identical to the scope proposed by our engineers. The estimated wear life of the roadway, after improvement, will be 10 to 15 years. The City Attorney has approved the agreement as to form.

As a result of the township's offer to provide 50% of the funding for the project, the road commission's offer to manage the project utilizing their bid unit prices, and the substantial cost savings to the city, the City Manager recommends moving forward with this project in 2018.

PREVIOUS COUNCIL ACTION:

None

FINANCIAL IMPACT:

The city's engineers estimated the cost of the project to be \$202,000 if the city completed the project itself in 2018. If the road commission completes this project, with the city also paying the 2011 River Street resurfacing invoice, the cost to the city will be \$64,000. The city will realize a cost savings of \$138,000 as a result of this collaboration with Ypsilanti Township and the Washtenaw County Road Commission. The city recently received supplemental road funding from the state in the amount of \$120,000, and the city's share of the cost of this project will be paid from those funds.

RECOMMENDED ACTION:

Approve the Emerick Street Pavement Removal and Resurfacing Project Agreement between the City of Ypsilanti, Charter Township of Ypsilanti, and Board of County Road Commissioners and authorize administration to proceed with the project.

ATTACHMENTS:

Emerick Street Pavement Removal and Resurfacing Project Agreement
County Road Commission Cost Estimate – Emerick Street
OHM Cost Estimate – Emerick Street
River Street Mill and Overlay Invoice – January 31, 2012

CITY MANAGER APPROVAL: DDPM

COUNCIL AGENDA DATE: 05/01/18

CITY MANAGER COMMENTS: Respectfully requests that council approve the intergovernmental agreement as presented.

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2018 - 110
May 1, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Emerick Street from Grove to the I-94 expressway service drive is classified as a City Local Street under Michigan Public Act 51 of 1951, and the city is responsible for the maintenance of this street; and

WHEREAS, this portion of Emerick Street was rated as "Very Poor" under the city's Pavement Asset Management Plan completed in 2013; and

WHEREAS, the City of Ypsilanti, Charter Township of Ypsilanti, and Board of County Road Commissioners for the County of Washtenaw desire to work cooperatively and collaboratively to complete the resurfacing of this portion of Emerick Street to the benefit of the city and township; and

WHEREAS, the city identifies this project as a priority road improvement need and desires to collaborate with its municipal partners to complete this project during the 2018 road construction season;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the Emerick Street Pavement Removal and Resurfacing Project Agreement between the City of Ypsilanti, Charter Township of Ypsilanti, and Board of County Road Commissioners for the County of Washtenaw, with the city to pay an estimated cost of \$55,000; and

BE IT FURTHER RESOLVED that the city council does hereby authorize administration to pay to the Washtenaw County Road Commission the January 31, 2012, invoice in the amount of \$9,061.12 for the city's share of the cost of the 2011 River Street mill and overlay project as part of this agreement; and

BE IT FURTHER RESOLVED that the city council does hereby authorize the Mayor and City Clerk to execute the agreement on behalf of the city and authorize city administration to proceed with the Emerick Street resurfacing project during the 2018 road construction season.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

**EMERICK STREET
PAVEMENT REMOVAL AND RESURFACING PROJECT
BETWEEN GROVE AND I-94 SERVICE DRIVE
AGREEMENT BETWEEN
THE CITY OF YPSILANTI, CHARTER TOWNSHIP OF YPSILANTI
&
THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY
OF WASHTENAW COUNTY ROAD COMMISSION**

THIS AGREEMENT is made and entered into this ____ day of _____, 2018 by and between the City of Ypsilanti (herein referred to as the “City”), a Michigan Municipal corporation, with offices located at One South Huron Street, Ypsilanti, MI, 48197; Charter Township of Ypsilanti (herein referred to as the “Township”) a Michigan Municipal corporation with offices located at 7200 S. Huron River Drive, Ypsilanti, MI 48197 and the Board of County Road Commissioners of the County of Washtenaw (herein referred to as the “Road Commission”), a Michigan Municipal corporation, with offices located at 555 N. Zeeb Road, Ann Arbor, MI 48103.

STATEMENT OF FACTS

Emerick Street, a local street as defined by Public Act 51 of 1951, is located within Section 15 of the Charter Township of Ypsilanti, and is under the jurisdiction of the City.

Due to the deteriorated condition of the existing pavement and need for curb and gutter repairs on Emerick Street between Grove Road and I-94 Service Drive, the City and the Township have concluded that Emerick Street should have the pavement removed and repaved using local funds at an estimated cost of \$110,000 utilizing the Road Commissions local low bid Contractor Cadillac Asphalt, and complete the work in 2018 (herein referred to as the “Project”) with the attached cost estimate.

The City and the Township agree to split the cost of the improvement 50/50 or \$55,000 each, which will be paid to the Road Commission within 30 days of receiving such invoice for the Project. Upon the completion of the Project, the final accounting will then determine each party’s final cost of the Project.

In addition, the City agrees to repay the previous outstanding invoice on the River Street project from 2011 in the amount of \$9,061.12 (attachment is included) within 30 days after all parties have executed this Agreement. The parties recognize and agree that it is beneficial for both entities to collaborate and cooperate on future boundary road improvement projects when possible, and, to such end, all collaborative projects and cost sharing shall be undertaken only after execution of an appropriate written intergovernmental agreement between the parties. Otherwise, it is understood that such costs shall be borne by the entity completing the project.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

ARTICLE 1
MISCELLANEOUS

- (2.1) The City shall issue the Road Commission and/or its Contractor any and all permits necessary to develop and advertise the construction bid documents, and to construct the Project.
- (2.2) The Agreement shall be binding on and inure to the benefit to the parties hereto, their respective successors, and assigns when fully executed by an authorized representative of each party.
- (2.3) The Agreement may not be modified, replaced, amended, or terminated without the prior written consent of the parties to this Agreement.
- (2.4) This Agreement shall be governed by and interpreted in accordance with the laws of the State of Michigan. In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, that invalidity, illegality or unenforceability shall not affect any other provisions of the this Agreement, and this Agreement shall be construed as if the invalid, illegal, or unenforceable provisions had never been contained within the body of this Agreement.
- (2.5) This Agreement may be executed in multiple counter-parts, each of which shall be deemed an original, but all of which shall constituted one Agreement. In addition, facsimile signatures shall have the same force and effect as an original signature.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement by affixing the signatures below effective as of the date set in the caption.

EMERICK STREET IMPROVEMENT

AGREEMENT SUMMARY

<u>Emerick Street Road Improvement</u>	\$110,000.00
City of Ypsilanti Share 50%	\$55,000.00
Charter Township of Ypsilanti Share 50%	<u>\$55,000.00</u>
Total Project Cost	\$110,000.00

FOR THE CITY OF YPSILANTI:

Amanda Edmonds, Its Mayor

Witness

Frances McMullan, Its City Clerk

Witness

FOR THE CHARTER TOWNSHIP OF YPSILANTI:

Brenda Stumbo, Its Supervisor

Witness

Karen Lovejoy Roe, Its Clerk

Witness

BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF WASHTENAW

Doug Fuller, Its Chair

Witness

Roy D. Townsend P.E., Its Managing Director

Witness

2018 HMA RESURFACING PROGRAM

CADILLAC COST

ROAD NAME: EMERICK ST
 SEGMENT: GROVE RD TO I-94 SOUTH SERVICE DR
 LENGTH: 850'
 WIDTH: 30'
 SYD: 2850
 SCOPE: MILL 4" HMA, REPAIR CURB, PLACE 4" HMA

ITEM DESCRIPTION	APPROX. QUANTITY & UNITS	UN. UNIT PRICE	BID AMOUNT
HMA, LVSP-TOP	315.00 tons	\$ 65.91	\$ 20,761.65
HMA, LVSP-LEVELING	360.00 tons	\$ 65.11	\$ 23,439.60
HMA, LVSP-WEDGING	90.00 tons	\$ 92.46	\$ 8,321.40
COLD MILLING HMA SURFACE, 1,000 to 4,999	2850.00 syd	\$ 2.70	\$ 7,695.00
TEMPORARY CONSTRUCTION SIGNS (furnish & operate)	128.00 sft	\$ 1.25	\$ 160.00
TYPE III, BARRICADES (furnish & operate)	6.00 ea	\$ 25.00	\$ 150.00
TYPE II, GRABBER CONES (furnish & operate)	25.00 ea	\$ 10.00	\$ 250.00
DR. STRUCTURE COVER, ADJ, CASE I	7.00 ea	\$ 525.00	\$ 3,675.00
DR. STRUCTURE COVER	800.00 lbs	\$ 0.25	\$ 200.00
CURB AND GUTTER, REM	350.00 lft	\$ 13.00	\$ 4,550.00
SIDEWALK, REM	35.00 syd	\$ 15.00	\$ 525.00
CURB AND GUTTER, CONC, MODIFIED	350.00 lft	\$ 30.00	\$ 10,500.00
DETECTABLE WARNING SURFACE	10.00 lft	\$ 35.00	\$ 350.00
SIDEWALK RAMP, ADA, MODIFIED	15.00 sft	\$ 7.25	\$ 108.75
SIDEWALK, CONC., 4 INCH	125.00 sft	\$ 5.25	\$ 656.25
PAVT MRKG, WATERBORNE, 4 INCH, YELLOW	1700.00 lft	\$ 0.09	\$ 153.00
PAVT MRKG, WATERBORNE, 2ND APPLICATION, 4 INCH, YELLOW	1700.00 lft	\$ 0.07	\$ 119.00
PAVT MRKG, OVLY COLD PLASTIC, CONTINENTAL, X-WALK	180.00 lft	\$ 5.00	\$ 900.00
PAVT MRKG, OVLY COLD PLASTIC, 24 INCH, STOP BAR	15.00 lft	\$ 9.00	\$ 135.00
WCRC RESTORATION	1.00 ea	\$ 10,700.35	\$ 10,700.35
WCRC SUPERVISION	90.00 hrs	\$ 185.00	\$ 16,650.00
		TOTAL BID	\$ 110,000.00



OPINION OF PROBABLE CONSTRUCTION COST

ORCHARD, HILTZ & McCLIMENT, INC.

34000 Plymouth Road, Livonia, Michigan, 48150

Telephone: (734) 522-6711 FAX: (734) 522-6427

PROJECT: 2018-2019 Road Program
 LOCATION: City of Ypsilanti
 WORK: Emerick - Partial. Reconstruction, pavement removal, 4 in HMA,
 curb repairs, ADA improvements and pavement markings.
 Does not include base replacement, No subsurface exploration was performed.

DATE: 3.6.18
 PROJECT #: 0094-17-0000
 ESTIMATOR: TJL
 CHECKED BY: MJM
 CURRENT ENR: KJE

ITEM CODE	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	COST
1047051	Mobilization	LSUM	13,000	\$ 1.00	\$ 13,000.00
2040020	Curb and Gutter, Rem	Ft	179	\$ 13.00	\$ 2,327.00
2040050	Pavt, Rem	Syd	2561	\$ 20.00	\$ 51,220.00
2040055	Sidewalk, Rem	Syd	35	\$ 13.50	\$ 472.50
2050040	Subgrade Undercutting, Type I	Cyd	50	\$ 35.00	\$ 1,750.00
2080020	Erosion Control, Inlet Protection, Fabric Drop	Ea	8	\$ 100.00	\$ 800.00
3020010	Aggregate Base, 4 inch	Syd	14	\$ 9.00	\$ 126.00
3077002	Station Grading, Surface	Sta	8	\$ 750.00	\$ 6,172.50
4030005	Dr Structure Cover, Adj, Case 1	Ea	7	\$ 760.00	\$ 5,320.00
5010033	HMA, 13A	Ton	592	\$ 95.00	\$ 56,240.00
8020038	Curb and Gutter, Conc, Det F4	Ft	179	\$ 29.00	\$ 5,191.00
8030010	Detectable Warning Surface	Ft	10	\$ 37.50	\$ 375.00
8030036	Sidewalk Ramp, Conc, 6 inch	Sft	60	\$ 6.75	\$ 405.00
8030044	Sidewalk, Conc, 4 inch	Sft	100	\$ 4.50	\$ 450.00
8110092	Pavt Mrkg, Polyurea, 4 inch, Yellow	Ft	222	\$ 0.90	\$ 199.80
8110093	Pavt Mrkg, Polyurea, 6 inch, Crosswalk	Ft	56	\$ 3.25	\$ 182.00
8110114	Pavt Mrkg, Polyurea, 24 inch, Stop Bar	Ft	14	\$ 13.25	\$ 185.50
8127051	Traffic Control	LSUM	1	\$ 2,500.00	\$ 2,500.00
8160101	Slope Restoration, Type B	Syd	17	\$ 4.50	\$ 76.50
					\$ 147,000.00
CONTINGENCY (10%)					\$ 15,000.00
Total Opinion of Probable Construction Cost:					\$ 162,000.00
Estimated Design and Construction Fees:					\$ 40,500.00
Estimated Total Project Cost:					\$ 202,500.00

****2011 Invoice****

Washtenaw County Road Commission
555 N. Zeeb Rd
Ann Arbor, MI 48103

Phone: 734-761-1500

City of Ypsilanti
Attn: Stan Kirton
City Hall, One S. Huron St.
Ypsilanti, MI 48197

Invoice Date: 01/31/2012

2nd NOTICE

Project Number:	Description:	Amount Due:
------------------------	---------------------	--------------------

489-11-337	<i>River Street, 700' S. Clark</i> (Mill and Overlay)	
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Labor	95.79
Equipment	28.08
Payables	17,876.19
Overhead (13%)	28.32
Fringe (98%)	93.87

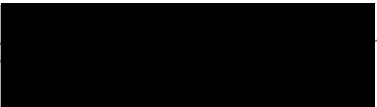
Total Costs:	<u>\$ 18,122.25</u>
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CREDITS & PAYMENTS:

WCRC Match (50%): 9,061.13

Total Credits & Payments:	<u>\$ 9,061.13</u>
--------------------------------------	--------------------

TOTAL DUE THIS INVOICE:	<u><u>\$ 9,061.12</u></u>
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If you have any questions regarding this invoice call me at (734) 327-6651 or Roy Townsend at (734) 327-6662.

Please Remit Payment Within 30 Days of Invoice Date



Memorandum

To: Honorable Mayor Edmonds and Ypsilanti City Council

From: Darwin D. P. McClary, City Manager

cc:

Date: May 1, 2018

Re: MANDATORY RECYCLING ORDINANCE AND RECYCLING CENTER
RELOCATION DISCUSSION

City council is scheduled to continue its discussion on a proposed mandatory recycling ordinance requiring owners of multi-residential units with 4 or more units to provide recycling collection services for tenants. An alternate ordinance would require the owners of all rental units to provide recycling services. Council is also scheduled to discuss the status of the existing recycling drop-off center and its demolition/relocation.

Work completed on this matter to date includes:

- Drafting of two ordinances by the City Attorney (attached)
- Preparation of cost estimates for demolition of the existing recycling drop off center and Frog Island Park parking lot improvements (attached)
- Preparation of the conceptual design for the Frog Island Park parking lot improvements (attached)
- Cost estimate from DPS Director on adding multi-family units to city's recycling collection services (attached)
- Supplemental information from Interim Economic Development Director on numbers of rental units (attached)

Work still needed includes (but is not limited to):

- Decision as to whether or not the city will demolish the existing recycling drop off facility and reasons (i.e., benefits to the city to eliminate the current facility)
- Determination of necessity of environmental clean-up of the existing recycling center facilities property and cost
- Determination of funding source for any environmental clean-up if required

- Decision as to whether the city will continue to provide a recycling drop off facility
- Identification and selection of alternative location for recycling drop off facility (e.g., EMU property)
- Preparation of design and cost estimates for alternative recycling drop off facility
- Determination of source of funding for alternative recycling drop off facility
- Alternatively, identification of other options for recycling drop off or collection services (e.g., Ypsilanti Township center, regional facilities, etc.)
- Decision as to whether the city will require mandatory recycling collection services for multi-unit residential or all rental units and adoption of ordinance
- Decision as to whether the city will include multi-unit residential or all rental units in the city's recycling collection program
- Decision as to how the city will fund the expanded recycling collection services

Administration looks forward to continuing discussions on these matters.



memorandum

Date: April 16, 2018

To: Darwin McClary, City Manager

cc: Joe Meyers, Interim Director of Economic Development
Stan Kirton, Director of Public Services

From: Jessica Katers, PE

Re: Frog Island Lot Resurfacing

Mr. McClary,

OHM Advisors was tasked with preparing opinions of probable costs for a reconfiguration and resurfacing of the Frog Island Lot and Recycle Center. We have looked at two options, a full reconstruction that consists of 4" of HMA over 6" of aggregate base at a project cost of \$528,750 and a partial reconstruction consisting of 4" of HMA over select aggregate base repairs at a project cost of \$420,000. The project encompasses the existing parking areas (both gravel and paved) and the removal of the recycle center. No work was estimated to be completed on Market Place or Rice St.

A new location for the recycle center has not been determined at this time and the cost of constructing or outfitting a new recycle center was not included in these cost estimates. We can help evaluate alternate sites and provided cost opinions on new locations once alternate sites are determined.

If you have any questions regarding these items, please feel free to contact me.


Jessica Katers, PE

MARKET PLACE STREET



OHM

ARCHITECTS ENGINEERS PLANNERS

###

OHM-ADVISORS.COM

REVISIONS	DATE	BY	APP'D	DESCRIPTION
###	###	###	###	###
###	###	###	###	###
###	###	###	###	###
###	###	###	###	###
###	###	###	###	###

DATE	PROJ NUMBER	ENG	PROJ MGR	CADD	COUNTY	CITY/VILLAGE/TOWNSHIP	SCALE	H	V	N/A	HORIZ DATUM	VERT DATUM
###	###	###	###	###	###	###	###	###	###	###	###	###
###	###	###	###	###	###	###	###	###	###	###	###	###
###	###	###	###	###	###	###	###	###	###	###	###	###

SHEET	OF
###	###



OPINION OF PROBABLE CONSTRUCTION COST

ORCHARD, HILTZ & McCLIMENT, INC.

34000 Plymouth Road, Livonia, Michigan, 48150

Telephone: (734) 522-6711 FAX: (734) 522-6427

PROJECT: Frog Island Parking Lot Reconstruction and Expansion
 LOCATION: City of Ypsilanti
 WORK: Reconstruction including 4 in HMA, 6 in agg base, base shaping,
 ADA ramps, curb and gutter and recyle center removal.

DATE: April 2, 2018
 PROJECT #: 0094-18-0040
 ESTIMATOR: TJL
 CHECKED BY: MJM
 CURRENT ENR: KJE

ITEM CODE	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	COST
1077051	Mobilization, Max, 10%	LSUM	1	\$ 35,000.00	\$ 35,000.00
2040020	Curb and Gutter, Rem	Ft	132	\$ 9.00	\$ 1,188.00
2040050	Pavt, Rem	Syd	5223	\$ 9.50	\$ 49,618.50
2040055	Sidewalk, Rem	Syd	52	\$ 9.00	\$ 468.00
2050040	Subgrade Undercutting, Type I	Cyd	100	\$ 30.00	\$ 3,000.00
2080020	Erosion Control, Inlet Protection, Fabric Drop	Ea	5	\$ 100.00	\$ 500.00
3020016	Aggregate Base, 6 inch	Syd	6667	\$ 7.00	\$ 46,669.00
3027011	Station Grading, Full Reconstruction	Syd	6667	\$ 7.50	\$ 50,002.50
5010031	HMA, 3C	Ton	917	\$ 85.00	\$ 77,945.00
5010033	HMA, 13A	Ton	550	\$ 90.00	\$ 49,500.00
8020038	Curb and Gutter, Conc, Det F4	Ft	657	\$ 20.00	\$ 13,140.00
8030010	Detectable Warning Surface	Ft	2	\$ 45.00	\$ 90.00
8030036	Sidewalk Ramp, Conc, 6 inch	Sft	168	\$ 6.00	\$ 1,008.00
8030044	Sidewalk, Conc, 4 inch	Sft	300	\$ 4.50	\$ 1,350.00
8100371	Post, Steel, 3 lb	Ft	56	\$ 6.50	\$ 364.00
8100381	Post, Wood, 4 inch by 6 inch, Direct Embedment	Ft	10	\$ 22.00	\$ 220.00
8100403	Sign, Type III, Rem	Ea	2	\$ 13.00	\$ 26.00
8100404	Sign, Type IIIA	Sft	6	\$ 15.00	\$ 90.00
8127051	Traffic Control	LSUM	1	\$ 2,500.00	\$ 2,500.00
8160101	Slope Restoration, Type B	Syd	234	\$ 5.00	\$ 1,170.00
8267051	Demolision of Dumpster Enclosure	LSUM	1	\$ 5,000.00	\$ 5,000.00
8267051	Proposed Dumpster Enclosure	LSUM	1	\$ 15,000.00	\$ 15,000.00
8267051	Recycle Center Demolition	LSUM	1	\$ 25,000.00	\$ 25,000.00
8267051	Salavge Trash Compactor	LSUM	1	\$ 3,000.00	\$ 3,000.00
8357051	Pavement Markings	LSUM	1	\$ 2,500.00	\$ 2,500.00
					\$ 384,349.00
CONTINGENCY (10%)					\$ 38,434.90
TOTAL OPINION OF PROBABLE CONSTRUCTION COST =					\$ 423,000.00
TOTAL OPINION OF PROBABLE DESIGN AND CONSTRUCTION ENGINEERING COSTS=					\$ 105,750.00
TOTAL OPINION OF PROBABLE PROJECT COST =					\$ 528,750.00



OPINION OF PROBABLE CONSTRUCTION COST

ORCHARD, HILTZ & McCLIMENT, INC.

34000 Plymouth Road, Livonia, Michigan, 48150

Telephone: (734) 522-6711 FAX: (734) 522-6427

PROJECT: Frog Island Parking Lot Reconstruction and Expansion
 LOCATION: City of Ypsilanti
 WORK: Reconstruction including 4 in HMA, base shaping,
 ADA ramps, curb and gutter and recyle center removal.

DATE: April 2, 2018
 PROJECT #: 0094-18-0040
 ESTIMATOR: TJL
 CHECKED BY: MJM
 CURRENT ENR: KJE

ITEM CODE	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	COST
1077051	Mobilization, Max, 10%	LSUM	1	\$ 28,000.00	\$ 28,000.00
2040020	Curb and Gutter, Rem	Ft	132	\$ 9.00	\$ 1,188.00
2040050	Pavt, Rem	Syd	5223	\$ 9.50	\$ 49,618.50
2040055	Sidewalk, Rem	Syd	52	\$ 9.00	\$ 468.00
2050040	Subgrade Undercutting, Type I	Cyd	100	\$ 30.00	\$ 3,000.00
2080020	Erosion Control, Inlet Protection, Fabric Drop	Ea	5	\$ 100.00	\$ 500.00
3020001	Aggregate Base	Ton	200	\$ 20.00	\$ 4,000.00
3027011	Station Grading, Partial Reconstruction	Syd	6667	\$ 3.00	\$ 20,001.00
5010031	HMA, 3C	Ton	917	\$ 85.00	\$ 77,945.00
5010033	HMA, 13A	Ton	550	\$ 90.00	\$ 49,500.00
8020038	Curb and Gutter, Conc, Det F4	Ft	657	\$ 20.00	\$ 13,140.00
8030010	Detectable Warning Surface	Ft	2	\$ 45.00	\$ 90.00
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8267051	Salavge Trash Compactor	LSUM	1	\$ 3,000.00	\$ 3,000.00
8357051	Pavement Markings	LSUM	1	\$ 2,500.00	\$ 2,500.00
					\$ 304,678.50
CONTINGENCY (10%)					\$ 30,467.85
TOTAL OPINION OF PROBABLE CONSTRUCTION COST =					\$ 336,000.00
TOTAL OPINION OF PROBABLE DESIGN AND CONSTRUCTION ENGINEERING COSTS=					\$ 84,000.00
TOTAL OPINION OF PROBABLE PROJECT COST =					\$ 420,000.00

Darwin McClary

From: Joe Meyers
Sent: Thursday, April 26, 2018 4:03 PM
To: Darwin McClary
Cc: Stan Kirton
Subject: Re: Recycling Info

Sorry was trying to get this done prior to a meeting. Below is the corrected responses

Sent from my iPhone

On Apr 26, 2018, at 16:00, Darwin McClary <dmccclary@cityofypsilanti.com> wrote:

Joe:

Your response to #2 does not make sense. Pete inquired about number of units under 6 units, not 10. Can you correct this, please? Thanks!

<image001.png>

Darwin D. P. McClary

City Manager

One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1810 – office
(734) 483-7260 – fax
www.cityofypsilanti.com

From: Joe Meyers
Sent: Thursday, April 26, 2018 3:52 PM
To: Darwin McClary <dmccclary@cityofypsilanti.com>; Stan Kirton <SKirton@cityofypsilanti.com>
Subject: RE: Recycling Info

Darwin,

Below are the answers to Pete's questions in red.

For our discussion on May 1 about recycling could we have cost estimates to expand the DPS City Service to include

1. all apartment properties in the property maintenance inspection program – the total number of units in the property maintenance inspection program are 6,603

2. all 6 units or less properties in the property maintenance inspection program – The total number of units 6 or less is 3,318.
3. all 10 units or less in the property maintenance inspection program – The total number of of 10 and under units is 4,036.

At the last discussion, there was mention that there were some undefined issues with storage of curbcarts that would prohibit or make it costly to abide by a mandatory recycling ordinance.

- What impediments in the zoning, property maintenance or other codes would need to be modified to accommodate Recycling curbcarts or other recycling (not trash) collection containers to provide recycling service to multiple residential properties with more than four units and what are the suggestions for modifications. It's hard to judge the impediments to zoning, property maintenance codes to require curb carts for recycling. The main one that comes to mind is that we require enclosures for storage of waste. These enclosures cannot be located in the front yard or within the required side yard setback (unless there is no alternative as established by the City Planner), Cannot be located within or block a designated parking space, Must be located or arranged in a way to minimize visibility from adjacent streets and uses, Adequate vehicular access must be provided, whether through an alley or vehicular access aisle. This could make many of our house apartments and downtown apartments automatically nonconforming and create a bunch of unintended issues related to this. I believe our department has recommended that we add recycling to the property maintenance code instead of having it be a separate license.

Let me know if you have any other questions.

Joe

From: Darwin McClary
Sent: Thursday, April 26, 2018 3:03 PM
To: Stan Kirton; Joe Meyers
Subject: FW: Recycling Info

Stan and Joe:

I need this information by the end of the day today. How are you coming along on this? Thanks so much!

<image001.png>

Darwin D. P. McClary

City Manager

One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1810 – office
(734) 483-7260 – fax
www.cityofypsilanti.com

From: Darwin McClary

Sent: Friday, April 20, 2018 5:01 PM

To: Stan Kirton (skirton@cityofypsilanti.com) <skirton@cityofypsilanti.com>; Joe Meyers <jmeyers@cityofypsilanti.com>

Cc: Pete Murdock (murdock.sweeney@comcast.net) <murdock.sweeney@comcast.net>

Subject: FW: Recycling Info

Stan and Joe:

Please work together to prepare the information requested below and provide me with your report by Thursday afternoon. Thanks!

<image001.png>

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(734) 483-1810 – office
(734) 483-7260 – fax
www.cityofypsilanti.com

From: Pete Murdock [<mailto:murdock.sweeney@comcast.net>]

Sent: Friday, April 20, 2018 2:08 PM

To: Darwin McClary <dmccclary@cityofypsilanti.com>

Cc: Joe Meyers <jmeyers@cityofypsilanti.com>; Stan Kirton <SKirton@cityofypsilanti.com>; Amanda Edmonds <mayor@washtenaw.org>; Beth Bashert <beth_bashert@yahoo.com>; Brian Robb <robbs@washtenaw.org>; Dan Vogt <danielvogt@comcast.net>; 'Lois Richardson' <loiserich@hotmail.com>; Nikki Brown - CC <nbforward1@gmail.com>; Brett Zeuner <bzeuner@emich.edu>; Bryan Foley <ypsigypsy@gmail.com>; Emily Drennan <redheadresist@gmail.com>; Julia Bayha <juliabayha@gmail.com>; Keith Michalowski <kmichalowski@gmail.com>; Nancy Heine <heinen567@gmail.com>; Natalie Sampson <nrsampson@gmail.com>; Thomas Kovacs <tkovacs@emich.edu>; Thomas McKee <mckeetho@umich.edu>

Subject: Recycling Info

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Thanks

Pete

Darwin McClary

From: Stan Kirton
Sent: Thursday, April 26, 2018 5:16 PM
To: Darwin McClary; Joe Meyers
Subject: RE: Recycling Info

Hi Darwin, According to the 2010 U.S. Census Ypsilanti has 9271 housing units. Not sure if this number includes EMU or not. According to the numbers submitted by Joe there are 4,136 ten units or less in the inspection program. This year's budget for recycling is \$239,703. I estimate the cost to increase 45%-50% to provide service to the ten or less units. This just a cost for the operations does not include costs to purchase additional vehicles or other equipment required (bins, curb carts, etc.).

From: Darwin McClary
Sent: Thursday, April 26, 2018 4:06 PM
To: Joe Meyers <jmeyers@cityofypsilanti.com>
Cc: Stan Kirton <SKirton@cityofypsilanti.com>
Subject: RE: Recycling Info

Stan:

The council still wants to know if there would be any increase in recycling collection costs if DPS picked up 4+ multi-residential units and, if so, what is the estimated additional cost.



Darwin D. P. McClary

City Manager

One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1810 – office
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Cc: Stan Kirton <SKirton@cityofypsilanti.com>
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(734) 483-1810 – office

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www.cityofypsilanti.com

From: Joe Meyers

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Sent: Thursday, April 26, 2018 3:03 PM
To: Stan Kirton; Joe Meyers
Subject: FW: Recycling Info

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Subject: FW: Recycling Info

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Cc: Joe Meyers <jmeyers@cityofypsilanti.com>; Stan Kirton <SKirton@cityofypsilanti.com>; Amanda Edmonds <mayor@washtenaw.org>; Beth Bashert <beth_bashert@yahoo.com>; Brian Robb <rob主bb@washtenaw.org>; Dan Vogt <danielvogt@comcast.net>; 'Lois Richardson' <loiserich@hotmail.com>; Nikki Brown - CC <nbforward1@gmail.com>; Brett Zeuner <bzeuner@emich.edu>; Bryan Foley <ypsigypsy@gmail.com>; Emily Drennan <redheadresist@gmail.com>; Julia Bayha <juliabayha@gmail.com>; Keith Michalowski <kmichalowski@gmail.com>; Nancy Heine <heinen567@gmail.com>; Natalie Sampson <nrsampson@gmail.com>; Thomas Kovacs <tkovacs@emich.edu>; Thomas McKee <mckeetho@umich.edu>
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Thanks

Pete



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

An ordinance to Require Rental and Multiple Unit Buildings Recycling

1. THE CITY OF YPSILANTI HEREBY ORDAINS That

the Ypsilanti City Code is hereby amended by adding Chapter 87, Recycle, which section reads as follows:

Chapter 87

RECYCLE

Sec. 87–1. Purpose – The purpose of this ordinance is to:

- (a) Protect the health, safety and welfare of the citizens of the City of Ypsilanti by promoting and establishing recycling and diversion of solid waste from landfill by requiring rental properties to source separate recyclable materials from all other solid waste for recycling and diversion from landfill and provide for the collection of recyclable materials;
- (b) Increase the recycling rate and reduce materials going to the landfill in the City of Ypsilanti as recommended by the Climate Action Plan;
- (c) Contribute to the reduction of potential greenhouse gas emissions;
- (d) Prevent the waste of potentially useful materials;
- (e) Reduce the consumption of fresh raw materials;
- (f) Reduce energy usage;
- (g) improve air quality by reduction of air pollution from incineration and other causes;
- (h) Establish requirements for recycling of recyclable materials generated by rental properties in order to increase the diversion of recyclable materials from landfill disposal, thus reducing greenhouse emissions, minimizing waste and helping to ensure the maintenance, restoration, enhancement, and protection of the environment, including natural resources;
- (i) provide an enforcement mechanism to ensure that rental properties provide for the proper collection of recyclable materials.

Article I. In General

Sec. 87-2. Definitions

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

Recycle or Recycling means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become Solid Waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place. Recycling does not include burning, incinerating, or thermally destroying solid waste, or the use of material as daily landfill cover.

Recyclable Materials means materials that have been separated from the solid waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place and that are not landfilled. Recyclable Materials include any materials identified by the City Manager or his/her designee for which a market exists, including, but not limited to: plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers or cans.

Recycling Facility means a Recycling, material recovery or re-use facility that is fully licensed, certified and eligible under federal, state and local laws and regulations and includes those material recovery or reuse facilities or operations that receive, process, and transfer to market Recyclable Materials that have been Source Separated from the Solid Waste stream. The Recycling Facility may be located at a Landfill.

Sec. 87-3. Recycling Required in Multiple Dwelling Units

The owner(s), of all multiple dwellings and one- or two-unit rental dwellings that are subject to registration under Section 18-131 and inspection under Section 18-112 are required to provide recycling services to their tenants.

Sec. 87-4. Rules and Regulations

It is the intent of the city council that this chapter be liberally construed for the purpose of promoting apartment recycling as stated in section 87-1 and diverting solid waste from landfills. The city manager or city council is hereby authorized to make such rules and regulations, including materials to be recycled, as, from time to time, appear necessary to carry out the intent of this chapter and which do not conflict with other ordinances of this city.

Sec. 87-5. Annual Statement of Recycle Compliance

The owners of all buildings requiring registration under Section 18-131 must provide an annual statement of recycle compliance to the Building Inspection Department on or before June one (1) of each year, including the names and addresses of their recycling hauler, the materials recycled and the recycling facility destination.

Sec. 87-6. No Certificate of Compliance without Statement of Recycle Compliance

The Building Inspection Department must not issue a Certificate of Compliance pursuant to Section 118-112, unless the owners of the property have complied with Section 87-5.

Sec. 87-7. **Penalty Civil Infraction**

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenders under this article shall be subject to increased fines as set forth in section 70-38.

Section 87-8. **Date of Effect**

This ordinance shall become effective on October 1, 2018.

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. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication 30 days after adoption, but not sooner than October 1, 2018.

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 Ypsilanti Courier 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. 2012-_____

, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled " " be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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

An ordinance to Require Four Unit and Larger Building Recycling

1. THE CITY OF YPSILANTI HEREBY ORDAINS That

the Ypsilanti City Code is hereby amended by adding Chapter 87, Recycle, which section reads as follows:

Chapter 87

RECYCLE

Sec. 87–1. Purpose – The purpose of this ordinance is to:

- (a) Protect the health, safety and welfare of the citizens of the City of Ypsilanti by promoting and establishing recycling and diversion of solid waste from landfill by requiring rental properties to source separate recyclable materials from all other solid waste for recycling and diversion from landfill and provide for the collection of recyclable materials;
- (b) Increase the recycling rate and reduce materials going to the landfill in the City of Ypsilanti as recommended by the Climate Action Plan;
- (c) Contribute to the reduction of potential greenhouse gas emissions;
- (d) Prevent the waste of potentially useful materials;
- (e) Reduce the consumption of fresh raw materials;
- (f) Reduce energy usage;
- (g) improve air quality by reduction of air pollution from incineration and other causes;
- (h) Establish requirements for recycling of recyclable materials generated by rental properties in order to increase the diversion of recyclable materials from landfill disposal, thus reducing greenhouse emissions, minimizing waste and helping to ensure the maintenance, restoration, enhancement, and protection of the environment, including natural resources;
- (i) provide an enforcement mechanism to ensure that rental properties provide for the proper collection of recyclable materials.

Article I. In General

Sec. 87-2. Definitions

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Recycle or Recycling means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become Solid Waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place. Recycling does not include burning, incinerating, or thermally destroying solid waste, or the use of material as daily landfill cover.

Recyclable Materials means materials that have been separated from the solid waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place and that are not landfilled. Recyclable Materials include any materials identified by the City Manager or his/her designee for which a market exists, including, but not limited to: plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers or cans.

Recycling Facility means a Recycling, material recovery or re-use facility that is fully licensed, certified and eligible under federal, state and local laws and regulations and includes those material recovery or reuse facilities or operations that receive, process, and transfer to market Recyclable Materials that have been Source Separated from the Solid Waste stream. The Recycling Facility may be located at a Landfill.

Sec. 87-3. Recycling Required in Multiple Dwelling Units

The owner(s), of all four (4) unit and larger rental dwellings that are subject to registration under Section 18-131 and inspection under Section 18-112 are required to provide recycling services to their tenants.

Sec. 87-4. Rules and Regulations

It is the intent of the city council that this chapter be liberally construed for the purpose of promoting apartment recycling as stated in section 87-1 and diverting solid waste from landfills. The city manager or city council is hereby authorized to make such rules and regulations, including materials to be recycled, and rules for exemption from this ordinance, as, from time to time, appear necessary to carry out the intent of this chapter and which do not conflict with other ordinances of this city.

Sec. 87-5. Annual Statement of Recycle Compliance

The owners of all buildings requiring registration under Section 18-131 must provide an annual statement of recycle compliance to the Building Inspection Department on or before June one (1) of each year, including the names and addresses of their recycling hauler, the materials recycled and the recycling facility destination.

Sec. 87-6. No Certificate of Compliance without Statement of Recycle Compliance

The Building Inspection Department must not issue a Certificate of Compliance pursuant to Section 118-112, unless the owners of the property have complied with Section 87-5.

Sec. 87-7. Penalty Civil Infraction

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenders under this article shall be subject to increased fines as set forth in section 70-38.

Section 87-8. **Date of Effect**

This ordinance shall become effective on October 1, 2018.

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.

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6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication 30 days after adoption, but not sooner than October 1, 2018.

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 Ypsilanti Courier 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. 2012-_____

, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled " " be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2018-111
May 1, 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: