1. Council Meeting Agenda

    Documents:

    09-25-18 REVISED FINAL AGENDA.PDF

2. Council Meeting Packet

    Documents:

    SEPTEMBER 25, 2018 COUNCIL PACKET.PDF

3. Council Action Minutes

    Documents:

    ACTION MINUTES 09-25-18.PDF

Revised 09/25/18

CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 25, 2018
6:30 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. CLOSED SESSION – 6:30-7:00 p.m.

Closed session to discuss collective bargaining, Tentative Agreement from AFSCME, pursuant to OMA 15.268, Section (8)(c)

VII. INTRODUCTIONS

VIII. PRESENTATIONS –

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. ORDINANCE – FIRST READING –

Ordinance No. 1326

Ordinance to amend the Ypsilanti City Code as necessary to adopt the 2018 edition of the International Property Maintenance Code, to make additions, insertions, and changes to the 2018 Edition of that Code, and to set forth the penalties.

A. Resolution No. 2018-241, determination
B. Open public hearing
C. Resolution No. 2018-242, close public hearing

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-243, approving minutes of August 28 and August 29, 2018 meetings

2. Resolution No. 2018-244, approving service agreement with iCompass for agenda management and video streaming software solutions.

3. Resolution No. 2018-246, approving fireworks display permit to allow the display of fireworks on September 29, 2018

4. Resolution No. 2018-247, approving AFSCME 2017-2022 Collective Bargaining Agreement

5. Resolution No. 2018-248, approving Bell-Kramer Budget Adjustment

XX. <u>LIAISON REPORTS</u> –

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

XXI. <u>COUNCIL PROPOSED BUSINESS</u> –

XXII. <u>COMMUNICATIONS FROM THE MAYOR</u> –

XXIII. <u>COMMUNICATIONS FROM THE CITY MANAGER</u> –

XXIV. <u>COMMUNICATIONS</u> –

September 18, 2018 Traffic Review Commission Minutes

XX. <u>AUDIENCE PARTICIPATION</u> –

XXI. <u>REMARKS FROM THE MAYOR</u> –

XXII. <u>ADJOURNMENT</u> –

Resolution No. 2018-249, adjourning the City Council meeting.

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

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

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

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

REQUEST FOR LEGISLATION

DATE: September 7, 2018

FROM: Jesse O'Jack, Assistant Ypsilanti City Attorney

SUBJECT: Adoption of the International Property Maintenance Code 2018 edition.

SUMMARY/BACKGROUND

The City of Ypsilanti adopts and enforces a property maintenance code as part of its building regulations. Currently the City has adopted and enforces the International Property Maintenance Code 2012 edition as amended by the City Code. The International Property Maintenance Code is updated every three years however the City does not adopt every new edition. This proposed legislation would replace the 2012 edition with the 2018 edition. The proposed legislation also includes proposed additions, insertions, and changes to that code which includes insertions required by the edition, and additions and changes to make the edition consistent with other laws adopted by the City, to clean-up and simplify the wording, remove duplication in the code, and to make other changes as recommended by the building department.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED:_____________ AGENDA ITEM NO._2018-241_____________

CITY MANAGER COMMENTS____

FOR AGENDA OF:__________ FINANCE DIR. APPROVAL:__________________

COUNCIL ACTION TAKEN:____

Resolution No. 2018-241
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED “BUILDINGS AND BUILDING REGULATIONS,” BY AMENDING ARTICLE V, “PROPERTY MAINTENANCE CODE,” SECTION 18-91 “ADOPTION,” TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 “ADDITIONS, INSERTIONS AND CHANGES,” BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES" be approved on First Reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1326

AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY AMENDING ARTICLE V, "PROPERTY MAINTENANCE CODE," SECTION 18-91 "ADOPTION," TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 "ADDITIONS, INSERTIONS AND CHANGES," BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 18, "Buildings and Building Regulations," of the Ypsilanti City Code, Article V, "Property Maintenance Code," Section 18-91, "Adoption," is hereby amended as follows:

Sec. 18-91. - Adoption.

A certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the "International Property Maintenance Code, 2018 ~~2012~~ edition," as published by the International Code Council, be and hereby is adopted as the Property Maintenance Code of the City of Ypsilanti, in the State of Michigan for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 18-92.

That Chapter 18, "Buildings and Building Regulations," of the Ypsilanti City Code, Article V, "Property Maintenance Code," Section 18-92, "Additions, insertions and changes," is hereby amended as follows:

Sec. 18-92. - Additions, insertions and changes.

The International Property Maintenance Code adopted in section 18-91 is amended and revised in the following respects:

Section 101.1 (page 1). Delete section and replace with:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Ypsilanti, hereinafter referred to as "this code."

Section 102.3 (page 1). Delete section and replace with:

102.3 Application of other codes. Notwithstanding any reference in this code to other codes, no other codes are adopted by reference by the adoption of this code. Codes referenced by this code which have been adopted by the City of Ypsilanti elsewhere, as to repairs, additions or alterations to a structure, or changes of occupancy, must be done in accordance with the procedures and provisions of those referenced and adopted codes where the provisions and procedures of those codes are not in conflict with the provisions and procedures of this code. Additionally, nothing in this code is to be construed to cancel, modify, or set aside any provision of the City of Ypsilanti's Zoning Ordinance.

Section 102.6 (page 1). Delete section and replace with:

102.6 Historic buildings. The provisions of this code are not mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest, health, safety and welfare. Pursuant to Chapter 54 of the Ypsilanti City Code any building or structure, publicly or privately owned, historic or non historic, located within a historic district is a "historic buildings" for the purposes of this section.

Section 103.5 (page 2). Delete section and replace with:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code are as adopted by resolution of the Ypsilanti City Council.

Section 104.1 (page 2). Delete section and replace with:

104.1. General, rule-making authority. The code official is hereby authorized to enforce the provisions of this code. The code official has authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules will not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety. All rules take effect when approved by resolution of City Council. The rules will be published on the City's website.

Section 104.3 (page 2). Delete section and replace with:

104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official must present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official must first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. Entry must comply with the requirements of Section 58-138 of the Ypsilanti City Code "Regulation of entry." If entry is refused, the code official will have recourse to the remedies provided by law to secure entry.

Section 105.1 (page 3 ~~2~~). Delete section and replace with:

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Construction Board of Appeals appointed and acting pursuant to the provisions contained in section 18-31 of the Ypsilanti City Code, and in accordance with the state construction code act, MCL 125.1501 et seq., has the authority to grant variances for individual cases, provided the Construction Board of Appeals first finds that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The code official may make written interpretations of this code. The details of actions granting modifications and making interpretations must be recorded and entered in the department files.

Section 106.3 (page 3). Delete section and replace with:

106.3 Prosecution of violation. Any person, firm, or corporation violating any provision of this article or failing to comply with a notice of violation or order served in accordance with section 107 is responsible for a blight violation, subject to payment of a civil fine as set forth in Section 71-73. Repeat offenses under this article are subject to increased fines as set forth in section 71-73. The imposition of a fine for any violation will not excuse the violation nor permit the violation to continue, and all such persons are required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that violations continue constitute a separate offense. Violations will be considered a strict liability offense. If a notice of violation is not complied with, the code official will institute an administrative hearing pursuant to Chapter 71 of the City Code to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The costs of any action taken will be charged against the real estate upon which the structure is located and are a lien upon such real estate.

Section 110.1 (page 6). This section is deleted.

Section 110.2 (page 6). This section is deleted.

Section 110.3 (page 6). This section is deleted.

Section 110.4 (page 6). This section is deleted.

Section 111.1 (page 6). This section is deleted.

Section 111.2 (page 6). This section is deleted.

Section 111.2.1 (page 6). This section is deleted.

Section 111.2.2 (page 6). This section is deleted.

Section 111.2.3 (page 6). This section is deleted.

Section 111.2.4 (page 6). This section is deleted.

Section 111.2.5 (page 6). This section is deleted.

Section 111.3 (page 7 ~~6~~). This section is deleted.

Section 111.4 page 7 ~~6~~). This section is deleted.

Section 111.4.1 (page 7 ~~6~~). This section is deleted.

Section 111.5 (page 7). This section is deleted.

Section 111.6 (page 7). This section is deleted.

Section 111.6.1 (page 7). This section is deleted.

Section 111.6.2 (page 7). This section is deleted.

Section 112.4 (page 7). Delete section and replace with:

112.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is liable as set forth in section 106.3 of this code.

Section 201.3 (page 9) Delete section and replace with:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other codes referenced by this code or adopted by the City, such terms have the meanings ascribed to them as stated in those codes.

Section 202 (page 10) Delete definition of owner and replace with:

Owner. Any person, agent, owner/agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the statute, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, the executor or administrator of the estate of such person if ordered to take possession of real property by the court, and any person registered as an agent or owner/agent under Section 18-131 of the Ypsilanti City Code.

Section 202 (page 10) Delete definition of workmanlike and replace with:

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work. All materials and installation must be per manufacturer's instructions and in accordance with trade and industry standards.

Section 301.4 (page 11). The following section is added:

301.4. Permit requirements. No building or structure within the city shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair, alter, or raze until the required permit(s) have been issued by the Building Department. No permit shall be issued unless it is in conformity with all applicable building regulations enforced or adopted by the city.

Section 302.3 (page 11). Delete this section and replace with:

302. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas must be kept in a proper state of repair, and maintained free from hazardous conditions. Repair and maintenance of public sidewalks will be enforced according to the procedures in Chapter 94, Streets, sidewalks and certain other public places, Article VII, Sidewalks, of the Ypsilanti City Code.

Section 302.4 (page 11). Delete this section and replace with:

302.4 Weeds. All premises and exterior property must be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds are prohibited. Weeds are defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term does not include cultivated flowers and gardens. This section will be enforced according to the procedures in Article III, Weed Control, Sections 110-80 through 110-86 of the Ypsilanti City Code.

Section 304.14 (page 13). Delete section and replace with:

304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored must be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control must have a self-closing device in good working condition. Temporary expandable screens are not permitted.

Exception:

Screens are not required where other approved means, such as air curtains or insect repellent fans, are employed, or for owner occupied dwellings.

Section 304.17 (page 13). Delete section and replace with:

304.17 Guards for basement windows. In dwellings where rodent problems have been identified, every basement window that is openable must be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Section 304.18.1.1 (page 13). The following section is added:

304.18.1.1 Swinging doors. A lock must be so constructed that the bolt may be retracted by the action of a single inside knob, thumbturn or lever. A lock must be capable of being deadlocked (not springloaded) from the interior and by an exterior key. The strike plate shall be securely attached to the frame of the doorway. For strike plates installed or replaced after September 17, 1984, the strike plate must be attached by woodscrews, a minimum of two inches in length, if the frame is made of wood.

Section 304.18.4 (page 14 ~~13~~). The following section is added:

304.18.4 Peepholes. Every dwelling or rooming unit entrance door which does not contain a window or side light must be equipped with a wide angle peephole viewer installed between 43 and 60 inches from the floor.

Section 304.18.5 (page 14 ~~13~~). The following section is added:

304.18.5 Secondary locks. Operable windows and sliding doors located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let or operable windows and sliding doors otherwise accessible from the exterior must be equipped with a secondary locking device to provide ventilation yet prohibit entry.

(a) Single and double-hung windows must be equipped with ventilation locks or other secondary locks approved by the Building Department. If pin locks are used, the pins for such locks must be steel and the lock must be secured to the window frame by screws a minimum of three-fourths of an inch in length and the holes must be drilled at a slight downward angle through the inner frame and halfway into the outer frame. The pins must not require the use of any key or tool for removal. Pin or vent locks must be installed in a way that allows the window to be secured in a position to allow for ventilation yet prohibit entry.

(b) Sliding windows and doors must be equipped with a rod at least ¾ inch in diameter or width, and of such length as to prevent the door or window from being opened when laid in the bottom track. Rods must fit loosely and not require force or knowledge for removal.

Section 304.18.6 (page <u>14</u> ~~13~~). The following section is added:

304.18.6 Common access: In multiple dwellings which are offered for rent or lease and where access to individual dwellings or rooming units are obtained by means of common hallways and exterior doors, such exterior doors and any windows must be equipped as follows:

1. All doors must be self closing and self latching and must not be equipped with any type of hold open device.
2. All doors must be equipped with a lock requiring a key or code for entry from the exterior. The lock must operate without any key, code, tool or other special knowledge or effort from the interior and be of a type that remains locked from the exterior at all times. Electric releases are permitted, and if so equipped, the releases must be operable at all times. Strike plates must have protective guards on the exterior side to prevent the lock from being pried open.
3. If a common hallway has operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface, the windows must be equipped with locks as per section 304.18.5. The windows must be equipped with insect screens per section 304.14.4. Common tenant areas such as laundry rooms, storage areas, etc., which are accessed from a common hallway must have entry doors meeting the requirements of this section.

Section 305.3.1 (page 14). The following section is added:

305.3.1 Interior dampness. Every dwelling, including basement and crawl spaces, must be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, and deterioration of the structure.

Section 309.1 (page 15). Delete section and replace with:

309.1 Infestation. All structures must be kept free from insect and rodent infestation. All structures in which insects or rodents are found must be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions must be taken by the owner, owner/agent, and occupant to prevent re-infestation.

Section 602.2 (page 23 ~~21~~). Delete section and replace with:

602.2 Residential occupancies. Dwellings must be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms based on the Winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. The following may not be used to provide the required heating: cooking appliances, portable unvented fuel-burning space heaters, portable electric space heaters.

Exception:

In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degrees Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) must be maintained.

Section 602.3 (page 23 ~~21~~). Delete section and replace with:

602.3 Heat supply. Every owner, owner/agent, and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof must supply heat during the period from September 15 to May 15 to maintain a minimum temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the Winter outdoor design temperature for the locality, maintenance of the minimum room temperature is not required provided that the heating system is operating at its full design capacity. The Winter outdoor design temperature for the locality is as indicated in appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) must be maintained.
3. Structures with closed loop HVAC systems must provide heat within 30 days of the dates in section 602.3, based upon fluctuant weather conditions.

Section 602.4 (page 23 ~~21~~). Delete section and replace with:

602.4 Occupiable work spaces. Indoor occupiable work spaces must be supplied with heat at all times necessary to maintain a temperature of not less than 65 degrees F (18 degrees C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 603.7 (page 24 ~~21~~). The following section is added:

603.7 HVAC Certification requirement. All gas fired heating equipment must be serviced and inspected by a licensed mechanical contractor. The mechanical contractor must provide certification of inspection minimally every 4 years. The certification must be on a form approved by the Building Official. Inspectors may require cleaning and service more frequently based on observations made during the inspections.

Section 605.2 (page 24 ~~22~~). Delete section and replace with:

605.2 Receptacles. Every habitable space in a dwelling must contain at least two separate and remote receptacle outlets. Every laundry area must contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom must contain at least one receptacle. Any new or replaced bathroom and kitchen receptacle outlet must have ground fault circuit interrupter protection. All receptacle outlets must have the appropriate faceplate cover for the location.

Section 605.4 (page 25 ~~22~~). Delete section and replace with:

605.4 Wiring. Flexible cords and cables may not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

Section 605.4.1 (page 25 ~~22~~). The following section is added:

605.4.1 Extension cords. Portable air conditioners, portable heaters, microwaves, and kitchen appliances may not be connected to an extension cord. No other electrical appliance or machine may be connected to an extension cord unless approved by the code official pursuant to section 105.2.

Section 605.5 (page 25 ~~22~~). The following section is added:

605.5 Grounding. No electrical appliance, machine, and device designed to be connected to a grounded receptacle may be connected to a non-grounded receptacle or connected in any fashion that avoids or bypasses the grounding.

Section 701.1 (page 27 ~~25~~). Delete section and replace with:

701.1 Scope. The provisions of this chapter and the fire code adopted by the City of Ypsilanti govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Section 701.1.1 (page 27). The following section is added:

701.1.1 Conflicts. Where conflicts occur between the provisions of this Chapter and the provisions of the fire code adopted by the City of Ypsilanti, the provisions with the higher minimum conditions and standards for fire safety shall apply.

~~*Section 702.1* (page 25). Delete section and replace with:~~

~~702.1 General. A safe, continuous, and unobstructed path of travel must be provided from any point in a building or structure to the public way. Means of egress must comply with the Fire Code adopted by the City of Ypsilanti.~~

~~*Section 702.2* (page 25). Delete section and replace with:~~

~~702.2 Aisles. The required width of aisles in accordance with the Fire Code adopted by the City of Ypsilanti must be unobstructed.~~

Section 702.3 (page 27 ~~25~~). Delete section and replace with:

702.3 Locked doors. All means of egress doors must be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Building Code enforced by the City of Ypsilanti.

~~*Section 704.1* (page 25). Delete this section and insert:~~

~~704.1 General. All systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof must be maintained in an operable condition at all times in accordance with the Fire Code adopted by the City of Ypsilanti.~~

~~*Section 704.1.1* (page 25). Delete this section and replace with:~~

~~704.1.1 Automatic sprinkler systems. Inspections, testing and maintenance of automatic sprinkler systems must be in accordance with the Fire Code adopted by the City of Ypsilanti.~~

~~*Section 704.2* (page 25). Delete section and insert:~~

~~704.2 Smoke alarms. Single or multiple-station smoke alarms must be installed and maintained in Groups R-2, R-3, R-4, and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:~~

~~1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.~~

~~2. In each room used for sleeping purposes.~~

~~3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level will suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~Single or multiple-station smoke alarms must be installed in other groups in accordance with the Fire Code adopted by the City of Ypsilanti.~~

Section 706 ~~*705*~~ (page 31 ~~26~~). The following section is added:

706 ~~705~~ FIRE EXTINGUISHERS

706.1 ~~705.1~~ Where required. Portable fire extinguishers must be installed as follows:

1. All multiple dwelling units, which are offered for rent or lease, must be equipped with a fire extinguisher with a minimum rating of 1-A:10-B:C and meeting the requirements of the Fire Prevention Code of the City of Ypsilanti.
2. All common tenant areas in the structure in which the units are located containing laundry equipment for tenant use must be equipped with a fire extinguisher with a minimum rating of 3-A:40-B:C and meeting the requirements of the Fire Prevention Code of the City of Ypsilanti.
3. All one- or two-unit rental dwellings offered for rent or lease must be equipped with a fire extinguisher with a minimum rating of 1-A:10-B:C in addition to meeting the minimum requirements of the Fire Prevention Code of the City of Ypsilanti.

706.2 ~~705.~~2 Location. All extinguishers must be permanently mounted in conspicuous locations where they will be readily accessible and immediately available for use.

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

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

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

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

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

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

____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. __1321_____ 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: _September 10, 2018____________

First Reading: ___September 25, 2018___________

Second Reading: ____________________________

Published: __________________________________

Effective Date: _____________________________

Resolution No. 2018-242
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a public hearing on an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED “BUILDINGS AND BUILDING REGULATIONS,” BY AMENDING ARTICLE V, “PROPERTY MAINTENANCE CODE,” SECTION 18-91 “ADOPTION,” TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 “ADDITIONS, INSERTIONS AND CHANGES,” BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES" be officially closed.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Resolution No. 2018 - 243
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of August 28th and August 29, 2018 be approved.

OFFERED BY: ____

SUPPORTED BY:____

YES: NO: ABSENT: VOTE:

Draft

CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, AUGUST 28, 2018
7:00 p.m.

I. CALL TO ORDER –

The meeting was called to order at 7:04 p.m.

II. ROLL CALL –

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

III. INVOCATION –

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

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

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

Council Member Richardson stated a time limit should be set for discussions. She suggested holding work sessions prior to a regular meeting to conduct discussions. Mayor Edmonds replied the discussion of recycling bins was prompted by a request by the Sustainability Commission to consider a resolution. However, the process is for Council to discuss whether or not it would consider the resolution. Ms. Richardson does not take issue with the discussion, only how they unnecessarily prolong the meeting.

Council Member Richardson moved to limit discussion items to fifteen minutes.

Council Member Murdock moved to hear the discussion regarding recycling bins to last under Section X, Resolutions/Motions/Discussions.

Council Member Murdock moved to hear Resolution No. 2018-220, approving a purchase agreement for 220 N. Park at the beginning of Section X, Resolutions/Motions/Discussions.

Council Member Murdock moved to hear Resolution No. 2018-224, approving the intergovernmental agreement with Ypsilanti Township for use of their recycling drop-off center, second under Section X, Resolutions/Motions/Discussions.

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

VI. INTRODUCTIONS

Mayor Edmonds introduced the following individuals; City Clerk Frances McMullan, City Attorney John Barr, Assistant City Attorney Dan DuChene, Interim Economic Development Director Joe Meyers, Police Chief Tony DeGiusti, Administrative Services Manager Wendy Estey, and many board and commission members.

VII. PRESENTATIONS –

VIII. AUDIENCE PARTICIPATION –

1. Dave Hiekkinen, 133 W. Michigan Ave, stated Council approved the repair and restriping of the South Huron parking lot, which was needed. The bid that was accepted was to repair, reseal, and restripe. However, that was not what was preformed, there is more parking but two handicap parking spots were lost and the directional arrows are too small. Also, the signs do not match the parking. He does not know why the lot was not repaired to what the bid requested. He asked where the responsibility falls for the failed repairs, and Council should hold the City Manager responsible. He stated this City Manager is the worst the city has had since he has owned a business in Ypsilanti. The City Manager is never around and does not meet with the public, and does not know why he would be giving a raise.

2. Prestyn Ciardhubh, 409 Olive St., expressed gratitude for Council Member Richardson for her work on the Community Benefits Ordinance, and hopes Council will vote to approve the ordinance at tomorrow's meeting. She spoke in support of the passage of Ordinance 1320, and explained when a person starts a new job they are giving a guidebook and it is an inspired idea to provide that to new renters. She believes a more informed public is never a bad thing. She stated the appointment of a non-resident to the YDDA is unwise to stack the YDDA with non-residents.

3. Gillian Gainsley, 409 N. Adams, stated she finished her five year term as the Ypsilanti member of the AAATA Board. She appreciated the opportunity to serve the community in that position. The AAATA will undertake a new strategic planning process to organize what the next five to ten years will look like. She encouraged both Council and community members to be a part of that process. The AAATA will discuss the Ypsilanti Transit Center at a meeting tomorrow, Wednesday, August 29th. She strongly supports the Mayor's appointment of Jesse Miller to take her spot on the AAATA Board.

4. Amber Fellows, Ward 3 resident, stated during the last Human Relations Commission meeting the commission approved the support of the passage of Ordinance 1320, regarding tenant information, as written. She stated it would be interesting to see if the proposed developers of 220 N. Park would be willing to meet with residents.

5. Brian Geiringer, Ward 1, stated his support for the passage of the Community Benefits Ordinance at tomorrow's meeting. Not only elected officials should be a part of the development of this city. He added city staff has proved to not be effective negotiators for development. He said the work of REDY should be celebrated. He spoke against the approval of the purchase agreement of 220 N. Park. He voiced his support of the passage of Ordinance 1320.

6. Sam Jones-Darling, 210 Brown Hall, stated the HRC unanimously approved support for the passage of Ordinance 1320. This ordinance is necessary and well overdue. He appreciates Council willingness to even bring it to the table. Ypsilanti is mostly a city of renters and it is invaluable to provide renters information of their rights. If this ordinance is passed Council would

need to pass resolutions directing the Clerk on what to provide in the information packet. He suggested voter registration information, a guide on how to use the Human Relations Commission, and tenants' rights. He believes charging violators with a misdemeanor is essential to the effectiveness of the ordinance because it would hold landlords accountable because a violation could equate to ninety days in jail.

7. Sheri Johnson, 310 N. Grove, read a letter from Hank Prebys that expressed concerns for the proposed purchase agreement. The proposed density of the development will create congestion and at the entry points of Grove and Park St. The development also lacks sensitivity to the current structures 19th Century aesthetics. She asked that Council please give consideration to the residents of that neighborhood prior to approving the development agreement.

8. Amy Probst, 302 N Park, stated she lives directly across the street from the 220 N Park site, and those in the neighborhood already use that site as a park. She understands that it is unlikely to maintain the site as a park, but she has concerns about the traffic this development will cause and the proposed density.

9. Desiree Simmons, 407 Charles St., supports the approval of proposed Ordinance 1320. She does not agree with a Council Members opinion that homeowners need the same information as renters. She wonders if renters could request this information electronically, and encouraged voter information be provided. She would like the developers of 220 N. Park to participate in the process set by a Community Benefits Ordinance. She is not necessarily against the development but community input is important. She encouraged the Police Advisory Commission to share information and supports the budget request of that commission. She supports providing recycling services to renters and to address the use of Styrofoam in the business community.

10. Mark Swanson, Downtown business owner, stated he received notice of the South Huron Lot would undergo repair, resealing, and restriping. He stated the parking lot was not sealed and asked how a contract could have been signed without the lot being sealed. He said the project was not overseen correctly, if the pavement is not resealed it will cause serious problems in the future.

11. Mary Ellen Hagenauer, 309 N Grove, stated her objections to the 220 N Park development. She read a letter from a neighbor of the proposed development stating the resident's opposition to the density. The letter states a petition was signed by every single resident against the development.

12. Sue Melke, 330 Chidester, stated during the last meeting Council discussed leftover funds from the ADA ramp program. Those funds should not be used for anything other than ramps. She cannot believe any Council Member would have voted to use those funds for another project. She stated her support for the passage of Ordinance 1320, especially to provide voter information. During a Council Meeting in July the Department of Public Services Director informed Council wood was available to construct picnic tables for city parks. She asked why that did not happen and the summer is almost over. A patch was made on the path in Riverside Park which a scooter is not able to transverse. She had to go around the patch in the wet grass and thankfully friends were present to push her. She asked for the sidewalk abutting Water Street could be fixed. She asked when the live streaming will be provided for Council meetings.

13. George Hagenauer, 309 N Grove, stated his disapproval of the 220 N Park development and the city could create greater tax revenue through a lower number of units. He asked that any contract approved needs to included animal removal. He suggested Council examining federal and state formulas for affordable housing as land values continue to increase.

14. Lee Tooson, 107 Middle, stated he was told during the last Council meeting he offended all of Council. He stated he is not here to apologize for telling the truth and how he feels. The Fire Chief is about to retire and he hopes his replacement will come from within the department as it has been in the past. It is evident there is a need for more police in this city and for a dedicated downtown police officer. The senior crossing sign has not been installed on Michigan Ave and Hamilton. He congratulated Mayor Pro-Tem Brown on her recent win during the primary election.

15. Chris White, owner of 227 N. Grove, voiced his concern regarding the density of the proposed development of 220 N. Park. He is not opposed to the development of that property, but the design should match the historic feel of the neighborhood. He added his survey shows the 220 N. Park is smaller than indicated and part of the claimed property actually is owned by him.

16. Kyle Hunter stated this meeting is a symbolic acknowledgment of power and there are better ways to communicate. The result is a criminal sitting in the Mayor's seat.

17. Jesse Miller, 93 Oakwood, stated he is looking forward to being nominated to the AAATA Board of Directors. He is a daily user of the bus system and is open to answering any questions Council might have.

IX. <u>REMARKS BY THE MAYOR</u> –

- She is responsible for the request to develop an ordinance that landlords provide renters with certain information at the time a lease is signed. She looks forward to the reconsideration of that ordinance.

X. <u>ORDINANCES - FIRST READING</u> –

Ordinance No. 1322

1. An ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances, City of Ypsilanti to adjust water service rates.

   A. Resolution No. 2018-210, determination

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That an Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti be approved on First Reading.

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

Ypsilanti Representative to the YUCA Board Michael Bodary introduce YCUA Executive Director Jeff Castro, Finance Director Dwayne Harrigan, Attorney Thomas Daniels, and Rate Expert Vick Cooperhauser. YCUA representation provided an overview to why these ordinances were submitted for approval.

Mayor Edmonds thanked the members of YCUA for their presentation and that one issue to making housing more affordable is the cost of utilities.

Council Member Robb asked what equation is used to determine unit price. Mr. Castro responded the cost per unit is $8.24 for everyone no matter how many units of water used.

B. Public Hearing

1. Chris White, owner of 227 N. Grove, asked if the new structure is revenue neutral wouldn't someone's bill need to increase so others will decrease.

   Mr. Castro responded for the authority it is revenue neutral for the city it is a decrease. The funds that cover the cost are captured outside of the city. Mr. White asked when the surcharge will be eliminated. Mr. Castro responded once the bonds are paid in 2019.

C. Resolution No. 2018-211, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a public hearing on an Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti be officially closed.

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

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

Council Member Murdock stated he has been working for some time to link the rate structure to use. He thinks it is a great restructure of the rates and is glad it has finally been completed.

Council Member Robb asked how was this number developed and asked how it would be reflected if there is a rate increase. Mr. Castro responded if the Great Lakes Water Authority increases rates to an amount that cannot be absorbed by YCUA Council will be requested for a 2% rate increase per unit.

Council Member Vogt thanked Mr. Bodary and all others involved for this new rate structure, and for keeping Council informed.

Council Member Bashert commended the authority in helping the sustainability of this community for incentivizing decreased use in water.

Mayor Edmonds asked if there are any changes in commercial rates. Mr. Castro responded in the affirmative, and explained the commodity rates will increase for contract communities. Ms. Edmonds asked if rates will change for agricultural rates. Mr. Castro responded in the affirmative.

On a roll call, the vote to approve Resolution No. 2018-210 was as follows:

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

VOTE:

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

Ordinance No. 1323

2. An ordinance to amend Chapter 106, Article V, Section 106-454(a) of the Code of Ordinances, City of Ypsilanti, to adjust sewage disposal rates.

A. Resolution No. 2018-212, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance to amend Chapter 106, Article V, Section 106-454(a) of the Code of Ordinances, City of Ypsilanti, to adjust sewage disposal rates approved on First Reading.

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

B. Public Hearing

None

C. Resolution No. 2018-213, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT a public hearing on an Ordinance to amend Chapter 106, Article V, Section 106-454(a) of the Code of Ordinances, City of Ypsilanti, to adjust sewage disposal rates be officially closed.

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

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

On a roll call, the vote to approve Resolution No. 2018-212 was as follows:

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

VOTE:

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

Ordinance No. 1324

3. An ordinance to repeal Chapter 106, Article V, Section 106-499 of the City of Ypsilanti Code of Ordinances which provides for a restricted debt retirement and capital improvement fund surcharge on water service and sewage disposal bills, because said surcharge is now a part of and fully included in the readiness-to-serve and commodity rates established b the sewer rate ordinance at Chapter 106, Article V, Section 106-454(a) and established by the water rate ordinance at Chapter 106, Article V, Section 106-454(b), each rate ordinance being effective October 11, 2018.

A. Resolution No. 2018-214, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT An Ordinance to repeal Chapter 106, Article V, Section 106-499 of the City of Ypsilanti Code of Ordinances which provides for a restricted debt retirement and capital improvement fund surcharge on water service and sewage disposal bills, because said surcharge is now a part of and fully included in the readiness-to-serve and commodity rates established by the sewer rate ordinance at Chapter 106, Article V, Section 106-454(a) and established by the water rate ordinance at Chapter 106, Article V, Section 106-454(b), each rate ordinance being effective October 11, 2018 be approved on First Reading.

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

B. Public Hearing

None

C. Resolution No. 2018-215, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT a public hearing on an Ordinance to repeal Chapter 106, Article V, Section 106-499 of the City of Ypsilanti Code of Ordinances which provides for a restricted debt retirement and capital improvement fund surcharge on water service and sewage disposal bills, because said surcharge is now a part of and fully included in the readiness-to-serve and commodity rates established by the sewer rate ordinance at Chapter 106, Article V, Section 106-454(a) and established by the water rate ordinance at Chapter 106, Article V, Section 106-454(b), each rate ordinance being effective October 11, 2018 be officially closed.

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

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

On a roll call, the vote to approve Resolution No. 2018-214 was as follows:

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

VOTE:

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

4. Motion to Reconsider Ordinance No. 1320, to amend Chapter 58, Article IV, Division 1 of the Ypsilanti City Code of Ordinances to require that landlords share certain information with their tenants upon occupancy.

   Council Member Murdock moved, seconded by Council Member Bashert to reconsider Ordinance 1320, Resolution No. 2018-187

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That an ordinance entitled "An ordinance to amend Chapter 58, Article IV, Division 1 of the Ypsilanti City Code of Ordinances to require that landlords share certain information with their tenants upon occupancy" be approved on First Reading.

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

On a roll call, the vote to reconsider Resolution No. 2018-187 was as follows:

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

VOTE:

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

Mayor Edmonds asked the reason for the criminal consequence of the ordinance opposed to a civil. Assistant City Attorney Dan DuChene responded the ordinance was based off of East Lansing's ordinance. Ms. Edmonds appreciates the HRC's strong recommendation for a misdemeanor to be charged for violation of this ordinance, it feels better suited for a civil consequence. Mr. DuChene replied he would need to follow up with the city's prosecuting attorney to see if he would be comfortable prosecuting this as a misdemeanor. Mayor Edmonds stated she would support amending the ordinance to a civil infraction. Council Member Bashert stated she did not hear a consensus of support from Council regarding a change to a civil infraction. She added she has no issue with violators of this ordinance being charged a misdemeanor. Mr. DuChene stated if Council agrees he would like to get the prosecutors opinion and provide that to Council.

Council Member Murdock asked if the handbook provided to renters would be on the next agenda. Mr. DuChene replied the handbook is created by the State Legislature. Mr. Murdock asked if the handbook could be amended to be more specific to Ypsilanti. Mr. DuChene replied there are additions that could be made to the handbook. Mayor Edmonds stated she will be bringing additions to the next Council meeting. Mr. Murdock stated he supports the passage of this ordinance, but was hoping to have it ready prior to yearly change in tenancy.

Mayor Pro-Tem Brown stated she supports the ordinance.

Council Member Bashert stated she supports the ordinance.

Mayor Edmonds stated another concern she has regarding the misdemeanor charge is tenant and landlord relationships are not always positive, and she fears the potential of false claims being filed. She stated a civil infraction seems more appropriate for this ordinance. Mayor Pro-Tem Brown stated she supports the ordinance, and if the tenants sign that they have received this document when the lease is signed it would solve that issue.

Council Member Murdock asked how the city will notify landlords of this ordinance. Mr. DuChene replied he will touch base with staff to figure out the best way to provide that information.

Council Member Richardson stated she is not in favor of charging a misdemeanor for a violation of this ordinance, and would prefer a civil infraction.

Council Member Richardson moved, Council Member Vogt to change the charge of misdemeanor for violation to a civil infraction with a fee set by Council.

Council Member Vogt asked if the ordinance can provide a civil infraction for the first, or second violation and misdemeanor for continued violations. Mr. DuChene replied he believes so, but will need to confer with the prosecutor. Mr. Vogt stated his concern is first time landlords not having this information. Mr. DuChene stated the ordinance could have a graduated fine structure for repeat offenders. Mr. Vogt asked if there is any reason if exemptions could be made for landlords with only one tenant. Mr. DuChene replied in the affirmative.

City Attorney John Barr provided a history of the creation of civil infractions. He explained a civil infraction is easier to apply because it would not need to be proven beyond a reasonable doubt.

Council Member Murdock asked if this is a civil infraction would it be heard by the Administrative Hearings Bureau (AHB). Mr. DuChene stated the AHB is for blight violations. Council Member Robb stated the AHB Ordinance could be amended. Mr. Duchene stated an Administrative Hearings Bureau is governed by state statute.

Mayor Edmonds asked if the cost would be lower to prosecute a civil infraction. Mr. DuChene replied the prosecution account is a flat retainer.

Council Member Robb stated the AHB was created because judges were dismissing ordinance violation tickets. Mr. Barr replied the AHB was created for several reasons; the city is able to capture all fines assessed and to streamline the process to bring properties to compliance more quickly.

Council Member Richardson stated the city must work with its landlords. Charging them with a misdemeanor for violating this ordinance could put stress on that relationship, and make it more difficult to work with them in the future.

Council Member Vogt stated if this resolution is passed with a civil infraction as a penalty it allows time to see if it is effective, and if not the ordinance could be amended.

Council Member Bashert stated compliance with this ordinance will be incredibly easy, and will not result in droves of landlords being charged with a misdemeanor. This will only be another item to attach to a lease and will not create much attention.

On a roll call, the vote to amend Resolution No. 2018-187 was as follows:

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

VOTE:

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

Council Member Bashert moved to Call the Question.

On a roll call, the vote to Call the Question was as follows:

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

VOTE:

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

On a roll call, the vote to approve Resolution No. 2018-187 as amended was as follows:

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

VOTE:

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

Mayor Edmonds stated the YDDA has been awarded $300,000 from the MEDC to fund a significant increase in façade grants, particularly for larger projects.

IX. CONSENT AGENDA – Resolution No. 2018-216

1. Resolution No. 2018-217, approving minutes of August 14, 2018.

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   THAT the minutes of August 14, 2018 be approved.

2. Resolution No. 2018-218, approving appointments to boards and commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	BOARD	EXPIRATION
Jessica Donnelly 757 Mildred Ypsilanti, MI 48197 (replacing Chris Madigan)	**Planning Commission**	**May 1, 2021**
Georgina Hickey (alternate) 1001 Pearl St. Ypsilanti, MI 48197	**ZBA**	**May 1, 2021**
Janette Rook (one-year term) 200 W. Michigan Ave. Ypsilanti, MI 48197	**YDDA**	**May 1, 2021**

3. Resolution No. 2018-216A, approving Ordinance 1321 to amend Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances to provide further clarification of the definitions of the terms 'income' and 'disability' for the purposes of discrimination. **(Second Reading)**

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That an ordinance entitled "An ordinance to amend Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances to provide further clarification of the definitions of the terms 'income' and 'disability' for the purposes of discrimination." be approved on Second and Final Reading.

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

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

X. <u>RESOLUTIONS/MOTIONS/DISCUSSIONS</u> –

1. Resolution No. 2018-220, approving purchase agreement for 220 N. Park St.

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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

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

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

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

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

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

Interim Economic Development Director Joe Meyers provided a synopsis to why this is being submitted for approval.

Council Member Richardson stated the city has local experts on solar power that Norfolk could reach out to. Council Member Murdock responded the expert did reach out to the developer and his call was never returned.

Mayor Edmonds stated the concern from neighbors that has been referenced tonight is the density of the project. However, the greater density of a project does allow for greater availability to affordable housing.

Mr. Meyers stated he would believe this development would require circulation plans in order to address concerns about increased traffic.

Council Member Richardson stated when this project came before Council last it addressed the possibility of affordable units as a part of this development. During that conversation the developer stated they would not be providing affordable units, and asked if that is still the stance of the development. Mr. Meyers responded in the affirmative.

Council Member Bashert asked if the Traffic Review Committee would analyze the potential increase in traffic resulting from this development. Mr. Meyers responded the traffic analysis would be provided by the Planning Commission. Ms. Bashert asked when that would occur during the process. Mr. Meyers responded it would be a part of the Planned Unit Development (PUD) review. Ms. Bashert stated the next step would be for the development to complete their site plan and submit it to the Planning Commission. Mr. Meyers responded in the affirmative. Ms. Bashert asked if this will be the last time this would be coming before Council. Mr. Meyers replied no, and explained Council would need to approve the PUD. Mayor Edmonds stated a public hearing would be held by the Planning Commission and another by Council. Mr. Meyers responded in the affirmative.

Council Member Bashert appreciated the developer tried to address Council's concerns in the information they provided. She likes the energy consumption reduction options the developer is making available to its residents. She agrees waiting on solar power is intelligent because the home owner would miss out on the tax credits. She is excited the agreement includes language to hire locally, with extra consideration for individuals living in the city or county. She asked what will be the deciding factor for the density of the project. Mr. Meyers replied whether or not the developer would need to construct infrastructure in the site. Mayor Edmonds asked if the developer want to have twenty-five units, or if it is viable could there be fewer. Mr. Meyers replied in order for the development to work there would need to be a minimum of twenty-five units. Ms. Edmonds stated she would be open to lowering the number of units in the development, but maintaining the selling cost of $25,000. Mr. DuChene stated the agreement before Council is the offer, if Council wishes to change the agreement it would need to make a counter. Ms. Edmonds asked if the developer would be conducive to decreasing density. Mr. Meyers responded he is unsure, but the developer is interested in beginning the process.

Council Member Murdock stated density is a major concern for this project, which is still unknown. He said the agreement states a minimum of twenty-five and a maximum of fifty-five units, but Council is able to approve more units. He asked what the price point will be for the units. Mr. Meyers replied the developer does not know exact cost, but estimate anywhere from $220,000 to $275,000. Mr. Murdock asked if the city will be provided the results of the due diligence environmental testing. Mr. Meyers responded in the affirmative. Mr. Murdock asked for a proposed timeline, and stated the information provides construction will not commence for forty months. Mr. Meyers replied the city asked to include the stipulation that if nothing happens in twenty-four months it could purchase the property back from the developer. The city is allowing fifteen months to complete the PUD process but could be completed sooner, and the purchase will occur after that. Mr. Murdock stated the last section of the agreement includes some community benefits, although it does not include affordable housing units, and solar power if the buyer wants it. He asked why the city is requiring the developer to require recycling services since the city provides that services. Mayor Edmonds replied if the development is multi-family and not eligible for city services. Mr. DuChene stated the development would be all single family units. Mr. Murdock stated the agreement does not include a wage requirement. Mr. DuChene replied prevailing wage is included in the ordinance. Mr. Murdock stated he is happy to see the developer will hire locally, but there is not a mechanism in place to ensure that is adhered to. Mr. Murdock asked if the internal roadways would be public or private. Mr. Meyers responded to his understanding they will be public. Mr. Murdock replied the city will maintain the streets. Mr. Meyers responded in the affirmative.

Mayor Edmonds stated she doesn't believe the animal issue needs to be included in a purchase agreement, but it might behoove the developer to understand the issue. Mr. Meyers replied they are aware of the issue.

Council Member Vogt stated he supports the proposal, and the biggest issue is the vast number of residents have been demanding the city develop city property. By doing so would raise the tax base and in turn lower taxes and secure the city's finances. This property needs to be developed on a rational basis, and he agrees the developer has listened to the city regarding certain concerns. He stated he lives in a development that has over a hundred units with one access point to major road, and this proposed development has four entry points; Grove, Park, High, and Locust. The increase in traffic will not have a great effect on the current residents. He believes the concern for the traffic is understandable, and has great respect for those who raised the concern, but does not feel the effect will be that great.

Council Member Richardson stated she generally likes the proposal, but will be voting no based on the proposed density without any affordable housing units.

Mayor Edmonds stated she will support the agreement to begin the process. She is open to fewer units and would support that if it were to come back to Council.

Council Member Murdock stated the agreement includes a Brownfield commitment. Mr. DuChene stated he does not recall that aspect of the agreement, but if included it would need to be approved by Council. Mr. Meyers stated the developer will not be seeking tax increment financing from the city, but might request Brownfield tax credits from the county if needed for a Phase I plan. Mr. Murdock asked if the city would be committed to provide any tax revenue. Mr. DuChene responded in the affirmative.

Council Member Bashert stated she understands and empathizes with the residents regarding a potential change to the neighborhood. She will support the approval of the agreement to allow it to proceed to the next steps, which will allow for more community input.

On a roll call, the vote to approve Resolution No. 2018-220 was as follows:

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

VOTE:

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

2. ~~Discussion regarding public recycling bins.~~ **(Moved)**

3. Resolution No. 2018-224, approving the Intergovernmental Agreement for Recycling Drop-Off Services between the City and Township of Ypsilanti

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   WHEREAS, the City of Ypsilanti current provides recycling drop off services at its facility located on Rice Street; and

WHEREAS, due to property conversion issues and noncompliance with state recreation grant regulations, the city is required to completely cease recycling drop off center operations at the Frog Island Park location by August 31, 2018; and

WHEREAS, the city will be ceasing recycling center drop off operations at the Frog Island Park facility on August 26, 2018; and

WHEREAS, the city desires to enter into a collaborative arrangement with the Charter Township of Ypsilanti to permit city residents to use the township's recycling center drop off facility;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the Intergovernmental Agreement for Recycling Drop-Off Services between the City and Township of Ypsilanti to permit city residents to use the township's recycling drop off center, with the city to pay 50% of the cost of facility attendant labor and 100% of the cost of placement and servicing of a city roll off container for single-stream recycling services at an estimated total annual cost of $25,000; 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 after approval by the City Attorney as to form.

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

Mayor Edmonds provided a synopsis to why this resolution has been submitted for approval.

Council Member Bashert asked for clarification regarding communication from Ypsilanti Township discussing the agreement. Mayor Edmonds responded the Department of Public Services was providing the public passes prior to the agreement being finalized. Ms. Bashert asked if the question has been resolved. Ms. Edmonds responded in the affirmative.

Council Member Murdock stated the resolution states the city's facility closes on August 26th and people were being told it will close on August 31st. The contract does not go into effect until everyone has signed and filed with the Secretary of State. He asked if people will be able to use the Township facility over the weekend. Mr. DuChene responded statute requires it be filed with the Secretary of State and he will mail it once it is finalized. Mr. Murdock appreciated the efforts of the Township, but he does not feel it is the best option for the city. He said the contract costs more than operating the city's drop-off center. He said there are very few people that will utilize this site, and the city's recycling program needs to be reviewed. Council Member Bashert asked when the recycling work session was held she asked how much the recycling center is used and was told two tons per week. Now she is being told it is not being used at that rate. Mr. Murdock responded the two ton number provided is data from over a year ago, which was at the time the facility stopped taking Township residents. At that time the amount of users dropped to around 150 people weekly.

Council Member Richardson asked the duration of the contract. Mr. DuChene responded the contract can be terminated by either party with notice. Mayor Edmonds stated this is not a permanent solution, it only allows the city to use the facility until other solutions are developed.

Council Member Robb stated it is foolish to pay a premium to cooperate with another jurisdiction. He said this agreement is not good business. It makes more sense to reimburse residents who use Ann Arbor's drop-off site than to accept this contract. Council Member Richardson asked if the few to use Ann Arbor's site is $3. Mr. DuChene responded $3 to enter the site, but there are costs on top of that. Council Member Murdock replied not for standard recycling.

Council Member Bashert stated the city reached out to many neighboring jurisdictions, and there were several possibilities to continue services in the city. The Clark Road facility is convenient for local residents and is not intended to be a permanent solution until a regional solution is developed. She will support this agreement as a stop gap until a long term solution is developed.

On a roll call, the vote to approve Resolution No. 2018-224 was as follows:

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

VOTE:

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

4. Resolution No. 2018-195, accepting City Manager performance review. ***(8/14/18)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the performance review of City Manager Darwin D.P. McClary conducted on July 17, 2018 be accepted.

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

Mayor Edmonds stated the review was completed on July 17, 2018 and this resolution would accept that review.

Council Member Murdock asked where the review is. Mayor Edmonds responded an employee review would not be placed in the public packet. Council Member Richardson asked if Council held a formalized review. Ms. Edmonds responded in the affirmative.

On a roll call, the vote to approve Resolution No. 2018-195 was as follows:

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

VOTE:

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

5. ~~Resolution No. 2018-203, approving 2% wage increase for City Manager Darwin McClary and City Clerk Frances McMullan effective this fiscal year (7/1/2018).~~ ***(8/14/18)*** **(Removed)**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City Clerk and City Manager reports directly to the City Council and is supervised by the governing body; and

WHEREAS, the City Council has approved the fiscal year budget effective July 1st 2018 that all employees receive a 2% increase to their base salaries.

NOW THEREFORE, BE IT RESOLVED that the City Manager, Darwin McClary and Clerk, Frances McMullan receive each their 2% wage increase effective this fiscal year (7/1/2018).

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

Mayor Edmonds provided an overview to why this was submitted for approval.

Council Member Robb stated if the 2% pay increase was approved as a part of the budget the employees should have received the pay raise.

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

Mayor Edmonds stated this is a cost of living increase not a performance based raise, and does not support dividing the question.

Mayor Pro-Tem Brown stated there was not a discussion about giving performance based raised during the evaluation. Council Member Robb stated traditionally the evaluation committee recommends raises, which did not happen this year. He stated a performance review was just adopted by Council and he is not sure what was exactly adopted. Council Member Murdock agreed with Council Member Robb, if the increase was voted as a part of budget adoption there is not a need to approve this a second time.

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

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

On a roll call, the vote to divide the question was as follows:

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

VOTE:

YES: 2	NO: 5 (Robb, Edmonds, Bashert, Brown, Vogt)	ABSENT: 0	VOTE: Failed

Council Member Bashert moved, seconded by Mayor Pro-Tem Brown to remove Resolution No. 2018-203 from the agenda.

Mayor Pro-Tem Brown withdrew the original motion.

Council Member Vogt withdrew his motion to second.

4. Resolution No. 2018-197, approving Fireworks Display Permit Application from Andrew Espenshade of ACE Pyro, LLC on behalf of Eastern Michigan University to allow fireworks at Rynerson Stadium. ***(8/14/18)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department has applied for a fireworks permit to allow a firework display at Eastern Michigan University Rynerson Stadium located at 799 North Hewitt Rd. on the following dates at approximately 7:00 pm: August 31, 2018, September 29, 2018, October 13, 2018, October 27, 2018, November 3, 2018 and November 10, 2018; and

WHEREAS, ACE Pyro, LLC will operate the display and has obtained public liability insurance in the amount of $10,000,000 and has added the City of Ypsilanti as an additional insured.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the Fireworks Display Permit to allow the requested display of fireworks on August 31, 2018, September 29, 2018, October 13, 2018, October 27, 2018, November 3, 2018 and November 10, 2018, subject to the inspection and approval of the Ypsilanti Fire Department.

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

Fire Chief Max Anthouard provided an overview to why this resolution was submitted for approval.

On a roll call, the vote to approve Resolution No. 2018-197 was as follows:

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

VOTE:

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

5. Resolution No. 2018-219, approving non-resident appointment to the YDDA.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	BOARD	EXPIRATION
Andrew French, non-resident 6138 Vineyard Ave. Ann Arbor, MI 48108	**YDDA**	**9/1/2019**

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

Mayor Edmond stated membership to a DDA is governed by state statute, and it is not uncommon to have non-residents as members.

On a roll call, the vote to approve Resolution No. 2018-219 was as follows:

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

VOTE:

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

6. ~~Resolution No. 2018-220, approving purchase agreement for 220 N. Park St.~~ **(Moved)**

7. Resolution No. 2018-221, waiving the 1% tax administrative fee.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That, pursuant to its discretion under Section 44 of the General Property Tax Act, Public Act 206 of 1893 (MCL 211.44(4)), the one-percent property tax administration fee for the collection of the Water Street Bond Payment Millage is waived for 2018 summer taxes.

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

Fiscal Services Director Marilou Uy provided an overview to why this resolution was submitted for approval.

On a roll call, the vote to approve Resolution No. 2018-221 was as follows:

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

VOTE:

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

8. Resolution No. 2018-222, authorizing signature administrator.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the following persons are authorized to sign on all City bank accounts:

Marilou T. Uy, Finance Director/Treasurer

Darwin D. P. McClary, City Manager

And

Frances McMullan, City Clerk, in the event that either of the above are unavailable or no longer in the employ of the City;

Further, that the Mayor and City Clerk are authorized to sign all bank account resolutions, subject to the approval of the City Attorney;

Further, that all checks, warrants, drafts, notes, or orders drawn against the City accounts shall be signed by two signors.

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

Council Member Murdock asked who is currently authorized to sign. Mr. Barr responded the former Treasurer, who be retired at the end of this month.

On a roll call, the vote to approve Resolution No. 2018-222 was as follows:

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

VOTE:

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

9. Resolution No. 2018-223, approving the request to be a sponsor of the 2018 Ypsi Family Read event in the amount of $1695.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti adopted a Special Events Policy, and pursuant to the policy, the City may co-sponsor an event if it is of general interest to the public and advances the City's public image; and

WHEREAS, this year Ypsilanti District Library's Family Read will take place October 13th in Frog Island Park; and

WHEREAS, Ypsilanti District Library is requesting that the City be a co-sponsor of the 2018 Family Read; and

WHEREAS, City Council agrees that becoming a co-sponsor of the 2018 Ypsi Family Read would be in the general interest of the public and advance the City's public image.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the request to be a sponsor of the 2018 Ypsi Family Read in the amount of $695 and waive the $1,000.

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

Administrative Services Manager Wendy Estey provided an overview to why this has been submitted for approval.

Mayor Edmonds suggested adding a line to request a specific amount. Ms. Estey responded in the affirmative.

Council Member Richardson asked what the library would specifically do with the $1,695. A library representative responded the request is for a decrease in fees to use the park. The representative explained what the purpose of the event.

Council Member Robb stated the park fee is $695, is the additional $1,000 a donation coming from the General Fund. Ms. Estey responded no, the request is for a waiver of fees. She explained the request is for a co-sponsor of a Class 3 event. Mr. Robb stated then the resolution should read Council waives the fees and security deposit.

Council Member Bashert moved, seconded by Council Member Vogt to amend the resolution to read "approves the request to be a sponsor of the 2018 Ypsi Family Read in the amount of $695 and waive the $1,000".

On a roll call, the vote to amend Resolution No. 2018-223 was as follows:

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

VOTE:

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

On a roll call, the vote to approve Resolution No. 2018-223 as amended was as follows:

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

VOTE:

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

10. Discussion regarding request for funds for Police Advisory Commission.

Police Advisory Commission Chair Andy Fanta provided an overview of the request, and what the Commission has done to date. He explained he met with the Police Chief this morning who had available funds in the Police budget for the contribution. He informed Council that the commission approved an attendance policy, which is after three unexcused absences the Commission would request Council remove that member. He explained one member has met this threshold and requested Michael Stone-Richard by removed from the Commission.

Mayor Edmonds stated she would follow up with Michael Stone-Richard. She explained how to keep the Commission within the scope of what was approved by Council. Mr. Fanta responded in the affirmative, and asked for more appointments to be made in order for full membership. Council Member Murdock replied the sixth member was appointed during this meeting.

11. Discussion regarding public recycling bins.

Mayor Edmonds informed Council this discussion is to decide whether or not to have the proposed Sustainability Commission resolution on the next meeting's agenda.

Council Member Bashert provided an overview of the determination of the Sustainability Commission that prompted this discussion item.

Mayor Edmonds strongly supports including this resolution on the next meeting's agenda.

12. ~~Resolution No. 2018-224, approving the Intergovernmental Agreement for Recycling Drop-Off Services between the City and Township of Ypsilanti~~ **(Moved)**

XI. LIAISON REPORTS –

A. SEMCOG Update - None
B. Washtenaw Area Transportation Study - None
C. Urban County - None
D. Ypsilanti Downtown Development Authority – Mayor Edmonds stated the DDA was awarded grant funds by the MEDC for its façade grant program. Council Member Richardson congratulated the DDA on receiving the grant. She stated if building that holds Dalat is awarded a grant to ensure that a proper inspection is completed because the building is a poor condition. Mr. Meyers replied with this funding it can be ensured the work is done correctly. Council Member Murdock asked for greater detail of the grant. Mr. Meyers responded in the affirmative.
E. Ypsilanti Youth Safety Collaborative – Mayor Edmonds stated during the last meeting there was discussion regarding further coordination of services provided by organizations. Council Member Murdock asked when the group meets. Ms. Edmonds replied once a month on Thursdays.
F. Friends of Rutherford Pool – Council Member Bashert stated the Friends of Rutherford Pool should be commended for a successful kid's triathlon. The closure of the recycling center is helpful to the Friend's groups pending DNR Grant application. Council Member Richardson asked when the pool will close for the season. Ms. Bashert believes the pool closes on Labor Day Weekend.
G. Housing Equity Leadership Team – Mayor Edmonds stated she had a recent meeting with the county regarding their roll in economic development in the eastern part of the county.

XII. COUNCIL PROPOSED BUSINESS –

Robb

- He asked that Council be provided an explanation of the SAFER Grant numbers. He asked for how this will affect the city's budget and when will the city begin to hire firefighters.

Brown

- Requested information on placing a senior crossing by the Town Center. Mayor Edmonds responded she has tried to have on installed prior to becoming Mayor. She found that it is an MDOT road and it is not as simple as the city installing signs.

Bashert

- Commended the Department of Public Services for removing the weeds at Recreation Park.
- Is disappointed the roof of the pavilion has not been installed at Recreation Park and it is the end of summer.
- Peninsular Park is in very poor condition.
- She asked for an update about the numerous sinkholes located in the Normal Park neighborhood.
- She asked for an update regarding the bench repairs and additional picnic tables for the city's park system.

Murdock

- Asked for information about the hiring process for the current Fire Chief's replacement upon his retirement. Mayor Edmonds stated there has already been a posting for that position, for both internal and external. Council Member Richardson stated the Fire Chief has always been promoted internally. Council Member Robb interjected Council was forwarded the memo indicating the position would be posted internally until August 20th, and now it has been posted externally.

- Asked what the status is of the Border to Border Trail. Mr. Meyers replied the stones required by the Department of Environmental Quality (DEQ) have been installed last week. Staff is now waiting for DEQ to review the city's documentation and hopes to hear by Mid-September. Mayor Edmonds asked that the city's lobbyist work toward expediting the opening of the trail. Mr. Meyers explained the DEQ has given the city an expedited timeline, and could not start their work until the stones were installed.
- Asked if the recycling center's last day of operation is this Friday. Mr. Meyers responded in the affirmative. He asked what the schedule is for removing the building from the site. Mr. Meyers responded the schedule for demolition will be developed once the environmental testing is completed.
- He asked for the status of the Penn Dam report. Council Member Bashert responded the Huron River Watershed Council informed her the testing has been completed but the report has not been drafted.
- He asked if there is a status of the Urban Forestry Tree Grant. Mr. Meyers responded nothing at this time.
- He asked who will be taking the place of the Treasurer on the Police and Fire Pension Board upon her retirement. City Clerk Frances McMullan responded she believes Accounting Supervisor Rheagan Basabica will be taking her place. During the last Pension Board meeting he learned the pension is under 60% funded and a plan will need to be developed to bring it to or above that threshold.
- He asked for a list of appointments to Boards and Commissions, and a list of vacancies.
- He asked if speed bumps on Armstrong is being pursued, and if it is being discussed by the Traffic Review Committee. Council Member Bashert responded it is her recollection the neighbors on that street were to submitted petitions to the city.
- He is in the process of drafting an ordinance requiring Affordable Housing units to inform the city when they are going to get out of their contracts. Mayor Edmonds stated she was brought that up to the Housing Equity Team, but there has not been movement on it.

XIII. COMMUNICATIONS FROM THE MAYOR –

Nomination:

AAATA Board

Jesse Miller (replacing Gillian Ream Gainsley)
93 Oakwood
Ypsilanti, MI 48197
Expiration: May 1, 2023

Sustainability Commission

Katherine Greenwald (EMU Seat – Non-Resident)
1150 W Clark Rd
Ypsilanti, MI 48198
Expiration: May 1, 2022

XIV. COMMUNICATIONS FROM THE CITY MANAGER –

XV. COMMUNICATIONS –

- 2017 Annual Report – Reimagine Washtenaw

- Resolution 2018-08-002 – Adoption of Public Recycling Bins Adjacent to All Public Trash Cans (Sustainability Commission)

- August 13, 2018 Sustainability Commission meeting minutes

- Ypsilanti Police Advisory Commission Update Overview

XX. AUDIENCE PARTICIPATION –

1. Sam Jones-Darling, 210 Brown Hall, stated there is a railing at the corner of Washtenaw and Summit is in disrepair. This is a bus stop and there is two months until it begins to snow and ice will begin to gather there making it dangerous. This has been a problem and brought to Council several times. The AAATA has informed him the railing is not a part of their jurisdiction. He noted Council could save a lot of time if it did not read the entirety of the resolutions. He also encouraged Council to read their packets prior to the meeting. He asked that the Ordinance creating the Police Advisory Commission be amended to include a member of the Human Relations Commission as a liaison. The HRC mission overlaps with the mission of the PAC, and the racial diversity on the Police Advisory Commission is atrocious.

2. Sue Melke, 330 Chidester, stated as a member of the PAC she agrees it lacks diversity. If she needs to step down she would in order for the Commission to become more diverse.

3. Desiree Simmons, 407 Charles St., asked if people can still drop-off materials at the recycling center.

XXI. REMARKS FROM THE MAYOR –

— When she first made appointments to the PAC she thought it was a diverse group, and it is her intent to ensure a diverse commission. She asked for further help for recruitment.

XXII. ADJOURNMENT –

Resolution No. 2018-225, 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 Bashert
SECONDED BY: Mayor Pro-Tem Brown

On a voice vote, the motion carried, and the meeting adjourned at 11:04 p.m.

Draft

CITY OF YPSILANTI
CITY COUNCIL REGULAR SPECIAL MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, AUGUST 29, 2018
7:00 p.m.

I. CALL TO ORDER –

The meeting was called to order at 7:04 p.m.

II. ROLL CALL –

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

III. INVOCATION –

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

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

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

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

VI. INTRODUCTIONS

Mayor Edmonds introduced the following individuals; City Clerk Frances McMullan, Interim Economic Development Director Joe Meyers, and DDA Coordinator Elise Dickerson.

VII. PRESENTATIONS –

VIII. AUDIENCE PARTICIPATION –

None

IX. REMARKS BY THE MAYOR –

X. PUBLIC HEARING –

Ordinance 1325

1. An ordinance to amend Chapter 30 "Community Development" of the Ypsilanti City Code to add a new Article VII, entitled "Community Benefits."

A. Resolution No. 2018-226, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI
THAT An ordinance to amend Chapter 30 "Community Development" of the Ypsilanti City Code to add a new Article VII, entitled "Community Benefits." be approved on First Reading.

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

Council Member Richardson stated she brought the concept of a community benefits ordinance to Council roughly a year ago. Council has been working quite diligently since, and a core group has been working with Council to achieve that goal. That group began reaching out to community members and eventually formed into the group known as REDY. She appreciates REDY is here at this meeting and any other members of the community that worked toward the development of this ordinance. She appreciates Council for holding this meeting to approve this ordinance because this is an important ordinance. The Assistant City Attorney and she met with representation from Detroit to discuss the CBO approved by the voters of that city to base this ordinance. She thanked everyone who has diligently worked on this ordinance.

B. Public Hearing

1. David Reynolds, 229 Miles, supported the ordinance that has been submitted, and supports the community engagement process. The CBO movement began around twenty years ago because of the failure of city councils across the country to monitor development processes. This is not a confrontational process, and is a Council driven ordinance. What the ordinance does do is allow a place for the community to be involved early on in the process to constructively engage developers. However, ultimately the decision still falls on City Council. He hopes Council will maintain the spirit of the ordinance as it is written.

2. John Hollingsworth, 4463 Hunt Club Dr., member of WROC, stated his organization stands behind the work of REDY.

3. Desirae Simmons, 407 Charles, stated she looks forward to the conversation regarding this ordinance. She is very glad this was turned into a special session because she does not want to participate in a process built against her. During the last working session everything was managed so poorly she feels it was intentionally done so. If it was not intentional it was pure incompetence, but perhaps Council wants fewer community members engaged. How can Council stand in a way of a community process, and understands why people would not want to participate.

4. Mike Auerbach, 507 N Hamilton, stated he is glad to see Council moving forward with this ordinance. He emphasizes this ordinance creates a framework for more robust community involvement. He doesn't believe it would be a major deviation from the current development process. If a developer is asking for more than $250,000 and does not want to participate in a community meeting it should raise red flags about that developer.

5. Prestyn Ciardhubh, 409 Olive, stated one of the reasons she supports this ordinance because of what occurred in Seattle over the summer concerning Amazon. A CBO would list what the expectations are for development in the city. If a developer is looking for tax incentives there she be a benefit for the community.

6. Brian Geiringer, 415 Pearl, supported the adoption of the CBO. Much of the concerns of this ordinance is the potential to scare off development. However, a developer in Detroit is quoting stating the CBO has provided an opportunity to hear feedback, concerns, and ideas from the residents surrounding developments. While informing the public of this meeting those he spoke with were very receptive of the creation of this ordinance.

7. Celeste Mcclellan, 314 Maple, stated residents of this city, either directly or indirectly, affected by development should have the opportunity for their concerns to be heard. Especially when public funds are to be used for the development.

8. Sam Jones-Darling, 210 Brown Hall, stated the definition of public support should include land seized through imminent domain in the previous twelve years. The noticing requirement should be expanded from 300 ft. to 800 ft. of a proposed development. He recommended a developers application should be filed with a statement that they have acted in good faith to comply with the CBO, supply concrete examples of community benefits they are willing to offer, and explain why a CBO process would provide harm to financial or personal state. The application should be published at least fifteen days prior to being considered by Council. The application should be forwarded to the Planning, Sustainability, and Human Relations Commissions. An override of a CBO should require five affirmative votes and must include the Council members from the Ward of the proposed development.

9. Amber Fellows, Ward 3, thanked Council for passing the Tenants' Rights Ordinance. The people she has spoken with are in favor of this ordinance. She supported an HRC member being appointed to the ad hoc group required in this ordinance.

A. Resolution No. 2018-227, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:
THAT a public hearing for an ordinance to amend Chapter 30 "Community Development" of the Ypsilanti City Code to add a new Article VII, entitled "Community Benefits." be officially closed.

OFFERED BY: Council Member Bashert
SECOND BY: Council Member Murdock

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

Council Member Murdock provided an overview to the drafting of the ordinance.

Council Member Murdock offered two friendly amendment under Section 30-501, under definitions; one add 'voluntary' prior to contract in the Community Benefits Agreement, and throughout the ordinance remove 'publically owned land' as it is redundant.

Council Member Bashert accepts the friendly amendment.

Assistant City Attorney Dan DuChene discussed legal concerns regarding the ordinance.

Council Member Bashert asked for clarification regarding how the ad hoc committee is chosen. Mr. DuChene responded those in attendance at the first meeting do not have the authority to nominate members of the ad hoc committee. That authority falls to the Mayor to nominate and Council to approve. Those decided to serve on the committee at the meeting would be suggestions for nominations. Council Member Murdock stated this community meeting is selecting community members for the Mayor to nominate and Council to appoint. Mr. DuChene responded in the affirmative. He explained he envisions the community meeting involving creating a list of what it would like the community benefits agreement to contain, and to select members of the committee to suggest for nomination.

Mayor Edmonds asked if there are any other legal implications that should be brought to Council's attention prior to discussing the ordinance. Mr. DuChene replied the ordinance references 'sale and lease of public property', there are a fair amount of leases the city awarded to organizations such as the AAATA and EMU for a dollar. He asked if it is Council's intention to include these lease agreements in the process. Council Member Murdock stated the intent is to avoid the leasing of thirty-eight acres of Water Street for a marijuana farm. Mr. DuChene responded when considering unintended consequences, he is not certain Council wants to include the other leases in the CBO process. Mr. Murdock replied the intent is not to redo everything that has been done in the past. Mr. DuChene agreed, but interjected a scenario that one of the mentioned organizations returned to renew the lease would that trigger a CBO process. Council Member Bashert asked if the quadruple bottom line address the concerns about the lease. She explained the quadruple bottom line includes the qualities of the project, such as profitability and longevity. Mr. DuChene asked if the quadruple bottom line the lease would not need a CBO. Council Member Richardson stated she does not have issue with the term lease being included. She explained the city fails to value its resources, and because of that failure the city is often taken advantage. The city should not give its resources away, and value what the city has.

Mayor Edmonds asked if there was anything in the first section that Council takes issue. Her only concern is regarding the term lease and what that would trigger. Council Member Murdock stated there is a way to navigate around the issue of lease. Ms. Edmonds asked if Downtown Development Authority (DDA) property would by default be considered city property. Mr. DuChene responded no, the DDA is a separate corporate entity, likewise the Ypsilanti Housing Commission (YHC), and the Economic Development Corporation (EDC). Council Member Robb asked how lease differs from an operating agreement, such as the Friends group operating the Freight House. Mr. DuChene responded a managing or operating agreement for a city owned property would be consider a lease. Council Member Bashert responded the managing organizations are non-profits which are not developers. Ms. Edmonds replied a non-profit is a type of corporation. Mr. DuChene stated a way to navigate around the issue is to exclude non-profit organizations. Council Member Murdock stated the Town Center, Chidester Place, and the Cross Street Village all had PILOTs and are privately owned. Mr. DuChene responded there is a difference between a non-profit and mutually exclusive. Ms. Bashert responded they are also providing affordable housing which is a service to the community. Ms. Edmonds stated she is not certain non-profits should be excluded from the ordinance.

Interim Economic Development Director Joe Meyers provided an overview of staff's recommendation for the ordinance, and what is being done to improve public participation. He recommended not to adopt the CBO as written, because the only two incentives the city provides are Obsolete Property Rehabilitation Act (OPRAs), which are used to incentivize the rehabilitation of obsolete properties and Brownfield Tax Credits that assist in cleaning of contaminated lands. So the city is receiving the benefits of rehabilitating blighted property and cleaning of contamination.

Council Member Bashert asked about alternative idea are, she did appreciate what Norfolk provided in their proposal, but the public engagement process was missing. Without that engagement piece will only add to the lack of trust the community feels toward its government. Mr. Meyers replied when a developer applies for an incentive it must first fill out an application, and that application can be amended to require greater community engagement. Council Member Richardson stated the community wants to be involved, and it is said the city wants the community involved, but is that actually so. Mayor Edmonds asked if the recommendation is to change the incentive policy. Mr. Meyers responded in the affirmative, and to change the public participation policy. Ms. Bashert asked why Mr. Meyers's preference is to change existing policy rather than to implement this ordinance. Mr. Meyers responded implementing a CBO has not been tested and the implications are not known, and he is not certain the city wants to be a test case. Ms. Richardson stated there have been projects across the country that CBOs have been effective. Ms. Bashert interjected they were community benefits agreements not ordinances. Ms. Richardson disagreed, and explained if the city wants the public involved it needs a policy.

Council Member Robb stated he has issue with how the amount of incentive is calculated. He believes it should be on an annualized basis because that is how the incentive is based. The value of an OPRA is based on what the applicant tells the city the building is worth, which is based on what they need to tell their financier. He is uncomfortable codifying a number that cannot be accurately predicted. Mayor Edmonds asked how Council Member Robb would recommend the incentive be calculated. Mr. Robb responded he is not entirely sure other than an annualized basis in order to be consistent with other city ordinances.

Council Member Robb asked if it would make more sense to have an exhaustive list, or to have Council determine what incentives would trigger a CBA. Mr. DuChene responded there are issues with either scenario.

Mayor Edmonds asked if redevelopment liquor licenses and PILOTs should be included as incentives. Mr. Meyers responded redevelopment liquor licenses are provided a non-market rate license but the city receives the same application fee. An argument could be made for either side; they are a great tool to encourage funds to be put into a buildings rehabilitation. Council Member Murdock asked if in order to be eligible for a redevelopment liquor licenses it must be open a certain amount of hours. Mr. Meyers responded in the affirmative, it guarantees a store front will be open or it would lose its license. Ms. Edmonds suggested not included redevelopment liquor licenses because the city is not losing money. Council Member Robb interjected this is an asset the city has that can be used to incentivize people to do things it wants. If incentives are removed prior to the CBO process why even have a CBO, and only have a development process. This is an asset the city has and should not be given away regardless of whether or not the city receives additional funds.

Council Member Bashert asked why a non-exhaustive list even needs to be included. Mr. Meyers responded having this list is helpful to staff in order to have on outline of what incentives would initiate a CBA. Mr. DuChene added Council is creating a document for any future reader will have a clear representation of what is included and what isn't. Mayor Edmonds suggested making the list exhaustive and if needed Council could amend the ordinance. Council Member Richardson is in favor of the non-exhaustive list because of ease to add to the list. Ms. Bashert stated the word "may" in "may derive" in the ordinance has the potential to allow anything to be included in the list.

Mayor Edmonds asked if there is a consensus on Council to add PILOTs to the list. Council Member Murdock responded PIOLTS are used to provide affordable housing. If there is a facility not providing services there is a way to address that, and does not see the need for it to follow this process. Ms. Edmonds replied many times over the past few years Council has need to address potential life threating issues at facilities with PILOTs. Council has had difficulty finding legal authority to remedy those issues. Mr. Murdock asked how included PILOTs in the CBO process would change that. Ms. Edmonds replied when the facility applies to renew its PILOT it would initiate a CBA. Mr. DuChene added essentially this would initiate an agreement procedure, which could provide a remedy for issues rather than revoking a PILOT. However, Council could also amend its current ordinance regarding PILOTs to include that provision.

Mayor Edmonds asked the legal ability to require offsite infrastructure. Mr. DuChene responded the city cannot require offsite infrastructure but it can be contracted. Ms. Edmonds added some neighboring communities have strongly encouraged funding offsite infrastructure rather than making it a requirement.

Council Member Robb stated Section 517 states "tier 2 projects must comply with all requirements of tier 1 projects and provide two community benefits". One of the community benefits listed in the section is meaningless, it provides for the cleanup contamination of site as required by the MDEQ. If the MDEQ does not require clean-up an applicant could chose that and not supply any real benefit. Mr. DuChene replied it would depend on what is in the agreement, but Council Member Robb is correct if that is an option he would pick it if the benefit was not needed. Mayor Pro-Tem Brown asked if there is language that could be added indicating that could only be chosen if the proposed site was in need of environmental cleanup. Mr. Robb replied if the site is contaminated they would need to clean it up regardless to use the site. Mr. DuChene suggested environmental clean-up be added to the minimum standards.

Council Member Murdock moved a friendly amendment to add environmental cleanup, as required, to the list of minimum standards.

Council Member Bashert accepted the friendly amendment.

Mayor Edmonds asked what would happen if a development occurs that is subject to the CBO and the property is sold. Mr. DuChene responded it would depend on the agreement, but Council might what the CBA to run with the land.

Council Member Richardson moved, seconded by Council Member Vogt to include language requiring that community benefits agreements run with the land, be added for Second Reading of this ordinance.

Council Member Robb interjected he is not certain how that would hold value, because he is not certain what obligations would go with the land. Mr. DuChene responded if the agreement runs with the land it establishes a contractual relationship between two parties. Mr. Robb asked what specific incentives would be able to travel with the land. Mr. DuChene responded it would be dependent on what is included in the community benefits agreement. Mayor Edmonds added if an entity purchased property, and entered into a CBA and sold it prior to development. The future owner would not have to abide by a CBA. Council Member Vogt stated it would be a preventative measure not just a legal enforcement measure.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Council Member Robb stated there needs to be an expectation on what the benefit will be based on the incentives. Mayor Edmonds responded she believes it should be kept more open and look at both community input and staff expertise. Council Member Vogt stated this connects to his core concern regarding the development of this ordinance. There might not always be expertise even among staff to make that determination. He stated for very large developments the city would need to hire its own developer to review a proposed development plan. That is how the city can understand what is available in terms of market rate and construction cost, a professional would more accurately be able to determine what is reasonable. A community group, or city officials would not possess the expertise to make these determinations. Mayor Edmonds stated she is not sure there is need for additional contracted expertise. Mr. Vogt replied the city might not have the funds to hire an employee, but for large projects, especially, Water Street an expert would be needed to provide information. Ms. Edmonds stated that is important however, it might not need to be included in the ordinance. Mr. Vogt believes it should be included in the ordinance. Council Member Murdock stated he doesn't disagree, but agreed with Mayor Edmonds he is not certain it belongs in this ordinance. This ordinance will not go into effect for at least two months, and the approval of this ordinance will assist in the development of Water Street.

Council Member Bashert moved a friendly amendment to change the word "nominate" to "recommend" under Section 30-575a.

Council Member Murdock accepted the friendly amendment.

Council Member Bashert three to five residents be included in the committee. Council Member Vogt suggested one member of the committee come from each Ward. Mayor Edmonds disagreed, and explained she would like appropriate representation from community stakeholders. Mr. Vogt responded if the committee included five members it could allow at least one from each Ward and two nominated at large. Ms. Edmonds stated her concern is the participation of key stakeholders, the spirit of the CBO is for those with the greatest impact have a voice. Council Member Bashert agreed.

Mr. Vogt agreed in general, but all residents will be affected in some way by a development that would initiate a CBA. He does not disagree that those most affected should have greater representation on the committee. It is most important to ensure those the correct people are selected for the committee. The city needs to be aware there will be more at stake than a few issues. Council Member Murdock this committee, not including those from various commissions, is the key to community involvement in the development process. Ms. Edmonds agreed, but this discussion is what requirements are in place for those individuals to be selected. Her concern is that the neighborhood most affected by a development have representation on the committee. Mr. Vogt stated if a person's ideas have merit the committee will listen, and does not feel the majority of the committee needs to represent that specific neighborhood. If the nominations are spread out through the community will have a greater ability to represent all interests. If the ideas have merit they should prevail, if they do not they should not have the ability to outvote the majority of the city.

Mayor Edmonds asked if community nominations should be increased and decrease the amount of commission liaisons. Council Member Richardson agreed, it is not necessary to include liaisons from the various commissions. She would like to see greater representation from the broader community. Ms. Edmonds stated the proposed ordinance includes five residents, three members of commissions, and one Council Member. If the commission liaisons are eliminated it might be wise to provide the selection meeting with recommendations for skills the committee should possess. Council Member Bashert stated there are reasons to have a member of the Sustainability Commission because development should be sustainable. She also understands why a Planning Commissioner would need to be on the committee. However, she does not see a need for a Human Relations Commissioner to be a member, and would like to strike that from the proposed ordinance. She sees an issue for having a fixed number of community members as a part of the committee. Her concern is if the committee is formed for a relatively small project and the city only receives a small number of applications. The commissions are helpful because the bring expertise and they bring a middle tier of city involvement. Mayor Pro-Tem Brown asked why the HRC should not be a part of the committee. Ms. Bashert stated the HRC brings a specific, but limited lens to the table. The HRC is a commission that is more in the moment, and not necessarily related to the big picture or extended life of the city. The HRC is related to the people of the city, and the people of the city will already be at the table. Ms. Edmonds stated the HRC's mission is to respond to the city's Non-discrimination Ordinance. Ms. Bashert responded it is limited and not related to construction, or development.

Mayor Edmonds stated she would like to eliminate the list all together and suggest areas and values. If the list of commissions is maintained in the ordinance she suggests adding the Ypsilanti Housing Commission (YHC). Council Member Richardson responded it depends on what the project is. She does not feel a member of the YHC is necessary for developments that do not involve housing. Council Member Robb stated he feels the commission liaisons should be removed from the list. Council Member Bashert suggested the ordinance read commissioners can act as liaisons when appropriate. Ms. Edmonds responded any commissioner would be eligible to apply to serve on the committee.

Council Member Murdock stated Council needs to determine how many committee members there will be, and how they will be selected. Council Member Bashert suggested a rage from three to eight members of the community to be impacted by the development. The application should include statements of support from residents and people of the community to demonstrate support. Mayor Edmonds responded that is lobbying which can be done individually, and would make the process more complicated. Ms. Bashert stated her intent is to increase community involvement, but the list could simply state three to eight people. Ms. Edmonds agreed for smaller projects a smaller committee might be necessary in order to avoid hampering a project. The size of the committee could be tied to the project tier system. Council Member Robb disagreed, and explained regardless of the size of the project it will be important to the neighborhood surrounding it. Council Member Richardson agreed. Ms. Edmonds suggested the range be from five to eight.

Council Member Richardson moved, seconded by Mayor Pro-Tem Brown to set the committee member range at five to eight members, with at least one member from each Ward, one Council Member, and delete Commission liaisons.

Council Member Bashert interject she would not accept that as a friendly amendment. Her concern is five is too high an amount and the committee will have difficulty filling membership for smaller projects. Council needs to allow flexibility in the ordinance to address smaller projects. Mayor Pro-Tem Brown stated she does not believe it would be difficult to recruit, especially if membership does not need to all be from the neighborhood most affected. Ms. Bashert stated a person could have direct impact on a neighborhood they do not live in if that is the process. Council Member Robb responded a vote last night affected his neighborhood by Council Members that do not live in has Ward. He added that is what representative democracy is. Ms. Bashert believes if that is the procedure the public will feel the committee is not representative of that neighborhood. She stated it is important the committee represent that neighborhood. Council Member Vogt interjected if the committee is comprised by only members of the affected neighborhood the community at large will claim the committee is not representative of the city. Council Member Richardson stated no matter the determination of the committee ultimately Council will make the decision. Ms. Bashert replied this is not about protecting the city from mistakes, this is about being sure the neighborhood of the development feels they have the opportunity to be heard. She is happy to go along with Council and expand the committee to the city at large, but Council will hear from the neighbors of developments. Ms. Richardson stated the neighbors of development are not being denied the opportunity to serve on the committee. Mayor Edmonds stated language could be added stating the majority of the committee needs to be from the affected neighborhood. Mr. Vogt stated if committees are made up of five to eight people it could include one representative of each Ward. Council Member Murdock asked if the amendment would take away community involvement in the selection of the committee. Ms. Richardson responded the five to eight members would be recommended by the community. Mr. Vogt stated he opposes the removal of the commission liaisons, because it would be a loss of expertise.

Council Member Bashert accepted the friendly amendment.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Mayor Pro-Tem Brown moved, seconded by Council Member Vogt to extend the meeting until 11:00 p.m.

On a voice vote, the motion carried, and the meeting was extended until 11:00 p.m.

Mr. DuChene stated the charter provides the Mayor makes nominations to boards and commissions subject to the approval of Council. He is concerned that sense the committee will be comprised of all members of the community it would lose its ad hoc classification, which raises concern about the Council Member. He explained Council Members are not permitted to serve on boards and commissions. Mayor Edmonds asked why this would no longer be considered an ad hoc committee. Mr. DuChene responded because ad hoc committees are created with membership of other governmental agencies. Ms. Edmonds asked if that is a requirement. Mr. DuChene replied he is not certain, but can provide that information to Council.

Council Member Murdock asked if Section 35.27b be discussed.

Mayor Edmonds stated she has an issue that three of the five members of the committee be selected during the first community meeting. Council Member Bashert agreed, and explained there are too many risks with selecting members from a small pool.

Council Member Bashert moved, seconded by Mayor Pro-Tem Brown to amend the ordinance to read the Mayor subject to the approval of City Council, shall appoint the remaining five to eight member of the committee with at least three attendees of the meeting having stronger consideration.

Council Member Richardson stated she would not be able to agree to that amendment. She explained it would limit the kickoff community meetings power to provide recommendations. She added it would defeat the purpose of the meeting. Mayor Edmonds disagreed, and explained if the main stakeholders of the meeting are not present at that meeting they would not be able to be appointed. Council Member Vogt added it would also create a scenario in which a group at that meeting could control those nominations. Council Member Robb stated the people that will attend the community meeting will be the people the development most affects. He does have a concern to limit nominations to those who attended the meeting because if you are unable to attend it eliminates you from consideration. He added the phrase "strongly recommends" is meaningless and he is not in favor of adding it to the ordinance. Mayor Pro-Tem Brown asked if there is another way to phrase that. Council Member Bashert disagreed with the assessment of the phrase "strongly recommends". If Council does not appoint anyone from that meeting the community will make their dissatisfaction known. Council Member Murdock stated people do not necessarily need to be physically present at the meeting to be recommended.

Council Member Vogt suggested the wording "with strong consideration given for at least three member based upon the recommendation of those who participated at the community participation meeting".

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Council Member Vogt disagreed with the strong consideration of appointment of the kickoff meeting because it is too narrow of a group. However, he believes the language should be amended, but isn't sure how to do that. Council Member Bashert stated as written there is still a requirement for the appointment of participates of the kickoff meeting.

Council Member Bashert moved, seconded by Council Member Vogt to amend section D by changing sixty to thirty days to hold two public meetings.

Council Member Murdock stated thirty days is not enough time to hold two public meetings, and does not foresee it would hold up the process. Council Member Richardson agreed with maintaining the sixty day deadline. Mayor Edmonds interjected she doesn't necessarily disagree, but it would add another month to the development process. Mr. Murdock responded the development approved at the last meeting will not be construction ready for forty months. He added some of the requirements of a development would be able to run concurrently. Council Member Bashert stated her intent is to keep the process as brief as possible for both the city and the developer. Ms. Richardson replied the ordinance provides an opportunity for an extension. However, a sixty day deadline is more reasonable. Council Member Robb stated the time limit is meaningless because it runs concurrently with the project. This would allow the city to grant incentives during the development process. Ms. Edmonds stated she does not want to delay the process, but agrees thirty days is too short. Mr. Meyers stated a developer might not want to begin further processes until the CBA is finalized, especially if that negotiation could make or break the deal.

Council Member Bashert stated the intent of her motion was based on the timeline Mr. Meyers provided during the last meeting. Council Member Richardson stated if Council examines its own processes it should be clear that thirty days is not enough time.

Mayor Edmonds asked what staff's recommendation would be for when to begin the CBO process. Mr. Meyers responded staff wants to ensure the developer is solid prior to bringing it to Council. Staff can start the process as soon as possible, but there are other factors that can delay a development.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

YES: 2 NO: 5 (Murdock, Robb, Edmonds, Murdock, Brown) ABSENT: 0 VOTE: Failed

Council Member Vogt moved, seconded by Council Member Richardson to remove the language "in his or her sole discretion" from Section D.

Council Member Robb asked if the language is more based in legal terminology. Mr. DuChene responded the Attorney's Office does not have an opinion either way on that language. Mayor Edmonds asked if by striking the sentence there would be a substantial change. Mr. DuChene responded in the affirmative.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Council Member Bashert asked how a developments timeline is going to be effected by what is proposed thus far in this ordinance. Mr. Meyers responded it depends on the incentive, and if it needs to go before another public body. It is almost impossible to estimate the timeline, without knowing all the variables of the development. Ms. Bashert stated what has been discussed so far it would appear at least ninety days have been added to the process. Mr. Meyers responded in the affirmative. Council Member Murdock stated the entire reason for this ordinance is to provide a community benefit, and that is what would be completed during that time. He asked what Council Member Bashert proposes to shorten that timeframe. Ms. Bashert responded she would decrease the time to hold the two public meetings to thirty days and decrease the fifteen days to fourteen. That would decrease the time to forty-five days opposed to ninety.

Mayor Edmonds asked if it is feasible to develop a CBA prior to the creation of a site plan. Mr. Meyers responded he is not certain, it would be dependent on what is required in the agreement. Council Member Robb stated Council is over-romanticizing the impact the CBO process will have on a development. Council Member Murdock stated this is an agreement with the developer, who will be onboard with what is determined. The benefits are generalized and should not have an effect on the site plan. Ms. Edmonds agreed, but the only challenge is the details of enforceability if the requirement was met. There needs to be a level of specificity in order to provide enforcement of the agreement. Mr. Robb responded what could bog down the process is asking for benefits that are not in line with the size of the project.

Council Member Vogt moved, seconded by Council Member Robb to amend Section 528 to include an expressed provision that City Council can accept, amend, or reject the proposed CBA by resolution.

Council Member Robb asked if amendment is being added for a legal requirement. Mr. DuChene recommended adding the language.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Mayor Edmonds asked to examine the possibility of amending the noticing requirements stated during Audience Participation. Mr. DuChene responded the suggestion was to provide clear language for the reason of the request. An application for an exemption should be published and forwarded to various commissions. That application would then require five affirmative votes of Council to grant the exemption, including both members of the Ward. Mr. DuChene stated he would take issue with the last proposal because it would essentially provide a Council Member veto power. Ms. Edmonds replied the five affirmative votes to approve an exemption makes sense, and is appropriate.

Council Member Richardson moved a friendly amendment, seconded by Mayor Pro-Tem Brown to amend the section to include five affirmative votes and that published on the city's website within seven days prior to the meeting for Council to hear the exemption.

Council Member Bashert accepted the friendly amendment.

Council Member Murdock accepted the friendly amendment.

Council Member Bashert moved a friendly amendment to expand the noticing requirements from 300 ft. to 1,000 ft.

Council Member Robb stated if that is the will of Council then perhaps it would make sense to expand all noticing requirements to 1,000 ft. Council needs to be consistent in policy. Mayor Edmonds responded that might become a part of the broader public participation plan.

Council Member Murdock accepted the friendly amendment.

Council Member Vogt stated it is an absolute requirement to include a sunset clause in this ordinance. Council Member Bashert agreed. Mr. Vogt explained there are too many unknowns, unintended consequences, and ways to be improved that it should be reviewed. Council Member Richardson stated she would agree to three years. Mr. Vogt suggested a one year sunset clause. Council Member Murdock responded there will not be enough data to evaluate the ordinance properly after one year. Ms. Bashert stated she is okay with a three year sunset clause. Mr. Vogt stated he does not feel reviewing it each year is that large a burden.

Council Member Vogt moved a friendly amendment to terminate the ordinance after two years if not readopted.

Council Member Bashert accepted the friendly amendment.

Council Member Murdock did not accept the friendly amendment.

Council Member Vogt moved, seconded by Mayor Pro-Tem Brown to terminate the ordinance after three years if not readopted.

Mayor Edmonds stated it might be valuable to review the ordinance to provide a chance for public input to the effectiveness of the ordinance. Council Member Richardson responded there can be a review without it being stated within the ordinance.

Council Member Bashert moved, seconded by Council Member Vogt to extend the meeting until 11:15 p.m.

On a voice vote, the motion carried, and the meeting was extended until 11:15 p.m.

Council Member Bashert, seconded by Council Member Vogt to Call the Question.

Council Member Vogt withdrew has second to Call the Question.

With no second the motion fails.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Mayor Edmonds stated she would like a legal opinion regarding operating agreements or memorandum of understanding (MOU) and if they would be subject to this ordinance.

Council Member Bashert asked if this ordinance fails tonight would it come back to Council. Mr. DuChene responded no, without reconsideration.

Council Member Bashert stated a lot of difficult work has been completed towards the development of this ordinance. She is going to vote yes tonight, but if the requirement of three members of the committee must come from the kickoff meeting she will vote no on second reading.

Council Member Richardson thanked Council for persevering through this process.

Mayor Edmonds stated she shares concern regarding committee membership.

Council Member Murdock asked when this would be heard for Second Reading. Mr. DuChene responded during the September 11th meeting. Mr. Murdock stated he would like the amendments to the ordinance to be written out so the public will know what changes made were. Mr. DuChene stated if the second reading is on September 11th Council will not see that memo until the packet is distributed.

On a roll call, the vote to approve Resolution No. 2018-226 as amended was as follows:

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

VOTE:

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

Council Member Vogt moved, seconded by Mayor Pro-Tem Brown to extend the meeting until 11:30 p.m.

On a voice vote, the motion carried, and the meeting was extended until 11:30 p.m. Council Member Bashert dissented.

XX. <u>AUDIENCE PARTICIPATION</u> –

1. Will Teepen, 718 Lowell St., thanked Council and stated his concerns for the different requirements for benefits. He asked where the money would be coming from and how it would be distributed.

   Council Member Bashert responded it would be a part of the negotiation process.

2. Sam Jones-Darling, 210 Brown, thanked Council and understands this process is frustrating. He agreed with Council Member Vogt that the sunset for the ordinance should have been two years. The reason is because of how experimental the ordinance is, and how it could effect a city of this size. He agreed a review needs to be included in the ordinance because the city needs to engage the public.

3. Brian Geiringer, 415 Pearl, stated he is glad the ordinance passed. He supported keeping the list non-exhaustive list because anything outside the list would seem like it is not included in the benefit. Without the kickoff committee ability to make recommendations for the CBA Committee the CBO would be ineffective. People at the meeting can make nominations for people unable to attend.

4. Desirae Simmons, 407 Charles, stated it is important to have as much flexibility as possibility when deciding the committee. The level of expertise is going to be the same the current process. Impacted groups should be considered when forming the ad hoc committee, not just location.

5. Finn Bell, 1123 Pearl St., stated she is glad this passed on first reading. There is a good amount of research on community benefits and is very helpful to how this could look in Ypsilanti. The CBO movement is pro-development, but ensures the development will be sustainable.

XXI. <u>REMARKS FROM THE MAYOR</u> –

XXII. ADJOURNMENT –

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

On a voice vote, the motion carried, and the meeting adjourned at 11:24 p.m.

City of Ypsilanti

Pride. Diversity. Heritage.

Resolution No. 2018 - 244
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council adopted Resolution No. 2018-237 on September 11, 2018, which authorized City staff to negotiate an agreement with iCompass Technologies, Inc. for the purchase of an agenda management and video streaming software solution and to present City Council with such an agreement for approval; and

WHEREAS, accordingly, staff has negotiated the attached agreement pursuant to this authorization and direction;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Clerk are authorized to sign and execute the attached agreement with iCompass on behalf of the City of Ypsilanti, subject to review and approval of the City Attorney.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

iCompass Services Agreement

THIS SERVICES AGREEMENT (the "**Agreement**") is entered into as of the September 28, 2018 (the "**Effective Date**"), between **iCompass Technologies Inc.**, ("**iCompass**") and City of Ypsilanti**,** with an address at One South Huron Street Ypsilanti, MI 48197 (the "**Customer**").

1.0 Services.

1.1 Provision of Services. Customer's and Customer's end-users ("End Users") may access and use the services described in Section 9.0 of this Agreement and any other services that may be ordered by the Customer from time to time pursuant to a valid subscription (the "Services") in accordance with the terms of this Agreement.

1.2 Facilities and Data Processing. iCompass will use, at a minimum, industry standard technical and organizational security measures to store data provided by Customer in connection with the Services ("Customer Data"). These measures are designed to protect the integrity of Customer Data and guard against unauthorized or unlawful access.

1.3 Modifications to the Services. iCompass may update the Services from time to time. If iCompass updates the Services in a manner that materially improves functionality, iCompass will inform the Customer.

2.0 Customer Obligations.

2.1 Customer Administration of the Services. Customer may specify End Users as "Administrators". Administrators have the ability to monitor, restrict, or terminate access to Services. iCompass' responsibilities do not extend to internal management or administration of the Services. Customer is responsible for: (i) maintaining the confidentiality of passwords and Administrator accounts; (ii) managing access to Administrator accounts; and (iii) ensuring that Administrators' use of the Services complies with this Agreement.

2.2 Compliance. Customer is responsible and liable for use of the Services by its End Users and all consequences of such use (including any and all consequences and liabilities resulting from End Users making Customer Data publicly accessible through the Services). Customer will obtain from End Users any consents necessary to allow Administrators to engage in the activities described in this Agreement and to allow iCompass to provide the Services. Customer will comply with laws and regulations applicable to Customer's use of Services, if any.

2.3 Unauthorized Use & Access. Customer will prevent unauthorized use of the Services by its End Users and terminate any unauthorized use of or access to the Services. Customer will promptly notify iCompass of any unauthorized use of or access to the Services.

2.4 Restricted Uses. Customer will not and will ensure that its End Users do not: (i) sell, resell, or lease the Services; or (ii) reverse engineer or attempt to reverse engineer the Services, nor assist anyone else to do so.

2.5 Third Party Requests.

2.5.1 "Third Party Request" means a request from a third party for records relating to an End User's use of the Services including information regarding an End User. Third Party Requests may include valid search warrants, court orders, or subpoenas, or any other request for which there is written consent from End Users permitting a disclosure.

2.5.2 Customer is responsible for responding to Third Party Requests via its own access to information policies. Customer will seek to obtain information required to respond to Third Party Requests and will contact iCompass only if it cannot obtain such information despite diligent efforts.

2.5.3 iCompass will make reasonable efforts, to the extent allowed by law and by the terms of the Third Party Request, to: (A) promptly notify Customer of iCompass, receipt of a Third Party Request; (B) comply with Customer's reasonable requests regarding efforts to oppose a Third Party Request; and (C) provide Customer with information or tools required for Customer to respond to the Third Party Request (if Customer is otherwise unable to obtain the information). If Customer fails to promptly respond to any Third Party Request, then iCompass may, but will not be obligated to do so.

3.0 Intellectual Property Rights; Confidentiality

3.1 Reservation of Rights. Except as expressly set forth herein, this Agreement does not grant (i) iCompass any intellectual Property Rights in the Customer Data or (ii) Customer any Intellectual Property Rights in the Services, any other products or offerings of iCompass, iCompass trademarks and brand features, or any improvements, modifications or derivative works of any of the foregoing. "Intellectual Property Rights" means current and future worldwide rights under patents, copyright, trade secret, trademark, moral rights and other similar rights.

3.2 Suggestions. iCompass may, at its discretion and for any purpose, use, modify, and incorporate into its products and services, and license and sublicense, any feedback, comments, or suggestions Customer or End Users send iCompass or post in iCompass' online forums without any obligation to Customer.

3.3 Confidential Information. Customer understands and agrees that it will not reveal, publish or otherwise disclose to any person, firm or corporation, without written authorization of iCompass, or except as required by law, any Confidential Information of iCompass, including without limitation any trade secrets, confidential knowledge, data or other proprietary information relating to the Services. "Confidential Information" means all information, written or oral, relating to the business, operations, services, facilities, processes, methodology, technologies, intellectual property, research and development, customers, strategy or other confidential or proprietary materials of iCompass.

4.0 Fees & Payment.

4.1 Fees.

4.1.1 Customer will pay iCompass for all applicable fees upfront annually.

4.1.2 Customer will pay any amounts related to the Services as per payment terms detailed on the applicable invoice. Unless otherwise indicated, all dollar amounts referred to in the Agreement are in U.S. funds.

4.1.3 Customer acknowledges that while it may choose to delay the implementation of the Services, this is not a valid reason for withholding payment on any invoices. Furthermore, the Customer will not withhold payment on any invoices for any other reason.

4.1.4 iCompass reserves the right to increase annual fees, as listed, on an annual basis. Increases will be the larger of the 12-Month Consumer Price Index (not seasonally adjusted), as published by the United States Department of Labor, or five (5) percent.

4.2 Taxes. Customer is responsible for all taxes. iCompass will charge tax when required to do so. If Customer is required by law to withhold any taxes, Customer must provide iCompass with an official tax receipt or other appropriate documentation.

4.3 Purchase Orders. If Customer requires the use of a purchase order or purchase order number, Customer (i) must provide the purchase number at the time of purchase and (ii) agrees that any terms and conditions on a Customer purchase order will not apply to this Agreement or the Services provided hereunder and are null and void.

5.0 Term & Termination.

5.1 Term. The initial term of this Agreement shall be one year commencing on the Effective Date, which shall automatically renew for a further period of one year upon each expiry of the then current term, unless either party provides written notice to the other party of its intention not to renew at least 45 days prior to the end of the then current term.

5.2 Termination for Breach. If, for any reason during the first 6 months after purchase, the Customer is dissatisfied with the Services or the implementation or other professional services provided by iCompass, all funds paid under this Agreement will be refunded and future commitments waived. Following the first 6 months, either party may terminate this Agreement, at its option, with 45 days' written notice.

5.3 Effects of Termination. If this Agreement terminates: (i) the rights granted by iCompass to Customer will cease immediately (except as set forth in this section); (ii) iCompass may provide Customer access to its account at then-current fees so the Customer may export its Customer Data; and (iii) after a reasonable period of time, iCompass may delete any Customer Data relating to Customer's account. The following sections will survive expiration or termination of this Agreement: 2.5 (Third Party Requests), 3.0 (Intellectual Property Rights; Confidentiality), 4.0 (Fees & Payments), 5.3 (Effects of Termination), 6.0 (Indemnification), 7.0 (Exclusion of Warranties; Limitation of Liability), and 8.0 (Miscellaneous).

6.0 Indemnification.

6.1 Exceptions. iCompass will not be responsible under Section 6.2 for any liabilities, damages, and costs (including settlement costs and reasonable attorney's fees) arising out of any claim by a third party regarding: (i) Customer Data; (ii) Customer's use of the Services in violation of this Agreement; or (iii) End Users' use of the Services in violation of this Agreement.

6.2 By iCompass. iCompass will indemnify, defend and hold harmless Customer from and against all liabilities, damages, and costs (including settlement costs and reasonable attorney's fees) arising out of any claim by a third party against Customer to the extent based on an allegations that iCompass' technology used to provide the Services to the Customer infringes or misappropriates any copyright, trade secret, patent or trademark right of the third party. In no event will iCompass have any obligations or liability under this section arising from: (i) use of any Services in a modified form or in combination with materials not furnished by iCompass and (ii) any content, information, or data provided by Customers, End Users, or other third parties.

6.3 Possible Infringement. If iCompass believes the Services infringe or may be alleged to infringe a third party's Intellectual Property Rights, then iCompass may (i) obtain the right for Customer, at iCompass' expense, to continue using the Services; (ii) provide a non-infringing functionally equivalent replacement for the Services; or (iii) modify the Services so that they no longer infringe. If iCompass does not believe the options described in this section are reasonable then iCompass may suspend or terminate this Agreement and/or Customer's use of the affected Services with no further liability or obligation to the Customer other than the obligation to provide the Customer with a pro-rata refund of pre-paid fees for the affected portion of the Services.

6.4 General. The party seeking indemnification will promptly notify the other party of the claim and cooperate with the other party in defending the claim. The indemnifying party will have full control and authority over the defense, except that: (i) any settlement requiring the party seeking indemnification to admit liability requires prior written consent, not to be unreasonably withheld or delayed and (ii) the other party may join in the defense with its own counsel at its own expense. The indemnities above are iCompass' and Customer's only remedy under this Agreement for violation by the other party of a third party's Intellectual Property Rights.

7.0 Exclusion of Warranties; Limitation of Liability.

7.1 Exclusion of Warranties. Except as explicitly set forth in this Agreement, iCompass makes no other representation, warranty or condition, express or implied, and expressly excludes all implied or statutory warranties or conditions of merchantability, merchantable quality, durability or fitness for a particular purpose, and those arising by statute or otherwise in law or from a course of dealing or usage of trade with respect to the Services. iCompass does not make any representations or warranties of any kind to client with respect to any third party software forming part of the Services.

7.2 Limitation on Indirect Liability. To the fullest extent permitted by law, except for iCompass and Customer's indemnification obligations hereunder, neither Customer nor iCompass and its affiliates, suppliers, and distributors will be liable under this Agreement for (i) indirect, special, incidental, consequential, exemplary, or punitive damages, or (ii) loss of use, data, business, revenue, or profits (in each case whether direct or indirect), even if the party knew or should have known that such damages were possible and even if a remedy fails of its essential purpose.

7.3 Limitation on Amount of Liability. To the fullest extent permitted by law, iCompass' aggregate liability under this Agreement will not exceed the amount paid by Customer to iCompass hereunder during the twelve months prior to the event giving rise to liability.

8.0 Miscellaneous.

8.1 Terms Modification. iCompass may wish to revise this Agreement from time to time. If a revision, in iCompass' sole discretion, is material, iCompass will notify Customer and possibly request that an Amendment to this Agreement be agreed upon and signed. If Customer does not agree to the revised Agreement terms, Customer may terminate the Services within 45 days of receiving notice of the change.

8.2 Entire Agreement. The Agreement including the invoice and order form provided by iCompass, constitutes the entire agreement between Customer and iCompass with respect to the subject matter of this Agreement and supersedes and replaces any prior or contemporaneous understandings and agreements, whether written or oral, with respect to the subject matter of this Agreement. If there is a conflict between the documents that make up this Agreement, the documents will control in the following order: this Agreement, then the invoice, then the order form.

8.3 Governing Law. This Agreement will in all respects be governed exclusively by and construed in accordance with the laws of the State of Michigan.

8.4 Severability. Unenforceable provisions will be modified to reflect the parties' intention and only to the extent necessary to make them enforceable, and the remaining provisions of the Agreement will remain in full effect.

8.5 Waiver or Delay. Any express waiver or failure to exercise promptly any right under the Agreement will not create a continuing waiver or any expectation of non-enforcement.

8.6 Assignment. Customer may not assign or transfer this Agreement or any rights or obligations under this Agreement without the written consent of iCompass. iCompass may not assign this Agreement without providing notice to Customer, except iCompass my assign this Agreement or any rights or obligations under this Agreement to an affiliate or in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets without providing notice. Any other attempt to transfer or assign is void.

8.7 Force Majeure. Except for payment obligations, neither iCompass nor Customer will be liable for inadequate performance to the extent caused by a condition that was beyond the party's reasonable control (for example, natural disaster, act of war or terrorism, riot, labor condition, governmental action and Internet disturbance).

9.0 Services.

9.1 iCompass shall provide the following Services to the Customer for the Fees indicated:

Service	Annual Fee
Meeting Manager Pro	$6,600
Video Manager HD	$3,300
AgendaNotes	Included
Digital Voting	Included
Transparency Portal	Included

9.2 Storage. Unlimited meeting related content and up to 5GB of storage for non-meeting related content is included in the fees set out in this Agreement. Additional storage can be purchased as required.

[signatures on next page]

IN WITNESS WHEREOF iCompass and the Customer have executed this Agreement as of the Effective Date.

City of Ypsilanti by its authorized signatory:	**iCompass Technologies Inc.** by its authorized signatory:
______________________________ Name: Amanda M. Edmonds Title: Mayor Date: ______________________________ Name: Frances McMullan Title: City Clerk Date: Billing Contact: Frances McMullan Billing's Email: fmcmullan@cityofypsilanti.com	______________________________ Name: Scott Neufeld Title: Director of Demand Generation Date: Account Executive: Josh Fruecht Account Executive's Email: jfruecht@icompasstech.com

EXHIBIT A

ADDENDUM TO THE AGREEMENT

This addendum ("Addendum") shall be a part of the Agreement. In the event of a conflict between the language of this Addendum and the Agreement, the language and terms of this Addendum shall take precedence.

1. Jurisdiction. The Agreement is to be performed in Washtenaw County, Michigan, and all legal venue shall exclusively lie therein.

2. Independent Contractor. The relationship of iCompass to the Customer is and shall continue to be that of an independent contractor and no liability or benefits such as worker's compensation, pension rights, or other rights or liabilities arising out of or related to a contract for hire or employer/employee relationship shall arise or accrue to either party as a result of the performance of the Agreement.

3. Conflict of Interest. iCompass covenants that iCompass (individually, or if a corporation, trust, limited liability company or partnership, "the entity") nor any officer, principal, partner, agent or employee of the entity has any interest nor shall they acquire any interest, directly or indirectly, which would conflict in the manner or degree of performance with the Agreement. Further, if any such conflict of interest develops and exists during the term of the Agreement then iCompass shall, within 7 days of the discovery of such conflict of interest, notify Customer in writing of the existence and nature of the said conflict of interest.

4. Contingent Fees. iCompass warrants it has not employed or retained any company or person other than bonafide employees working solely for iCompass (or its affiliates), to solicit or secure this Agreement, and that it has not paid or agreed to pay any company, or person, other than a bonafide employee working solely for iCompass (or its affiliates), any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award of making the Agreement.

5. iCompass further agrees to perform the Agreement in accord with all applicable federal, state and local laws and will not discriminate against, or give preferential treatment to, any person based on the person's actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, age, marital status, disability status, gender expression, familial status, education association, height, weight, or other criteria which is not relevant to the particular job. Breach of this provision may be regarded as material breach of the Agreement.

6. iCompass further agrees not to discriminate against any employee or applicant for employment based on a person's actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, age, marital status, disability status, gender expression, familial status, education association, height, or weight (except insofar as it relates to a bonafide or occupational qualification reasonably necessary to the normal operation of the business). Breach of this provision may be regarded as material breach of the Agreement.

7. Not in Default to the City of Ypsilanti, Michigan. iCompass hereby certifies that iCompass is not in default to the City of Ypsilanti, Michigan, and that there are no unpaid taxes, real or personal, owed to the City of Ypsilanti, Michigan by iCompass, and iCompass has no other unfulfilled obligations to the City of Ypsilanti, Michigan and is in compliance with all applicable Ypsilanti City codes and ordinances. The parties understand that a breach of this provision is a material breach of the contract.

8. Except in amounts less than $20 million, iCompass certifies that it, its successor, its parent company, or any of its subsidiaries or subunits does not engage in the practice of committing or contributing funds or property, extending credit, or contract for goods or services to develop petroleum resources, natural gas resources, or nuclear power in Iran.

9. Living Wages. iCompass represents and warrants that it is not in violation of any applicable minimum wage or labor laws.

iCompass Office:
801 2nd Ave, Ste 800, PMB 8039
Seattle, WA, 98104

www.icompasstech.com
Toll Free: 1-800-260-7409

REQUEST FOR LEGISLATION
September 25, 2018

To: Mayor and Council

From: Frances McMullan, City Clerk

Subject: Additional Fireworks Display Permit Application from Eastern Michigan University

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On September 18, 2018, a request for a Fireworks Display Permit was received from Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department. The University would like to have a fireworks display on the baseball field parking lot located East of the Rynerson Stadium on September 29, 2018 at 9:00pm just after the football game. Please note this display will be in addition to the previously approved proximate pyrotechnics displays that are employed for the team intro and touchdowns.

Attached is proof of public liability insurance for the proposed display with coverage set at $10,000,000 and with the City being added as an additional insured.

The City Clerk's office recommends approval of the application subject to inspection and approval of the Ypsilanti Fire Department.

RECOMMENDED ACTION: Approval

CITY MANAGER APPROVAL: ________________________ COUNCIL AGENDA DATE: 9/25/2018

CITY MANAGER COMMENTS: __________________________

FISCAL SERVICES DIRECTOR APPROVAL: _____________________________________

Resolution No. 2018 - 246
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department has applied for a fireworks permit to allow a fireworks display at Eastern Michigan University on the baseball field parking lot located East of the Rynerson Stadium. The fireworks is scheduled on September 29, 2018 at approximately 9:00pm just after the football game; and

WHEREAS, ACE Pyro, LLC will operate the display and has obtained public liability insurance in the amount of $10,000,000 and has added the City of Ypsilanti as an additional insured.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the Fireworks Display Permit to allow the requested display of fireworks on, September 29, 2018, subject to the inspection and approval of the Ypsilanti Fire Department.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

EMU September 29, 2018 Football
Aerial Fireworks Display

Display Date & Time:
- September 29, 2018, approximately 9:00pm

Display Location:
- Rynearson Stadium, 799 North Hewitt Road, Ypsilanti, MI 48197
- Fireworks will be launched from softball field parking east of the stadium - see attached diagram

Display Description:
- Fireworks display will be produced following the football game
- Approximate duration of the fireworks display - 7 minutes

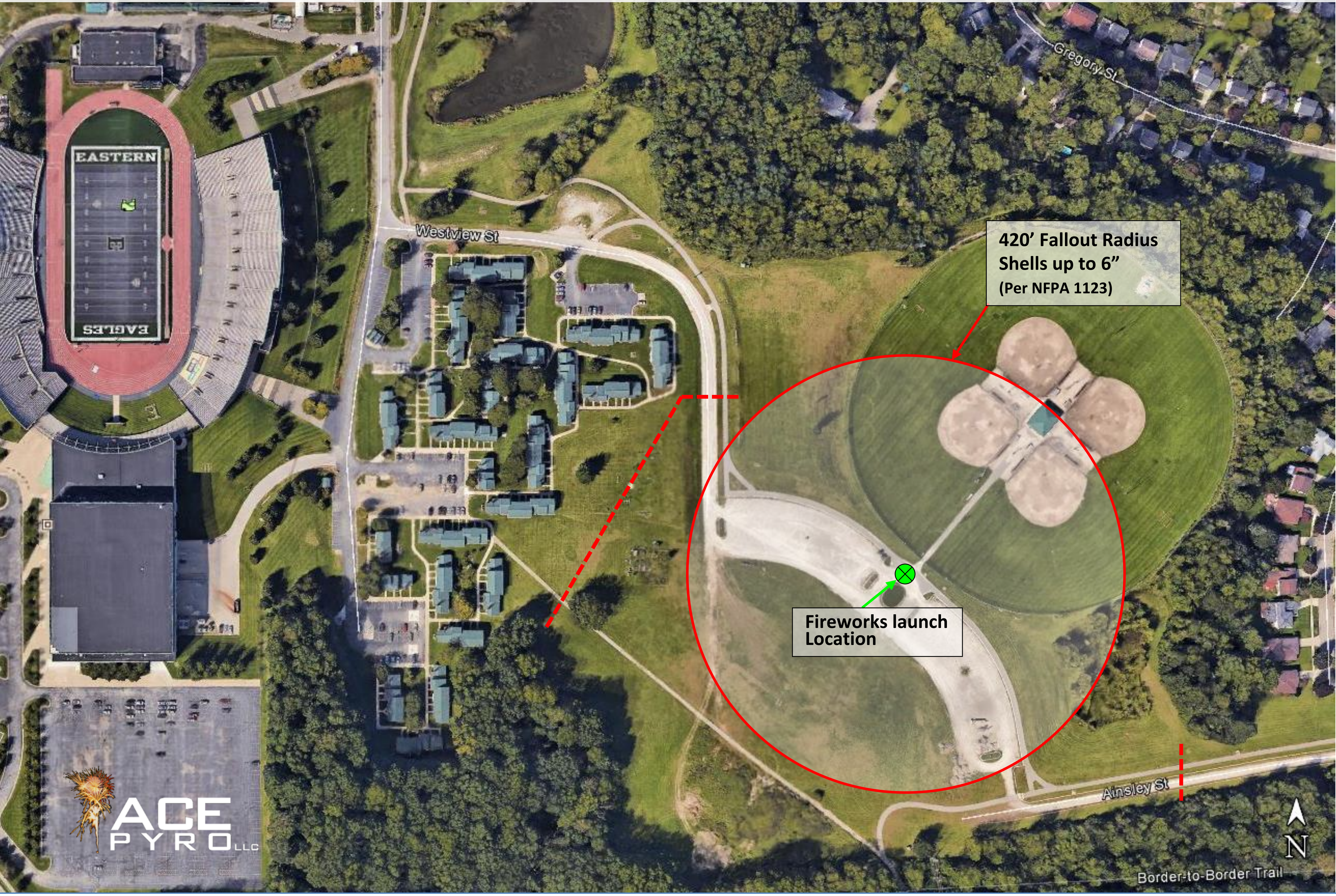
Type of Fireworks:
- Display will consist entirely of products certified UN0335, Fireworks, 1.3G
- Approximately 330 aerial shells will be launched ranging in size (diameter) from 3” to 6”

Display Operator Qualifications:
- Display Sales & Production Manager ACE Pyro, LLC
- Certified by the Pyrotechnics Guild International ‘Display Operator Certification Course’
- Pyrotechnic Operator License – City of Detroit, Michigan
- Display choreographer
- System developer and industrial engineer – StarFire digital firing system
- 10+ years of experience on 100+ professional fireworks displays

Safety Precautions:
- Compliance with NFPA 1123: Code for Fireworks Display
- Fireworks launch location secured to prevent unauthorized access
- EMU will provide security personnel to prevent unauthorized access to display site
- Pyrotechnic materials will be attended at all times once on site
- Pyrotechnics will be fired using a computer controller digital firing system
- ABC and water firing extinguishers will be pre-positioned on display site

PO Box 2 | Manchester, MI 48158 | 248-622-5148 | drew@acepyro.com

2018 EMU Football
Aerial Fireworks Site Map



2018 Application for Fireworks Other Than Consumer or Low Impact

Authority: 2011 PA 256	The **LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD** will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.	**FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY** DATE PERMIT(S) EXPIRE:

TYPE OF PERMIT(S) (Select all applicable boxes)

- ☐ Agricultural or Wildlife Fireworks
- ☐ Articles Pyrotechnic
- ☑ Display Fireworks
- ☑ Public Display
- ☐ Private Display
- ☐ Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes

NAME OF APPLICANT Drew Espenshade	ADDRESS OF APPLICANT 9700 Burmeister Rd, Saline, MI 48176	AGE OF APPLICANT 18 YEARS OR OLDER ✓ YES ☐ NO
NAME OF PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER Aaron Enzer	ADDRESS PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER 9700 Burmeister Rd, Saline, MI 48176	
IF A NON-RESIDENT APPLICANT (LIST NAME OF MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT)	ADDRESS (MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT)	TELEPHONE NUMBER
NAME OF PYROTECHNIC OPERATOR Drew Espenshade	ADDRESS OF PYROTECHNIC OPERATOR 9700 Burmeister Rd, Saline, MI 48176	AGE OF PYROTECHNIC OPERATOR 18 YEARS OR OLDER ✓ YES ☐ NO
NO. YEARS EXPERIENCE 10+ / NO. DISPLAYS 100+	WHERE Michigan, Wisconsin, North Dakota, Wyoming, Illinois, Iowa, Arizona, Indiana, Pennsylvania, Texas	
NAME OF ASSISTANT Chris Pappas	ADDRESS OF ASSISTANT 9700 Burmeister Rd, Saline, MI 48176	AGE OF ASSISTANT 18 YEARS OR OLDER ✓ YES ☐ NO
NAME OF OTHER ASSISTANT N/A	ADDRESS OF OTHER ASSISTANT N/A	AGE OF OTHER ASSISTANT 18 YEARS OR OLDER YES ☐ NO

EXACT LOCATION OF PROPOSED DISPLAY
Rynearson Stadium 799 North Hewitt Road, Ypsilanti, MI 48197

DATE OF PROPOSED DISPLAY 9/29/2018	TIME OF PROPOSED DISPLAY Approximately 9:00pm

MANNER AND PLACE OF STORAGE, SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDANCE WITH NFPA 1123, 1124 & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT
None, fireworks product will be brought from company storage in time for display setup.

AMOUNT OF BOND OR INSURANCE (TO BE SET BY LOCAL GOVERNMENT) $10,000,000	NAME OF BONDING CORPORATION OR INSURANCE COMPANY The Partners Group Ltd

ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY
11225 SE 6th Street, Suite 110, Bellevue, WA 98004

NUMBER OF FIREWORKS	KIND OF FIREWORKS TO BE DISPLAYED (Please provide additional pages as needed)
Approximately 330	Assorted aerial display shells 3"-6"

SIGNATURE OF APPLICANT [redacted]	DATE September 18, 2018

2018 Permit for Fireworks Other than Consumer or Low Impact

Authority: 2011 PA 256	The **LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD** will not discriminate against any individual or group because of race, sex, religion, age, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only through permit expiration date.

TYPE OF PERMIT(S) (Select all applicable boxes) ☐ Agricultural or Wildlife Fireworks ☐ Articles Pyrotechnic ☑ Display Fireworks ☑ Public Display ☐ Private Display ☐ Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes	**FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY.** PERMIT(S) EXPIRATION DATE (ENTER DATE OF EXPIRATION)
NAME OF PERSON PERMIT ISSUED TO Drew Espenshade	AGE (18 YEARS OR OLDER) ☑ YES ☐ NO
ADDRESS OF PERSON PERMIT ISSUED TO 9700 Burmeister Rd, Saline, MI 48176	
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION ACE Pyro, LLC	
ADDRESS 9700 Burmeister Rd, Saline, MI 48176	
NUMBER AND TYPES OF FIREWORKS (Please attach additional pages if necessary) Approximately 330 assorted aerial display shells 3" to 6"	
EXACT LOCATION OF DISPLAY OR USE Rynearson Stadium 799 North Hewitt Road, Ypsilanti, MI 48197	

CITY, VILLAGE, TOWNSHIP	DATE	TIME
Ypsilanti	9/29/2018	9:00 PM

BOND OR INSURANCE FILED	AMOUNT
☑ YES ☐ NO	$10,000,000

Issued by action of the Legislative Body of a

☐ City ☐ Village ☐ Township of ______________________________ on the ______________________ day of

(Signature and Title of Legislative Body Representative)

THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 8/6/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
The Partners Group Ltd
11225 SE 6th St., Suite 110
Bellevue WA 98004

CONTACT NAME: Janet Nau
PHONE (A/C, No, Ext): 425-455-5640 | FAX (A/C, No): 425-455-6727
E-MAIL ADDRESS: Jnau@tpgrp.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : T.H.E. Insurance Company	12866
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED 14372
Ace Pyro, LLC
13001 E. Austin Rd
Manchester MI 48158

COVERAGES **CERTIFICATE NUMBER:** 1572495774 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	**GENERAL LIABILITY** X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC	Y		CPP010442903	11/1/2017	11/1/2018	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ Excluded
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ N/A
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
A	**AUTOMOBILE LIABILITY** ANY AUTO ALL OWNED AUTOS X SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS			CPP010772903	11/1/2017	11/1/2018	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
A	**UMBRELLA LIAB** X OCCUR X **EXCESS LIAB** CLAIMS-MADE DED RETENTION $			ELP001174703	11/1/2017	11/1/2018	EACH OCCURRENCE	$ 9,000,000
							AGGREGATE	$ 9,000,000
								$
A	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		WCP0005331002	11/1/2017	11/1/2018	X WC STATU-TORY LIMITS OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The following are Additional Insured on General Liability as their interest may appear as respects operations performed by or on behalf of the Named Insured, as required by written contract:

Additional Insured: City of Ypsilanti and Eastern Michigan University
Event Location: Rynearson Stadium, 799 North Hewitt Road, Ypsilanti, MI 48197
Event Date(s): 8/31/2018, 9/29/2018, 10/13/2018, 10/27/2018, 11/3/2018, 11/10/2018

CERTIFICATE HOLDER

City of Ypsilanti
1 S Huron Street
Ypsilanti MI 48197

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
[redacted]

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Explosives License/Permit
(18 U.S.C. Chapter 40)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To	ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number	**4-MI-161-20-0D-12625**
Chief, Federal Explosives Licensing Center (FELC) [redacted]		Expiration Date	**April 1, 2020**

Name
ACE PYRO LLC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
13001 E AUSTIN RD
MANCHESTER, MI 48158-

Type of License or Permit
20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. <u>The signature on each copy must be an original signature.</u> A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the [redacted]

Mailing Address (Changes? Notify the FELC of any changes.)
ACE PYRO LLC
13001 E AUSTIN RD
MANCHESTER, MI 48158-

Previous Edition is Obsolete ACE PYRO LLC:13001 E AUSTIN RD:48158:4-MI-161-20-0D-12625:April 1, 2020:20-MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address *(27 CFR 555.54(a)(1))*. Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession *(27 CFR 555.59)*. (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **ACE PYRO LLC**

Business Name:

License/Permit Number: **4-MI-161-20-0D-12625**

License/Permit Type: **20-MANUFACTURER OF EXPLOSIVES**

Expiration: **April 1, 2020**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

REQUEST FOR LEGISLATION
September 25, 2018

To: Honorable Mayor and Ypsilanti City Council

From: Darwin D. P. McClary, City Manager

Subject: **AFSCME 2017-2022 COLLECTIVE BARGAINING AGREEMENT**

SUMMARY & BACKGROUND:

Local 623 of the American Federation of State, County, and Municipal Employees (AFSCME) Council 25, representing the city's public services, clerical, and parking enforcement officers, and the city have reached a tentative agreement on a new collective bargaining agreement for the term of July 1, 2017, through June 30, 2022. City council is being requested to convene into closed session to discuss collective bargaining strategy connected with these contract negotiations and then to reconvene into open session to consider approving the new collective bargaining agreement. The city and the union previously reached an agreement and executed a Memorandum of Understanding on health care coverage effective January 1, 2018. The provisions of that MOU are incorporated into the new agreement.

The details of the tentative agreement will be presented during council's closed session meeting. The city's labor attorney, Steven Schwartz from Keller Thoma, will be in attendance at the meeting to discuss the tentative agreement with council and to answer any questions.

PREVIOUS COUNCIL ACTION:

None

FINANCIAL IMPACT:

Please refer to the tentative agreement for specific details.

RECOMMENDED ACTION:

Convene into closed session to discuss collective bargaining strategy and then reconvene into open session to consider approving the new collective bargaining agreement.

ATTACHMENTS:

CITY MANAGER APPROVAL: DDPM **COUNCIL AGENDA DATE:** 09/25/18

CITY MANAGER COMMENTS: Approve the new AFSCME 2017-2022 collective bargaining agreement as presented.

FISCAL SERVICES DIRECTOR APPROVAL: ______________________________

Resolution No. 2018 - 247
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Local 623, AFSCME Council 25, collective bargaining agreement with the city expired on June 30, 2017; and

WHEREAS, the city and the union have been engaged in contract negotiations for more than 16 months on a successor contract; and

WHEREAS, the city and the union have reached a tentative agreement on a new collective bargaining agreement for the term commencing on July 1, 2017, and terminating on June 30, 2022; and

WHEREAS, the city desires to approve the new contract as presented.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the new collective bargaining agreement between the City of Ypsilanti and the Local 623 of the American Federation of State, County, and Municipal Employees (AFSCME) Council 25, for the term commencing on July 1, 2017, and terminating on June 30, 2022, as presented and authorize the Mayor, City Manager, and City Clerk to execute the agreement on behalf of the city after approval by the City Attorney as to form.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
September 25, 2018

To: Mayor, Council and City Manager

From: Joe Meyers, Director Economic Development

Subject: Bell Kramer Neighborhood Assessment Budget

SUMMARY & BACKGROUND:

Over the past 12 months, the city has conducted environmental testing in the Bell Kramer Neighborhood as approved by City Council on December 6, 2016 and September 19, 2017, to test for methane and other VOC's.

Testing will be completed in October 2018 but a budget for the testing was not programmed in for FY 18-19. We currently have $15,500 left on the contract for AKT Peerless to complete the testing.

In order to complete the project, we need to have funds available to pay for the services.

RECOMMENDED ACTION: Staff recommends that City Council appropriate $15,500 to complete the Bell Kramer Environmental Testing project.

ATTACHMENTS: ______________________________

CITY MANAGER APPROVAL: ____________________ COUNCIL AGENDA DATE: 9/25/18

CITY MANAGER COMMENTS: ______________________

FISCAL SERVICES DIRECTOR APPROVAL: ______________________

Resolution No. 2018 - 248
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti desired to provide a 12 month vapor intrusion assessment of the residential properties located in the Bell Kramer neighborhood north of the former City-owned landfill as recommended by the Michigan Department of Environmental Quality; and

WHEREAS, The City of Ypsilanti desires to have subsurface soil gas sampling and indoor air quality monitored for a year as recommended by DEQ to determine what, if any, mitigation may be required; and

WHEREAS, it is the desire of the City of Ypsilanti to complete this study.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council appropriates funding in the amount of $15,500 to complete the Bell Kramer Neighborhood Environmental Testing Study.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI, MICHIGAN

BUDGET ADJUSTMENT WORKSHEET

FISCAL YEAR: 2018-19
FUND: General - 191
DEPT: PLANNING
REQUESTED BY: JOE MEYERS
DATE: 9-14-18
AMENDMENT #

ACCT #	ACCT NAME	ADOPTED	AMENDED	REVENUE CHANGE	EXPENDITURE CHANGE	NEW AMENDED BUDGET	REASON
101-7-7210-818-00	Contractual	60,000			15,500	75,500	Annual budget did not include funds to Complete Bell/Kramer. City Council completed 2 resolutions in amount of $34,675 - only $19,081.69 was expended. Due to a change in Mgt - funds were not included in 2018 to Complete project.
						0	
						0	
						0	
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						0	
						0	
						0	
						0	
						0	
						0	
						0	
NET CHANGE IN BUDGET:				0	15,500		

Approved by City Manager: ______________________ Date: __________

Approved by City Council (if required): ______________________ Date: __________

Account Management - (View)

File Edit Options Functions Help

Account 101 7-7210-818-00

Fiscal Year 2017-2018 Current

Account Name CONTRACTUAL SERVICES

General | Balance | Budget | Budget Adjustments | History | Detail

Grid Graph

Year	Beginning Balance	Activity	Ending Balance	Original Budget	Adjustments	Ending Budget
2000-2001	0.00	8,765.00	8,765.00	0.00	0.00	0.00
2001-2002	0.00	22,569.75	22,569.75	0.00	0.00	0.00
2002-2003	0.00	1,916.50	1,916.50	0.00	0.00	0.00
2003-2004	0.00	544.00	544.00	0.00	0.00	0.00
2004-2005	0.00	0.00	0.00	0.00	0.00	0.00
2005-2006	0.00	4,970.18	4,970.18	0.00	0.00	0.00
2006-2007	0.00	7,199.18	7,199.18	0.00	0.00	0.00
2007-2008	0.00	0.00	0.00	0.00	0.00	0.00
2008-2009	0.00	20,000.00	20,000.00	20,000.00	0.00	20,000.00
2009-2010	0.00	12,545.00	12,545.00	20,000.00	14,115.00	34,115.00
2010-2011	0.00	18,113.25	18,113.25	28,000.00	8,000.00CR	20,000.00
2011-2012	0.00	1,843.75	1,843.75	28,000.00	27,000.00CR	1,000.00
2012-2013	0.00	1,433.75	1,433.75	15,000.00	10,000.00CR	5,000.00
2013-2014	0.00	11,916.00	11,916.00	15,000.00	5,000.00	20,000.00
2014-2015	0.00	65,767.60	65,767.60	20,000.00	55,000.00	75,000.00
2015-2016	0.00	20,116.34	20,116.34	20,000.00	0.00	20,000.00
2016-2017	0.00	14,400.15	14,400.15	20,000.00	15,000.00CR	5,000.00
2017-2018	0.00	23,153.79	23,153.79	50,000.00	5,000.00CR	45,000.00

Edit This Record

Clear

View | muy

Resolution No. 2017 - 216
September 19, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti desires AKT Peerless to provide a 12 month vapor intrusion assessment of the residential properties located in the Bell Kramer neighborhood north of the former City-owned landfill as recommended by the Michigan Department of Environmental Quality; and

WHEREAS, The City of Ypsilanti desires to have subsurface soil gas sampling and indoor air quality monitored for a year as recommended by DEQ to determine what, if any, mitigation may be required; and

WHEREAS, It is the desire of the City of Ypsilanti to complete this study.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council directs the City Manager to approve and sign a contract with AKT Peerless in the amount of $13,550. Additionally, City Council authorizes the City Manager to sign change orders. The agreement has been approved to form by the City Attorney

OFFERED BY: Mayor Pro-Tem Brown

SUPPORTED BY: Council Member Bashert

YES: 5 NO: 0 ABSENT: 2 (Richardson, Murdock) VOTE: Carried

I do hereby certify that the above resolution is a true and correct copy of Resolution 2017-216 as passed by the Ypsilanti City Council, at their meeting held on September 19, 2017.

Frances McMullan, City Clerk

Resolution No. 2016 - 276
December 6, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti desires AKT Peerless to provide a vapor intrusion assessment of the residential properties located in the Bell Kramer neighborhood north of the former City-owned landfill; and

WHEREAS, The City of Ypsilanti desires to have subsurface soil gas sampling and indoor air quality monitored to determine what, if any, mitigation may be required; and

WHEREAS, It is the desire of the City of Ypsilanti to complete this study as soon as possible.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council directs the City Manager to approve and sign a contract with AKT Peerless in the amount of $21,125. Additionally, City Council authorizes the City Manager to sign change orders.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
TRAFFIC REVIEW COMMISSION
MEEETING AGENDA
Tuesday September 18, 2018 3:30 P.M.
4TH FLOOR CONFERENCE ROOM

I. CALL TO ORDER

The meeting was called to order at 3:30 p.m.

II. ROLL CALL

Present: Tony DeGiusti, Police Chief
Stan Kirton, Director of Public Services
Joe Meyers, Director of Economic Development
Bonnie Wessler, City Planner

Staff: Nan Schuette, Exec. Secretary

III. APPROVAL OF MINUTES – July 26, 2018

Director Kirton moved to approve the minutes of July 26, 2018 (Support: J. Meyers) and the motion carried.

IV. OLD BUSINESS

1. Parking – New Parkridge

Parking will be allowed on the east side of Armstrong and the signage will be removed. There will be No Parking on the west side of Armstrong signs will be placed by DPS after the TCO is completed. We are also looking at an additional mid-block crosswalk just south of Armstrong Court.

V. NEW BUSINESS

1. Request – speeding bumps at the new Armstrong Drive.

Committee members discussed this issue and agreed to have the Police Department track speed, after which time, the committee will look at the policy, evaluate equipment and make a decision.

2. Timing of the northbound Michigan/Huron traffic signal.

City Planner Wessler stated that this will be discussed during the road safety audit.

3. AAATA bus cut-through on residential streets.

The committee recommended that the individual communicate directly with AAATA.

VI. FUTURE BUSINESS DISCUSSION/UPDATES

None

VII. ADJOURNMENT

Since there was no further business, Chief DeGiusti moved to close the meeting (Support: J. Meyers) and the motion carried unanimously. The meeting adjourned at 2:50 p.m.

Resolution No. 2018-249
September 25, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

ACTION MINUTES

CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 25, 2018
6:30 p.m.

I. CALL TO ORDER –
The meeting was called to order at 6:30 p.m.

II. ROLL CALL –

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

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

VI. CLOSED SESSION – 6:30-7:00 p.m.

Closed session to discuss collective bargaining, Tentative Agreement from AFSCME, pursuant to OMA 15.268, Section (8)(c)
Offered By: Council Member Vogt; Seconded By: Council Member Bashert
Approved: Yes – 5; No – 0; Absent: 2 (Richardson, Edmonds)

VII. INTRODUCTIONS

VIII. PRESENTATIONS –

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. ORDINANCE – FIRST READING –

Ordinance to amend the Ypsilanti City Code as necessary to adopt the 2018 edition of the International Property Maintenance Code, to make additions, insertions, and changes to the 2018 Edition of that Code, and to set forth the penalties.

A. Resolution No. 2018-241, determination
Offered By: Council Member Vogt; Seconded By: Council Member Bashert
Approved: Yes – 6; No – 0; Absent: 1 (Edmonds)
B. Open public hearing
C. Resolution No. 2018-242, close public hearing
Offered By: Council Member Vogt; Seconded By: Council Member Murdock
Approved: Yes – 6; No – 0; Absent: 1 (Edmonds)

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-243, approving minutes of August 28 and August 29, 2018 meetings
Offered By: Council Member Bashert; Seconded By: Council Member Vogt
Approved: Yes – 5; No – 1 (Murdock); Absent: 1 (Edmonds)

2. Resolution No. 2018-244, approving service agreement with iCompass for agenda management and video streaming software solutions.
Offered By: Council Member Robb; Seconded By: Council Member Vogt
Approved: Yes – 6; No – 0; Absent: 1 (Edmonds)

3. Resolution No. 2018-246, approving fireworks display permit to allow the display of fireworks on September 29, 2018
Offered By: Council Member Bashert; Seconded By: Council Member Richardson
Approved: Yes – 6; No – 0; Absent: 1 (Edmonds)

4. Resolution No. 2018-247, approving AFSCME 2017-2022 Collective Bargaining Agreement
Postponed until the October 2nd Meeting

5. Resolution No. 2018-248, approving Bell-Kramer Budget Adjustment
Sent back to staff for further review

XX. LIAISON REPORTS –

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

XXI. COUNCIL PROPOSED BUSINESS –

XXII. COMMUNICATIONS FROM THE MAYOR –

XXIII. <u>COMMUNICATIONS FROM THE CITY MANAGER</u> –

XXIV. <u>COMMUNICATIONS</u> –

September 18, 2018 Traffic Review Commission Minutes

XX. <u>AUDIENCE PARTICIPATION</u> –

XXI. <u>REMARKS FROM THE MAYOR</u> –

XXII. <u>ADJOURNMENT</u> –

Resolution No. 2018-249, adjourning the City Council meeting.
<u>Adjourned at 8:02 p.m.</u>