

1. Council Meeting Agenda

Documents:

[2-19-19 FINAL AGENDA.PDF](#)

2. Council Meeting Packet

Documents:

[FEBRUARY 19TH CITY COUNCIL PACKET.PDF](#)



**CITY OF YPSILANTI
CITY COUNCIL REGULAR and GOAL SETTING MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, FEBRUARY 19, 2019
6:00 p.m.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Brown	P A	Council Member Symanns	P A
Council Member Morgan	P A	Council Member Wilcoxon	P A
Council Member Murdock	P A	Mayor Bashert	P A
Mayor Pro-Tem Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

VI. INTRODUCTIONS –

VII. PRESENTATIONS –

Train Station Portal Feedback Report– Economic Development Director Joe Meyers

VIII. AUDIENCE PARTICIPATION/PUBLIC COMMENT -

IX. REMARKS BY THE MAYOR –

X. ORDINANCES – FIRST READING

1. An Ordinance Entitled, "Medical Marijuana Provisioning Center Buffer Increase" Ordinance No. 1333
 - A. Resolution No. 2019-028, determination
 - B. Open public hearing
 - C. Resolution No. 2019-029, close public hearing Ordinance No. 1334
2. An Ordinance Entitled, "Zoning Periodic Update 2018 - Citywide".
 - A. Resolution No. 2019-030, determination

- B. Open public hearing
- C. Resolution No. 2019-031, close public hearing

Resolution No. 2019-032

XI. CONSENT AGENDA –

1. Resolution No. 2019-033, approving minutes of January 29 and February 5, 2019.
2. Resolution No. 2019-034, approving appointment to Boards and Commissions.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2019-024, approving the 2019 Medical Marijuana Facilities application review process for new facilities. (postponed 2/5/19) (***Revised***)
2. Resolution No. 2019-035, authorizes the City Manager to adjust the Parks budget pay the invoice for the Liz Dahl McGregor Playground.
3. Resolution No. 2019-036, adopting and establishing the following credit card transactions policy pursuant to Michigan Public Act 266 of 1995.

XIII. 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

XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

XVII. COMMUNICATIONS –

Sustainability Commission Resolution for the Adoption of Peninsular Dam Removal and Restoration of Fishing Habitat

XVIII. GOAL SETTING -

XIX. AUDIENCE PARTICIPATION/PUBLIC COMMENT -

XX. REMARKS FROM THE MAYOR –

XXI. ADJOURNMENT –

Resolution No. 2019-037, adjourning the City Council meeting.



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Amtrak Train Platform Community Survey

CITY OF YPSILANTI, MI
2/19/2019 CITY COUNCIL

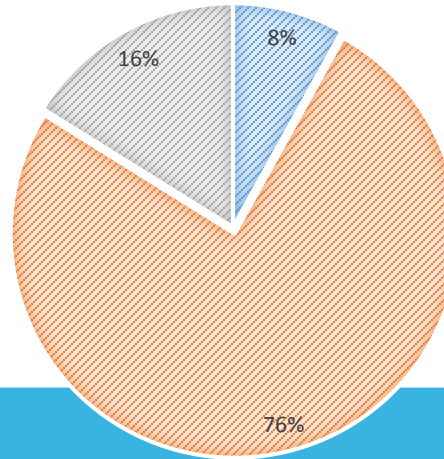
Survey

- **On January 15, 2019, City Council held a town hall on the Train Platform at the Senior Center.**
- **Directly after the meeting, a community survey was released to gather input from residents and non residents.**
- **The survey was open from January 15, 2019 to February 1, 2019.**
- **The survey contained 8 questions that were:**
 - Name
 - Email
 - Home/Business Address
 - Do you think an Amtrak Train Station will impact the Ypsilanti community? If so please rate how you feel it would impact the community?
 - Which location makes the most sense to you?
 - Which design do you feel would be the best for the community?
 - Please share your thoughts on locating a train station in the city.

Survey Results Residents - 62 Results

DO YOU THINK AN AMTRAK TRAIN STATION
WILL IMPACT THE YPSILANTI COMMUNITY?
IF SO PLEASE RATE HOW YOU FEEL IT WOULD
IMPACT THE COMMUNITY?

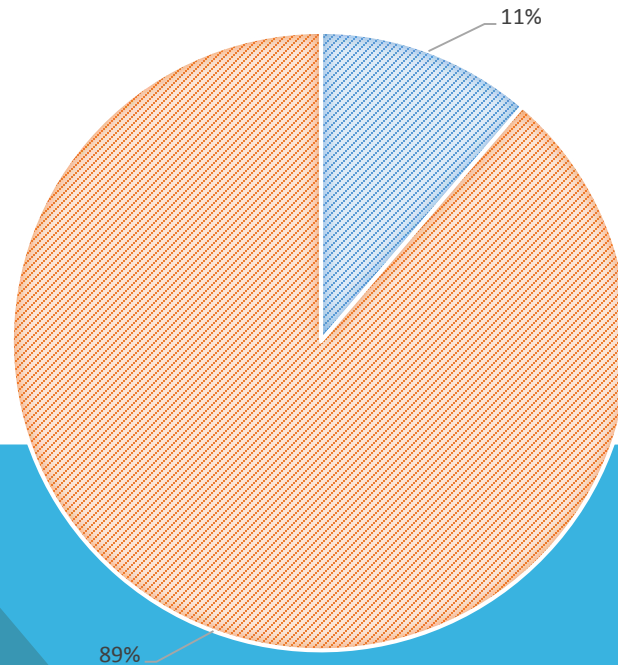
- I have no opinion on how it would affect the community
- It would impact the community greatly
- Impact the community but not greatly



Survey Results Residents - 62 Results

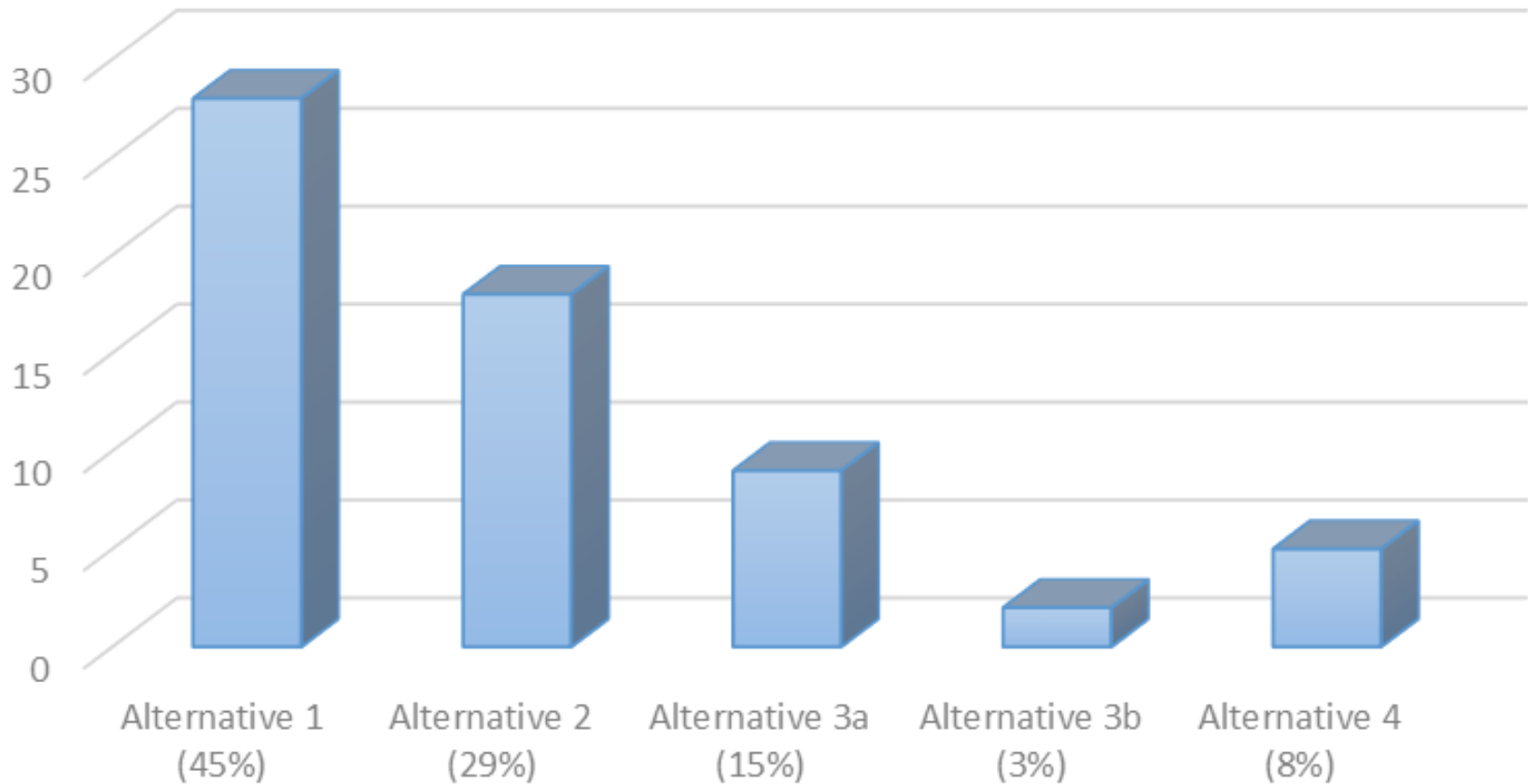
WHICH LOCATION MAKES THE MOST SENSE TO YOU?

■ Across From Emu ■ Depot Town



Survey Results Residents - 62 Results

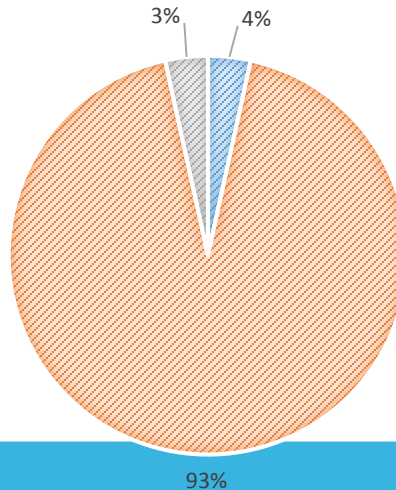
Which design do you feel would be the best for the community?



Survey Results Non-Residents - 29 Results

DO YOU THINK AN AMTRAK TRAIN STATION WILL IMPACT
THE YPSILANTI COMMUNITY?
IF SO PLEASE RATE HOW YOU FEEL IT WOULD IMPACT THE
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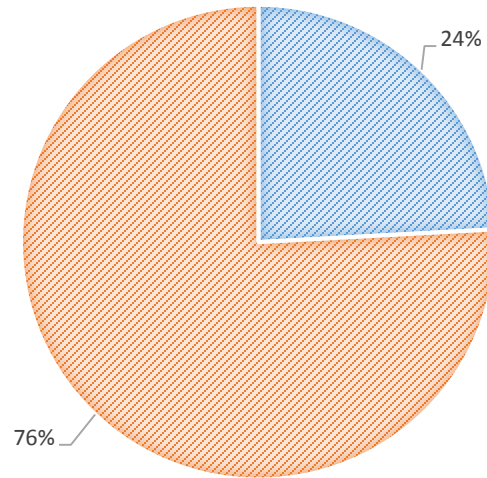
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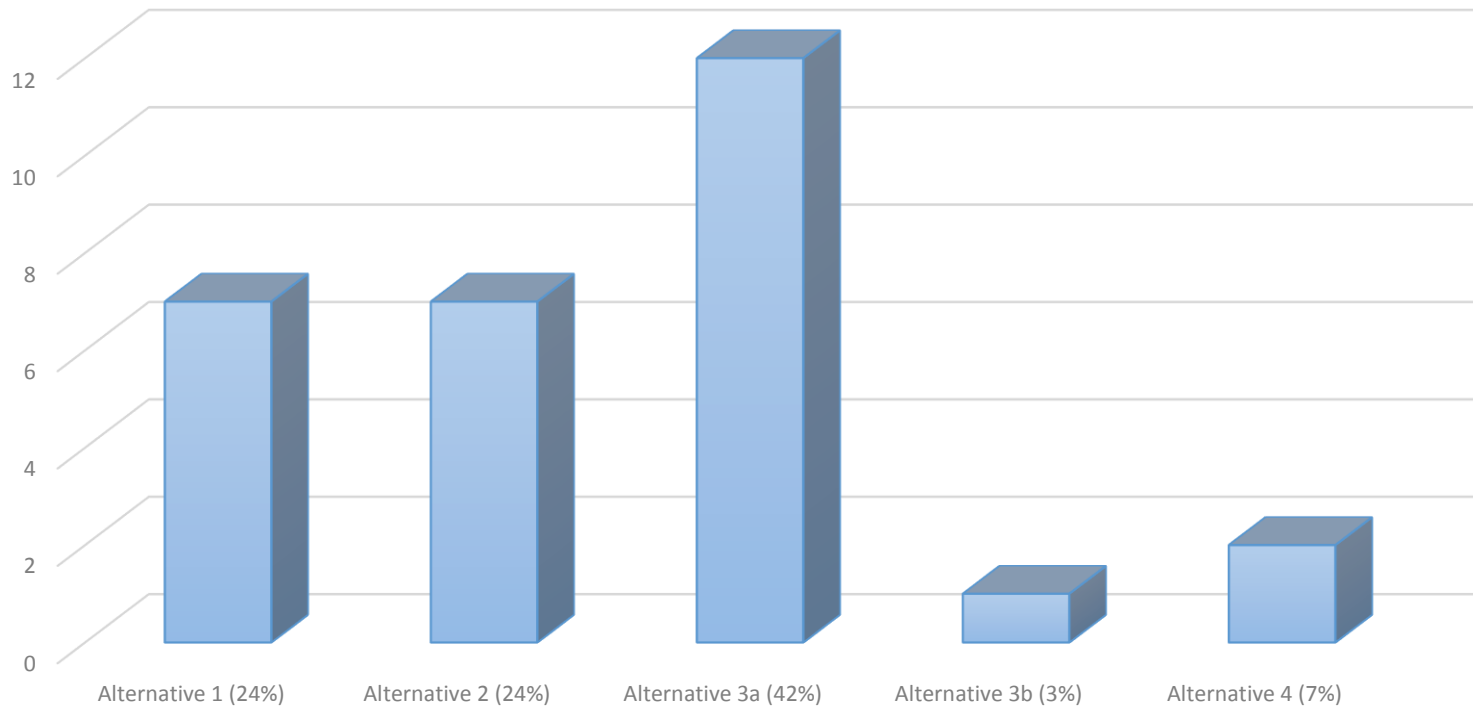
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Survey Results Non-Residents - 29 Results

Which design do you feel would be the best for the community?



Comments

- 82 Comments were received. 61 from residents and 27 from non residents (comments provided in a separate handout)
- Of the comments for city residents, 44 were generally positive, 7 were generally negative and 10 were neutral
- Of the comments for non city residents, 27 were generally positive and 2 were neutral.



City Residents

1. I believe that the train station will be a great addition to Depot Town. The more non-car options for travel, the better.
2. I attended the town hall meeting on 1/15/19 and was interested to hear the different perspectives. I am in full support of putting a train station in Ypsilanti, and I think the Depot Town location makes the most sense because it is closer in proximity to the majority of the town than the LeForge location. I also agree that in addition to Alternative 2 being the best option, inclusion of stairs into and out of the culvert would be beneficial.

Regarding the parking issue that was repeatedly brought up, I understand that certain parties are concerned about what is perceived to be an existing parking shortage that would only be exacerbated by the addition of a train station. I would counter this line of thinking with the following: 1) the residents and business owners of Depot Town have done a phenomenal job of creating a desirable place to visit; as a result, people want to be there, and for as long as parking is available, they will drive to get there. However, all desirable places large and small throughout the country have a shortage of parking; we cannot pave our way to plentiful parking while also maintaining the very characteristics of the place that make it so desirable. People will still go to Depot Town, even if it means getting there via a mode other than driving. 2) Citizens of a certain generation have been conditioned to believe that driving is the only way to get around. However, as a member of a nascent influential generation, I can guarantee that my cohort is very capable of getting around without a car; a lack of parking will not keep us from going to Depot Town or the train station. This is the "generational shift" that was mentioned at the meeting; the younger generation sees the personal automobile as more of a hassle than it is worth. Therefore, not only are we not deterred by the parking "crisis" in Depot Town, but the very presence of a train station there makes it a more appealing destination, as it becomes a launching point for trips around the region made possible by rail access. 3) Washtenaw County is styling itself as a nexus of new mobility; if this is true, then we need to think beyond cars (and where to put them) and focus on the larger issue of, how are people going to get around in the decades to come? Rail is the worldwide standard for rapid mobility; America is playing catch up, and we are woefully behind. If Washtenaw County is to be a national leader in mobility, we should not allow fears of inadequate parking (itself an antiquated concern by global standards) keep us from reimagining and instituting what modern mobility looks like. Furthermore, putting an Amtrak station in Ypsilanti makes that much more of a case for the viability of commuter rail between Ann Arbor and Detroit. Again, America and SE Michigan in particular are playing catch up; the more we can do now to get people out of their cars and onto trains and other forms of mobility, the more irrelevant the parking "issue" becomes.

Finally, as one last point of support for the train station and along the same lines as 3) above, getting people out of their cars and onto the train is a necessity if we are to get serious about combatting climate change. The personal automobile is among the most carbon-intensive modes of transportation; anything we can do to shift travel away from cars is beneficial for humanity and the planet.

I look forward to seeing the progress on the feasibility study and eagerly await the council's decision to proceed.

3. This would be a real big boost for the City, spurring on more people living in the City.
4. Would be very convenient to Ypsilanti residents and also bring more people to Ypsi businesses.

5. Plan #2 should include a stairwell on each side so pedestrians don't have to go the LONG route up and down the ramps. Also add a security camera in the culvert (possibly include motion detectors). Covered areas on the platform should be large enough to keep multiple bags inside (dry) with you, and should be heated (motion or push button activated). Joint, with the city, wide sidewalks with lighting should connect the station with the Freighthouse and the area of the Farmers Market, as this WILL be a heavily traveled pathway. PLAN for expansion: cover over all of the platform, better shelters, luggage lockers, moped/bicycle parking, RESERVED Amtrak customer parking spaces (5 or 10 spaces)/
6. I think it's important that whatever plan is chosen takes into account two key things. First, parking impact and who's responsible financially for making sure folks have a place to park. Second, if Amtrak later decides to close the platform before any debt incurred to build is paid off that the city/taxpayers aren't stuck with a bill for something unusable.
7. It would greatly improve travel via public transportation especially with the ability to avoid a bus trip to Ann Arbor's station when traveling eastbound via Amtrak trains. This can add a lot of extra time to an otherwise short train trip to Dearborn, Detroit, etc.
8. I think it would be great for tourism within ypsi especially with ypsilanti being recognized recently as a great budget destination (along with people strolling depot town during things like layovers and stuff). It would also make it very convenient for residents like myself who don't have a car to travel places outside of our bus route easily.
9. I think a train station would be very beneficial to Ypsilanti. Not only will it bring convenience to all who travel by train, by not having to travel to Ann Arbor, but it could potentially bring in more commerce or business to the city by potentially bringing in more people.
10. No thoughts
11. The train station would be a huge benefit in terms of transportation options in Ypsilanti. However, I think we need to keep the "visual impact" as limited as possible as to not disrupt the progress made in the Depot Town area. Just like elevated highways are known to disrupt communities below, I'm afraid having elevated bridges, etc over the tracks will cast a shadow (metaphorically) over historic Depot Town. Also, it's important that the city/The Ride recognize that in order for this to be effective public transportation on the eastern side of the river needs to be greatly expanded.
12. Very positive to be able to catch Amtrak in Ypsi for commuters, students, and travelers,
13. This would be a huge boon to the city and I'm personally invested in seeing it happen. I've read over the proposals and while Alternative 1 is obviously the cheapest, providing an easy track crossing at the platform as opposed to much further away on Cross street puts a lot of additional burden on riders with mobility issues, as well as makes things very awkward/unsafe if a second commuter platform is added on the opposite side of the track. Alternatives 3A/B are more development than is needed. A lot of metro Chicago uses underground culverts to provide safe track crossing and they work very well. I understand that some city residents might be wary of a construction like this being used for other unintended purposes, e.g. housing insecure individuals seeking shelter from elements. I think it's important as a community that we don't shy away from these concerns but rather recognize that they are symptomatic of larger problems that we should also try to address. Not constructing an incredibly useful culvert because we're afraid of vagrancy reeks of privilege and bigotry and those attitudes need to be separated from the actual practicality of the proposals.

14. First I support the location in Depot Town. The location in Depot town would be a plus for businesses in the area, it includes city-owned parking, and easy bike and pedestrian access. Of the Depot town options, I support alternative 2 which minimizes the site line impact while allowing easy access to parking on either side of the station stop.
15. Something needs to be done better with the traffic light at LeForge! Can stay like that!
16. I think it will be great for students at EMU as well as the community.
17. I truly feel this investment will make a significant and positive impact on our faire city. From commerce to employment opportunities, this tide will raise all ships. A stop in Depot Town would be more beneficial as opposed to campus in my opinion. It would be much easier and inviting for business and recreational visitors to be in close proximity to commerce rather than campus. In turn, EMU could create revenue running shuttles whether it be scholl owned or privatized.
18. I feel that bringing back a train station to Ypsi is a very good thing! I am TOTALLY opposed to the alternatives 3A and 3B as I think they are esthetic horrors! I chose alternative 2 for the convenience and comfort of passengers.
19. This station is completely necessary for the good of the city's businesses and commuters.
20. In the planning, please be sure to include bike facilities, including covered (or even better, enclosed), complementary bike parking, as well as the option to bring one's bike onto the train (without a fee since it's a good thing to commute by bike in so many ways!). Thank you!
21. LONG overdue!
22. Fantastic. Students and staff will travel more easily to and from campus. I would take Amtrak to Detroit and AA instead of driving.
23. being able to board the train in ypsilanti instead of taking a 45 minute bus ride to the ann arbor train station would be such a pleasure for community members like me who don't have a car and live in ypsilanti for its walkability, bikability, and great public transportation. it would be great if the small building currently by the train tracks in depot town could be repurposed into a station with a platform. it has the look of depot town's signature construction style already and would be less of a burden on traffic and ambience than undertaking the construction of a whole new building would be. but either way, a train stop in ypsilanti is welcome and important and seems long overdue. i would love to see it happen in my lifetime.
24. I hope this gets done! I think it will be very good for local business
25. I think that having an Amtrak station in the city is a great idea, especially as we consider a long term issue like climate change. This might be a way for the city to reduce some of its carbon footprint, and a step towards creating more robust forms of public transportation in Metro Detroit.
26. Excellent project.
27. Placing it in historic depot town would drive traffic up in the area.
28. I believe the biggest potential ridership of this train are people affiliated with the university and people going west to Ann Arbor and so the west side of town is the ideal location. If we are going to spend this much money as a city, it should be to bring life to an area that needs it like the side of EMU with shuttered businesses. Depot Town does not need more congestion, it is already hopping.
29. Sadly this survey is pretty bad. Question 1 should include the option, Impact the community negatively. Local business and visitors complain bitterly about parking in Depot Town. With the

Thompson block soon online and now the train, it won't get better. Question 2 should allow for other alternatives. Same for 3. A better location is the former Sesi lot on Michigan Ave. It would make a great bus and train transit center from the east side and low cost to build. A better option is a aluminum Amtrak certified platform, cost is less than \$1 million.

30. I think having a train station in the city would be very helpful - I appreciate the opportunity to take the train but driving into Ann Arbor, parking, etc. is crowded and stressful.
31. I think there are no good locations. I believe it is a total waste of money to have spent what we already did and throwing away any more dollars is even worse. Disregard the choices of platform and location, as I couldn't submit the form without answering them. This is a good way for you bias the survey, where is the choice for none?
32. Waste of money
33. It would be great to be able to ride to Detroit and beyond right from town.
34. I like the train being relocated into depot town and using the original existing train station for ticket sales and other needs. I do not think it needs to be extravagant. As we already have high taxes, I think it should be the most budget friendly option.
35. I love the idea of a train station with a commuter rail with many stops a day. With only Amtrak's current schedule and cost I don't think it is worth the investment.
36. We need to deal with Depot Town parking before we can deal with train stops. The city owned freighthouse which is run by a non profit(which makes a lot of money) should not be having weddings there every weekend and more. The Freighthouse was opened with taxpayer money so it could be used as the Eastside and whole community center like it once was. It now is nothing more than a wedding palace for people who don't even live here. It has taken most of the parking every weekend in depot town. Once that is resolved we can deal with taxpayer parking and our beloved train stop.
37. Creating an Amtrak stop will boost the possibility of train commuting to/from Ypsi, as well as serve a tourism boost for Depot Town. Additionally, it will help walkability/bikeability by decreasing car use
38. I think a train station would be a great asset to Ypsilanti residents, allowing us convenient, cost-effective transit to Chicago, Detroit and other cities inbetween. It would also benefit local businesses in Depot Town and, if paired with bike/scooter share or shuttle options, would benefit businesses in the other center districts as well.
39. I am excited to see this plan move forward so that Ypsilanti can be more connected to major cities. I think this will be extremely beneficial for our local economy and beneficial to residents who wish to travel.
40. I have reviewed the RTA commuter rail proposal - which, of course, failed its millage - but I still think is inevitable. Catching a train from Ypsi to Detroit in 30 minutes would be a game changer as I-94 traffic volume increases. My two cents - keep the Ypsi train platform cheap to start. Can upgrade with better pedestrian accessibility later. Especially since the Depot Town parking situation is tenuous and I foresee changes coming for that in the near future as businesses expand.
41. I support either alternative one or alternative two. I very much support the train platform in Depot Town which is a natural location. I think moving it to the Laforge area would just cause enhanced congestion in a place that already has too much traffic and backups at the traffic

light. This plan is in step with Ypsilanti's overall goals of sustainability – let's get the train in here ASAP!

42. A welcome addition to public transportation. Will enable citizens without cars to find jobs outside of the AATA. Will open opportunities for local businesses. If there are grant opportunities, I would suggest upgrading to a better Alternative. I still believe the train should be at Grove and Locust.
43. Covered platforms, much like in Chicago- is perfect and will help both the city and the community citizens!
44. A train station would substantially increase quality of life in Ypsilanti. It would enable citizens to easily access Detroit and other towns to the East and West, and it would bring new visitors to Ypsilanti.
45. For the east side lot create a drop off area and metered parking similar to Ann Arbor. Then the west side lot make it free but vehicles have to be removed by like 4 am or something so people don't use it as a long term lot for the train station.
46. I haven't seen any mention of which entity would pay for the station. Knowing how it would be paid for would influence my opinion of how impactful the station would be, for better or worse. Would it be entirely the City of Ypsilanti? I don't think the City can handle more debt. Or, are there potential grants, county, or federal contributions that would lessen the financial burden? Would building an Amtrak station make it more likely that a commuter train and station would be added in the future? A commuter train/station would definitely benefit Ypsilanti.
47. I think this project is a costly waste of time. I'm concerned that the city is spending money researching this potential train stop that is unlikely to get built. Worse yet, if the city decides to move forward and actually build the train stop I doubt it will bring in enough money to recoup the costs. Given the financial constraints the city has, we should not be wasting time and money chasing after this project.
48. Tremendous positive impact on the economy and accessibility of the city. Don't waste this opportunity to create momentum towards jobs, development, and tax base.
49. I think that the old station be used.
50. I feel that adding an Amtrak Platform in DEPOT TOWN would be a fantastic addition to this vibrant and growing community. Everyone that I have talked to about the train has been thrilled. There have been so many great additions to Ypsilanti that adding a train stop would make it one of the most desired cities to live, work, visit and entertain. I would start off with the more feasible approach to get the project started. Once the community realizes how much value the platform adds to the value of Ypsi, we can expand in the future.
51. Parking is THE issue at both sites...and is far more important than crossing options. What is the projected parking demand for riders? Will the existing paved surface be adequate given the parking demands that exist now?
At Cross St, barrier free spots can be prioritized on the east lot (though not indicated in the study). What are the parking expansion options into properties around the the east lot not owned by homeowners?
Cross street seems more appealing to residents who are daily commuters, especially if they can walk or bike to the station.
But keep working on this...
52. Having a train stop in Ypsilanti would be excellent and near Depot town even better for visitors.

53. I would love if there was a train stop in Ypsi. It would be a great way to travel to Chicago and Detroit.
54. Yes, please.
55. In no way would this be worth the money to the city. Amtrak is too expensive and unreliable for any commutes.
56. \$3,962,000 might be achievable.
57. Rapid transit on this corridor opens up income, culture, educational and economic development for a much broader cross section of the population, especially upcoming younger generations; with much less detriment to the environment and cost of lives and land to highways. Less xenophobia. Michigan is way behind the rest of the country/world in this regard.
58. Will this only be the Wolverine train that goes through town, or will there be other opportunities for commuter trains to Detroit or Ann Arbor?
59. This could help with a lot of things. Tourism, of course, but also this could make it easier for a regional rail stop to happen. This could help reinforce the transit oriented development density that is Ypsilanti, thus making it easier for more buses to run, neighborhoods to be more walkable. It's a good thing.
60. The new train stop should be where the old train stop was. Very central to the city. Walkable for a great many people, including students at EMU. Put additional parking where the recycling center is being taken down.
61. this is a waste of money.the city can't take care of what it has now.they don't cut weeds or plow city maintained alleys unless someone calls.there won't be enough use to pay for the station.ypsi has highest taxes around.this will be another water street.

Non Resident Comments

1. It's simple just flat out would be Good for business. More people getting off and on more traffic to our depot town businesses.
2. Would be great for students at EMU.

We took the train from Troy to Chicago when our son attended EMU and it was so frustrating he couldn't just hop on in Ypsi even as we passed right by his dorm! Plus the whole Depot town/train theme works for consumer marketing. Ypsi could use to attract visitors.

3. I would have killed of this to help a commute to Detroit while I was working.
4. generating revenue for the city
5. Locating the station in a central location with existing parking and the potential to expand parking options in the future is critical for a local train station.
6. I think a train station would be a great addition to Ypsilanti, especially if the line ends up servicing all the way to traverse city.
7. A train Depot would be ideal for Depot town...Parking...Parking....Parking
8. There is space for parking at this location
9. It would be helpful
10. Many people will probably decide against it, but having a train station can bring more people into the city, more business, and improve the local areas by adding an attraction for locals and more jobs.
11. I really think the Depot town area is safer and really showcases a great part of our town for passengers on the train to see . Not to mention the extra business it will bring into that area .
12. It's important that the train station be located not only in locations that may tie into other public transportation infrastructure, but also be within easy walking distance of local businesses. Locating the station far from businesses tends to reduce usage.
13. Would use it a lot and have friends that will
14. I love the idea! We are already a tourist destination, it will help get more people here and especially to our festivals. Plus it opens up a bigger region for commuters so people don't need to move away for jobs as often.
15. I like depot town as there's already existing historical buildings that would be incredible to use. The leforge address doesn't really have parking or businesses that would benefit from the train being there.
16. I think it would be a wonderful idea. It would create even easier access to interstate and intra-state travel.

17. traffic to depot town would increase good for Ypsilanti. People could also easily commute to Detroit or Ann Arbor.
18. I think it would positively impact mobility in SE Michigan as well as helping to further normalize accessibility in our community
19. A station in Ypsi would be amazing. I can imagine the business it can bring into the city as well as the transportation options it would open up for residents.
20. I think having commuter rail in Ypsilanti would be great.
21. Sounds good!
22. A train station would be convenient for people who live in the city, and bring in visitors from other cities which would increase community support and revenue.
23. Great addition to the community, we are anxious to walk to the train to take trips to Chicago. Keeping ADA in mind, this is a huge win for our family and provides options for rail into Detroit as well.
24. Having better mass transit is essential for our community and region. Rail is an important piece of it. While living in the Baltimore-Washington area and communities to DC by train, it wasn't uncommon to have a simple platform. As ridership grew, so did the sophistication of the stations. Sufficient parking is critical. The Parking lot at the new Dearborn station is often full.
25. This area is located near the lower income areas of Ypsilanti. It will be easier for people that would use it to access it. It would allow people without their own transportation to walk to the depot and utilize the train. People in this area could get jobs in Ann Arbor if the station was located there.
26. This is long overdue, the community leadership has continually failed residents by not providing services. You also have missed a critical issue - where's parking at. This is poor planning if it does not include that; also any platform stop should not impede traffic.
27. It would provide Ypsilanti with easy access to and from Detroit as well as Chicago without having to travel to Ann Arbor.



REQUEST FOR LEGISLATION
February 11, 2019

From: Bonnie Wessler, City Planner

Subject: Zoning Text Amendment: Medical Marijuana Provisioning Center Buffer Increase

SUMMARY & BACKGROUND

State regulations regarding medical marijuana facilities have changed with regards to commercial operations. Due to this change, the medical marijuana market is changing rapidly throughout the state, and locally as well. Current provisioning centers may close or move; new provisioning centers may open. The current distribution of provisioning centers has largely remained unchanged since each has opened, from 2011 to 2013.

This amendment would potentially limit the placement of provisioning centers to approximately one per commercial area/neighborhood, depending upon precise placement, due to an increase in the minimum distance between provisioning centers from 500 feet to 1,000 feet. This would also have the effect of limiting the overall number of potential sites for medical marijuana provisioning centers.

The Planning Commission recommended the ordinance change unanimously at their January regular Planning Commission meeting.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution, Ordinance, Staff Report, Abridged January 2019 Draft Planning Commission Minutes.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2019 - 028
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City has an interest in protecting the economic diversity and image of the community; and

WHEREAS, the City has an interest in promoting and supporting local businesses and their growth; and

WHEREAS, the Planning Commission has recommended the City Council adopt the proposed ordinance change;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the ordinance entitled Medical Marijuana Provisioning Center Buffer Increase.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2019 - 029
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing for Ordinance No. 1333, entitled "Medical Marijuana Provisioning Center Buffer Increase" be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Ordinance No. 1333

An Ordinance Entitled "Medical Marijuana Provisioning Center Buffer Increase"

THE CITY OF YPSILANTI ORDAINS:

That Sec 122-532(b)(3) of the Zoning Ordinance be updated in the following manner:

The provisioning center shall not be located within ~~a five hundred (500)~~ one thousand (1,000) feet of a lawfully existing medical marijuana provisioning center, and ~~five hundred (500) feet from other types of medical marijuana facilities facility~~ as measured from the outermost boundaries of the lot or parcel on which the proposed medical marijuana facility and to the outermost boundaries of the lot or parcel on which the lawfully existing medical marijuana facility is located;

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____
DAY OF _____, 2019

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the
Washtenaw Legal News on the _____ day of _____, 2019.

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 _____, 2019.

Frances McMullan, City Clerk

Notice Published: _____
First Reading: _____
Second Reading: _____
Published: _____
Effective Date: _____



15 March 2018

**Staff Review of Rezoning Application
Medical Marijuana Text Amendments
Provisioning Centers Buffer Increase**

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Text Amendment to Medical Marijuana Dispensaries (recommended to become "Medical Marijuana Provisioning Centers"), 122-532(b)(3)

SUMMARY

State regulations regarding medical marijuana facilities have recently changed to allow for more commercial operations. This amendment would limit the number of provisioning centers throughout the City by doubling the required buffer between provisioning centers from 500 feet to 1,000 feet.

BACKGROUND

In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing groups of caregivers to grow under one roof in the M1, M2, WS, and CI zoning districts with a Special Use Permit; and caregivers to connect with patients at dispensaries in the B2, B3, and B4 zoning districts by right.

In 2014, the zoning ordinance shifted to a hybrid form-and-use-based schema. In these new zoning districts, dispensaries were only permitted by-right in C, and not permitted in GC. The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under one corporate owner, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. In November 2017, Council passed an ordinance opting-in to the MMFLA, allowing up to three grow/processors and seven provisioning centers (dispensaries). Two updates to the zoning code have already been proposed and recommended to Council; one, to permit provisioning centers (dispensaries) as a Special Use in the GC zoning district, and another, generally updating the specific standards and definitions for medical marijuana facilities.

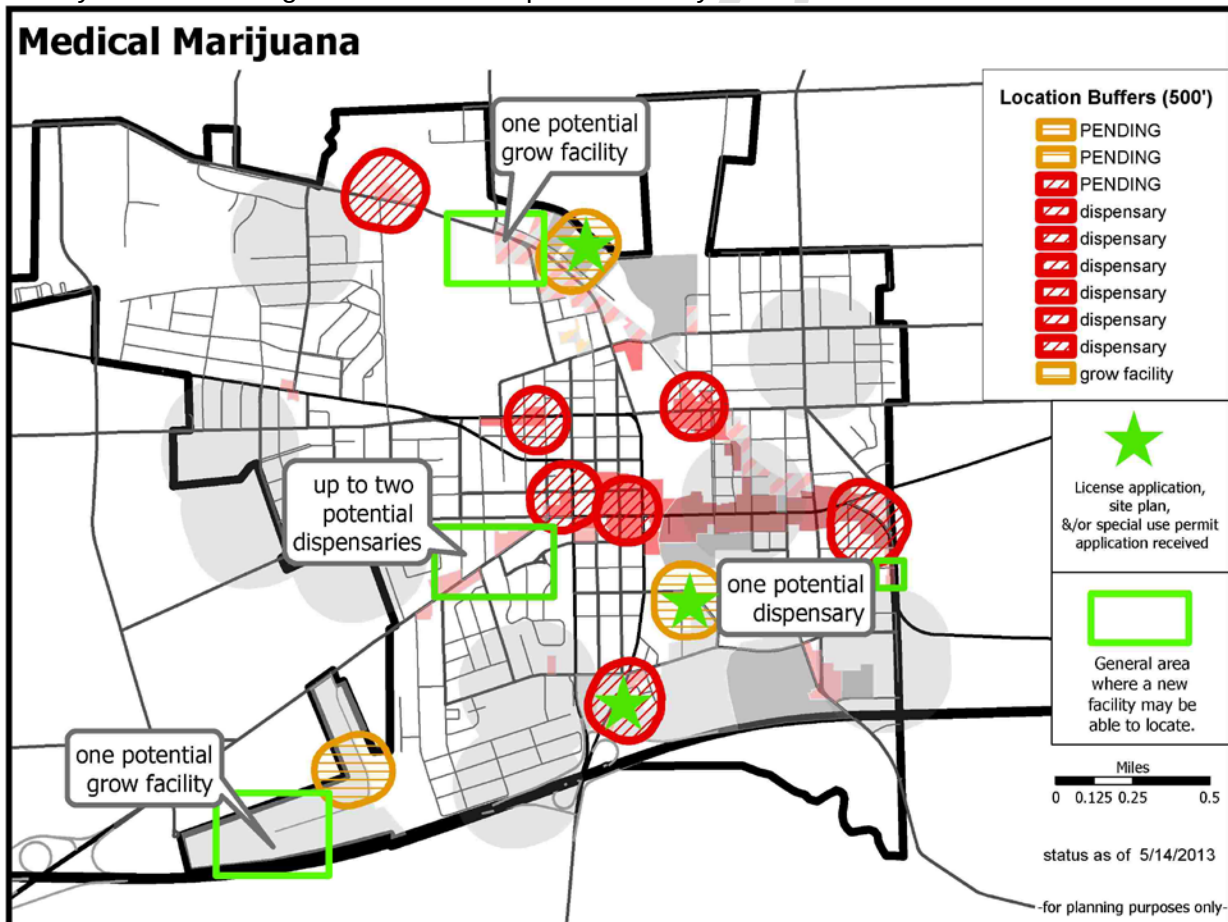
As a result of these changes at both the state and local level, it is possible that some existing provisioning centers could move; it is also possible that an existing provisioning center could go out of business and another provisioning center locate in the City. During the initial medical marijuana zoning

discussion in 2011, and during the more recent zoning discussions in 2017-18, both Planning Commission and City Council have expressed concern about marijuana business density, and the need to ensure a balanced mix of services and goods in our commercial areas. This amendment would reduce density significantly, generally allowing for only one provisioning center per commercial area, without creating significant nonconformities.

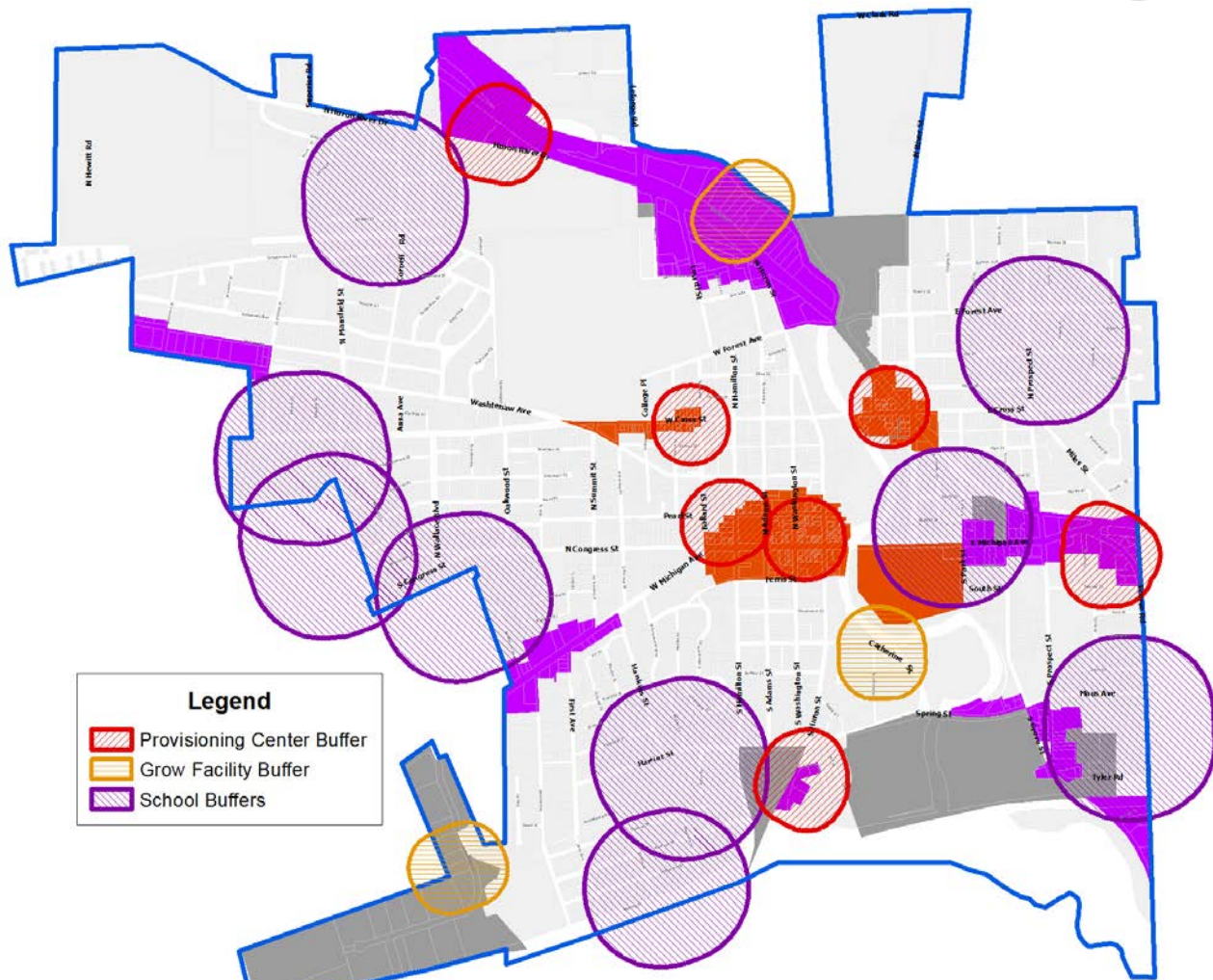
DISCUSSION

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

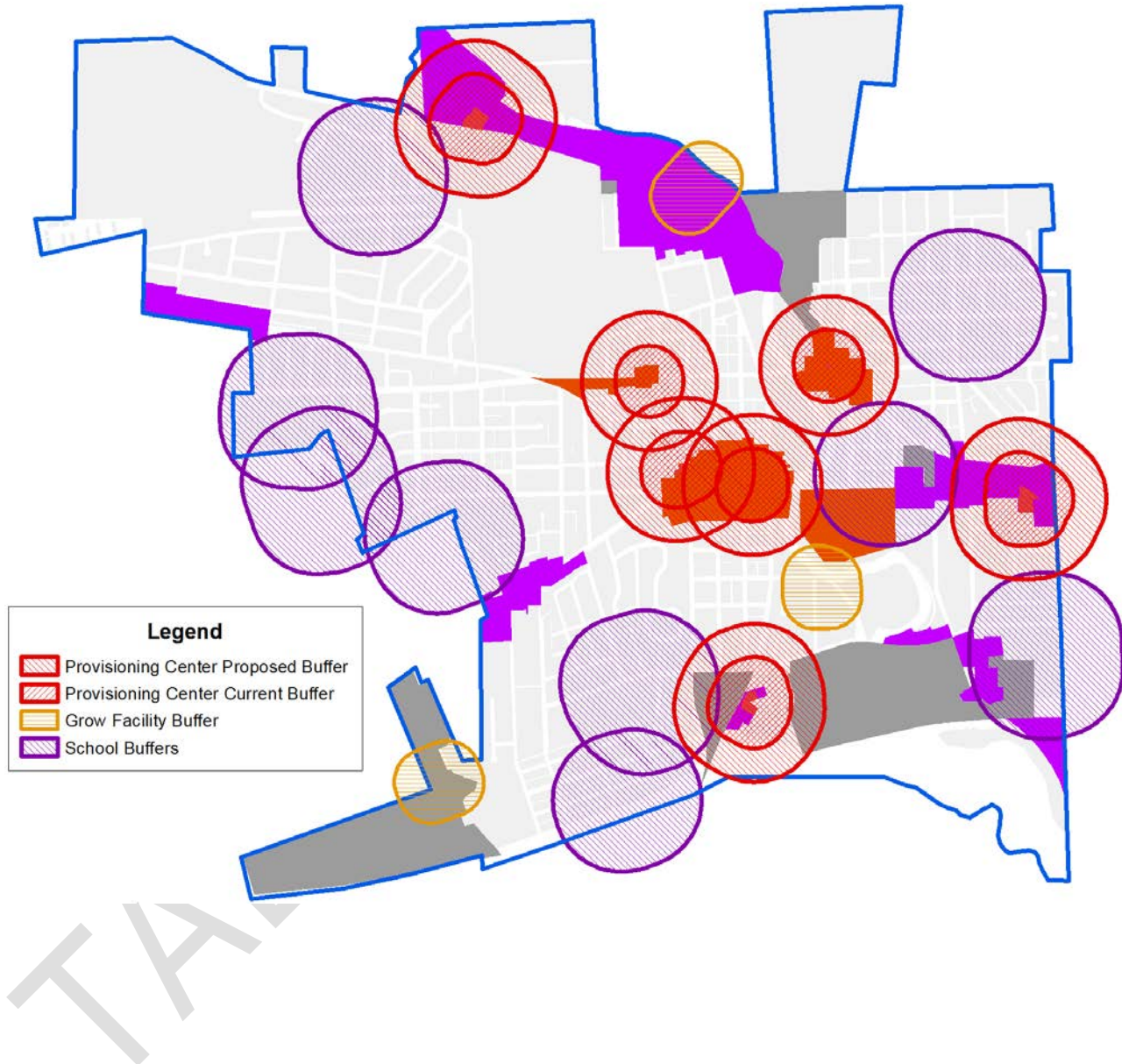
This map, as of 5/2013, shows potential locations for additional dispensaries/grow facilities; the potential distribution of facilities differed from current primarily around Washtenaw and West Michigan. The zoning around Huron River Drive has changed from the Commercial-Industrial District and a variety of other zoning classifications to predominantly GC.



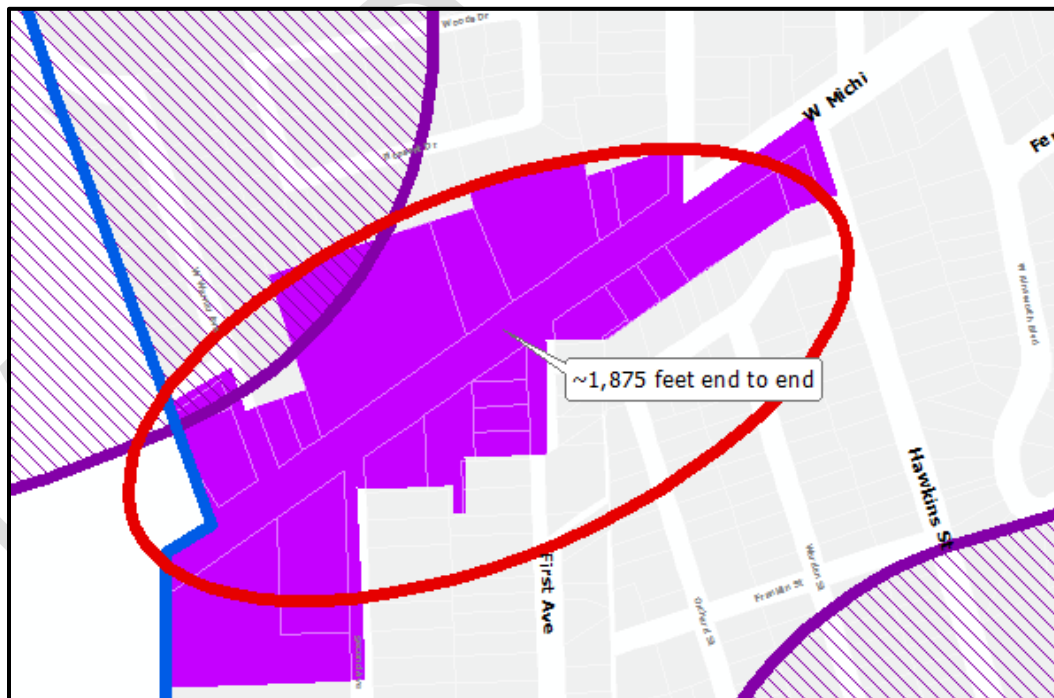
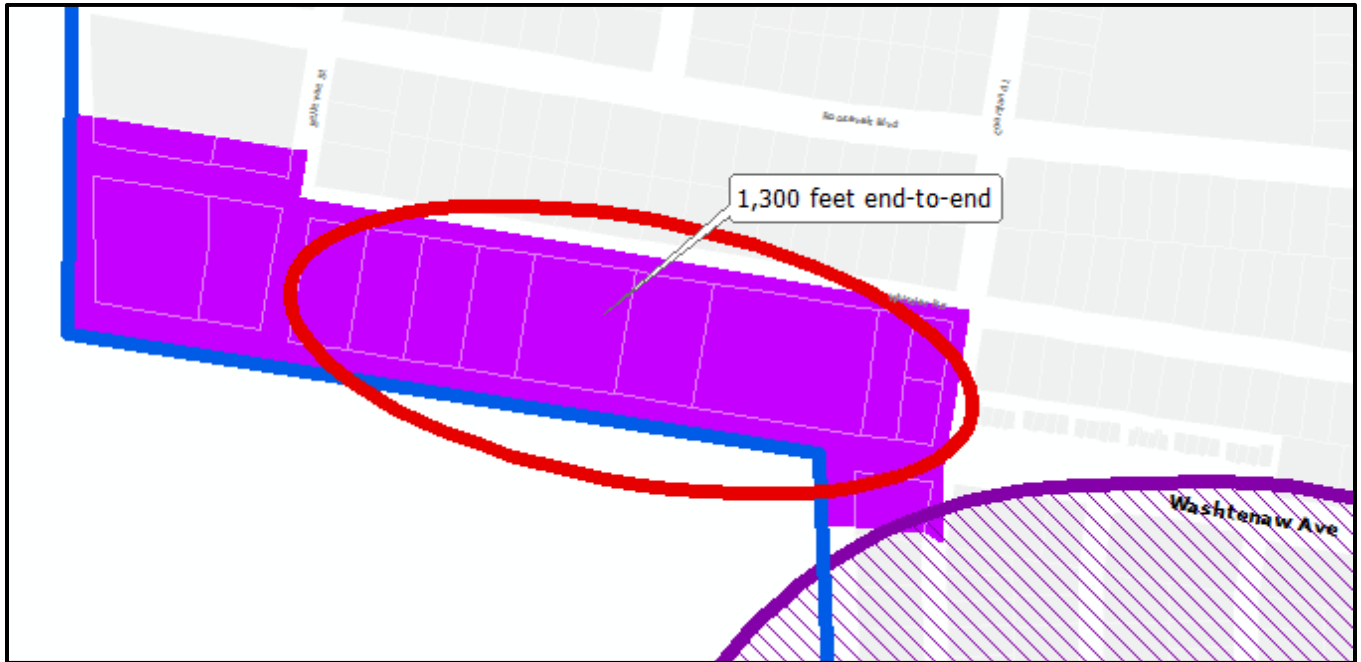
This map shows the *current* existing school buffers, facility buffers, and zoning districts. As a reminder, grow facilities are currently permitted only with a Special Use permit in GC and PMD; dispensaries are permitted by right in Center. The proposal on the table at Council would add dispensaries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



Under the proposed increase in buffers between provisioning centers, the East Michigan/Ecorse corridor cannot bear a new provisioning center, nor can Depot Town or West Cross. The two existing provisioning centers in downtown Ypsilanti would exclude each other by approximately four feet; however, Herbal Solutions is planning to move eastward once rehabilitation is complete at the new location. Commercial locations on Huron River Drive/Railroad St are already fairly constrained due to the location of the railway and river, as well as the large redevelopment site at 800 Lowell, so the expansion would have minimal effect.



Looking more closely at specific areas, Washtenaw realistically could host two provisioning centers (one at each end), and West Michigan potentially two as well- fewer than the three and four, respectively, that would be able to locate there with the smaller buffer. West Michigan, it should be noted, has fewer commercial buildings that could presumably become available for such a venture; there do exist residential buildings that could be converted.



Medical Marijuana Dispensaries (recommended to become "Medical Marijuana Provisioning Centers"), 122-532(b)(3)	"Medical Marijuana Provisioning Centers," 122-532(b)(3) (changes proposed 2/21 presumed adopted)
The dispensary shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed dispensary and lawfully existing dispensary or growing/manufacturing facility is located;	The provisioning center shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana <u>growing &/or processing facility nor within one thousand (1,000) feet of a lawfully existing medical marijuana provisioning center</u> as measured from the outermost boundaries of the lot or parcel on which the proposed medical marijuana facility and to the outermost boundaries of the lot or parcel on which the lawfully existing medical marijuana facility is located;

STANDARDS FOR AMENDMENTS**§122-362(a)**

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

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

- Diversity is our strength: per the decision-making rubric. This maintains and potentially improves the diversity of the mix of businesses in Ypsilanti.
- Ypsilanti is sustainable: per the decision-making rubric, this action maintains, and has the potential to create, job opportunities for Ypsilantians, without over-investing into a volatile industry.

(2) The rezoning is consistent with description and purpose of the proposed district, and.
This would apply to all Provisioning Centers in all districts.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
Per §122-100, the intent of the ordinance is to promote the public health, safety, and welfare. In particular, to:

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

By increasing the distance between Provisioning Centers, it reserves space for other businesses to grow and thrive within the City, while still preserving access to medical marijuana.

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

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

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City;
Staff does not anticipate that this amendment will negatively or positively affect the historic nature of the City.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City;
Staff does not anticipate that this amendment will negatively affect the natural features or environmental sustainability of the City.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or
The proposed change to the zoning ordinance will help maintain residents' access to medical marijuana, as prescribed by their doctor. The ordinance amendment will also help to reduce the potential that relatively volatile medical marijuana businesses might displace existing businesses in less-volatile industries.

(8) The proposed amendment is needed to correct an error or omission in the original text; or
This does not correct an error; it is an amendment due to a changing regulatory environment.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and
Staff does not anticipate that this change will significantly impact a community need in physical or economic conditions. If the industry continues to grow, it is possible that medical marijuana businesses could reinvest significantly into their businesses. However, it is also possible that the businesses will face increasing regulatory hurdles at the federal level, and medical marijuana still carries some stigma. This amendment would decrease the potential impacts of both any stigma and the potential for an industry collapse due to regulatory issues.

(10) The proposed amendment will not result in the creation of significant nonconformities in the City.
The proposed amendment will make nonconforming the two dispensaries in downtown Ypsilanti. However, as noted, Herbal Solutions is in the process of preparing a space to the east that would conform under the new ordinance.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend to City Council the **approval** of the proposed text amendment to 122-532(b)(3), "Medical Marijuana ~~Dispensaries~~ Provisioning Centers", with the following findings:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan;
- (2) The proposed amendment is consistent with the intent of this Zoning Ordinance;
- (3) The proposed amendment will protect the health, safety, and general welfare of the public;
- (4) The proposed amendment will address a community need in physical or economic conditions or development practices.

Bonnie Wessler
City Planner, Community & Economic Development Division

**PLANNING COMMISSION
MEETING MINUTES
January 16, 2019
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

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

II. ROLL CALL

Present: J. Talaga, H. Jugenitz, J. Donnelly, P. Hollifield,
M. Simmons, T. Dennis

Absent: M. Dunwoodie (excused) J. McGadney

Staff: Bonnie Wessler, City Planner
Nan Schuette, Executive Secretary
Cynthia Kochanek, Preservation Planner

III. APPROVAL OF MINUTES

(elided for brevity)

IV. AUDIENCE PARTICIPATION

(elided for brevity)

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Capital Improvements Review: 2019 Pavement Maintenance Program
(elided for brevity)

2. Medical Marijuana Provisioning Centers: Increase in Buffer

Ms. Wessler stated that this is a recommendation to City Council to approve a Text Amendment to Medical Marijuana dispensaries (recommended to become "Medical Marijuana Provisioning Centers"), Sec 122-532(b)(3).

Ms. Wessler gave some background information on this adding that there is absolutely nothing certain and the State continues to change its mind on everything. Prior to the end of the year, the State had told the dispensaries that had not yet received a state license, to stop operations or they would jeopardize their standing in the application process so everyone that did not have a license in the city did actually close January 1st. Today, the state issued guidance that the facilities that had not yet received their license, but are in still in the application process, could re-open. Most dispensaries have re-opened. Locally, we have two licensed provisional centers

within the city, both in GC district; one on Huron River Drive and the other on S. Huron. The five in the city are still in the process of applying.

Commissioner Dennis asked the difference between growers, provisioning centers and process centers which Ms. Wessler detailed as well as discussing the various areas in the city where each of these centers can be located. More background information is contained in the staff report dated March 15, 2018. Also included are the standards for amendments. Staff is recommending that the Planning Commission recommend approval to City Council with findings.

Commissioner Jugenitz moved to open the public portion of the hearing (Support: T. Dennis) and the motion carried unanimously.

Since there was no public comments, Commissioner Jugenitz moved to close the public portion of the hearing (Support: M. Simmons) and the motion carried unanimously.

Commissioner Jugenitz moved that the Planning Commission recommend to City Council approval of the proposed text amendment to Sec 122-532(b)(3), "Medical Marijuana Provisioning Centers, with the following findings:

1. The proposed amendment is consistent with the guiding values of the Master Plan;
2. The proposed amendment is consistent with the intent of this Zoning Ordinance;
3. The proposed amendment will protect the health, safety, and general welfare of the public;
4. The proposed amendment will address a community need in physical or economic conditions or development practices.

The motion was supported by Commissioner Simmons and by voice vote carried unanimously.

3. Commercial Sales and Commercial Recreational Use of Firearms
(elided for brevity)

4. Miscellaneous text updates including parking, setbacks, nonconforming A, and corrections
(elided for brevity)

VI. OLD BUSINESS
(elided for brevity)

VII. NEW BUSINESS
(elided for brevity)

VIII. FUTURE BUSINESS DISCUSSION /UPDATES
(elided for brevity)

IX. COMMITTEE REPORTS
(elided for brevity)

X. ADJOURNMENT
(elided for brevity)



REQUEST FOR LEGISLATION
February 11, 2019

From: Bonnie Wessler, City Planner

Subject: Zoning Text Amendment: Periodic Update 2018

SUMMARY & BACKGROUND

Since adopting the new ordinance schema in 2014 (enacted 2015), we have undergone one major “bug fix” update in 2016 (enacted 2017) wherein we addressed several minor issues, such as structure, numbering, and organization; as well as some issues where the ordinance was not aligned with policy and goals as laid out in the Master Plan. Staff has been tracking the performance of the code since that time and has noted several areas of potential improvement in the same vein. Those areas are as follows:

- add the processes for Nonconforming A and ZBA actions to the process table
- clarify that sketch plan approvals, etc, are subject to the same provisions
- Fix the numbering in several sections
- Parking quantity updates
- Update language “Provisioning Centers” in GC to “Medical Marijuana Provisioning Centers”; correct language regarding child care
- Explicitly state that publicly-erected signage does not require conformance to the ordinance
- Update performance guarantee standard to match adopted engineering standards
- Make properties in CN-SF eligible for Nonconforming A
- Lower accessory building setbacks in form-based districts to match accessory building setbacks in use-based districts
- ZBA member attendance requirements

The Planning Commission recommended the ordinance change unanimously at their January regular Planning Commission meeting. Staff recommends the change as well.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution, Ordinance, Staff Report, Abridged January 2019 Draft Planning Commission Minutes.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2019 -030
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City has an interest in protecting the health, safety, and welfare of the community; and

WHEREAS, the City has an adopted Master Plan that reflects the policy goals of the City; and

WHEREAS, the Planning Commission from time to time reviews the zoning ordinance performance with relation to these goals and general functionality; and

WHEREAS, the Planning Commission has recommended the City Council adopt the proposed ordinance changes;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the ordinance entitled Zoning Periodic Update 2018.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2019 - 031
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on Ordinance No. 1334, entitled Zoning Periodic Update 2018 – Citywide” be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Ordinance No. 1334

An Ordinance Entitled "Zoning Periodic Update 2018"

THE CITY OF YPSILANTI ORDAINS:

That Zoning Ordinance be updated in the following manner:

Sec. 122-308. Sketch Plans.

(j) All of the provisions of this Chapter regarding violations, amendments, expirations, and approvals that apply to site plans shall have the same effect upon sketch plans.

Sec. 122-317. Performance guarantee.

(c) **Amount.** The amount of the performance guarantee shall be up to 100% of the cost of the improvements associated with the performance guarantee. Accordingly, the applicant shall provide an itemized cost estimate of the improvements, and such estimate shall be verified by the Building Department. The form of the guarantee shall be approved by the City attorney.

Sec. 122-351. Class A Conditions.

The decision to grant a class A designation shall be made by the Planning Commission in writing, setting forth its findings of fact and basis for the designation. Only multiple family dwellings and/or group residence uses in R1, CN-SF, and CN-Mid shall be eligible for this designation. For changes or improvements to a class A use, site plans shall be required.

Sec. 122-395. Establishment and membership.

(h) **Resignations.** When Zoning Board of Appeals members propose to resign, if reasonably feasible, they shall give notice of their intent in writing to the chairperson, and make the date of resignation effective in such a manner as to allow time for appointment of replacements. ~~Failure to attend three consecutive regular meetings, or three of seven consecutive meetings, without recorded consent of the chairperson shall be construed as resignation from the Zoning Board of Appeals by absence.~~ When a member dies or resigns ~~(including resignation by absence)~~, the chairperson shall promptly notify the mayor that a vacancy exists.

Secs. 122-421, 426, 441, 451, and 461, Permitted Uses

"group child care home," notes column, from ~~"6-12 children"~~ to "up to 12 children"

Sec. 122-451. Permissible Uses.

Medical Marijuana Provisioning Centers"

122-441. Permissible Uses

Roominghouse

Group Residences and Roominghouses

122-467; 468; 469; 470; 471, be amended such that the accessory building rear and side setbacks be set at three feet (from five), and that they be reduced to one foot if abutting an alleyway.

Sec. 122-532. Medical Marijuana Provisioning Centers.

(b) The following standards for Medical Marijuana Provisioning Centers apply:

(5) All activity related to the ~~dispensary~~ provisioning center shall be done indoors;

The subsections of section 122-683 shall be renumbered correctly.

Sec. 122-661. Generally.

(c) **Signs exempted.**

(4) Signs erected by a public body. Any sign or marker erected by the City, County, State, or other municipal body is not subject to these requirements.

Sec. 122-691. Minimum and maximum number of parking spaces.

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
RESIDENTIAL	
Single-family detached dwellings, townhouses , and two-family dwellings	1 space per unit <u>No minimum.</u>
Multiple-family dwellings, including townhouses	1.5 for each dwelling unit, plus 1 for each 10 dwelling units for guest parking.
Group living with support staff, not licensed by State of Michigan	1 for each 3 beds, plus 1 per employee on an average employment shift.
Group residence, roominghouse, <u>and supportive housing</u>	1 for each bedroom or sleeping room <u>4 residents</u> , plus 1 for each employee on or the largest typical employment shift.
Adult Foster Care	1 for each 3 beds, plus 1 for each employee an average employment shift.
Accessory Dwelling Unit	1 for each dwelling unit <u>No minimum.</u>
Family Child Care Home	Minimum of 1 and a maximum of 3 child-care drop-off spaces.
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES	
Indoor recreation, including swimming pools	1 for each 3 <u>4</u> persons who may be legally admitted at one time based on the occupancy load established by local, county, or state fire, building, or health codes, plus 1 for each employee on an average employment shift.
SERVICES	
Personal service establishments	2 spaces for each of the first 2 beauty or barber chairs, and 1½ spaces for each additional chair, or 1 for each 300 square feet of useable floor area which ever is greater.
COMMERCIAL	
Open air businesses	1 for each 600 square feet of lot area used for open air business, plus extra spaces for indoor sales or office space as required.
AUTO-ORIENTED	
Automobile filling stations	1 for each employee, plus spaces required for other uses within the station, such as the retail floor area, carryout restaurants, subtracted by one half space for each automobile fueling position.
Automobile repair	± <u>0.5</u> for each employee in the largest employment shift, plus 1 space for each auto service stall. In addition, stacking spaces for automobiles awaiting entrance to a service stall shall be provided as required under §122-694.
Automobile wash (automatic and self-serve) and detailing	± <u>0.5</u> for each employee in the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to the wash facility must be provided as required under §122-694.
RESEARCH	
Laboratories or research establishments	5, plus 1 for every 1.5 employees in the largest working shift; or 1 space per each 1,000 square feet of gross floor area for storage areas, and 1 space per 300 square feet of office area; whichever is greater.

Sec. 122-692. Parking Requirement Reductions.

- (a) **Transit.** Parking requirements may be reduced by up to 20 percent for buildings, structures, or uses within ~~three hundred (300)~~ seven hundred and fifty (750) feet of a commuter rail station or bus transit center or within ~~one hundred (100)~~ five hundred (500) feet of a transit stop, provided said stop or center is approachable via sidewalk. In situations where this would result in a discount of more than 10 spaces, a traffic study may be required to demonstrate that a sufficient number of vehicle drivers would immediately opt for transit, and therefore would not result in adverse parking impacts on surrounding properties. The Ride shall verify that the transit station or transit stop ~~is in a~~ is not scheduled to move in the 5-year plan for the Ride.
- (f) **Walkable Urban Districts.** The parking requirements in each of the Walkable Urban Zoning Districts, with the exception of General Corridor, shall be halved. Planning Commission has the authority to waive 50% of the parking requirements for uses located in General Corridor with a finding that the area immediately surrounding the use is highly walkable.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____
DAY OF _____, 2019

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the
Washtenaw Legal News on the _____ day of _____, 2019.

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 _____, 2019.

Frances McMullan, City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____

Sec. 122-467. ES Estate

ES ESTATE

Large buildings, built as residences, located on large lots that accommodate large yards. They generally have distinguishing architectural features and one primary entrance.

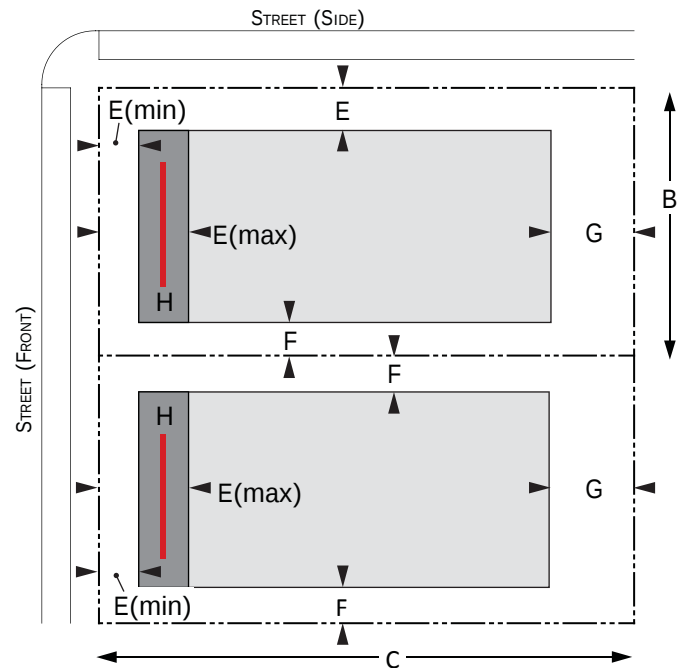
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	9,600	21,780
B	Lot width (ft)	80	120
C	Lot depth (ft)	120	--
D	Lot coverage (%)	--	30
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	20 ⁽¹⁾	--
F	Side setback (interior lot line) (ft)	10	--
G	Rear setback (ft)	25	--
H	Frontage buildout (%)	--	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 ⁽²⁾	--
K	Rear setback (ft)	3 ⁽²⁾	--
L	Building footprint (sf)	--	950
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	25 ⁽³⁾
PARKING LOCATION			
Permitted in the side, street-side, and rear yards.			
PRIVATE FRONTAGES			
Porch or Stoop required.			

- (1) Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must be within the range so established.
- (2) 1 foot if lot line abuts an alley.
- (3) The lesser of 25' or such that the highest point of the accessory structure is equal to or lesser than the height of the primary structure.

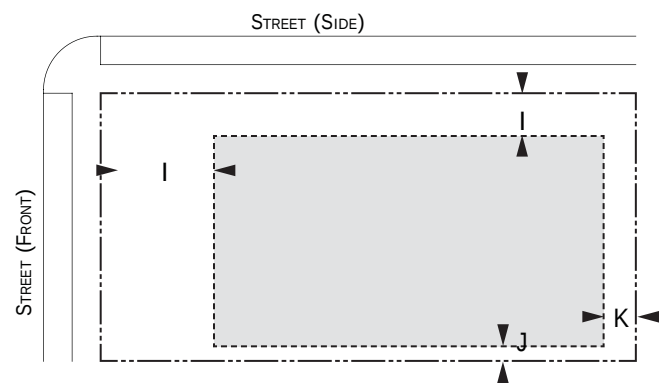


EXAMPLE

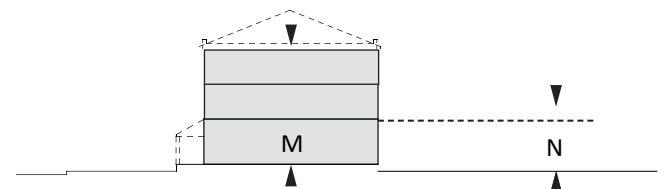
LOT REQUIREMENTS AND BUILDING ENVELOPE



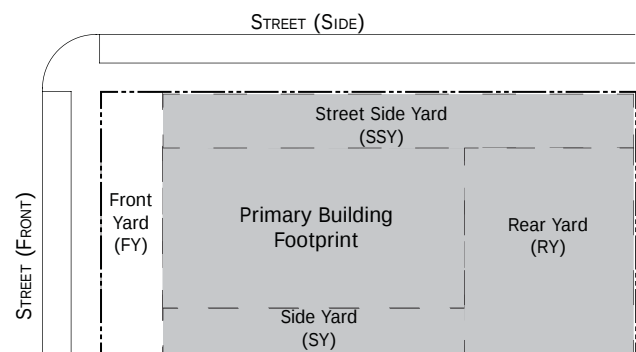
ACCESSORY BUILDING ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Sec. 122-468. HS House

HS HOUSE

Houses are detached, generally single-family dwelling units. They are located on lots that accommodate a primary building with small side yards and relatively large rear or front yards. They generally have one primary entrance.

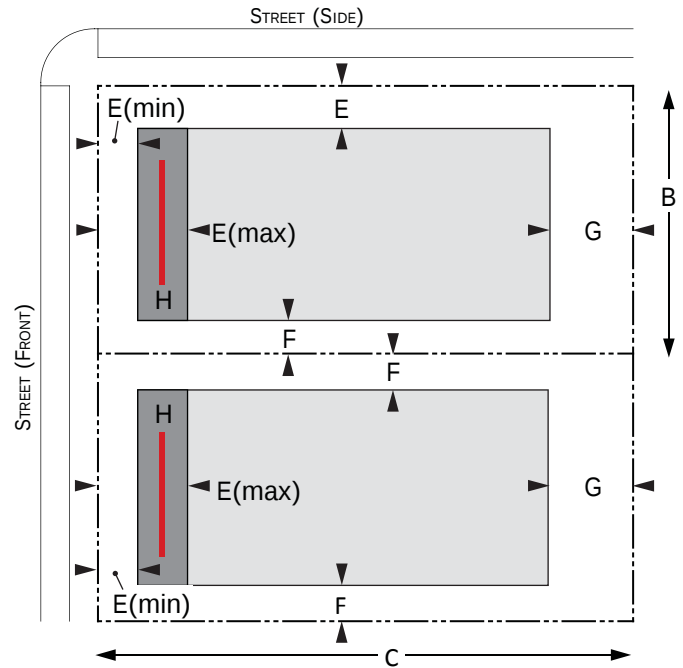
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	4,000	12,000
B	Lot width (ft)	35	80
C	Lot depth (ft)	100	--
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	15 ⁽¹⁾	25
F	Side setback (interior lot line) (ft)	5	--
G	Rear setback (ft)	20	--
H	Frontage buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 ⁽²⁾	--
K	Rear setback (ft)	3 ⁽²⁾	--
L	Building footprint (sf)	--	800
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	25 ⁽³⁾
PARKING LOCATION		Permitted in the side, street-side, and rear yards.	
PRIVATE FRONTAGES		Porch or Stoop required.	

- (1) Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must be within the range so established.
- (2) 1 foot if lot line abuts an alley.
- (3) The lesser of 25' or such that the highest point of the accessory structure is equal to or lesser than the height of the primary structure.

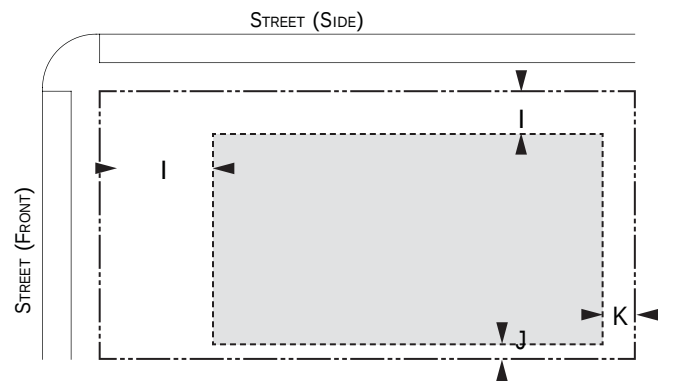


EXAMPLE

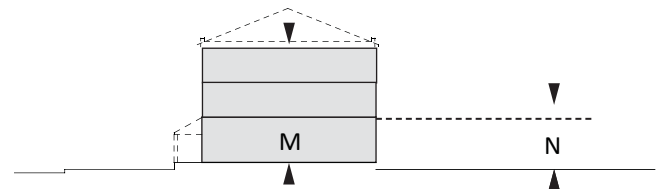
LOT REQUIREMENTS AND BUILDING ENVELOPE



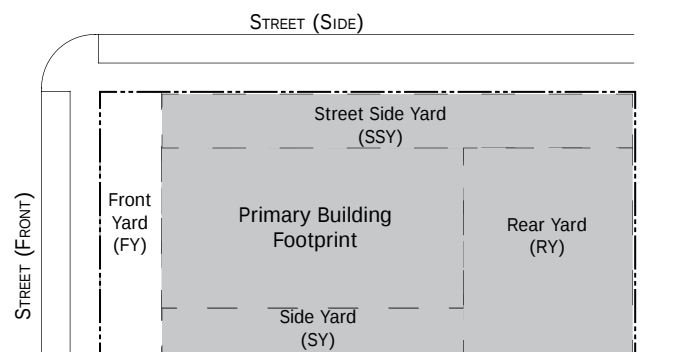
ACCESSORY BUILDING ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Sec. 122-469. CO Cottage

CO COTTAGE

Cottages are generally small residential buildings, sized for a single dwelling, located on lots that accommodate a detached primary building with small yards. They are generally a single-story building or bungalow with a single primary entrance.

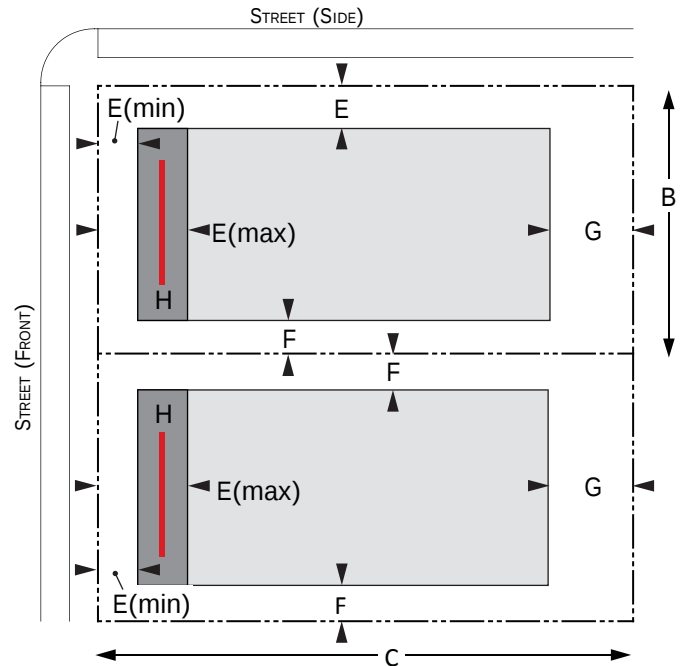
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	2,500	6,300
B	Lot width (ft)	25	35
C	Lot depth (ft)	50	150
D	Lot coverage (%)	--	70
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10 ⁽¹⁾	20
F	Side setback (interior lot line) (ft)	3	--
G	Rear setback (ft)	10	--
H	Frontage buildout (%)	70	90
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 ⁽²⁾	--
K	Rear setback (ft)	3 ⁽²⁾	--
L	Building footprint (sf)	--	500
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	2
N	Accessory structure(s) (ft)	--	25 ⁽³⁾
PARKING LOCATION			
Permitted in the side, street side, and rear yards.			
PRIVATE FRONTAGES			
Porch or Stoop required.			

- (1) Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must be within the range so established.
- (2) 1 foot if lot line abuts an alley.
- (3) The lesser of 25' or such that the highest point of the accessory structure is equal to or lesser than the height of the primary structure.

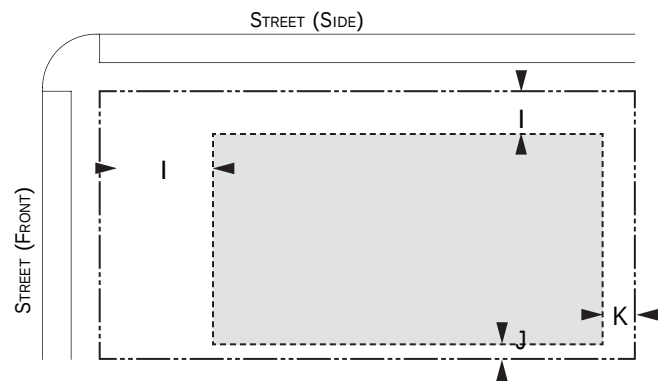


EXAMPLE

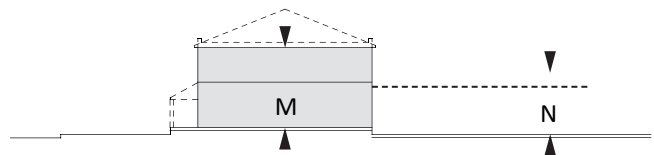
LOT REQUIREMENTS AND BUILDING ENVELOPE



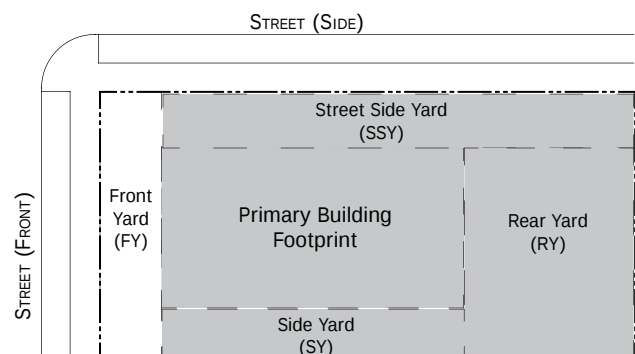
ACCESSORY BUILDING ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Sec. 122-470. TH Townhouse

TH TOWNHOUSE

Townhouses consist of rows of attached residential buildings. They are located on lots which accommodate a building with more than one dwelling unit, party walls, and a private back yard. Each dwelling has its own entrance to the street.

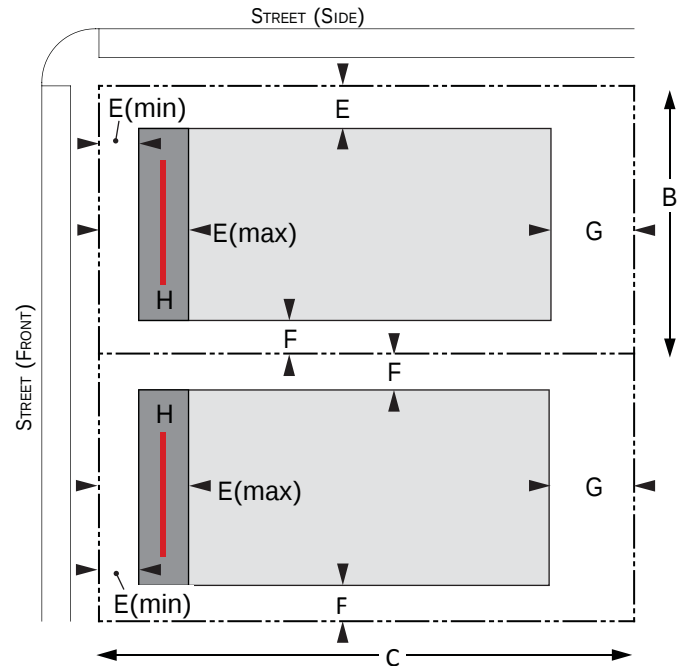
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	1,200	3,000
B	Lot width (ft)	15	25 ⁽²⁾
C	Lot depth (ft)	80	120
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10 ⁽¹⁾	20 ⁽²⁾
F	Side setback (interior lot line) (ft)	0 ⁽²⁾	--
G	Rear setback (ft)	15	--
H	Frontage buildout (%)	90	100
Note: A maximum of six units may be provided in a row.			
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 ⁽³⁾	--
K	Rear setback (ft)	3 ⁽³⁾	--
L	Building footprint (sf)	--	800
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the rear yard.	
PRIVATE FRONTAGES		Porch or Stoop required.	

- (1) Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must be within the range so established.
- (2) End unit lot may be up to ten feet larger.
- (3) 1 foot if lot line abuts an alley.

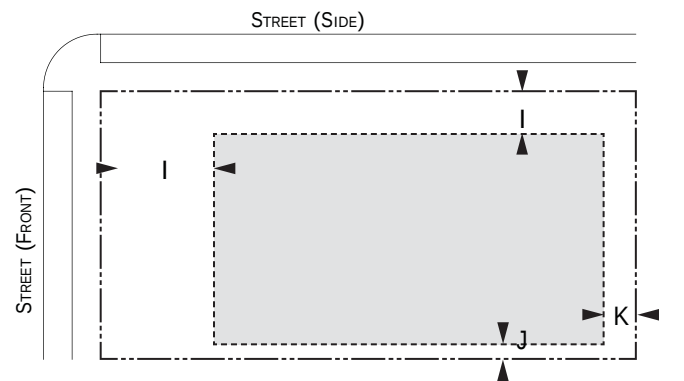


EXAMPLE

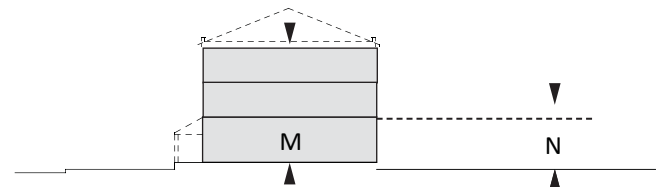
LOT REQUIREMENTS AND BUILDING ENVELOPE



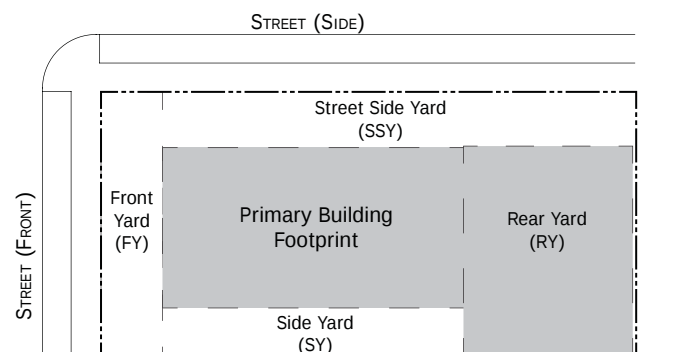
ACCESSORY BUILDING ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Sec. 122-471. AH Apartment House

AH APARTMENT HOUSE

Apartment Houses may be buildings converted from single-family detached buildings or built to resemble them that contain two or more dwelling units, with lots that accommodate the parking and outdoor living areas for several dwellings.

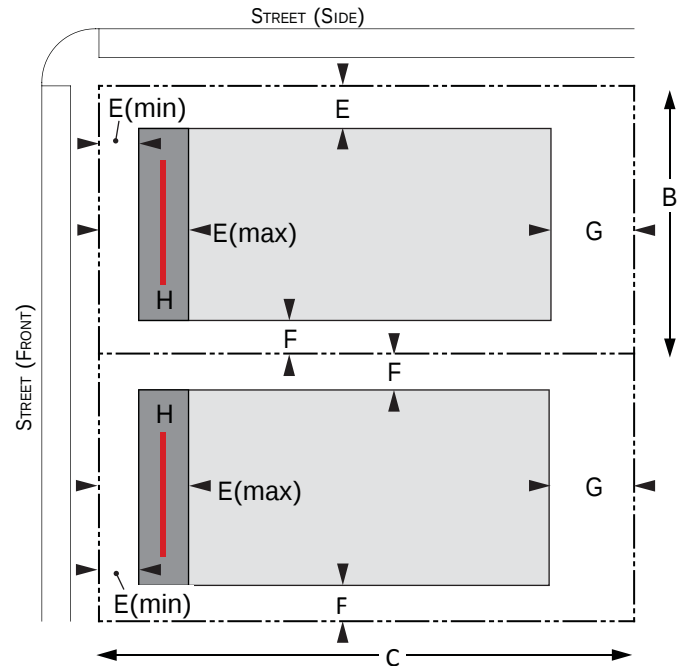
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	4,000	18,000
B	Lot width (ft)	40	120
C	Lot depth (ft)	100	150
D	Lot coverage (%)	--	50
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	15 ⁽¹⁾⁽²⁾	25
F	Side setback (interior lot line) (ft)	5	--
G	Rear setback (ft)	20	--
H	Frontage buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30 ⁽¹⁾	--
J	Side setback (ft)	3 ⁽³⁾	--
K	Rear setback (ft)	3 ⁽³⁾	--
L	Building footprint (sf)	--	800
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION			
Permitted in the side, street side, and rear yards.			
PRIVATE FRONTAGES			
Porch or Stoop required.			

- (1) Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must be within the range so established.
- (2) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (3) 1 foot if lot line abuts an alley.

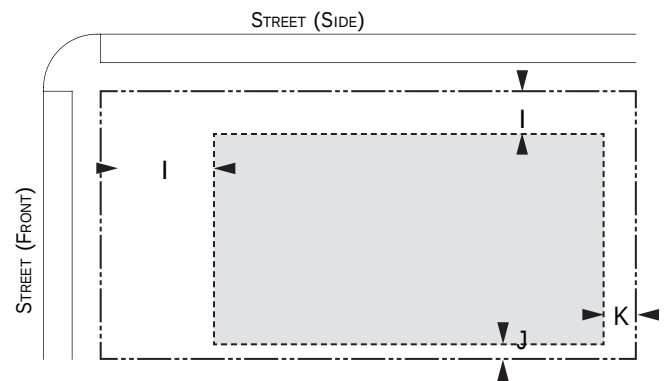


EXAMPLE

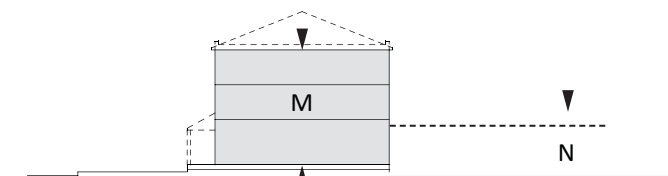
LOT REQUIREMENTS AND BUILDING ENVELOPE



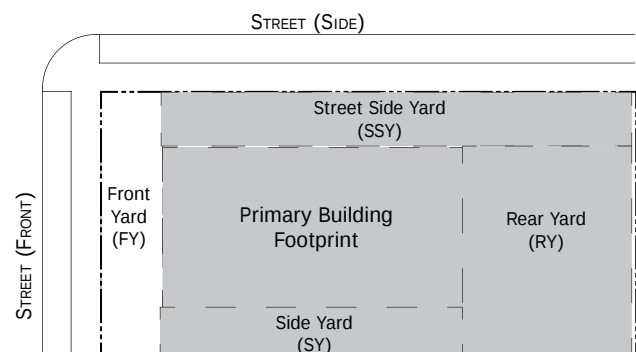
ACCESSORY BUILDING ENVELOPE



BUILDING HEIGHT



PARKING LOCATION





January 2019

**Text Amendments
2017-2018 Issues Update**

GENERAL INFORMATION

Applicant: Staff

Action Requested: Zoning Ordinance Text Amendment to address issues that have been noted since the 2017 update.

Staff Recommendation: Recommendation to City Council for approval.

BACKGROUND

Since adopting the new ordinance schema in 2014 (enacted 2015), we have undergone one major “bug fix” update in 2016 (enacted 2017) wherein we addressed several minor issues, such as structure, numbering, and organization; as well as some issues where the ordinance was not aligned with policy and goals as laid out in the Master Plan. Staff has been tracking the performance of the code since that time and has noted several areas of potential improvement in the same vein. Those areas are as follows:

- add the processes for Nonconforming A and ZBA actions to the process table
- clarify that sketch plan approvals, etc, are subject to the same provisions
- Fix the numbering in several sections
- Parking quantity updates
- Update language “Provisioning Centers” in GC to “Medical Marijuana Provisioning Centers”; correct language regarding child care
- Explicitly state that publicly-erected signage does not require conformance to the ordinance
- Update performance guarantee standard to match adopted engineering standards
- Make properties in CN-SF eligible for Nonconforming A
- Lower accessory building setbacks in form-based districts to match accessory building setbacks in use-based districts
- ZBA member attendance requirements

PROPOSED CHANGED TEXT: SKETCH PLAN PROVISIONS

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Sec. 122-308. Sketch Plans.

A sketch plan may be submitted for administrative reviews or as noted elsewhere in this Ordinance. A sketch plan is a scaled drawing based on a legal survey containing less information than a site plan, drawn in compliance with this Ordinance but not required to be prepared by a licensed professional. Sketch plans shall contain the following information:

- (a) Address of project, scale, north arrow, date of original drawing, and date of any revisions.
- (b) Name, address and phone number of the site owner, developer, and/or plan designer.
- (c) The area of the site in square feet or acres, excluding all existing and proposed rights-of-way.
- (d) Location and setbacks of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building. The location and dimensions of any open air uses shall also be provided, such as recreational fields, outdoor cafes, or open air sales areas.
- (e) Parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and barrier-free access ramps, and type of surfacing.
- (f) Landscape plan showing type, size, and location of all plant material. Existing vegetation which is to be retained on the site shall be illustrated.
- (g) Location of all proposed and existing accessory structures, including fences or walls, outdoor lighting fixtures, outdoor communication devices, flagpoles, storage sheds, transformers, dumpsters or trash removal areas, and signs. Also show the location of all sidewalks or pathways, fire hydrants, and utility poles.
- (h) Location of all outdoor storage areas for materials and the manner in which materials shall be screened and/or covered.
- (i) Notation of any variances or special use permits which are required, any legal nonconforming uses or structures, and any state or federal permits which have been secured or may be necessary to secure.
- (j) All of the provisions of this Chapter regarding violations, amendments, expirations, and approvals that apply to site plans shall have the same effect upon sketch plans.

PROPOSED CHANGED TEXT: PARKING QUANTITIES

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Sec. 122-691. Minimum and maximum number of parking spaces.

The minimum number of off-street parking spaces by type of use in all zoning district shall be determined in accordance with the following schedule. The maximum number of off-street parking spaces must not exceed 120% of the required parking spaces, except for those uses in the “Residential” category, which are not subject to a maximum. The Planning Commission may grant waivers as noted in §122-692.

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
RESIDENTIAL	
Single-family detached dwellings, <u>townhouses</u> , and two-family dwellings	1 space per unit <u>No minimum.</u>
Multiple-family dwellings, <u>including townhouses</u>	1.5 for each dwelling unit, plus 1 for each 10 dwelling units for guest parking.
Upper-story residential units in C, HC, NC, GC, and HHS districts	1 for each dwelling unit.
Group living with support staff, not licensed by State of Michigan	1 for each 3 beds, plus 1 per employee on an average employment shift.
<u>Group residence, roominghouse, and supportive housing</u>	1 for each bedroom or sleeping room <u>4 residents</u> , plus 1 for each employee on or the largest typical <u>an average</u> employment shift.
<u>Adult Foster Care</u>	1 for each 3 beds, plus 1 for each employee on an average employment shift.
Accessory Dwelling Unit	1 for each dwelling unit <u>No minimum.</u>
<u>Family Child Care Home</u>	<u>Minimum of 1 and a maximum of 3 child care drop off spaces.</u>
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES	
Religious institutions; private assembly (such as catering or clubs); performance venues & theaters; libraries, museums, and cultural or community centers; or similar facilities	1 for each 500 square feet of usable floor area, excluding area devoted to storage.
<u>Indoor recreation, including swimming pools</u>	1 for each 3 <u>4</u> persons who may be legally admitted at one time based on the occupancy load established by local, county, or state fire, building, or health codes, plus 1 for each employee on an average employment shift.
Primary and secondary schools, public and private	1 for each teacher, employee or administrator, plus 1 for each 10 students
Post-secondary educational institutions (public & private)	1 for each teacher, employee or administrator and 1 for each 5 students.
Municipal, county, regional & state service uses	1 for each 1,000 square feet of usable floor area.
Child care centers	1 off-street parking space per caregiver required to staff facility at the state-licensed capacity, plus 1 space for every 20 children the facility is licensed to care for.
Outdoor recreation and fields	1 for each 1,000 square feet of recreation space.
Stadiums, sports arenas, or similar places of outdoor assembly	1 for each 4 seats or 8 feet of linear bench space.
INFRASTRUCTURE	
Radio & Television Studios or Stations	1 per each 500 square feet of gross floor area.
Utility buildings	1 for each employee on an average employment shift.

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
Energy, electricity, heat generation, or sewage plants	1 for each employee on an average employment shift.
SERVICES	
Bed & Breakfasts or Inns	1 per occupancy unit plus 1 per employee on an average employment shift.
Motels, hotels or other commercial lodging establishments	1 per occupancy unit plus 1 per employee on an average employment shift; plus extra spaces for dining rooms, ballrooms, or meeting rooms as required.
Business and professional offices and services	1 per 300 square feet of usable floor area.
Funeral homes	1 per 50 square feet of assembly room, parlor and slumber room.
Laundromats	1 per 3 washing machines.
Financial service, including banks	1 per 300 square feet of usable floor area, plus stacking spaces for each drive-through transaction station as required under §122-694.
Nursing Homes	1 per 3 beds.
Hospitals	1 for each 4 patient beds, plus 1 for every 200 square feet of out-patient service area
Medical or dental offices or clinics, substance abuse treatment facilities	1 for each 300 square feet of usable floor area in waiting rooms, plus 1 for each examining room, dental chair, or similar use area.
Personal service establishments	2 spaces for each of the first 2 beauty or barber chairs, and 1½ spaces for each additional chair, or 1 for each 300 square feet of useable floor area whichever is greater.
Self-storage facilities	1 per 200 storage units, plus 1 per 300 square feet of usable floor area of office space, plus 1 for residence, if provided.
Catering service	1 per 600 square feet of usable floor area.
All other service uses not elsewhere specified	1 for each 300 square feet of gross floor area.
COMMERCIAL	
Furniture and appliances, household equipment; repair shops; showrooms of a plumber, decorator, electrician or similar trade; and other similar uses	1 for each 600 square feet of usable floor area.
Open air businesses	1 for each 600 square feet of lot area used for open air business, plus extra spaces for indoor sales or office space as required.
Shopping centers or clustered commercial centers over 100,000 square feet in gross floor area	1 for each 300 square feet of gross floor area.
Arts & crafts studios	1 per 1,000 square feet plus 1 per classroom.
All other retail uses not elsewhere specified	1 for each 250 square feet of gross floor area.
RESTAURANTS	
Café, coffee shop, restaurants, tasting rooms or bar/lounge, and other establishments where food, beverages, or refreshments are sold primarily for consumption on the premises	1 for each 100 square feet of usable floor area, or 1 for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; whichever is greater.
Restaurant, fast food, drive-in or drive-through	1 for each 50 square feet of customer waiting and eating areas, plus 1 for each employee in the largest employment shift, plus 8 stacking spaces for each drive-in or drive-through transaction station.
AUTO-ORIENTED	

USE		AUTOMOBILE SPACES PER UNIT OF MEASURE	
Automobile filling stations		1 for each employee, plus spaces required for other uses within the station, such as the retail floor area, carryout restaurants, subtracted by one half space for each automobile fueling position.	
Automobile repair		1 0.5 for each employee in the largest employment shift, plus 1 space for each auto service stall. In addition, stacking spaces for automobiles awaiting entrance to a service stall shall be provided as required under §122-694.	
Automobile wash (automatic and self-serve) and detailing		1 0.5 for each employee in the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to the wash facility must be provided as required under §122-694.	
Motor vehicle sales and service establishments, trailer sales and rental, and boat showrooms		1 for each 500 square feet of usable floor space of sales room, plus 1 for every 500 square feet of outdoor sales area, plus 1 for each 1 auto service stall in service areas, plus 1 space per employee on the largest employment shift.	
Automobile rental (parking, storage, wash & repair)			
Vehicle, Recreational Vehicle, Storage and Towing		1 for 300 square feet of office space, plus 1 space per employee on the largest employment shift.	
RESEARCH			
Laboratories or research establishments		5, plus 1 for every 1.5 employees in the largest working shift; or 1 space per each 1,000 square feet of gross floor area for storage areas, and 1 space per 300 square feet of office area; whichever is greater.	
PRODUCTION, MANUFACTURING & DISTRIBUTION			
Craft production		1 per 1,000 square feet	
Wholesale or distribution facility		5 plus 1 for every employee in the largest working shift; or 1 for every 1,700 square feet of gross floor area, plus 1 for each 300 square feet of office area. Spaces shall also be provided for any retail or service area in addition to the above.	
Assembly, processing or manufacturing		5 plus 1 for every 1½ employees in the largest working shift; or 1 space per each 1,000 square feet of gross floor area for assembly, processing and manufacturing and storage areas, and 1 space per 300 square feet of office area.	
URBAN AGRICULTURE			
Community garden		None	
Hydroponics, aquaculture and aquaponics and similar raising of food		5 plus 1 for every employee in the largest working shift; or 1 for every 1,700 square feet of gross floor area, plus 1 for each 300 square feet of office area. Spaces shall also be provided for any retail or service area shall be in addition to the above.	

Sec. 122-692. Parking Requirement Reductions.

Off-street parking requirements may be reduced subject to the following regulations.

- (a) **Transit.** Parking requirements may be reduced by up to 20 percent for buildings, structures, or uses within ~~three hundred (300)~~ seven hundred and fifty (750) feet of a commuter rail station or bus transit center or within ~~one hundred (100)~~ five hundred (500) feet of a transit stop, provided said stop or center is approachable via sidewalk. In situations where this would result in a discount of more than 10 spaces, a traffic study may be required to demonstrate that a sufficient number of vehicle drivers would immediately opt for transit, and therefore would not result in adverse parking impacts on surrounding properties. The Ride shall verify that the transit station or transit stop ~~is in a~~ is not scheduled to move in the 5-year plan for the Ride.
- (b) **Car-sharing and carpooling spaces.** Parking spaces reserved, signed, and enforced for hourly car rental/car-sharing services may count as four (4) regular parking spaces. Parking spaces reserved, signed, and enforced for carpooling or vanpooling services may count as two (2) regular parking spaces.

- (c) **Electric car parking/charging spaces.** Electric car spaces shall include a power outlet for use by the parked car. Such spaces should be closest to the main entrance (exclusive of barrier-free spaces). Parking spaces reserved, signed, and enforced for electric car charging stations may count as two (2) regular parking spaces.
- (d) **Bicycle spaces.** Parking requirements may be reduced by one (1) space for every four (4) covered, secure bicycle parking spaces provided on site. Parking requirements may be further reduced by four (4) spaces where free showers are available for employee use within the building.
- (e) **Seasonal bicycle parking.** Up to 5% of vehicle parking spaces may be occupied by bike racks April through October in the Walkable Urban Districts.
- (f) **Walkable Urban Districts.** The parking requirements in each of the Walkable Urban Zoning Districts, with the exception of General Corridor, shall be halved. Planning Commission has the authority to waive 50% of the parking requirements for uses located in General Corridor with a finding that the area immediately surrounding the use is highly walkable.
- (fg) **Planning Commission Authority.** The Planning Commission shall have the authority to waive the number of required off-street parking spaces, in addition to the reductions above, by up to 20%, with a finding that there is a special circumstance that particularly relates to the size of an existing parcel and building in combination, and/or character of the proposed use.

This dates back to discussions held in 2017, when it was noted that a property one block away from the transit center was only barely eligible for the transit discount. Other discounts and reductions reflect a continuation of the traditional built form and the desire to encourage a walkable, bikeable, bus-able community, in furtherance of public health.

PROPOSED CHANGED TEXT: LANGUAGE/USE TABLE TWEAKS

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

122-451: “Provisioning Centers” be amended to read “Medical Marijuana Provisioning Centers”

122-441: “Roominghouse” be removed, and “Group Residence” be amended to read “Group Residences and Roominghouses.”

This is intended to “clean up” the text and ensure that the use tables accurately reflect the definitions and use-specific conditions elsewhere in the Code.

PROPOSED CHANGED TEXT: NUMBERING

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Proposed that the subsections of section 122-683 be renumbered correctly and to remove duplicates.

PROPOSED CHANGED TEXT: PUBLIC SIGNAGE

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Sec. 122-661. Generally.

(c) Signs exempted.

- (1) Any sign required by City ordinance or State law, as applicable. This includes, but is not limited to, address signs, Fire Department Connection signs, or signs indicating barrier-free parking locations.

- (2) Any sign less than three square feet in area and five feet in height on the interior of a site placed so as to be oriented and clearly legible to persons on the site, provided that each sign be no closer than twenty feet to another such sign.
- (3) Drive-Through Signs. Any use that includes a drive-through is permitted to have signs up to a maximum height of six feet and a maximum area of 32 sq. ft. per drive-through use, located in the rear of the site, when placed so as to be oriented and clearly legible to persons on the site.
- (4) Signs erected by a public body. Any sign or marker erected by the City, County, State, or other municipal body is not subject to these requirements.

This reflects actual practice and the legal setting; the City, State (MDOT, MSHDA), and other governmental bodies are not required to obtain sign permits. This modification is requested to set expectations, rather than change the legal landscape.

PROPOSED CHANGED TEXT: PERFORMANCE GUARANTEES

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Sec. 122-317. Performance guarantee.

- (a) **Purpose.** To ensure faithful compliance with the provisions of this chapter and any conditions imposed thereunder, a performance guarantee may be required by City staff, the Planning Commission, or when appropriate the City Council to be deposited with the City. Improvements for which a performance guarantee may be required include, but are not limited to, landscaping, berms, screening, lighting, surfacing of drives, parking, traffic control devices, water or sewer line expansions, sidewalks, drainage, and other improvements.
- (b) **General requirements.** A performance guarantee may be in the form of a bond, irrevocable bank letter of credit, cash deposit, or other form of security. Such guarantee shall be provided to the City Clerk, and shall be provided any time after a site plan has been approved.
- (c) **Amount.** The amount of the performance guarantee shall be up to 100% of the cost of the improvements associated with the performance guarantee. Accordingly, the applicant shall provide an itemized cost estimate of the improvements, and such estimate shall be verified by the Building Department. The form of the guarantee shall be approved by the City attorney.
- (d) **Failure to complete improvements.** If the applicant should fail to provide any of the site improvements according to the approved site plans within the time period specified in the guarantee, the performance guarantee shall be forfeited. The City shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Department. In cases where the provisions of this article have not been met, the amount of the aforementioned performance guarantee shall be used by the City to complete the required improvements and the balance, if any, shall be returned to the applicant.

This proposal reflects established and adopted engineering standards, which require a performance guarantee of 50% in some specific cases. Please see the adopted engineering standards at cityofpysilanti.com/permits.

PROPOSED CHANGED TEXT: CN-SF FOR NONCONFORMING A

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Sec. 122-351. Class A Conditions.

The decision to grant a class A designation shall be made by the Planning Commission in writing, setting forth its findings of fact and basis for the designation. Only multiple family dwellings and/or group residence uses in R1, CN-SF, and CN-Mid shall be eligible for this designation. For changes or improvements to a class A use, site plans shall be required.

This modification reflects the initial Planning Commission recommendation to City Council in 2015, and allows existing housing stock to be rebuilt in the case of a casualty. It does not confer any rights to expand existing uses nor to establish new multifamily uses.

PROPOSED CHANGED TEXT: FORM-BASED DISTRICT ACCESSORY BUILDING SETBACKS

Proposed that the side and rear yard setbacks for detached accessory structures for the building types of ES, HS, CO, TH, and AH be amended such that the rear and side setbacks be three feet, and that they be reduced to one foot if abutting an alleyway.

This reverts the setbacks of accessory buildings to residential uses to pre-2014 levels, and more accurately reflects the dense, historic nature of these areas.

PROPOSED CHANGED TEXT: ZBA MEMBER ATTENDANCE REQUIREMENTS

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Sec. 122-395. Establishment and membership.

(h) **Resignations.** When Zoning Board of Appeals members propose to resign, if reasonably feasible, they shall give notice of their intent in writing to the chairperson, and make the date of resignation effective in such a manner as to allow time for appointment of replacements. ~~Failure to attend three consecutive regular meetings, or three of seven consecutive meetings, without recorded consent of the chairperson shall be construed as resignation from the Zoning Board of Appeals by absence.~~ When a member dies or resigns (~~including resignation by absence~~), the chairperson shall promptly notify the mayor that a vacancy exists.

The Charter provides for removal of members from appointed bodies.

PROPOSED CHANGED TEXT: ERROR CORRECTIONS

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

Amend 122-532(b)(5) to replace “dispensary” with “provisioning center.”

Amend 122-421, 426, 441, 451, and 461 “group child care home,” notes column, from 6-12 children to “up to 12 children” to accurately reflect the amount of children permitted.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend *approval* of the text amendments to City Council with the following findings:

1. The amendments are consistent with the guiding values of the Master Plan.
2. The amendments are consistent with the description and purpose of the district.
3. The amendments are consistent with the intent of the zoning ordinance.
4. The amendments will enhance the functionality and character of the future development in the City.
5. The amendments will help preserve the historic nature of the City.
6. The amendments will enhance the environmental sustainability of the City and not negatively affect its natural features.
7. The amendments will protect the health, safety, and general welfare of the public.
8. The amendments correct an oversight in the original text.
9. The proposed amendment will not result in the creation of significant nonconformities.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

**PLANNING COMMISSION
MEETING MINUTES
January 16, 2019
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

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

II. ROLL CALL

Present: J. Talaga, H. Jugenitz, J. Donnelly, P. Hollifield,
M. Simmons, T. Dennis

Absent: M. Dunwoodie (excused) J. McGadney

Staff: Bonnie Wessler, City Planner
Nan Schuette, Executive Secretary
Cynthia Kochanek, Preservation Planner

III. APPROVAL OF MINUTES

(elided for brevity)

IV. AUDIENCE PARTICIPATION

(elided for brevity)

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Capital Improvements Review: 2019 Pavement Maintenance Program
(elided for brevity)

2. Medical Marijuana Provisioning Centers: Increase in Buffer
(elided for brevity)

3. Commercial Sales and Commercial Recreational Use of Firearms
(elided for brevity)

4. Miscellaneous text updates including parking, setbacks, nonconforming A, and corrections

City Planner Wessler stated that the following is a list of issues she would like to address that have been noted since the 2017 update:

- Add the processes for Nonconforming A and ZBA actions to the process table.
- Clarify that sketch plan approvals, etc. are subject to the same provisions
- Fix the numbering in several sections

- Parking quantity updates
- Update language “Provisioning Centers” in GC to “Medical Marijuana Provisioning Centers”; correct language regarding child care
- Explicitly state that publicly-erected signage does not require conformance to the ordinance
- Update performance guarantee standard to match adopted engineering standards
- Make properties in CN-SF eligible for Nonconforming A
- Lower accessory building setbacks in form-based districts to match accessory building setbacks in use-based districts
- ZBA member attendance requirements

Commissioner Hollifield moved to open the public portion of the hearing (Support: M. Simmons) and the motion carried.

Since there was no comment, Commissioner Dennis moved to close the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously.

Commissioner Dennis moved that the Planning Commission recommend to City Council approval of the proposed text amendment to the zoning ordinance as referenced in the staff report, with the following findings:

1. The amendments are consistent with the guiding values of the Master Plan.
2. The amendments are consistent with the description and purpose of the district.
3. The amendments are consistent with the intent of the zoning ordinance.
4. The amendments will enhance the functionality and character of the future development in the City.
5. The amendments will help preserve the historic nature of the City.
6. The amendments will enhance the environmental sustainability of the City and not negatively affect its natural features.
7. The amendments will protect the health, safety, and general welfare of the public.
8. The amendments correct an oversight in the original text.
9. The proposed amendment will not result in the creation of significant nonconformities.

The motion was supported by Commissioner Jugenitz and by voice vote carried unanimously.

VI. OLD BUSINESS
(elided for brevity)

VII. NEW BUSINESS
(elided for brevity)

VIII. FUTURE BUSINESS DISCUSSION / UPDATES
(elided for brevity)

IX. COMMITTEE REPORTS
(elided for brevity)

X. ADJOURNMENT
(elided for brevity)



Resolution No. 2019-032
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2019-033, approving minutes of January 29, and February 5, 2019.
2. Resolution No. 2019-034, approving appointment to Boards and Commissions

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2019 - 033
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of January 29 and February 5, 2019 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Draft

City of Ypsilanti
City Council Special and Goal Setting Agenda
Tuesday, January 29, 2019
7:00 – 10:00 p.m.
City Hall Council Chambers - 1 S. Huron Street
Ypsilanti, Michigan 48197

I. CALL TO ORDER –

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

II. ROLL CALL –

Council Member Brown	Present	Council Member Symanns (7:03)	Present
Council Member Morgan	Absent	Council Member Wilcoxon	Present
Council Member Murdock	Absent	Mayor Bashert	Present
Mayor Pro-Tem Richardson	Present		

Council Member Murdock is participating in the meeting telephonically. He will not be permitted to vote.

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

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

III. INVOCATION -

Mayor Bashert 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. INTRODUCTIONS –

Mayor Bashert introduced the following individuals; City Manager Darwin McClary, City Clerk Frances McMullan, Police Chief Tony DeGiusti, Human Resources Manager Rebecca Craigmile, Interim Department of Public Services Director Brad Holman, Interim Fire Chief Ken Hobbs, Community Development/DDA Director Christopher Jacobs, Economic Development Director Joe Meyers, City Attorney John Barr, and Professor Morgan Milner.

VI. AGENDA APPROVAL –

Council Member Wilcoxon moved, seconded by Council Member Brown to approve the agenda.

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

VII. PRESENTATIONS -

VIII. AUDIENCE PARTICIPATION –

None

IX. REMARKS FROM THE MAYOR –

X. RESOLUTION/MOTIONS/DISCUSSIONS -

1. *Reconsider* Resolution No. 2019-012, approving Human Resources Department budget amendment.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti budget for FY 2018/2019 included the projected temporary and contractual services and expenditures; and

WHEREAS, the expenditures projected did not project multiple resignations and retirements as well as the need for interim positions; and

WHEREAS, the expenditures needs to be amended in FY 2018/2019; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the budget amendments worksheet for FY 2018-2019 as attached.

OFFERED BY: Council Member Wilcoxon

SECONDED BY: Council Member Symanns

Council Member Wilcoxon stated he voted against this resolutions last week because he was caught off guard by it. It seemed like a large expenditure and he did not understand the concept, and since has received more information. Although not happy with the amount of the contract, he understands the need to have a person heading the Finance Department.

Mayor Pro-Tem Richardson stated she has questions on the assessment process. She asked if all hires in the last nine months to a year had to complete an assessment process. HR Manager Rebecca Craigmile responded a department head has not left the city within the last nine months to a year. This is a different scenario and the first time there is a need for an assessment for top level position. Ms. Richardson stated the current Economic Development Director was hired within the last eighteen months, and asked if he needed to complete an assessment. Ms. Craigmile responded he did not need to complete an assessment. Ms. Richardson asked why. Ms. Craigmile responded it was an internal promotion, and he was Interim Director at the time. City Manager Darwin McClary added he is willing to discuss the reasons for that, but not during a public meeting. Ms. Richardson asked why the city cannot be transparent enough to allow the public to understand why one department head did not have to complete an assessment. She would like to understand why there is an inconsistency, in hiring practices for department heads. The Finance Department had a person that was prepared to become the Finance Department Director. However, now the practice is not to promote department heads internally. This is costing the city more money than it has to spend on hiring. She believes in order to be transparent as many questions as possible need to be answered during open session. Mr. McClary responded he is more than happy to answer general questions about the selection process in open session. Once Council begins to ask specific questions about decisions about individual employees, he will answer in private. He reminded Council the Charter provides the City Manager sole authority to hire city employees, other than the City Clerk and City Attorney. Ms. Richardson understands

that, but she would like to understand why different practices are being used for other departments. She explained many residents have expressed concern regarding the different hiring practices. If the decision is not to talk about this in open session she will have those residents discuss their concerns with the City Manager. Mr. McClary encouraged Mayor Pro-Tem Richardson to speak with him to answer her questions. He explained the Charter is designed specifically to keep politics out of the appointments of city staff. Ms. Richardson responded this is separate from politics, she just wants a full understanding of the process.

Council Member Murdock asked for a clarification of the costs. Ms. Craigmile responded the amount is \$93,000. Mayor Bashert added there are two proposals included in the budget adjustment sheet, which has caused some confusion. Mr. Murdock stated the fund balance already accounts for sick time, vacation, etc..., since those are no longer being paid couldn't those funds be used for this contract. Ms. Craigmile responded that is correct, those costs can be offset by the funds originally dedicated to those employees. Mr. Morgan asked if the budget increase is for \$93,832. Mayor Bashert responded in the affirmative.

Council Member Brown understands this amount will be offset by the vacancies, but she did not see the offsets covered in the documentation provided. Mr. McClary replied the maximum budget impact would be \$93,832. It is anticipated it will be lower as a result of the vacancies. It is important to provide the maximum amount in the budget projections, and the difference will not be pulled from the fund balance.

On a roll call, the vote to approve Resolution No. 2019-012 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Absent	Mayor Bashert	Yes
Council Member Murdock	Absent	Council Member Wilcoxen	Yes
Mayor Pro-Tem Richardson	No		

VOTE:

YES: 5 NO: 1 (Richardson) ABSENT: 2 (Murdock, Morgan) VOTE: Carried

2. Resolution No. 2019-014, approving the proposal from Plante Moran for temporary services as necessary.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti is in need of services due to the retirement of the Finance Director/Treasurer Marilou Uy; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the Proposal from Plante Moran dated January 17, 2019. Be it further resolved the Mayor and Clerk is authorized to execute on behalf of the city.

OFFERED BY: Council Member Symanns

SECONDED BY: Council Member Brown

Council Member Wilcoxen stated it seems this would be the most cost effective way, to supplement these duties. He asked if there were other bids, and if they had been explored, or use of internal staffing. Ms. Craigmile responded there are not internal staff available to supplement these duties. She explained the city did receive three bids; one of which performs the city's audit creating a conflict of interest. The second bid was from Robert Half did not municipal experience. Staff felt Plante Moran would be able to fulfill the needed duties in the three days as stated in the contract.

Mayor Pro-Tem Richardson asked why the city would need three people to complete this work, completed by two people. Ms. Craigmile responded the contract is for twenty-four hours a week, if additional help is necessary it would come back before Council. Plante Moran Partner Brian Camiller explained the person identified as the primary service provider is Kelly Hana. She is only available Monday through Thursday and the city's accounts payable is due Friday. In order to achieve that a person will need to be there on Fridays, so different person will be present on Friday. If a third person is needed it would be him, which will be mostly for budget presentations. Whether it is one person, or multiple people the price will be the same. If the work is not able to be performed in three days a week the time can be supplemented.

Council Member Wilcoxon asked if three days a week is customary for a city of Ypsilanti's size. Mayor Bashert responded she believes the three days was requested by the city. Mr. Camiller added Plante Moran has performed several different styles, but the three days was partially based on a city assessment and the price of the contract. The contract will not include all duties of the former employees, only what needs to be done immediately.

Mayor Pro-Tem Richardson stated the last time Plante Moran was working for the city a mistake was made, and Plante Moran was trying to place blame on the city. If that happens again is Plante Moran willing to be accountable for any mistakes. Mayor Bashert requested the question not be answered and Mayor Pro-Tem Richardson set that question aside. Ms. Richardson asked if the Mayor is saying she cannot ask if Plante Moran is willing to admit a mistake. Mr. Camiller responded if he or his team makes an error he will take responsibility for the mistake.

On a roll call, the vote to approve Resolution No. 2019-014 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Absent	Mayor Bashert	Yes
Council Member Murdock	Absent	Council Member Wilcoxon	Yes
Mayor Pro-Tem Richardson	No		

VOTE:

YES: 5 NO: 1 (Richardson) ABSENT: 2 (Murdock, Morgan) VOTE: Carried

- Resolution No. 2019-016, authorizing officers and employees to execute all necessary account agreements, certificate of deposit signature cards, and other documents.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, due to the retirement of the Finance Director/Treasurer and the resignation of the city's Accounting Supervisor to accept another job, it is necessary for the Ypsilanti city council to authorize other officers or employees of the city to exercise certain powers relating to the management of accounts at financial institutions utilized by the city;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve and adopt the attached Corporate Authorization Resolution recommended by the Bank of Ann Arbor authorizing the City Manager, City Clerk, and Payroll Manager to exercise the following powers:

- Darwin D. P. McClary, City Manager – to exercise all powers listed in the resolution**

- **Frances M. McMullan, City Clerk – to exercise all powers listed in the resolution**
- **Kimberly L. Jones, Payroll Manager – to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the Bank of Ann Arbor; and**

BE IT FURTHER RESOLVED that the above-named officers and employees are authorized to execute all necessary account agreements, certificate of deposit signature cards, and other documents to effectuate the same.

OFFERED BY: Council Member Brown

SECONDED BY: Council Member Symanns

On a roll call, the vote to approve Resolution No. 2019-016 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Absent	Mayor Bashert	Yes
Council Member Murdock	Absent	Council Member Wilcoxen	Yes
Mayor Pro-Tem Richardson	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 2 (Murdock, Morgan) VOTE: Carried

XI. REMARKS FROM THE MAYOR –

- Council's micromanaging has caused interruptions in the Finance Department. If this was approved during the last time the retiring Finance Director would have had time to work with Plante Moran to acclimate. She cautioned Council about future micromanaging.

XII. COMMUNICATIONS –

XIII. GOAL SETTING SESSION -

2019/2020 Goal Setting Discussion- Professor Milner, Facilitator

City Manager Darwin McClary provided a presentation regarding the City Manager Departmental Goals.

Council Member Symanns asked if the City Manager goals are just a continuation of the goals from last Fiscal Year. Mr. McClary responded in the affirmative, some are continuations from last year. Ms. Symanns stated it would be reasonable to have secure Wi-Fi available for Council Chambers. Mr. McClary replied staff is examining technology upgrades for Council Chambers.

Council Member Wilcoxen assumed there is a yearly capital improvement plan. Mr. McClary replied in previous years a rough sketch of capital improvements was presented, however, it was not a comprehensive plan. Nor has the detail identifying funding sources been included in that plan. The city needs to focus more on capital plans. Mr. Wilcoxen stated he recently went to a Police Advisory Commission meeting that every single person except one had an official capacity. He asked how the city can better make the public aware of these meetings. He said the city is not receiving public input because attendance is low at these meetings. He asked if there has been any consideration for engaging a consultant for public relations. Mr. McClary responded he will be making recommendations to Council

regarding staffing in the City Manager's Office, public relations will be a part of that position. He added the City of Ypsilanti goes above and beyond in the information it shares with the public. He is very proud of the efforts of the limited staff the city has, but there is not a single person that manages that operation. Mayor Pro-Tem Richardson stated in years past much of that work was completed by interns. The city used to have a very active intern program in the City Manager's Office. She agrees that the process of informing the public needs to be improved. Mayor Bashert stated the absence of a daily news media also compounds the problem. The city will need to work extra hard in order to compensate for the lack of news media. Council Member Symanns added residents work schedule also makes it difficult to attend meetings. However, she always encourages the public to attend meetings, but Ypsilanti does a good job compared to other jurisdictions.

City Clerk Frances McMullan provided an overview of the Clerk Department goals.

Council Member Brown asked when recruitment of high school students will begin to serve as election inspectors. Ms. McMullan responded this is an off year for elections, so it will not be until the 2020 election season.

Mayor Bashert asked when the iCompass Legislative Management system will be implemented. Ms. McMullan responded there was a delay, but she forecasts April it will be implemented. Ms. Bashert asked when Council will be trained on the system. Ms. McMullan responded sometime after the next meeting with iCompass, potentially end of next month. Ms. Bashert asked when the AHB software will be implemented. Ms. McMullan responded final tweaks are being made to the software, but it should be live soon.

Economic Development Director Joe Meyers provided an overview of the Economic Development Department goals.

Mayor Bashert congratulated Mr. Meyers for a very productive year. She likes holding a Council Working Session for the two large city owned parcels and what can be done to develop them. She is excited about encoding a public participation process, it will help make things clear.

Mayor Pro-Tem Richardson asked what happened to the development of 220 N. Park. Mr. Meyers responded the developer disengaged from the process, and have not responded to any attempts of contact.

Community Development/DDA Director Christopher Jacobs provided an overview of the Downtown Development Authority (DDA) goals.

Council Member Wilcoxen stated the DDA meet and greet was very positive. He asked if there is anything coming within the next year to get people to the downtown without their cars, and alleviate some of the parking issues. Mr. Jacobs stated incentives for people to use non-motorized transportation is an excellent idea. Staff has focused on bike racks in the downtown districts, and the DDA has a bike rack program that funds the majority of the cost. However, the program could be improved in order to make it more robust.

Mayor Pro-Tem Richardson stated the Michigan Municipal League (MML) held a presentation of the Mayor of Bogota, Columbia about parking. In Bogota decided to longer provide parking to incentivize non-motorized forms of transportation, which was successful to Bogota. Mr. Jacobs stated it is a common problem, and with the rise in autonomous vehicles it seems silly to make huge investments for parking structures. However, removing parking completely could be harmful to businesses catering to those coming from outside of the city.

Mayor Bashert stated she has spoken with Growing Hope about potentially taking over the maintenance of the garden beds, and at very least the rain gardens. Mr. Jacobs responded he would love to have a conversation with Growing Hopes to have that conversation. Ms. Bashert added she agrees the DDA has a very positive energy, and it is an exciting time for that organization.

Interim Department of Public Services Director Brad Holman provided a presentation of his department goals.

Mayor Pro-Tem Richardson asked what it would take for the DPS to improve winter maintenance. Mr. Holman responded four more employees and three trucks.

Council Member Brown stated she likes the goals, especially those about interpersonal communications and engaging with the community. Also, that city parks are an attraction to this city, it is exciting to learn the DPS is going to spend more time to improve that asset.

Mayor Bashert asked for a plan is for the \$100,000 allocated for park maintenance. She added the DPS and Clerk Departments engage with the community in a non-emergency way more than any other department. She commended him regarding thinking about interpersonal skills and how to improve them. She encouraged him to hold an event for the public to see some of the vehicles and be informed on what Public Services does.

Human Resources Manager Rebecca Craigmile provided a presentation regarding the Human Resources Department.

Mayor Bashert asked if the recruitment tracker begins on the day of exit or resignation. Ms. Craigmile responded it would begin the day of a sourcing requisition from the department head. Ms. Bashert asked if the referenced town hall would be for employees or for the public. Ms. Craigmile responded an open door is a door that goes both ways, the employees can come to HR, but HR should also go to the employees.

Council Member Wilcoxon asked the proposed frequency of performance reviews. Ms. Craigmile responded yearly performance reviews are not the most beneficial. Performance should be discussed with employees throughout the year. Evaluations could occur quarterly or twice a year, and how to engage union employees, or employees that have been employed for a number of years. Mr. Wilcoxon asked if there have been years evaluations have not been given. Ms. Craigmile responded in the affirmative. Mr. Wilcoxon asked if promotion and advancement are going to be tied into those evaluations. Ms. Craigmile responded that is a part of succession planning to promote the leaders that are already present.

Dr. Milner provided an overview of goals already discussed, and the goal setting process. He explained there are three areas that Council and staff were in agreement for section A, community engagement; police safety, fire safety, and identity and communications. He stated A6, forming an arts and culture commission staff ranked it forth, and the forth rated priority for Council was forming a youth council. He stated both of those goals are viable. Section B, city infrastructure, did not produce agreement. The most votes for Council were the dam project and affordable housing improvements. Staff agreed on Water Street development as the highest priority, the train stop commuter project, and parking. He stated in Section C; staff alignment there was agreement for both staff and Council. Section D produced two areas of agreement between staff and Council; economic stability and streetscape beautification. The Community Benefits Ordinance resolution would be the third priority for Council and staff's is improve work follows for greater efficiency.

Dr. Milner explained the next steps is to compile the data into a report in order to review. He recommended a follow up session to go through the detail to assist in developing the next action steps. Mr. McClary agreed. Mayor Bashert scheduled the next meeting for February 19th at 6:00 p.m.

XIII. REMARKS FROM THE MAYOR –

None

XIV. ADJOURNMENT –

Resolution No. 2019-017, adjourning City Council Special and Goal Setting meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or three (3) members of Council.

OFFERED BY: Council Member Richardson

SECONDED BY: Council Member Wilcoxon



**CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, FEBRUARY 5, 2019
7:00 p.m.**

I. CALL TO ORDER –

The meeting was called to order at 7:01 p.m.

II. ROLL CALL –

Council Member Brown (7:05)	Present	Council Member Symanns	Present
Council Member Morgan	Present	Council Member Wilcoxon	Absent
Council Member Murdock	Present	Mayor Bashert	Present
Mayor Pro-Tem Richardson	Present		

III. INVOCATION –

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

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

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

Council Member Morgan moved to remove the OPEB presentation from Section VI, Presentations.

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

VI. INTRODUCTIONS –

Mayor Bashert introduced the following individuals; Council Member Murdock, Economic Development Director Joe Meyers, City Planner Bonnie Wessler, Community Development/DDA Director, City Attorney John Barr, City Clerk/Acting City Manager Frances McMullan, Brian Steglitz, Rutherford Pool Representative John Weiss, and Sustainability Commissioner Christian Cannon.

VII. PRESENTATIONS –

- ~~— OPEB Presentation — Kathleen Manning and Dan Colby. (removed)~~
- City of Ann Arbor Hydroelectric Operations Presentation – Brian Steglitz

Water Treatment Services Manager Brian Steglitz provided a presentation regarding Ann Arbor's Hydroelectric Operations.

Mayor Bashert stated the revenue covers the cost of the equipment, but not total operations. Mr. Steglitz responded it is the case for Ann Arbor.

Council Member Morgan thanked Mr. Steglitz for the presentation. He asked if there is a projection to consider what the effect would be if one of the four dams were removed. Mr. Steglitz responded Ann Arbor is asking a similar question as Ypsilanti, if it makes sense to continue to make power through the Superior Dam. If the dam is removed there would be significant impact to those properties near the dam. There is a significant cost in the removal of a dam, including sediment management. Mr. Morgan stated there must be a difference in cost if a dam provides hydroelectric opposed to not. Mr. Steglitz responded in the affirmative. Mr. Morgan asked if the Penn Dam is more comparable to a deep drop, or is it shallower. Mr. Steglitz responded he believes the Penn Dam is lower profile, decreasing the amount of power it could produce. Mr. Morgan asked if the dams benefit is purely historical, or would there be an ecological impact if removed. Mr. Steglitz responded those are community decisions; dams can provide sustainable energy, but there is an ecological benefit to returning a river to its natural course. He added the removal of Penn Dam would not alter the course of the Huron because of other dams up stream, which would create problems generating grant funding for its removal.

Council Member Murdock asked if there is a possibility of receiving a small dam exemption for adding hydropower. Mr. Steglitz responded it is called license exempt, which was developed during an energy crisis to incentivize hydropower. He explained it is a possibility, but it is not probable.

Mayor Bashert stated she uses solar power for her home, and DTE is moving away from the exchange. It appears DTE is fighting against renewable energy sources. She asked if that is something Ann Arbor is experiencing. Mr. Steglitz responded DTE is a large entity with a great deal of legal support, and it is not lucrative to be involved with smaller projects.

- Rutherford Pool Bath House Renovation Update – John Weiss

Friends of Rutherford Pool Board Chair John Weiss provided a presentation regarding the bath house renovations.

Mayor Pro-Tem Richardson asked if the entrance will only be located from the parking lot. Mr. Weiss responded no, there will be an entrance at the middle of the building.

Council Member Murdock asked if the city's contribution could be a match for the Patronicity Grant. Mr. Weiss responded he believes it is a possibility, but there is a maximum contribution of any one source.

Mayor Bashert congratulated Mr. Weiss on the work he and the Friends of Rutherford Pool have accomplished.

Council Member Morgan asked if there are specific projects that need to be completed as a requirement of the grant. Mr. Weiss responded not specifically for the grant, however, there is the potential for a \$10,000 donation if the renovations include solar power.

- Historic District Commission Annual Report – Joe Meyers

Economic Development Director Joe Meyers provided the Historic District Commission's Annual Report.

Council Member Morgan stated there were 579 action items over the past five years. He asked if there are historic homes in each ward. Mr. Meyers responded in the affirmative, but the bulk are located in Ward 3. Mr. Morgan stated most of the grant funding go to Ward 3. Mr. Meyers responded the city has not received a renovation grant in some time, the last time the city received a grant the property was located in Ward 1. The attempt is to spread grant funding throughout the Wards, but the location of properties can prevent that. Mr. Morgan asked if there is anything within the Historic Preservation Act that requires funds be distributed equitably. Mr. Meyers responded not that he is aware.

Mayor Bashert stated the Historic District is a big part of this city, and thanked Mr. Meyers for the work his department does toward the success of that district.

- Downtown Development Authority Annual Report – Christopher Jacobs

Community Development/DDA Director Christopher Jacobs provided the Downtown Development Authority's Annual Report.

Council Member Brown stated whoever wrote the introductions for the Depot Town, Downtown, and West Cross Districts did an amazing job. Mr. Meyers stated a local Ypsilanti Copywriter wrote the introductions.

Council Member Murdock stated the DDA has not taken on many public projects. He said there is interest in constructing public kiosks and recycling services, which the DDA could fund. He asked if the DDA has any plans to begin funding public projects. Mr. Jacobs responded funding is being allocated for BigBelly Recycling Receptacles. This will begin as a Pilot project, and he is not aware of a request to fund kiosks. He understands sidewalks are an issue, and perhaps the DDA could play an active role in finding a solution. However, he is curious how that is specially assessed in some communities, and what that relationship would look like. He has not had any specific requests but he is very much open to that idea. Mr. Murdock stated the kiosks issue has come up in various places, and he was not aware it had not been proposed to that DDA. Mr. Jacobs responded DDAs play various roles in infrastructure improvements, and he is supportive of the DDA playing that role.

Council Member Morgan stated the DDA has not provided anything for the youth in this community. He asked what the DDAs role would be to making those structures in the districts more viable to the youth of this community. Mr. Jacobs responded the DDA is open to be a part of the solutions, and wonders what role the DDA could play to reduce violence and increase opportunity. However, he has not received requests for projects of that type. Mr. Morgan stated twenty new businesses opened, but how many closed. Mr. Jacobs responded he does not have that information with him, but he will forward the answer to Council.

- Traffic Safety and Speed Control Policy – Bonnie Wessler

City Planner Bonnie Wessler provided a presentation regarding the city's Traffic Safety and Speed Control Policy.

Mayor Bashert asked does the city want to have a policy, in lieu of the current process of receiving complaints and informing complainants to submit a petition. Council Member Murdock responded the policy has been rejected a few times, mainly because there was no clear way to achieve satisfaction. Since that time \$50,000 a year has been allocated to non-motorized issues. His opinion is if there is interest in traffic calming streets should be designed in a way that reduces speeds. There is much more to this process then just installing speed bumps. Council Member Symanns stated staff is asking for guidance in order to develop a policy. She is not a huge fan of speed bumps, and there are other ways that are more effective.

Mayor Pro-Tem Richardson asked what other calming methods are preferred. Ms. Symanns responded narrow streets, street design, and permanent signs indicating a driver's speed. Ms. Richardson explained she is interested in calming methods the city has the capability to finance. Ms. Wessler added raised intersections, bumpouts, additional sidewalks and curb ramps, bike lane protection, speed humps, added bike lanes, and anything that introduces fear to a driver tends to slow traffic.

Council Member Murdock stated anything beyond temporary speed bumps will be expensive.

Council Member Symanns stated a policy seems to make sense, to provide staff guidance. However, she does not want to offer only one solution.

Council Member Morgan asked what would be the cost of the preliminary investigation. Ms. Wessler responded a speed sign would be installed that tracks the number of drivers and their speed. Generally, the Police Department performs the investigation, and provides crash data.

Mayor Bashert asked if in general Council is open to the idea of a policy. Council Member Morgan asked what has caused this to be brought before Council. Ms. Bashert responded there is a highly active neighborhood association in Ypsilanti, and they are almost formed because of speeding in that specific neighborhood. Council Member Murdock stated when he

receives complaints regarding speeding he informs them they need to petition their neighbors for a calming method. He is not certain how many people follow through with that, but Council never sees a petition. Ms. Wessler responded staff received one from residents of Douglas St, but there wasn't a documented speeding problem on that street. Ms. Bashert stated she is a fan of the other traffic calming procedures, such as bumpouts. She likes the idea of a raised intersections because it also helps those with mobility issues.

Council Member Brown stated she is unsure of developing a policy because there is no certainty, calming methods will have an effect. Council Member Symanns responded she does not know the history but it seems strange there is not a codified policy. The policy can always be amended if it seems off base. Ms. Brown stated there is a Traffic Review Committee to address these issues, but it is not having an effect on the issue. Council Member Murdock agreed, and the process the city was following the data collected would not show a need for the installation of a calming method. The problem is people see speeding on their streets and they want it to stop.

Council Member Morgan asked if the city does not have a policy and there is an accident would the city be liable. City Attorney John Barr replied generally a policy can protect the city, but it is not all inclusive.

Ms. Wessler stated the problem with the previous process was the perceptions complaints were going nowhere, and the lack of feedback to Council. Mayor Bashert responded it appears staff is recommending improving the current process rather than adopting a policy. She is in favor the criterion stated in the proposal, which would provide measurable data for a rejection of a request.

Council Member Murdock stated the city has a complete streets program, which doesn't deal with traffic calming methods. He suggested traffic calming methods be merged into that program.

VIII. AUDIENCE PARTICIPATION –

1. Reza Rajabi, 110 N. Summit, stated when an ordinance is violated it can be contested, but it is done so in City Hall. The attorney is the city attorney, and the city is paying for the judge it is a very uneven equation. His second issue is he cannot afford to pay his heat or his water bill. He called to shut off his water and was informed a city ordinance would not allow him to live in the home. He spoke with the City Manager who did not provide him with a resolution.
2. Sue Melke, 330 Chidester #409, presented an award to Steve Pierce, Mayor Bashert, and a professor of Social Work from EMU for getting internet at Chidester Place.
3. Brian Geiringer, 415 Pearl, stated he appreciated Council Member Morgan for addressing the issue of youth with the DDA. He appreciated Council Member Murdock for addressing the issue of kiosks. Thanked Council for considering him for the Ethics Board, and he would like to see the Ethics Board have more activity.
4. Ben Joffe, Attorney, stated he appreciates Council and staff for addressing the application process for medical marijuana facilities. He asked for the process to not be voted on tonight. The process states permits are non-transferrable, which he supports, but it should be more clearly defined in ordinance. He asked for more clarification regarding what the appeals process entails.
5. Allison Ayerton, attorney, agreed with Mr. Joffe and appreciates the city is resolving the process for application. It would be helpful to know when a site plan would be required. She also asked for clarification on what transferrable means, and what is meant by the appeal process.

IX. REMARKS BY THE MAYOR –

— Thanked Ms. Melke for the acknowledgment and congratulated Chidester Place.

- Stated the city does not pay the Administrative Hearings Bureau.
- Thanked Mr. Joffe and Ms. Ayerton for the comments regarding legislation Council is considering today.

XI. ORDINANCES – FIRST READING –

Ordinance No. 1332

1. An ordinance to amend Chapter 114 of the Ypsilanti City Code, entitled "Vehicles for Hire", by adding a new Article IV, entitled "Shared Mobility Devices", to require a franchise permit to offer shared mobility devices for public use in the City of Ypsilanti, to set forth procedures, regulations, and rules, and to provide for penalties.

A. Resolution No. 2019-018, determination

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

An ordinance to amend Chapter 114 of the Ypsilanti City Code, entitled "Vehicles for Hire", by adding a new Article IV, entitled "Shared Mobility Devices", to require a franchise permit to offer shared mobility devices for public use in the City of Ypsilanti, to set forth procedures, regulations, and rules, and to provide for penalties, Be approved on first reading.

OFFERED BY: Council Member Morgan

SECONDED BY: Council Member Brown

Council Member Symanns asked if this ordinance is a result of Bird Scooters moving to the region. Mr. Barr responded in the affirmative.

Mayor Bashert asked to define what a franchise permit is. Mr. Barr responded this ordinance is designed in the franchise model because anyone who uses public streets must be given permission from the city and must pay a franchise fee. Ms. Bashert asked why the word bicycle is being used in the ordinance. Mr. Barr responded the language came directly from the state statute. Shared mobility device can include a number of different items, could be a scooter, bicycle, etc...

B. Open public hearing

1. Jim Summons, 28 S. Huron, stated he understands the need for this ordinance. If a company profits by dropping a bunch of scooters in the city for public use, the city should be compensated. There is a safety issue when the user is traveling down a sidewalk at fifteen miles per hour. He rents electronic bicycles and they are not meant to be left in the city right-of-way. He believes the franchise fee is probably cost prohibitive to even large companies.
2. An Audience Member stated the penal code states an ordinance can be put in place based on health, safety, and welfare of citizens. It also specifies sidewalks, highways, streets, and crosswalks. This ordinance doesn't exclude anything other than sidewalks, highways, streets, and sidewalks, so it would pertain to shopping centers. It appears the only aspect of the ordinance dealing with the health, safety, and welfare is number sixteen. The rest appears designed to make money.

C. Resolution No. 2019-019, close public hearing

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

That the Public Hearing for An ordinance to amend Chapter 114 of the Ypsilanti City Code, entitled "Vehicles for Hire", by adding a new Article IV, entitled "Shared Mobility Devices", to require a franchise permit to offer shared mobility devices for public use in

the City of Ypsilanti, to set forth procedures, regulations, and rules, and to provide for penalties, Be Officially Closed.

OFFERED BY: Council Member Morgan
SECONDED BY: Council Member Symanns

On a voice vote, the motion carried, and the public hearing was closed.
Council Member Murdock asked for the City Attorney to respond to those comments made during Audience Participation. Mr. Barr responded this ordinance was drafted for the public right-of-way, which covers streets, sidewalks, etc... does not cover private property.

Mayor Bashert stated there are not a lot of scooters in Ypsilanti at this point in time. She stated she does not want this ordinance to have the unintended consequence of effecting a local business. Mr. Barr suggested an exception for a certain number of scooters be added to the ordinance. If Council wishes to make that amendment he would propose changing the fee structure.

Council Member Murdock stated the issue with H&H is their business is not doing the same type of business as outlined in this ordinance. He asked how H&H can be excluded from this ordinance. Mr. Barr responded he can write an exemption into the ordinance. Mr. Murdock asked for clarification on the fee structure and permits. Mr. Barr responded the restriction was to limit three permits to include a hundred units, which is subject to Council.

Council Member Morgan asked if there would be a charging station for the scooters. Mr. Barr responded the companies hire people to collect the scooters, charge them, and return them.

Mayor Pro-Tem Richardson stated the fee should be set by approval of the Fee Schedule so an ordinance amendment would not be required.

Council Member Murdock stated the current bike shops such as H&H are a different type of business. Mayor Pro-Tem Richardson asked if businesses such as H&H be exempt from this ordinance. Mr. Murdock responded if the business require bikes to be returned to a brick and mortar business, not being left on the city public right-of-way should not be effected by this ordinance. Mr. Barr stated he would work on that amendment.

Council Member Murdock moved, seconded by Council Member Morgan to postpone Resolution No. 2019-012 to March 5th.

On a roll call, the vote to postpone Resolution No. 2019-018 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxen	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

XII. CONSENT AGENDA –

Resolution No. 2019-020

1. Resolution No. 2019-021, approving minutes January 22, 2019.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of January 22, 2019 be approved.

2. Resolution No. 2019-022, approving appointment to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>EXPIRATION</u>
Brian Geiringer (new appointment) 415 Pearl Street Ypsilanti, MI 48197	Board of Ethics	2/1/2024
Jane Schmiedeke (reappointment) 313 High Street Ypsilanti, MI 48198	HDC	12/31/2022

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

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

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2019-023, approving policy and federal guidelines in granting or denying a property tax exemptions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

***WHEREAS*, the adoption of guidelines for poverty exemptions is required of the City Council; and**

***WHEREAS*, the principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and**

***WHEREAS*, pursuant to PA 390 of 1994, the City of Ypsilanti, Washtenaw County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;**

To be eligible under this section, a person shall do all of the following on an annual basis”:

- **Be an owner of and occupy as a principal residence the property for which an exemption is requested.**
- **P.A. 390 of 1994 requires that *all persons residing in the household* MUST submit copies of the following SIGNED documents:**

***City of Ypsilanti Poverty Exemption Application
Federal Income Tax Returns
State Income Tax Returns
Homestead Property Tax Credit Claim Form (MI-1040CR)***

Also include copies of ALL supporting documentation (i.e. W-2 forms, 1099's, schedules, etc.). The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an applicant meets poverty exemption requirements as adopted by the City Council.

A Poverty Exemption Affidavit (Department of Treasury Form 4988) must be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year.

- The combined assets of all person residing the household (minus the value of the principal residence) **MUST NOT** exceed \$20,000. Assets include but are not limited to: real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- Produce a valid driver's license or other form of identification if requested.
- Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services.
- The following are the 2019 federal poverty income guidelines with are updated annually by the United States Department of Health and Human Services. The annual income includes income for all person residing in the household. The total household income *must be less than or equal* to the guidelines below in order to be considered for this type of exemption.

Family of 1.....	\$ 12,140
Family of 2.....	\$ 16,460
Family of 3.....	\$ 20,780
Family of 4.....	\$ 25,100
Family of 5.....	\$ 29,420
Family of 6.....	\$ 33,740
Family of 7.....	\$ 38,060
Family of 8.....	\$ 42,380
For each add'l person.....	\$ 4,320

- The applicant(s) **MAY NOT** have ownership interest in any other real estate other than the homestead property.
- If home has been purchased within the previous 2 years, all closing documentation must be included.

The Board of Review may require a home audit and inspection done by the Department of Assessment as part of the application process.

The City of Ypsilanti allows for partial poverty exemptions to be granted. A partial poverty exemption is an exemption of a percentage of the taxable value of the principal residence rather than the entire taxable value. The formula for calculating partial exemptions is as follows: in cases where household income of a property as herein defined exceeds \$10,000 but meets the federal standard, the assessment shall be adjusted so the out-of-pocket property tax, as best estimated based on the previous year's millage rate and after deducting state property tax refunds, equals no more than five percent (5%) of the household income.

It should be recognized that the poverty exemption reduction is a form of *temporary assistance* for those who are undergoing a difficult financial time. Any relief granted is for the current year only.

The Board of Review may reject any application where the information contained in it appears fraudulent, misleading, inaccurate, or incomplete. Failure to complete all sections of the application and/or failure to submit signed copies of all tax forms or other required documentation will result in the poverty exemption application being denied. The board of review must have complete, accurate data in order to review this appeal.

In certain instances, the Board of Review may consider extenuating circumstances as a basis of a poverty exemption where the total household income exceeds the established income guidelines.

Due Dates: The application for exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review during the year in which the exemption is requested. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines that there are substantial and compelling reasons why there should be deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.

OFFERED BY: Council Member Symanns

SECONDED BY: Council Member Brown

On a roll call, the vote to approve Resolution No. 2019-023 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxen	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

2. Resolution No. 2019-024, approving the 2019 Medical Marihuana Facilities application review process for new facilities.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti allows for seven provisioning centers and three cultivation medical marihuana facilities to operate within its borders; and

WHEREAS, the city has issued only two permits for cultivation; and

WHEREAS, the city has issued all seven provisioning center permits with the potential for a permit to become available by action of the state; and

WHEREAS, it is important to have a clear process in place prior to reviewing any application on the waitlist for a 2019 permit; and

WHEREAS, a written application process will ensure fairness in the review of applications on the 2019 waitlist.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the 2019 Medical Marihuana Facilities process.

OFFERED BY: Council Member Brown

SECONDED BY: Council Member Symanns

Council Member Symanns asked for a response to the questions posed during public comment. Ms. Wessler responded a site plan and special use permit would be required where the zoning ordinance requires them. Mr. Barr stated permits are non-transferrable, but the issue is if the permit is held by an LLC, there might be a change to the membership of the LLC. Mayor Bashert stated at one point if 50% of the membership changed it would void the permit. She asked if that would be possible to enforce that with an LLC. Mr. Barr responded language can be drafted, and asked the attorneys that spoke tonight to send proposed language. Ms. Symanns asked for clarification on the appeals process. Mr. Barr responded he is going to suggest the ordinance be for administrative appeals. Mr. Meyers added this is being submitted for approval because of the request from several attorney's asking for the process to be put into writing and adopted. The question raised during public comment is based off of a note included with the process. The note is not part of the process, however, staff has been operating with the assumption that if the state allows a facility to operate the city will allow them to operate.

Mayor Bashert stated she feels this should be delayed for approval and allow staff to make amendments based on Council direction. Mr. Meyers stated there is an available permit and this would delay the awarding of that permit. Mayor Pro-Tem Richardson responded she would rather delay the award of that permit until the process is fully developed. She would like the City Attorney to make the necessary adjustments. Ms. Bashert stated anything over a change of 50% in ownership should be disallowed.

Mr. Meyers stated the proposed process for 2020 was developed to stop applicants from lining up outside of City Hall to submit their applications. Staff felt a lottery would help cease that practice. He added that is the only additional change between the 2019 and 2020 processes. He asked if Council is in favor of the lottery. Mayor Bashert believes a lottery makes more sense.

Council Member Morgan stated he is fundamentally opposed to the criminalization of marijuana, but it appears the facilities operating in the city make a substantial amount of money. He understands these businesses are providing medicine for their customers, but it creates an economic disparity. He believes a lottery would be a more fair selection process.

Council Member Symanns stated she is less concerned with the amount of capital investment made by an individual. Her concern is if there is over a 50% change in owners of an LLC. Mayor Bashert responded in the affirmative.

Mayor Pro-Tem Richardson moved, seconded by Council Member Symanns to table Resolutions No. 2019-024 and 2019-025.

On a roll call, the vote to table Resolutions No. 2019-024 and 2019-025 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxen	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

3. Resolution No. 2019-025, approving the 2020 Medical Marihuana Facilities application submission and review process.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the state begin licensing Medical Marihuana Facilities as a part of the Medical Marihuana Facilities Act; and

WHEREAS, staff has been addressing any issues with the current procedures as set forth by state legislation; and

WHEREAS, fairness and impartiality are of extreme importance to this city, its elected officials, and the staff; and

WHEREAS, a written application process will remove any ambiguity for facility permit renewal and any potential new applicants.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the 2020 Medical Marihuana Facilities process.

Tabled

4. Resolution No. 2019-026, approving a member of Council's access to meetings electronically, without the ability to cast a vote.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Ypsilanti City Council adopts "ROBERT'S RULES OF ORDER, 10TH EDITION" as the official rules of order for procedures of the Ypsilanti City Council meetings.

For the purpose of Council rules, each separate meeting of City Council shall constitute a "session" as that term is used in Robert's Rules of Order.

A motion for reconsideration of a motion may be made and considered at the same session or in the next immediate session.

A motion may be amended by a "friendly amendment" if both the member making the motion and the member supporting (seconding) the motion agree.

When unavailable because of illness or absence from the city, a Council Member may access a City Council meeting by electronic means of telephone, conference television or similar means, and may participate in debate, but will not be allowed to vote at the meeting. The Council Member should give notice to the City Clerk of intent to access by electronic means and the notice of the meeting must include information of the intention of electronic access of the Council Member.

OFFERED BY: Mayor Pro-Tem Richardson

SECONDED BY: Council Member Murdock

Council Member Brown asked if "electronic means of telephone, conference television or similar means", includes Facetime. Mayor Bashert responded in the affirmative.

Council Member Murdock asked if the approval of this resolution would change any Council rules. Mr. Barr responded no, the only difference is the addition of a notice provision.

Council Member Brown suggested amending the resolution to state "if possible to give notice". Mr. Barr suggested the amendment read "the Council Member should give notice..." Mayor Bashert responded that change should be adequate.

City Council Meeting
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She hopes not having the ability to vote will deter this from becoming a normal practice. She does like that this will allow a Council Member to have the ability to stay aware of what occurs in a meeting.

Council Member Murdock stated having needed to attend a meeting telephonically recently, it was a benefit to having the ability to hear and participate in the meeting. However, it was difficult to hear everyone, but ultimately it was useful to him. In terms of a requirement of noticing, sometimes a Council Member might not know they are unable to be present until it is too late to notice.

On a roll call, the vote to approve as amended Resolution No. 2019-026 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxen	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

5. Discussion regarding the employee review of the City Manager and City Clerk.

Mayor Bashert asked for this to be placed on the next meeting with additional information.

Council Member Brown agreed additional information is needed, but both resolutions addressing medical marijuana facilities have been tabled until that meeting. Also, goal setting has been scheduled for that meeting. Council Member Symanns stated the resolution would only be to approve a timeline for the evaluations. Ms. Brown asked if the resolution would be more informational. Ms. Symanns responded in the affirmative. Mayor Bashert confirmed the resolution would include only a timeline and structure of the process, it should not take long.

Council Member Symanns moved, seconded by Council Member Morgan to move this item to the February 19th meeting.

On a roll call, the vote to postpone this item to the February 19th Meeting was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxen	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

XIV. LIAISON REPORTS –

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study – Council Member Murdock stated the 2045 year plan has been published for comment.
- C. Urban County – None
- D. Ypsilanti Downtown Development Authority – None
- E. Ypsilanti Youth Safety Collaboration – Council Member Morgan stated he had a meeting with a representative for the Ypsilanti District Library who will be attending a Council meeting to present their findings.
- F. Friends of Rutherford Pool - None
- G. Housing Equity Leadership Team - None

XV. COUNCIL PROPOSED BUSINESS –

Murdock

- Republic waste management has been confusing residents by canceling service due to weather last week. Republic was randomly picking up garbage this past weekend, after telling the city they would provide pick-up for double the amount this week. Republic needs to perform the service they informed the city they would do. He suggested not to come down hard residents that have left out their garbage.
- He asked the status for 220 N. Park.

Mayor Bashert stated the developer has walked away from the project.

- He asked the status of the Hamilton/Huron road diet project.

Ms. Wessler stated staff has met with MDOT to ensure HRC has all the needed information. She will relay the next benchmark once it becomes available. Council Member Murdock asked what the expected date of completion is. Ms. Wessler responded she believes it was a six month project, so potentially May or June.

- He asked how much funding is available for the DDA to bond, and the duration of the potential bond.

Mr. Jacobs responded he has been working to gather that information, and will inform Council as soon as it becomes available.

- He asked about the potential of adding radon testing to the property maintenance code.

Mr. Barr responded the ordinance has been drafted, and it is being reviewed by his office. Council Member Murdock asked if the draft ordinance is available for Council to view. Mr. Barr responded in the affirmative, but he is working with MSHDA on the approval of the ordinance.

Morgan

- He attended the EMU basketball game with representatives for the Ypsilanti School District, and spoke about improving the relationships between the school district, EMU and the city.

Symanns

- She will attend the Strong Hall Rededication to assist in improving relationships between the city and EMU.
- She and Council Member Wilcoxen held office hours this past weekend, and there was a good turnout. One of the topics of concern was city sidewalks. In the past the city would provide warnings to residents in violation of the ordinance, but that is no longer the case. She was asked why that is so she can explain it to the public.

Mayor Bashert stated warnings do not help people to be able to use the sidewalks. If residents know they will be provided a warning there is potential for sidewalks will not be cleared. She is upset about the complaints on social media regarding citations. Council Member Murdock added the city does not provide warnings is because of scofflaws. If warnings are provided it would take a week before the sidewalks are cleared. Council Member Symanns stated it has been pointed out to her that one of the city owned properties did not have the walks cleared. Mr. Meyers responded the city only owns two residential properties, and we will make sure the walks

are cleared. Ms. Bashert added sidewalks are the lowest priorities, but there are repercussions to staff when sidewalks not being cleared.

Council Member Brown moved, seconded by Council Member Symanns to extend the meeting until 10:10 p.m.

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

Richardson

— Asked that Mr. Rajabi be contacted with information regarding where he can access financial help.

XVI. COMMUNICATIONS FROM THE MAYOR –

— The Penn Dam Town Hall will be rescheduled from the original date of February 13th. She will provide the rescheduled date once it becomes available.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

None

XVIII. COMMUNICATIONS –

XIX. AUDIENCE PARTICIPATION –

1. Sue Melke, 330 Chidester, stated the penalty should increase for habitual offenders of the snow ordinance. She doesn't understand why city owned sidewalks are the last priority.

Council Member Murdock stated fines do increase.

XX. REMARKS FROM THE MAYOR –

Nominations:

Historic District Commission:

Alex Petitt (reappointment)
945 Sheridan
Ypsilanti, MI 48197

Historic District Commission:

Michael Davis Jr. (reappointment)
905 Grant St.
Ypsilanti, MI 48197

XXI. ADJOURNMENT –

Resolution No. 2019-027, 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 three (3) members of Council.

OFFERED BY: Council Member Morgan

City Council Meeting
February 5, 2019

SECONDED BY: Council Member Symanns

On a voice vote, the motion carried, and the meeting adjourned at 9:59 p.m.



Resolution No. 2019-032
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2019-033, approving minutes of January 29, and February 5, 2019.
2. Resolution No. 2019-034, approving appointment to Boards and Commissions

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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

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e-mail: jbarr@barrlawfirm.com

John M. Barr
Karl A. Barr

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

REQUEST FOR LEGISLATION

DATE: February 12, 2019

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Medical-Marijuana Facility Permit Application Process, 2019

SUMMARY/BACKGROUND

This resolution came to City Council at the last meeting and was set over the review the termination process. This proposed resolution refines the termination of a city permit. In order to operate in the city a facility must obtain a city permit and state license. The state has the final word and the city permit is no good without a state license. The proposed policy provides that a city permit terminates if the state license is voided and the facility can not legally operate, or if the facility is not operating for any 90-day period. Appeals do not matter unless the state or court has allowed continuing operation during the appeal.

Attached is a revised resolution of the City's process for evaluating permit applications, as well as the administrative policy regarding prospective applicants. It is recommended that City Council adopt this procedure as a resolution.

Staff is withdrawing the proposed procedure for 2020 as new considerations have arisen and more study is required.

RECOMMENDED ACTION: Review and adopt resolution.

DATE RECEIVED: _____ AGENDA ITEM NO. 2019-024

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



REVISED
Resolution No. 2019 - 024
February 19, 2019

**RESOLUTION TO APPROVE MEDICAL MARIJUANA PERMIT PROCESS
FOR 2019**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas the City staff needs guidance in the medical marijuana process for 2019, and

Whereas City staff has provided a proposed policy for consideration, and

Whereas the policy reflects the will of City Council,

NOW, THEREFORE, BE IT RESOLVED THAT the policy for medical marijuana permit process for
2019, copy attached, is hereby approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Medical Marijuana Process – for 2019

1. Applications were due on December 20, 2018 for existing facilities.
2. The City opened a queue on January 2, 2019 and one queue per permit type was created.
3. Once a permit becomes available, the first applicant from the proper queue will be contacted and allowed 5 business days to submit the required application fee and any additional information to complete the application. If the application is complete, run all background checks and the following departments will review the application: Planning/Zoning, Building Department, Police Department, Fire Department, Treasurer's, Assessor's, City Attorney, and City Manager. If all departments have signed off on the application, an applicant may be granted a permit.
4. Once a permit is granted, the permit holder will be required to have a Certificate of Occupancy from the Building Department within 60 days of receiving a medical marijuana provisioning center or growing facility permit, and prior to opening and/or operating the facility.
5. A site plan and special use permit may be required prior to obtaining a certificate of occupancy for provisioning and growing facilities, pursuant to Ypsilanti City Code of Ordinances Section 122.
6. All applicants must obtain a business license from the City prior to opening.
7. On December 31, 2019, all applications for the 2019 permit year will be archived, and will not be considered for a 2020 permit.

Notes on the Application:

1. All medical marijuana permits are non-transferable.
2. The approval of the above use and occupancy is limited to those items described and further change, expansion, or addition from the approved use is expressly prohibited without prior approval.
3. Any permit shall automatically terminate and become void if use stops for 90 days or more. Any permit will terminate and become void if the state denies an application, all Licensing and Regulatory Affairs appeals are exhausted, and/or the state no longer allows the temporary operation of a facility pending licensing.



REQUEST FOR LEGISLATION

February 19, 2019

To: Mayor and Council

From: Joe Meyers, Director of Economic Development

Subject: Liz Dahl McGregor Playground Budget Amendment

SUMMARY & BACKGROUND:

The City of Ypsilanti received a grant to create a playscape in Riverside Park, now known as the Liz Dahl McGregor Playground from Washtenaw County Community and Economic Development and Washtenaw County Parks and Recreation. City Council officially approved the playground subaward agreement on August 8, 2018. The funding secured was as follows, Washtenaw County OCED \$125,000 and Washtenaw County Parks and Recreation \$34,351.82 for a total \$159,351.82. In order to pay the invoice, a budget amendment is required. The budget amendments requested are attached.

RECOMMENDED ACTION: Approve Budget Amendment

ATTACHMENTS: Budget Amendment Request and Invoices

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2019 - 035
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti approved the construction of the Liz Dahl McGregor Playground in 2018; and

WHEREAS, the vast majority of funding was raised through grants; and

WHEREAS, Washtenaw County OCED committed \$125,000 and Washtenaw County Parks and Recreation committed \$34,351.82 to fund the project,

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the City Manager to adjust the Parks budget pay the invoice for the Liz Dahl McGregor Playground.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI, MICHIGAN

BUDGET ADJUSTMENT WORKSHEET

FISCAL YEAR: 2018-19

FUND: 101

DEPT: Parks

REQUESTED BY: Joe Meyers

DATE: 2/15/2019

AMENDMENT#:

[illegible]

NET CHANGE IN BUDGET:	159,352	157,748	
-----------------------	---------	---------	--

Approved by City Manager: _____

Date: _____

Approved by City Council (if required): _____

Date: _____



128 East Lakewood Blvd * Suite 40 * Holland, MI 49424

Invoice

DATE	INVOICE #
10/11/2018	MG18318

Bill To
City of Ypsilanti 1 South Huron St Ypsilanti, MI 9774

Ship To
Riverside Park 2 E Cross Street Ypsilanti, MI 48198

P.O. No.	Sales Rep	Terms	Project
Contract	MC	Net 30	MG18318

Item	Description	Ordered	Prev. Invoiced	Invoiced	Rate	Amount
Gametime	GameTime - PS17212 Structure	1	0	1	131,910.00	131,910.00
Gametime	GameTime -2 Bay Powerscape Swings with Seats	1	0	1	4,410.00	4,410.00
Gametime	5055 Merry Go All	1	0	1	5,296.00	5,296.00
Gametime	3256 Cantata Chimes	1	0	1	4,254.00	4,254.00
Gametime	4677 - Melody Chimes	1	0	1	4,973.00	4,973.00
Gametime	Discount	1	0	1	-63,894.20	-63,894.20
Gametime	Freight	1	0	1	7,234.85	7,234.85

				Subtotal	\$94,183.65
				Sales Tax (6.0%)	\$0.00
				Total	\$94,183.65
				Payments/Credits	\$0.00
				Balance Due	\$94,183.65

Please remit payments to:

Sinclair Recreation, LLC
PO Box 1409
Holland, MI 49422-1409

Phone #	Fax #	Web Site
616/392-7441	616/392-8634	www.sinclair-rec.com





128 East Lakewood Blvd * Suite 40 * Holland, MI 49424

Invoice

DATE	INVOICE #
12/11/2018	MO18149

Bill To
City of Ypsilanti 1 South Huron St Ypsilanti, MI 9774

Ship To
Riverside Park 2 E Cross Street Ypsilanti, MI 48198

P.O. No.	Sales Rep	Terms	Project
Contract	MC	Net 30	MO18149

Item	Description	Ordered	Prev. Invoiced	Invoiced	Rate	Amount
Installation	Provide approximately 4695 SF of Engineered Wood Fiber to a depth of 12"	1	0	1	9,500.00	9,500.00
Installation	Installation of GameTime equipment	1	0	1	32,905.00	32,905.00
Installation	Excavation of the site to prep for 12" EWF	1	0	1	5,936.00	5,936.00
Installation	Provide a 270' x 12" x 6" concrete border on a 6" 21AA crushed concrete base	1	0	1	10,601.00	10,601.00
Installation	Provide 4695 SF of Geotextile Fabric	1	0	1	1,392.00	1,392.00
Installation	Provide concrete access walkway of 10' x 5' x 4" on a 4" 21AA Crushed concrete base	1	0	1	860.00	860.00
Outside	Payment and Performance Bond	1	0	1	2,370.35	2,370.35

Subtotal \$63,564.35

Sales Tax (6.0%) \$0.00

Total \$63,564.35

Payments/Credits \$0.00

Balance Due \$63,564.35

Please remit payments to:

Sinclair Recreation, LLC
PO Box 1409
Holland, MI 49422-1409

Phone #	Fax #	Web Site
616/392-7441	616/392-8634	www.sinclair-rec.com





REQUEST FOR LEGISLATION

February 19, 2019

To: Honorable Mayor and Ypsilanti City Council
From: Darwin D. P. McClary, City Manager
Subject: **CREDIT CARD TRANSACTIONS POLICY**

SUMMARY & BACKGROUND:

City council is being requested to adopt a formal credit card transactions policy pursuant to Michigan Public Act 266 of 1995, as amended, to authorize and regulate credit card transactions involving the city, including the use of credit cards by officers and employees of the city, and to provide for powers and duties of city officers and employees in the use of credit cards. Michigan law permits local units of government to enter into credit card arrangements and exempts such arrangements or the use of credit cards from the Revised Municipal Finance Act and from the provisions of law or charter concerning the issuance of debt by a local unit. Local units of government must adopt a formal resolution establishing a written policy for credit card issuance and use that complies with state law.

With the departure of former Finance Director/Treasurer Marilou Uy, the City Manager is requesting that council establish a formal policy that permits the city to issue to each head of a city administrative department a city credit card with a credit limit of \$5,000 (the purchasing limit for department directors under city code without required approval from the City Manager) and to issue to the City Manager a credit card with a credit limit of not more than \$25,000 (the City Manager's purchasing limit).

PREVIOUS COUNCIL ACTION:

None

FINANCIAL IMPACT:

There is no additional financial impact on the city to establish this policy or to issue credit cards to department directors.

RECOMMENDED ACTION:

Adopt the credit card transactions policy as presented.

ATTACHMENTS:

Resolution adopting City of Ypsilanti Credit Card Policy

CITY MANAGER APPROVAL: DDPM

COUNCIL AGENDA DATE: 02/19/19

CITY MANAGER COMMENTS: Recommend approval of the City of Ypsilanti Credit Card Transactions Policy in compliance with Michigan Public Act 266 of 1995.

FISCAL SERVICES DIRECTOR APPROVAL: _____



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Michigan Public Act 266 of 1995 authorizes and regulates credit card transactions involving local units of government, including the use of credit cards by officers and employees of local units, and provides for powers and duties of certain local agencies, officers, and employees; and

WHEREAS, the Ypsilanti city council desires to adopt a local written policy to permit the issuance, use, management, control, and processing of credit card transactions and payments to and by certain city officers and employees;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the Ypsilanti city council does hereby adopt and establish the following credit card transactions policy pursuant to Michigan Public Act 266 of 1995, as amended:

CITY OF YPSILANTI CREDIT CARD POLICY

1. DEFINITIONS:

- a. "Budget" means a plan of financial operation for a given period of time, in this case the city's fiscal year commencing on July 1 and ending the following June 30, including an estimate of all proposed expenditures from the funds of the city and the proposed means of financing the expenditures. Budget does not include any of the following:
 - i. A fund for which the city acts as a trustee or agent.
 - ii. An intragovernmental service fund.
 - iii. An enterprise fund.
 - iv. A public improvement or building and site fund.
 - v. A special assessment fund.
- b. "Credit card" means a card or device issued under a credit card arrangement by a person licensed under state law or by a depository financial institution as defined by state law.
- c. "Credit card arrangement" means an unsecured extension of credit for purchasing goods or services from the credit card issuer or any other person that is made to the holder of a credit card and that is accessed with a credit card.
- d. "Credit card policy" means a policy adopted by resolution of the city in accordance with Michigan Public Act 266 of 1995, as amended.

2. CREDIT CARD ARRANGEMENT; USE OF CREDIT CARDS

- a. Subject to this credit card policy and state law, the City of Ypsilanti is hereby authorized to enter into a credit card arrangement and the use of credit cards for official city purchases of goods and services.

- b. In accordance with Public Act 266, a credit card arrangement or the use of credit cards under this policy is not subject to the Revised Municipal Finance Act or to the provisions of law or charter concerning the issuance of debt by the city.

3. OTHER CREDIT CARD TRANSACTION POLICY PROVISIONS

- a. The Finance Director/Treasurer of the City of Ypsilanti is hereby designated as the officer responsible for the city's credit card issuance, accounting, monitoring, and retrieval and generally for overseeing compliance with the city's credit card policy.
- b. The city shall issue to the City Manager a credit card with a credit limit not to exceed the amount that the City Manager is authorized by city code to expend without city council approval.
- c. Upon approval by the City Manager, the Finance Director/Treasurer is authorized to issue to the director of any administrative department of the city a credit card with a credit limit not to exceed the amount a department director is authorized by city code to expend without City Manager approval.
- d. A credit card may be used by an officer or employee of the city only for the purchase of goods or services for the official business of the city.
- e. An officer or employee of the city using credit cards issued by the city shall submit within one business day to the Department of Finance and Treasury a copy of the credit card purchase receipt and approved purchase order detailing the goods or services purchased, the cost of the goods or services, the date of the purchase, the official business for which purchased, and the General Ledger account(s) to which the purchase shall be charged.
- f. An officer or employee issued a credit card shall be responsible for its protection and custody and shall immediately notify the Finance Director/Treasurer if the credit card is lost or stolen or is believed to have been used without authorization.
- g. An officer or employee issued a credit card shall return the credit card to the Finance Director/Treasurer upon the termination of his or her employment or service in office with the city, and the Human Resources Director shall be responsible for confirming with the Finance Director/Treasurer that such credit card was returned.
- h. The Finance Director/Treasurer shall be responsible for establishing, implementing, administering, maintaining, reviewing, and periodically updating a system of internal accounting controls to monitor the use of credit cards issued by the city and the compliance of each cardholder with the provisions of this policy.
- i. The Finance Director/Treasurer shall be responsible for reviewing and verifying credit card invoice transactions against the credit card receipts and purchase orders submitted by cardholders to ensure the validity of all transactions prior to payment of credit card invoices.
- j. The Finance Director/Treasurer shall be responsible for ensuring that the balance, including any interest due, on an extension of credit under the credit card arrangement shall be paid for within not more than 30 days of the initial statement date to avoid incurring interest charges unless extenuating circumstances prevent payment within 30 days. However, in no instance shall an unpaid balance, together with interest due, extend beyond a period of 60 days without being paid in full.
- k. Violation of any provision of this policy or the use of a credit card for other than official business of the city shall be cause for disciplinary action up to and including termination of employment. Disciplinary actions shall be consistent

with law and be subject to the provisions of the City of Ypsilanti Employee Handbook. Unauthorized credit card activity may also be subject to criminal prosecution.

- 4. TOTAL COMBINED AUTHORIZED CREDIT LIMIT; LIMITATION; PAYMENT OF BALANCE, ANNUAL FEE, AND INTEREST
 - a. The total combined authorized credit limit of all credit cards issued by the city shall not exceed 5% of the total budget of the city for the current fiscal year.
 - b. The city council may include in its budget and pay the balance due on any credit cards, including the annual fee and interest.

- 5. RESCISSION OF PREVIOUS CREDIT CARD TRANSACTION POLICIES; INCORPORATION OF POLICY INTO EMPLOYEE HANDBOOK; ADMINISTRATIVE DIRECTIVES BY CITY MANAGER
 - a. Any previous policies adopted by the city council which are in conflict herewith are hereby rescinded.
 - b. This Credit Card Transactions Policy shall be incorporated into the appropriate section of the City of Ypsilanti Employee Handbook.
 - c. The City Manager is hereby authorized to issue written administrative directives or policies governing administrative implementation of this policy to the extent that such directives do not conflict herewith.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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John M. Barr
Karl A. Barr

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

MEMORANDUM

To: Hon. Mayor and Ypsilanti City Council
From: John M. Barr, Ypsilanti City Attorney
Date: February 3, 2019
Re: City Credit Card Policy

Pursuant to the request of Ypsilanti City Manager Darwin McClary I have reviewed the proposed Ypsilanti city policy for credit cards to determine if the policy is in accordance with state law, Act 266 of 1995, MCL 129.241 et seq.

In my opinion the proposed policy is in accordance with, and complies with the state law mentioned above.



REQUEST FOR LEGISLATION
February 19, 2019

From: Bonnie Wessler, City Planner

Subject: Washtenaw Area Transportation Study (WATS) Policy Committee Alternate
Appointment

SUMMARY & BACKGROUND

The WATS Policy Committee is made up of local elected officials from member communities throughout Washtenaw County. The Policy Committee makes decisions that include funding road widening, new roads, transit routes and services, the location of sidewalks or trails, and policies regarding landscaping of roadways or other enhancements to the transportation system.

Currently, Councilmember Murdock is the primary member for this committee, and the alternate of record is Mr. Michael Bodary, likely from his time on City Council. It is a best practice to have a current elected official as the alternate.

RECOMMENDED ACTION: Appointment of a Councilmember as the Policy Committee Alternate

ATTACHMENTS: None.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2019 - 038
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti participates in local transportation planning and funding in coordination with WATS; and

Whereas, there is a need to fill the alternate Policy Committee member position with a current elected official; and

Now therefore be it resolved that the Ypsilanti City Council hereby appoint Council Member Jennifer Symanns to serve as the WATS Policy Committee alternate.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

06 February 2019

Ryan Buck, PTP
Director
Washtenaw Area Transportation Study
200 N Main St
Ann Arbor, MI 48104

RE: WATS Policy Committee: Designation of Alternate

Dear Mr Buck:

Please accept this letter as our appointment of Jennifer Symanns, Councilmember, as the alternate for the City of Ypsilanti's position on WATS' Policy Committee, effective immediately. She will be replacing the current alternate, Michael Bodary, a past Councilmember. Peter Murdock, Councilmember, will remain as the City's primary representative.

Sincerely,

Beth Bashert
Mayor
City of Ypsilanti

CC: File

**CITY OF YPSILANTI SUSTAINABILITY COMMISSION RESOLUTION
FOR THE ADOPTION OF
PENINSULAR DAM REMOVAL AND RESTORATION OF FISHING HABITAT**

RESOLUTION 2019-01-001 - PENINSULAR DAM REMOVAL AND RESTORATION OF FISHING HABITAT

WHEREAS, a study commissioned by the City of Ypsilanti and the Huron River Watershed Council found removal to be feasible in terms of sediment management, infrastructure stability, and riverfront land ownership;

WHEREAS, dam removal will restore the natural flow regime of the river and improve connectivity for fish and other species living upstream and downstream of the dam;

WHEREAS, studies have shown that the environmental cost of dams, in fact, contributes to climate change;

WHEREAS, the HRWC has shown that hydroelectric generation is possible but the monetary costs and benefits are unknown, and should be determined;

WHEREAS, restoration following dam removal has been shown to improve fishing habitat--e.g., dam removal in Wisconsin resulted in decreases in common carp and increases in smallmouth bass populations (Kanehl et al. 1997; Stanley et al 2003);

WHEREAS, the Peninsular Dam is a historically significant site in the City of Ypsilanti;

WHEREAS, there is subsistence and sport fishing at, and downstream of, the dam site;

WHEREAS, funding opportunities for the dam removal must be identified;

NOW THEREFORE BE IT RESOLVED that the Sustainability Commission urges City Council to:

1. Direct staff to seek out grants for the dam removal;
2. In the event of dam removal, ensure the preservation of historical structures;
3. In the event of dam removal, ensure fishing remains viable during and following the process;

Ypsilanti City Council 2019-2020 Priorities Tally

Overview:

City Council and Administrative Staff held two goal-setting meetings in January 2019 to establish priorities for FY 2019-2020. After generating goals from each council member and administrative area, council and staff voted on their priority preferences. The following tally reflects council and administrative priorities.

Prepared by:

Morgan Milner, PhD
Organization & Talent Development
drmmilner@gmail.com

Community Engagement and Development

	Council	Admin	TOTAL
• Police Safety [A-1] • Stabilization of personnel and appropriateness of work design • MACP Accreditation • MACP One-Mind Campaign • Assess Police Morale with a Crisis intervention specialist • Review DPS Programing	5	9	14
• Fire Safety [A-2] • Improve Police and Fire Department infrastructure • Increase staffing to meet SAFER award requirements • Enhance automatic aid agreement • Meet obligations with county specialty teams • Maintain diversity within workforce	5	8	13
• Identity and Communications [A-4] • Keep/Preserve Ypsilanti Identity • Achieve Consistency in Local Media communication • Improved communications with city residents • Create a Public Safety, community relations plan • Increased quality of relations between EMU and Ypsilanti community members • Website, Twitter and Social Media outreach • Public engagement/participation plan	5	8	13
• Form Youth Council/Commission [A-7] • Youth Program Support	5	2	7
• Form Arts and Culture Commission [A-6] • Incl economic development and job creation • Public arts and creative community	2	5	7
• Form Community Benefits Ordinance Committee [A-5]	2	2	4
• Upgrade Senior Living Conditions [A-3]	2	0	2

City Infrastructure Development

	Council	Admin	TOTAL
• Dam Project [B-10] • Review and Research • Repair, convert to hydro, or remove	4	3	7
• Parks & Rec Plan/Maintenance [B-6] • 1 Working water fountain per ward in parks	4	2	6
• Affordable Housing improvements [B-9] • (e.g. Establish Land Trust)	4	1	5
• Parking [B-4] • Implement Parking Proposal Strategy • Parking in DDA district • Create 50+ parking spaces	3	6	9
• Sustainability [B-11] • Recycling initiatives • Climate change initiatives • Reduce carbon emissions • Revisit Climate Plan • Comprehensive Energy Plan • Downtown dumpster program	3	3	6
• Water Street Development [B-1] • Appraisal • RFP for Marketing	2	7	9
• Train Stop/ Commuter Rail Project [B-3] • Link train stop and commuter rail projects • Progress, Funding, Time Frame	2	6	8
• Street/Road Repairs [B-5] • Improve Ward 1 Street Repairs • Improve Ward 3 Streets and Roads (esp River St. & Cross) • Lane reduction study, traffic calming	2	4	6
• Create Capital Improvement Plan [B-13]	1	2	3
• Create a 5-yr City Poverty Plan [B-7] • To increase fairness/equity in development planning	1	1	2
• 220 N. Park Development [B-2]	0	2	2
• Updated City Emergency Plan [B-8]	0	0	0

Council/Staff Development

	Council	Admin	TOTAL
• Increase Morale for City Staff [C-3] • Perform Pay Equity Analysis • Perform an HR climate study • HR Metrics Report (Turnover, Yield Ratios, etc.) • Assess Council Performance • Root-cause evaluation of employee turnover & vacancies • Employee Recognition program • Employee performance reviews, training and development	7	9	16
• Achieve Full Staffing Levels [C-1] • Including Department heads • Inspectors, City Staff • Value diversity with recruit/selection	6	9	15
• Increased Interpersonal Relationships and Civility on Council [C-2] • Better tone within council meetings • DISC Profile • Improved communication between council members, admin & staff • Council stay within role, avoid micromanaging	6	8	14
• Create a Paperless Workplace [C-4] • Including electronic workflows • iCompass Agenda Management System	0	1	1

Other Development

	Council	Admin	TOTAL
• Economic Stability [D-1] • Balanced Budget for Planning and Control Seek Federal Grant Opportunities and Revenue sources • For train station, youth programs, parks, façade and building rehab etc. • Reduce Dependency on Iron Mountain by 25% • Increased Partnerships with EMU (and other) Resources to enhance services at reduced costs • Interns	7	9	16
• Streetscape Beautification [D-5] • Garden beds, rain gardens	3	7	10
• CBO Resolution [D-2]	3	1	4
• Improve Workflows for greater efficiency [D-3] • Medical marihuana facilities application process	2	8	10
• Successful 2020 Presidential Primary Election [D-4]	2	1	3



Resolution No. 2019-037
February 19, 2019

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or three (3) members of Council.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE: