

Meeting Minutes

City of Ypsilanti
Sustainability Commission
Regular Meeting
SPARK East - 215 W Michigan
Ypsilanti, MI 48197
Monday, November 6, 2017, 7:00 P.M.

I. **CALL TO ORDER:** The meeting was called to order at 7:05 p.m.

II. **ROLL CALL:**

Commissioner Emily Drennen	Present
Commissioner Nancy Heine	Present
Commissioner Natalie Sampson	Absent
Commissioner Thomas McKee	Absent
Commissioner Leah Vanlandingham	Absent
Commissioner Brett Zeuner	Present
Commissioner Julia Bayha	Present
Commissioner Keith Michalowski	Absent
Commissioner Thomas Kovacs	Present
City Manager McClary McClary	Present
City Council Member Beth Bashert	Present
Commission Secretary Seth Torkelson-Regan	Present

III. **AGENDA APPROVAL and APPROVAL OF PREVIOUS TWO MEETING MINUTES:**

Approved. Offered by Commissioner Drennen; seconded by Commissioner Bayha.
Voice vote

IV. **AUDIENCE PARTICIPATION/COMMISSION RESPONSE:** None

V. **PROCLAMATIONS/PRESENTATIONS:** None

VI. **ACTIVE BUSINESS**

A. Sustainability Plan subcommittee update

Kovacs: Stated that the subcommittee met on the third Monday in Oct. Eight people present, including Drennen. Laid out outline of sustainability plan. Started with intro, talking about methodology and process. Talked extensively about methodology, particularly the measurables of how we evaluate sustainability. Talked about STAR rating system, something municipalities have available to them. There is a process that goes into measuring and documenting sustainability, which costs \$1500. We will look into STAR rating system. Biggest concern is cost.

McClary: Added that the STAR is a leading program for measuring community sustainability. The framework would be valuable to this commission by consolidating everything into one framework. Was impressed by a presentation on the program in San Antonio. The process involves the community becoming certified in different sustainability areas. It could be invaluable for this commission and will help take lots of the guess work out of this work.

Kovacs. Stated that he agrees, but concern is the cost.

McClary: Stated that if commission decides they want it, he will recommend it be purchased to City Council.

Bayha: Asked if the city could afford the STAR program.

McClary: Responded that \$1500 is not too large of an expense to get the SC started in this work.

Bayha: Asked if there would be some benefit to the technical document.

Kovacs: Responded that the document would come with the program. Additionally, he has worked with a program called STARS (at EMU) that is identical in purpose, but not content. It makes much of the work of the SC much easier because it is all laid out, leaving only the assessments to be done. Check out American Association for Higher Education. A similar program for municipalities is starcommunities.org. Stated he would share the higher ed program to the commission.

Drennen: Added that in her day job at Ann Arbor they do the STAR program. It took a year to complete. She contacted them to ask how smaller municipalities could adapt to it. I talked to Michalowski about giving a presentation about the program here. If anyone would like to work on this presentation with her, that be great.

Zeuner: Responded that he would work with Drennen on it, and they could do so at the Sustainability Plan sub-committee.

Bashert: Stated that if the SC wants to request money from council for the STAR program, she suggests the subcommittee do a presentation at a SC meeting with recommendations, followed by a request to city council for it to be considered and voted on at the next council meeting.

Zeuner: Added that the subcommittee can send out the presentation before the SC meeting so they can be aware of it before seeing the presentation for the first time.

Kovacs: Stated that the next subcommittee meeting date is Monday Nov 20, 6:30pm, Ypsi downtown library.

- B. MGC Challenge subcommittee update: No updates
- C. Outreach subcommittee updates: No updates
- D. Volunteer opportunities for the Commission update: No updates
- E. City of Ypsilanti recycling planning update and discussion

Heine: Stated that the presenter is booked for next meeting. Added no follow up in terms of recycling for Ypsi. Contact person for this topic is Stan Kirton of Public Works, skirton@cityofypsilanti.com

Bayha: Stated that she heard from Commissioner Michalowski that there would be a tour of the Ann Arbor Recycling Center, but never heard from anyone else. Also, heard from Michalowski that Ypsi City will need new recycling drop off location.

Bashert: Responded that Economic Development is working on that.

Bayha: Asked if anyone knows if the empty Ford Plant parking lot would be an option.

McClary: Responded that it is owned by another company and that working with them is a struggle, and they have other interests in that property for economic projects. Doesn't believe they would consider allowing city to use part of property. They have people interested in leasing parts of facilities. Stan and Beth are looking at all possibilities, which are limited. The Ann Arbor and Chelsea facilities are setting up tours for their materials handling facilities. If anyone's interested in touring, he can get them info.

F. Peninsular Dam update and discussion

Bashert: Stated that a group has come together including the city of Ypsi, residents of up river who have joined Friends of Pen Park, and two of the nearby townships to draft a scope of work. Now it has gone from \$40,000 estimate to \$68,000, and now has gone up to \$100,000. At next council meeting there will be discussion of how to find money for the project

McClarey: Added that there was talk about splitting costs 50/50 between Ypsilanti and other members of group.

Bashert: Stated that Friends of Pen Park include many people with houses on river. The money is for the study of the effects of removing the dam, including bridge, impacts on the sediment and water upriver, and estimated costs of the dam removal.

McClary: Add that for this study the data will present general cost estimates.

Kovacs: Asked if by soil, this refers to sediment behind the dam. Asked if there is a study regarding how sediment will change downriver.

McClary: Responded that the study will include types of sediments, speed of water flow, and how sediments would be carried downriver after the dam removal.

Bashert: Added that the dam is not removed in one piece so that the flow of the river does not change. That is why there will be minimal disruption downriver. Biggest disruption will be around the dam.

Zeuner: Asked if Huron Watershed Council is conducting the test.

Bashert: Responded that they are helping and an engineering firm is primarily doing the study.

Zeuner: Stated that UM requires School of Natural Resources and the Environment students to participate with projects. If students are interested in dams, they could help with no cost to city or firm. This could help with cost of study.

Bashert: Responded that because of time of year, this will most likely have to wait to spring, and takes a bit of time to do study. Suggested students hook up with Huron River Watershed Council.

Bayha: Asked about the participation of committee with this project.

Bashert: Responded she is not sure what the role of this commission is yet. However, for the role of sub-committees, this project is important. Bashert: The vision for the dam project includes the rehab at Pen Park, including taking out invasives and developing the historic building. To see

Bayha: Asked that Bashert and others involved in the project remember that the commission could lead volunteer work around sustainability, and could be at Pen Park as a presence.

Kovacs: Stated dams are a sustainability issue, and removing dams is different story than putting dams in. The study is an important step for this issue.

Zeuner: Added that he doesn't think the city can proceed without the study.

Bashert: Added that it is an issue of liability, and the study will help us understand that.

McClary: Stated that according to the DEQ, funding can be used for removal and restoration of dam.

Bayha: Asked what the point of the dam is if it is not used.

McClary: Responded that an expert on hydroelectric power has been in touch with companies that would be interested in reestablishing hydroelectric power at that facility. It comes down to a price point with state public servant.

Kovacs: Asked if the study also is looking at rehabilitation of the dam.

McClary: This study looks at the feasibility of removal, and subsequent impact on adjacent property lines and environmental and economic costs of removal. Study looks at alternatives to the 2014 study. The study will help Council determine which option looks more attractive. We don't know which option will be best, but this study is one step in that process.

VII. NEW BUSINESS

- A. Interest in attending the Housing and Affordability Joint Meeting with the Planning and Human Relations Commissions, scheduled for Monday Nov. 13th at 7pm

Zeuner: Stated that the purpose of the meeting is to discuss the formation of Citizen Advisory Committee that Planning Commission wants to facilitate. Having all three commissions there will help contribute to that conversation.

Bashert: Encouraged the Sustainability Commission to participate in the joint meeting because the actions that result from it will influence the Master Plan.

- B. Discussion on appropriate usage of council/staff advisor resources by Commission, proper procedure for getting a subject onto the council agenda, and ways to improve the proposal process

Kovacs: Stated he was surprised with how proposals that the Commission had made to the City Council were then presented during the following City Council meeting. Asked what the best procedure may be for the Commission to make recommendations and proposals for Council.

Zeuner: Stated that he thought the request for the city to extend the deadline would be considered a resolution at the City Council meeting, but it was no where on the agenda, and he thought the ideas for sustainable development would be considered as a recommendation to discuss, but not a formal resolution.

Bashert: Responding to Zeuner, the reason the first request (deadline extension) was not on the agenda was because it was in contradiction to the contract signed by the city. Stated that when a commissioner wants to extend a resolution to Council or perform a similar action, they should have language drafted before coming to the commission meeting at which they present their proposal, rather than drafting language during meeting. Resolution language should appear roughly as follows: "Whereas the City of Ypsilanti... Therefore, now be it resolved that etc. action take place..." Lastly, stated that during the trip to China, the staff and mayor Pro Tem learned that a crucial member of the IV development team needed to be recruited. Additionally, there will be two series of working open meetings about the International Village, and so the timeline to have these meetings requires the City Council to negotiation of the International Village deadline.

Kovacs: Asked what is the more acceptable way for the Commission to refute some action or agenda item by Council, such as the contract deadline extension, in this case.

McClary: Responded that the best way is to have the Commission Chair send a letter to McClary's office stating the proposal of the Commission. This will get the item on the Council's agenda, except in situations where he (McClary) does not feel it's appropriate to be on the agenda. His office will need a proposal for city council in appropriate language at least one week before the Council meeting.

Kovacs: Responded to McClary that this issue (regarding the deadline) was not a resolution, but a recommendation.

McClary: Responded to Kovacs that everything is either a resolution or ordinance.

Bashert: Added that softer language on the Commission's recommendation would have more likely made it on to the City Council's agenda, such as *We propose that Council considers or discusses...*

McClary: Added that the Council is bound by the terms of the purchase agreement, so the City Council cannot take action that is contrast to what they agreed to follow.

Kovacs: Stated, again, his confusion about why the Commission's recommendation was not put on the Council's agenda.

Zeuner: Responded to Kovacs that he thinks the Commission recommending a resolution to Council does not guarantee it will be on Council's agenda.

McClary: Responded to Kovacs that if a resolution is sent to his office, it will be on the Council's agenda. The thing is, his recommendation to the Council in this case would have been to deny the Commission's request because Council was and is not yet at the point in this process to make a decision to delay. As the Council moves through this process, it becomes more and more clear that it will need to request an extension. He is not sure that at the time of the proposed deadline extension by the Commission, the Council was at that point of knowing whether or not a deadline extension was appropriate. The City has a process it has to go through according to the purchase agreement. Again, however, if a formal request is sent to his office to put a resolution on Council's agenda, he will put it on the agenda, with his recommendation.

Bashert: Added that the Commission would need two Council sponsors to get a proposal or recommendation on the Council's agenda. Commissioners can approach Council members and ask them to sponsor. Then the Council can vote on the proposal. If, in the future, you are critical of something done by Council, you can send a statement to the Council not requiring any action, but simply stating the Commission's disagreement with the Council.

Kovacs: Asked how can the Commission use the city staff to craft resolutions more properly.

McClary: Responded that it is important to work through the Commission chair. Added that he and his office can communicate with the chair to change or clarify any language of motions if needed. He will also communicate if he feels a recommendation is not appropriate for the Council's agenda. It is important though that a formal request is submitted (as a letter) to his office for McClary to help the Commission. If he had received a formal letter to his office, he would have most likely put the Commission's request for a deadline extension on the agenda, but would have added that he does not recommend the City Council adhere to the request because of the contradictions to the purchase agreement. Part of the issue was an oversight on his part because he did not contact the Commission Chair, who did not then contact the Commissioners, about that specific motion. If he had, though, the result would have likely been the same, except the Commissioners would have been less surprised by the outcome.

Kovacs: Stated that he now understands how to make sure the Commission's opinions and recommendations are heard by Council.

McClary: Added that he is more than happy to work with the Chair to make the Commission's goals a reality.

Zeuner: Asked if it would be helpful to put draft resolution language on Commission meeting agendas so that the the language can be revised during Commission meetings. Asked when he needs resolution language for the Commission's packet.

Bashert: Responded that a week before would be appropriate, so Keith can get it in the packet.

C. Recommendations for a partnership between EMU and the city of Ypsilanti for a bike share program

Kovacs: [Presented a powerpoint presentation on a potential bike share program in Ypsilanti. See meeting packet for November 6, 2017 meeting.]

Kovacs: [When presentation was over] Stated that one of the problems with bike share problem is there is no requirement for helmets.

Drennen: Responded that people tend to use helmets when using bike share bikes.

Bayha: Added that if you encode it that riders have to wear helmets, we will see a significant drop in participation. The city could bring in some type of waiver/agreement that riders have to sign regarding liability. This would work more easily with the university, but maybe not with the city.

McClary: Responded that this depends on how the contract is set up. He assumes that the developers could build into the app a hold harmless agreement that users would be required to click in order to use.

Zeuner: Added that the company assumes the liability. There is no way that all these cities with these bike share programs have made liability agreements.

McClary: Stated that as long as the use of services complies with the city's ordinances, this should be okay. The city attorney would have to review it, but it's like any other service provided for the community. The city could work with the university. He would love to see a service like this in the community.

Bayha: Stated that many commuters would like this, and many people might like to use a bike who cannot own a bike.

Bashert: Stated it would be valuable to have the university and the city at the table in order to ensure a volume of bikes that the company will want.

McClary: Asks if there is a representative who could give a presentation.

Kovacs: Added that one of the issues is where people put the bikes. Not all companies recommend how to do this.

Zeuner: Asked if the Commission could table this till next meeting and bring comparisons between the companies.

Heine: Added that this is just brainstorming about the idea, not a formal recommendation.

Kovacs: Stated EMU wants the company to demo the bikes for the Commission. Tomorrow at 11:30, Spin Bike will demo their bikes, and at 12:30 LimeBike will demo the bikes. Outside Boone Hall, off of Cross St. Reps of the bike share program will be there.

Zeuner: Requested Kovacs to ask the reps at the bike demo if there are any means for residents without smart phone access to use the bike share.

Bayha: Requested Kovacs to ask the reps how open they (their companies) are to allowing off campus residents to use the bike share program as well.

Bashert: Requested Kovacs to give the two companies' contact information to City Manager McClary.

D. Community Benefits Ordinance recommendations to council update and discussion on how to proceed

Bashert: Stated this topic is in relation to the agenda item that went in the form of a resolution to City Council. It is being reviewed by Mr. Barr, the City Council's lawyers, and will come back to City Council and this Commission for feedback.

Zeuner: Stated some citizens trying to mobilize the CBO are now trying to communicate with Dushane for feedback on how to move forward. From outside perspective, there may be no need to hire someone because the city is curious about a CBO. Dushane is helping us understand what Detroit has done with their CBO. For clarification, a CBO would set different criteria to be met by developers in the city.

Bashert: Stated that so much of what we can do at the city level is regulated by federal/state/county ordinances. The only areas the Commission and City Council can have impact are when it is a piece of property owned by the city that is under development [Zeuner: or when there are tax incentives offered to the developer]. CBOs are cutting edge. CBAs (Community Benefits Agreement with individual developments) are more common and have a history of successes and failures. Now the city is looking at what is possible and what is practical. Detroit has a CBO, but Detroit is not necessarily a valid comparison to Ypsilanti. The list that was sent to Mr. Bar will come back with lots of feedback from him. This will help the learning curve of the Commission because the Commission can know its limitations and know how to work with those limitations. Once the feedback is received from Mr. Barr, she suggests that the Commission take two or three pieces of Mr. Barr's feedback, discuss it at a meeting, then share feedback with City Council in the form of resolutions related to the CBO. This can continue as long as the Commission wishes.

Kovacs: Stated that his original proposals for development requirements in the city were not to be limited to a CBO, CBA or International Village.

Zeuner: Responded to Kovacs that a CBO is an enforcement mechanism for those demands.

Kovacs: Responded to Zeuner that a CBO is not the only mechanism.

McClary: Agreed with Kovacs that he did not see his list of proposals as related to a CBO.

Bashert: Interjected that she apologizes about that.

Kovacs: Stated he would like his list of proposals to be separate from the CBO discussion.

McClary: Responded that many of Kovacs' points on his list do relate to a CBO.

Kovacs: Responded that he agrees and that has clarified his confusion about this topic. Added that the other point he wanted to make was that a CBO and CBA only apply to city owned properties.

McClary: Stated that from an admin standpoint, his office is working on Kovacs' list of recommendations not as a CBO recommendation, but as a recommendation for all development, whether through zoning or through other means.

Kovacs: Responded yes, that is how he meant it.

McClary: Stated that is the way his office will give recommendations back, with this framework in mind. He anticipates that the list comes back to the Commission for further discussion and clarification. Added that his office is working on a CBO.

Bashert: Stated that this conversation is directly related to discussion item A, the Sustainability Plan Subcommittee.

Kovacs: Yes, that is where this topic came from. The reason the CBO idea came from there is that they believed there would be a long time before the city had a plan, so the subcommittee wanted something to start with, especially since the Commission knew there would be a lot of development coming to Ypsilanti.

Bashert: Asked if the Commission will have feedback from city staff in time to have the meeting next Monday.

McClary: Responded yes.

Kovacs: Added that he would like to argue the lawyer's points regarding the list of proposals.

McClary: Responded that he has to have the lawyer's feedback before it can be argued. Added that feedback will be coming on the 14th.

VIII. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

Pete Murdock: Stated that regarding the Peninsular Dam, it was obtained in the 1980's and the intention was always to reestablish it as a hydroelectric power generator. However, the city could never make the numbers work well enough. Since the city has gone through this process of deciding what to do, he has asked another city councilmember to research new laws and technology might make hydroelectric power more feasible. The dam has a thirteen foot head, and could generate 1.3 million kilowatts annually. It's not the Hoover Dam, but it could generate some power.

McClary: Responded by thanking Council Member Murdock for his work on this project.

IX. PROPOSED BUSINESS (FOR NEXT MEETING)

A. Discussion of renters' rights when viewing homes and apartments.

Zeuner: Shared that he has learned about cities that entitle buyers and renters to see prior 12 months energy bills for any home or apartment they are considering renting. He would like to propose bringing a resolution or updates on a proposal to city council that mandates all rentals provide upon request energy bills to potential renters. He has talked with Rachel Eubanks (public service manager in Lansing) and DTE reps about this.

McClary: Asked how can landlords access that info.

Zeuner: Responded that landlords still have the properties and can get access to their properties' energy bills.

Drennen: Added that Ann Arbor has a similar law on the books. The landlord data portal issues are complex. The city of Ann Arbor has been trying to get DTE to participate in landlord portal issues, but DTE has no interest in participating in state or national conversations on this topic.

Zeuner: Responded to Drennen that the next step is to get the public service commission to force DTE to do so.

Drennen: Suggested to Zeuner that he talk to her coworker.

Zeuner: Responded that this would be good. Added that this is why he has talked with the public service commission because they control DTE.

McClary: Asked Zeuner if the public service commission has already established rules requiring utilities to share information, or if this is something that he wants to work on.

Zeuner: Responded that he wants to work on this topic.

Bayha: Asked if this exists in other places.

Zeuner: Responded to Bayha that yes, it does.

Bashart: Responded to Zeuner that she thinks Drennen was saying these laws are not effective.

Zeuner. Responded to Bashert that yes this is true, but then it takes more advocacy and work by the city to hold renters accountable. Additionally, renters need to know that such laws and rights exist for them. Making the law is the first step, and then it takes education, advocacy and outreach.

McClary: Asked if the Commission could receive a copy of Ann Arbor's ordinance on this topic. He did not know and is still not sure how municipalities could control public utilities.

B. Resignation of a Commissioner

Kovacs: Stated there is a Commissioner that is resigning.

McClary: Added that she needs to submit a letter of resignation to the City Clerk.

Kovacs: Stated he can let her know that she needs to do that.

C. Open Commission seat for youth

Bashert: Reminded that Commission that it has an open seat for youth. Added that there is no one retired on this Commission, which is a valuable asset.

X. NEXT MEETING DATE: Monday, December 4, 2017

XI. ADJOURNMENT: 9:41 p.m. Offered by Commissioner Zeuner; seconded by Commissioner Heine