1. Sustainability Commission Agenda - Packet

   Documents:

   REVISED SUSTAINABILITY COMMISSION 3-12-18 AGENDA-PACKET.PDF

City of Ypsilanti

SUSTAINABILITY COMMISSION MEETING

One South Huron Street
Ypsilanti, Michigan 48197

MONDAY, March 12, 2018
7:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

Keith Michalowski	P	A	Thomas Kovacs	P	A
Emily Drennen	P	A	Nancy Heine	P	A
Natalie Sampson	P	A	Thomas McKee	P	A
Brett Zeuner	P	A	Julia Bayha	P	A
Bryan Foley	P	A			

III. AGENDA APPROVAL

IV. PRESENTATIONS

A. New Commissioner Introduction - Bryan Foley

V. AUDIENCE PARTICIPATION

VI. CONSENT AGENDA

A. Approval of February 12, 2018 minutes 1

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Community benefits staff response review - Waste Stream Reduction 1
B. Draft CBO (3-6-18) discussion 1 2
C. Community benefits survey resolution (McKee) 1
D. Recycling education program discussion (Bayha)
E. YSC Earth Day 2018 event discussion - April 22nd (Bayha) 1
F. Potential Bell-Kramer solar array (Michalowski) 1 2 3 4 5 6
G. A More Human Dwelling Place Symposium discussion (Drennen/McKee)
H. Carbon Pricing Discussion Followup (Zeuner) 1
I. Bylaws discussion and review 1
J. YSC goals for 2018 discussion

VIII. LIAISON REPORTS

A. Sustainability Plan subcommittee (Drennen/Zeuner)
B. MGC Challenge subcommittee (McKee)
C. Outreach subcommittee (Bayha)
D. Housing Affordability & Access Committee of the Planning Commission (McKee) 1 2 3 4

IX. COMMUNICATIONS

A. Recycling program update (Kovaks/Michalowski)
B. Peninsular Dam update (Zeuner)
C. EMU parking privatization (Zeuner) 1

X. AUDIENCE PARTICIPATION

XI. PROPOSED BUSINESS

XII. NEXT MEETING DATE

Monday, April 9th, 2018

XIII. ADJOURNMENT

Meeting Minutes

City of Ypsilanti
Sustainability Commission
Regular Meeting
City Council Chambers
1 S Huron St.
Ypsilanti, MI 48197
Monday, February 12, 2018, 7:00 P.M.

I. CALL TO ORDER: 7:05 pm

II. ROLL CALL:

Sustainability Commission:

Commissioner Emily Drennen	Present
Commissioner Nancy Heine	Absent
Commissioner Natalie Sampson	Present
Commissioner Thomas McKee	Present
Commissioner Brett Zeuner	Present
Commissioner Julia Bayha	Present (left at 8:35)
Commissioner Keith Michalowski	Present
Commissioner Thomas Kovacs	Present

Staff:

Commission Secretary Seth Torkelson-Regan	Present

III. CONSENT OF AGENDA

A. Approval of Agenda and approval of Minutes for January 8, 2018

Kovacs: Asked Seth to revise section 8A of the January meetings to make sure it is clear that Commissioners Bayha and McKee showed interest in the Planning Commission subcommittee and McKee was chosen by the commission.

Bayha: Asked Seth to revise, in section 8D, the phrase “connecting” to “trying to connect.”

Kovacs (second Sampson) moved to approve the minutes with amendments and the agenda as submitted. Unanimous approval. Motion passes.

IV. AUDIENCE PARTICIPATION/COMMISSION RESPONSE:

V. PROCLAMATIONS AND PRESENTATIONS

VI. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Community benefits staff response review - Waste Stream Reduction

Michalowski: Requested to discuss this topic next meeting after commissioners have reviewed it in their own time.

VII. LIAISON REPORTS

A. Sustainability Plan Subcommittee

Zeuner: Stated the subcommittee met last month to discuss how they will break out the framework and distinguish for themselves the framework and the plan. From this came a plan to engage with the Planning Commission chair… They will meet with her in lieu of their normal meeting on Thursday to discuss the framework and understand how it intersects with the Master Plan update.

Drennen: Added that anyone else can come to the meeting.

Zeuner: Added that it will be at the library at 7:30 pm on Thursday.

Michalowski: Stated he will announce the meeting to the mailing list. Only four commissioners can attend because of the quorum limit.

B. MGC Challenge Subcommittee

McKee: Stated he and Beth Bashert worked together. The next meeting was on Sunday February 4th. He and Keith looked at sources that Beth and McKee had found and came up with a standardized reporting form. In the process of looking over the sources, they have identified eight bronze items they qualify for. He pictures the next step is getting those in and going for some silver items. If it means too much work, it will be something for next year. There is opportunity for the most improved city.

Drennen: Asked if Ypsi applied in the past.

Michalowski: Responded no.

Kovacs: Asked if Ypsi could meet eight of at the bronze items, and how many are needed for bronze certification.

McKee: Responded yes, we qualify for eight bronze items, and six are required.

Michalowski: Suggested the commission completes as much as possible and then chooses what certification to qualify for.

McKee: Clarified that Ypsi doesn't choose which level of certification it is trying to qualify for. Added that the subcommittee plans to have a ready to submit application at the next commission meeting.

Michalowski: Asked about the next subcommittee meeting.

McKee: Responded no, but he is willing to match up schedules with those who are interested.

C. Outreach Subcommittee

Bayha: Stated she has spoken with a contractor who specializes in making affordable housing about coming to give a presentation to the commission. Added that a gathering space has been created at the Riverside Arts Center has begun as a type of free warming center on the Thursday-Saturday, 3-8/9 pm. Encouraged commissioners to visit it. Stated that the county meeting she attended on January 17th was interesting, with lots of discussion, but little results. She took lots of notes. Discussed the future of the recycling center in Ypsi. Stressed that Pete Murdock stated that discussion around this topic appears the same as it was thirty years ago. The question was raised, 'What is wrong with the Ann Arbor location?' Single stream recycling is a sorting issue. Added that education around recycling is an interest to her—how the process works, why cleanliness is important, etc. Added that she made Earth Day calls to WCC and EMU. Asked a commissioner to contact her rep from WCC regarding Earth Day events.

Michalowski: Responded he will follow up with the WCC rep.

Bayha: Stated she called EMU, but got little feedback. Recommended holding an event as their (the SC) own in the downtown area for Earth Day. Added that she will invite all commissioners to a presentation of hers in April regarding what the SC is doing.

Kovacs: Stated it is difficult for EMU to do Earth Day events because it is during final exams and just before graduation. Added he will be happy to help contact EMU.

Zeuner: Stated he thinks the SC's Earth Day event could be interesting. He did an Earth Day event at the Corner Brewery two years ago, and it was successful, and they use solar and geothermal energy and compost at their brewery. It could be a meet and greet for commissioners, too.

Bayha: Suggested doing something downtown, such as at SPARK East, to promote diversity of businesses they support.

Zeuner: Added that he was not representing the SC when he did the Earth Day event.

Sampson: Stated she likes the idea but it is coming up and thinks we need to delegate tasks.

Bayha: Suggested keeping it as simple as possible—just a meet and greet.

Zeuner: Suggested doing it at a restaurant because SPARK East requires different things for food to be served. Thinks a two hour meet and greet is something worthwhile.

Michalowski: Suggested throwing together a couple short presentations, too.

Bayha: Added she could do a green brainstorming activity. Wondered how they could schedule their event on that Sunday around what the Ecology Center and Leslie Science Center are doing.

Michalowski: Suggested those interested create a subgroup and propose a plan at the next commission meeting in March. Asked if Bayha could begin planning some sort of recycling education program and share about ideas at the next meeting.

Zeuner: Stated that Governor Snyder signed a letter of intent for policy that would increase the fee for waste, which would raise funds for recycling and remediation efforts in Michigan. If he can get the state legislature to pass this, that will be a good thing and result in lots of grant opportunities for us that could help us with Water St and recycling.

Michalowski: Added that it could result in $9 million on solid waste, $15 on recycling.

Zeuner: Suggested we share monthly updates on this policy update.

D. Housing Affordability and Access Committee of the Planning Commission

McKee: Stated the subcommittee had its first meeting on Wednesday the 7th. It has 19 members. The chair called it the “steering committee” for the housing and affordability update will take. Meeting consisted mostly of introductions. Added that Ypsi is generally a progressive city, but in the subcommittee there are still a lot of different viewpoints. The chair outlined the process for updating the Master Plan, which must be evaluated every five years, which for Ypsi will be October 2018. The subcommittee hopes to recommend updates by then. The three phases are 1) intensive info gathering, 2) create specific strategies, and 3) consolidate strategies and make recommendations. Hope to create working definitions of affordability and accessibility; research similar work by other cities; and include an inclusive housing plan. The next meeting is March 7th at a venue TBD. Asked commissioners to share ideas for how he can best represent the SC in the subcommittee. Referenced two documents shared in the meeting packet that he developed for the subcommittee.

Kovacs: Stated he read the report fully. Stated McKee’s assessment of the current Master Plan was much more than just housing affordability and accessibility, and could be used for the sustainability plan subcommittee.

McKee: Stated the report he did was also for a class, so that is why he went into further depth. Thinks there are things the city needs to consider beyond housing affordability and accessibility.

Kovacs: Stated that this rating system seems similar to the STAR rating system. Wants to make sure the different efforts are congruent and not competitive.

McKee: Added that STAR is not there now, and the subcommittee is.

Kovacs: Stated that one of the most interesting statistics to him was the decrease in the median family income in the city, despite the increases in the city and county.

McKee: Stated that diversified income is a stated goal of the Master Plan. As a community, Ypsi has seen a decrease in the median family income, but this is specific to family unit households (2+ family members living together).

Kovacs: Stated the trend is what most concerned him.

McKee: Added that he thinks this speaks to why the subcommittee exists. Families are struggling more than ever to afford good housing, and family income is part of this.

Kovacs: Emphasized the importance of looking at broader definitions of accessibility and affordability, including location to transportation, work and food.

McKee: Responded that he also emphasized this topic in the first subcommittee meeting and will continue to do so as the rep of the SC to the subcommittee.

Zeuner: Stated that the American Community Survey's margin of error is almost 3000.

McKee: Added that this is not a full picture, but it is supporting why we are doing this.

Zeuner: Agreed.

McKee: Added that this is not the data that will be used by the subcommittee for its recommendations.

Zeuner: Stated he thinks using the American Community Survey can lead to misleading or confusing conclusions. Speaks to the value of doing a city or community survey.

McKee: Stated that Ypsilanti is too small to do a one year survey. Added that this Friday and Saturday he will attend an event at UM about how the built environment has been racialized, and encouraged others to attend.

E. Community Benefits Survey Subcommittee

McKee: Stated that a rough draft was prepared as is in the packet. The idea is to have a generic set of survey questions for when a development is proposed in the city. One idea is to have language to send to City Council that would keep this commission in control of a survey. Thinks this is appropriate because sustainability touches on all aspects of a CBO. Addressing Beth Bashert's questions, he thinks she misunderstood the survey. The survey he proposes has a different purpose than the housing affordability and accessibility subcommittee. This survey is meant to be repeatable and capture attitudes and ideas of people who would be affected by developments. It could streamline agreements between citizens and developers. He does not think the Planning Commission is an appropriate entity to host the survey because they are enabling the development and have an agenda. The SC has a stricter agenda of sustainability. They are not necessarily more accurate. The big thing for McKee is that the open ended questions will help build better CBAs, and no nationwide survey can do that. Would like to refine the survey with the SC. Thinks they need to run a trial survey. Would like to bring proposal language in March to the commission.

Zeuner: Stated he likes the questions he proposed and the explanations for why those questions are included. Added that Sampson is a survey expert.

Sampson: Agreed with Zeuner. Thinks self-reported can be powerful, but the fear is putting this work in with the possibility that it will not be used.

McKee: Stated that it depends on what the CBO is. Looking at Detroit's CBO model, Ypsi could have a similar type of panel. Implementation of the survey itself would be labor intensive, but he does not think the info would be put on a shelf.

Kovacs: Asked why he did not include ethnicity, race or gender.

McKee: Responded that he wanted to keep the number of questions low, and wanted to be sensitive to those who would be taking the survey. Also, he does not think that knowing such information would change ideas.

Kovacs: Added that such info would help insure that the survey is being represented of the city.

Sampson:

Bayha: Stated that it sounds problematic to her that such demographic info is not required.

Michalowski: Suggested that such questions could be optional, like checkboxes.

Zeuner: Stated that by not gathering racial and ethnic data, the survey is then framed by class/SES alone.

Bayha: Added that is true regarding gender, too.

Zeuner (second McKee) moved to extend the meeting to 9 pm. Unanimous approval. Motion carries.

Drennen: Stated she thinks it is not sustainable to have volunteers to do survey work. Wondered if it could be mandated that developers or the city does surveying as part of the CBO process. Questioned whether the SC and citizens have the capacity to do it.

Michalowski: Proposed requesting funding for a self-addressed envelope survey program.

Sampson: Added that the problem is that we don't know the scale of the survey yet.

Bayha: Asked how many people would need to be surveyed.

McKee: Responded that it depends on the size and type of development. Stated he thinks the SC could commission the survey, but not necessarily do the survey. His proposal will include a request for funding. If future versions of the SC do not have qualified surveyors, they could contract out the surveying and still keep it within the framework created by the SC.

Drennen: Stated that she fears they may inadvertently pick a battle with the Planning Commission. This could be seen as "claiming turf" from the PC.

Michalowski: Added that the SC is really offsetting City Council, not the PC, and Council is so busy that he doesn't think this will be a problem.

Zeuner: Agrees that the SC could hold more of an oversight role than an actual implementation role.

McKee: Agrees with Drennen, but thinks it is important some type of outreach into the community occurs with the sole intent of evaluating sustainability, which is the role of this commission. Stated he would appreciate input from Zeuner and others about the questions in the draft and proposal language. Asked if this should be part of an outreach subcommittee.

Michalowski: Responded that it can stay in its own corner.

VIII. COMMUNICATIONS

A. NOAA Climate Resilience Program update

Michalowski: Stated there are no updates. Added that the youth member has resigned.

B. Report on Bike Share program

Michalowski: Shared that Darwin McClary has shared that the city is moving forward in support of the program

Kovacs: Stated EMU has completed a report and recommended to the president's office an MOU to Spin Bike and not to Lime Bike. Suggested starting with no more than 250 bikes by March 2018. Want to conclude in May 2019, which in that time would include an evaluation of the program. Requested the following: safety trainings be required; the option for bike passes that do not require smartphones; local ads; hiring of local citizens firsts; hiring of local business for bike maintenance. Stated that Bike Ypsi invited him to share about the bike share program at one of their meetings this month.

McKee: Asked what the bike training safety would involve.

Kovacs: Responded it would be online.

Michalowski: Asked if a gift card program would work in lieu of a smartphone. Stated the city does appear to be on board and working with EMU.

Kovacs: Stated EMU is concerned about bike's being out of the right-of-way. Seattle and other cities have made parking changes to make streets more bike-friendly. Also suggested signage for bikers with suggestions for safe routes downtown.

Michalowski: Stated he shared these ideas with the non-motorized subcommittee, and suggested Kovacs talk to them.

Kovacs: Stated he sees downtown and depot town as resources for the EMU to utilize more with this program.

C. Report on Sun Shot challenge grant

Michalowski: Asked if commissioners have had a chance to send their letter to DTE.

Zeuner: Stated he is opposed to this. The PC is reconsidering a rezoning of this neighborhood, but from his research the rezone was done to accommodate this. While he appreciates what Solar Ypsi is doing, he thinks the community should vet whether they want a solar project on a landfill in their area. Thinks citizens need to understand that they will not individually benefit from this project. He is curious how the PC's rezoning of this neighborhood would fit into the Solar Ypsi project. He is not opposed to a solar array on this site, but thinks we need to address the social and historical issues first.

Michalowski: Supported Zeuner's ideas. Asked Zeuner to talk with Bonnie and the PC chair and report back to the commission. Asked if the city has any surveying data of the neighborhood at this point.

Zeuner: Responded that he thinks the city has a handful of survey data.

Sampson: Asked Zeuner to share his research on this neighborhood.

Zeuner: Added that the last time DTE tried to come in, there were all these issues and that is why DTE pulled out. Therefore, we want to make sure that is not repeated.

Kovacs: Stated he is concerned, regarding the letter, about the potential issues of putting solar panels on landfills.

Drennen: Stated that there are companies that specialize specifically in this type of solar panel installation.

Zeuner: Added that this is an especially complicated site, which is why DTE pulled out—because of an over-caution regarding methane. Agrees with Drennen that this type of project has been done successfully elsewhere.

Kovacs: Stated they could invite a person to give a presentation on solar installations.

Zeuner: Added that it would be better to invite someone who specializes on brightfields (solar panels on landfills). Added that it is a contentious issue. The important thing this time around is the process. It's possible that Dave (Solar Ypsi) knows more than us.

Kovacs: Added that Dave has a deadline, so we want to make sure things have been vetted properly.

Zeuner: Stated he thinks this is a question for the Planning Commission.

D. Vacant commission seat update

Michalowski: Stated Leah has not officially submitted a resignation letter, but will do so immediately. The youth member is resigning and needs to send a letter. Currently seeking members and wanting to diversify to be a better representation of the community.

Kovacs: Asked if there is a timeline for this.

Michalowski: Stated he is seeking anyone for the position. Has requested a list of people who have already submitted an application for the position and will vet them.

E. Carbon credit panel report

Zeuner: Stated he is thinking about getting feedback from UM professors (environmental economics) regarding how this will impact local government. Hopes to bring his findings to the next meeting.

Kovacs: Shared that he took away that the Citizens Climate Lobby is trying to push forward a tax and dividend—a tax on carbon, with money generated given to US citizens. Each person would get a full share and every child a half share. There is a mechanism for companies that move overseas and export products to the US. Want to tax it as close as they can to when carbon comes out of the ground. He had a couple of concerns: 1) innovation, and 2) inflation. It is a regressive tax that becomes progressive because people of low-income receive the same amount as high-income homes. Fears that the "increase economic development" that is supposed to happen as a result would increase consumption and production, and thus increase pollution. The sponsors are bi-partisan.

Zeuner: Stated that he has learned cap-and-trade is problematic. Wonders how this could be made international, and how it could impact US-China trade relations. Fears about the social consequences that could result.

McKee: Asked why Kovacs fears about innovation and taxes on companies like Tesla.

Kovacs: Responded that he is not sure where the tax would be applied.

Zeuner: Added that where the tax is applied affects the political landscape too because of whether or not the consumer or producer bears the burden of the tax.

Kovacs: Added that the dividend makes sense, but he felt the panel was short in details.

Drennen: Stated that Ann Arbor City Council just endorsed it.

IX. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

X. PROPOSED BUSINESS

A. YCS Goals for 2018 (next meeting)

McKee: Stated that Arbor Brewing just committed to using aluminum cans only. It may raise our profile and be a way to recognize sustainable business actions if the commission had a way to honor businesses like Arbor Brewing in a public fashion for such sustainable practice.

Sampson: Suggested it could be an annual recognition.

Drennen: Suggested allowing a business to come speak at a commission meeting and then give them a press release.

XI. NEXT MEETING DATE: Monday, March 12, 2018

XII. ADJOURNMENT: 9:25

Kovacs (second McKee) moved to adjourn. Unanimous approval. Motion passes.

Memo

To: City Council

From: Bonnie Wessler, City Planner

Date: November 1, 2017

Subject: Sustainability Commission Recommendations

Background
In early September, the Sustainability Commission adopted a resolution directing the City Council and Planning Commission, when applicable, ensure certain standards are met for all development plans, until such time as a Sustainability Plan is drafted. In early October, staff received direction to review the recommendations and provide further information on each.

Discussion
LEED RATING OF AT LEAST SILVER;

- Background
  LEED (Leadership in Energy and Environmental Design) is a green building rating system developed by the U.S. Green Building Council (USGBC), a 501(c)3 nonprofit. New construction, rehabilitation, neighborhoods, homes, and campuses are all eligible to apply for certification; projects must then be recertified every five years and provide continuing energy and water usage data. Project rating levels are Certified, Silver, Gold, and Platinum; how many points a project earns dictate its ranking. USGBC charges for certification are based on square footage, and start at $9,920 for a new construction commercial single-building project with less than 250,000 square feet and no appeals. LEED is the most recognizable green building ranking system available, but alternatives exist, such as Green Globes, the Living Building Challenge, Energy Star, and Build It Green.

- Climate Action Plan
  The 2012 Climate Action Plan (CAP) recommended the City adopt a Green Globes certification requirement for any development project receiving $10,000 or more in municipal incentives or tax abatements in a single year. This was estimated to reduce emissions by an equivalent of approximately 272 metric tons of carbon dioxide, presuming that 10,000 square feet annually were developed or redeveloped under this standard. This standard was chosen with an eye to the redevelopment projects of a scale and type we typically see in the City- budget-conscious, entrepreneurial, and generally consisting of less than 250,000 square feet.

- Discussion
  Generally, where a city has incorporated certifications in their zoning code, they have been experiencing significant development pressure and done so by incentivizing, not requiring, certification. (Such incentives are discussed later in this memo.) This can be challenging, as

it is potentially a cart-before-the-horse approach; the City would be relying upon the future actions of a third party (the USGBC) to permit a development to go forward. Neither the developer nor the City could compel the USGBC to grant a certain ranking, and such standards change. Although green building certification is a useful public relations tool for the developer, involving a third party in the approval of built projects is challenging; a better path would simply be to review the requirements for certification and, where desired and possible, adopt such standards in the zoning code.

It is also notable that the City may not make modifications to the State Building Code- that is, they may not require as a matter of course that a building have certain elements above and beyond those required in the State Building Code, such as green building elements. Thus, requiring that a building must incorporate certain elements may be legally fraught. It may, however, choose to - it may only enact those requirements as part of a contract, such as when granting an incentive.

- Recommendation
  At this point in time, staff recommends that Council incorporate the original recommendation of the CAP into the Community Benefits Ordinance discussion and that Council recommend to the Sustainability Commission that they work to identify specific incentive-based zoning recommendations as part of the upcoming Sustainability Plan.

<u>SOLAR ENERGY;</u>

- Background
  There are three types of solar energy in the context of development projects: passive solar construction, which aims to capture the heat from the sun to minimize use of HVAC and is most popular for single-family home construction and greenhouses; solar water heating, which uses a thermal collector to heat water and can be used in residential, commercial, or industrial applications; and photovoltaic energy production ("solar panels").

- Climate Action Plan
  "Monitor financing opportunities for solar installation and publicize via Solar Ypsi. The City should monitor grant opportunities for solar hybrid systems on high water-usage public buildings, such as the Rutherford Pool and Fire Department, and remain alert for low-cost ways to support private installations; a PACE [Property Assessed Clean Energy] program would be one such option. A target of 20 kW of new installed capacity within the city annually would build on recent momentum." (p18)

- Discussion
  Zoning permits construction of "passive solar buildings" – essentially defined in the code as hoophouses or greenhouses – as primary uses in the Parks, PMD, or as an accessory use/structure in R1, MD, CN-SF, CN-Mid, CN, HC, NC, GC, and HHS. Solar water heating is permitted in all districts, provided the thermal collectors are attached to a building. Photovoltaic production is permitted as an accessory use in all districts when attached to a building; solar farms are permitted in Parks and in PMD. Photovoltaic panels are also permitted to be attached to pole lights, such as those found in parking lots, in all districts. These regulations were put in place following extensive feedback from the community during the 2013 Shape Ypsi master plan process and the 2014 zoning code update process. Building permits must be pulled prior to installation to ensure safe installation of both any electrical or plumbing components as well as supporting structural members; in the Historic District, such installations must also be reviewed to ensure compatibility with the historic fabric of the community.

The Ypsilanti Fire Department installed a 50kW photovoltaic array in 2017. The Rutherford Pool is currently operated by a 501(c)3 nonprofit, Friends of the Rutherford Pool, who will be exploring options to renovate the existing bath-house in the near future. The City has had PACE financing available through the Southeast Michigan Regional Energy Office since at least 2014, but to date no development has expressed interest. In 2013, the City adopted a resolution supporting a goal of 5MW in photovoltaic production locally by 2020, on average, this is 700kW per year, well in excess of the CAP goal.

The City is on track to meet and exceed the CAP goals regarding photovoltaic production and permits other types of solar energy capture in alignment with the goals of the CAP. The City does not publicize grant or financing opportunities, however, as it does not currently have the capacity to do so. Solar Ypsi remains the primary local resource to connect interested parties with funding opportunities.

- Recommendation
  Staff recommends that the Council recommend to the Sustainability Commission that they work to define specific goals regarding alternative energy production locally as part of the Sustainability Plan.

WASTE STREAM REDUCTION AND/OR DIVERSION, INCLUDING RECYCLING;

- Background
  We assume, for the purposes of this memo, that the Sustainability Commission is referencing only solid waste, not wastewater, although the CAP addresses both. Waste stream reduction can be accomplished through the production of less waste, while waste stream diversion refers generally to recycling and composting, opposed to landfilling. Reduction is generally programmatic, not something that can be predicted or regulated as part of the development or redevelopment of a site, and can be difficult to monitor over time, requiring an ongoing system of incentives and disincentives. Diversion can be enabled through provision of programs, and encouraged through an ongoing system of incentives and disincentives. Zoning does not specify how to handle solid waste, but does specify how outdoor waste receptacles, such as dumpsters, trash bins, or recycling containers, must be stored and screened.

- Climate Action Plan
  - **Work with neighborhood associations and Eastern Michigan University to hold a recycling competition, based either on improvements over past performance or on town vs. gown recycling rates.** The challenge for Ypsilanti residents should be to collaborate with or out-compete neighbors, but also on an individual level, to achieve the national average rate of recycling: 34.1%. The City should consider using a neighborhood competition as a pilot—perhaps working only with a few neighborhoods to begin with or seeking to later expand to include local businesses, as well. (p32)
  - **Partner with EMU, local schools, and the DDA to create an artistic trash bin design contest, incorporating local sponsorships and educational efforts.** Test the program first on EMU's campus while exploring options to expand downtown recycling, then move outwards into city itself. Additional savings could be generated by investing in an outdoor recycling service in the city's parks and downtown areas. (p33)
  - **Partner with Growing Hope and local businesses that are high generators of food waste to implement a pilot program for a municipal kitchen compost system using the drop-off site method.** Solid waste, alternative energy or similarly targeted grants should be explored to fund installation of a biodigester at any selected pilot site. (p35)

- Discussion

Currently, commercial trash, recycling, and waste oil or compost pickup are done via private contract between the producers and the waste handlers.
For residential properties, the City provides weekly single-stream recycling pickup year-round, and weekly yard waste (non-food compost) pickup during spring, summer, and fall, primarily to single-family residences. The City contracts with Republic for weekly rubbish pickup, and allows Simple Recycling to do curbside pickup of specialty recyclables.
A dropoff station for specialty recyclables currently open three days a week in Depot Town.
No incentives or disincentives are in place. Washtenaw County administers "Waste Knot," a program for local businesses to help them reduce or divert their waste. This program is purely voluntary and no cost.

- Recommendation
  At this time, no progress has been made towards these goals of the CAP. Staff recommends that the Council recommend to the Sustainability Commission that they evaluate the barriers to completion for these goals and consider alternative goals as part of the Sustainability Plan. Note that City Council has governing authority over residential waste streams, and would have to enact new policy and updates through scavenger contracts.

<u>LED LIGHTING IN ALL PUBLIC SPACES;</u>

- Background
  LED is a popular lighting type that draws relatively little power compared to other technologies. The City recently converted its streetlights to LED fixtures, as well as the lights in City buildings. It is unclear, however, what the Sustainability Commission intends by "public spaces," and if the intent includes lighting previously unlit areas.

- Climate Action Plan
  - **Upgrade lighting in city buildings as soon as possible. Advertise the availability of low and no cost energy audit services to help building owners prioritize the energy work they would like to do in their buildings. Partner with relevant organizations to help market available services.** (p16)
  - **Upgrade as many street lights as possible with the city's revolving loan fund, working with the DDA, EMU and Regional Energy Office to achieve the best price through bulk upgrades and to identify any grants or other funding opportunities.** This should be undertaken as soon as possible, so that savings from initial upgrades can pay for additional lights in future years. The DDA and Public Services Department should also review existing light levels during this process—in some locations, additional energy and cost savings may be achieved through removal of unneeded fixtures. (p28)

- Discussion
  The zoning code does not address the power consumption of outdoor lighting, however, it does regulate outdoor light placement, brightness, glare, and pollution. Outdoor lighting within the Historic District is reviewed for appropriateness. Indoor lighting is regulated under the State Building Code. Staff is not presently aware of communities that mandate LED light fixtures, either indoor or outdoor.

- Recommendation
  Staff recommends that the Council recommend to the Sustainability Commission that they work to define the scope and intent of this item and evaluate the progress made by the City since the CAP adoption as part of the Sustainability Plan.

ENERGY STAR-RATED APPLIANCES;

- Background
  It is unclear when, where, and how the Sustainability Commission is proposing these be required. Currently the City does not have a mechanism to require or incentivize certain types of appliances be used. Mechanical & plumbing-related installations are governed by State Building Code or, in specific circumstances, County Public Health. Staff is not currently aware of a mechanism by which Energy Star appliances could be required.

- Climate Action Plan
  The CAP does not mention Energy Star appliances in its recommendations.

- Recommendation
  Staff recommends that the Council recommend to the Sustainability Commission that they work to define the scope and intent of this item and evaluate the progress made by the City since the CAP adoption as part of the Sustainability Plan.

BIKE-FRIENDLY ROADS;

- Background
  Bike-friendly roads mean different things to different people, and in different contexts. On some roads, bike friendliness includes painted and protected bike lanes; on others, no particular infrastructure improvements would be required. Generally, bike friendliness can include signage, striping, bike lanes, protected bike lanes, separated bike lanes, speed of vehicle traffic, traffic light timing, traffic light sensors, street lighting, volume of vehicle traffic, presence or absence of other bicyclists, and more. Bike-friendliness also depends a great deal on the assumed skill level of the bicyclist. The City has adopted a Complete Streets ordinance that applies to newly constructed streets or reconstructed streets; this ordinances mandates that bicyclists be considered as part of the design process.

- Climate Action Plan
  - **Continue development of bicycle and pedestrian network in coordination with Townships, WCRC, and Border to Border (B2B) trail development.** Considering existing, predominantly east/west commuting patterns, roads like Forest Avenue, East Cross and West Cross/Packard may hold the most benefit in terms of converting traffic from motor vehicle miles to bicycle miles. (p 38)
  - **Engage community partners in an effort to understand residents' travel needs and develop a marketing plan to meet those needs.** Provide bicycle maps, designated routes, and other wayfinding mechanisms to make the transition to bike commuting easy and convenient. Special attention should be paid to the connections between EMU's campus and Ypsilanti's downtown and Depot Town areas, encouraging students to explore the surrounding city. The existing Non-Motorized Advisory Committee should lead this effort within the city. (p 41)
  - **Partner with Eastern Michigan University to create a bike-sharing program and to expand the carsharing network both on-campus and downtown.** The programs can originate at the university, targeting students as the primary users with the source of information available online and at new student orientation. University faculty and employees, and downtown employees, should be targeted with information on bike- and car-sharing options as a support for car-free commutes; landlords and neighborhood

associations can provide residents with information on car-sharing as a cost-saving alternative to a second household car. (p 43)

- Discussion
  In 2011, the City adopted the Complete Streets Ordinance, which requires any street undergoing a certain level of construction be reviewed by the Planning Commission and staff to ensure the road will be able to serve all modes, taking into such considerations as grades, legal obligations, street trees, and other issues. Due to a limited budget, few roads are reconstructed to that level, however, recent successes include West Cross from Washtenaw to Elbridge. The success of Complete Streets has also led to street rehabilitation projects that do not trigger the extensive review incorporating features such as curb bump-outs, which improve pedestrian visibility and help to prevent excessive speeds.

- Recommendation
  As the Non-Motorized Committee (a subcommittee of the Planning Commission) is currently working on revising and updating the Non-Motorized Transportation Plan, staff recommends that the Council recommend to the Sustainability Commission that they relay their input to that committee, and coordinate the recommendations of the Sustainability Plan with those of the Non-motorized Transportation Plan to ensure that they are complementary, not conflicting or duplicative.

<u>ACCESS TO PUBLIC TRANSPORTATION FOR HOUSING DEVELOPMENTS;</u>

- Background
  Staff assumes that this means that stops and routes be placed conveniently to areas of denser housing development. The Ride (AAATA) serves the Ypsilanti area with public transportation, and is a separate entity from the City.

- Climate Action Plan
  The CAP speaks of public transportation, access to it, and ways to improve access, but quite a bit more broadly. See pages 39-42 for more information.

- Discussion
  As part of any housing development or redevelopment process that involves a site plan or special use application, staff works to ensure that the developers and AAATA communicate, and that the needs of each and the future residents are addressed.

- Recommendation
  Staff believes that current practice satisfies this goal to the best of the City's legal ability and recommends that the current practice be continued.

<u>BIO-SWALES OR RAIN GARDENS UPSTREAM OF STORM WATER DRAINS AND WETLANDS;</u>

- Background
  Staff assumes the intent of the recommendation is to provide for detention of stormwater and removal of sediment as well as some pollutants from stormwater, thus improving area water quality.

- Climate Action Plan
  The CAP does not address stormwater.

- Discussion

The City has adopted the Design Standards of the Washtenaw County Water Resources Commissioner, which are available here: http://www.ewashtenaw.org/government/drain_commissioner/dc_webPermits_DesignStandards/dc_Rules/frontpage. The City is responsible for review of stormwater management designs under the WCWRC rules. These standards provide for stormwater detention, and require stormwater be handled according to best management practices, which may include rain gardens, vegetated swales, detention ponds, or engineered storage solutions, based on the needs of the applicant and the unique properties of the site. Not all sites or projects will be able to accommodate a surface solution, such as a raingarden or swale; some will require engineered solutions.

- Recommendation
  Staff believes that the City's current practice meets and exceeds the desires of the Sustainability Commission, and recommends a continuation of current practice.

PROPERTY TAX RELIEF AND RENT PROTECTION FOR LOW INCOME AND RETIREMENT-AGE RESIDENTS;

Please see the previous memorandum from the City Attorney regarding property tax relief and rent controls.

-

AND INCENTIVES IN ZONING (EXPEDITED REVIEW, DENSITY BONUS, TAX REDUCTION, ETC.) FOR COMMUNITY BENEFITS (E.G., OPEN SPACE CONSERVATION, AFFORDABLE HOUSING, SUSTAINABILE [sic] DEVELOPMENT BEYOND THESE MINIMUM REQUIREMENTS).

- Background
  Staff assumes the intent of the recommendation is to provide for public benefit on particularly large, impactful, or complex projects.

- Discussion and recommendations on individual elements
  The City cannot further expedite review of projects. Currently City review is constrained only by the timing of legally required meetings and the applicant's ability to submit complete plans and turn around revisions requested by Planning Commission or staff. This review time is considered one of the shorter review times in the state, per conversations with Michigan Department of Economic Development staff, discussed as part of the Redevelopment Ready Community certification process.
  Staff does not recommend a change to current practice.

  Provision of a "density bonus" is commonly used in larger cities. In Ypsilanti, zoning standards already permit, either by right or with a special use permit, the densest residential and commercial development the community expressed a desire for during the 2013 master plan development and 2014 zoning code development. To engineer a "density bonus" we would either be lowering densities below what the community has already established, or pushing the maximum higher than what the community has expressed a desire for.
  Staff does not recommend a change to current practice.

  Provision of a "tax reduction" is only available as part of incentive packages that the City already offers, such as PILOT, brownfield, OPRA, NEZ, etc.
  Staff recommends that this be part of the Community Benefits Ordinance discussion.

- Discussion on overall concept

The City does already have a tool similar to that proposed for certain types of projects. Planned Unit Development (PUD) projects generally are used in larger or more complex projects, and allow for certain exceptions from the zoning code to secure a public benefit. These PUDs are reviewed by Planning Commission and ultimately approved by Council. More information is in Chapter 122, Article VII, Division 1 (sections 122-700 through 709), available at cityofypsilanti.com/zoning.

Note that the City is considered a Redevelopment Ready Community by the MEDC. This voluntary designation generally indicates that the City's development and redevelopment processes are clear, quick, and consistent; the designation also enables the City to apply for certain MEDC funding. To maintain that status and eligibility for funding, clarity, speed, and consistency must all be taken into account if or when zoning incentives are designed.

Conclusion

The recommendations of the Sustainability Commission are generally aligned with the intent and purpose of the Master Plan (Shape Ypsi), the Climate Action Plan, the Non-Motorized Transportation Plan, and other plans adopted by the City. However, the specific recommendations as presented conflict with the specific recommendations of these plans, lack public input, and do not reflect an understanding of the existing development processes and regulations. Staff recommends that the Sustainability Commission seek out more information about the existing development processes and controls within the City, and about best practices regarding plan creation, including public comment, and work with staff to develop future recommendations.

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No.

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

1. THE CITY OF YPSILANTI HEREBY ORDAINS that Chapter 30 "Community Development" of its Code of Ordinances be amended to add a new Article VII to read as follows:

ARTICLE VII – COMMUNITY BENEFITS

DIVISION 1. – GENERALLY

Sec. 30-500. – Purpose

(a) It shall be the policy of the City of Ypsilanti to require, wherever feasible, proportional community benefits as a condition of significant public support for development in the form of subsidies, tax abatements, below-market priced land, or other enhanced public resources.

(b) This Article shall be known as the "City of Ypsilanti Community Benefits Ordinance."

Sec. 30-501. – Definitions

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

Community Benefits mean the amenities, benefits, commitments, or promises to the City of Ypsilanti by a developer, as discussed further in Section 30-513 of this Article.

Community Benefits Agreement means a voluntary contract negotiated and agreed to by the City of Ypsilanti and a developer to provide community benefits in return for the receipt of a public support.

Developer means any person, firm, partnership, limited liability company, corporation, joint venture, proprietorship, or other entity that is the purchaser in the sale of City-owned land, the recipient of a financial incentive, or any combination thereof, including sub-contractors.

Financial Incentive means cash or near-cash assistance provided on the discretionary basis of the City of Ypsilanti to attract or retain a project, development, or redevelopment. These benefits principally encompass tax and economic incentives provided by federal, state, or local governmental bodies, as discussed further in Section 30-512 of this Article.

Public Support means a financial incentive of $10,000 or more, the sale of City-owned land for a price of at least $10,000 below market value.

Quadruple Bottom Line Philosophy means the effect a proposed project, development, or redevelopment may have on the well-being of the community in terms of cultural vitality, social equity, economic prosperity, and environmental sustainability. This includes the public support and community benefits agreed to as part of the project, development, or redevelopment.

Sale of City-Owned Land means the conveyance of title of real property from the City to a purchaser. The conveyance of City rights-of-way, conveyances under the Property Disposition Policy, and the conveyance of properties less than one-quarter (1/4) of an acre in size are not included in this definition.

Secs. 30-502 – 30-510. - Reserved.

DIVISION 2. – Community Benefits Agreement Required

Sec. 30-511. A community benefits agreement is required between the City of Ypsilanti and a developer prior to Ypsilanti City Council's final approval of public support. City Council may grant preliminary approval of public support subject to the execution of a community benefits agreement.

Sec. 30-512. The following minimum standards shall be required of any community benefits agreement:

(a) Legally enforceable and the result of the procedure specified under Division 3 of this Article.
(b) The community benefits provided reflect the scale of and be in proportion to the public support approved.
(c) Identify specific methods with regard to monitoring and compliance with the provisions of the community benefits agreement.
(d) Provide for enforcement terms and specific remedies upon the breach or non-compliance of a party. Such remedies may include, without limitation, specific performance, liquidated damages, claw backs, or revocation or withdrawal of public support.
(e) Where possible, provide a means to measure, value, and assess the factors discussed in Section 30-513 of this Division.

Sec. 30-513. Guided by a quadruple bottom line philosophy, the following factors should be considered in the consideration, deliberation, and approval of a community benefits agreement:

(a) The potential value a proposed project, development, or redevelopment brings to the community.
(b) The potential impact a proposed project, development, or redevelopment will have on the community.
(c) The profitability of a proposed project, development, or redevelopment.
(d) The Redevelopment Ready Communities Best Practices as adopted by the Michigan Economic Development Corporation.

Sec. 30-512. The following is non-exhaustive list of potential programs in which financial incentives may derive:

Brownfield Redevelopment Financing Act 381 of 1996 (MCL 125.2651 et seq)

Commercial Redevelopment Act 255 of 1978 (MCL 207.651)

Commercial Rehabilitation Act 210 of 2005 (MCL 207.841 et seq)

Corridor Improvement Authority Act 280 of 1995 (MCL 125.2871 et seq)

Historical Neighborhood Tax Increment Finance Authority Act 530 of 2004 (MCL 125.2841 et seq)

Local Development Financing Act 281 of 1986 (MCL 125.2151 et seq)

Obsolete Property Rehabilitation Act 146 of 2000 (MCL 125.2781 et seq)

Plant Rehabilitation and Industrial Development Districts Act 198 of 1974 (MCL 207.551 et seq)

Principal Shopping Districts and Business Improvement Districts Act 120 of 1961 (MCL 125.981 et seq)

Sec. 30-513. The following is non-exhaustive list of potential community benefits that could be included in a community benefits agreement:

Targeted outreach to local small businesses, minority-owned business enterprises, women-owned business enterprises, and other relevant business organizations and chambers.

Inclusion of local small businesses, minority-owned business enterprises, women-owned business enterprises, and other relevant business organizations in pre-bid meetings and conferences with advance notice.

Meet with and provide training, development, and preparation for potential contractual and hiring opportunities for local small businesses, minority-owned business enterprises, women-owned business enterprises, and other relevant business organizations and chambers.

Unbundling of construction work into bid sizes that will allow local small businesses level competition, without restricting the project timelines. Assistance with access to bonding, lending, insurance, access to capital, procurement, and other types of capacity-related assistance where necessary and when available.

Providing or supporting employment and career mentoring opportunities for local residents and youth.

Providing or supporting educational activities that provide or enhance employment opportunities for local residence and youth through the Ypsilanti Community Schools, Washtenaw Community College, or other educational programs.

Providing, either on-site or off-site, additional recreational activities, parks, environmental amenities, public service enhancements, or public infrastructure improvements for the City of Ypsilanti and its residents.

Creation of financial support of, either on-site or off-site, mixed or low-income housing units.

Incorporation of green or sustainable energy elements into development or the promotion of such investments throughout the City of Ypsilanti.

Providing direct funding, to the City of Ypsilanti or other relevant stakeholder, for the purpose of these or any other community benefit.

Secs. 30-513 – 30-520. - Reserved.

DIVISION 3. – Procedure

Sec. 30-521. Within 15 days of the requirement of a community benefits agreement, City Council shall establish an ad-hoc committee consisting of one member of City Council representing the ward where the proposed project, development, or redevelopment will be located; a representative of the Sustainability Commission; a representative of the Planning Commission; a representative of the Housing Commission; and up to three residents of the City of Ypsilanti. City Council shall select a councilmember among themselves to serve on the committee. Likewise, each commission shall select a commissioner among the respective commission to serve on the committee. The mayor, subject to the approval of City Council, shall appoint the remaining three members of the committee. In making such appointments, the Mayor and City Council should be guided by the relevant community interests with regard to the specific aspects of the proposed project, development, or redevelopment. Such interests could include, but are not limited to the geographic location of the proposed project, development, or redevelopment as well as relevant socio-economic factors. This committee is subject to the Open Meetings Act and its records subject to the Freedom of Information Act.

Sec. 30-522. Once established, the City Manager shall designate a staff liaison to the committee described in Section 30-521 of this Division. Additionally, the City Attorney's office should be available to advise and assist the committee.

Sec. 30-523. After the committee described in Section 30-521 of this Division is established, it shall meet at least twice within 30 days. Within these 30 days, the committee shall provide a recommended community benefits agreement for consideration by City Council. The developer may produce and deliver a response for consideration by City Council within 15 days of the issuance of the recommendation. Upon the request of the committee or the developer, respectively, City Council may grant an extension to the deadlines described herein. The City Manager, in his or her sole discretion, may direct employees and departments of the City to review and report to the committee concerning specific aspects of a proposed community development agreement. Likewise, the City Manager, in his or her sole discretion, may direct employees and departments of the City to review a recommended community development agreement issued by the committee and report to City Council.

Sec. 30-524. Notice of at least seven days in advance of all meetings of the committee described in Section 30-521 of this Division shall be published according to Section 11.13 of the City Charter. In addition, such notice shall be sent by mail or personal delivery to developer; to all persons to whom real property is assessed within 300 feet of the property boundary of where the proposed project, development, or redevelopment is located; and to the occupants of all structures within 300 feet. If the name of an occupant is not known, the term "occupant" may be used in making notification. Such notice shall include the following:

(a) Description of the nature of the meeting.
(b) A legal description or address of the property which the project, development, or redevelopment is located.
(c) Statement of when and where the meeting will be held.
(d) Statement of when and where comments will be received.

Secs. 30-525 – 30-540. - Reserved.

DIVISION 4. – Miscellaneous Provisions

Sec. 30-541. Upon the request of a developer, City Council may adopt a resolution exempting the developer from the requirement of entering into a community benefits agreement by demonstrating that the development and execution of a community benefits agreement is infeasible or impractical. To request such an exemption, the developer shall:

(a) Provide City Council, in writing, the basis of its request.
(b) State, with particularity, the good-faith efforts the developer has made to engage in the process of developing and executing a community benefits agreement.
(c) Document how it will otherwise seek to implement the purpose of this Article.

Sec. 30-542. If a community benefits agreement provides for direct funding, either to the City of Ypsilanti or another relevant stakeholder, the community benefits agreement recommended or approved shall provide for the limitations of limitations of spending such funding and the methods for monitoring, reporting, and approving its use. If a community benefits agreement provides for direct funding to an entity other than the City of Ypsilanti, the community benefits agreement recommended or approved shall particularly identify such entity. Additionally, such an entity should be engaged in the process of developing a recommended or approved community benefits agreement and possibly execute the community benefits agreement as a third-party beneficiary.

Sec. 30-543. The provisions of this Article are prescriptive in nature, and are set forth as required conditions to request, provision, and receive public support for a proposed project, development, or redevelopment. Material failure to comply with the provisions of this Article may result in denial, suspension, termination, revocation, or withdrawal of public support, but shall not be subject to the penalties, sanctions, or remedies set forth in Section 1-15 of this Code of Ordinances. Except when obtained through substantial and material misrepresentation or fraud, the resolution of City Council approving the public support for a proposed project, development, or redevelopment shall be evidence of compliance with the provisions of this Article. Thereafter, remedies shall be limited to enforcement of the community benefits agreement.

Secs. 30-543 – 30-575. - Reserved.

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

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

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

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

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

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

____
Frances McMullan, City Clerk

Attest

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

____
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

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

____
Frances McMullan, City Clerk

Notice Published: _____________________________

First Reading: ________________________________

Second Reading: ______________________________

Published: ___________________________________

Effective Date: _______________________________

RESOLUTION NO. 18-______________

, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Chapter 30 'Community Development' of the Ypsilanti City Code to add a new Article VII, entitled 'Community Benefits.'" be approved on first reading.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Basic Framework for a Community Benefits Ordinance

A Community Benefits Ordinance must include many important details around issues of how much support must a developer seek from the city to trigger the Community Benefits Process, who represents the community in negotiating with a developer, what must the developer and community discuss, and how is a Community Benefits Agreement enforced. The below elements provide a starting framework for developing the details of a Community Benefits Ordinance – one that allows authentic community input and voice in the development process. These elements set the basic character for an ordinance. They were developed out of many conversations include three open town hall meetings facilitated by REDY (Rising for Economic Democracy in Ypsilanti.

Community Representation

Informing the community of a development that triggers the Community Benefits process and selecting a representative team to negotiate with the developer is a complex subject with many important and necessary details. Below is a starting framework for community representation.

1. **Meetings of the community form the basis for negotiation** – the CBO representation process will begin with one or more open meetings held in the community for residents to learn about the proposed development, set general priorities and goals, and select representatives for a negotiating team. As the negotiating team talks with the developer any proposed agreements will be taken back to the larger community meeting for input.

   Key ordinance details must include:
   - How the community meetings are publicized
   - Requirements for a quorum
   - Basic methods and facilitation for how community meetings are run
   - Time tables

2. **The Majority of the Negotiating Teams is Elected Out of the Community Meeting Process** – the team could include appointed members and non-voting members who contribute technical expertise. However, the majority of voting members should be chosen out of the community meetings.

3. **The Negotiating Team must reflect the diversity of Ypsilanti** – The elected positions on the negotiating team should include a balance between residents from each ward and residents who live near the specific development. The nomination process, election, and any appointed membership should be used to ensure that the negotiating team best reflect Ypsilanti's diversity by race, class, and age and that vulnerable populations are represented.

Mandatory Subjects for Discussion

Negotiations between the developer and the community negotiating team must discuss the following topics. They may discuss other issue by mutual agreement. If both sides feel that a particular subject is not relevant to the proposed development they can agree to put that particular subject aside.

- **Local hiring** -including workers living within the city and the county.

- **Prevailing and Living Wages** – Prevailing wage levels are determined by government measurements of the dominant wage scales paid for various construction trades in a region. Agreeing to pay prevailing wages ensures that a developer's contractors follow the wage scales prevailing in our region rather than using low-wage contractors who often bring in workers from other states. Ypsilanti has a Living Wage Ordinance that requires companies which receive contracts or financial support from city government to pay workers above the Federal Poverty Guidelines for a family of four.
- **Environmental mitigations and environmental impact study**.
- **Assessment of the development's impact on public services**
- **Neighborhood amenities and infrastructure** – may include developer contributions to a community development fund.
- **Affordable housing**
- **Access to public transit**
- **Community representation and input** during and after the development process.

For more information on REDY visit https://www.facebook.com/REDYpsi/

Summary Written by David Reynolds, blackwellreynolds@gmail.com

WHEREAS the City of Ypsilanti intends to adopt a Community Benefits Ordinance;

WHEREAS residents of the City of Ypsilanti have felt their voices have not been heard regarding development within the city;

WHEREAS the Ypsilanti City Council has released draft Community Benefits Ordinance language that does not include requirements for gathering data about community wants and needs directly from the community;

WHEREAS a Community Benefits Agreement should be deeply informed by the wants and needs of the community that will be affected by a potential development; and

WHEREAS The Ypsilanti Sustainability Commission is the appropriate body to advocate for cultural vitality, social equity, economic prosperity, and environmental sustainability within the City of Ypsilanti; now, therefore, be it

RESOLVED, that the Ypsilanti Sustainability Commission urges City Council to include language in the CBO:

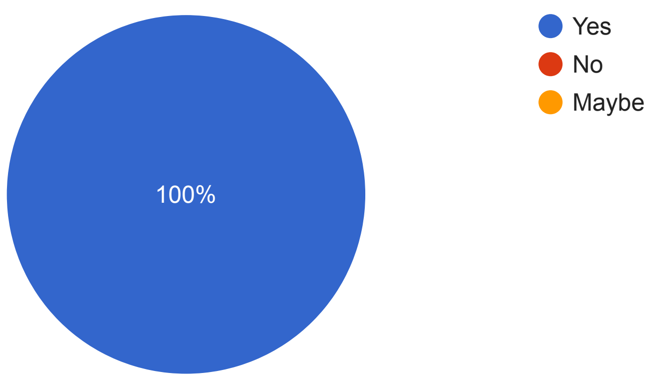
1. requiring direct citizen input regarding developments that meet the public support threshold identified in the CBO;
2. funding the execution of such a requirement;
3. placing the responsibility for the execution of such a requirement with the Ypsilanti Sustainability Commission; and
4. requiring the data collected to be analyzed and presented to the proposed ad-hoc committee, the potential developers, and City Council, in order to facilitate a Community Benefits Agreement that truly reflects the wants and needs of the Citizens of Ypsilanti.

2018 WCC Earth Day

2 responses

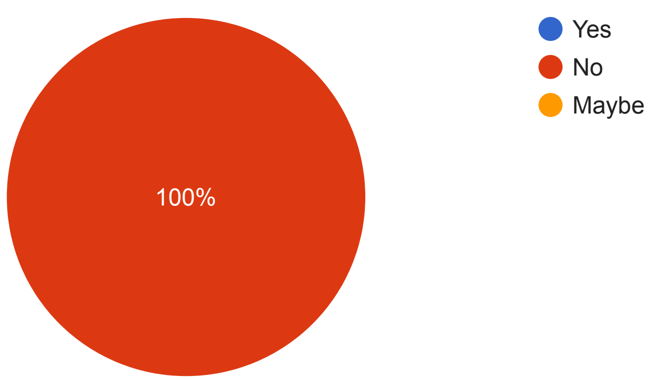
Are you interested in participating in the WCC Earth Day event?

2 responses



Are you available to participate in the event?

2 responses



DTE Solar Array questions

Dave Strenski to me, Dave

Feb 13

Keith,

All good questions.

Rain runoff

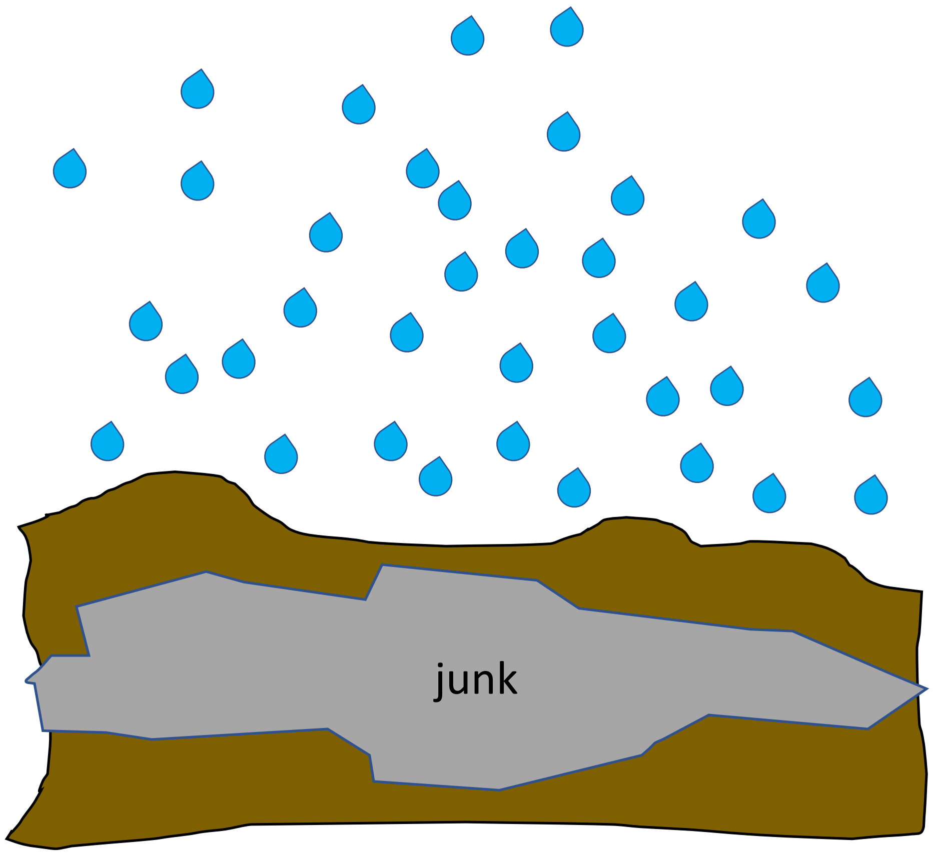
The rain runoff will be no differnet than today. The solar panels will either be mounted on concrete blocks or short posts on the landfill. Any rain hitting the panels will run off on to the ground. If anything the panels will direct the water away from the home since they face South.

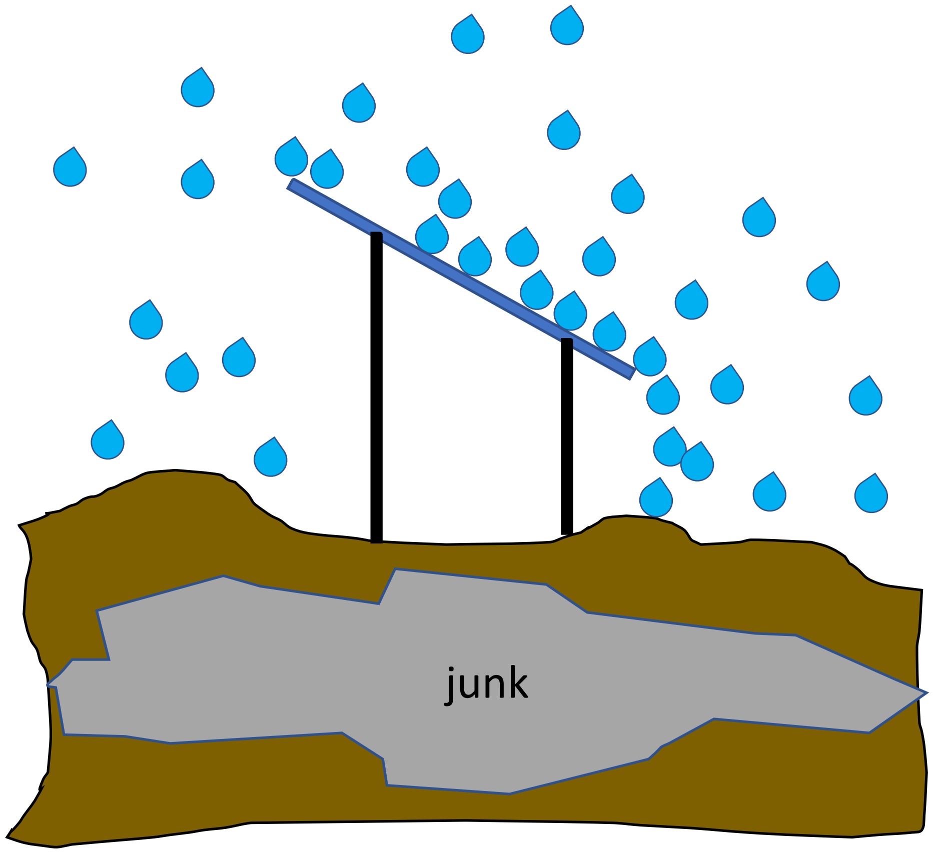
Neighbors

I have not talked to anyone in the neighborhood, but would think the arayy would be a benifit. There would still be a "green" buffer zone between the homes and the array, so they should not be able to see the backs of the array. Also, the flat panels should help direct sound from the highway up and away from the homes.

Strenski

> From: "Keith Michalowski" <kmichalowski@gmail.com>
> Date: Feb 12, 2018 10:49 PM
> Subject: DTE Solar Array questions
> To: "Dave Strenski" <Dave@strenski.com>
>
> Hi Dave,I had invited the sustainability commission members to mail
…


junk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Bell-Kramer and Proposed Solar Field at City Dump

Pete Murdock to Brett, Emily, Julia, me, Leah, Nancy, Natalie, Thomas, Thomas — Feb 17

Hi All –

I noted there was some discussion of the Bell-Kramer area and the proposed Solar Field on the old City dump at the last sustainability meeting .
The planning commission on Wednesday will considering some changes to the zoning of that area that remedy the concerns expressed by property owners and will allow the residential uses to be able to stay and be rebuilt with well restrictions. The landfill and a few City owned lots are proposed to be rezoned to Park to provide a buffer between the residences and commercial areas. Park zoning does not result in any actual park developed and maintained by the City. Park zoning does not allow for any development but does allow for solar fields as was done with Highland Cemetery.

Here are links to the relevant Planning Commission documents.

http://cityofypsilanti.com/AgendaCenter/ViewFile/Item/1369?fileID=2578

http://cityofypsilanti.com/AgendaCenter/ViewFile/Item/1369?fileID=2579

http://cityofypsilanti.com/AgendaCenter/ViewFile/Item/1369?fileID=2580
…

City of Ypsilanti

Community & Economic Development Department

February 16, 2018

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

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

GENERAL INFORMATION

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

PROJECT AND SITE DESCRIPTION

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

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

Figure 1: Subject Site Location & Current Zoning

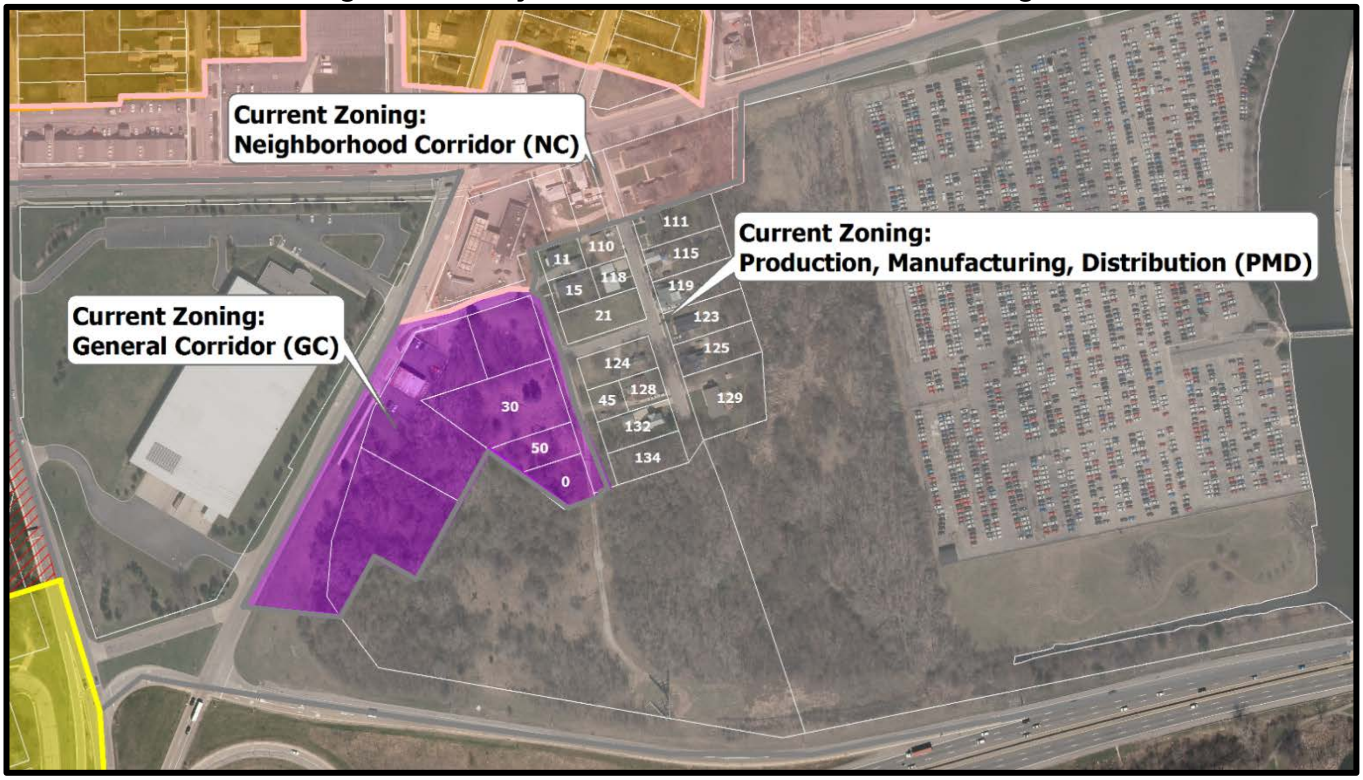
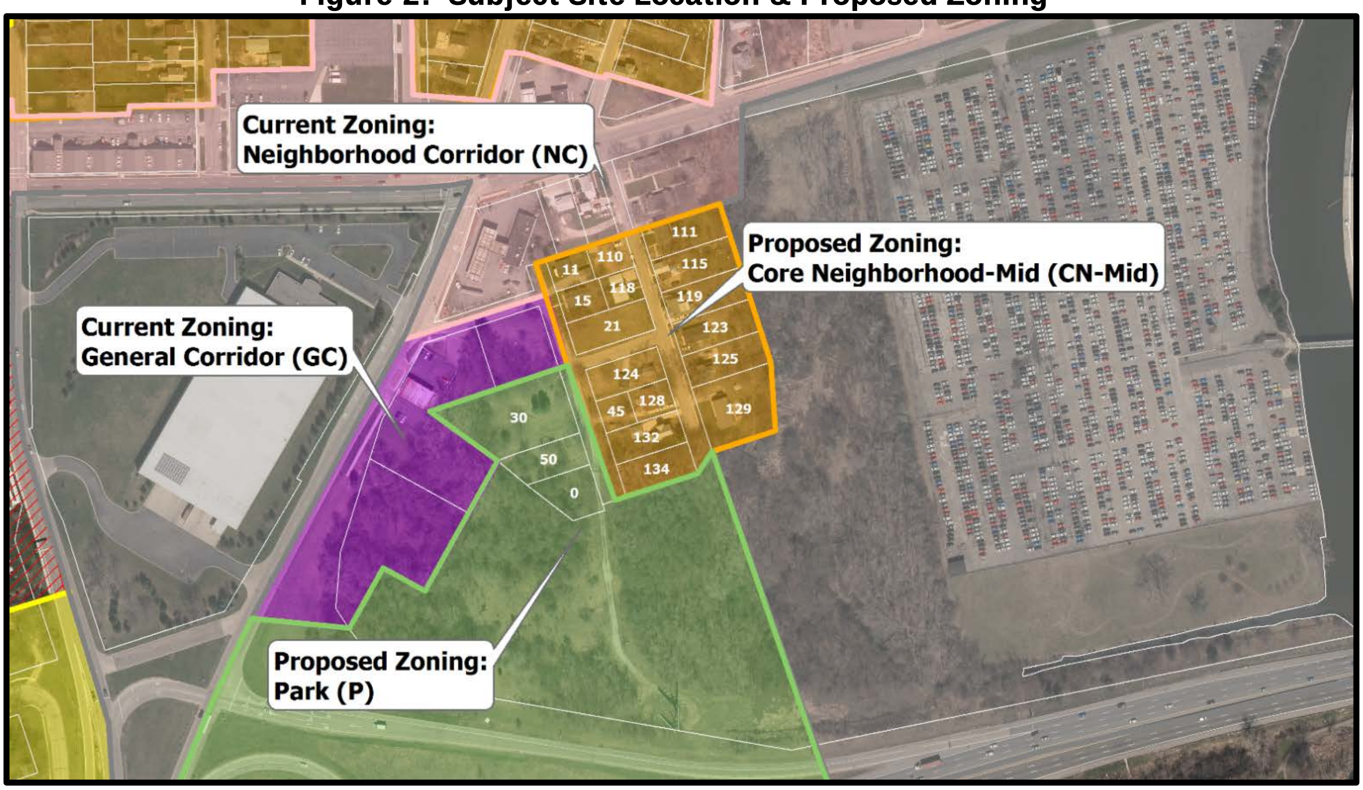


Figure 2: Subject Site Location & Proposed Zoning

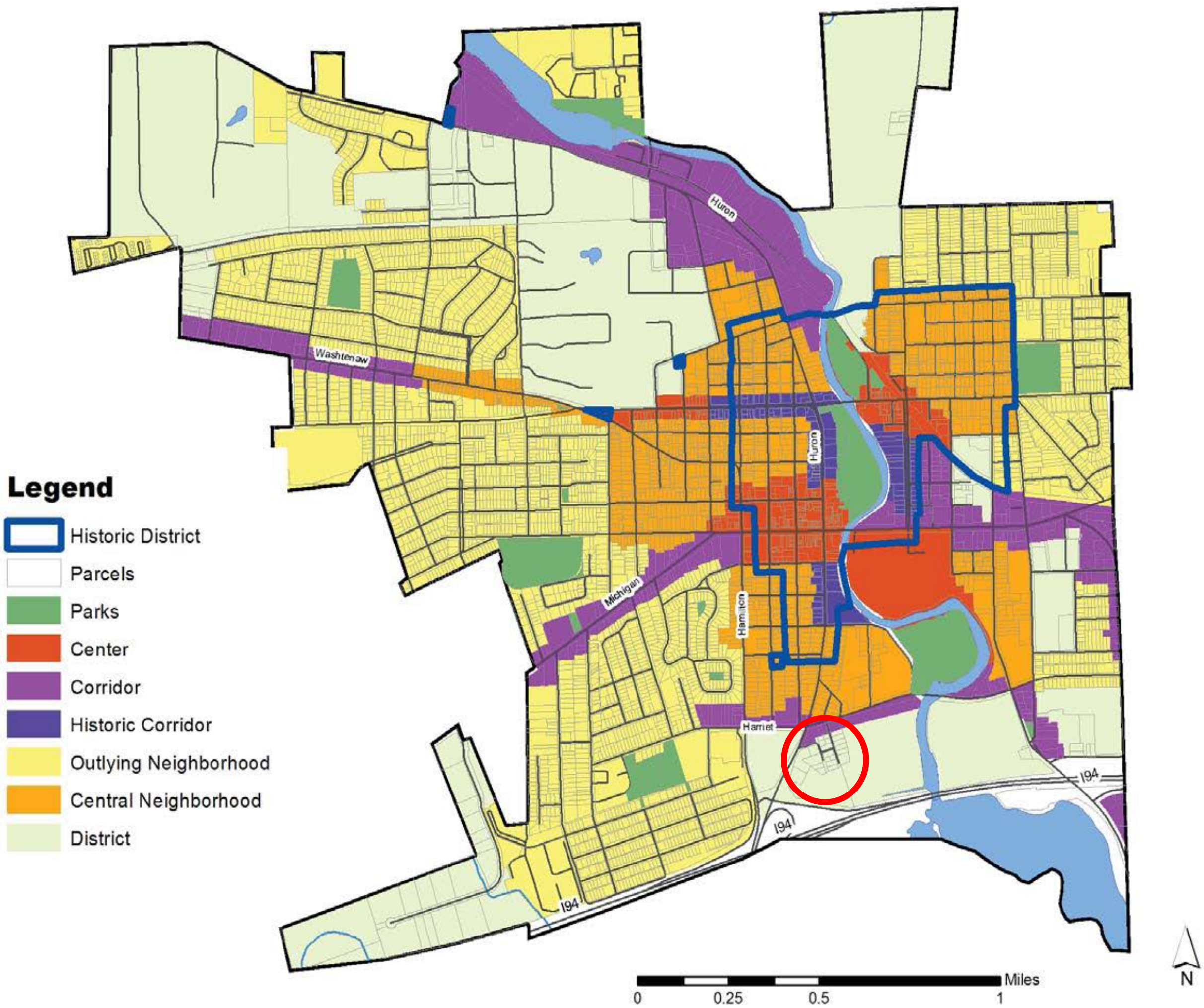


MASTER PLAN

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

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

Figure 3: Future Land Use Designations



REZONING IMPLICATIONS

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

REZONING CONSIDERATIONS 122-362(b)

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

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

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

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

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

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

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

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

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

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

The capacity is sufficient.

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

It will not be detrimental.

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

Staff does not believe a negative impact would result.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
The rezoning does not disturb the expansion or growth of nearby businesses, nor does it prevent any anticipated developments.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.
The property was zoned in accordance with the knowledge the City held at the time; as the City has gained more knowledge, the City believes this rezoning to be appropriate.

(10)Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.
The rezoning is consistent with the City's desire to preserve the existing residential neighborhood.

STAFF RECOMMENDATION

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

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

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

Applicant

City of Ypsilanti

Community & Economic Development Department

16 February 2018

Staff Review of Rezoning Application
Bell-Kramer Neighborhood- Parks

GENERAL INFORMATION

Applicant: City of Ypsilanti

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

PROJECT AND SITE DESCRIPTION

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

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

Figure 1: Subject Site Location & Current Zoning

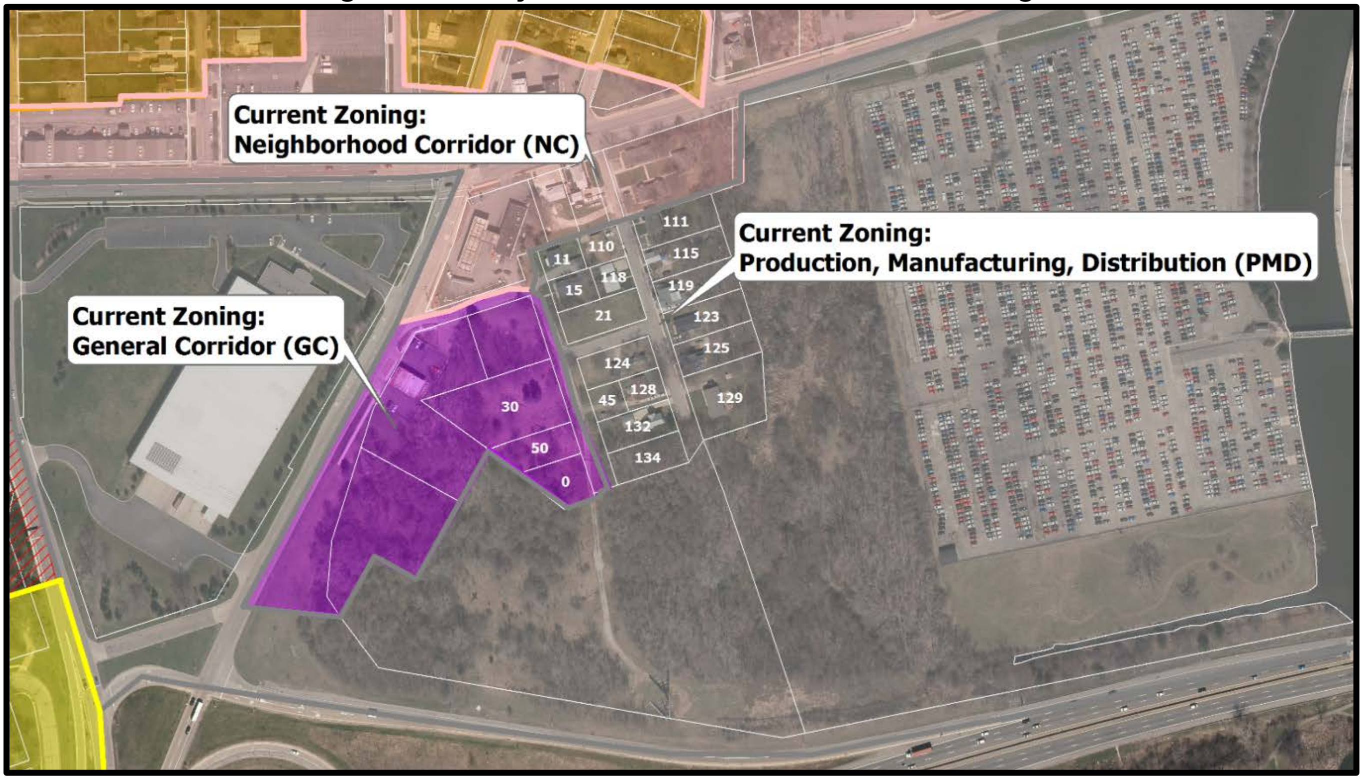
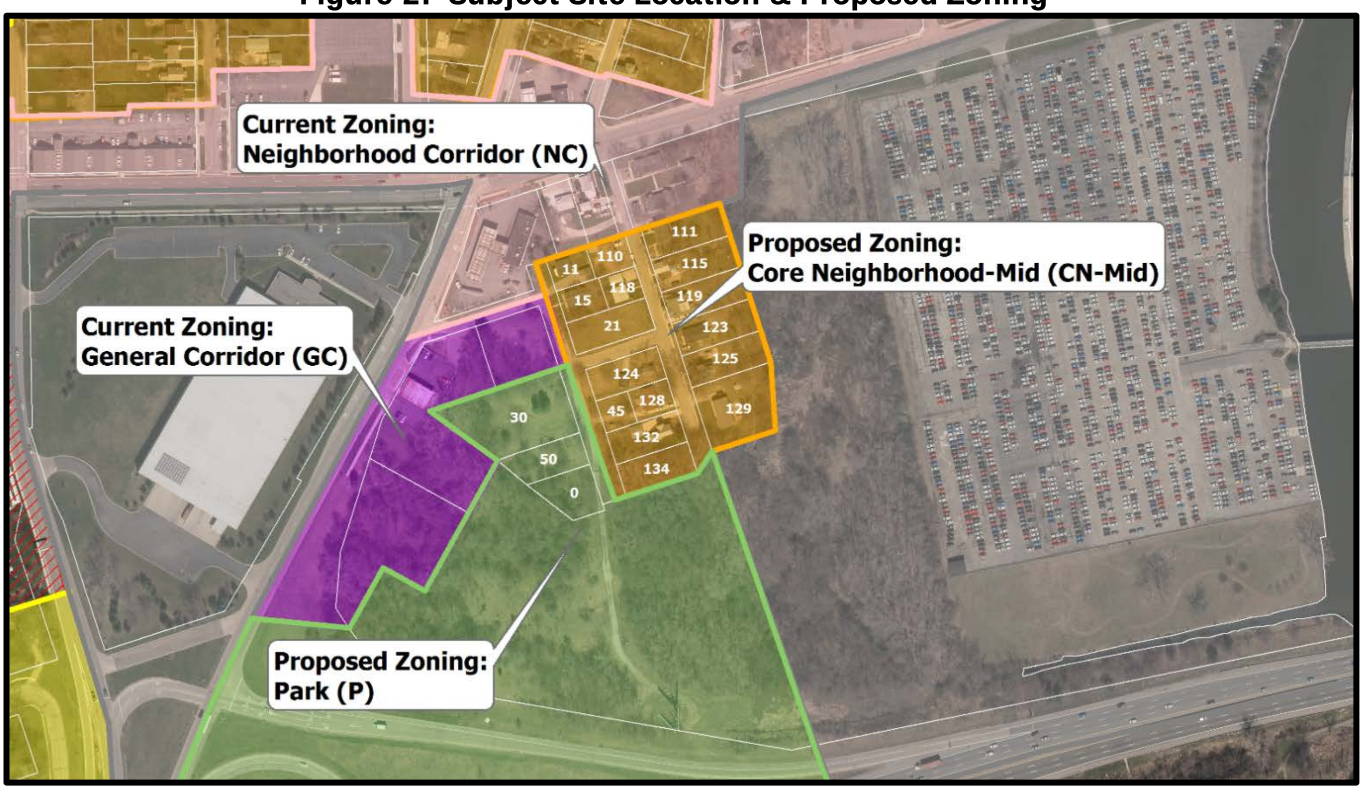


Figure 2: Subject Site Location & Proposed Zoning

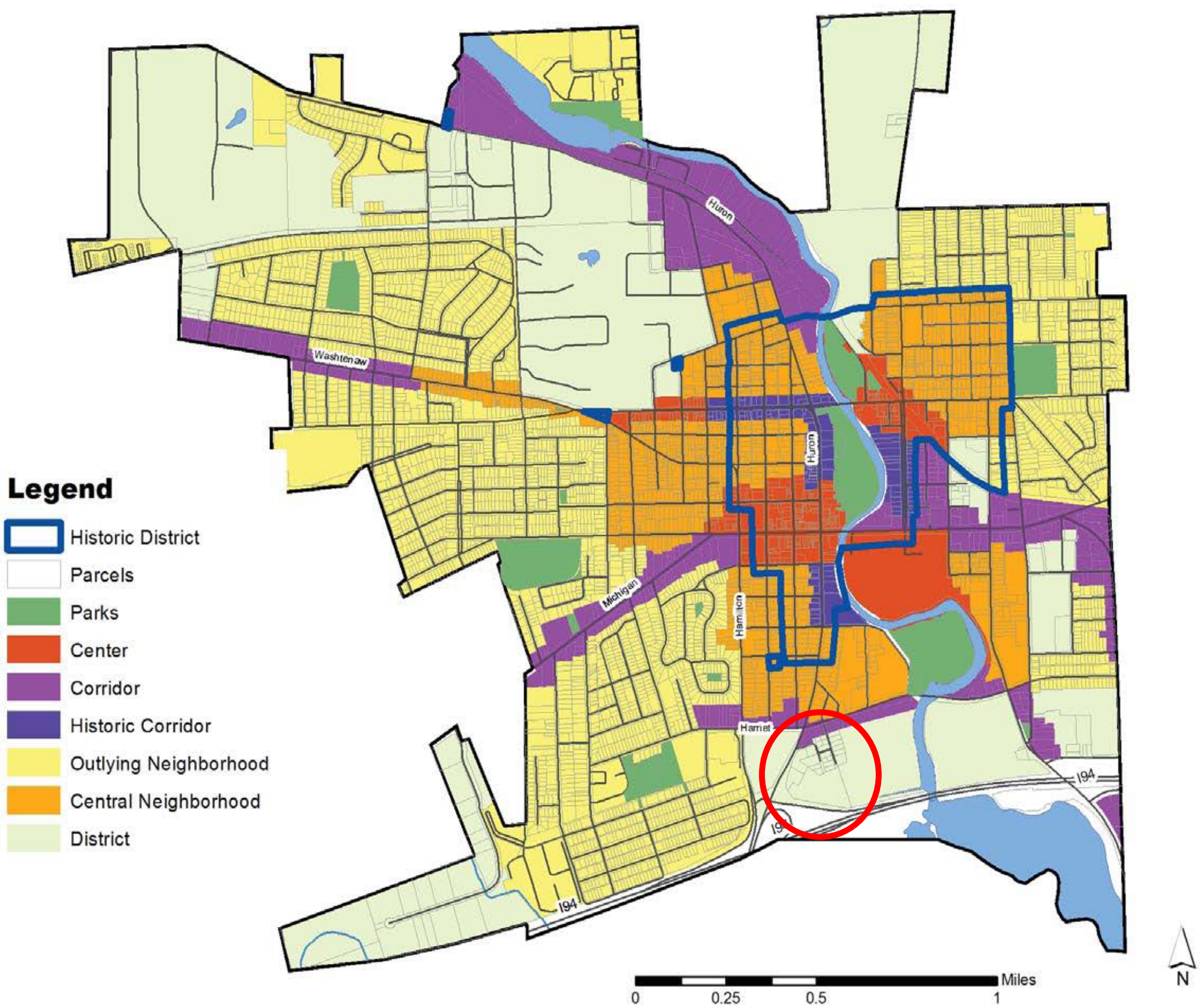


MASTER PLAN

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

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

Figure 3: Future Land Use Designations



REZONING CONSIDERATIONS §122-362(b)

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

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

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

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

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

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

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

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

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

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

The capacity is sufficient.

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

It will not be detrimental.

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

Staff does not believe a negative impact would result.

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

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

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

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

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

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

STAFF RECOMMENDATION

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

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

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

City of Ypsilanti
Community & Economic Development Department

Memo

To: Planning Commission

From: Bonnie Wessler, City Planner

Date: February 16, 2018

Subject: Bell-Kramer Neighborhood: Well Restriction Ordinance

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As you know, environmental testing has taken place in the Bell-Kramer neighborhood over the past year, due to concerns about migrating contamination from the former City landfill to the south. Based on those results, our environmental and legal consultants have recommended that we pass an ordinance restricting well installation or usage within the potentially affected areas. The proposed ordinance and a map outlining the areas affected have been attached.

No action is required from Planning Commission; this item is advisory only.

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ORDINANCE NO:

CITY OF YPSILANTI

WASHTENAW COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF YPSILANTI BY ADDING ARTICLE _______ OF CHAPTER _______ TO REGULATE THE USE OF GROUNDWATER IN CERTAIN AREAS OF THE CITY. THE CITY OF YPSILANTI ORDAINS:

Section 1: Amendment. The Code of Ordinances of the City of Ypsilanti, Michigan is hereby amended by adding Article _____ of Chapter _____, entitled "Water Well Restriction Ordinance" to read as follows:

ARTICLE ______. WATER WELL RESTRICTION ORDINANCE.

SEC. 1. FINDINGS. The City Council has been informed and hereby finds that an aquifer in certain areas of the City is adjacent to and possibly hydrogeologically connected to a long-abandoned landfill and thus may be or has been contaminated or otherwise adversely impacted by hazardous substances and that identified public health, safety and welfare risks may affect drinking water drawn from certain areas of such impacted aquifers. The City Council has determined that it is necessary and appropriate to prohibit and/or otherwise restrict the use of wells to supply water in and from the affected areas in order to protect City residents by minimizing the health, safety and welfare risks and minimizing the potential for migration of contaminated groundwater into presently unaffected groundwater.

SEC. 2. DEFINITIONS. The following definitions shall apply to terms used in this Article:

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

(2) "Applicant" means a person who applies or applied for the establishment of a Restricted Zone pursuant to this Article.

(3) "City" means the City of Ypsilanti.

(4) "City Property" means any interest in real property owned or held by the City and shall include but not be limited to the following: (i) Real property owned by the City; (ii) Real property leased by the City as Lessee; and (iii) City streets, alleys or other City rights-of-way or easements.

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

(6) “Domestic Use” means the use of water by humans for drinking, cooking, food preparation and other food-related services, cleaning, washing, bathing and similar household-type water uses in any dwelling, or in any building in which commercial/business, governmental/public or industrial activities are conducted. The term does not include water used solely for closed-loop heat pumps, non-contact cooling, or production and/or processing purposes of commercial or industrial enterprises.

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

(8) “MDEQ” means the Michigan Department of Environmental Quality, or its successor agency.

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

(10) “Person” means any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(11) “Restricted Zone” means an area or areas described within Section 3 of this Ordinance for which the prohibition of Wells and the use of groundwater applies and includes parcels of land that are legally described on the attached Schedule 1 and that are depicted in the map(s) attached as Schedule 2, as amended from time to time as provided in this Ordinance.

(12) “WRD” means the Water Resources Division of the MDEQ, or its successor agency.

(13) “Well” means an opening in the surface of the earth for the purpose of removing fresh water through non-mechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA"), the Comprehensive Environmental Response, Compensation and Liability

Act, the Resource Conservation and Recovery Act, or other applicable statute.

SEC. 3. RESTRICTED ZONE. The following described areas in the City shall be Restricted Zones under this Article. They may be referred to by reference to the names provided in the caption preceding their descriptions. Additional Restricted Zones, along with a map illustrating the Restricted Zone, may be added by amending the Ordinance in accordance with Sections 11 and 12 and all other applicable laws.

(1) Bell Kramer Neighborhood Restricted Zone – legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

(2) The Former City Landfill Restricted Zone – legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

SEC. 4. PROHIBITION. Except as provided in Section 5, no person shall install or utilize, or allow, permit, or provide for the installation or utilization of a Well on any Affected Parcel. Any existing Well at the time of the enactment of a Restricted Zone on any Affected Parcel within that Restricted Zone shall be plugged/abandoned at the expense of the Applicant for that particular Restricted Zone and as provided for in Section 6 and in accordance with applicable laws, regulations and ordinances, unless such existing Well falls within one of the exceptions listed in Section 5. Except as provided in Section 5, no person shall use any groundwater from an Affected Parcel.

SEC. 5. EXCEPTIONS. A person may install or utilize, or allow, permit, or provide for the installation or utilization of a Well in any Restricted Zone if any of the following exceptions applies and the requirements of the exception are complied with. The party proposing an exception to the Well prohibition shall conduct all appropriate inquiry and prepare a due care analysis pursuant to Part 201 of NREPA.

(1) *Proof of No Influence*. If the MDEQ determines based on information provided to it by the person seeking this exception that the use of a Well in a Restricted Zone will not exacerbate any existing groundwater contamination related to the former landfill adjacent to the affected area, facilitate the migration of groundwater into uncontaminated areas, and that water from the proposed Well will not be affected by Contaminated Groundwater, and proof of those determinations is delivered to the City, the Well may be so used.

(2) *Groundwater Monitoring/Remediation.* A Well may be used for groundwater monitoring and/or remediation as part of a response activity approved by the MDEQ or the United States Environmental Protection Agency.

(3) *Construction Dewatering*. A Well may be used for construction dewatering if the following conditions are satisfied: (i) the use of the dewatering Well

will not result in unacceptable exposure to Contaminated Groundwater, possible cross-contamination between saturated zones, or exacerbation of Contaminated Groundwater, as defined in Part 201 of NREPA; and (ii) the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction. Any exacerbation caused by the use of the Well under this exception shall be the responsibility of the person operating the de-watering Well, as provided in Part 201 of NREPA.

(4) *Processing Activities*. If the MDEQ determines that the use of a Well for non-contact heating, cooling, production, or processing involved in industrial or commercial activities will not cause migration or exacerbation of Contaminated Groundwater, and proof of that determination is delivered to the City, such use of the Well under terms and conditions specified by the MDEQ will be allowed. All information necessary for the MDEQ determination described in this subsection shall be provided by the person seeking this exception.

(5) *Public Emergencies*. A Well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

SEC. 6. SOURCES OF WATER SUPPLIED FOR DOMESTIC USE AND IRRIGATION USE.

(1) For Affected Parcels that are not already connected to the City water system on the day of enactment of a Restricted Zone, the Applicant of the Restricted Zone shall be responsible for the costs to connect those Affected Parcels within that Restricted Zone to the City water system. Furthermore, for Affected Parcels that have a Well on the day of enactment of a Restricted Zone which is used primarily for Irrigation Uses, the Applicant of the Restricted Zone shall be responsible for the costs to connect the irrigation system on the Affected Parcel within that Restricted Zone to the City water system.

(2) This Section shall not be deemed as affecting the rights and remedies of an Owner, or any other person or entity and/or of any federal, state or local government that may exist under any law, regulation, rule, ordinance, order, agreement and or/remedial action plan addressing groundwater within the City.

(3) In no event shall the City be required to incur any expense or cost under this Ordinance, except as may otherwise be approved by the City Council for a public works project or by a separate agreement with the Applicant, Owner, other person or entity, or a governmental body or agency.

SEC. 7. ENFORCEMENT. The City Manager, or his/her designee, shall be the official having the authority to enforce this Ordinance. After the Effective Date of this Ordinance, the enforcement official shall contact all Owners of Affected Parcels, which from the information available to the City, appear to have Wells prohibited under this Ordinance, giving written notice of the need to cease using such Wells and of the need for establishment of a Domestic Use water source as prescribed under Section 6, or to obtain approval or acknowledgment of an exception under Section 5. The Owner shall immediately take steps so as to comply with the provisions of this Ordinance with regard to provision of Domestic Use water within sixty (60) days from the date of such notice. Any existing Well in violation of this Ordinance shall then be plugged or abandoned in conformance with applicable legal requirements. Where, upon information available to the enforcement official, it is suspected that a Well is being used on an Affected Parcel in violation of this Ordinance, the enforcement official may inspect such Affected Parcel and serve an appropriate notice and order of such violation requiring that action be taken promptly by the Owner to bring the Affected Parcel into compliance. If the Owner fails to act in accordance with such order, the enforcement official my seek remedies and penalties as provided in Section 8.

SEC. 8. SEC. 7. RECORDING OF NOTICE WITH REGISTER OF DEEDS. Within 30 days of the adoption of this ordinance, the city shall record a Notice of Water Well Restriction with the Register of Deeds to be recorded against all parcels in the Restricted Zone as defined by this ordinance. The Notice shall include a copy of this ordinance and the attached Schedule 1 and Schedule 2.

SEC. 9. PENALTY. Any person who violates any provision of this Ordinance shall be liable for a municipal civil infraction under the provisions of Ordinance Number _____. In addition, the City may seek an order from a court of appropriate jurisdiction requiring compliance with this Ordinance and may also seek collection of costs and attorney fees associated with such enforcement action. Any violation of this Ordinance is a public nuisance, subject to abatement, and any Well in violation of this Ordinance shall be immediately taken out of service and lawfully abandoned in compliance with applicable legal requirements. A court of competent jurisdiction may order any person violating any provision of this Ordinance to properly and lawfully remove or abandon a Well.

SEC. 10. BUILDING AND ZONING PERMITS. No permit for the construction or alteration of a building or structure nor any permit for any zoning approval shall be issued by the City Building and Zoning Administrator for any improvement on an Affected Parcel which has, or proposes, a water supply from a Well in violation of this Ordinance.

SEC. 11. ADMINISTRATIVE LIABILITY. No officer, agent or employee of the City or member of the City Council shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to the Ordinance.

SEC. 12. AMENDMENT; REPEAL. The MDEQ, an Applicant, an Owner, an entity involved in a RAP or other interested party may request in writing to add parcels to or delete parcels from a Restricted Zone or to establish an additional Restricted Zone or to otherwise amend or repeal this Ordinance, and shall provide advance notice to the MDEQ and any Applicant for such Restricted Zone of any proposed change hereunder, including the reasons supporting such request. The City on its own motion and upon advance notice to the MDEQ and any Applicant for such Restricted Zone, may also take action to amend or repeal this Ordinance as it deems appropriate. The amendment or repeal of this Ordinance shall be by an appropriate ordinance adopted in the same manner as this Ordinance, and any such action shall be in the sole legislative discretion of the City Council.

SEC. 13. SEVERABILITY AND CAPTIONS. If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City that this Ordinance shall be fully severable. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

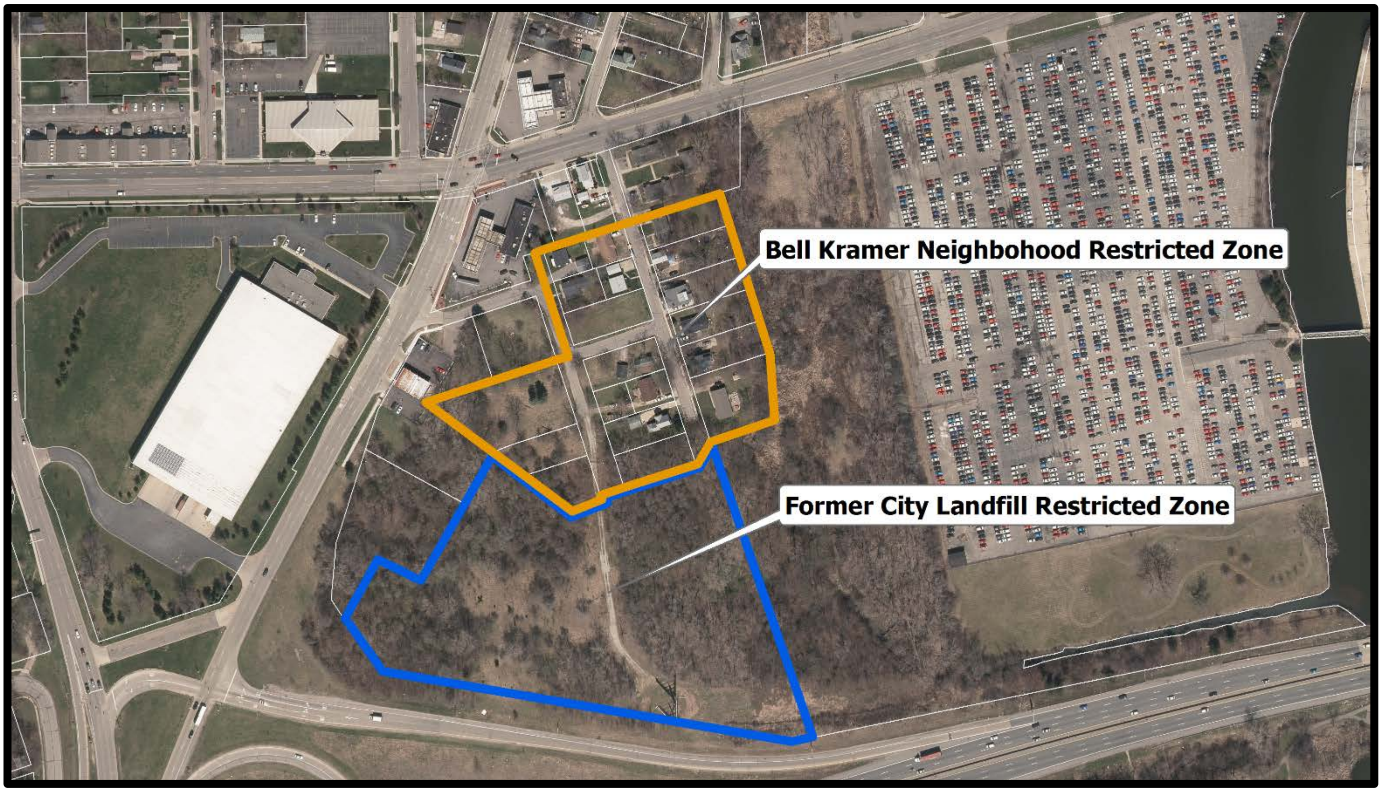
SEC. 14. REPEAL. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SEC. 15. REIMBURSEMENT OF ADDITIONAL CITY CONSTRUCTION COSTS. The Applicant of a Restricted Zone shall reimburse the City for the reasonable additional costs the City incurs for dewatering Contaminated Groundwater or disposing of soils impacted by Contaminated Groundwater in connection with construction activity undertaken by the City on City property in that Restricted Zone, provided that the City supplies the Applicant with documentation confirming the amount and necessity of such additional costs, including the extent to which they exceeded the cost of dewatering or disposing of materials not impacted by Contaminated Groundwater.

SEC 16. EFFECTIVE DATE. This Ordinance shall take effect upon ____

This Ordinance is enacted by the City of Ypsilanti, County of Washtenaw, State of Michigan, at a meeting of the City Council held at _________________, this ______ day of ___________________, 201_.

Proposed Well Restriction Areas:



<u>SHORTENED VERSION</u>
Transcript of February 7th Panel Discussion
at the Ann Arbor District Library
"A Carbon Price is Right:
Harnessing the market to bring down carbon emissions"

Knute Nadelhoffer, moderator
Barry Rabe
Lisa Del Buono
Sam Stolper

Note that in the interest of creating a shorter document, many comments have been cut or paraphrased. For the full-length transcript and video of the panel, go to: [*http://annarborccl.org/*](http://annarborccl.org/)

Knute: This is not a forum to discuss the science. This is a forum, rather, to discuss confronting the problem by exploring market-based solutions for driving down carbon emissions. I'm pleased to work with this group. Professor Sam Stolper is an assistant professor in the newly established School of Environment and Sustainability at U of M. Dr. Lisa Del Buono is a physician and an active member of the Grand Traverse Area Citizens' Climate Lobby. Dr. Barry Rabe is a U of M political scientist who examines the political feasibility of policy innovation.

Barry, "What is carbon pricing specifically and what is carbon tax versus cap and trade?"

Barry: [00:04:25] The idea of a carbon tax is to use a taxation or a fee mechanism, and add to that direct cost, that is then borne by those who choose to use that product, with the presumption then by driving that cost higher, you might discourage or deter that use and with it encourage the greater use of other kinds of energy alternatives.

The idea with cap and trade is that government makes a decision on a total cap on the amount of emissions. It allows for some negotiation and flexibility, including the idea that money may change hands. In effect you're creating a price through this cap and trade system. It's a little different approach and a little different model, but at the end of the day you're moving toward a strategy that does not involve a strict, strident government regulation.

Knute [00:08:28] Lisa, you have been working with the Citizens' Climate Lobby for quite a while and you've been taking a deep dive into carbon fee and dividend so could you please explain to us what that is.

Lisa [00:08:43] Carbon fee and dividend is a proposal that's put forth by a non-partisan grassroots organization called Citizens' Climate Lobby. It is a type of carbon tax and it's one which we like to describe as a three-legged stool.

The first leg of the stool is the fee, and it's placed directly on fossil fuels, as far upstream as possible. So that's when the oil or the coal or the gas is coming out of the ground or into the country. It starts low at about fifteen dollars per ton and then it increases yearly by ten dollars per ton. It covers not only CO_2 but other greenhouse gases as well. This fee then creates a very transparent and predictable market signal to businesses and entrepreneurs so that they can know that it's time to transition to the low carbon economy.

[00:10:54] The second leg, and what distinguishes carbon fee and dividend from your typical carbon tax, is what is called the "dividend." Our proposal suggests that rather than the government keeping the money, it would return all of net revenues equitably back to US households in the form of an equal monthly dividend. That makes it a revenue neutral type of carbon tax.

The third leg of the stool is a carbon border adjustment that's applied to businesses trading manufactured goods between countries: one country with a fee or a price on carbon and the other country without an equivalent price. And it does three things: It protects U.S. businesses from being undercut by foreign manufacturers, by placing a tariff on imported goods based on the amount of carbon content of the product. It discourages U.S. companies from relocating to a country where they can emit more CO_2, so it prevents leakage by rebating through an equivalent price difference for all products except for fossil fuels. And it encourages other countries to adopt similar carbon pricing policies thereby generating, hopefully, a global price on carbon.

Knute: [00:13:14] Sam, why do economists favor the market based approach of carbon pricing versus relying on regulation to reduce carbon emissions?

Sam: [00:13:27] There are several reasons why carbon pricing is often touted as superior to the more prescriptive "command and control" regulatory approaches. It's all about minimizing the cost of climate action. We have a lot of different policy levers at our disposal and in theory the most potential for cost savings, for cost minimization, comes through carbon pricing. And the reason for that is the flexibility of carbon pricing. The regulator, the policy maker, or even a researcher, doesn't actually know what is the cheapest course of action. There's a lot of uncertainty and over the long haul. So we put the price on the thing that does the damage and we let the actors in the market decide for themselves. The benefits we think of keeping the planet from overheating are pretty self-evident. They're going to outweigh the costs. But there are costs, and we might as well try and minimize them.

Knute: [00:16:28] Barry, what are some of the political challenges to carbon pricing?

Barry: [00:16:39] This is not an easy lift in political terms. If one looks at the track record of governments in North America, carbon pricing, out of a galaxy of different options is among the less likely to be adopted. It is less likely to sustain high levels of support in public opinion polls. And it is among the most likely to be reversed if launched and adopted. For instance, Michigan was part of a regional Midwestern Greenhouse Gas Initiative that was started around 2007 and 2008. It has collapsed.

What are some of the specific challenges? One is the fact that fossil fuels have a phenomenal base of economic impact in many states and communities. The dislocations from transition away from fossil fuels could be quite significant.

Secondly there is the challenge of making the case that we should take this perfectly legal commodity and increase the cost, perhaps substantially, so that in future generations there could be a broader benefit, a benefit that's going to be hard to measure and hard to fully understand. Politically that's a hard argument to make and sustain, especially if you're in a democratic system and want to win election and re-election. This is where the issue of revenue allocation is significant in terms of how you build and sustain a political coalition.

Finally, although there are alternatives which are not nearly as effective on economic grounds, they're much more popular on political grounds. To mandate increases in renewable energy, to mandate some of those scrubbers or other kinds of technologies, are clearly problematic from an economic standpoint, but politically it's much easier to disguise the costs.

The challenges are not insurmountable, but should not be taken lightly in any jurisdiction, regardless of partisan composition, and regardless of nation state.

[00:22:42] Knute: Lisa, since we're talking about political challenges let's talk about opportunities. What are some examples of ways that carbon fee and dividend appeals across the aisle?

[00:22:58] Lisa: That is our mission: to create the political will for effective climate policies. We believe that through educating and empowering everyday citizens to exercise their civic rights, we can in fact engage our members of Congress on both sides of the aisle. For instance, through our work and the work of the Friends Committee on National Legislation, in February of 2016 Republican Carlos Curbelo, joined forces with Democrat Ted Deutch, to form what's now called the Bipartisan Climate Solutions Caucus. This caucus has grown steadily and currently is at 70 members.

Let's take a look at how carbon fee and dividend does appeal to both sides of the aisle:

Progressives are correctly concerned for people who are most economically disadvantaged, who are suffering the greatest climate impacts right now, and who will feel the pressures of a rising cost of a carbon tax when it's instituted. Several studies have demonstrated that by rebating revenues directly back to the consumer in the form of a dividend check, a regressive tax becomes a progressive fee, meaning that the most economically challenged will come out ahead.

Conservatives appreciate that carbon fee and dividend is a market rather than a regulatory approach. It is revenue neutral, doesn't grow the government, and allows for all forms of energy to compete on the market without subsidies or regulations, once the fee is placed. In fact, a group of Republican elders, in conjunction with some prominent businesses and environmental groups, are calling for a plan that's very similar to ours. They are the Climate Leadership Council and their plan is called the "Carbon Dividend Plan".

[00:27:27] Knute: Sam, if a carbon tax is revenue neutral, what are the options for ensuring that everyone is treated fairly, including poor people and those in frontline communities?

[00:28:04] Sam: There're actually a lot of competing interests for the revenue. But IF it is indeed decided we're going to use these revenues for redistribution, then in order to try and ensure fairness, there are a couple of key questions: One of them is, what's the formula for determining how much a household gets back? And the second is, what is the vehicle through which the transfer is made? If you knew the impact of the carbon pricing initially on each family you could base the size of the check, on that. But you could also use income or wealth, or you could use family size.

I actually like CCL's proposal, which is to give the dividend back to each household purely as a function of how many adults there are in the household and how many children there are in the household. There is a clear simplicity to that and there's also a clear sense of absolute fairness. But there isn't really one definition of fairness here. There're a lot of different options.

As far as the vehicle for the transfer, that could be a check in the mail, an electronic deposit, tax credits of a variety of kinds, such as we've seen in British Columbia for instance. Or you could make investments targeted in certain communities for improved environmental quality, further improvements in infrastructure or education, any number of things. I think that probably the check in the mail is the best way to do it because the family gets to decide what's the best use for the money. And the IRS already sends checks in the mail through the tax code, so there's no added administrative complexity.

The last thing I want to address are concerns that the poor and frontline communities might actually see rises in pollution as a result of carbon pricing. The idea is that the flexibility of carbon pricing ensures only that a cap is met or that reductions overall in emissions are made but not where the reductions come from. And so we're at risk of having hot spots of pollution. CO2 is often emitted along with carbon monoxide, carbon, sulfur dioxide, nitrogen oxide, and particulate matter, which all can be very polluting to a local area. So when we enact our carbon pricing we might need another instrument as well, to prevent local pollution. Otherwise if the policy reduces overall emissions but increases inequality, to me that's a failed policy.

[00:33:34] Knute: Barry, what are some examples of carbon pricing elsewhere in the world?

Barry: [00:35:03] A great many governments around the world have within the last three or four years adopted some form of a carbon policy: South Africa, Chile, South Korea. China formally launched its cap and trade program in January of this year; they're about a month in. Many of these are very small. Many of these are experimental. But it is interesting to note on multiple continents, not just North America, not just Europe, this idea has had some degree of traction and moving forward, literally within the last four or five years.

One outside the U.S. that's especially interesting to think about is our Canadian neighbors. About 10 years ago British Columbia—a government which was a politically represented by a center right party—decided to do something about growing concern about climate change and actually outflanked opposition on its political left. And political support for that tax has grown to the point where there is no opposition to that tax in British Columbia among any party. And now the party that originally opposed that is proposing elevating that tax from 30 dollars a ton to 50 dollars a ton. A big part of the strategy and recipe there is immediate and total transparency about how the revenue is used. There the proposition was not a dividend, but revenue neutrality through other tax cuts and reductions as well as an initial rebate dividend of about one hundred dollars per family.

Alberta, Quebec, and Ontario are experimenting with carbon pricing. And now the Trudeau government, a Liberal Party government, is proposing creating a pan-Canadian carbon price, which basically says to every Canadian province and territory: you have to create a price but you get to set the terms. You get to keep the revenue and decide how that revenue is going to be utilized. I do think it's quite interesting to note that you can drive over to the Ambassador Bridge tonight and be in a jurisdiction that's embraced carbon pricing. Even though so much of the focus and attention understandably is on these experiments in Asia, Africa, and other places, just in our own backyard there are some very, very interesting models.

[00:40:19] Knute: Lisa, going back to the question of economic fairness and social justice, what are the benefits the Citizens' Climate Lobby sees in returning the revenue by equal dividends to individuals?

[00:40:38] Lisa: We commissioned two studies to be done. *(Note, she is referring to:*
https://citizensclimatelobby.org/remi-report/
https://citizensclimatelobby.org/household-impact-study/)

The first is one that we call REMI. (This stands for Regional Economic Modeling Inc., a company that works on the federal, state, and local levels with government and state institutions, including the University of Michigan, National Gas Association, the Nuclear Energy Institute, etc.) The study was designed to evaluate a variety of economic metrics, over a 20 year period of time, introducing carbon fee and dividend legislation, holding all other parameters the same, and comparing those metrics to baseline.

REMI did demonstrate that with carbon fee and dividend we would see a significant reduction in emissions. In fact, carbon fee and dividend can do in just four years, in terms of emission reductions, what the Clean Power Plan would take 15 years to do. The REMI study also demonstrated that the plan would create jobs: 2.1 million new jobs over baseline in 10 years, 2.8 million new jobs in 20 years, with a slight increase in GDP of 0.5 percent above that baseline.

The key lies in the dividend check. Several studies--only one of which was commissioned by CCL--have demonstrated that directly rebating the net revenues back to the consumer is the most progressive form of revenue return. These studies include the CCL-commissioned "Household Impact Study," and studies by the Office of Tax Analysis for the Department of Treasury, and by an independent research institution that's located in D.C. called Resources For the Future. According to the Household Impact Study, with carbon fee and dividend almost 90 percent of those below federal poverty level would come out ahead. Similarly people of color would tend to do better than white people. People in rural areas did about the same as the national average and slightly better than suburban areas. Many of these findings are related to the fact that in general the wealthier one is, the more one consumes, and the bigger one's carbon footprint.

Why do we see job creation? The answer to that lies in what people do when they have more money in their pockets, especially those who are more economically challenged. Many of them would go take care of their health, go shopping, go out to eat, fix up their home. And that's where we see the job growth according to the REMI report. So the bottom line is that the equal dividend check is critical to the equation because it protects the most economically vulnerable during the transition, while at the same time stimulating the economy.

Knute: [00:44:49] Sam, how do large corporations look at carbon pricing?

Sam: [00:45:02] Obviously it's a cost that firms didn't have to pay before the prospect of carbon pricing. But there may be more than a single bottom line for some firms to the extent that social impact, for instance keeping the planet from overheating, is something that shareholders care about.

The second is regulatory certainty. It's hard to strategically plan for the future when you don't know what the regulatory environment is going to be like in the future. So sometimes a modest cost actually is preferable to regulatory uncertainty.

Third, if you know there is going to be some form of regulation of greenhouse gas emissions, then for sure without question corporations are going to prefer carbon pricing. That's the one that stands the best prospect of allowing them to minimize costs. It also gives them the most power, the ball's in their court how they are actually going to comply with this policy. If there's going to be policy, firms want it to be carbon pricing, not necessarily because they want to game the system or because they want to take advantage of consumers (though that may happen in cases, we have to be careful of that), but because they're actually trying to minimize costs.

Fourth, a show of support for carbon pricing could be good for branding, for marketing, PR, reputation. And fifth, is competitive advantage. Businesses with less emission-intensive processes can gain an advantage over those that are more CO_2 intensive. Similarly there could be a first mover competitive advantage as well. If you show your support early, you can invest in figuring out ways to lower your compliance cost curve and that can give you an advantage.

Knute: [00:48:10] There is a carbon cap and dividend bill proposed by Senator Chris Van Hollen from Maryland, Democrat, and Representative Don Beyer, Democrat from Virginia. They plan to introduce a so-called Healthy Climate and Family Security Act. Could you tell us what you think about that and maybe a little bit about what it is?

Barry: [00:49:10] The bill proposes reducing emissions by 80 percent level from 2005 levels by 2050 with a quarterly dividend return. Note that over a period of 15 or 18 years we've routinely seen legislators introduce some version of a carbon price bill into the house or the Senate. This signifies that there is continuing interest from some members in Congress. But, there are no Republican cosponsors to this bill, and there are relatively few Democratic cosponsors thus far. We all know that with the current president and vice president, this is not an environment that suggests much political likelihood of any kind of a carbon price working. But there is an ongoing discussion and debate with proposals moving forward, with counterparts to this legislation moving forward in a number of states as well.

Lisa: [00:51:03] Yes, we are really thankful for the bipartisan Climate Solutions Caucus because we see this as an opportunity for them to talk about bills like this. And we're really thankful to both Senator Van Hollen and Representative Beyer for introducing the bill because we do think that it can build momentum especially because it's a bicameral bill. We prefer a fee over a cap because we feel that a fee is more transparent and simple. But we love the fact that they they're using a progressive system of dividends. So I think any time legislation like this is introduced it keeps the discussion going in the right direction.

Knute: [00:52:03] Regarding the House Climate Solutions Caucus, what is the possibility or the likelihood that there might be a parallel bipartisan Senate caucus? Is there any reason something similar in the Senate couldn't go forward?

Lisa: Not that I know of.

Barry: [00:53:50] I'd only note that I think it's so interesting to hear that one of Senator Whitehouse from Rhode Island's favorite lines, he says, 'it's amazing how many members of the United States Senate are willing to talk about this as long as the door is closed.' We have had significant changes in the United States Senate over the last 10 years. It wasn't that long ago that legislators like John McCain, Norm Coleman from Minnesota, John Warner from Virginia—all Republicans—not only said they would support but actually cosponsored cap and trade legislation or in some cases other versions of carbon pricing. So that is gone. And yet there are legislators, a little bit of crossover into the Republican side, that do engage these conversations. What form that takes, how that moves forward, it's not clear, but I wouldn't rule that out entirely.

Knute: [00:56:09] Oftentimes states are laboratories for national policy. How can we lobby for carbon pricing at a state level? And, should we? Is that a stimulus or is that a hindrance if states all do their own carbon pricing policies?

Lisa: [00:56:41] From CCL's point of view, we are focused on federal legislation. But where there are CCLers who are interested in leading state initiatives, to whatever extent that we have the reserve, we've tried to support those states and those people working on States' initiatives.

Barry: [00:59:00] I wouldn't underestimate what individual states or groups of states can do, not only by making dents in emissions, but also the learning and modeling that comes when we take something like carbon price and move it from theory into real world practice. We can actually say now, which we could not say ten years ago, what is involved in sustaining a multi-state coalition on carbon pricing such as the ten-state

Regional Greenhouse Gas Initiative on the east coast. And I think what's going on on the west coast, not just with California, but California looking to other partners, does become significant. I mentioned earlier Ontario and Quebec. There's the possibility within the next three months that both Washington state and Oregon will join. There's a kind of momentum there. If we get into real world situations and for whatever reasons they flop, that's another story.

Knute: [01:01:20] Why not give a higher dividend or amount of money to families most impacted by CO2 emissions?

Sam: [01:01:40] I think there's a compelling argument for doing that. I think really it's just a difficult political terrain to navigate. But I like the idea of using revenues for redistribution or reducing poverty, reducing inequality, and the more that we can get to do that the better, personally.

Lisa: [01:02:50] Yes, personally I would love to give it in a non-equal fashion but I think politically at least, the reason CCL supports equal dividend checks is two-fold: First, it's very clear it's very transparent, there's no question who's getting what. There's no ability to shuffle the deck or to do something sleight of hand. Secondly, according to the REMI study, the average family of four, after ten years would be bringing home a check just shy of 300 dollars a month, and it goes up from there. That's a lot of money.

Knute [01:04:16]: Is it possible that a carbon tax could get it wrong, or carbon fee and dividend, get it wrong by trading regulations for the tax of fee and dividend? Could we create conditions for worse pollution because of dismantling regulations?

Lisa: [01:05:38] As a physician I am very concerned about regulations that protect our health. Anything we do that reduces greenhouse gas emissions is going to be excellent for our health AND address climate. For instance, there are huge health concerns about fracking and water quality. Our proposal does not say that there should be an end to any regulations. While the REMI report shows that Carbon Fee and Dividend reduces greenhouse gas emissions quicker than the Clean Power Plan, we're not advocating for a rollback or anything like that.

Sam: [01:06:45] I don't see a possible way that carbon pricing could increase overall emissions. It just depends on the levels that you actually choose for these things. If you set a tax level high enough, or if you set a cap, and a cap and trade tight enough, then you're going to accomplish the same things, hopefully at lower cost than the regulations that we may be trading off. I think we have to be really careful about not using multiple policy instruments for the exact same outcome, because that policy interaction actually is not good for costs. But there are some regulations that we really do want to keep. For a case in point, what I described earlier about making sure to maintain air quality in local hot spots. But a carbon tax or a cap and trade, as a replacement for more prescriptive regulation of carbon dioxide, that is a good idea and can easily accomplish the same outcomes at reduced cost.

Barry: [01:08:30] Often in policy discussions including carbon pricing the assumption is the only focus is carbon dioxide. I tend increasingly to think not only are we underestimating the impact of methane. Methane is intriguing not only because of greenhouse gas issues but because it is the permanent loss of a natural resource that is non-renewable. And yet for the most part it completely escapes the orbit of taxation at the state level. I think states are actually only beginning to wake up to this issue and look at this question.

Where it emerges is even less on the tax side as what happens when individual land owners and ranchers are asking, "Wait that's a flare, that's revenue, I should be getting a royalty payment." And so I've actually found myself in fascinating conversations with politicians, state legislators, including of all places Bismarck, North Dakota, which wouldn't be caught dead adopting a carbon price in all likelihood, but it's very, very proud of having one of the most robust oil production taxes in the country.

One last point in this regard. British Columbia has a carbon tax but they also produce a lot of fossil fuels. They produce a lot of natural gas. They're hoping to not only maintain a carbon tax regime but expand LNG production (liquefied natural gas production) for the first time in B.C., they're looking at how you might expand that carbon tax to methane.

Lisa: [01:11:36] Just so you know, our policy proposes that, whatever the price of CO2 is, for any methane leakage, it'll be twenty five times that per ton, because methane is 25 times, on average, a greenhouse gas.

Knute: [01:12:30] How much did the Scandinavian countries that have various carbon taxes or fees, how much have they reduced their emissions? And could that model be applied in the US?

Barry:[01:13:27] These are countries that generally have been able to achieve a fairly significant level of greenhouse gas reductions. The one country that has struggled the most to meet their targets is Norway. The issue there is Norway is an extraordinary producer of oil and natural gas. But in general these are fairly popular politically and have proven generally fairly durable.

Knute: [01:15:05] Is there any way to measure causality? If a carbon tax or carbon fee and dividend process is put in place and emissions go down, is there a way to measure how much of that downward movement in emissions is a result of a carbon fee and dividend or a carbon tax?

Sam: [01:15:37] It's not easy. With a cap, the cap is supposed to actually make sure that you hit a certain target so you know the outcome. But it's hard to know what it would have been in the absence of the cap, and the same is true with a tax. You may see how emissions changed from before to after you implemented the tax, but other things are happening at the same time.

Knute: [01:17:23] Many people believe CO_2 pricing is considered a regressive tax, due to the fact that poorer families do not have the extra resources to pay for alternative energy sources. How will carbon tax address this regressive aspect?

Lisa: [01:18:05]] Regarding carbon fee and dividend, the dividend can actually make it progressive, and more than offset the cost of living increases that would occur because of the fee. But I think the other thing that's often not factored into it is the fact that direct health impacts that occur often with families that are living very close to processing plants, or live in urban areas, that have to deal with the burning of fossil fuels. We're talking about ozone and fine particulate matter that lead to hundreds of thousands of premature deaths every year. Right here in the US we have hundreds of thousands of E.R. visits due to asthma, missed school days and hundreds of billions of dollars in health care costs every year.

In fact there's an MIT study that says that just the improvements from air quality that would occur when transitioning from fossil fuels would offset the cost of implementation of the carbon pricing policy by up to 10 times. So if we can transition, we are—by improving air quality—helping those people who are suffering most from the burning of fossil fuels.

Sam: [01:19:58] To the extent that the poor devote more of their income to energy, then that component of carbon pricing is going to be regressive. The first line of defense against that is what we have been talking about the whole time: the dividend. That's really the main vehicle for making something regressive versus progressive. I also think that the benefits of the avoided climate damages are, if anything, more likely to accrue to poorer folks. They live closer to the pollution, they're less able to adapt because of their shorter incomes.

Barry: [1:21:53] I just would note that I think it's extremely important to be looking at issues like regressivity and fairness. If I would go back 10 years ago and critique how we framed a lot of the discussions on carbon pricing in the U.S. and beyond, many of these issues were really not taken seriously.

We've had these conversations in coal, in some very raw ways in American politics in the last year. But transitioning away from oil and gas, which are far far bigger sectors and have gotten far far bigger. This will have really significant consequences in some states, some families. It's not going to be easy.

Lisa: [01:24:10] It's essential for CCL that we make sure low and middle income families are not suffering during the transition. That has to be the criteria before we are going to support any plan.

Knute: [01:25:15] Who will administer the dividend? Will this become another bureaucracy?

Lisa: [01:25:33] Alan Lehrman, who worked for the Department of Treasury, has worked out for CCL that we could use the existing infrastructure of the IRS and the Department of Treasury and it would be a direct deposit for most people. After about six years the administrative costs are considered to be less than 2 percent. I think that people feel that Carbon Fee and Dividend is a fairly simple plan that is fairly easy to administer, in the big scope of things.

Sam: [01:27:11] One of the advantages of a carbon tax is that we have a tax system already. And so we have agencies who have experience already dealing with this sort of policy.

CONCLUDING REMARKS

Sam: [01:27:47] We need policy that is going to minimize costs and is also going to be fair to everybody, whether it's the people who are going to lose their jobs from fossil fuel sector or poor families. And you know that's just as important as the overall win of carbon pricing.

Lisa: [01:28:38] For us to change what's happening right now in our democracy, we have to learn to talk to each other. We have to learn to listen to each other, and that's really been the key to the movement that we've seen with CCL. And so don't give up hope, because we are truly seeing changes.

Barry: [01:29:34] In some circles the idea has been you gather people to the left of center and find some way to win an election and jam through a bill or regulation. And hope it sticks. What we've seen including the United States and around the world that recipe really tends not to work. I would argue there are lessons in carbon pricing that suggest unusual coalitions but also unusual times and moments that emerge that make it possible. It often follows really quirky unusual unpredictable paths.

The first government in North America to adopt a carbon price was New Hampshire, where license plates say “Live Free or Die.” They are now part of known as ReGGI, the Regional Greenhouse Gas Initiative. It can happen.

In the case of British Columbia it was very simple. They did not create a bureaucracy, it was not handed over to the environment minister. It was handed over to the Minister of Finance and she worked within the existing tax structures and systems, and within six months you had an operational tax, a clear benefit program, and a website you could go to to figure out whether you were a net winner or loser. It was as transparent as you can imagine.

It’s interesting to think in the case of Alaska the policy that called for creating a dividend for every citizen of Alaska to receive a dividend check was put together largely by a Republican governor and a coalition at a point where Alaska knew it was going to be sitting on a massive bounty of revenue and was very concerned that they would blow that revenue. Try in Alaska politics, regardless of your political persuasion, to touch the dividend--it's hard to do! It's clear, it's clean.

Even the University of Michigan has talked about a carbon price, including a great proposal put forward by a student. (It was chopped to pieces because some faculty raised concerns about what impacts it would have on their laboratories and research programs.)

We all can do it. Wouldn't it be great if the next time we come together there are multiple jurisdictions that we can really talk about—real world cases and examples, building on the kinds of ideas all my colleagues have suggested and your questions have brought forward. So thank you all very much.

Knute: [01:34:40] Thanks to the Citizens’ Climate Lobby and League of Women Voters and all the other organizations and people who made this possible. There are huge costs to the climate crisis, and they're only going to get higher if we don't attenuate it. It's really encouraging to see our panelists with their great expertise in policy, economics, medicine and citizen activism, here talking in a very informative way with you all about potential solutions. I'm optimistic. So thank you for coming.

This program was recorded on February 7th 2018 at the Ann Arbor District Library.

BY-LAWS OF THE

SUSTAINABILITY COMMISSION – CITY OF YPSILANTI

INTRODUCTION

The City of Ypsilanti is committed to lead by example, promote public participation and engage in community partnerships that improve our quality of life and protect the natural systems that sustain life for present and future generations.

Sustainability Commission Mission

ARTICLE I. NAME AND PRINCIPAL CONTACT

The name of the organization shall be the City of Ypsilanti Sustainability Commission (hereafter referred to as "Commission").

Sustainability Commission Composition

Nine voting members, serving for staggered three year terms, and two non-voting youth members serving one year terms.

ARTICLE II. PURPOSE AND OBJECTIVE

The Commission was established by Ordinance 1280, City Code Section 2.171 et seq. as a fundamental component of the City's programs in sustainability and environmental leadership.

Section 1. The Commission shall act as an advisory body to the City Mayor and Council in the development or initiation of programs or actions that will enhance and create sustainable practices within the community.

Section 2. The Commission shall:

a. Create a model of sustainability through efforts to advocate, educate and promote the social, economic and environmental health of the community now and into the future.
b. Broaden the lens and scope of energy and environmental needs in the future such as wind, solar, clean air, water and improving infrastructure.
c. Recognize natural resources as chief assets of the City of Ypsilanti and encourage responsible stewardship of these assets.

d. Collaborate with citizens, employees, employers, service providers and other governmental agencies and educational agencies to share ideas.
e. Create a Sustainability Plan.
f. Review the City of Ypsilanti's Climate Action Plan and Alternate Fuel Policy along with the Michigan Green Communities Challenge and other plans and policies and to continue the work of said plans and policies.
g. Prioritize sustainability policies.

ARTICLE III. MEMBERSHIP AND APPOINTMENT

Section 1. The voting members of the Commission shall include representatives that have a professional affiliation with, or expertise in, one or more of the following areas:

a. Energy
b. Sustainable land use and transportation
c. Open space and land preservation
d. Green building practices
e. Air quality/climate
f. Water quality
g. Recycling/waste reduction
h. Environmental justice
i. Education
j. Small and/or local business
k. Green jobs/workforce training
l. Human/environmental health
m. Agriculture/food security
n. Community, grassroots environmental efforts
o. Finance and governance

Section 2. Staff from the City of Ypsilanti shall attend in a nonvoting capacity to serve as a liaison between the City Mayor, City Council and the Commission.

Section 3. The Commission shall, by a majority of a quorum of the Commission at a proper meeting, supervise and direct the business and affairs of the Commission, except as otherwise expressly provided by law or these bylaws.

Section 4. Commissioners shall be city residents, except that not more than three commissioners may be non-residents of the city of Ypsilanti. Appointment Commissioners shall be appointed by the Mayor with the approval and confirmation of a majority of city council. Non-resident commissioners shall require a finding of the best interest of the city and approval and confirmation of not less than five affirmative votes of city council members.

Section 5. The Commission may recommend candidates to the Mayor for appointment.

Section 6. Vacancies shall be filled by the following process:

a. The Mayor~~,~~ is notified of the vacancy by the City Clerk;
b. The Commission may request nominations, review applications, and make recommendations to the Mayor;
c. Mayor selects members to serve on the Commission;
d. The City Council confirms the appointment; and
e. A person appointed to fill a vacancy shall serve the balance of the unexpired term.

Section 7. Members shall serve for a term of three (3) years and may be reappointed for one (1) subsequent three (3) year term subject to the following:

a. Terms will be based on the city's fiscal year, July 1 – June 30.
b. Any member may resign at any time by giving written notice of such resignation to the Chair of the Commission and to the Mayor through the Office of the Mayor.
c. The Mayor may remove any member according to law.
d. The Commission Chair and Vice-Chair, elected by majority vote of the commission at the beginning of each fiscal year, shall serve in the office of chair or vice chair for one year terms.
e. The City Council, upon recommendation of the Mayor, may remove a member for official misconduct, willful neglect of duty, extortion, habitual drunkenness, conviction of being drunk, or conviction of a felony.

ARTICLE IV. MEETINGS

a. Meetings of the Sustainability Commission shall be held on the first Monday of each month except when a holiday or other special circumstance requires a change in meeting time. When possible, the re-scheduled meeting day will be the second Monday of the month. The time of the meeting being 7:00 P.M.

b. Special meetings may be held at the call of the Chair, or in her or his absence, the Vice-Chair.

c. All meetings shall be open to the public and subject to the Open Meetings Act.

d. The Chair or Vice-Chair may authorize a telephone or e-mail poll of the members of the Commission for the purpose of canceling a meeting.

~~e.~~ Three unexcused absences from regular meetings in a fiscal year shall create a vacancy in the office and, after 14 days' notice to the absent member, the Mayor shall fill the vacancy by appointment with the consent of City Council.

ARTICLE V. AMENDMENTS

These bylaws may be amended by two thirds vote of a quorum of members attending a meeting called to consider the question of amendment. Notice of the meeting shall be announced at a regular meeting not less than 14 days before the meeting to amend, and a copy of the meeting notice and the proposed amendments must be furnished each member, in writing, by personal service, first class mail or e-mail.

Ordinance No. 1280 - An ordinance to establish a Sustainability Commission 1. THE CITY OF YPSILANTI HEREBY ORDAINS That The Ypsilanti City Code is hereby amended by adding a new Division 5 Sustainability Commission, to Chapter 2 Administration, Article IV Boards and Commissions, as follows: Division 5. SUSTAINABILITY COMMISSION Section 2.171 Sustainability Commission Rationale City Council by resolution 2016-258, dated November 14, 2016 set forth the reasons for a Sustainability Commission, including: a. To create a model of sustainability through efforts to advocate, educate and promote the social, economic and environmental health of the community now and into the future. b. To broaden the lens and scope of energy and environmental needs in the future such as wind, solar, clean air, water and improving infrastructure. c. To recognize natural resources as chief assets of the City of Ypsilanti and encouraging responsible stewardship of these assets. d. To collaborate with citizens, employees, employers, service providers and other governmental agencies and educational agencies to share ideas. e. To create a Sustainability Plan. f. To review the City of Ypsilanti's Climate Action Plan, Alternate Fuel Policy, the Michigan Green Communities Challenge, and other plans and policies and to continue the work of said plans and policies. g. To prioritize sustainability policies. Section 2.172. Created Pursuant to Ypsilanti City Charter section 9.03, a commission is hereby created known as the Ypsilanti Sustainability Commission, a. to consist of nine regular members, serving for staggered three year terms, and two non-voting youth members serving one year terms. two non-voting youth members to serve one year terms. S:\Clerk's Office\Ordinances\2017 Ordinances\Adopted Ordinance Sustainability Commission.doc b. There shall be a staff person assigned to the commission. c. There shall be a Council liaison appointed to the Commission by City Council. d. Commissioners shall be city residents, except that not more than three commissioners may be non-residents of the city of Ypsilanti. Section 2.173 Appointment Commissioners shall be appointed by the Mayor with the approval and confirmation of a majority of city council. Non-resident commissioners shall require a finding of the best interest of the city and approval and confirmation of not less than five affirmative votes of city council members. Section 2.174 Duties Duties of the Ypsilanti Sustainability Commission shall be to: a. Establish by-laws, subject to the approval of the City Council. b. Elect officers including a Commission chairperson. c. Establish a meeting schedule and meet at least quarterly. d. Take action to fulfill the reasons and rationale for the Sustainability Commission set out in Section 2.171, above. e. To report Commission actions and findings and make recommendations to City Council at least annually. 2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance. 3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed. 4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Agenda
Planning Commission
Master Plan Housing Update Subcommittee
Wednesday, 07 March 2018 – 7:00 P.M.
New Parkridge Homes Community Room – 831 Hilyard Robinson Way
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Heidi Jugenitz (PC)	P	A
Toi Dennis / Liz Dahl MacGregor (PC)	P	A
Matt Dunwoodie (PC)	P	A
Chris Madigan (PC)	P	A
Amber Fellows (HRC)	P	A
Tom McKee (SC)	P	A
Zac Fosler (YHC)	P	A
Dr Chiara Hensley (EMU)	P	A
Nathanael Romero (DAY)	P	A
Cheranissa Roach (AACIL)	P	A
Jim Scarletta (AH)	P	A
Krista Girty (OH)	P	A
Richard Murphy	P	A
Tariq Hamad	P	A
Roberta Andrews	P	A
Desiraé Simmons	P	A
Ashley Fox	P	A
Alexis Ford	P	A
Mike Auerbach	P	A
Shari Wander	P	A

III. Minutes

IV. Background material: what we know and what we need to know

V. Discussion of potential public input goals and method

VI. Public Comment (please limit to five minutes)

VII. Upcoming business

VIII. Adjournment

MINUTES
Planning Commission
Master Plan Housing Update Subcommittee
Wednesday, 07 February 2018 – 7:00 P.M.
Riverside Arts Center – Gallery, 76 N Huron St
Ypsilanti, MI 48197

I. Call to Order: 7:01PM

II. Roll Call

Heidi Jugenitz (PC)	P	
Toi Dennis (PC)	P	
Matt Dunwoodie (PC)	P	
Chris Madigan (PC)	P	
Amber Fellows (HRC)	P	
Tom McKee (SC)	P	
Zac Fosler (YHC)	P	
Dr Chiara Hensley (EMU)	A	
Nathanael Romero (DAY)	P	
Cheranissa Roach (AACIL)	P	
Jim Scarletta (AH)	P	
Krista Girty (OH)	P	(7:03)
Richard Murphy	A	
Tariq Hamad	P	
Roberta Andrews	P	
Desiraé Simmons	P	
Ashley Fox	P	
Alexis Ford	P	
Mike Auerbach	P	

III. Introductions

Each committee member present introduced themselves and gave a brief description of their personal and/or their organizational interest in housing.

IV. Master Plan overview

Bonnie Wessler, City Planner, gave a brief and broad overview of the master planning process.

V. Committee background & desired outcomes

H. Jugenitz explained the tight timeline of this process, with an October deadline, as well as the need to work using a set of operational definitions upon which all committee members can agree. Noted the need for robust data and in-depth analysis of existing conditions. Questions and suggestions were offered by committee members and addressed at the table; these included offering of additional resources/initiatives (OneWashtenaw, REDY), discussion of local and national history (upzoning and downzoning in Ypsilanti; racial exclusion/redlining); discussion of the need to perform outreach to traditionally underrepresented populations and to incorporate their input in a meaningful manner.

VI. Master Plan update process & proposed calendar

H. Jugenitz discussed future meetings, proposing 7pm on first Wednesdays, at rotating locations. Accessibility via bus was noted as important, as well as physical accessibility. A location was not determined.

VII. General discussion & input

All around the table were invited to give further input. A Fox, T Dennis, N Romero, A Fellows, and D Simmons all offered additional input; there was discussion of goals, metrics, the relation of affordability to wages, the value or lack thereof of relating housing to income/wealth, and additional information regarding existing resources.

VIII. Preparations/background reading for March meeting

H. Jugenitz noted that she would put together a Google Drive, Dropbox, or similar for dissemination of materials. Members were invited to send suggestions.

IX. Audience Participation

H. Jugentiz noted that there was a large audience present, and although audience participation was not on the agenda, she would welcome it. There was general assent from the committee as a whole.

- Mark Hergott. Suggested that local businesses reinvest in the local community for a reduction in taxes. Noted that many of the issues discussed were intersectional, and expressed desire to bring everyone to the table.
- Anthony Morgan. Wanted to know if there was a way to cap how much real property an individual could own in the City.
- Rae. Leads the Ypsilanti Tenants Union. Notes that there are many renters in the City. Wanted more renters to know their rights, as the lack of such knowledge makes it easy for unscrupulous landlords to take advantage of them and provide unsafe housing.
- Kiera. EMU grad student; expressed belief in housing as a human right. Resident since 2005. Wants to see more universal design, more residents on the steering committee. Pointed out that the venue was not conducive to allowing people with hearing disabilities to participate.
- Carly. Resident of 6 years. Feels accessibility is an afterthought for many, and needs to be centered in the discussion more. Has had issues with landlords failing to provide reasonable accommodations in the past.
- Sheri. Volunteers with Ypsilanti Gathering Space, as well as the Ann Arbor day shelter. Pointed out that all of the County's resources for people experiencing homelessness were located in Ann Arbor.
- Liz. Has lived here a long time. Noted that many at the table and in the audience were not born Ypsilantians; in a sense, all were gentrifiers. Remember there was an Ypsilanti already here when we got here.
- Rae (again). Decried condition of rentals; specifically with regard to the lack of regulation regarding radon and mold. Noted that part of accessibility is simply being able to live healthily in a space.

X. Adjournment 8:47pm

COMMITTEE CHARTER:
Citizen Committee on Housing Affordability & Accessibility

Adopted December 20, 2017
Revised February 21, 2018

Background

In October 2013, the Planning Commission of the City of Ypsilanti adopted a new Master Plan (also referred to as the "Shape Ypsi" Master Plan), a hybrid land use/policy plan intended to guide development, redevelopment and preservation in the City over a 20-year horizon. It provides the framework on which the City's Zoning Ordinance is based and also contains guidance for other areas of civic governance, such as capital improvements, non-motorized transportation and development of publicly-owned land.

Two of the guiding values set forth in the Master Plan are "*Diversity is our strength*" and "*Anyone, no matter what age or income, can find a place to call home in Ypsilanti.*"

In the four-plus years since the 2013 Master Plan was adopted, issues of housing affordability and accessibility have surfaced repeatedly during Planning Commission proceedings (which include reviews of site plans and special use applications). Rents are rising, in some cases so sharply that renters have been priced out of the City. Barriers to physical accessibility, common among Ypsilanti's older homes, continue to limit housing options for people with a disability. These realities conflict with the Master Plan guiding values cited above.

By statute, the Planning Commission is required to review the Master Plan at least once every five years and to make updates as deemed necessary.

I. Purpose

The Citizen Committee will review and update the City of Ypsilanti's 2013 Master Plan with a focus on preserving and enhancing housing affordability and accessibility in keeping with the guiding values of the Master Plan. The Committee will develop and issue recommendations for specific land use and policy changes for consideration by the Planning Commission and (upon invitation) City Council.

II. Committee Type

Per Planning Commission bylaws, "*the Commission, Chair or City Planner may establish and appoint citizen committees with the consent of the Commission. The purpose of the citizen committee is to be able to use individuals who are knowledgeable or expert in a particular issue before the Commission or to better represent various interest groups.*"

The Citizen committee is a "special" committee of the Planning Commission (as opposed to a standing committee). It is formed to serve for a limited time and will be dissolved once the tasks and responsibilities assigned to it are complete.

III. Membership

The committee will be comprised of:

- Up to four (4) members of the Planning Commission
- One member of the Human Relations Commission
- One member of the Sustainability Commission
- One representative of the Ypsilanti Housing Commission ~~board~~
- One representative of EMU
- One representative of Defend Affordable Ypsi
- One representative of Ann Arbor Center for Independent Living
- One representative of Avalon Housing
- One representative of Ozone House
- One representative of civic affairs organization at the county or state level
- One Ypsilanti owner-occupant
- One Ypsilanti business owner (and employer)
- One lessor of rental properties in Ypsilanti
- Up to two renters of the community at large
- One Ypsilanti community member experiencing homelessness

Members shall be residents of the City. In the event that a resident cannot be identified for a specific seat, no more than 25% of seats may be occupied by non-residents. Only residents shall have a vote on matters requiring one. A guiding principle in recruiting and selecting individuals to serve on the committee will be the degree to which the members, as a whole, represent the diversity of the Ypsilanti community, both demographically (in terms of income, race or ethnicity, age group and ward) and with respect to affordability and accessibility-related interests.

Organizations represented on the committee may elect to rotate their representative as appropriate to accommodate the thematic focus of work sessions. Participation is voluntary, and any organization may opt out of committee participation at any time.

All members shall have equal voice and standing with respect to the proceedings and recommendations of the Committee.

The Planning Department of the City of Ypsilanti will provide a staff advisor to the Committee.

IV. Chairperson

The Chair of the Planning Commission shall serve as the Chairperson of the Citizen Committee and will designate another committee member to chair work sessions in her absence.

V. Activities, Duties & Responsibilities

- Drawing on the most up-to-date quantitative and qualitative data and resources available, assess the current situation with respect to housing affordability and accessibility in Ypsilanti and Washtenaw County
- Analyze underlying barriers to affordability and accessibility at the municipal, county, state and national levels
- Study existing affordability and accessibility strategies and models (local and non-local)
- Identify additional strategies and models for increasing affordability and accessibility
- Rate strategies based on their probable impact, feasibility and acceptability in Ypsilanti
- Develop written land use and policy recommendations for adoption and implementation
- Present recommendations to Planning Commission and (upon invitation) City Council

VI. Committee Procedures

Frequency of meetings: The committee will hold its initial work session in January 2018 and will meet on a regular basis (not more than twice-monthly and not less than monthly) to fulfill its duties as described above.

Venue(s): Work sessions of the Citizen Committee will be publicly noticed and held at rotating, accessible venues to facilitate community engagement in the review and updating of the Master Plan.

Thematic focus groups: As appropriate, the Citizen Committee will invite additional input from community residents through focus groups, special presentations, and public comment sessions. In addition, the committee will form subgroups to perform in-depth study of special topics as required.

Completion of work and presentation of recommendations: The committee will report back to the Planning Commission on a monthly basis. The committee's work will be completed **no later than October 2018**, five years from the date of the adoption of the Master Plan. Upon finalizing its recommendations, the committee will make a formal presentation to the Planning Commission and, upon invitation from City Council, to Council members.

VII. Authorship Information

This charter was drafted by Heidi Jugenitz, Chairperson of the Planning Commission of the City of Ypsilanti, with input from members of the Planning, Sustainability and Human Relations Commissions, City Council, and the community at large.

housing affordability / accessibility subcommittee

Tom McKee to me 1:46 PM

Hi Keith,

In my update on the subcommittee, I will be giving a summary of last meeting. most of our time was spent talking about the "DRAFT Funding Resolution to Council (for consideration by the Planning Commission)."

If you would like to include it in our meeting packet, here it is:

"DRAFT Funding Resolution to Council (for consideration by the Planning Commission)

WHEREAS the City of Ypsilanti's 2013 Master Plan states a guiding value that "Anyone, no matter what age or income, can find a place to call home in Ypsilanti;" and,

WHEREAS the City of Ypsilanti Planning Commission has created a citizen committee to develop a housing plan that advances this value by addressing housing affordability, accessibility, and instability; and,

WHEREAS the citizen committee anticipates developing a plan by October 2018 that will include immediate and medium-term actions and investments; and,

WHEREAS the Ypsilanti City Council and staff are currently developing the budget for the fiscal year spanning July 1, 2018 to June 30, 2019;

THEREFORE BE IT RESOLVED that the Planning Commission recommends the City of Ypsilanti allocate funding annually to a housing trust fund, beginning with a minimum $100,000 in Fiscal Year 2019; and,

BE IT FURTHER RESOLVED that the use of these funds be guided by the plan developed by the Citizen Committee on Housing Affordability and Accessibility and adopted by the Planning Commission; (and

BE IT FURTHER RESOLVED that if for any reason no such plan is adopted, the City's allocation to the housing trust fund shall instead be allocated to the Ypsilanti Housing Commission.) "

The section in red was removed by vote.

…

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

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John M. Barr
Karl A. Barr
~~~~~~~

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

REQUEST FOR LEGISLATION

DATE: February 20, 2018

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Approval of EMU parking arrangement

SUMMARY/BACKGROUND

The main campus of Eastern Michigan University (EMU) lies within the boundaries of the City of Ypsilanti. EMU has a parking system for students and staff and visitors on campus that includes street parking, lot parking and structure parking. EMU presently operates and manages the parking system.

The EMU Board of Regents recently decided to enter into a public-private partnership to monetize the parking system and contract with Preston Hollow Capital, LLC (PHC), an outside vendor for the operation, management, capital improvement and continuation of the parking system. The contract is memorialized in a "Concession Agreement."

As consideration for receiving the Concession Agreement benefits, PHC will compensate EMU with an upfront payment and yearly payments in the future.

PHC will assign the Concession Agreement to the Provident Group-EMU Properties LLC (the Borrower), an Arizona limited liability company, that will fulfill the Concession Agreement and borrow funds to finance the transaction. The sole owner-member of the Borrower is Provident Resources Group Inc., a Georgia non-profit 501c3 corporation, a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code. In furtherance of Provident's charitable mission, Borrower will assume the obligations of PHC under the Concession Agreement to operate, manage continue and improve the parking system under the terms of the Concession Agreement.
~~~~~~~

The Borrower will borrow the funds from the Arizona Industrial Development Authority (AIDA), an Arizona non-profit corporation designated as a political subdivision of the State of Arizona, that will raise the funds by the sale of "Private Activity Bonds" notes, and other obligations in amount up to 65 million dollars.

Private Activity Bonds are tax exempt and Section 147(f) of the Internal Revenue Code 1986 as amended (Code), provides that, in order to qualify for tax exemption, a private activity bond issue must satisfy the necessary public approval requirements. Public approval can be obtained by voter referendum or, more commonly, a public hearing following "reasonable public notice."

EMU has requested the City of Ypsilanti provide the means of satisfying the public notice and approval requirements of the Code by hosting a public hearing and approving the issuance of the private activity bond issue.

The requirements are met by having a public hearing, following proper notice of the public hearing, and legislative approval. EMU and its representatives have furnished a Notice of Public Hearing and proposed resolution. City Clerk McMullan is publishing the Notice of Public Hearing in the Washtenaw County Legal News and setting the matter on for the Public Hearing and City Council consideration of the resolution of approval.

Mr. McClary, Ypsilanti City Manager and I are in agreement that it would be proper for City Council to support EMU and approve the resolution of approval.

I have researched the matter and find that there is no financial obligation or commitment for the city to approve the issuance of the notes as requested.

ATTACHMENTS: Proposed Resolutions to Close Public Hearing, Approve Issuance of AIDA notes

RECOMMENDED ACTION: Adoption of resolutions

DATE RECEIVED:_______________ AGENDA ITEM NO. Resolution No. 2018-042_____

CITY MANAGER COMMENTS: ____

FOR AGENDA OF:____________ FINANCE DIR. APPROVAL: ________________________

COUNCIL ACTION TAKEN: ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YPSILTANI, MICHIGAN, APPROVING THE ISSUANCE BY THE Arizona Industrial Development Authority OF ITS REVENUE NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $65,000,000, TO FINANCE CERTAIN ACQUISITION COSTS RELATING TO THE EASTERN MICHIGAN UNIVERSITY's PARKING SYSTEM FOR Provident Group – EMU Properties LLC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Nothing in this resolution shall be construed to create any obligation or liability of the City in any respect whatsoever pertaining to the Notes. No statement, representation or recital herein shall be deemed to constitute a legal conclusion or determination that any particular action or proposed action is required, authorized or permitted under the laws of the State of

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

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

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

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

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

CITY COUNCIL OF YPSILANTI, MICHIGAN

By:____________________________________
Mayor

ATTEST:

By: ________________________________
City Clerk

EXHIBIT A

TEFRA NOTICE

[see attached]

<u>EXHIBIT B</u>

MINUTES OF PUBLIC HEARING

[see attached]

Resolution No. 2018-043
March 6, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The public hearing with respect to the proposed issuance by the Arizona Industrial Development Authority (the "Authority") of its revenue notes, bonds or other obligations in one or more series from time to time pursuant to a plan of financing (the "Notes"), in an amount not to exceed $65,000,000 is hereby closed.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE: