



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
Tuesday, October 3, 2023 @ 7:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197
[Launch Meeting - Zoom](#)**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

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

IV. AGENDA APPROVAL

V. PUBLIC COMMENT (3 MINUTES)

VI. PRESENTATIONS

- A. Year End Budget Update

VII. CONSENT AGENDA

- A. Resolution No. 2023-187, Approving the Consent Agenda.
- B. Resolution No. 2023-188, Approving the Minutes of the September 19, 2023 City Council Meeting.
- C. Resolution No. 2023-189, Approving placing teal ribbons around city trees for Domestic Violence Awareness Month.

VIII. ORDINANCES FIRST READING

- A. Ordinance 1420, an ordinance entitled, "Troy Street Right of Way Vacation."
1. Resolution No. 2023-190, Determination.
 2. Public Hearing.
 3. Resolution No. 2023-191, Closing the public hearing.

IX. RESOLUTIONS/MOTIONS/DISCUSSIONS

- A. Resolution No. 2023-192, Approving an updated Affordable Housing Covenant for Dorsey Estates.

- B. Resolution No. 2023-193, Approving an updated Property Disposition Policy.
- C. Resolution No. 2023-194, Approving a proposal for MS4 Permitting Assistance.
- D. Resolution No. 2023-195, Approving changes to Boards and Commissions.

X. BOARD AND COMMISSION - LIAISON REPORTS

- A. Police Advisory Commission
- B. Human Relations Commission
- C. Parks and Arts Commission
- D. Sustainability Commission
- E. Historic District Commission
- F. Planning Commission
- G. Zoning Board of Appeals

XI. LIAISON REPORTS

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Ypsilanti Downtown Development Authority
- E. Friends of Rutherford Pool
- F. Bicentennial Committee

XII. COUNCIL PROPOSED BUSINESS

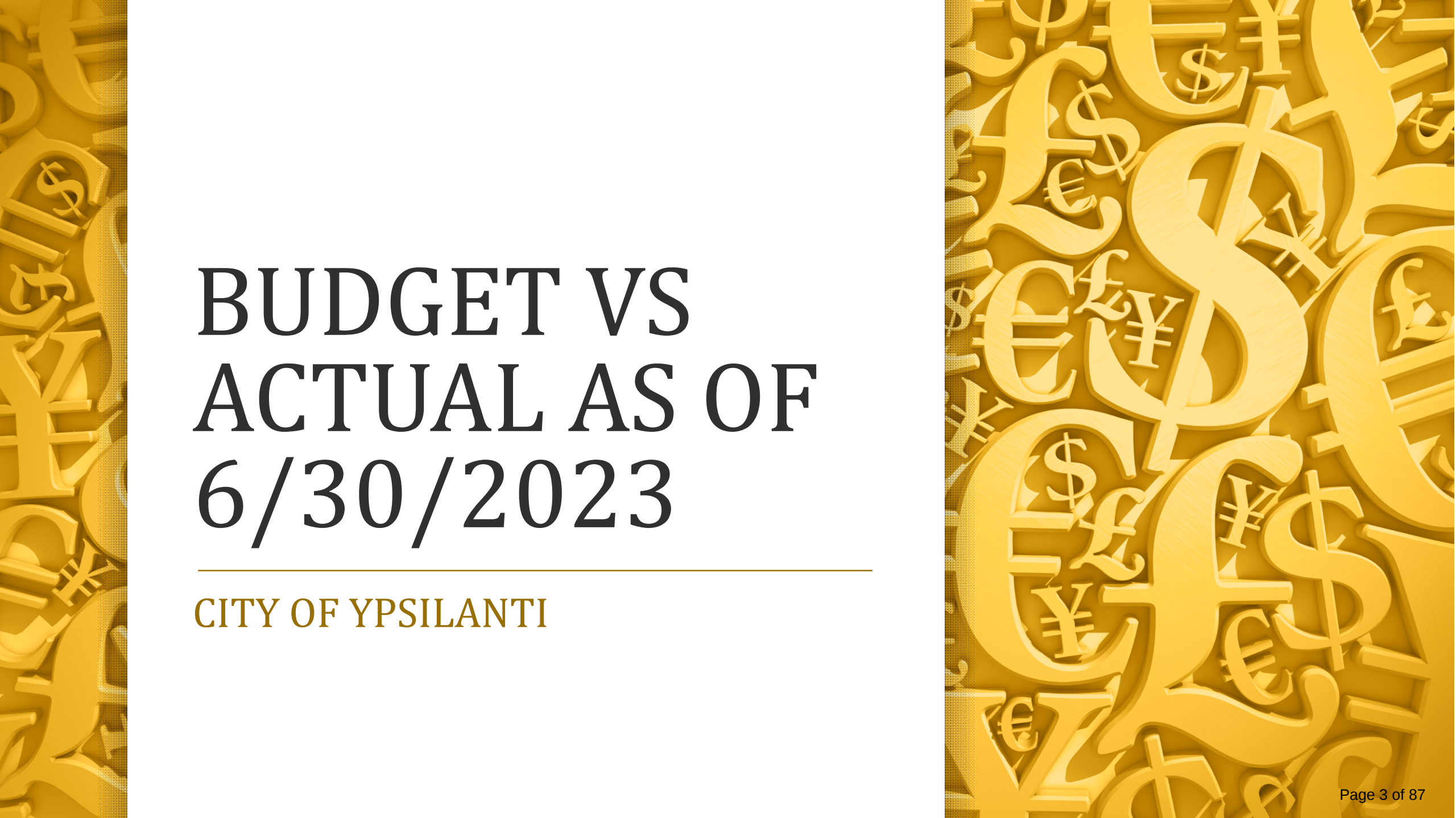
XIII. COMMUNICATIONS FROM THE MAYOR

XIV. COMMUNICATIONS FROM THE CITY MANAGER

XV. PUBLIC COMMENT (3 MINUTES)

XVI. ADJOURNMENT

- A. Resolution No. 2023-196, adjourning the City Council Meeting.
- B. Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.



BUDGET VS ACTUAL AS OF 6/30/2023

CITY OF YPSILANTI



CONTENTS

- General Fund comparison of Budget vs Actual Revenue and Expenditure 6/30/2023
 - “Actual numbers are not yet final and still being audited”
- Major Variances
- Projected General Fund Balance
- Deferred Capital Expenditure
- Questions, Comments and Recommendations

Budget vs Actual

DETAIL	ACCOUNT NUMBER	COUNCIL APPROVED BUDGET 2022-2023	(UNAUDITED) YTD ACTUAL 2022-2023	VARIANCE
REVENUES				
TAXES		6,647,474	6,672,437	24,963
CHARGES FOR SERVICES		1,374,532	1,334,196	(40,336)
FINES & FORFEITS		56,781	36,634	(20,147)
GRANTS		76,007	75,573	(434)
INTERGOVERNMENTAL		5,624,232	6,116,273	492,041
LICENSES AND PERMITS		1,116,275	1,380,590	264,315
OTHER REVENUE		850,321	1,169,012	318,691
PENSION & OPEB		3,165,192	3,165,192	0
TRANSFER IN		220,000	220,000	0
REVENUES Total		19,130,814	20,169,907	1,039,093
EXPENDITURE				
SALARIES		(6,369,413)	(5,861,286)	508,127
BENEFITS		(2,554,804)	(2,419,872)	134,932
OPERATING EXPENSES		(4,016,993)	(3,720,535)	296,458
PENSION & OPEB		(3,165,192)	(3,165,192)	0
TRANSFERS		(1,668,976)	(1,668,976)	0
EXPENDITURE Total		(17,775,378)	(16,835,861)	939,517
Grand Total		1,355,436	3,334,046	1,978,610



Major Variance

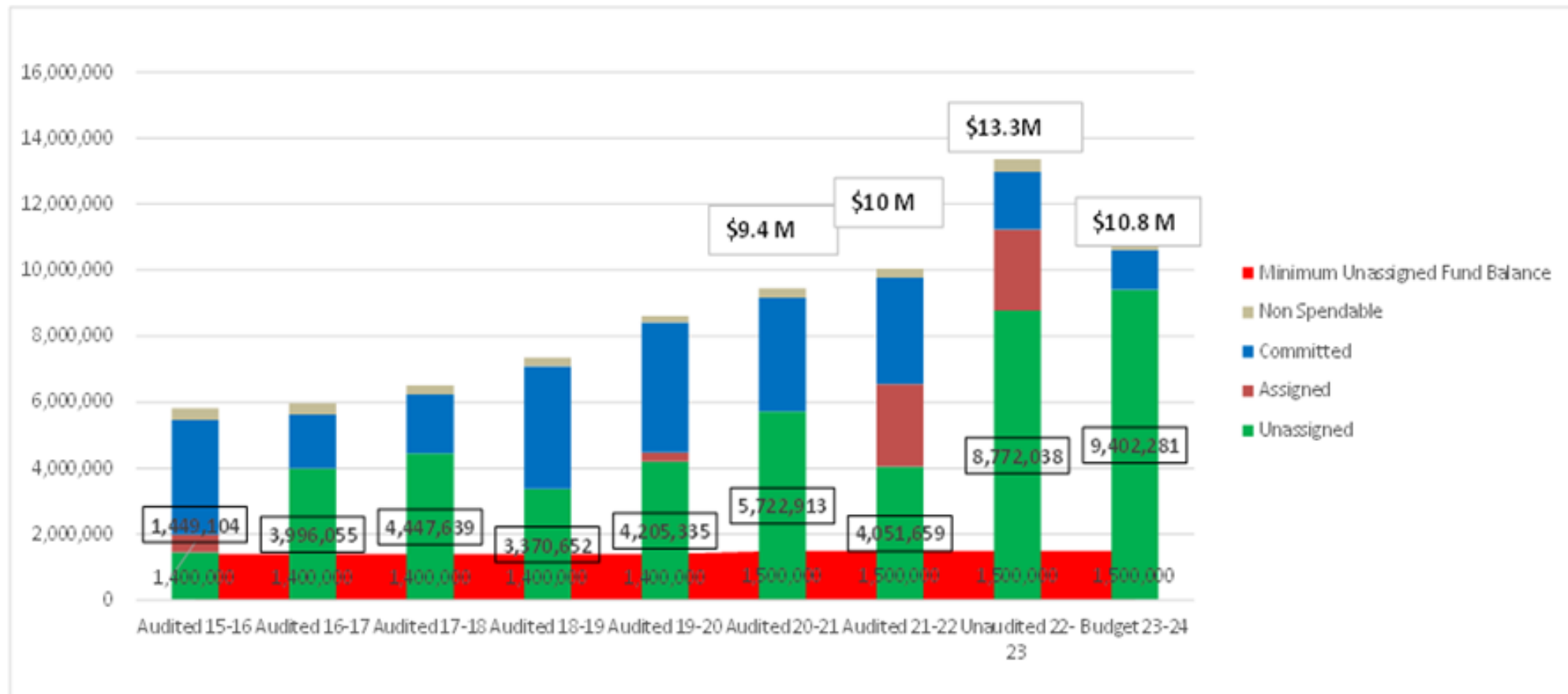
Revenue

- \$492K higher State Revenue Sharing
- \$264K Permits and Licenses
- \$200K higher in interest earnings

• Expenditures

- \$634K lower in salaries and benefits
- \$296K lower operating expenses

Projected Fund Balance



Deferred Capital Expenditure

***Every appropriation shall lapse at the close of the Fiscal Year except for Capital Expenditures.**

CAPITAL	AMOUNT
Fire Vehicle(1)	\$48,000
Police Vehicle(1)	\$41,500
Environmental Vehicles(3)	\$776,000
YFD Parking Lot	\$125,000
Frog Island Improvement	\$350,800

Questions and Recommendations



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Aaron Smith, Interim City Clerk

Subject: Resolution No. 2023-187, Approving the Consent Agenda.

SUMMARY & BACKGROUND: Consent Agenda Items for October 3rd, 2023.

RECOMMENDED ACTION: Approve the Consent Items.

ATTACHMENTS:

1. Res. No. 2023-187 Consent

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: October 3, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



Resolution No. 2023-187
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2023-188, approving the minutes of the September 19, 2023, City Council meeting.
2. Resolution No. 2023-189, approving placing purple ribbons around city trees for Domestic Violence Awareness Month.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Aaron Smith, Interim City Clerk

Subject: Resolution No. 2023-188, Approving the Minutes of the September 19, 2023 City Council Meeting.

SUMMARY & BACKGROUND: Minutes from the September 19, 2023 meeting.

RECOMMENDED ACTION: Approve the minutes of the September 19, 2023 meeting.

ATTACHMENTS:

1. Res. No. 2023-188 Minutes 9-19-23
2. REGULAR COUNCIL - 19 Sep 2023 - Full Minutes

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: October 3, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



Resolution No. 2023-188
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of the September 19th, 2023, City Council Meeting be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



MINUTES

REGULAR COUNCIL Meeting

7:00 PM - Tuesday, September 19, 2023
Council Chambers

The REGULAR COUNCIL of the City of Ypsilanti was called to order on Tuesday, September 19, 2023, in the Council Chambers, with the following members present:

PRESENT: Council Member Jennifer Symanns, Mayor Pro-Tem Steven Wilcoxon, Mayor Nicole Brown, Council Member Desirae Simmons, Council Member Evan Sweet, Council Member Roland Tooson, and Council Member Michelle King

ABSENT:

1 CALL TO ORDER

The meeting was called to order at 7:01 PM.

2 ROLL CALL

Present: Mayor Pro-Tem Steven Wilcoxon, Council Member Evan Sweet, Council Member Roland Tooson, Council Member Me'Chelle King, Council Member Desirae Simmons (7:07 PM), Mayor Nicole Brown (7:09 PM).

Absent: Council Member Jennifer Symanns.

Council Member Sweet moved to excuse the absent council members, seconded by Council Member Tooson. On a voice vote, the motion carried. Yes - 4, No - 0, Absent - 3 (Council Members D. Simmons and J. Symanns and Mayor Brown)

3 PLEDGE OF ALLEGIANCE

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

4 AGENDA APPROVAL

Council Member Tooson moved to approve the agenda, seconded by Council Member Sweet. On a voice vote, the motion carried.

Yes - 4, No - 0, Absent - 3 (Council Members D. Simmons and J. Symanns and Mayor Brown)

5 PUBLIC COMMENT (3 MINUTES)

Eighteen members of the public made comments.

6 PRESENTATIONS

- a) A presentation from Mariah Zeisberg regarding Corsi-Rosenthal boxes.

7 CONSENT AGENDA

- a) Resolution No. 2023-176, approving the Consent Agenda.

Council Member Evan Sweet moved, seconded by Council Member Roland Tooson, to approve Resolution No. 2023-176.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2023-177, approving the minutes of the September 5, 2023, City Council meeting.
2. Resolution No. 2023-178, approving Ordinance 1419, an ordinance entitled, "An ordinance to amend City Code section 78-100(13) to prohibit smoking in city buildings and tot-lot playgrounds and within 15 feet of any play structure in any city park." **(Second reading)**

RESULT:	CARRIED.
MOVER:	Council Member Evan Sweet
SECONDER:	Council Member Roland Tooson
AYES:	Steven Wilcoxon, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

- b) Resolution No. 2023-177, approving the Minutes of the September 5th, 2023, City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of the September 5th, 2023, City Council Meeting be approved.

- c) Resolution No. 2023-178, approving Ordinance 1419, an ordinance entitled, "An ordinance to amend City Code section 78-100(13) to prohibit smoking in city buildings and tot-lot playgrounds and within 15 feet of any play structure in any city park." **(Second reading)**

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

the ordinance named "An ordinance to amend City Code section 78-100(13) to prohibit smoking in city buildings and tot-lot playgrounds and within 15 feet of any play structure in any city park, " be approved on Second and Final Reading.

8 RESOLUTIONS/MOTIONS/DISCUSSIONS

- a) Resolution No. 2023-179, expressing support for the repeal of the State of Michigan Rent Control Preemption.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The mission of the Ypsilanti City Council is to promote the economic, cultural and physical welfare of Ypsilanti citizens and residents through the powers and responsibilities given to us by the City Charter; and

WHEREAS, the City of Ypsilanti's population is 66% renters or tenants based on the 2020 Census; and

WHEREAS, The Michigan State Housing and Development Authority (MSHDA) found that, as of November 2019, 50% of Michigan rental households are cost-overburdened, which The United States Department of Housing and Urban Development has defined as families who spend more than 30 percent of their household income on housing and "may have difficulty affording necessities such as food, clothing, transportation, and medical care;" and

WHEREAS, Over half (54.6%) of Ypsilanti renters are **cost-burdened** with respect to housing, and median rent in Michigan rose nearly 9 percent in the past year — the ninth-highest increase among all states, according to an August report by Rent.com; but incomes have not been increasing to match this trend, and

WHEREAS, 4,646 households (60%) in the City of Ypsilanti are Asset-Limited, Income Constrained and Employed (ALICE) or in poverty, with 28.9% of the population living in poverty, and

WHEREAS, In 2018, Washtenaw County's eviction filing rate was 11.3%, placing it 25th among Michigan's 83 counties which means that there was 1 eviction case for every 9 rental housing units in the county; and the City of Ypsilanti's eviction rate was 20.8%, where 92% of cases were filed for non-payment of rent and tenants owed an average of only \$1,110 in back rent and other charges at the time their landlord filed the case, and

WHEREAS, there is no current law to regulate the amount that a landlord can increase rental prices and residents have reported monthly increases up to \$200, and

WHEREAS, MCL 123.411 prohibits local governments from enacting any resolution or ordinance "that would have the effect of controlling the amount of rent charged for leasing private residential property."

WHEREAS, Washtenaw County State Representative Carrie Rheingans introduced HB 4947 on September 7, 2023 to repeal MCL 123.411 with co-sponsorship from our District 32 House Representative, Jimmie Wilson Jr, as well as House

Representative Felicia Brabec, and the City Council of Ypsilanti is in support of our legislative colleagues, and

WHEREAS, municipalities facing similar challenges such as Detroit and Pontiac, have also considered and passed similar resolutions, and

WHEREAS, rent control, or rent stabilization, is just one tool that can be used to protect the safety and wellbeing of tenants and is most successful when used in coordination with other renter protections and efforts to provide adequate affordable housing for its citizens,

NOW THEREFORE BE IT RESOLVED, The Ypsilanti City Council strongly urges State Senator Jeff Irwin to introduce or sponsor, and enact legislation rescinding the ban on rent control laws in support of the House Bill;

THEREFORE, BE IT FINALLY RESOLVED, That the Ypsilanti City Clerk is directed to send this resolution to the Ypsilanti delegation of the Michigan State House and Senate, the members of both legislative chambers' Housing and other relevant committees, and Governor Gretchen Whitmer.

Council Member Desirae Simmons moved, seconded by Council Member Michelle King, to approve Resolution No. 2023-179.

RESULT:	CARRIED.
MOVER:	Council Member Desirae Simmons
SECONDER:	Council Member Michelle King
AYES:	Steven Wilcoxon, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

- b) Resolution No. 2023-180, approving an extension of the contract with Governmental Consulting Services, Inc, to September 30, 2024.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a contract with Governmental Consulting Services, Inc (GSCI) be extended for one year, from October 2023 to September 30, 2024 on the terms set forth in the attached contract, for consideration of \$3,000 per month retainer, **as amended.**

Mayor Pro-Tem Steven Wilcoxon moved, seconded by Council Member Roland Tooson, to amend the GSCI contract to a period of 12 months without a month-to-month renewal.

RESULT:	CARRIED.
MOVER:	Mayor Pro-Tem Steven Wilcoxon
SECONDER:	Council Member Roland Tooson
AYES:	Steven Wilcoxon, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

Mayor Pro-Tem Steven Wilcoxen moved, seconded by Council Member Roland Tooson, to amend the GCSI contract to allow the city an option for termination with 30 days' notice.

RESULT:	CARRIED.
MOVER:	Mayor Pro-Tem Steven Wilcoxen
SECONDER:	Council Member Roland Tooson
AYES:	Steven Wilcoxen, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

Council Member Roland Tooson moved, seconded by Council Member Evan Sweet, to approve Resolution No. 2023-180 as amended.

RESULT:	CARRIED.
MOVER:	Council Member Roland Tooson
SECONDER:	Council Member Evan Sweet
AYES:	Steven Wilcoxen, Nicole Brown, Desirae Simmons, Roland Tooson, and Michelle King
NAYS:	Evan Sweet
ABSENT:	Jennifer Symanns

- c) Resolution 2023-181, approving a Memorandum of Understanding executing a grant from EGLE to continue efforts toward removing the Peninsular Dam.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti has an interest in removing Peninsular Dam

Whereas, the city has partnered with Huron River Watershed Council to both study the feasibility and work towards the removal of the dam, and

WHEREAS, the City has received a grant totaling \$3,781,654 from the Michigan Department of Environment, Great Lakes, and Energy towards removing the dam.

Now therefore be it resolved that the City Council of the City of Ypsilanti approve the contract with the Michigan Department of Environment, Great Lakes, and Energy and the MOU between the City of Ypsilanti and Huron River Watershed Council for the amount of \$3,781,654 for personnel and contractual services to remove Peninsular Dam. Subject to the review of the City Attorney.

Mayor Pro-Tem Steven Wilcoxen moved, seconded by Council Member Evan Sweet, to approved Resolution No. 2023-181.

RESULT:	CARRIED.
MOVER:	Mayor Pro-Tem Steven Wilcoxen
SECONDER:	Council Member Evan Sweet
AYES:	Steven Wilcoxen, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

- d) Resolution 2023-182, approving a Memorandum of Understanding to execute a grant through the US Fish and Wildlife Services National Fish Passage Program.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti has an interest in removing Peninsular Dam

Whereas, the city has partnered with Huron River Watershed Council to both study the feasibility and work towards the removal of the dam, and

Whereas, the City has received a grant totaling \$300,000 towards the removal of the dam to restore the habitat of the Huron River.

Now therefore be it resolved that the City Council of the City of Ypsilanti approve the MOU between the City of Ypsilanti and Huron River Watershed Council for the amount of \$300,000 for personnel and contractual services to remove Peninsular Dam. Subject to the review of the City Attorney.

Mayor Pro-Tem Steven Wilcoxon moved, seconded by Council Member Roland Tooson, to approve Resolution No. 2023-182.

RESULT:	CARRIED.
MOVER:	Mayor Pro-Tem Steven Wilcoxon
SECONDER:	Council Member Roland Tooson
AYES:	Steven Wilcoxon, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

- e) Resolution No. 2023-183, approving a budget amendment for the purchase of a vehicle for the fire department.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti Fire Department desires to replace one (1) fire vehicle with a 2024 Ford Explorer

Whereas, the City of Ypsilanti Fire Department was allocated \$32,000.00 in the FY 2022-23 budget for the purchase of one (1) vehicle, and

WHEREAS, Gorno Ford Woodhaven, Michigan has provided the State of Michigan bid pricing in the amount of \$37,547.00.

Whereas, due to price changes to purchase the Fire Marshal's vehicle a budget adjustment in the amount of \$6,000.00 was made from account 641.7.9340.818.00 into account 641.7.9340.987.11

WHEREAS, the Explorer service model is no longer being built or offered and therefore not available through Gorno Ford.

WHEREAS, Varsity Ford can provide a white/sandstone XLT model for the amount of \$45,479.48.

WHEREAS, due to price changes to purchase the Fire Marshal's vehicle a budget adjustment in the amount of \$7,932.48 to account number 641.7.9340.987.11, a total of \$45,479.48 be available to purchase the vehicle.

THEREFORE, BE IT RESOLVED, that the Fire Chief be authorized to sign all necessary documents to execute the vehicle purchase.

Council Member Michelle King moved, seconded by Council Member Evan Sweet, to approve Resolution No. 2023-183.

RESULT:	CARRIED.
MOVER:	Council Member Michelle King
SECONDER:	Council Member Evan Sweet
AYES:	Steven Wilcoxon, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

- f) Resolution No. 2023-184, approving an agreement to partner with Washtenaw County to administer nine days of early voting in accordance with Michigan Proposal 2022-2.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT Ypsilanti City Council approves signing the Washtenaw County Agreement for Election Services to participate in the county's plan to provide the constitutionally required nine days of early voting.

Council Member Evan Sweet moved, seconded by Council Member Roland Tooson, to approve Resolution No. 2023-184.

RESULT:	CARRIED.
MOVER:	Council Member Evan Sweet
SECONDER:	Council Member Roland Tooson
AYES:	Steven Wilcoxon, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

- g) Resolution No. 2023-185, approving appointments to boards and commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>Name</u>	<u>Board</u>	<u>Expiration</u>
Loviesa Brown 1235 Ruth Ave Ypsilanti, MI 48198	Ypsilanti Housing Commission	11/1/2028

Council Member Roland Tooson moved, seconded by Mayor Pro-Tem Steven Wilcoxon, to approve Resolution No. 2023-185.

RESULT:	CARRIED.
MOVER:	Council Member Roland Tooson
SECONDER:	Mayor Pro-Tem Steven Wilcoxon
AYES:	Steven Wilcoxon, Nicole Brown, Desirae Simmons, Evan Sweet, Roland Tooson, and Michelle King
ABSENT:	Jennifer Symanns

9 BOARD AND COMMISSION - LIAISON REPORTS

1. **Police Advisory Commission** - Next meeting is Thursday September 28th. Still looking for two commissioners and youth commissioners. Commission currently has 1 commissioner each from Ward 1 and Ward 3. Please contact Council Member Tooson to apply.
2. **Human Relations Commission** - Special meeting will be scheduled soon.
3. **Arts Commission** - Newly-christened Parks and Arts Commission met for the first time on the 18th at 6:30. Officer elections were held. The commission will meet on the third Monday each month for the rest of the year. Bonnie Wessler and Elize Jakabson will rotate as staff liaison.
4. **Parks and Recreation Commission** - See above.
5. **Sustainability Commission** - Met last week and had presentations regarding Pen Dam and Bee City. Working on developing a schedule for presentations and encouraging public participation.
6. **Historic District Commission** - No update.
7. **Planning Commission** - Next meeting is September 20th. There will be a Public Hearing regarding Vacating Troy Street on the October 3rd City Council agenda.
8. **Zoning Board of Appeals** - No update.

10 LIAISON REPORTS

1. **SEMCOG Update** - No update.
2. **Washtenaw Area Transportation Study** - No update.
3. **Urban County** - Working on coming up with alternate delegates from among city staff.
4. **Ypsilanti Downtown Development Authority** - Next meeting is September 21st.
5. **Friends of Rutherford Pool** - No update.
6. **Bicentennial Committee** - Working on selecting items and a date for the time capsule burial. Still selling hoodies.

11 COUNCIL PROPOSED BUSINESS

- **Council Member King** - Will be following up regarding the comments made tonight about 466 Madison and the continuing downtown concerns.
- **Council Member D. Simmons** - Keep the public health and built environment grant application on council's and staff's radar. Potluck and Play was a success; residents commented on the importance of neighborhood gatherings and resilience, pollinator-friendly spaces, and local history. Hope to have more gatherings in the future. Council should think about how to address issues

presented in the Washtenaw County Health Department Opioid Death Report, such as overdose prevention centers and seeking partnerships with local agencies. Rats are a growing concern among residents around East Prospect; the Township had success with laying traps at storm drains. Growing Hope provides essential community services, and closing the organization would leave gaps in resources as well as close the farmer's markets. Support compassionate, harm-reductionist, evidence-based actions such as overdose prevention centers and emergency shelters. People are still part of the community whether they own/rent a home or not. Township residents might have recently been city residents or become city residents in the near future and should be seen as members of our community.

- **Mayor Pro-Tem Wilcoxon** - Asked Director Wessler if we can get a grant together to fund a permanent public downtown bathroom. Thank you, firefighters, for attending a public picnic in Candy Cane Park. Thank you, Director Wessler, for helping clarify driveway issues for College Heights residents. Asked Director Wessler for an update on sinkholes. Rats are a larger issue on S. Huron as well, likely due to the large-scale construction happening. Sunday the 24th is Fall River Day at Frog Island Park as well as University Musical Society at the Freighthouse this weekend. Officials with Pen Dam removal will be present there as well as public presentations in early October.
- **Council Member Sweet** - Community Benefits had the final meeting with Avalon, legal document is being assembled to be brought to Council. See you Sunday at Fall River Day.
- **Council Member Tooson** - Thank you Ypsilanti Police Department and Chief Moore for increased police presence and visibility in the city.

12 COMMUNICATIONS FROM THE MAYOR

- Met with the governor's office and state appropriations chair's office in Lansing today to discuss Ypsilanti city needs in this state budget and upcoming state budgets.
- What will our role be in stopping Big Tobacco from selling to minors in the city? Information will be shared soon regarding upcoming initiatives.
- Community Violence Intervention Team and additional public safety budget was discussed. The Fire Department needs to be included in Public Safety budget discussions.
- Attended Dos Hermanos festival last weekend; very grateful for city officials being present.
- See you at the UMS performance on Friday.
- Intense budget discussions were had at the state level - we will not end up with only \$400,000 in future appropriations.

13 COMMUNICATIONS FROM THE CITY MANAGER

- Meeting with each department to determine needs as well as with council members and residents.
- Riverside Park will be closed at night starting soon in a coordinated effort between YPD and DPS.
- Ensuring that city facilities are up to par for city employees.
- Meeting with county officials to address ongoing concerns downtown. This will be a community effort.
- Will follow up with 466 Madison concerns tomorrow.

14 PUBLIC COMMENT (3 MINUTES)

No comments were made.

15 ADJOURNMENT

The meeting was adjourned at 9:52 PM.

- a)** Resolution No. 2023-186, adjourning the City Council Meeting.
- b)** Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Aaron Smith, Interim City Clerk

Subject: Resolution No. 2023-189, Approving placing teal ribbons around city trees for Domestic Violence Awareness Month.

SUMMARY & BACKGROUND: October is widely recognized as Domestic Violence Awareness Month. SafeHouse Center advocates for survivors and against systems that allow domestic violence, and part of this effort involves hanging purple ribbons around city trees during the month of October. The ribbons will have placards with domestic violence awareness information and SafeHouse Center Services. SafeHouse Center will provide the materials and labor necessary for the project and will remove the ribbons by November 1st, 2023.

RECOMMENDED ACTION: Approve ribbons for Domestic Violence Awareness Month.

ATTACHMENTS:

1. Res. No. 2023-189 Domestic Violence Awareness
2. DVAM Ribbon Campaign Ypsilanti

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: October 3, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



Resolution No. 2023-189
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, October is widely recognized as Domestic Violence Awareness Month; and

WHEREAS, the City of Ypsilanti supports SafeHouse Center's mission to advocate for survivors and against systems that allow domestic violence; and

WHEREAS, the SafeHouse Center would like to tie purple ribbons throughout the city displaying placards with information about Domestic Violence Awareness Month and SafeHouse Center services; and

WHEREAS, the SafeHouse Center will provide all materials and labor necessary for this project, guaranteeing all ribbons are removed by November 1st, 2023.

THEREFORE BE IT RESOLVED THAT the Mayor and City Council supports this campaign and approves of purple ribbons being tied throughout the city during the month of October 2023 to spread hope and information for Domestic Violence Awareness Month.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

SafeHouse Center Domestic Violence Awareness Month Ribbon Campaign

October is widely recognized as Domestic Violence Awareness Month (DVAM). In accordance with our mission to not only serve but advocate for survivors and against existing systems that allow domestic violence, SafeHouse Center proposes to do a ribbon campaign in downtown Ypsilanti.

Description (see photo below of the April 23 Sexual Assault Campaign): Purple ribbons are gently wrapped around trees, displaying a small placard with information about DVAM, a fact related to DVAM, information about SafeHouse Center services, and how to contact us. Our team will place these ribbons the first or second week of October, and do removal by November 1st. We will only place these ribbons on city trees in the road verges at the locations listed below. We will happily include any more information the city would like placed on the placards.

Locations:

- 5 trees on E. Cross St. between Rice St. and N. River St.
- 5 trees on W. Michigan Ave. between N. Hamilton St. and N. Huron St.
- 5 trees on W. Cross St. between N. Summit St. and College Pl.



Ann Arbor, MI 48105

734 973-0242

734 995-5444

734 973-7817

734 973-2227

EMAIL
info@safehousecenter.org



WEBSITE
www.safehousecenter.org



REQUEST FOR LEGISLATION

TO Mayor and City Council
FROM Holli Andrews, City Planner
DATE October 3rd, 2023
SUBJECT Right of Way Vacation | Troy Street

SUMMARY & BACKGROUND

The proposed ordinance would vacate any interest the City may have in an undeveloped street that is located southeast of Charles Street (end), west of Twin Towers Street, and north of E Forest Avenue. The public way runs perpendicular to and connects to E Forest. It is approximately 50' by 632' and terminates at a boundary belonging to the property at 750 Holmes.

This stretch of land does not behave physically as a public right of way but has been treated as if it were private property by the adjacent property owners.

Pursuant to Code Section 94-271, the City may vacate alleys by ordinance after review of the Planning Commission. The Planning Commission considered such a request by Robert Rumberger at its August 16, 2023, meeting. If adopted by City Council, this ordinance would revert any interest the City has in this property to the adjacent owners, excepting a reservation of easement for installation and maintenance of utilities.

RECOMMENDED ACTION

Adoption of ordinance.

ATTACHMENTS

Resolution, Ordinance, Planning Commission Minutes, Planning Commission Staff Report, Applicant's Submitted Application

CITY MANAGER APPROVAL

COUNCIL AGENDA DATE 10/3/2023

MANAGER COMMENTS –

FISCAL SERVICES DIRECTOR APPROVAL



Resolution No. 2023-190
October 3rd, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS the City of Ypsilanti recognizes that Troy Street services a single-family residential area; and

WHEREAS the City of Ypsilanti recognizes that this action creates no undue burden to traffic; and

WHEREAS the City of Ypsilanti recognizes that vacating Troy Street is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the street or alley; and

WHEREAS this resolution to vacate Troy Street adheres to Article III: Development Procedures and Administration, Division 2: Permits, Subdivision III: Temporary Use Permits, Sec. 122-335 Requirements; and

WHEREAS the City of Ypsilanti recognizes that the wishes and desires of the majority of the neighborhood are met by vacating Troy Street.

NOW THEREFORE BE IT RESOLVED THAT an ordinance entitled, "Troy Street Right of Way Vacation," be adopted on first reading.

OFFERED BY _____

SUPPORTED BY _____

YES _____ NO _____ ABSENT _____ VOTE _____

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 3RD day of October 2023.

City of Ypsilanti
Notice of Adopted Ordinance
Ordinance No. 1420

An Ordinance Entitled Troy Street Right of Way Vacation

THE CITY OF YPSILANTI ORDAINS that Troy Street as a public right of way be vacated.

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

_____ Aaron Smith, Interim City Clerk

Attest

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

_____ Aaron Smith, Interim 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 _____, _____.

_____ Aaron Smith, Interim City Clerk

Notice Published:

First Reading:

Second Reading:

Published:

Effective Date:



**City of Ypsilanti
Planning & Development Department**

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7260
www.cityofypsilanti.com

31770
visa

**Non-Refundable Fee:
\$1,500**

RIGHT OF WAY VACATION APPLICATION

Petition Circulated By

Name ROBERT RUMBERGER		
Address 715 E. FOREST AVE		
City YPSILANTI	State MI	Zip 48198
Phone [REDACTED]	Fax [REDACTED]	
E-mail [REDACTED]	Date 6/19/23	

To: [REDACTED] Ypsilanti, Michigan:

We, the undersigned, being persons having an interest in property abutting on the public right-of-way, more particularly described as: *(insert description of right-of-way in question)*

TROY STREET

do hereby respectfully petition the City Council to vacate said public-right-of-way, pursuant to the authority given to you by the City Charter. We, the undersigned, believe that the public would benefit from this action for the following reason(s):

GENERATE TAXES ON PROPERTY

On a separate sheet, please provide any additional information or relevant details.

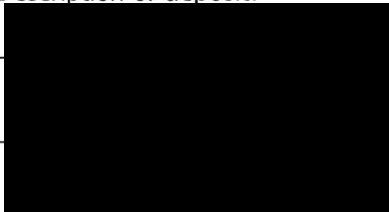
- ☒ PETITION attached
- ☒ SKETCH attached

Petition to Vacate the Alley at:

Petition summary and background	TROY STREET
---------------------------------	-------------

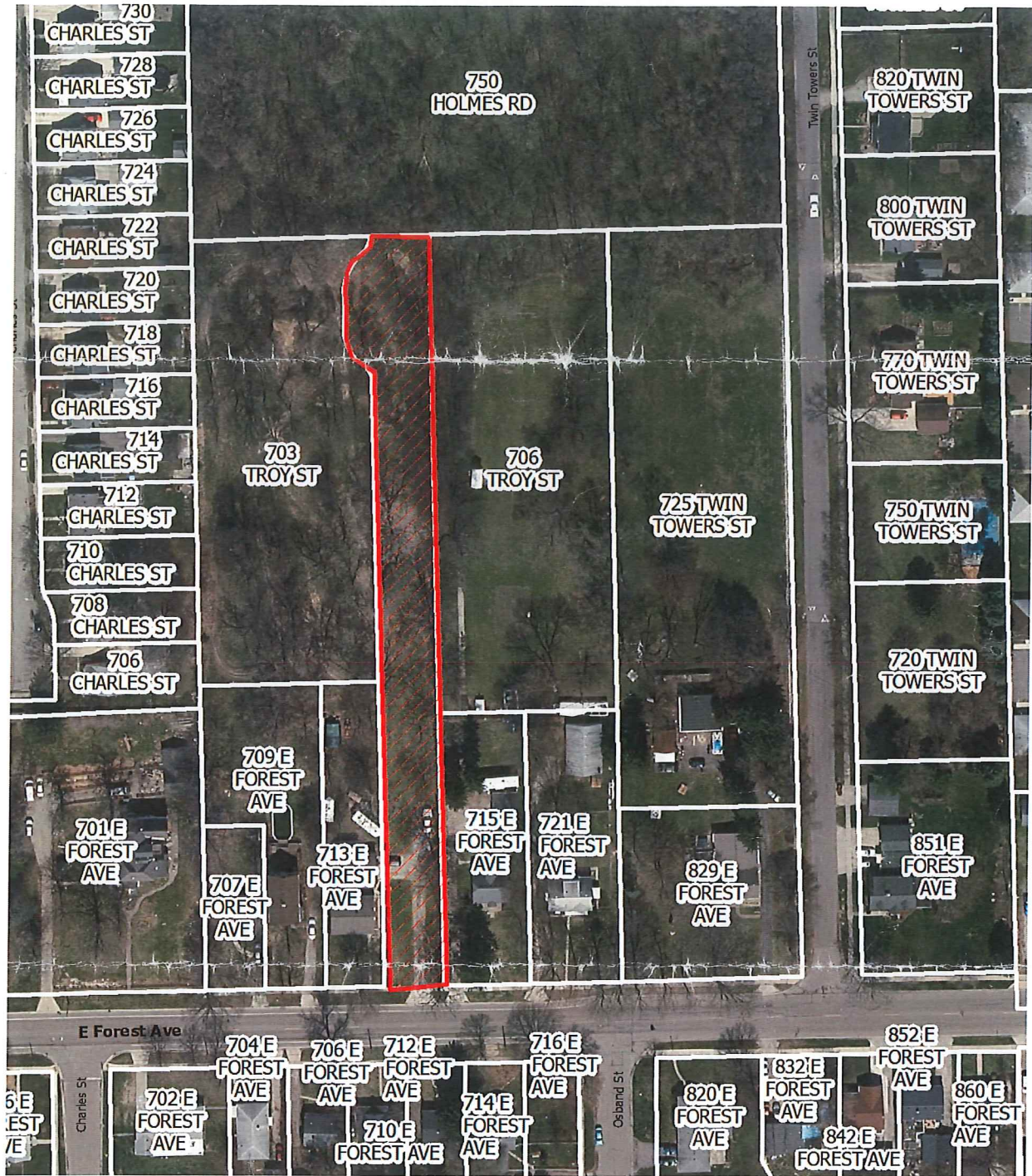
Printed Name	Signature	Address	Comment	Date
Terry Swibency		829 E Forest Ypsi MI		5/23/23
Cheryl Waldenmyer		750 Holmes Ypsilanti, MI 48198		6/19/23
ROBERT RUMBERGER		715 E. FOREST AVE YPSILANTI, MI 48198		6/19/23

FOR OFFICE USE ONLY

Date 6/20/23	Amount \$1,500	Cash	Check
Account: 101-4-7210-607-01		Code: 178 Rezone	
Description of deposit: 			
Date: 6/20/23	Amount: \$1,500	Account: 101-4-7210-607-01	
Cash		Code: 178 Rezone	
Check payable to City of Ypsilanti		Signature of person receiving deposit:	
Credit (+ \$45 surcharge)			
Description of deposit:			

Sketch of Right-of-Way Location:

(GOOGLE MAPS PRINTOUTS ARE ACCEPTABLE)



- THE VACATIONING OF THIS PARCEL WOULD ALSO ELIMINATE THE CONFUSION OF WHO CAN USE THIS PARCEL.
- ELIMINATE THE FRUSTRATION THAT HAS ARISEN FROM THIS PARCEL, THE CONSTANT CALLS TO BONNIE.
- ELIMINATE THE USE BY TROUBLE MAKERS PARKING AND SUCH AT THE DEAD END
- WOULD BE CLEANED UP TO ELIMINATE VERMIN FROM NESTING IN THE MESS THE CURRENT OCCUPIERS HAVE DUMPED ON THE PARCEL LINE. SHOULD BE CLEANED UP BY THEM BEFORE IT IS VACATED. (OCCUPANTS)
- HOPEFULLY STOP THE DUMPING ON THE FENCE LINE FROM THE PRESENT OCCUPANTS
- THE ADJOINING RESIDENTS WOULD BE ABLE TO USE IT WITHOUT HARASSMENT.
- SUCH AS THE WASTED TIME OF THE CITY POLICE TO RESPOND TO COMPLAINTS

- UTILITY COMPANIES WOULD HAVE EASIER TIME TO ACCESS THEIR PROPERTY WITHOUT HAVING TO BE "O'KAYED" BY THE CURRENT RESIDENTS. ON A CONTINUOUS BASIS, CURRENTS PUT UP A BARRIER TO PREVENT SOME ACCESS
- SAFETY CONCERNS ARE SIMILAR TO PREVIOUS STATEMENT AS THAT DTE COULD COME TO CHECK WHEN POWER GOES OUT, NOW THEY HAVE TO WAIT FOR IT TO BE CLEARED OUT, ASSUMING THAT THEY ARE HOME.
- THE PROPERTY THAT ADJONES MY FENCE IS NOT BEING MAINTAINED LIKE IT SHOULD, LEAVING IT LOOKING BAD, WHILE NOT ALLOWING US TO ~~TA~~COME ON THE OTHER SIDE PURPOSELY.
- THE APPROACH TO THIS RIGHT-OF-WAY IS HANDY AS A SECOND MEANS OF ATTAINING OUR PROPERTY AND NOW IS NOT BEING IN OUR ABILITY TO GO ONTO SAID PROPERTY WITHOUT HARASSMENT.

- CUL-DE-SAC IN THE BACK OF AVEY IS ALSO BEING USED AS A DUMPING PLACE, AND IS BEING DISSEMINATED ONTO ADJOINING PROPERTY, THEREFORE BREAKING THE FENCE,
- MY FENCE IS BEING DESTROYED BY BEING PUSHED WHEN BEING MOWED, THE POLES ARE LEANING AND SEPARATING FROM THE FENCING ITSELF
- TREE LINE NEEDS TO BE MAINTAINED, TRIMMED, CUT DOWN ETC.



July 6, 2023
Staff Review | Right of Way Vacation Application
Troy Street

GENERAL INFORMATION

Applicant: Robert Rumberger
715 E Forest Avenue
Ypsilanti, MI 48197

Application Date: July 6, 2023

Location: Troy Street

Zoning: R-1 Single Household

Action Requested: Right of Way Vacation

Staff Recommendation: Approval

PROJECT AND SITE DESCRIPTION

The owners of three properties – 715 E Forest, 829 E Forest, and 750 Holmes – have petitioned the City of Ypsilanti for the undeveloped, platted street known as Troy Street to be vacated. The applicant and fellow petitioners cite safety concerns, vandalism, and illegal dumping as cause for closing the public right-of-way. The petitioners ascertain that vacating Troy Street would solve the following specific problems listed verbatim from the application –

- The cul-de-sac in the back of the alley is being used as a dumping place, which is being pushed onto adjoining property and breaking the fence.
- My fence is being destroyed by being pushed when mowed. The poles are leaning and separating from the fencing itself.
- Tree line needs to be maintained, trimmed, cut down, etc.
- Vacating this parcel would also eliminate the confusion of who can use this parcel.
- Eliminate the frustration that has arisen from the parcel, the constant calls to Bonnie (DPS).
- Eliminate the use by troublemakers parking and such at the dead end.
- Would be cleaned up to eliminate vermin from nesting.

- Hopefully stop dumping on the fence line.
- The adjoining residents would be able to use it without [issue].
- Such as the wasted time of the city police to respond to complaints.
- Utility companies would have easier time to access their property without having to be okayed by the current residents.
- Safety concerns are similar to previous statement.
- The property that adjoins my fence is not being maintained like it should, leaving it looking bad, while not allowing us to come on the other side purposely.
- The approach to this right-of-way is handy as a second means of attaining our property and now is not being in our ability to go onto said property.

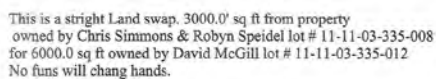
The undeveloped street in question is located southeast of Charles Street (end), west of Twin Towers Street, and north of E Forest Avenue. The public way runs perpendicular to and connects to E Forest. It is approximately 50' by 632' and terminates at a boundary belonging to the property at 750 Holmes. There are four lots which adjoin Troy Street, two of which are detached from E Forest and require the street in question for access. These properties are addressed 703 Troy Street (adjacent to 713 E Forest) and 706 Troy Street (a City side lot with the Township address, 829 E Forest). Both parcels sit vacant with no permitted structures. All lots are currently zoned R-1.

History

The parcel at 703 Troy Street was platted in 1958 to create Green's Subdivision. The street was at that time dedicated to use by the public.

Green's Subdivision underwent a property lot split / combination and description change in 2006 – 2007, resulting in the current arrangement (see Figure 1). Today, use of the Troy Street unimproved public right-of-way is permitted for access only to residential properties that share frontage along the street's boundaries.

If approved, the City will give up its ownership of the platted public street. The City will retain and reserve an easement for installation and maintenance of utilities within the entire former right-of-way unless such an easement, or any portion thereof, is specifically abandoned. Once the City has passed a resolution vacating its interest in the street, the applicant must pursue the matter in district court for a full vacation.

[illegible]

Page 39 of 87

Figure 2 Parcels and Troy Street Today Location

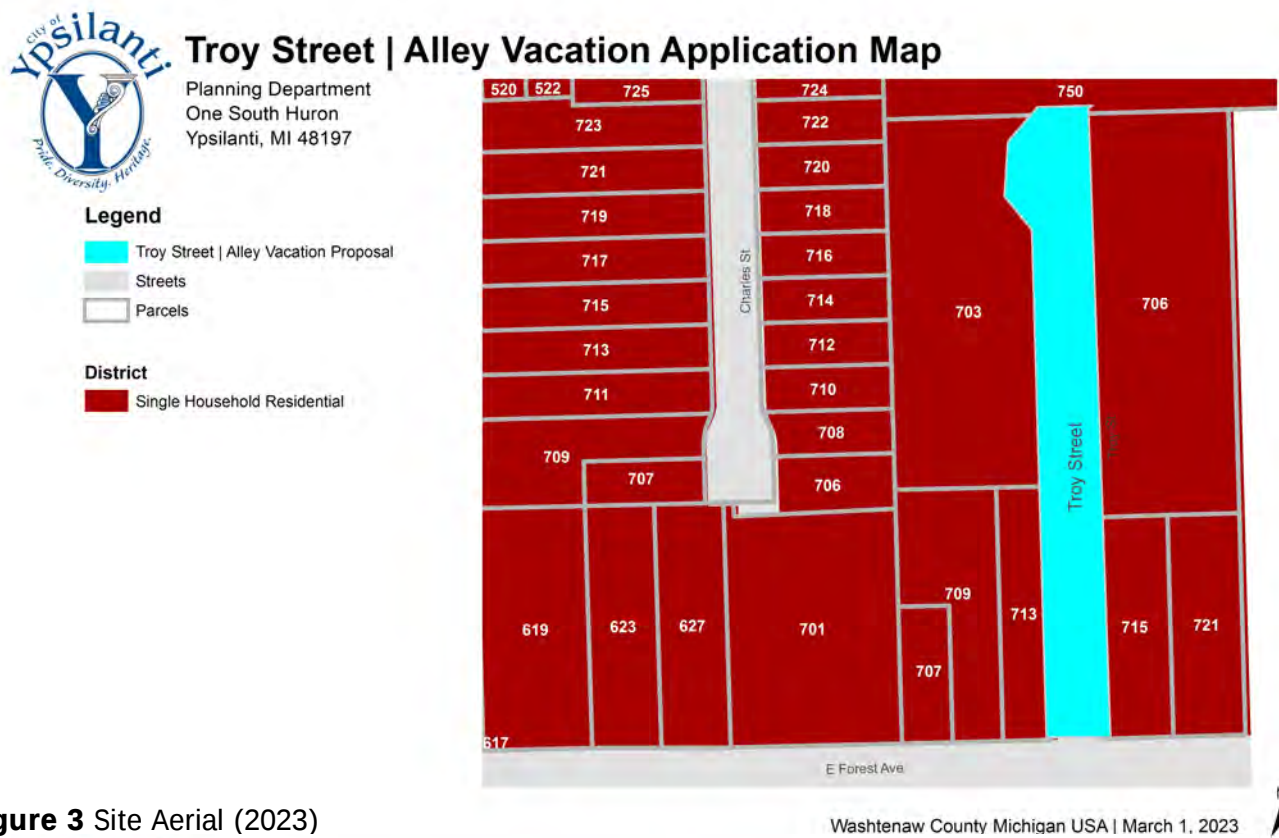
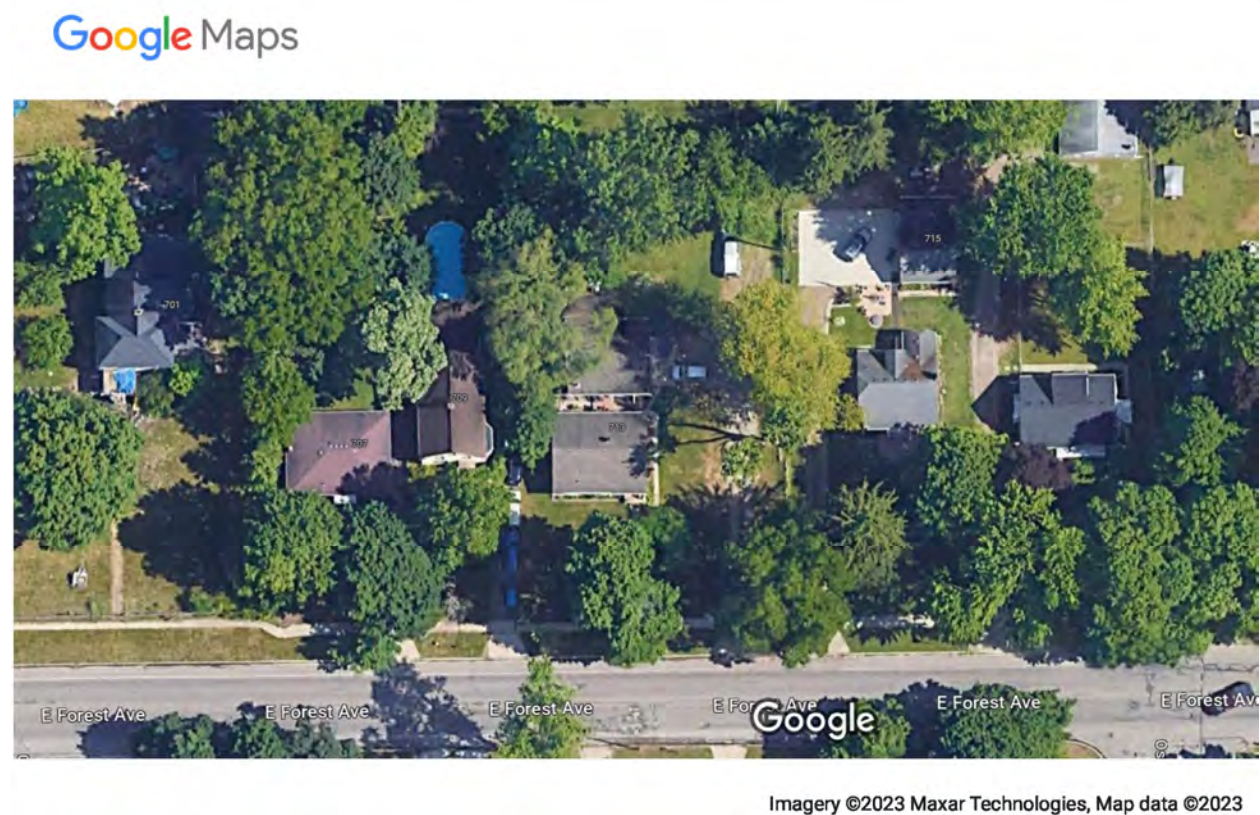


Figure 3 Site Aerial (2023)





Facing E Forest entrance behind City vehicle.

Figure 4 Current Photographs of Site

1. Entrance from E Forest Avenue.

Photos from staff site visit with Code Enforcement. City vehicle just entering Troy Street. City vehicle entering Troy from E Forest.

2. Parking.

Neighbors use of the ROW includes parking.

3. Fences and parking.

Undeveloped street and lot lines blurred by vegetative overgrowth.



View north of E Forest up Troy Street with truck parked.



Fencing and the ROW.



Felled trees.

4. **View towards end of Troy Street ROW (cul-de-sac).**
Land management and encroachment.
Mowing by residents.
5. **Cul-de-sac.**
Troy Street terminates at 750 Holmes property.
6. **Equipment storage.**
Also, access to the rear vacant lots on either side of Troy Street alley are currently only via this ROW.



End of the Troy Street ROW.



Inoperable equipment parts stored.

The process to vacate an alley, as prescribed by City Code, follows these simplified steps –

- (1) A motion of City Council, or a petition by the majority of owners abutting the alleyway, initiates the process.
- (2) Planning Commission holds a public hearing.
- (3) Planning Commission makes a recommendation to City Council.
- (4) City Council schedules a public hearing not less than four weeks thereafter to hear any objections.
- (5) City Council considers the request in open session and decides to vacate the alley, with or without modifications, or take no action.
- (6) If the decision is made to vacate the alley, City Council will pass a resolution to that effect.
- (7) The case will go on to Circuit Court, where the street closure will be decided against the Land Division Act, State Act 288 of 1967.

The ordinance further provides standards to be considered in any vacation of a public right-of-way. These five plus staff comments are as follows –

1. *Whether the right-of-way services a residential, single-family, multi-family or business area.*
Troy Street services a single-family residential area.

2. *Whether the vacation will create an undue burden on traffic.*
No undue burden to traffic is expected.

3. *Whether the vacation is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the street or alley.*

According to the applicant, vacating this parcel would –

- Eliminate the confusion of who can use this parcel.
- Eliminate the use by troublemakers parking and such at the dead end.

4. *The wishes and desires of the majority of the neighborhood.*

The owners of three properties – 715 E Forest, 829 E Forest, and 750 Holmes – have petitioned the City of Ypsilanti for the undeveloped, platted street known as Troy Street to be vacated. The applicant and fellow petitioners cite safety concerns, vandalism, and illegal dumping as cause for closing the public right-of-way.

The owners of 713 E Forest also own the property at 703 Troy Street. They are not part of the petition and have expressed reservations about vacating the right-of-way.

Upon receipt of the recommendation of the Planning Commission, City Council will schedule a public hearing not less than four weeks thereafter to hear any objections.

Notice of the public hearing must also be given to all city departments and to all utilities servicing the City. After the public hearing, City Council may adopt the recommendation of the Planning Commission, adopt the recommendation with modifications, or arrive at a different decision from the decision of the Planning Commission. In the event of an objection to the vacation of a street or alley by any city department, utility, or adjoining property owner, such street or alley may not be vacated without two-thirds majority vote of City Council.

5. *The present and future interests of the city considering planning for the entire city.*
 - a. Vacating the right-of-way would transfer maintenance and ownership to the residents.
 - b. Eliminate conflicts among parcel owners.
 - c. Create a path for future development less constricted by the platted right-of-way.

Items to be addressed: 1) Public input regarding the right of way vacation.

UTILITY ACCESS

Per § 94-356; the city is to retain and reserve an easement for installation and maintenance of utilities within the entire former right-of-way unless such an easement, or any portion thereof, is specifically abandoned.

MASTER PLAN CONSIDERATIONS

The 2013 Shape Ypsilanti Master Plan does not address this alley specifically or other alleyways generally. The partial vacation of the alley would not alter the existing traditional form of the block nor alter traffic patterns.

Items to be Addressed: *None*

STAFF RECOMMENDATIONS

Staff recommends approval of the vacation of Troy Street to City Council with the following findings and conditions:

Findings –

1. The street closure will not alter existing traffic patterns.
2. The Troy Street right-of-way is already being maintained by the residents who share frontage of the street.
3. The vacation will eliminate the confusion of who can use this parcel.
4. The vacation will prevent the use by troublemakers parking and such at the dead end by removing public access.

Conditions (one of the following or a combination) –

1. The lots that rely on public access via Troy Street must be made whole with lots which may be legally accessed from E Forest, Holmes Street, or other qualifying access –
 - a. The property addressed 703 Troy Street (Parcel ID 11-11-03-335-015) combined with the property addressed 713 E Forest (11-11-03-335-011). Both properties share the same landowner.
 - b. The property addressed 706 Troy Street (Parcel ID 11-11-03-325-004) combined with the property addressed 829 E Forest (Parcel ID K-11-03-300-025). Both properties share the same landowner.
 - c. The properties are sold and combined with adjacent parcels that may be legally accessed from E Forest or Holmes Street, or any other qualifying combination.

-OR-

2. The parties maintain private access easements to said parcels on Troy Street.

Holli R. Andrews, MCPD

City Planner

Community & Economic Development Division

CC File
 Applicant
 Petitioners
 Bonnie Wessler, DPS



DRAFT MINUTES
Planning Commission
Wednesday, August 16, 2023 @ 7:00 PM
City Council Chambers
One South Huron Ypsilanti, MI 48197

I. CALL TO ORDER

II. ROLL CALL

Present: Matt Dunwoodie, Michael Simmons, Amanda Smith, Eric Bettis, Mike Davis Jr, Brian Jones-Chance, Carl Schier, Phil Hollifield

Absent: Jessica Donnelly

III. AGENDA APPROVAL

Motion to approve the agenda.

Offered By: Michael Simmons; Seconded By: Phil Hollifield; Approved: Yes – 8; No – 0; Absent – 1 (Donnelly)

IV. APPROVAL OF MINUTES

Motion to approve the May 17, 2023 Minutes with an amendment to remove typo “michael eric” from Line Item IV.

Offered By: Phil Hollifield; Seconded By: Eric Bettis; Approved: Yes – 8; No – 0; Absent – 1 (Donnelly)

V. AUDIENCE PARTICIPATION

Motion to open the audience participation.

Offered By: Eric Bettis; Seconded By: Amanda Smith; Approved: Yes – 8; No – 0; Absent – 1 (Donnelly)

None.

Motion to close the audience participation.

Offered By: Michael Simmons; Seconded By: Eric Bettis; Approved: Yes – 8; No – 0; Absent – 1 (Donnelly)

VI. COMMITTEE REPORTS

A. Committee discussion

Non-Motorized Committee Report given by Commissioner Davis Jr and NMAC Chair, Dylan Goings. Goings announced updates on the Pedestrian Education Campaign Pilot Program and partnership with Michigan Fitness Foundation, MDOT and SEMCOG, including disseminated data from the public survey circulated in June, crash sites and data collected, public opinion and awareness gauged, and a marketing campaign to launch Pedestrian Safety Week in October.

VII. PRESENTATIONS AND PUBLIC HEARING ITEMS

A. Right of Way Vacation Application Review | Troy Street Staff

Report by City Planner Holli Andrews

The owners of three properties – 715 E Forest, 829 E Forest, and 750 Holmes – petitioned the City of Ypsilanti for the undeveloped, platted street known as Troy Street to be vacated. The applicant and fellow petitioners cite safety concerns, vandalism, and illegal dumping as cause for vacating the public right-of-way.

Motion to open the public hearing.

Offered By: Michael Simmons; Seconded By: Brian Jones-Chance; Approved: Yes – 8; No – 0; Absent – 1 (Donnelly)

1. Applicant Robert Rumberger, owner of 713 E Forest **made the case for vacating** Troy Street.
2. Fellow petitioner, Sue Sweeney and owner of 706 Troy Street **in support of vacating** Troy Street –
 - Worried about losing access if the right of way conditions do not change.
 - Asked for property to be cleaned, and for perpetrators to be fined for dumping.
3. Dave MacGill, owner of 715 E Forest and 703 Troy Street (former Green’s Subdivision) spoke **against** vacating Troy Street –
 - Expressed frustration and difficult relations with neighbors.
 - Identified his property as the former Green’s Subdivision.
 - Completes mowing and general maintenance of the property.
4. Marilyn Clark, co-owner of 715 E Forest and 703 Troy Street pleaded **case against vacating** the Troy Street ROW –
 - Doesn’t want 703 Troy Street (her property) to become landlocked from future development.
 - Granted by the City to use the property as our own.
 - Referenced the Land Division Act.
5. Terry Sweeney, co-owner of 706 Troy Street and fellow petitioner **to support vacating** Troy Street
 - Described damage to properties and street.
 - Described parking behaviors that block access to the street.
 - Unwanted uses referenced as impacts by neglected public right of way.

Motion to close the public hearing.

Offered By: Michael Simmons; Seconded By: Brian Jones-Chance; Approved: Yes – 6; No – 0; Approved: Yes – 8; No – 0; Absent – 1 (Donnelly)

Planning Commission Discussion –

- Vacating Troy Street public ROW – ends up going to court. Concern is that this won't solve anything. Some kind of due process required – goal here is to have a definitive property line.
- Condition #2 of the Staff Recommendation and Review is a reasonable direction.
- Should be decided by the District Court. Let it move up the process.
- Currently have a public road being used as a private road. Prescribe as little as possible.
- Dispute over a public street. Cited the standards for vacating a right of way are being met. The road as a right of way is not a benefit to the city.

Motion that the Planning Commission recommends the vacation of Troy Street to City Council with the following findings and conditions:

Findings –

1. The street closure will not alter existing traffic patterns.
2. The Troy Street right-of-way is already being maintained by the residents who share frontage of the street.
3. The vacation will eliminate the confusion of who can access and use the right of way.
4. The vacation will prevent the use by troublemakers parking and such at the dead end by removing public access.

Condition –

The parties shall maintain private access easements to parcels along Troy Street.

Friendly Amendment #1 – Strike Finding #4. Friendly amendment #2 – Planning commission is recommending that the case be reviewed by city Council – change language.

Motion that the Planning Commission recommends the vacation of Troy Street to City Council with the following findings and conditions (reiterated without Finding #4):

Findings –

1. The street closure will not alter existing traffic patterns.
2. The Troy Street right-of-way is already being maintained by the residents who share frontage of the street.
3. The vacation will eliminate the confusion of who can access and use the right of way.

Condition –

The parties shall maintain private access easements to parcels along Troy Street.

Offered By: Mike Davis Jr; Seconded By: Phil Hollifield; Approved: Yes – 7; No – 1; Absent – 1 (Donnelly)

VIII. OLD BUSINESS

None.

IX. NEW BUSINESS

A. Officers Election – Chair and Vice Chair

Nominations

1. Chair

- a. Motion to nominate Matt Dunwoodie to serve another term as Chair.

Offered by: Amanda Smith; Seconded by Mike Davis Jr; Nomination Accepted by: Matt Dunwoodie.

- b. Vote from Floor

Voted: Yes – 8; No – 0; Absent 1 (Donnelly).

2. Vice Chair

- a. Motion to nominate Michael Simmons as Vice Chair.

Offered by: Matt Dunwoodie; Seconded by Mike Davis Jr; Nomination Accepted by: Michael Simmons.

- b. Vote from Floor

Voted: Yes – 8; No – 0; Absent – 1 (Donnelly).

- 3. Matt Dunwoodie to serve another term as Chair, and Michael Simmons to serve as Vice Chair.

B. Announcements | Status of the City Planning Department Staffing

City Planner Andrews summarized the following Planning Department staffing changes in 2023 –

- Joe Meyers resigned from the position as Planning Director in April.
- Christopher Jacobs assumed Meyers’s duties and responsibilities as of April in addition to his position as Community Development Director.
- Christopher resigned his employment with the City of Ypsilanti in July 2023.
- In August, City Council approved the hiring of planning firm, Carlisle and Wortman to perform an audit on departmental staffing needs moving forward, as well as providing a la carte services as needed on an hourly basis.
- Frances McMullan retired in August.
- Elize Jekabson has been tapped to serve as acting Planning Director during this time of transition.
- Andrew Hellenga is serving as Interim City Manager.
- Staffing in the Planning Department | Katie Jones, Economic Development and Equity Coordinator; Ellen Thackery, Preservation Planner; Holli Andrews, City Planner.

X. FUTURE BUSINESS DISCUSSIONS/UPDATES:

Commissioner Dunwoodie has had discussions and would like to dig deeper into multifamily housing and increasing density.

Commissioner Simmons would like to discuss the marijuana moratorium in fuller detail.

Mayor Pro Tem Steve Wilcoxon shared updates from City Council.

XI. ADJOURNMENT

Motion to adjourn at 8:47 pm.

Offered By: Brian Jones Chance; Seconded By: Phil Hollifield; Approved: Yes – 8; No – 0; Absent – 1 (Donnelly)



Resolution No. 2023-191
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing to consider an ordinance titled "Troy Street Right of Way Vacation" be officially closed.

OFFERED BY _____

SUPPORTED BY _____

YES _____ NO _____ ABSENT _____ VOTE _____

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
3rd day of October 2023.



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Katie Jones, Economic Development/Equity Coordinator

Subject: Resolution No. 2023-192, Approving an updated Affordable Housing Covenant for Dorsey Estates.

SUMMARY & BACKGROUND: On June 21, 2022, the City accepted a Community Benefits agreement that determined housing affordability at 220 N. Park St. (Dorsey Estates), and the City of Ypsilanti intends for that housing affordability to remain in place.

Renovare, the developer received ARP-Funds to lower the sales price of the units to be affordable to households at 40-80% of the Area Median Income as defined by the United States Department of Housing and Urban Development issued for the Ann Arbor Metropolitan Statistical Area (MSA) for the year 2023 in the amount of \$3.6 Million for development costs and homeownership education for 23 units as follows:

RENOVARE shall cause 50% the units to be deed restricted as affordable as follows:

1. 40% AMI (Area Median Income for Washtenaw County as calculated by HUD.
 1. 4 Cottages
2. 60% AMI
 1. 4 Cottages
 2. 4 Duplexes
3. 80% AMI
 1. 7 Cottages
 2. 4 Duplexes

To ensure longstanding affordability on these units the City of Ypsilanti will enter into a Affordable Housing Covenant with Renovare Ypsilanti Homes, LLC.

RECOMMENDED ACTION: Staff recommends that the City Council approve the affordable housing covenant with Renovare, Ypsilanti Homes, LLC.

ATTACHMENTS:

1. RFL and Resolution No 2023-192 Covenant Dorsey Estates
2. Affordable Housing Covenant Dorsey Estates

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: October 3, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



REQUEST FOR LEGISLATION
Date October 3, 2023

For: Mayor and City Council

From: Katie Jones, Economic Development & Equity Coordinator

Subject: Updated Affordable Housing Covenant for 220 N. Park

SUMMARY & BACKGROUND:

On June 21, 2022, the City accepted a Community Benefits agreement that determined housing affordability at 220 N. Park St. (Dorsey Estates), and the City of Ypsilanti intends for that housing affordability to remain in place.

Renovare, the developer received ARP-Funds to lower the sales price of the units to be affordable to households at 40-80% of the Area Median Income as defined by the United States Department of Housing and Urban Development issued for the Ann Arbor Metropolitan Statistical Area (MSA) for the year 2023 in the amount of \$3.6 Million for development costs and homeownership education for 23 units as follows:

RENOVARE shall cause 50% the units to be deed restricted as affordable as follows:

- a. 40% AMI (Area Median Income for Washtenaw County as calculated by HUD).
 - i. 4 Cottages
- b. 60% AMI
 - i. 4 Cottages
 - ii. 4 Duplexes
- c. 80% AMI
 - i. 7 Cottages
 - ii. 4 Duplexes

To ensure longstanding affordability on these units the City of Ypsilanti will enter into a Affordable Housing Covenant with Renovare Ypsilanti Homes, LLC.

RECOMMENDED ACTION:

Staff recommends that the City Council approve the affordable housing covenant with Renovare, Ypsilanti Homes, LLC.

ATTACHMENTS:

- A) Affordable Housing Covenant

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2023-192
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti has an interest in developing the property at 220 N. Park st.
known as Dorsey Estates

WHEREAS, the City of Ypsilanti has approved a Community Benefits Agreement determining
that 23 units of Dorsey Estates be affordable to households at 40-80% of the Area Median
Income as defined by the U.S. Department of Housing and Urban Development issued for Ann
Arbor Metropolitan Statistical Area (MSA) for the year 2023, and

Whereas, the City of Ypsilanti intends to preserve affordability through the Affordable Housing
Covenant and assign the city the right to enforce compliance with the Covenant.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Ypsilanti
approve the Affordable Housing Covenant.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

AFFORDABLE HOUSING COVENANT

Dorsey Estates 1

This Affordable Housing Covenant ("Covenant") is entered into as of the _____ day of _____, by Renovare Ypsilanti Homes, LLC, a Michigan limited liability company ("Developer"), whose address is 42 Watson Street, Suite B Detroit MI 48201.

This Covenant applies to the real property commonly known as Dorsey Estates 1, a condominium, in the City of Ypsilanti, Washtenaw County, Michigan, commonly known 220 N. Park Street, which is more fully described below and incorporated by this reference herein ("Property"). Add legal description

RECITALS

WHEREAS, Developer received Federal American Rescue Plan Funds ("ARP-Funds") in the amount of _____ for the development costs and homeownership education as defined in the proforma for aid property for the purpose of using it to lower the sales price of the Units to be affordable to households at 40-80% of the Area Median Income as defined by the United States Department of Housing and Urban Development issued for the Ann Arbor Metropolitan Statistical Area (MSA) for the year 2023;

WHEREAS, Developer received ARP-Funds in the amount of \$3.6 million for the development costs and homeownership education for the purpose of using it to lower the sales price of the 23 Units in Dorsey Estates 1 to be affordable to households at 40-80% of the Area Median Income as defined by the U.S. Department of Housing and Urban Development issued for the Ann Arbor Metropolitan Statistical Area (MSA) for the year 2023;

WHEREAS, the Developer has entered into an Affordable Housing Covenant with the County of Washtenaw ("County"), Michigan regarding the property as described above to provide 23 Units of housing affordable to households at 40-80% the area median income;

WHEREAS, the Developer has entered into a Community Benefits Agreement with the City of Ypsilanti to sell the Units to very low-and low-income households;

WHEREAS, subsequent owners will benefit from the limitation on the resale price which this Covenant requires; and

WHEREAS, the intent of the City of Ypsilanti to preserve through this Covenant the affordability of the property for persons of very low- and low-income, and to assign to the City the right to enforce compliance with this Covenant.

NOW THEREFORE, in consideration of the benefits received by the parties, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Definitions

The following terms shall have the following meanings herein:

- A. "Area Median Income" means the Area Median Income reported annually for single persons and households of various sizes by the United States Department of Housing and Urban Development for the Ann Arbor Metropolitan Statistical Area (MSA), which includes the City of Ypsilanti Michigan.
- B. "City" shall mean the City of Ypsilanti or its designee. The City has retained the right to conduct the activities described under this Covenant
- C. "Household" means the buyer and the buyer's spouse or domestic partner and the minor children under the age of eighteen under the custody of the buyer or buyers if the Unit is sold jointly to more than one buyer in the same transaction.
- D. "Income" means the definition of income under 24 CFR 92.203 (b)(3). The Income will be determined by the adjusted gross income as defined on the Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes. The adjusted gross income as reported on the IRS 1040 form will be further adjusted by the mandatory deductions in 24 CFR 5.611. In the event that the IRS 1040 form is eliminated or the definition of income under CFR 92.203 is substantially modified, then income shall mean the anticipated total income for the next twelve-month period received from all sources by each member of the household, excluding, however, temporary or non-recurring income (including gifts), and income from the employment of children under age 18, shall not be included as "income" for purposes of this covenant. It is the responsibility of Developer for the first sale and the City of Ypsilanti on all subsequent Owners, to ensure that the most current Income Guidelines are being used for income eligibility. Insert county requirements for Conflict of Interest
- E. "Institutional Lender" means any bank, savings and loan association, or any other financing agency that is licensed to engage in the business of providing purchase money mortgage financing for residential real property.
- F. "Mortgage" means a financing document which is recorded senior to any other mortgages or liens against a Unit and secures a loan made by an Institutional Lender and is used to purchase a Unit in Dorsey Estates 1.
- G. "Owner" means the first private buyer and any subsequent buyer, devisee, transferee, grantee, owner or holder of title of the Property or any portion of the Property, including without limitation the owner of a Unit in Dorsey Estates 1.
- H. "Transfer" means any sale, assignment or transfer, voluntary, involuntary or by operation of law (whether by deed, contract of sale, gift, devise, bequest, trustee's sale, deed in lieu of foreclosure, or otherwise) of any interest in a Unit, including but not limited to a fee simple interest, a joint tenancy interest, a tenancy in common, a life estate, a leasehold interest (except for a lease allowed by Paragraph 8 hereof), or any interest evidenced by a land contract by which possession of the Property is transferred and Owner retains title.
- I. "Original Base Sale Price" means the price at which the current Owner purchased a Unit as determined by the formula in Appendix A or B (not including

commissions, loan origination fees, appraisals fees, title insurance premiums and other similar transaction costs). Each Unit will be assigned an original base sale price by Developer and the City of Ypsilanti that targets a specific household income. Exhibit A includes the formula for households at 80% AMI. Exhibit B includes the formula for households at 60% AMI, Exhibit C includes the formula for households at 40% AMI.

- J. "Purchase Anniversary" means the calendar date on which the Property was transferred to an Owner.
- K. "Running Sale Price" is a dollar amount used in the calculation of the maximum sale price in any future sale of the Property as determined by the formula in Exhibit A, B, or C and is more fully defined in paragraph 7 below.

2. Requirement of Title

Compliance with the provisions of this Covenant shall be deemed to be a requirement of title. Each deed transferring title to a Unit shall include a reference to this Covenant as follows: "This transfer shall be subject to the covenants, terms and provisions of a certain Affordable Housing Covenant that impacts the resale of the Unit in perpetuity." Furthermore, the deed shall specifically refer to the Liber and Page number of this Covenant as recorded in Washtenaw County Records.

3. Designation of Units

Developer agrees to designate all 23 Units within Dorsey Estates 1 as being subject to the terms and conditions of this Covenant. Each Unit in Dorsey Estates 1 that is subject to this Covenant shall be hereinafter referred to as "Unit". Developer will assign to each Unit a formula using Exhibit A, Exhibit B, or Exhibit C that will be a covenant on the Unit.

5. Term

This Covenant shall run with the property. It shall bind the property perpetually, and the benefit hereof shall inure perpetually to, the Owner, his or her heirs, legal representatives, executors, successors in interest and assignees, and to the City, its successors, designees, or assignees except as otherwise provided in paragraph 14,15, and 18 below.

6. Use of Property as Owner's Primary Residence

The Owner shall use his/her/their Unit as his/ her/their primary residence. At or before the time when title to a Unit in Dorsey Estates 1, each new Owner shall certify to the City in writing his/her/their intent is to occupy the Unit in Dorsey Estates 1 as his/her/their primary residence. Upon written request of the City, the Owner shall provide the City with such information as the City may reasonably request to satisfy itself that the Unit is being used as the Owner's primary residence.

7. Resale Price Limitation

The Owner and all subsequent Owners hereby covenant that the price in any future sale of the Property by Developer or any subsequent Owner shall be calculated as follows:

- A. The Original Base Sale Price for each Unit in Dorsey Estates 1 shall be based upon the household size, income level and number of bedrooms as described in Exhibit A, Exhibit B and Exhibit C attached hereto and incorporated herein by reference. The Original Base Sale Price can be adjusted to a total original sale price that includes purchaser's subsidy, closing cost, pre-paid, escrow, and tax proration expenses. Future Original Base Sale Prices shall be based on the same formula in Exhibit A, Exhibit B or Exhibit C using the United States Department of Housing and Urban Development's most recently published income levels by household size. The future Base Sale Price can be adjusted to a future total sale price that include purchaser's closing cost, pre-paid, escrow, and tax proration expenses.
 - B. On or before May 1 of each year, the City shall provide a statement to the Owner with a statement indicating the Running Sale Price of the Owner's Unit. If the Owner disputes this statement, the dispute shall be resolved under the procedures set forth in Paragraph 12.
 - C. The actual sale price of any future sale of the Owner's Unit or any subsequent sale of the Unit shall not exceed the Running Sale Price minus the amount of any Excessive Damage Assessment as provided for in Paragraph 11 below.
 - D. If Owner or any subsequent Owner sells a Unit prior to the first purchase anniversary, the Running Sale Price for the purposes of paragraph 7(C) above shall be the original sales price (not including commissions, loan origination fees, appraisals fees, title insurance premiums and other similar transaction costs).
 - E. For all buyers that an Owner offers to the City, or its designee, to certify as an Eligible Buyer, the City, or its designee, shall make such determination in no more than 14 calendar days from the receipt of the required information needed to verify income eligibility. Failure to timely respond to a request to certify a buyer as eligible shall constitute a certification by the City of that buyer as an Eligible Buyer. The City shall maintain a procedure for "pre-qualifying" Eligible Buyers by making available, upon request, to both owners and prospective buyers the requirements to qualify as an Eligible Buyer.
9. The following transfers are exceptions to the above requirements, provided that the new Owner, other than an estate, shall use the Unit as his/her/their principal residence:
- (i). A transfer resulting from the death of an Owner where the transfer is to the spouse or domestic partner who is also an Owner.
 - (ii). A transfer to the Owner's estate following his or her death for the purpose of administering the estate and distributing the assets thereof during a period of time not to exceed 24 months from the date of death of the Owner.
 - (iii). A transfer resulting from the death of an Owner when the transfer is to one or more children of the deceased Owner.

- (iv). A transfer by an Owner where the spouse or domestic partner of the Owner becomes the co-owner of the Unit.
- (v). A transfer resulting from a decree of dissolution of the marriage or legal separation or from a property settlement agreement incidental to such a decree by which a spouse who is an Owner becomes the sole Owner of the Unit.
- (vi). A transfer directly resulting from a termination of a registered domestic partnership by which a domestic partner who is an Owner becomes the sole Owner of the Unit.

In the event that a Unit is transferred to a new Owner as provided for in Paragraph 8, the new Owner shall be subject to the terms of this Covenant when the new Owner sells the Unit.

10. Eligible Buyers

The City, or its designee, shall maintain a list of organizations that assist Eligible Buyers to become homeowners. With the exceptions listed in Paragraph 8 above, title to the Unit may only be transferred to a person who has been certified by the City, or its designee, as an Eligible Buyer meeting the income guidelines and who also has been qualified by an Institutional Lender for a mortgage to be used to buy the Property and who agrees to execute and be bound by this Covenant. In order to qualify, a buyer's income may not be more than the percent of Area Median Income, adjusted for family size, as assigned in Exhibit A, Exhibit B, or Exhibit C at the time of the purchase. The income of the buyer must be verified no later than six (6) months prior to the closing on the Unit. If a prospective buyer is not income-eligible at the time of application, he/she/they must be denied and cannot be allowed to make changes to his/her work status or household income in order to qualify to purchase a Unit. An involuntary change in income would not disqualify the prospective buyer from becoming income eligible.

If the Unit is sold jointly to more than one buyer in the same transaction, or if the Property is sold to a buyer who is married or who has a domestic partner, or if the Unit is sold to one or more buyers who have the custody of children under the age of eighteen, then (a) the buyer or buyers plus any minor children shall be considered to be a household for the purposes of this Covenant; (b) the income of all persons in the household (which will include each buyer of the Property, the spouse or domestic partner of the buyer, and each buyer's children who are age eighteen or older and who plan to reside in the premises) shall be used in determining the buyer's income; and (c) the Area Median Income shall be adjusted to reflect the household's size.

In addition to the income requirements, Eligible Buyers must have received homeowner's education if prescribed by the City or the City's designee, and must have reviewed the provisions of this Covenant and expressed his/her/their willingness to accept them.

11. Eligible Capital Improvements

Nothing in this Covenant shall prohibit an Owner from making an improvement to the

Unit or improvements located therein.

12. Excessive Damage Assessment

Before the re-sale price limit is determined, the City shall have the right to inspect the Unit and improvements located therein to determine whether the Owner has complied fully with the maintenance obligations set forth in Paragraph 16 hereof. If, after such an inspection, the City determines in its judgment that the Owner has not fully complied with this obligation, the City shall determine in its judgment the cost to complete such repairs, replacement, and other work necessary to restore the Unit and the improvements located therein to a good, safe and habitable condition in all respects, and to bring it into full compliance with all applicable laws, ordinances, rules and regulations of any governmental authority with jurisdiction over matters concerning the condition of the Unit. This amount shall be referred to as the "Excessive Damage Assessment", and it shall be included in the calculation of the resale price limit as set forth in Paragraph 7.

13. Resolution of Disputes

If the Owner reasonably disputes the City's determination of the running sales price, or the amount of an Excessive Damage Assessment, the Owner may request that the City's decision be reviewed by appealing to the City Manager or his/her designee. The decision of the City Manager or his/her designee shall be final and binding upon the parties.

14. Complete Consideration Stated on Deed

The consideration for any transfer shall be the sum upon which the State Transfer Tax is levied. There may be no consideration from owner-seller to owner-buyer beyond what is stated on the deed.

15. This section removed.

16. Mortgage Default or Foreclosure

Subject to the following, upon the occurrence of an event of default under the Specified Mortgage (as determined by the Specified Mortgagee—an "Event of Default"), and without the consent of the City, the Specified Mortgagee shall be permitted to accelerate its note, foreclose on the Specified Mortgage, take an assignment in lieu of foreclosure, or exercise its other remedies for default. Further:

- A. Upon the occurrence of an Event of Default under the Specified Mortgage, the Owner shall immediately notify the City of such Event of Default and shall submit to the City copies of all notices the Owner received from the Specified Mortgagee relating thereto. Further, the City may notify the Specified Mortgagee's mortgage loan servicer of the lien of the City as is provided below, and ask such mortgage loan servicer to notify the City of an Event of Default. In such case, the Specified Mortgagee will be agreeable to having its loan servicer provide such notice and work with the City to cure the default.

- B. The Owner and the City agree that, as between them, the City shall have the right, but not the obligation, to cure an Event of Default in the Owner's name and on the Owner's behalf. The Owner shall be responsible to the City for any payments made, and expenses incurred, by the City in curing such default.

17. Maintenance of Unit and Improvements

The Owner shall maintain the Owner's Units and improvements located therein in good, safe and habitable condition in all respects, except for normal wear and tear, and in full compliance with all applicable laws, ordinances, rules and regulations of any governmental authority with jurisdiction over matters concerning the condition of the Unit and improvements located therein. The Owner shall suffer no mechanics liens to be recorded against the Unit. The Owner shall remain current in all obligations under any mortgage or lien on the Owner's Unit. The Owner shall promptly notify the City of any alleged default on any mortgage or lien.

Prior to transferring of a Unit, the City has the right to inspect the Unit and the improvements located therein for any defects or health hazards and may require the Owner to cure the defects before the Unit is transferred as specified in paragraph 11 above.

18. Assignment.

- A. The Owner shall not have the right to transfer or assign the Owner's Unit or the Owner's rights or responsibilities under this Covenant except with the express written consent of the City and subject to the terms of this Covenant.
- B. The City shall have the right to assign or transfer in part or in whole its rights and responsibilities under this Covenant by contract or by ordinance. The City shall notify the Owner of any such assignment or transfer, but assignment or transfer may occur without prior notice to or approval of the Owner.

19. Developer Restrictions

The covenants and promises contained in (Section 18 - A through B) are only applicable to the Developer and shall terminate upon delivery of the dwellings located on all 23 units in Dorsey Estates 1 that have a Certificate of Occupancy from the City of Ypsilanti and at least 23 Acknowledgements of Affordable Housing Covenants have been recorded and submitted to the city.

20. Scope: Developer agrees to use the ARP-funds for development costs and as defined in the Federal Services Contract dated September 13, 2023 for said Property for the purpose of using it to lower the sales price of all 23 Units to be affordable to households at 40-80% of the Area Median Income. Developer will use the ARP funds to subsidize the difference in sales price between the sales price in Exhibit A, Exhibit B and Exhibit C. The County shall reimburse the Developer for actual construction costs associated with the ARP-funds assisted Units to lower the sales price for the homebuyer.

- A. FUNDS: The County agrees to pay to Developer the sum of \$3.6 Million of Federal ARP-funds according to the following terms: the amount of 3.6 million shall be a grant that subsidizes the ARP-fund assisted Units, with no repayment

unless Developer fails to comply with the terms of this Covenant or Federal Services Contract.

- B. **DISBURSEMENT:** Developer agrees that the ARP-funds will be used subject to compliance with established County disbursement schedules and procedures. In no event will a disbursement or further disbursements be made after a notice by the County of a violation of this Covenant, which violation has not been corrected to the satisfaction of the County.
- C. **REPORTS, MONITORING AND EVALUATION.** Developer agrees to cooperate fully with the Office of Community and Economic Development at Washtenaw County, to evaluate and monitor the requirements and performance of programs financed with funds identified in this Covenant. Developer agrees to provide these same parties information and reports, oral or written, as may reasonably be required or requested during the term of this Covenant on matters relating to program activities, performance, contract compliance and evaluations of programs receiving funds from the County. The Developer agrees to attend meetings with representatives of the County to discuss any problems or questions related to this Covenant.
- D. **POLITICAL ACTIVITIES:** None of the funds, materials, property, or services provided directly or indirectly under this Covenant shall be used for any partisan political activities or to further the election or defeat of any candidate for public office.
- E. **CONFLICT EXCEPTION.** Developer shall comply with 24 CFR 92.356: No employee, agent, consultant, officer or elected or appointed official of the City or Developer, who exercises or have exercised any functions or responsibilities with respect to activities assisted with ARP-funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from an ARP-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Will add County Conflict of Interest
- F. Developer may request an exception to the above conflicts of interest in writing to the County. The County will determine whether to grant a request for an exception.
- G. **AFFIRMATIVE MARKETING/EQUAL OPPORTUNITY:** Developer agrees to comply with the nondiscrimination provisions of Add Ypsilanti Affirmative Marketing to take affirmative action to assure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate any inequality based upon race, national origin or sex.
- H. **MARKETING PLAN:** Developer will submit to the Washtenaw County Office of Community and Economic Development Services for review and agree to follow,

a marketing plan for advertising, screening and pre-qualifying applications. The Affirmative Marketing Regulations require that each applicant subject to these regulations carry out an affirmative program to attract prospective buyers or tenants of all minority and non-minority groups in the housing market area regardless of race, color, religion, sex, national origin, disability, or familial status. The affirmative marketing program also should ensure that any group(s) of persons normally not likely to apply for the housing without special outreach efforts, know about the housing, feel welcome to apply, and have the opportunity to buy.

21. Miscellaneous

- A. Each Unit in Dorsey Estates 1 is held and hereafter shall be held, conveyed, hypothecated, encumbered and occupied subject to these terms, conditions, restrictions and limitations of this Covenant. All of the herein-stated terms, conditions, restrictions and limitations of this Covenant are intended to run with each Unit.
- B. Any buyer or transferee of a Unit in Dorsey Estates 1 or of any portion of or interest in the Property, by acceptance of a deed therefore, or by the signing of a contract or agreement to purchase the same, shall, by acceptance of such deed or by the signing of such contract or agreement be deemed to have consented to and accepted the terms, conditions, restrictions and limitations set forth in this Covenant. The Owner, buyer or transferee shall execute such an acknowledgement and/or consent in writing before any sale or transfer is valid. The acknowledgement and/or consent shall be recorded and a copy of the recorded acknowledgement and/or consent shall be provided to the City.
- C. The Developer and each subsequent Owner hereby grants and assigns to the City the right to review and enforce compliance with this Covenant. Developer hereby names the City as its designee for the purpose of enforcement of the terms of this Covenant. Compliance may be enforced by the City by any lawful means, including without limitation: (a) seeking specific performance of the Owner's obligations under this Covenant; (b) voiding or rescinding a sale in contravention of this Covenant; (c) terminating the Owner's interest in the Owner's Unit; and (d) and seeking money damages, including damages to reimburse the City for its enforcement costs including attorney fees; damages requiring the Owner to repay with interest any assistance received in connection with the home purchase; and damages relating to an Owner's unlawful sale or rental of a Unit. However, the City's enforcement rights shall not include the acceleration of the first mortgage or increasing the interest rate of the first mortgage.
- D. This Covenant shall be interpreted under the laws of the State of Michigan and venue for any suit regarding this Covenant shall be in Washtenaw County, Michigan. Service may be made or notice given to the Owner by posting such service or notice in a conspicuous place on the Owner's Unit.

- E. Notices to the City shall be given in writing and delivered in person or mailed, by certified or registered mail, return receipt requested, to the City at the address set forth below, or such other address designated by the City by like notice:

City of Ypsilanti
Office of Economic Development
1 S Huron Street
Ypsilanti MI 48197

- F. Nothing in this Covenant represents or guarantees that the Property will be resold at an amount equal to the resale price limit. Depending upon conditions affecting the income calculations completed by U.S. Department of Housing and Urban Development, Each Unit may be resold for less than the resale price limit.
- G. If any provision of this Covenant shall be held by a court of proper jurisdiction to be invalid, illegal or unenforceable, the remaining provisions shall survive and their validity, legality or enforceability shall not in any way be affected or impaired thereby.
- H. The captions of the paragraphs in this covenant are for convenience only and shall not be used to interpret the meaning of any provision hereof.
- I. The conditions of this Covenant shall be interpreted so as to avoid speculation on the Property and to insure to the greatest extent possible that its purchase price and mortgage payments remain affordable in perpetuity to persons and families of low income.
- J. Relief from any of the terms and conditions of the Covenant may be granted upon a written request to the City and approval of the City Council. Approval shall be in the City's sole discretion.

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IN WITNESS WHEREOF, the parties hereto have executed this Covenant as of the date first stated above.

Renovare Ypsilanti Homes LLC, a Michigan limited liability company

By: _____

STATE OF MICHIGAN, COUNTY OF WASHTENAW

The foregoing instrument was acknowledged before me this _____ day of _____ by _____ the _____ of Renovare Ypsilanti Homes LLC, a Michigan limited liability company, on behalf of the company.

_____, Notary Public
Washtenaw County, Michigan
Acting in the County of Washtenaw
My commission expires:

CITY OF YPSILANTI, a Michigan municipal corporation

By: _____

By: _____

STATE OF MICHIGAN, COUNTY OF WASHTENAW

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____ and __, Mayor, of the City of Ypsilanti, a Michigan municipal corporation, on behalf of said corporation.

_____, Notary Public
Washtenaw County, Michigan
Acting in the County of Washtenaw
My commission expires:

Approved as to Substance:

Approved as to Form:

City Administrator

City Attorney

Drafted by and after recording return to:

Exhibit A
80% AMI Units

HUD Income Limit, Sale and Resale Price for Units sold at 80% Area Median Income (AMI)

All terms, covenants and restrictions contained in this Affordable Housing Covenant referencing Exhibit B apply only to the Unit numbers listed below on Dorsey Estates I:

1, 2, 6, 7, 10, 11, 15, 20, 21, 22, and 23, inclusive, as evidenced by this Covenant, or this Covenant and a signed Acknowledgement of Affordable Housing Covenant referencing Exhibit B by the owner of the Unit, in Dorsey Estates 1, a condominium, according to the Master Deed thereof, as recorded in Liber ____, Page ____, Washtenaw County Records, designated as Washtenaw County Condominium Subdivision Plan No. ____, together with the rights in General Common Elements and Limited Common Elements, as set forth in the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended

Income Limits

The United States Department of Housing and Urban Development issued the following Income Limits by family size at 80% AMI for the Ann Arbor Metropolitan Statistical Area (MSA) for the year 2023:

Family Size	1	2	3	4
	\$66,300	\$75,750	\$85,200	\$94,650
	5	6		
	\$101,840	\$103,750		

These Income Limits represent 80% of the Area Median Income by family size. The Household income of the buyer or buyers based on actual family size cannot exceed these limits.

Original Base Sales Price and Resale Formula

2 BDR 2. person household at 80% AMI's Income x 2.5 = \$189,375

The maximum Original Base Sale Price is determined by the bedroom size of the unit. The maximum Running Sale Price (Resale Price) will increase or decrease each year based on HUD's published Area Median Income Limits. The 80% AMI in the above formula shall determine the maximum original and running sales price by bedroom size. This formula shall not be interpreted to restrict the number of people in the household that are eligible to purchase the unit.

Example Formula for resale (Running Sale Price) of a 2-bedroom unit in 2023:

The income for a 2-person family at 80% AMI is \$75,750 (\$75,750 x 2.5 = \$189,375)

The maximum resale price in 2023 is \$189,375

Exhibit B
60% AMI Units

HUD Income Limit, Sale and Resale Price for 60% of Area Median Income (AMI)

All terms, covenants and restrictions contained in this Affordable Housing Covenant referencing Exhibit B apply only to the Unit numbers listed below on Dorsey Estates I:

9, 12, 13, 14, 24, 25, 26, and 27, inclusive, as evidenced by this Covenant, or this Covenant and a signed Acknowledgement of Affordable Housing Covenant referencing Exhibit B by the owner of the Unit, in Dorsey Estates 1, a condominium, according to the Master Deed thereof, as recorded in Liber __, Page __, Washtenaw County Records, designated as Washtenaw County Condominium Subdivision Plan No. ____, together with the rights in General Common Elements and Limited Common Elements, as set forth in the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended

Income Limits

The United States Department of Housing and Urban Development issued the following Income Limits by family size at 60% AMI for the Ann Arbor Metropolitan Statistical Area (MSA) for the year 2023:

Family Size	1	2	3	4
	\$52,080	\$59,520	\$66,960	\$74,400
	5	6		
	\$80,400	\$86,340		

These Income Limits represent 60% of the Area Median Income by family size. The Household income of the buyer or buyers based on actual family size cannot exceed these limits.

Original Base Sales Price and Resale Formula

2 BDR 2 person household at 60% AMI's Income x 2.5 = \$148,800

The maximum Original Base Sale Price is determined by the bedroom size of the unit. The maximum Running Sale Price (Resale Price) will increase or decrease each year based on HUD's published Area Median Income Limits. The 60% AMI in the above formula shall determine the maximum original and running sales price by bedroom size. This formula shall not be interpreted to restrict the number of people in the household that are eligible to purchase the unit.

Example Formula for resale (Running Sale Price) of a 2-bedroom unit in 2023:

The income for a 2-person family at 60% AMI is \$59,520 (\$59,520 x 2.5 = \$148,800)

The maximum resale price in 2023 is \$148,800

Exhibit C
40% AMI Units

HUD Income Limit, Sale and Resale Price for 40% of Area Median Income (AMI)

All terms, covenants and restrictions contained in this Affordable Housing Covenant referencing Exhibit C apply only to the Unit numbers listed below on Dorsey Estates:

3, 4, 5, and 8, inclusive, as evidenced by this Covenant, or this Covenant and a signed Acknowledgement of Affordable Housing Covenant referencing Exhibit B by the owner of the Unit, in Dorsey Estates 1, a condominium, according to the Master Deed thereof, as recorded in Liber ____, Page ____, Washtenaw County Records, designated as Washtenaw County Condominium Subdivision Plan No. ____, together with the rights in General Common Elements and Limited Common Elements, as set forth in the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended

Income Limits

The United States Department of Housing and Urban Development issued the following income limits at 40% AMI by family size for the Ann Arbor Metropolitan Statistical Area (MSA) for the year 2023:

Family Size	1	2	3	4
	\$34,725	\$39,700	\$44,650	\$49,600
	5	6		
	\$53,600	\$57,575		

These income limits represent 40% of Area Median Income by family size. The Household income of the buyer or buyers based on actual family size cannot exceed these limits.

Original Base Sales Price and Resale Formula

2 BDR 2-person household at 40% AMI's Income x 2.5 = \$99,250

The maximum Original Base Sale Price is determined by the bedroom size of the unit. The maximum Running Sale Price (Resale Price) will increase or decrease each year based on HUD's published Area Median Income Limits. The 40% AMI in the above formula shall determine the maximum original and running sales price by bedroom size. This formula shall not be interpreted to restrict the number of people in the household that are eligible to purchase the unit.

Example Formula for resale (Running Sale Price) of a 2-bedroom unit in 2023:

The income for a 2-person family at 40% AMI is \$39,700 ($\$39,700 \times 2.5 = \$99,250$)

The maximum resale price in 2023 is \$99,250



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Katie Jones, Economic Development/Equity Coordinator

Subject: Resolution No. 2023-193, Approving an updated Property Disposition Policy.

SUMMARY & BACKGROUND: On January 19, 2016, the City adopted a Property Disposition Policy allowing the city to sell city-owned vacant properties. The policy has two different components: residential and commercial. 856 and 756 Harriet will soon be available for sale through the residential program. There has been significant public interest in the sale of both properties, and staff has reviewed the policy to determine how to implement the policy effectively.

Historically, in the residential program, there have been two components: Sidelot and Residential lot. Staff recommends removing the sidelot program. This recommendation comes from the desire to see vacant lots return to principal residences and contribute towards functional housing in the City of Ypsilanti. Also, the program was created to sell city-owned vacant land that could not be built out, and the city no longer owns land that meets that criterion.

The program will work now because when vacant residential properties become available through the residential lot program, a public notice will be made. Residents will have thirty (30) days to apply for the property through the residential lot program. A publicly noticed lottery will be held if multiple residents are interested in a property.

The Commercial Property policy also needed to be updated with recent staff changes. The recommendation is that the committee that reviews letters of interest for Commercial Properties owned by the City of Ypsilanti will comprise a representative from the Community & Economic Development Department, the Planning Department, the Finance Department, and the City Manager. If any such department no longer exists, the City Manager shall appoint a committee as they determine necessary.

RECOMMENDED ACTION: Staff recommends that the City Council approve the updates and language changes to the Property Disposition Policy to clarify the process and ensure its clarity and fairness.

ATTACHMENTS:

1. RFL and Resolution No. 2023-193 Property Disposition
2. Property Disposition Policy

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: October 3, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



REQUEST FOR LEGISLATION
Date October 3, 2023

For: Mayor and City Council

From: Katie Jones, Economic Development & Equity Coordinator

Subject: Property Disposition Policy

SUMMARY & BACKGROUND:

On January 19, 2016, the City adopted a Property Disposition Policy allowing the city to sell city-owned vacant properties. The policy has two different components: residential and commercial. 856 and 756 Harriet will soon be available for sale through the residential program. There has been significant public interest in the sale of both properties, and staff has reviewed the policy to determine how to implement the policy effectively.

Historically, in the residential program, there have been two components: Sidelot and Residential lot. Staff recommends removing the sidelot program. This recommendation comes from the desire to see vacant lots return to principal residences and contribute towards functional housing in the City of Ypsilanti. Also, the program was created to sell city-owned vacant land that could not be built out, and the city no longer owns land that meets that criterion.

The program will work now because when vacant residential properties become available through the residential lot program, a public notice will be made. Residents will have thirty (30) days to apply for the property through the residential lot program. A publicly noticed lottery will be held if multiple residents are interested in a property.

The Commercial Property policy also needed to be updated with recent staff changes. The recommendation is that the committee that reviews letters of interest for Commercial Properties owned by the City of Ypsilanti will comprise a representative from the Community & Economic Development Department, the Planning Department, the Finance Department, and the City Manager. If any such department no longer exists, the City Manager shall appoint a committee as they determine necessary.

RECOMMENDED ACTION:

Staff recommends that the City Council approve the updates and language changes to the Property Disposition Policy to clarify the process and ensure its clarity and fairness.

ATTACHMENTS:

A) Property Disposition Policy

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2023-193
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti has an interest in selling vacant properties and increasing the number of taxable properties within the city

WHEREAS, the city has a current Property Disposition Policy to sell vacant Residential and Commercial properties, and

Whereas, the policy needed to be updated to be effectively implemented when there are multiple interested parties in a residential property and the committee reviewing interest in commercial properties to properly reflect staff.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Ypsilanti approve the updated Property Disposition Policy of City Owned Properties.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY POLICY AND PROCEDURES REGARDING THE DISPOSITION OF ~~CITY OWNED~~CITY-OWNED PROPERTIES

A. Eligibility

Under the Charter of the City of Ypsilanti, when the City of Ypsilanti is a property owner, the City may sell and dispose of property as it sees fit to increase the number of taxable properties within the City.

B. Reason for Sale

The City owns both residential and commercial properties. Most ~~of the~~ properties have been transferred to the City from Washtenaw County after the property was seized due to tax foreclosure. The City continues to receive tax-delinquent properties annually. When the City becomes the owner, the parcels become tax-exempt, and the City is required to maintain the properties in terms of security, grass, and snow maintenance. The cost to the City is increasing, straining City manpower to secure and maintain the properties.

C. Authority to Dispose of City-Owned Property

To streamline the process of selling residential land and returning property to active tax rolls, the City shall annually hold a public hearing and consider a resolution to authorize the sale of subject parcels and delegate the authority to the City Manager to enter into purchase agreements selling city-owned lots as seen in the legal notice. This process will be repeated as the City comes into ownership of additional residential properties.

Due to commercial properties having a higher value and more public visibility, all such sales will require approval by the City Council after a public hearing and notice ~~has~~have been made.

D. Residential Properties

All City-owned residential parcels are available for sale.

~~Sidelots, for the purposes of this policy, are a parcel of land with no structures that are zoned for residential use and that are abutted on no less than one side by a residential lot with a habitable structure.~~

~~(Sidelotting) Preference for sale shall be given to adjoining property owners that (1) own and have Homestead status on an adjoining parcel; (2) are current and have a record of staying current on all property taxes; and (3) have no outstanding tickets or property violations within the City of Ypsilanti.~~

~~If more than one adjoining parcel meets the above criteria, the City shall split the City-owned parcel 50/50 between the adjoining parcels.~~

~~Adjoining property owners shall be able to purchase sidelots for the amount of \$1 plus the cost of closing due before the closing of the property.~~

~~(Non-sidelots) After options for sidelot sales have been explored, p~~Parcels may be sold to any interested party meeting the following conditions (1) Purchaser agrees that if the property is to be developed, it will be maintained as at least a 50% principal residence use~~homestead use~~; (2)

Purchaser is current on all property taxes and shall have no outstanding tickets or property violations in the City of Ypsilanti; (3) Purchaser agrees to repair or restore to any structure to habitable condition within 1-one (1) year of purchase. Should the purchaser fail to meet these requirements, the City ~~could-would be able to~~ reclaim the property within the first year at the purchaser's expense. If there is more than one (1) interested party, a lottery will be held for all interested and qualified purchasers thirty (30) days after it is publicly noticed under Michigan's Open Meetings Act (OMA), 1976 PA 267, MCL 15.261 et seq. The date that a resident must apply and the date of the lottery will be listed in the public notice.

The purchase price of the property shall be the value of \$1,000 plus closing costs and legal fees for the preparation of the contract.

The City shall hold the proceeds in escrow for the first year. These funds would be used to reclaim the property if necessary. After the first year, the proceeds would be released to the general fund to be earmarked for vacant property maintenance.

E. Commercial Properties (excluding Water Street Development Parcel)

Commercial Properties are assessed at a higher rate than residential properties and are generally in higher traffic and public locations. The standard for selling commercial property is higher than residential and requires more screening and review.

An internal committee consisting of a representative from Community & Economic Development Department, the Planning Department, the Finance Department, and the City Manager ~~The Director of Community and Economic Development, the Community Development Manager, the Fiscal Services Director, and the City Manager~~ shall be created as a reviewing committee for any property sale request. If any such department no longer exists the City Manager shall appoint a committee as they determine necessary.

Interested parties shall provide the City a letter of interest outlining their intent for the use the property, a proforma showing their capital planning for the use of the property, and two letters of reference regarding past business experience.

Should the review committee seek to recommend the request to the City Council, a purchase agreement shall be created to be reviewed by the City Council. A public hearing and notice shall be scheduled, and the City Council will review and approve or deny the purchase agreement.

The purchase price shall not be less than \$1,000 plus legal and closing costs. However, higher offers will be considered.

F. Unclaimed Land

Should vacant property remain unsold after one year, the City Manager should have the authority to negotiate interim use/lease agreements for parcels by residents for public gardens, public art, and other cultural uses. Residents seeking to use publicly owned property will be required to enter into an agreement with the City and have no less than a 90-day "out" clause for the sale or public use of the property.



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Bonnie Wessler, DPS Director

Subject: Resolution No. 2023-194, Approving a proposal for MS4 Permitting Assistance.

SUMMARY & BACKGROUND: SUMMARY & BACKGROUND: Orchard, Hiltz, and McCliment Inc. (OHM) have provided a proposal for professional consulting services for the planning, execution, and reporting of Outfall Investigations to the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The proposal fulfills requirements associated with the municipal separate storm sewer systems (MS4) permit as part of the city's National Pollutant Discharge Elimination System. The total estimated cost will be \$53,600.

RECOMMENDED ACTION: Approve the OHM proposal.

ATTACHMENTS:

1. RFL and Resolution 2023-194 MS4 Permitting Assistance OHM
2. Ypsi_Outfall_Proposal_Final_

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: October 3, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Bonnie Wessler

Subject: MS4 Permitting Assistance

SUMMARY & BACKGROUND: Orchard, Hiltz, and McCliment Inc. (OHM) have provided a proposal for professional consulting services for the planning, execution, and reporting of Outfall Investigations to the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The proposal fulfills requirements associated with the municipal separate storm sewer systems (MS4) permit as part of the city's National Pollutant Discharge Elimination System. The total estimated cost will be \$53,600.

RECOMMENDED ACTION: Approve the OHM proposal.

ATTACHMENTS: Proposal from OHM

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2023-194
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Orchard, Hiltz, and McCliment Inc. proposal for the city's municipal separate storm sewer systems be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

September 15, 2023

Bonnie Wessler, AICP
Director of Public Services
City of Ypsilanti
14 W. Forest Ave.
Ypsilanti, MI 48197

Regarding: **Proposal for Professional Services
Municipal Separate Storm Sewer System (MS4)
Outfall Investigations & Biannual Reporting**

Dear Ms. Wessler:

Orchard, Hiltz & McCliment, Inc. (OHM Advisors) is pleased to provide this proposal for professional consulting services to the City of Ypsilanti (City) for the planning, execution, and reporting of Outfall Investigations to the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Specifically, the proposal will fulfill the requirements associated with municipal separate storm sewer systems (MS4) permit as part of The City's National Pollutant Discharge Elimination System (NPDES) application.

PROJECT UNDERSTANDING

The City's storm sewer outfall map in the MS4 permit shows twenty (20) outfall locations that need to be inspected. It is understood that all locations must be inspected during the permit cycle, but it is presently unknown how many will need to be accessed via watercraft. Our scope of services summarizes the effort we believe it will take to access each outfall by land while access by watercraft is noted as an as needed task. OHM will follow the NPDES permit guidelines for outfall inspections and has included sampling as an as-needed proposal service. An additional task (Task 6) has been added to include effort to georeferenced the 7-sheets of storm sewer maps that were created by City years ago into the City's web viewer GIS.

SCOPE OF SERVICES

To complete this effort, OHM staff will perform the following Scope of Services.

Task 1: Desktop Review

Prior to the field investigation, OHM staff will review data as it pertains to outfalls along the Huron River, Paint Creek, and associated tributaries to determine access points to conduct field investigations. OHM will also review previous outfall access data provided by the City, if applicable.

Task 2: Field Investigation

OHM staff will conduct an initial survey for any outfalls that can be safely inspected via land. Following the initial survey on land, OHM will communicate to the City the amount of outfalls that will require a watercraft to gain access. We will not proceed with accessing these sites by watercraft without approval of the City. Outfall field investigation will be conducted during dry weather conditions focusing on structural assessment and the MS4 permit criteria listed below. This assessment will be conducted following at least 48 hours with no precipitation.

- | | |
|---|-----------------------|
| ▼ Presence/absence of flow | ▼ Water clarity |
| ▼ Deposits/stains on discharge structure/bank | ▼ Color |
| ▼ Vegetation condition | ▼ Odor |
| ▼ Structural condition | ▼ Floatable materials |
| ▼ Presence of bacterial sheens, algae, and slimes | |



If the visual observations indicate a potential illicit discharge, flow is observed, and/or the source of the flow is not immediately identifiable, then sampling will be performed as per the NPDES requirements. Based on the suspected discharge or the pollutant of concern, the following parameters will be assessed:

▼ Ammonia ▼ Surfactants ▼ E. coli

Other parameters – Additional samples may be collected depending on the suspected source. Samples will be submitted to an independent testing laboratory and results shared with appropriate City staff. GPS coordinates will be recorded at each location utilizing sub-foot accuracy and will be provided to the City in a format that can be utilized in GIS or specified software. Photo documentation will also be taken at each site as reference to condition and flow if present.

Task 3: Data Processing and Mapping

Post processing of field data and map creation will be performed for use in the technical memorandum that will be submitted to EGLE during the reporting phases of the City's MS4 permit.

Task 4: Technical Memorandum Preparation

OHM will prepare a technical memorandum summarizing the outfall investigations, which will include field datasheets, laboratory test results, and outfall maps for submittal as documentation required by EGLE during reporting phases of the City's MS4 permit.

Task 5: Biannual Reporting

OHM will review existing documentation, update documents, and prepare reports for submittal as documentation required by EGLE during reporting phases of the City's MS4 permit.

Task 6: Georeferenced Storm Sewer Map into GIS

OHM will georeference the original seven (7) sheets of storm sewer maps and add those to the GIS web viewer for storm sewer (essentially pin the paper maps down to the real world). This will allow referencing the old maps within the context of the reliable storm sewer data currently in the GIS. The maps would be in the layer list, like a basemap, that the user can toggle on/off.

PROJECT SCHEDULE

Considering this work relies on 48-hours of no precipitation to perform a dry weather inspection, OHM will be strategic in monitoring weather and establishing a plan to perform inspections in a timely manner. OHM will begin work outlined in this proposal within two (2) weeks of authorization and will make progress when weather allows. In addition to weather conditions, outfall access limitations and seasonal water levels may impact the timeline of the inspections. We will work diligently to complete outfall inspections and provide a technical memorandum within four (4) weeks of the last inspection. Our team will keep the City informed on the progress of inspections throughout the project.

FEE SCHEDULE

OHM Advisors proposes to provide the above outlined professional services on an hourly, not to exceed basis, in accordance with the continuing services agreement between the City and OHM. Invoices will be sent monthly as work is performed.



Description	Fee
Required Tasks 1-5	\$20,800.00
<u>Task 6: Georeferencing Storm Sewer Map into GIS</u>	<u>\$3,300.00</u>
Tasks 1-6 Total	\$24,100.00
<u>Allowances</u>	
Field Investigation Utilizing Watercraft Allowance*	\$26,000.00*
<u>Laboratory Sampling Up to 20 Sites Allowance*</u>	<u>\$3,500.00*</u>
Total	\$53,600.00

The total fee is estimated to be \$24,100 plus field investigation watercraft allowance of \$26,000* and laboratory sampling allowance for \$3,500* (if necessary). Additional services can be provided on an hourly basis, as requested.

ASSUMPTIONS/CLARIFICATIONS

OHM has assumed the following points in preparing this scope of services and fees:

- ▶ The outfall elevations are above the waterline of the receiving waters.
- ▶ If necessary, City staff will assist OHM in connecting with private property owners to gain access to outfalls.
- ▶ The City will pay for the costs of any necessary lab testing as covered under the allowance.

ADDITIONAL SERVICES

OHM will be pleased to provide any additional services not outlined in this proposal for this project, each of which would be billed on a time and material basis. A separate proposal would be provided for any such activities. OHM will not perform any additional work without authorization from the City.

AUTHORIZATION

If you find this proposal acceptable, please provide authorization to proceed by signing the proposal below and returning it to us. We appreciate the opportunity to provide you with this proposal. Please feel free to contact us if you have any questions or need any additional information at (734) 522-6711.

Sincerely,

OHM Advisors

Rachel Jackson, P.E.

cc: Andrew Hellenga, Interim-City Manager
Kent Early, PE, OHM Advisors
Wade Rose, OHM Advisors

Accepted for City of Ypsilanti

(Signature)

(Printed Name)

(Title)

(Date)



REQUEST FOR LEGISLATION
October 3, 2023

For: Mayor and City Council

From: Desirae Simmons, Council Member

Subject: Resolution No. 2023-195, Approving changes to Boards and Commissions.

SUMMARY & BACKGROUND: The Council Boards and Commissions Subcommittee developed several strategies to improve the functionality of advisory boards for the City of Ypsilanti. The strategies are listed on the attached Figure A.

RECOMMENDED ACTION: Implement the proposed strategies.

ATTACHMENTS:

1. Resolution 2023-195 Changes to Boards and Commissions
2. Boards and Commissions Subcommittee Strategies Figure A

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: October 3, 2023

CITY MANAGER COMMENTS:

FISCAL SERVICES DIRECTOR APPROVAL:



Resolution No. 2023-195
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Commissioners D. Simmons, King, and Sweet formed the Boards and Commissions Subcommittee to improve the functionality of the City of Ypsilanti's advisory bodies; and

WHEREAS, Attached Figure A represents the strategies the subcommittee developed that have not yet been implemented.

NOW THEREFORE BE IT RESOLVED THAT City Council approves of the changes to advisory bodies presented on attached Figure A.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Boards and Commissions Subcommittee Strategies

- Advisory Bodies Affected: Human Relations, Parks and Arts, Police Advisory, and Sustainability Commissions and Board of Ethics
- Remove any Open Meetings Act requirements for Human Relations, Police Advisory, and Sustainability Commissions
- Create Boards and Commission Funding by assigning tasks during goal sessions and tasking specific budgeting
- Enable Commission Onboarding by holding twice annual trainings (spring and fall), creating a YouTube video to supplement training, and asking commissions to assess skills they are lacking
- Each body will present an annual report to council



Resolution No. 2023-196
October 3, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE: