



**CITY OF YPSILANTI
REGULAR COMMITTEE MEETING
Thursday, August 22, 2024 @ 7:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197
[Launch Meeting - Zoom](#)**

I. CALL TO ORDER

II. ROLL CALL

III. AGENDA APPROVAL

- A. July 25, 2024 YPAC Police Advisory Commission Minutes

IV. PUBLIC COMMENT (3 MINUTES)

V. DISCUSSION ITEMS

- A. Update on Ward 3 Commissioner prospects
- B. Discuss YPD Budget
- C. Review of 8/21 Mental Health Forum
- D. A walkthrough of the citizen police complaint process
- E. Update on police interaction survey
- F. Review Community Benefits Ordinance

VI. PUBLIC COMMENT (3 MINUTES)

VII. ANNOUNCEMENTS

VIII. ADJOURNMENT



**MINUTES
REGULAR COMMITTEE MEETING
7:00 PM - Thursday, July 25, 2024
Council Chambers
One South Huron, Ypsilanti, MI 48197**

I. CALL TO ORDER

The meeting was called to order in the City Council Chambers by Commissioner Wolkoff at 7:08 p.m.

II. ROLL CALL

Present: Mohaned, Humes, McCormick, Wolkoff

Absent: None

Vacant: Three

III. AGENDA APPROVAL

Mohamed moved to Approve the AGENDA APPROVAL as presented. McCormick seconded the motion.

Yes: (4) Mohamed, Humes, McCormick, Wolkoff

No: 0 None

Absent: (0) None

IV. PUBLIC COMMENT (3 MINUTES)

Two members of the public made comments.

V. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Nomination of officers as Chairperson and Vice-Chairperson

B. New commissioners, Ward 3 does not have representation

C. Update on the QR codes and vendor for the police interaction survey: Chief Moore

D. Budget presentation: Police Chief Moore or Councilperson Tooson

E. Update on the Community conversation conjuring the Health of Ypsilanti.

A. Approving the minutes of June 20, 2024

Wolkoff moved to Postpone Approving the minutes of June 20, 2024 as presented.

Yes: (4) Mohamed, Humes, McCormick, Wolkoff

No: 0 None

Absent: (0) None

B. Nomination of officers as Chairperson and Vice-Chairperson

McCormick moved to Approve the Nomination of Commissioner Mohamed as Chairperson as presented. Humes seconded the motion.

Yes: (4) Mohamed, Humes, McCormick, Wolkoff

No: 0 None

Absent: (0) None

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Mohamed moved to Approve the Nomination of Commissioner McCormick as Vice-Chairperson as presented. Humes seconded the motion.

Yes: (4) Mohamed, Humes, McCormick, Wolkoff

No: 0 None

Absent: (0) None

C. New commissioners, Ward 3 does not have representation

- D. Update on the QR codes and vendor for the police interaction survey: Police Chief Moore**
- E. Budget presentation: Police Chief Moore or Council Member Tooson**
- F. Update on the community conversation regarding the health of Ypsilanti.**

VI. COUNCIL PROPOSED BUSINESS

VII. PUBLIC COMMENT (3 MINUTES)

Two members of the public made comments.

VIII. ADJOURNMENT

Meeting Adjourned at 8:41 PM.

ARTICLE VII. COMMUNITY BENEFITS

DIVISION 1. GENERALLY

Sec. 30-500. Purpose.

- (a) It shall be the policy of the City of Ypsilanti to require, wherever feasible, proportional community benefits as a condition of significant public support for development in the form of subsidies, tax abatements, below-market priced land, or other enhanced public resources.
 - (b) This article shall be known as the "City of Ypsilanti Community Benefits Ordinance."
- (Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-501. Definitions.

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

Community benefits mean the amenities, benefits, commitments, or promises to the City of Ypsilanti by a developer, as discussed further in section 30-515 of this article.

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

Department means the City of Ypsilanti Economic and Community Development Department, or its successor department.

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

Financial incentive means cash or near-cash assistance provided on the discretionary basis of the City of Ypsilanti to attract or retain a project. These benefits principally encompass tax and economic incentives provided by federal, state, or local governmental bodies, as discussed further in section 30-514 of this article.

Interested councilmember means a member of the Ypsilanti City Council representing the ward in which a project is proposed to be located.

Project means either a tier 1 project or tier 2 project.

Public support means a financial incentive of \$50,000.00 or more or the sale or lease of city-owned land for a price of at least \$10,000.00 below market value, as determined by the city assessor. Public support shall not include incentives through the Neighborhood Enterprise Zone Act, Public Act 147 of 1992 (MCL 207.771 et seq.).

Quadruple bottom line philosophy means the effect a project may have on the well-being of the community in terms of cultural vitality, social equity, economic prosperity, and environmental sustainability. This includes the public support and community benefits agreed to as part of the project.

Registered group means any group or organization with at least one member that is a resident of the City of Ypsilanti that files their contact information with the department to receive notification under this article. The

department shall keep this information on file. The registered group shall be responsible for the accuracy of the information submitted to the department.

Sale or lease of city-owned land means the conveyance of title of real property from the city or other public entity to a purchaser or a lease of city or other public property to a lessee. The conveyance of city rights-of-way, conveyances under the property disposition policy, and the conveyance or lease of properties less than one-quarter of an acre in size are not included in this definition.

Tier 1 project means any project, development, or redevelopment in which the developer is requesting public support in the form of a financial incentive in an amount of \$50,000.00 or more and less than \$250,000.00.

Tier 2 project means any project, development, or redevelopment in which the developer is requesting public support in the form of a financial incentive in an amount greater than \$250,000.00 or in the form of the sale or lease of city-owned land.

(Ord. No. 1325, § 1, 9-11-2018)

Secs. 30-502—30-510. Reserved.

DIVISION 2. COMMUNITY BENEFITS AGREEMENT REQUIRED

Sec. 30-511. Agreement required.

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

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-512. Minimum standards.

The following minimum standards shall be required of any community benefits agreement:

- (a) Legally enforceable and the result of the procedure specified under division 3 of this article.
- (b) The community benefits provided reflect the scale of and be in proportion to the public support approved.
- (c) Identify specific methods with regard to monitoring and compliance with the provisions of the community benefits agreement.
- (d) Provide for enforcement terms and specific remedies upon the breach or non-compliance of a party. Such remedies may include, without limitation, specific performance, liquidated damages, claw backs, or revocation or withdrawal of public support.
- (e) The provisions of a community benefits agreement shall be binding upon all parties, including their agents, successors, and assigns. After approval and execution by the parties, community benefits agreements shall be recorded against the property in which a project is located and run with the land.
- (f) Where possible, provide a means to measure, value, and assess the factors discussed in section 30-513 of this division.

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- (g) Inclusion of local small businesses, minority-owned business enterprises, women-owned business enterprises, and other relevant business organizations in pre-bid meetings and conferences with advance notice.
 - (h) Compliance of developer with the living wage or prevailing wage requirements, as applicable, provided for in chapter 2, article VI of this Code of Ordinances.
 - (i) No outstanding back taxes, fines, or liens are owed to the city.
 - (j) Compliance of developer with the provisions contained in chapter 58, article III, division 1 of this Code, regarding employment discrimination.
 - (k) Provide for the cleanup of contamination on site, as required by the Michigan Department of Environmental Quality

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-513. Quadruple bottom line philosophy.

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

- (a) The potential value a project may bring to the community.
- (b) The potential impact a project will have on the community.
- (c) The profitability of a project.
- (d) Identification of potential sites of cultural, historical, or archeological significance, as well as the protection and preservation of such sites.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-514. Potential programs.

The following is a non-exhaustive list of potential programs in which financial incentives may derive:

- Brownfield Redevelopment Financing Act 381 of 1996 (MCL 125.2651 et seq.).
- Commercial Redevelopment Act 255 of 1978 (MCL 207.651).
- Commercial Rehabilitation Act 210 of 2005 (MCL 207.841 et seq.).
- Corridor Improvement Authority Act 280 of 1995 (MCL 125.2871 et seq.).
- Historical Neighborhood Tax Increment Finance Authority Act 530 of 2004 (MCL 125.2841 et seq.).
- Local Development Financing Act 281 of 1986 (MCL 125.2151 et seq.).
- Obsolete Property Rehabilitation Act 146 of 2000 (MCL 125.2781 et seq.).
- Plant Rehabilitation and Industrial Development Districts Act 198 of 1974 (MCL 207.551 et seq.).
- Principal Shopping Districts and Business Improvement Districts Act 120 of 1961 (MCL 125.981 et seq.).

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-515. Potential community benefits.

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

(a) Tier 1:

- (1) Providing, either on-site or off-site, additional recreational activities, parks, open space, public service enhancements, or public infrastructure improvements for the City of Ypsilanti and its residents. This includes public transportation services and infrastructure.
- (2) Incorporation of green or sustainable energy elements into the project or the promotion of such investments throughout the city.
- (3) Unbundling of construction work into bid sizes that will allow local small businesses level competition, without restricting the project timelines. Assistance with access to bonding, lending, insurance, access to capital, procurement, and other types of capacity-related assistance where necessary and when available.

(b) Tier 2:

- (1) Work with Michigan Works, the SBDC, and other similarly situated organizations to help provide training, development, and preparation for potential contractual and hiring opportunities for local small businesses, minority-owned business enterprises, women-owned business enterprises, and other relevant business organizations and chambers.
- (2) Providing or supporting educational and/or mentoring activities that provide or enhance employment opportunities for local residents and youth through the Ypsilanti Community Schools, Washtenaw Community College, or other educational programs.
- (3) Creation or financial support of, either on-site or off-site, mixed or low-income housing units.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-516. Classification of businesses.

Classification of a business as local, small, minority-owned business enterprise, or women-owned business enterprise shall be guided by the provisions of chapter 2, article VI, division 2, section 2-303 of this Code with regard to local businesses and the U.S. Small Business Administration eligibility criteria for small businesses, minority-owned business enterprises, women-owned business enterprises. For the purposes of this article, minority-owned business enterprises shall include LGBTQ (lesbian, gay, bisexual, transgender, queer)-owned business enterprises. Businesses discussed in this section may file their contact information with the department. The department shall keep this information on file to be shared with developers for the purposes of engagement as discussed in this division. Such businesses shall be responsible for the accuracy of the information submitted to the department. The department shall also provide developers with information regarding other organizations and agencies that the department knows to track and keep information similar to that discussed in this section.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-517. Compliance requirements.

Community benefits agreements for tier 1 projects must meet the minimum standards discussed in section 30-512 of this article and provide for at least two community benefits contained in section 30-515(a) of this division or one community benefit contained in section 30-515(b) of this division. Community benefits agreements

for tier 2 projects must comply with all of the requirements of tier 1 projects and provide for at least two community benefits contained in section 30-515(b) of this division. Projects may provide for direct funding, to the City of Ypsilanti or other relevant stakeholders, for the purposes of meeting community benefits requirements.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-518. Alternative community benefits.

City council has the discretion to approve a community benefits agreement that provides for one or more community benefit not described in section 30-515 of this division in substitution for one or more community benefit that is so described. If exercising its discretion under this section, city council shall determine under which tier in section 30-515 the alternative community benefit would qualify.

(Ord. No. 1325, § 1, 9-11-2018)

Secs. 30-519—30-525. Reserved.

DIVISION 3. PROCEDURE

Sec. 30-526. Request for public support.

Upon a developer's request for public support, developer shall meet with the department to review the request and determine the information needed and the procedure required for compliance with this article. This may include the review or request of any plans, investigations, studies, or inspections. Particularly, plans, sketches, drawings, etc.; pro forma or financial statements; environmental, geotechnical, or property surveys or reports; studies, assessments, or reports regarding impacts on public services and infrastructure, traffic and land use, and potential sites of cultural, historical, or archeological significance; or any other information deemed relevant by the department may be reviewed if such exists or may be requested if the department deems it appropriate.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-527. Procedures for development.

The following procedure is required for the development of community benefits agreements for all projects.

- (a) The department shall coordinate with the developer and interested councilmembers to call and hold a community participation meeting, which shall be chaired by an interested councilmember. The purpose of this meeting shall be to inform the community about the project and to allow the community to discuss potential community benefits. Particularly, the scope of the request for public support, the information discussed in section 30-526 of this division, and the provisions and procedures of this article shall be shared with the community. There shall be time at this meeting for those present to ask questions, discuss and identify among themselves potential community benefits, and recommend resident members for the ad-hoc committee discussed in section 30-527(b) of this division. Applications for appointment shall be made available for resident members of the ad-hoc committee discussed in section 30-527(b) of this division. The developer shall be present at this meeting to present information and answer questions. Notice of this meeting shall be provided as required by this division no less than 30 days in advance. This meeting shall be subject to the Open Meetings Act and its records subject to the Freedom of Information Act. If this meeting is held on a weekday, it shall not begin prior to 6:00 p.m.

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- (b) Within 15 days of the community participation meeting discussed in section 30-527(a) of this division, city council shall establish an ad-hoc committee consisting of one interested councilmember; and five to eight residents of the City of Ypsilanti. City council shall select the interested councilmember among themselves to serve on the committee. The mayor, subject to the approval of city council, shall appoint the remaining members of the committee with at least three members being selected from those recommended at the community participation meeting identified above. In making such appointments, the mayor and city council should be guided by the relevant community interests with regard to the specific aspects of the project. Such interests could include, but are not limited to, the geographic location of the project as well as relevant demographic and socio-economic factors. Residents who have competing affiliations or interests that may result in the perception or the reality of an increased risk of bias or poor judgment in upholding the committee member responsibility to prioritize the interests of community residents should be restricted from serving on the committee. This may include current or past employment affiliated with the developer. This committee is subject to the Open Meetings Act and its records subject to the Freedom of Information Act.
 - (c) Once established, the city manager shall designate a staff liaison to the committee described in section 30-527(b) of this division. Additionally, the city attorney's office should be available to advise and assist the committee. The staff liaison will provide ad hoc committee members with all documentation necessary for compliance with this article, as identified in section 30-526 of this division, within 48 hours of their selection. All other documents requested by the ad hoc committee during the process should be provided within 48 hours of such requests.
 - (d) After the committee described in section 30-527(b) of this division is established, it shall meet at least twice within 60 days. The purpose of these meetings is to identify community benefits mutually agreed upon with the developer and make a recommendation to city council. Within these 60 days, the committee shall provide a recommended community benefits agreement for consideration by city council. The developer may produce and deliver a response for consideration by city council within 15 days of the issuance of the recommendation. Upon the request of the committee or the developer, respectively, city council may grant an extension to the deadlines described herein. The city manager, in his or her sole discretion, may direct employees and departments of the city to review and report to the committee concerning specific aspects of a proposed community benefits agreement. Likewise, the city manager may direct employees and departments of the city to review a recommended community benefits agreement issued by the committee and report to city council. Notice for meetings of the committee shall be provided as required by this division no less than seven days in advance.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-528. Public hearings.

After the procedures discussed in this division, city council shall hold a public hearing regarding the proposed community benefits agreement no less than 15 days prior to its consideration by city council.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-529. City council decision.

City council may accept, reject, or amend a proposed community benefits agreement by resolution.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-530. Public notice.

Notice of all meetings discussed in this division shall be published according to section 11.13 of the City Charter. In addition, such notice shall be sent by mail or personal delivery to all registered groups; the developer; to all persons to whom real property is assessed within 1,000 feet of the property boundary of where the project is located; and to the occupants of all structures within 1,000 feet of where the project is located. If the name of an occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or special area shall receive notice. Such notice shall include the following:

- (a) Description of the nature of the meeting. This description shall include a brief summary of the project and the public support requested, the relevant requirements and procedures of this article, and the purpose for which the particular meeting is being held.
- (b) A legal description or address of the property which the project is located.
- (c) Statement of when and where the meeting will be held.
- (d) Statement of when and where comments will be received.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-531. Public participation policy.

The procedure provided for in this division shall comply with the City of Ypsilanti Public Participation Policy when applicable.

(Ord. No. 1325, § 1, 9-11-2018)

Secs. 30-532—30-545. Reserved.

DIVISION 4. MISCELLANEOUS PROVISIONS

Sec. 30-546. Exemptions.

Upon the request of a developer, city council may adopt a resolution exempting the developer from the requirement of entering into a community benefits agreement. Such resolution shall require five affirmative votes by city council for adoption. In requesting such an exemption, the developer shall demonstrate that the project and execution of a community benefits agreement is infeasible or impractical. To request such an exemption, the developer shall:

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

The developer's request, including any supporting material, and notice shall be published according to section 11.13 of the City Charter seven days prior to consideration by city council.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-547. Funding limitations, monitoring, reporting.

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

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-548. Required conditions for public support.

The provisions of this article are prescriptive in nature and are set forth as required conditions for the requesting, provisioning, and receiving of public support for a project. Material failure to comply with the provisions of this article may result in denial, suspension, termination, revocation, or withdrawal of public support, but shall not be subject to the penalties, sanctions, or remedies set forth in section 1-15 of this Code. Except when obtained through substantial and material misrepresentation or fraud, the resolution of city council approving the public support for a project shall be evidence of compliance with the provisions of this article. Thereafter, remedies shall be limited to enforcement of the community benefits agreement.

(Ord. No. 1325, § 1, 9-11-2018)

Sec. 30-549. Article review; termination.

This article shall be revisited and reviewed by city council after adoption. If not renewed by city council, this article shall terminate three years after adoption and shall not be enforceable.

(Ord. No. 1325, § 1, 9-11-2018)

Secs. 30-550—30-575. Reserved.