

1. City Council Regular Meeting Agenda

Documents: [3-20-12 AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents: [3-20-12 COUNCIL PACKET.PDF](#)



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MARCH 20, 2012
6:00 P.M. –WORK SESSION
7:00 P.M. – OPEN SESSION**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bodary	P A	Council Member Robb	P A
Council Member Jefferson	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Schreiber	P A
Mayor Pro-Tem Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. WORK SESSION (6:00 p.m.-7:00 p.m.)

1. Water Street Update- Teresa Gillotti, Senior Planner

VI. INTRODUCTIONS –

VII. AGENDA APPROVAL –

VIII. PRESENTATIONS –

1. Ypsilanti Library Annual Report- Donna DeButts, Community Relations Coordinator

IX. PUBLIC HEARINGS-

1. Creation of DDA-Wide OPRA District
 - A. Resolution No. 2012-048, determination.
 - B. Open Public Hearing.
 - C. Resolution No. 2012-049, close public hearing.

2. NRTF Application for Water Street Trail
 - A. Resolution No. 2012-050, determination
 - B. Open Public Hearing.
 - C. Resolution No. 2012-051, close public hearing.

3. Creation of an Industrial Development District- 715 Norris St.

- A. Resolution No. 2012-052, determination.
 - B. Open Public Hearing.
 - C. Resolution No. 2012-053, close public hearing.

X. ORDINANCES- FIRST READING-

Ordinance No. 1172

1. Adding Subsection 9 of Section 2-298 to the Ypsilanti Code of Ordinances: Construction Unity Board (CUB)
 - A. Resolution No. 2012-054, determination.
 - B. Open Public Hearing.
 - C. Resolution No. 2012-055, close public hearing.

XI. AUDIENCE PARTICIPATION-

XII. REMARKS BY THE MAYOR –

XIII. MINUTES –

Resolution No. 2012-056, approving the minutes of March 6, 2012.

XIV. CONSENT AGENDA-

Resolution No. 2012-057

1. Resolution No. 2012-058, for the appointment of Hershey Ballard to the Ypsilanti Housing Commission.
2. Resolution No. 2012-059, approving an ordinance to adopt the FEMA Flood Insurance Rate Map. ***(Ordinance No. 1170.) (Second Reading)***
3. Resolution No. 2012-060, approving the CBRE marketing agreement.

XV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-061, approving an investigation of an Ypsilanti Housing Commission employee.

XVI. LIASON REPORTS -

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Urban Counties
- E. Freight House

XVII. COUNCIL PROPOSED BUSINESS –

XVIII. COMMUNICATIONS FROM THE MAYOR –

Nomination to Ethics Board:

Evan Dority (Democrat)
908 Pleasant Drive
Ypsilanti, MI, 48197

Nomination to YDDA Board (West Cross District)

Rois Savvides
1834 Collegewood
Ypsilanti, MI 48197

XIX. COMMUNICATIONS FROM THE CITY MANAGER –

XX. AUDIENCE PARTICIPATION -

XXI. REMARKS FROM THE MAYOR –

XXII. REPORTS SUBMITTED-

1. Ypsilanti Housing Commission updated Sustainability Report

XXIII. ADJOURNMENT –

Resolution No. 2012-062, adjourning the City Council meeting



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Resolution No. 2012-062, adjourning the City Council meeting



Memo

To: Mayor and City Council
From: Teresa Gillotti
Date: March 20, 2012

Subject: Water Street Redevelopment Area update – Work session items for March 20 6 to 7 p.m.

The work session will provide updates on the following items, several with related resolutions that will be discussed during the regular City Council meeting which begins at 7 p.m.

1. CBRE contract extension and updated marketing plan for Water Street
2. Current development interest in the site
3. Update on the schedule from WCPRC for the Recreation Center project
4. Update on the under Michigan Avenue pedestrian bridge, and alternate plans
5. Request for a National Resources Trust Fund application for the linear park and Border to Border trail expansion on Water Street, adjacent to the proposed Recreation Center
6. Close-out of EPA Clean up grants, NSP funds, and Downriver Consortium grants
7. Update on interim uses on the Water Street Redevelopment area
 - Phytoremediation
 - Urban tree nursery

1. CBRE contract extension and updated marketing plan for Water Street

In 2008 the City of Ypsilanti altered the direction of marketing efforts for the Water Street redevelopment area, opening up the potential to sell smaller portions of the site in addition to the potential to sell the 38 acre parcel as a whole. To further inform this process, the City entered into a contract with CB Richard Ellis, (CBRE) to develop a market study for the site, create a plan for parcelization that included developing specific pricing, listing the property on MLS services, and ongoing marketing at events and through their networks.

That contract had stipulated a monthly payment, which was to be applied to potential commission. The amount related to this “pre-paid” commission is \$72,000. The new contract stipulates that CBRE will not be entitled to any additional consulting fees, and that CBRE waives the right to any additional consulting fees related to activities since the end of the prior agreement, through the proposed contract.

The updated contracted includes these provisions of note:

- The city will expend no additional funds for the services provided by CBRE

- In the case of a donation or transfer of land, rather than a sale, CBRE cannot claim any commission
- CBRE will be under contract for these additional services:
 - o Updated Analysis and Brochures. Broker shall prepare new comparable analysis and updated brochures for the Property at least every six (6) months during the Term.
 - o ICSC. Broker shall feature the Property at the International Council of Shopping Centers' regional and national annual meetings.
 - o Marketing Plans. Prepare and update every six months during the Term marketing plans for the marketing of the Property.

In conversation with City staff, Mr. Itkis has expanded on these elements further:

Marketing Study Information:

I will update the Marketing Study information with the latest demographics, gap report, and traffic counts. I don't think that the situation in Ypsilanti has changed so much in the past 3 years, so these three items will be sufficient. This will be free of charge to the City.

Marketing Brochure:

I will update the marketing brochure including the new prices for the various size parcels of land at Water Street. I will run the latest comp study and discuss it with you for your and the City's approval.

Marketing:

My team and I have created a marketing campaign that is more targeted and reaches the logical users instead of marketing to everyone and hope to get lucky. Over the years our user database has grown to over 1,000 users, most of which are national companies and some are the local companies that are currently actively looking for properties. We have categorized them by their real estate requirements, whether they lease, purchase, go inline, free standing, etc. we have further categorized them by their co-tenancy requirements, such as whether they have to be near a big box retailer such as Target, Wal-Mart, Meijer, or will they take properties not near these type of big boxes. This categorization is what has allowed us to be more targeted in our marketing.

Our marketing campaigns go out every 45 to 60 days. This is due to the fact that we have noticed that by sending too many emails, we may have people "unsubscribe" from our email blasts with property information. If this keeps on taking place, we will lose potential users. So, we are cognizant of not overloading anyone's emails with our information. These steps have helped us increase the number of people who review our information, which has helped us obtain interested parties in our properties. This approach has proven to be successful and we will utilize it when marketing Water Street.

Recreational Center Possibility:

Since the City is considering having a Recreation Center at Water Street, I will put together a map of the 5 county area, Washtenaw, Livingston, Wayne, Macomb, and Oakland that will show where the current Recreation Centers are located. Knowing the other Recreation Centers' proximity to Water Street will help the City evaluate the viability of this idea

Attendance: Arthur Itkis from CBRE will be available at the working session to discuss the marketing plan, the new construction market in SE Michigan and to answer any other questions related to the marketing of Water Street. Likewise, Joe Fazio from Miller Canfield will be available to answer questions about the contract in particular.

2. Current development interest on the site

The City has been in conversation with three developers in addition to Washtenaw County Parks and Recreation Commission. Projects under consideration include active senior housing, family affordable housing, and small retail development. Staff is providing interested developers with site information, zoning guidelines, and general location on the proposed location for the County's Recreation facility. Staff will be working with CBRE to move these parties toward a Letter of Intent in upcoming weeks.

3. Update on the schedule from WCPRC for the Recreation Center project

City staff has been meeting regularly with WCPRC on creating a timeline for moving the project forward, as well as determining appropriate milestones for the project. Washtenaw County Parks is looking to create several committees to help coordinate several components of the project. Below is a summary of the committees and proposed membership:

- **Steering Committee** –The Steering Committee is comprised of representatives of the project partners and will meet monthly to coordinate the efforts of the Working Committees and keep the project moving forward.
 - o WCPRC staff: Bob Tetens, Coy Vaughn, Meghan Bonfiglio
 - o WCPRC board: Robert Marans
 - o City of Ypsilanti staff: Teresa Gillotti
 - o **Ypsilanti City Council representative (TBD)**
 - o YMCA staff: Cathi Duchon
 - o U of M architectural professor: Craig Borum
- **Architecture & Site Planning** – Develop the building program and conceptual design alternatives for the proposed building and site amenities including building program/elements, schematic layout and elevations, investigate building materials, parking layout, schematic site plan, preliminary cost estimate
 - o Bob Tetens, (lead)
 - o Cathi Duchon (YMCA)
 - o Coy Vaughn WCPRC staff
 - o Jon Keith, WCPRC staff
 - o **Ypsi Planning Commissioner**
 - o **Ypsi Recreation Commissioner**
- **Greenway/Border-to-Border Trail** – Develop a conceptual design for a 100'-wide urban greenway (B2B extension) along the Huron River from Riverside Park to Grove Road and extending south to connect to trail network at Ford Lake. Coordinate the implementation of the MNTRF grant for the Heritage Bridge and submittal of new applications for funding the remainder of the proposed trail.
 - o WCPRC staff
 - o City Staff
 - o City of Ypsilanti Non-motorized committee representative
 - o U of M School Architecture representative.
- **Infrastructure & Environment:** Determine existing and potential onsite environmental impacts and identify necessary infrastructure improvements including considerations of floodway/floodplain, brownfield plan updates, water, sewer and other utility location, roadways, and storm water treatments.
 - o Meghan Bonfiglio (WCPRC staff) and Teresa Gillotti (City staff) (co-leaders)
 - o Washtenaw County brownfield program staff
 - o Jeff Dehring (WCPRC staff)
- **Partnerships & Funding:** Research and identify potential funding and partnership opportunities including grants, private endowments, foundation funding, YMCA partnership, EMU partnership and other opportunities.

- o Bob Tetens (lead)
- o Melissa Milton-Pung
- o Ypsilanti Mayor or City Council Representative
- o Leigh Greden, EMU
- o David Rutledge, State representative

Attendance: Coy Vaughn of Washtenaw County Parks and Recreation Commission will be in attendance and will be presenting and detailing the schedule for next steps including milestones, and dates for execution of the development agreement, bridge and trail construction and Recreation Center construction.

Recommendation:

Staff would like Council to select either the mayor or a council member to serve on the Steering Committee, as well as the funding committee. Staff would also like approval to work with the Planning Commission and Recreation Commission to select members for the building, site, and trail committees.

4. Update on the under Michigan Avenue pedestrian bridge, and alternate plans

As was reported previously in the Council Information Letter, the 2011 NRTF application for the Michigan Avenue pedestrian bridge did undergo a setback when MDEQ and MDOT failed to approve the under Michigan avenue location for the bridge, due to issues with scouring of the Michigan Avenue bridge supports. Staff and WCPRC staff have been looking at alternatives, and have been in contact with the DNR on what alternatives would still qualify for the grant funding.

The attached plan shows a proposed alteration of the pedestrian bridge connection that incorporates all of the same elements (ADA compliant, fishing pier, educational signage) but has the bridge crossing from Riverside Park to the edge of the Fischer Honda dealership on the west side of the bank. An at-grade crossing of Michigan Avenue is proposed. NRTF staff have felt comfortable with the changes, as long as MDOT approves the at-grade pedestrian crossings, and all amenities from the previous application are included in the alternative pedestrian bridge plan.

Staff has been in contact with MDOT about appropriate pedestrian treatments including discussion of pedestrian refuge island (median) or possibly a HAWK (high-intensity activated crosswalk) signal. WCPRC have had an initial conversation with Fischer Honda, and they have expressed interest in partnering on the project. MDOT has been positive so far, and planning staff are conducting pedestrian counts in the area of the proposed crossing to provide data for MDOT to assist in their recommendation.

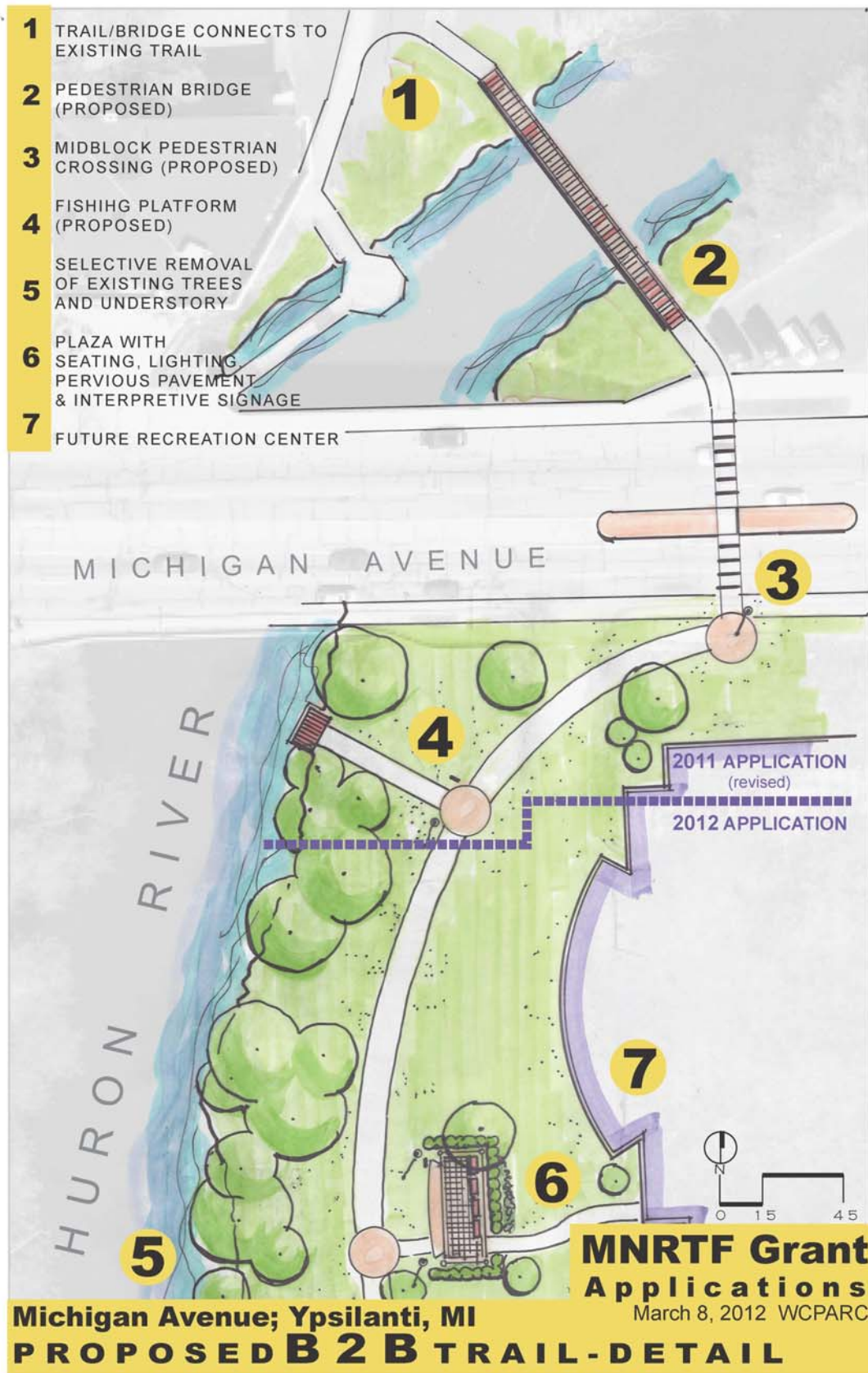


Pedestrian refuge island



HAWK signalized crossing

Proposed alternative pedestrian bridge crossing from Riverside Park to Water Street Redevelopment Area.



5. Request for a National Resources Trust Fund application for the linear park and Border to Border trail expansion on Water Street, adjacent to the proposed Recreation Center

Washtenaw County Parks and Recreation Commission is again seeking to partner with the City of Ypsilanti on a 2012 National Resources Trust Fund (NRTF) to complete the Water Street trail (named the River's Edge Trail in the grant application), from the terminus of the 2011 project (see above) to the connection to sidewalks and biking lanes on S. Grove Street (see right).

The River's Edge park project is estimated at \$592,000, and the NRTF grant request is for \$300,000 with Washtenaw County Parks providing a match of \$292,000 to the project.

The County would develop 100 feet of land closest to the river as a linear park with a 3,000' multiuse trail. This project is to construct the first phase of the park with trail, plaza, overlook, signage and complimentary site amenities to create a dynamic space adjacent to the Huron River.

The resolution provided as part of the regular meeting would authorize the grant application for the trail. Note that the bridge and trail projects would be developed prior to the proposed Recreation Center, but will be aligned with that future project.

The greenway/trail is included in the City's Master Plan (2008 Water Street Amendment), 2008-2012 Parks Plan, and has been a featured element of Water Street Redevelopment plans throughout the life of the project.

B2B Michigan Ave to Grove, Ypsilanti, MI



Washtenaw County
Parks and Recreation Commission
2010 Aerial: Washtenaw County GIS

0 300 600 900 1,200 Feet

6. Close-out of EPA Clean up grants, NSP funds, and Downriver Consortium grants

ECT has completed reporting for all grants related to the demolition and remediation of the Water Street Redevelopment Area. This includes the three (3) EPA Clean-up grants, Neighborhood Stabilization Funds distributed through Washtenaw County, Downriver Consortium Grant funding, as well as required reporting to the State of Michigan Department of Environmental Quality (DEQ). All funds have been expended, and the current environmental map has been included on the City's updated Water Street information page: <http://cityofypsilanti.com/DoingBusiness/WaterStreetRedevelopmentArea>

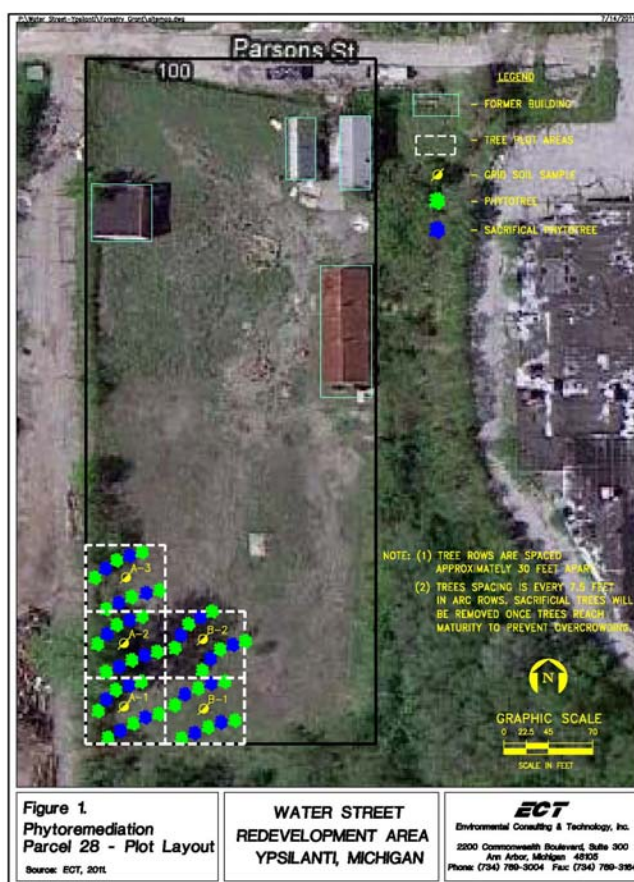
7. Update on interim uses on the Water Street Redevelopment Area

Phytoremediation effort – GLRI grant

Phase one of the phytoremediation project has been completed including pre-testing of subject area, an approximately 1 acre area where heavy metals remain above state DEQ levels for direct contact.

The plot map below shows the location of the 49 native conifers were planted during spring of 2011. The location of the control and other 5 plots will be formalized later this spring, but will be located adjacent to the existing test plots. The next test plot will include more traditional species of trees for phytoremediation including poplar and willow. The project team intends to use native cultivars of these species if available. One or more test plots with no trees will be evaluated as a control. The test plots are scheduled to be planted in spring of 2012 and fall of 2012 if necessary. A drip irrigation system has been installed for the first plot series to support the health of the planted trees.

A silt fence will be installed to monitor the effect of trees on surface water run-off. Test plots with trees versus no trees and native trees versus non-native trees will be evaluated to see whether there is a noticeable effect on run-off quality and quantity. A sign has also been installed noting the general project area.



Urban Forestry Initiative – GLRI grant

The tree inventory, canopy cover analysis and urban forestry plan have been completed and were delivered to the City of Ypsilanti from Davey Resource Group at the end of February. Combined with the research and recommendations provided by Lindsay Davenport, a landscape architecture student from the University of Michigan's School of Natural Resources, staff will presenting more information regarding the location, and timing of the installation of the nursery at the March 20 working session. The infrastructure for the nursery is expected to be installed along with some initial stock this spring, while the bulk of the trees will be installed this fall. Related programming components will be worked out during the spring/summer.



Resolution No. 2012-048
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Tax abatements further encourage economic development through providing support to development or redevelopment projects that otherwise may not have occurred; and

WHEREAS, the Obsolete Property Rehabilitation Act, Public Act 146 of 2000, as amended, provides for a tax incentive to encourage the redevelopment of obsolete buildings; and

WHEREAS, some parcels within the proposed district are characterized by obsolete commercial or commercial housing property as required in the Act; and

WHEREAS, the City of Ypsilanti, a qualified local governmental unit, sets forth a finding and determination that the district meets the requirements set forth in section 3(1) of Public Act 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on March 20, 2012 a public hearing was held and all residents and taxpayers of the City of Ypsilanti were afforded an opportunity to be heard thereon; and

WHEREAS, the Ypsilanti City Council deems it to be in the public interest of the City of Ypsilanti to establish the Obsolete Property Rehabilitation Act District as proposed;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council establishes the Obsolete Property Rehabilitation District consisting of parcel in the West Cross, Downtown and Depot Town DDA districts, as shown on the attached map.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Resolution No. 2012 -049
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed resolution entitled "CREATION OF DDA-WIDE OPRA" be **officially closed**.

OFFERED BY: _____

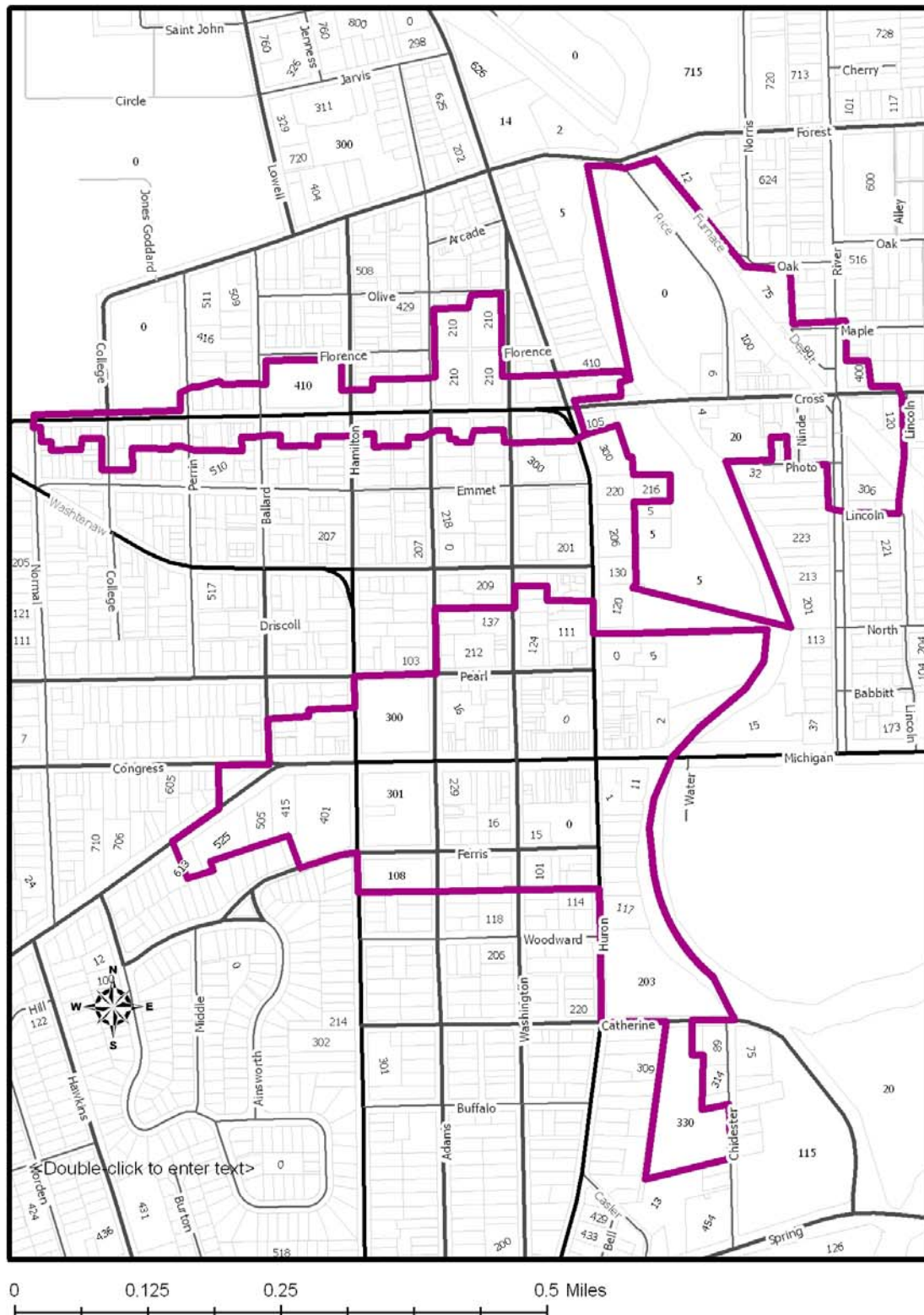
SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:



January 19, 2012
2012-01

**Downtown Development Authority of the
City of Ypsilanti
County of Washtenaw, State of Michigan
RESOLUTION TO SUPPORT THE CREATION OF DDA-WIDE OBSOLETE
PROPERTY REHABILITATION DISTRICT**

The following preamble and resolution were offered by Member K. Maurer and supported by Member B. Barnes.

WHEREAS, one of the Economic Restructuring & Design Committee's guiding principles is to support initiatives that enhance downtown's physical environment by promoting walkability and creating an inviting atmosphere; and

WHEREAS, part of an inviting atmosphere is vibrant storefronts and revitalized buildings; and

WHEREAS, the YDDA Economic Restructuring & Design Committee has expressed a commitment to provide financial incentives to spur the redevelopment and revitalization of buildings throughout the DDA districts; and

WHEREAS, the Obsolete Property Rehabilitation Act (OPRA) program has been used to great success in the YDDA districts to redevelop vacant upper stories of buildings into residential units since 2001; and

WHEREAS, the YDDA has supported the individual applicants for this program since 2001 with the long-term goal of rehabilitating and renovating the historic architecture of the YDDA districts;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. the YDDA supports the City of Ypsilanti's Planning and Development Department proposal to a DDA-wide Obsolete Property Rehabilitation District that would:
 - a. Further market the rehabilitation and redevelopment of upper story uses in buildings within the YDDA districts.
 - b. Improve or speed-up the approval process for individual applicants in the program.
 - c. Save applicants \$200 by eliminating the cost to establish a district.
 - d. Work with the City Assessor to potentially determine "obsolescence" in advance to help market properties as OPRA-ready.
 - e. Potentially combine OPRA's with other redevelopment incentives to assist in the costs of rehabilitations and renovations.

2. The YDDA Economic Restructuring & Design Committee work with the City of Ypsilanti to identify qualifying properties for the established district.
3. That the establishment of a district with pre-identified properties does not eliminate or make ineligible other properties not identified within the YDDA districts to apply for OPRA consideration.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are and the same hereby are rescinded.

AYES: B. Barnes, J. Coleman, L. French, S. French, D. Gendich, L. Greden, K. Hill, K. Maurer, and P. Schreiber

NAYS: none

YES: 9 NO: 0 ABSENT: 4 VOTE: passed



REQUEST FOR LEGISLATION
March 20, 2012

From: Teresa Gillotti, Planner II

Subject: Creation of OPRA district for DDA area

Background

Each Obsolete Property Rehabilitation (OPRA) application requires creation of a district as well as a specific application for the OPRA tax exemption. City and DDA staff have looked into creating a DDA-wide OPRA district similar to other communities like Bay City to meet the following goals:

- Further market rehabilitation of upper story redevelopment by establishing the district in advance of improvements
- Skip an approval step leaving the applicant to focus on their application rather than the district creation
- Save staff noticing time and save the applicant \$200 (cost for establishing a district). Application fee still costs \$350.
- Also on the process level, work with the City Assessor to potentially determine “obsolescence” in advance to further market properties as OPRA-ready. Note: certification of obsolescence is required to qualify for an OPRA.
- Potentially combine OPRA's with other available incentives to reduce costs of conversion.

Past redevelopment success

One of the goals of the Blueprint for Downtown is to increase the number of upper-story residential units. Since 2001 downtown will have added 46 new loft apartments and will have increased taxable value estimated at more than \$2 million, once the Mellencamp units are complete – even with the state-wide decline in property values. The majority of these rehabilitations have utilized at least the Obsolete Property Rehabilitation Exemption, as well as other incentives to help reduce costs of rehabilitation.

The total number of residential units in the downtown area is estimated at about 125 units. Within the last 10 years, the increase in new lofts (including the soon to be finished 12 for Mellencamp) make up 37% of all downtown residential units or more than a third of the upper story residential units in Historic Downtown Ypsilanti.

Below is that breakdown of the rehabilitation projects, as well as the type of incentives used for each project.

2001	Flour Mill – Phoenix 11, LLC (Bill Kinley)	2000 Taxable Value	2010 Taxable Value	Change	Units added	Incentives
	9 West Michigan	76,100	307,700	283,200	3 units – 2 commercial spaces	none

In 2003 the Kresge Block was renovated through a partnership of three adjacent building owners – and included the addition of an elevator to meet code requirements for the 20 newly converted units.

2003 – (8 year)	Kresge Block – 3 owners	Owner	2003 Taxable value	2011 Taxable value	Change	Units added	Incentives
	208 W. Michigan	Go Downtown LLC (Beal)	26,854	221,200	194,346		OPRA (revoked)
	206 W. Michigan	George Fotiadis	27,327	144,600	117,273		OPRA
	200, 204 W. Michigan	Maurer WML, LLC	82,500	340,000	257,500		OPRA
	Totals		136,681	705,800	569,119	20	

In 2008 – the Maurer's took on the Mack & Mack building which added 11 more downtown lofts as well as commercial space for SPARK East.

Mack & Mack (Maurer) (12 year)	2008 Taxable	2011 Taxable	Change	Units added	Incentives
211, 213, 215 W. Michigan	74,395	440,000	365,605	11	OPRA, Historic tax credits, brownfield MBT

The Maurer's are currently completing 12 units at the Mellencamp building – and have rented out the three converted storefronts – two of which were previously vacant.

Mellencamp (Maurer) (12 year)	2010 Taxable		Change	Units added	Incentives
120, 122, 124 W Michigan	182,100			12 Expected	OPRA, Historic tax credits, brownfield MBT

The only other OPRA's given in the DDA are:

- Thompson Block – no building improvements to date.

What building would likely qualify for an OPRA?

The certification of obsolescence has to be for at least 50% of the property in question. Buildings with undeveloped upper stories would be likely candidates. They may include:

(upper stories, likely qualify for obsolete status)

- Liberty Tax, 101 W. Michigan Avenue
- Dalat, 100 W. Michigan Avenue
- Puffer Red's expansion, 109 W. Michigan
- Terry Bakery, 119 W. Michigan Ave.
- HR Block, 121 W. Michigan Ave.
- Tap Room, 201 W. Michigan
- Simply Divine, 126 W. Michigan
- Populist Cleaners, 22 N. Washington
- Ramos, 24 N. Washington (not quite finished).
- Elbow Room, 6, 10, 12, S. Washington
- Congdon's Ace Hardware, 111 Pearl St.
- Depot, 90 Maple Street
- Sidetrack, 56 E. Cross
- Smith Furniture Building, 15 South Washington
- Fantasy Attic (3rd floor), 19 E. Cross

DDA approval

Staff presented the proposal to the DDA's Economic Restructuring and Design committee in late 2011. At the January DDA board meeting, a resolution was passed in support of the DDA-wide OPRA district. The attached map includes the district to be established.

RECOMMENDED ACTION: Table until noticing to all property owners in DDA districts is complete. Expected for April 3, 2012 City Council meeting.

ATTACHMENTS:

- DDA Resolution and attachment
- OPRA district (DDA district) boundaries

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, certain funding is available through the Michigan Natural Resources Trust Fund that may be used for recreation improvements;

WHEREAS, The creation of a non-motorized pathway along the western edge of the Water Street Redevelopment Area, along the Huron River, has been identified as "River's Edge Linear Park" in the Parks and Recreation Master Plan (2008) and the Master Plan (1998) as a project that will promote access to and enjoyment of the river and the parkland along it;

WHEREAS, The Washtenaw County Parks and Recreation Commission has generously agreed to provide up to \$292,000 for the implementation of this project;

WHEREAS, The MNRTF funding available, when combined with existing funding, would be sufficient for the construction of this non-motorized path; and

WHEREAS, The construction of this amenity, in coordination with the surrounding Water Street redevelopment, will advance local and regional goals of increasing access between neighborhoods, parks, and regional non-motorized facilities;

NOW THEREFORE BE IT RESOLVED, that the Ypsilanti City Council hereby approve the application for FY 2012 MNRTF funding to construct a non-motorized path connection between Michigan Avenue and Grove Road area.

FURTHER, that should the grant be awarded, the Mayor and City Clerk are authorized to sign all documents relating to this grant.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2012 -051
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the 2012 Natural Resources Trust Fund Grant Application for River's Edge Linear Park and Trail be **officially closed**.

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
March 20, 2012

From: Teresa Gillotti, Planner II

Subject: Creation of Industrial Development District for 715 Norris

Background

The property at 715 Norris Street has been listed previously as a City Council goal for redevelopment, and was listed for sale in 2010. To help market the property, staff is recommending establishment of an Industrial Development District (IDD), similar to the one established in the Mansfield Industrial Park. Proactive establishment of the district would provide a step toward meeting some of the following goals:

- Further market the reuse of the facility for manufacturing, production, research and development facilities and other qualifying uses
- Skip an approval step leaving the applicant to focus on their application rather than the district creation for either the Industrial Facilities Tax exemption (PA 198) or Personal Property tax exemption (PA 328)
- Save staff noticing time and save the applicant \$200 (cost for establishing a district). Application fee still costs \$350.

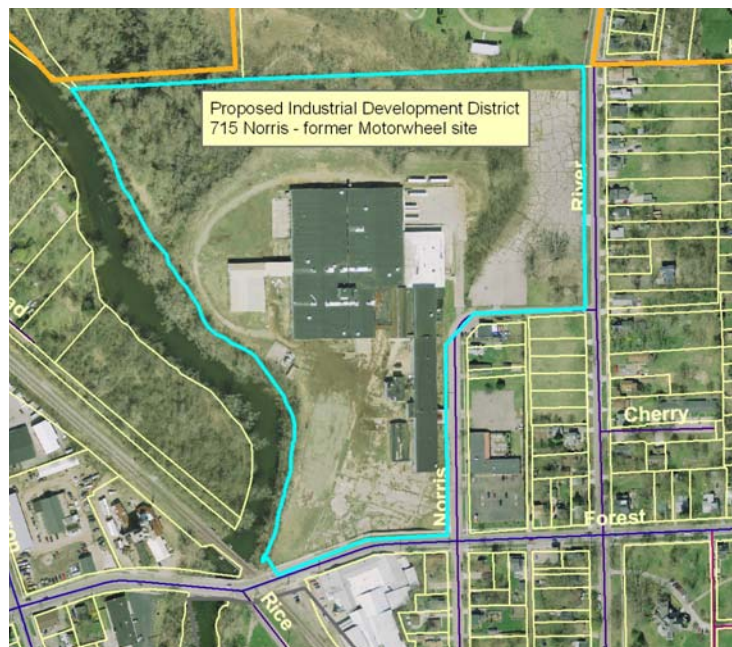
Staff has been in contact with the listing broker, and Signature Associates is supportive of creation of the district and would provide information about its creation to prospective tenants and/or buyers of the parcel.

Past IDD redevelopment success

Most recently, American Broach/QC American had applied to expand their existing facility in the industrial park to augment their current manufacturing and office space with a proposed addition for research and development. While the company is now looking to potentially purchase an existing building in the industrial park, they have already added 5 new employees.

District area

The area of the IDD as proposed would be that of the parcel boundaries pictured below:



RECOMMENDED ACTION: Approve creation of the district

ATTACHMENTS:

- IDD district resolution

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012 -052
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Tax abatements further encourage economic development through providing support to development or redevelopment projects that otherwise may not have occurred; and

WHEREAS, the Plant Rehabilitation and Industrial Development Districts Act 198 of 1974 as amended, provides for a tax incentive to encourage rehabilitation or expansion of existing facilities, and other related incentives; and

WHEREAS, the City of Ypsilanti is a qualified local government unit under the Act, and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on March 20, 2012 a public hearing was held and owners and other residents or taxpayers of the local governmental unit were provided the opportunity to appear and be heard; and

WHEREAS, the City Council finds that more than 50% of the state equalized valuation of the industrial property of parcel #11-11-04-425-001 (715 Norris St.), the property commonly known as the former Motor Wheel Property, is obsolete; and

WHEREAS, the Ypsilanti City Council deems it to be in the public interest of the City of Ypsilanti to establish the Industrial Development District as proposed;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council establishes an Industrial Development District for parcel #11-11-04-425-001 (715 Norris St).

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2012 - 053
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed resolution entitled "CREATION OF INDUSTRIAL DEVELOPMENT DISTRICT AT 715 NORRIS STREET" be **officially closed**.

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:



**CITY OF YPSILANTI
Ordinance No. 1172**

An ordinance to add Subsection 9 of Section 2-298 of the Ypsilanti City Code to add Construction Unity Board Requirements to the Ypsilanti City Code.

1. **THE CITY OF YPSILANTI ORDAINS** That Section 2-298, Subparagraph 9, of the Ypsilanti City Code is hereby added and adopted:

9. Any bid for new construction or renovation work for capital facilities or improvement projects shall contain a requirement that the winning bidder agree to sign a construction unity board ("CUB") memorandum of understanding as a condition of receiving the contract. Accordingly, any RFP for this type of contract shall include the requirement that the winning bidder sign a CUB agreement.

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

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

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

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____
DAY OF _____, 2012.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in The Ypsilanti Courier on the _____ day of _____, 2012.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2012.

Frances McMullan, City Clerk

Notice Published: March 8, 2012

First Reading: March 20, 2012

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2012 -055
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "ADDING THE CONSTRUCTION UNITY BOARD (CUB) TO THE YPSILANTI CODE OF ORDINANCES" be **officially closed.**

OFFERED BY: _____

SUPPORTED BY: _____

AYES: NAYS: ABSENT: VOTE:



Resolution No. 2012- 054
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS Subsection 9 of Section 2-298 of the Ypsilanti City code required a Construction Unity Board (CUB) agreement in certain city contracts; and

WHEREAS this requirement was deleted by reason of Public Act 98 of 2011 which prohibits such ordinance requirement; and

WHEREAS the said law has been declared unconstitutional, NOW THEREFORE:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to add Subsection 9 of Section 2-298 of the Ypsilanti City Code to add Construction Unity Board Requirements" be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2012 – 056
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of March 6, 2012 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, March 6, 2012
OPEN SESSION- 7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:10 p.m.

II. ROLL CALL –

Council Member Bodary	Present	Council Member Robb	Present
Council Member Jefferson	Present	Council Member Vogt	Present
Council Member Murdock	Absent	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

Mayor Pro-Tem Richardson moved, supported by Council Member Bodary to excuse the absence of Council Member Murdock.

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

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

Mayor Schreiber introduced the following persons: Senior Planner Teresa Gillotti, Administrative Services Director David Kowal and Public Services Director Stan Kirton.

VI. AGENDA APPROVAL –

On a voice vote, the agenda was approved.

VII. PRESENTATIONS –

1. Planning Commission 2011 Annual Report- Teresa Gillotti, Senior Planner

Senior Planner Teresa Gillotti gave an overview of the operations of the Planning Commission during the past year. She said The Planning Commission met monthly during 2011, except for the month of October. From the perspective of formal applications, the Commission's agenda maintained an above average load compared to previous years. The Commission considered 33 applications, including 11 site plans, 7

special use permits, and 6 text amendments. Significant reviews include the former Ford/Visteon/ACH property at 128 Spring Street, a Planned Unit Development for the former Parkview, now Hamilton Crossing Project, the Corner Brewery expansions, and the expansion of the Gilbert Residence on S. Huron Street. Some of these applications were internally initiated, including zoning text amendments regarding sidewalks, abandonment, and sign and billboard ordinance revisions.

2. Historic District Commission Annual Report- Teresa Gillotti, Senior Planner

Senior Planner Teresa Gillotti gave an overview of the Historic District Commission for the year. She said although the number of applications received this year was significantly lower than in recent years due to the impact of economic issues, the ambitious scope of many of the approved projects reflects the commitment of residents and businesses to the improvement of the local community. Ms. Gillotti also commented that following a public hearing on July 12, 2011, the Commission approved the demolition of 310 N. Park. Having been abandoned for years and damaged as a result of both fire and neglect, the Commission found that the structure was unsafe. In addition she said The Historic District continued to benefit from investment over the past year. Some of the significant projects are summarized here:

- 120, 122, and 124 W. Michigan – A third story was built at the rear of the buildings to accommodate new use as apartments. The addition was made in a manner that allowed for an additional floor that was completely concealed from the buildings' facades on W. Michigan Ave. Exterior improvements, including new paint and replica window hoods on the facades, were also completed.
- Freighthouse – Work continues at the Freighthouse, with an indoor café expected to open this year.
- Starkweather – Work continues at 1266 Huron. Notable changes in 2011 included the removal of the existing front porch, to be replaced with a porch more representative of the original.

VIII. AUDIENCE PARTICIPATION –

Mayor Schreiber read the rules of audience participation.

1. Segrid Melvin, Towne Center Place, commented about the lobby at Towne Center Place and Comcast digital services no longer being offered. In addition she said that inspections need to be performed on the units at Towne Center and the sidewalk at Michigan Ave. is not accessible to residents in wheel chairs.

IX. REMARKS BY THE MAYOR –

Mayor Schreiber asked Public Services Director Stan Kirton about the status of the sidewalk at Michigan Ave. and Hamilton streets.

Public Services Director Stan Kirton commented that the Key Bank is to redo the sidewalks and ramps on Hamilton St. and Michigan Ave.

Mayor Schreiber asked Ms. Melvin to give him the telephone number to Towne Center management office.

Council Member Bodary asked how often are units inspected at Towne Center Place?

Teresa Gillotti, Senior Planner commented units are inspected every other year and every unit is inspected.

X. ORDINANCES-FIRST READING

Ordinance No. 1170

1. An ordinance to adopt the FEMA Flood Insurance Rate Map.

A. Resolution 2012-037, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled "FLOOD DAMAGE PREVENTION ORDINANCE UPDATE" be approved on First Reading.

Ordinance No. 1170

An Ordinance Entitled: Flood Damage Prevention Ordinance

THE CITY OF YPSILANTI ORDAINS::That Chapter 122, Article I, Definitions and Article XV, Flood Damage Prevention Sec. 122-913. of the City Code be created as follows replacing existing text

Amend text:

**ARTICLE I
Sec. 122-2 DEFINITIONS**

***FBFM* means the flood boundary and floodway map, used as a floodplain management map that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. For the purposes of this chapter, the FBFM is the map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12. *FIRM* means the flood insurance rate map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12. *Flood insurance study* means the engineering study performed by FEMA to identify flood-prone areas, insurance risk zones, and other flood data and contained in a document titled, Flood Insurance Study, Washtenaw County(All Jurisdictions)Community Number 260216, dated April 3, 2012.**

ARTICLE XV. FLOOD DAMAGE PREVENTION

***Cross reference(s)--Businesses, ch. 22; vehicles for hire, ch. 114.**

Sec. 122-911. Flood hazard findings.

The flood hazard areas of the city are subject to periodic inundation which may result in safety hazards, loss of life, property and health,

disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare. The flood losses are caused by the cumulative effects of obstructions in floodplains causing increased flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

Sec. 122-912. Purpose.

It is the purpose of this article to protect the general public and all land within the city subject to flood losses by provisions designed to do the following:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property in times of flood or which cause excessive increases in flood flow heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 122-913. Scope.

This article shall apply to all flood hazard areas. The boundaries of the flood hazard areas shall coincide with the boundaries of the areas indicated as within the limits of the 100 year flood in the report entitled "The Flood Insurance Study", City of Ypsilanti, dated January 1980, with accompanying Flood Insurance Rate maps and Flood Boundary and Floodway maps, as well as the report entitled "The Flood Insurance Study", Township of Ypsilanti, dated December 15, 1980, with accompanying flood insurance rate maps and flood boundary and floodway maps. Within the flood hazard area zone, a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the flood boundary and floodway maps. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this chapter. The term flood hazard area, as used in this chapter, shall mean flood hazard area zone and the term floodway, shall mean the designated regulatory floodway.

AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Ypsilanti is hereby designated as the enforcing agency to discharge the responsibility of the City of Ypsilanti under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Ypsilanti assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

- (1) CODE APPENDIX ENFORCED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Ypsilanti.
- (2) DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Washtenaw County, Michigan (All Jurisdictions) and dated April 3, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 269, 288, 407, and 426 and dated April 3, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Sec. 122-914. Regulation of uses in floodplain areas.

Any proposed occupation, structure, excavation, fill, extraction, grading or scraping and any substantial improvement to an occupation, structure or area shall be reviewed and approved by the planning commission. "Substantial improvement" means any repair, reconstruction or improvement of an occupation, structure or area, the cost of which equals or exceeds 50 percent of the market value of the structure either, (i) before the improvement or repair is started or (ii) if the occupation, structure or area has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural member commences, whether or not that alteration affects the external dimensions of the structure or area. The term does not, however, include either (i) any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or state register of historic places.

(1) Permitted uses. The following uses may be permitted in those portions of the floodplain which are not a floodway, to the extent that they are allowed uses within a given zoning district and subject to the construction standards of building code in effect for the city at the time of construction:

- a. Residential and nonresidential structures provided that the building s to the planning commission that the proposed provisions for flood resistant construction, floodproofing or elevation meet or exceed the standards set forth in the city's building code.
- b. Recreational uses such as parks, swimming areas, picnic grounds, ball fields, hiking or biking trails, and wildlife and nature preserves.
- c. Residential support uses such as lawns, gardens, play areas, and parking areas which do not result in the filling in of floodplain areas.
- d. Industrial and commercial support uses which are open in nature such as loading areas or parking areas which do not result in the filling in of any floodplain areas.
- e. Utility facilities such as power plants, transmission lines, pipelines not crossing a lake or waterway, lighting facilities, and navigational and drainage aids.
- f. Piers, boat ramps, bridges, and other such water related uses subject to approval by the water resources commission of the state department of natural resources.
- g. Fencing of any type, provided that such fencing shall not be allocated in that portion of the floodplain that is a floodway or other areas essential to the conveyance of floodwaters.
- h. Sidewalks, driveways, patios, and similar structures when constructed at grade.
- i. Fill or removal of topsoil, sand, and gravel or other extraction operations, in that portion of a floodplain which is not a floodway provided the following conditions are met:
 - 1. Proof that proper long term maintenance will be provided so that the flood-carrying capacity is not diminished.
 - 2. Any fill or excavated area shall be protected from erosion during and after operations by rip-rap, vegetative cover, bulk-heading, or other approved means.
 - 3. The proposed filling in of land, provided that material equal to 110 percent of the fill volume is removed elsewhere from such premises and adjusted to be capable of storing floodwaters. Structures and parking areas may be permitted on such filled land provided the elevation of the filled land is at least one foot above the base flood elevation. A permit issued by the state department of natural resources under the state's floodplain regulatory authority, Act No. 451 of the Public Acts of Michigan of 1994 (MCL 324.3101 et seq., MSA 13A.3101 et seq.), shall be obtained prior to the filling of land in the floodplain. A copy of the state department of natural resources permit shall be provided to the city building inspection division prior to the issuance of a building permit.
- j. Streets, railroads, and other rights-of-way.

- k. Pavilions, open amphitheaters, detached garages, raised patios and decks, and other accessory structures provided they are properly anchored and made flood resistant and are not located in a floodway or other area essential to the conveyance of floodwaters.
 - l. Facilities for the storage and detention/retention of stormwater.
 - m. Storage yards for heavy equipment, materials, or machinery.
 - (2) *Prohibited uses.* The following uses are not allowed in a floodplain area under any circumstances:
 - a. New residential construction or occupation, including mobile homes, manufactured homes or pre-manufactured homes, are specifically prohibited in that portion of the floodplain that is a floodway. Other types of construction and occupation may be allowed in that portion of the floodplain that is a floodway; however, a hydraulic analysis shall be required which demonstrates that occupation and resulting obstruction of the floodway will not restrict the flood carrying capacity of the watercourse.
 - b. A landfill, dump, junkyard, recycling center or hazardous waste storage or treatment facility are expressly prohibited in a floodplain area.
 - c. The storage or processing of materials which in time of flooding become buoyant, flammable, explosive or otherwise injurious to public health, is expressly prohibited within a floodplain area.
 - d. On-site sewage disposal systems shall be permitted within a floodplain area.
 - e. Any encroachment which would cause any increase in the base flood level.
- Sec. 122-915. Review procedures.
- (a) *Site plan review.* All development, construction, occupation or substantial improvement proposals located within a floodplain area shall be reviewed by the planning commission in accordance with the site plan review procedures of article IV of this chapter, and the "Rules of the Washtenaw County Water Resources Commissioner." The planning commission, when reviewing an application for occupation, construction or substantial improvement in a floodplain, shall consider the following standards before rendering a decision:
 - (1) Any possible danger to life and property as a result of increased flood heights or velocities caused by encroachments on the floodplain.
 - (2) The danger that materials may be swept to other lands or downstream to the injury or property loss of others.
 - (3) The susceptibility of the proposed development and its contents to flood damage.

- (4) The importance of the services provided by the development to the community.
- (5) The requirement of the proposed development for a waterfront location and the availability of alternate locations not subject to flooding.
- (6) The compatibility of the proposed use with existing and anticipated development of the surrounding area and the floodplain management program of the area.
- (7) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (8) The measures taken to assure adequate drainage so as to reduce exposure to flood hazards.
- (9) The planning commission may attach certain conditions to an approval such as limitations on period of use and operation; imposition of operational controls, deed restrictions, performance bonds, and covenants; or requirements for construction of dikes, levees, and other protection measures.

Official's responsibility. Prior to site plans being submitted to the planning commission the building official shall:

- (1) Certify that the proposed construction, occupation or substantial improvement complies with the city building code adopted in chapter 18.
- (2) Where permits are required by other state or federal agencies, a copy of the approved permit shall be provided, by the applicant, prior to review by the planning commission.
- (3) Cause to be verified and recorded on the site plan and building plans, the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (4) Cause to be verified and recorded on the site plan and building plan, the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have or will be floodproofed.
- (5) Require that all site plans and building plans for occupation, construction or substantial improvement within the floodplain have been prepared under the supervision of a registered professional engineer or architect. All site plans and building plans shall be signed by the registered professional engineer or architect.
- (6) Certify that notification has been made to adjacent communities and the state flood control coordinator of a proposed development, construction, occupation, substantial improvement alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration and the planning commission.

- (7) Be available at the meeting of the planning commission when such plans are reviewed to answer any questions relative to the floodplain or construction standards.

Sec. 122-916. Building permit requirements.

No occupation, building or structure within a floodplain area shall be erected, moved, repaired, altered, or razed until a building permit shall have been obtained from the building official in accordance with the customary building permit requirements under chapter 18. For structures located within a floodplain, the following additional information shall be included with the building permit, and shall become a condition of the permit. All plans, specifications and conditions approved by the planning commission. The plans shall include all of the information required by section 122-912.

Sec. 122-917. Appeals, variances.

Board of appeals shall hear and decide appeals and requests for variances from the requirements of this article, in accordance with the procedures and conditions set forth in this article. Prior to hearing of the appeal, the city planner shall certify to the zoning board of appeals that notices as required under this article have been made. Further, the city planner shall certify to the zoning board of appeals that the immediate downstream community's chief elected official and the state flood control coordinator have been notified of the request for appeals or variance and of the public hearing. Appeals or variances relating to the construction standards as set forth in the building code, shall be heard by the construction board of appeals as outlined in chapter 18. In addition, the following conditions shall be applied to variances granted from the floodplain regulations of this article:

- (1) Variances shall be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, public nuisances, or cause fraud on or victimization of the public.
- (2) Vacant to whom a variance is granted shall be given a written notice specifying the difference between the base flood elevation and the elevation at which a structure is being built, and a statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (3) All such variances to this article shall be maintained in a record and reported to the Federal Insurance Administration and the state flood control coordinator upon request.

Sec. 122-918. Disclaimer of liability.

The degree of flood protection required by this article is considered the minimum necessary and reasonable for regulatory purposes. Larger floods may occur at any time, and excessive floodwater heights may be experienced due to manmade and natural causes. This article does not imply that areas outside the special flood hazard areas, or uses permitted within such areas, shall remain free from flooding or flood damages. This article shall not create a liability on the part of the city or any officer or employee thereof for any flood damage that results from compliance with or reliance upon this article or any administrative decision lawfully made thereunder.

Section 122-556. Entryway Overlay District

Section 122-568. Special Conditions

- (1) All freestanding signs shall be no taller than (10) feet, unless modified by the Planning Commission.

Amend 122-2

Structure means anything constructed or erected the use of which requires permanent locations on the ground or attachment to something having permanent location on the ground. Structure include but are not limited to, principle and accessory buildings, tower, decks, fences, privacy screens, wall, antennae, swimming pools and sign structures

OFFERED BY: Council Member Robb
SUPPORTED BY: Mayor Pro-Tem Richardson

Marcus McNamara, representative from Orchard, Hiltz & McCliment, Inc. commented that the FEMA maps had been compared against previous versions and changes where outlined in the 2007 review and only minor changes had occurred and did not impact structures. Additionally he stated that in December of last year FEMA updated the maps and floodplains had not risen.

On a roll call, the vote to approve Resolution No. 2012-037 was as follows:

Council Member Bodary	Yes	Council Member Robb	Yes
Council Member Jefferson	Yes	Council Member Vogt	Yes
Council Member Murdock	Absent	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes		

VOTE:

Yes: 6 No: 0 Absent: 1 (Murdock) Vote: Carried

B. Open public hearing for FEMA Flood Insurance Rate Map Plan.

Mayor Schreiber opened the public hearing and read the rules for audience participation.

There was no audience participation.

- C. Resolution 2012-038, to close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "FLOOD DAMAGE PREVENTION ORDINANCE UPDATE" be officially closed.

OFFERED BY: Council Member Robb

SUPPORTED BY: Mayor Pro-Tem Richardson

On a voice vote, the motion to close the public hearing for Resolution No. 2012-038 carried unanimously.

Ordinance No. 1171

2. An ordinance to protect the public health, safety and welfare and to provide for the regulation and restriction of groundwater wells in certain areas of the City of Ypsilanti.

- A. Resolution 2012-039, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to protect the public health, Safety and welfare, and to provide for the regulation and restriction of groundwater wells in certain areas of the City of Ypsilanti due to the presence of groundwater contamination" be approved on first reading.

**CITY OF YPSILANTI, MICHIGAN
ORDINANCE NUMBER 1171**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND
TO PROVIDE FOR THE REGULATION AND RESTRICTION OF
GROUNDWATERWELLS IN CERTAIN AREAS OF THE CITY OF
YPSILANTI DUE TO THE PRESENCE OF GROUNDWATER
CONTAMINATION.**

THE CITY OF YPSILANTI ORDAINS:

SECTION 1. DEFINITIONS. For the purposes of this Ordinance, the words and phrases listed below shall have the following meanings:

"Well" means an opening in the surface of the earth for the purpose of removing water through non-mechanical or mechanical means for any purpose.

"Restricted zone" shall mean an area legally described and incorporated within this ordinance.

SECTION 2. WATER WELL RESTRICTED ZONE.

A. The following described area is the restricted zone as defined under this Ordinance. A scaled map illustrating the restricted zone is attached as Exhibit A. See Exhibit B for legal description.

B. Except as provided in Section 5 of this ordinance, and after the effective date of hereof, no person or legal entity shall install or allow or permit or provide for the installation or utilization of a well on any property on which they have an ownership interest, or lessee or tenant interest, or control within the restricted zone. Property within the restricted zone shall be serviced only by public water supply.

SECTION 3. WELLS AFFECTING CONTAMINATED GROUNDWATER. No well may be used or installed at any place in the City if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously un-impacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an MDEQ or United States Environmental Protection Agency approved groundwater monitoring or remediation system.

SECTION 4. NON-CONFORMING WELLS. Any existing well, the use of which is prohibited by this ordinance shall be plugged or abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, in conformance with the protocol developed consistent with the American Standards for Testing and Materials standard #D5299-922.

SECTION 5. EXCEPTIONS.

A. Water service unavailable. If City water service is unavailable to a premises in the restricted zone, any well on that premises shall annually be tested by the City by a laboratory that is acceptable to and for chemical parameters specified by the Michigan Department of Environmental Quality Water Division (MDEQ). The results of that test shall be submitted to the MDEQ, or the Washtenaw County Health Department for review. If the MDEQ or the County Health Department determines that the well is safe and suitable for use, and proof of that determination is delivered annually to the City, that well may be used. No split or conveyance of property shall be effective to render City water services unavailable.

B. Construction of de-watering wells. Wells in the restricted zone used for construction de-watering are not prohibited by

this ordinance, provided that the water generated by that activity is properly handled and disposed in compliance with all applicable laws and regulations. Any exacerbation caused by the use of wells under this exception shall be the responsibility of the person operating the de-watering well, as provided in Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

C. Groundwater monitoring and remediation wells. Wells used for ground water monitoring and/or remediation as part of a response activity approved by the Michigan Department of Environmental Quality are not prohibited by this ordinance.

SECTION 6. PENALTY. Any person or legal entity who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor offense punishable by imprisonment for not more than 90 days or by fine of not more than \$500.00 or both such fine and imprisonment in the discretion of the Court.

In addition, the City may seek an order from a court of appropriate jurisdiction to restrain any person from violating this ordinance, including the collection of costs and attorney fees associated with such enforcement action. Any well in violation of this ordinance shall also be declared and deemed a nuisance, subject to abatement, and shall be immediately taken out of service and lawfully abandoned consistent with all applicable state and local regulations. Any person found to be in violation is subject to being ordered by a court of appropriate jurisdiction to properly and lawfully remove or abandon the well.

SECTION 7. NOTIFICATION OF INTENT TO AMEND OR REPEAL. At least thirty(30) days prior to any amendment or repeal in whole or in part of this ordinance, the City of Ypsilanti shall notify the Michigan Department of Environmental Quality, or its successor agency, of its intent to so act.

SECTION 8. SEPARABILITY. If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City of Ypsilanti that this Ordinance shall be fully severable.

The City of Ypsilanti shall promptly notify the Michigan Department of Environmental Quality upon the occurrence of any event described in this section.

SECTION 9. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 10. OTHER ORDINANCES NOT AFFECTED. The balance of the Code of ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessment, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 11. PUBLICATION OF ORDINANCE. The City Clerk shall cause this ordinance, or a summary of this ordinance, to be published by printing same in the newspaper of record. Copies of this ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

SECTION 12. EFFECTIVE DATE. This ordinance shall become effective after publication at the expiration of thirty days after adoption.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Council Member Vogt

Attorney John Barr commented that the Groundwater ordinance is a request by the Shell Oil Company to prohibit drinking water wells in certain areas of the city and a representative from Shell Oil Company, Frank Bernard is present and he would like for him to give an overview to city council about Groundwater.

Attorney Frank Grenard, Law Firm of Johnson and Bell in Chicago, ILL., Shell Oil Representative commented that the site of the groundwater ordinance is the location where EMU business school sits. He said there has been no movement on a bloom at that site but they want to protect that area. Additionally he stated that the ordinance has three steps that must happen if passed and those steps are; MDEQ would require a buffer area near the location, the ordinance would still be subject to approval by MDEQ and the ordinance must pass a legal review before it can be agreed upon for further remediation. Additionally he said that if in fact the groundwater wells are determined to be a health risk then the process will have to start all over again.

Attorney Grenard introduced Shell Oil Geologist Jeff Bernstein and Shell Regional Project Manager John Robbins.

Council Member Bodary asked if the location for the groundwater wells by the EMU school of Business?

Attorney Grenard answered the location is where the EMU School of Business is built.

Council Member Bodary asked is the plume moving?

Attorney Grenard commented the plume has been stable for a number of years, with no movement since 1999. He said there has been no progression out but he is not sure about how much progression has been in.

Council Member Bodary commented on the depth of the area.

Attorney Grenard commented that the area is 12 feet deep and additionally when doing this type of ordinance, you have to measure horizontal and vertical.

Council Member Bodary asked about recovery wells.

Jeff Bernstein, Shell Oil Staff Geologist answered 11 million gallons of ground water was treated and the only concern was the drinking water path.

Attorney John Barr commented that page 2, Section 6," Penalties" was left blank and \$500.00 should be inserted.

Mayor Schreiber asked for a motion for the amendment of \$500.00 to be added to Section 6 of the Groundwater Ordinance No. 1171. (***Ordinance No. 1171***).

Mayor Pro-Tem Richardson moved, supported by Council Member Bodary to insert a \$500.00 fee in section 6, "Penalty" of the Groundwater Ordinance No. 1171.

On a voice vote, the motion to approve an amendment to Section 6 of the Groundwater Ordinance No. 1171 was unanimous.

On a roll call vote, the vote to approve Resolution No. 2012-039 was as follows:

Council Member Jefferson	Yes	Council Member Vogt	Yes
Council Member Murdock	Absent	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	No		

VOTE:

Yes: 5 No: 1 (Robb) Absent: 1 (Murdock) Vote: Carried

B. Open public hearing for the Groundwater Ordinance.

Mayor Schreiber opened the public hearing and read the rules for audience participation.

There was no audience participation.

C. Resolution 2012-040, to close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on the "Ground Water Wells " be officially closed.

OFFERED BY: Council Member Bodary

SUPPORTED BY: Council Member Vogt

On a voice vote, the vote to close the public hearing for Ground Water Wells, Ordinance No. 1171 carried unanimously.

XI. MINUTES –

Resolution No., 2012-041, approving the February 21, 2012 minutes.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of February 21, 2012 be approved.

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

On a voice vote, the motion to approve Resolution No. 2012-041 carried unanimously.

XII. CONSENT AGENDA

- A. Resolution No. 2012-042, recognizing the Ypsilanti Food Co-op during International 2012 Co-op Year.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on April 11, 1975, members formed a not-for profit corporation under the laws of the State of Michigan, called the “Ypsilanti Cooperative Initiative”; and

WHEREAS, a new location was sought and in February 1984, the Co-Op moved to 312 North River Street, a historic building in Ypsilanti’s Depot Town, which was purchased by the Mill Works Partnership in 1986; and

WHEREAS, the cooperative expanded into the adjoining storefront of the Mill Works Building, undergoing continuous additions and renovations, including taking over the Depot Town Sourdough Community Bakery and successfully running it as the River Street Bakery since 2005; and

WHEREAS, in the winter of 2010-2011 staff offices were moved into a vacated second floor space to allow the co-op to expand again into the entire ground-floor footprint of the Mill Works Building; and

WHEREAS, the Ypsilanti Food Co-op has celebrated 37 years of providing local, organic, and fairly produced food to the Ypsilanti community; and

WHEREAS, the United Nations has declared 2012 the International Year of the Cooperative; and

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council declared 2012 the Ypsilanti Year of the Cooperative recognizing the Ypsilanti Food Co-op as a successful co-op.

- B. Resolution No. 2012-043, to approve a Proposal from Orchard, Hiltz & McCliment, Inc. for Grove Road Design Engineering Services.

A RESOLUTION OF THE CITY OF YPSILANTI:

WHEREAS, Federal Surface Transportation Program - Urban funding has been programmed in the 2014 construction season for the reconstruction of Grove Road from the south side of the I-94 overpass to the City limit just south of Emerick Street; and

WHEREAS, Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar street improvement projects, and possesses a depth of experience with the infrastructure in the project area; and

WHEREAS, it is necessary to secure design engineering services to meet MDOT permitting requirements and to have this project "shovel ready" to qualify for any additional transportation funds that may become available prior to the 2014 construction season;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal for design engineering services with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a not to exceed cost of \$51,200; and

THAT the Mayor and City Clerk are authorized to sign this contract, subject to review and approval by the City Attorney; and

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

- C. Resolution No. 2012-044, to approve the purchase of a 2012 Allianz Johnston V650 Vacuum Sweeper for the 2012 CMAQ Improvement Program.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Congestion Mitigation and Air Quality (CMAQ) Improvement Program funding has been programmed to replace the 1987 Elgin Eagle Street Sweeper in 2012; and

WHEREAS, the contract with the Michigan Department of Transportation to receive the CMAQ Funds to purchase a 2012 Allianz Johnston VT650 Vacuum Street Sweeper has been executed by both parties; and

WHEREAS, the CMAQ Improvement Program is Reimbursement Program;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the purchase of a 2012 Allianz Johnston VT650 Vacuum Street Sweeper for the amount of \$214,909 and the funds used for this purchase will be reimbursed by the MDOT CMAQ Improvement Program;

THAT the Mayor and City Clerk are authorized to sign the purchase agreement and any change orders, subject to approval by the City Attorney, to facilitate the purchase of this vehicle.

D. Resolution No. 2012-045, approving an appointment to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individual be appointed to the Human Relations Commission as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Claudia Pettit (new appointment) 945 Sheridan St. Ypsilanti, Michigan 48197	Human Relations Commission	2/6/2013

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Bodary

On a voice vote, the vote to approve Resolution No. 2012-041A carried unanimously.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-046, to correct typographic error in Uniform City Income Tax Ordinance.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the legal citation in the council packet of the Uniform City Income Tax Ordinance, adopted February 21, 2012, referring to MCL 141.770 be and hereby is corrected to read MCL 141.760.

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Bodary

Attorney John Barr commented this is a resolution to correct a number and make the record clean.

On a roll call vote, the vote to approve Resolution No. 2012-046 was as follows:

Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	Yes	Council Member Jefferson	Yes
Council Member Vogt	Yes	Council Member Murdock	Absent
Mayor Schreiber	Yes		

VOTE:

Yes: 6

No: 0

Absent: 1 (Murdock)

Motion: Carried

XIV. LIASON REPORTS -

- A. SEMCOG Update –Mayor Pro-Tem Richardson commented about a general assembly meeting being held on March 22, 2012 at School Craft College at 3:00 p.m. with a reception to follow at 6:00 p.m.
- B. Washtenaw Area Transportation Study- None
- C. Washtenaw Metro Alliance- None
- D. Urban Counties- Mayor Schreiber attended the last meeting.
- E. Freight House- Mayor Schreiber commented he attended a pop up dinner fundraiser and had a lot of fun.

XV. COUNCIL PROPOSED BUSINESS –

Mayor Pro-Tem Richardson commented she received a phone call about 314 First Ave., a group home where a neighbor complained there is no supervision of the residents.

Council Member Robb commented he would like for Municipal Analytics the company that provided the city income tax study to show their work for the remaining four years of the five year plan.

Council Member Robb commented about the police and fire chief pension with regards to a 2-3% change.

Attorney Barr commented he would look further into the 2-3% change.

Council Member Bodary thanked Interim City Manager McMullan for the enforcement and issuing of tickets in the College Heights area.

Council Member Bodary asked is the funding available for the Grove Road project?

Interim City Manager McMullan answered we are submitting the documentation early so that when funding is available, we will be ready. Additionally she said that we hope to receive the funding before 2014.

Council Member Jefferson commented he received a call about graffiti on a city sign on the north side of the parking lot at Monroe street. Additionally he said that at Hawkins Street, there is a telephone dock that also has graffiti. He asked if both locations can be cleaned up.

COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber commented on the new housing commission resident nominee. He said he meet with Mr. Ballard and that he supports this nomination. He said that Mr. Ballard went to school with Council Member Jefferson.

Nominations

Hershey Ballard (YHC resident appointment)

715 Towner #1
Ypsilanti, MI. 48197
Expires: 3/20/2016

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

1. Ypsilanti Housing Commission Sustainability Report

XVII. AUDIENCE PARTICIPATION –

Segrid Melvin, resident of Towne Center, asked why is Towne Center Place not included with the city housing commission and who owns Town Center Place. She also commented that the internet at Town Center Place has been disconnected.

Bruce Wallace, 556 Jefferson, commented about the resolution on groundwater wells and asked if the resolution included Artesian wells.

XVIII. REMARKS FROM THE MAYOR –

Mayor Schreiber asked Attorney John Barr about Artisan wells.

Attorney John Barr commented that an artisan well is a force of nature but Ordinance No. 1171 is to prohibit people from drilling wells.

Mayor Schreiber commented to Ms. Melvin that Town Centre is privately owned and he cannot comment on why Comcast has the internet disconnected. Additionally he said that the complaint about Town Center Place and the condition of the units should be referred to the city's Building Department.

Council Member Bodary commented to Mr. Wallace that perhaps he did not see the map restrictions on the groundwater wells and that the restrictive area is around the EMU Business School and not near Jefferson Street.

XIX. ADJOURNMENT –

- A. Resolution No. 2012-047, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: Council Member Jefferson
SUPPORTED BY: Council Member Vogt

On a voice vote, the motion to approve Resolution No. 2012-047 to adjourn the City Council meeting carried unanimously.

The meeting adjourned at 8:06 p.m.



Resolution No. 2012-057
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution 2012-058, for appointment of Hersey Ballard to the Ypsilanti Housing Commission.
2. Resolution 2012-059, approving an ordinance to adopt the FEMA Flood Insurance Rate Map.
(Ordinance No. 1170) (Second Reading)
3. Resolution 2012-060, approving the CBRE marketing agreement.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2012- 058
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individual be appointed to the Ypsilanti Housing Commission as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Hershey Ballard 715 Towner #1 Ypsilanti, Michigan 48198	Ypsilanti Housing Commission (YHC resident appointment)	03/20/2016

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
BOARDS AND COMMISSIONS
CITIZEN PARTICIPATION RESUME

(Note: You must be a registered voter to be eligible to serve on a City of Ypsilanti Board or Commission)

NAME: HERSHEY BALLARD

ADDRESS: 715 TOWNER #1

YPSILANTI, MI, 48198

NO. YEARS IN THE COMMUNITY: 52 YRS

HOME: (734) 644-8863 Call: () A.M. or (☒) P.M. FAX # ()

BUSINESS: () Call: () A.M. or () P.M.

EMAIL ADDRESS: _____

EDUCATION: YPSILANT HIGH SCHOOL GRADUATE 1977

CURRENT OCCUPATION: CURRENTLY RECEIVING DISABILITY

CURRENT EMPLOYER: N/A

I would like to be considered and could devote sufficient time to serve on the following Board(s) or Commission(s) in order of preference:

1. YPSILANTI HOUSING COMMISSION - RESIDENT BOARD MEMBER
2. _____

Please indicate experience and/or qualifications that would help make you an effective member of each board for which you have applied.

WORK/VOLUNTEER EXPERIENCE: STATE USHER BOARD, STATE MISSIONARY,
VOLUNTEER IN MY COMMUNITY ADDRESSING CONCERNS OF
MY NEIGHBORS AND IF NEEDED I TAKE IT TO THE
HOUSING COMMISSION. I LIVED IN PUBLIC HOUSING SINCE
1994. I WOULD LIKE TO SPEAK ON BEHALF OF MY COMMUNITY.
I RAISED MY SON BY MYSELF. I WORKED OVER 30 YRS IN A
FUNERAL HOME SO I HAD PATIENCE AND COMPASSION FOR OTHERS.

I understand that appointment to a City of Ypsilanti Board or Commission requires regular attendance at board meetings.

SIGNATURE: Hershey Ballard DATE 11-3-2016
(RETURN COMPLETED FORM TO: CITY CLERK'S DEPARTMENT, 1 SOUTH HURON ST., YPSILANTI, MI 48197)

Hom 734-328-4161



Resolution No. 2012-059
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled "FEMA FLOOD DAMAGE PREVENTION ORDINANCE UPDATE" be adopted on **Second Reading**.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

An Ordinance Entitled FEMA Flood Insurance Rate Map.

THE CITY OF YPSILANTI ORDAINS: That Chapter 122, Article I, Definitions and Article XV, Flood Damage Prevention Sec. 122-913. of the City Code be created as follows replacing existing text

Amend text:

ARTICLE I

Sec. 122-2 DEFINITIONS

FBFM means the flood boundary and floodway map, used as a floodplain management map that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. For the purposes of this chapter, the FBFM is the map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12. *FIRM* means the flood insurance rate map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12. *Flood insurance study* means the engineering study performed by FEMA to identify flood-prone areas, insurance risk zones, and other flood data and contained in a document titled, Flood Insurance Study, Washtenaw County(All Jurisdictions)Community Number 260216, dated April 3, 2012.

ARTICLE XV. FLOOD DAMAGE PREVENTION*

*Cross reference(s)--Businesses, ch. 22; vehicles for hire, ch. 114.

Sec. 122-911. Flood hazard findings.

The flood hazard areas of the city are subject to periodic inundation which may result in safety hazards, loss of life, property and health, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare. The flood losses are caused by the cumulative effects of obstructions in floodplains causing increased flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

Sec. 122-912. Purpose.

It is the purpose of this article to protect the general public and all land within the city subject to flood losses by provisions designed to do the following:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property in times of flood or which cause excessive increases in flood flow heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 122-913. Scope.

This article shall apply to all flood hazard areas. The boundaries of the flood hazard areas shall coincide with the boundaries of the areas indicated as within the limits of the 100 year flood in the report entitled "The Flood Insurance Study", City of Ypsilanti, dated January 1980, with accompanying Flood Insurance Rate maps and Flood Boundary and Floodway maps, as well as the report entitled "The Flood Insurance Study", Township of Ypsilanti, dated December 15, 1980, with accompanying flood insurance rate maps and flood boundary and floodway maps. Within the flood hazard area zone, a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the flood boundary and floodway maps. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this chapter. The term flood hazard area, as used in this chapter, shall mean flood hazard area zone and the term floodway, shall mean the designated regulatory floodway.

- (1) _____ AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Ypsilanti is hereby designated as the enforcing agency to discharge the responsibility of the City of Ypsilanti under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Ypsilanti assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.
- (2) CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Ypsilanti.
- (3) DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Washtenaw County, Michigan (All Jurisdictions) and dated April 3, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated April 3, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Sec. 122-914. Regulation of uses in floodplain areas.

Any proposed occupation, structure, excavation, fill, extraction, grading or scraping and any substantial improvement to an occupation, structure or area shall be reviewed and approved by the planning commission. "Substantial improvement" means any repair, reconstruction or improvement of an occupation, structure or area, the cost of which equals or exceeds 50 percent of the market value of the structure either, (i) before the improvement or repair is started or (ii) if the occupation, structure or area has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural member commences, whether or not that alteration affects the external dimensions of the structure or area. The term does not, however, include either (i) any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or state register of historic places.

- (1) *Permitted uses.* The following uses may be permitted in those portions of the floodplain which are not a floodway, to the extent that they are allowed uses within a given zoning district and subject to the construction standards of building code in effect for the city at the time of construction:

- a. Residential and nonresidential structures provided that the building official certifies to the planning commission that the proposed provisions for flood resistant construction, floodproofing or elevation meet or exceed the standards set forth in the city's building code.
 - b. Recreational uses such as parks, swimming areas, picnic grounds, ball fields, hiking or biking trails, and wildlife and nature preserves.
 - c. Residential support uses such as lawns, gardens, play areas, and parking areas which do not result in the filling in of floodplain areas.
 - d. Industrial and commercial support uses which are open in nature such as loading areas or parking areas which do not result in the filling in of any floodplain areas.
 - e. Utility facilities such as power plants, transmission lines, pipelines not crossing a lake or waterway, lighting facilities, and navigational and drainage aids.
 - f. Piers, boat ramps, bridges, and other such water related uses subject to approval by the water resources commission of the state department of natural resources.
 - g. Fencing of any type, provided that such fencing shall not be located in that portion of the floodplain that is a floodway or other areas essential to the conveyance of floodwaters.
 - h. Sidewalks, driveways, patios, and similar structures when constructed at grade.
 - i. Fill or removal of topsoil, sand, and gravel or other extraction operations, in that portion of a floodplain which is not a floodway provided the following conditions are met:
 - 1. Proof that proper long term maintenance will be provided so that the flood-carrying capacity is not diminished.
 - 2. Any fill or excavated area shall be protected from erosion during and after operations by rip-rap, vegetative cover, bulk-heading, or other approved means.
 - 3. The proposed filling in of land, provided that material equal to 110 percent of the fill volume is removed elsewhere from such premises and adjusted to be capable of storing floodwaters. Structures and parking areas may be permitted on such filled land provided the elevation of the filled land is at least one foot above the base flood elevation. A permit issued by the state department of natural resources under the state's floodplain regulatory authority, Act No. 451 of the Public Acts of Michigan of 1994 (MCL 324.3101 et seq., MSA 13A.3101 et seq.), shall be obtained prior to the filling of land in the floodplain. A copy of the state department of natural resources permit shall be provided to the city building inspection division prior to the issuance of a building permit.
 - j. Streets, railroads, and other rights-of-way.
 - k. Pavilions, open amphitheaters, detached garages, raised patios and decks, and other accessory structures provided they are properly anchored and made flood resistant and are not located in a floodway or other area essential to the conveyance of floodwaters.
 - l. Facilities for the storage and detention/retention of stormwater.
 - m. Storage yards for heavy equipment, materials, or machinery.
- (2) *Prohibited uses.* The following uses are not allowed in a floodplain area under any circumstances:
- a. New residential construction or occupation, including mobile homes, manufactured homes or pre-manufactured homes, are specifically prohibited in that portion of the floodplain that is a floodway. Other types of construction and occupation may be allowed in that portion of the floodplain that is a floodway; however, a hydraulic analysis shall be required which demonstrates that occupation and resulting obstruction of the floodway will not restrict the flood carrying capacity of the watercourse.
 - b. A landfill, dump, junkyard, recycling center or hazardous waste storage or treatment facility are expressly prohibited in a floodplain area.

- c. The storage or processing of materials which in time of flooding become buoyant, flammable, explosive or otherwise injurious to public health, is expressly prohibited within a floodplain area.
- d. On-site sewage disposal systems shall be permitted within a floodplain area.
- e. Any encroachment which would cause any increase in the base flood level.

Sec. 122-915. Review procedures.

- (a) *Site plan review.* All development, construction, occupation or substantial improvement proposals located within a floodplain area shall be reviewed by the planning commission in accordance with the site plan review procedures of article IV of this chapter, and the "Rules of the Washtenaw County Water Resources Commissioner." The planning commission, when reviewing an application for occupation, construction or substantial improvement in a floodplain, shall consider the following standards before rendering a decision:
 - (1) Any possible danger to life and property as a result of increased flood heights or velocities caused by encroachments on the floodplain.
 - (2) The danger that materials may be swept to other lands or downstream to the injury or property loss of others.
 - (3) The susceptibility of the proposed development and its contents to flood damage.
 - (4) The importance of the services provided by the development to the community.
 - (5) The requirement of the proposed development for a waterfront location and the availability of alternate locations not subject to flooding.
 - (6) The compatibility of the proposed use with existing and anticipated development of the surrounding area and the floodplain management program of the area.
 - (7) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (8) The measures taken to assure adequate drainage so as to reduce exposure to flood hazards.
 - (9) The planning commission may attach certain conditions to an approval such as limitations on period of use and operation; imposition of operational controls, deed restrictions, performance bonds, and covenants; or requirements for construction of dikes, levees, and other protection measures.
- (b) *Building official's responsibility.* Prior to site plans being submitted to the planning commission the building official shall:
 - (1) Certify that the proposed construction, occupation or substantial improvement complies with the city building code adopted in chapter 18.
 - (2) Where permits are required by other state or federal agencies, a copy of the approved permit shall be provided, by the applicant, prior to review by the planning commission.
 - (3) Cause to be verified and recorded on the site plan and building plans, the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - (4) Cause to be verified and recorded on the site plan and building plan, the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have or will be floodproofed.
 - (5) Require that all site plans and building plans for occupation, construction or substantial improvement within the floodplain have been prepared under the supervision of a registered professional engineer or architect. All site plans and building plans shall be signed by the registered professional engineer or architect.

- (6) Certify that notification has been made to adjacent communities and the state flood control coordinator of a proposed development, construction, occupation, substantial improvement alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration and the planning commission.
- (7) Be available at the meeting of the planning commission when such plans are reviewed to answer any questions relative to the floodplain or construction standards.

Sec. 122-916. Building permit requirements.

No occupation, building or structure within a floodplain area shall be erected, moved, repaired, altered, or razed until a building permit shall have been obtained from the building official in accordance with the customary building permit requirements under chapter 18. For structures located within a floodplain, the following additional information shall be included with the building permit, and shall become a condition of the permit. All plans, specifications and conditions approved by the planning commission. The plans shall include all of the information required by section 122-912.

Sec. 122-917. Appeals, variances.

The zoning board of appeals shall hear and decide appeals and requests for variances from the requirements of this article, in accordance with the procedures and conditions set forth in this article. Prior to hearing of the appeal, the city planner shall certify to the zoning board of appeals that notices as required under this article have been made. Further, the city planner shall certify to the zoning board of appeals that the immediate downstream community's chief elected official and the state flood control coordinator have been notified of the request for appeals or variance and of the public hearing. Appeals or variances relating to the construction standards as set forth in the building code, shall be heard by the construction board of appeals as outlined in chapter 18. In addition, the following conditions shall be applied to variances granted from the floodplain regulations of this article:

- (1) Variances shall be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, public nuisances, or cause fraud on or victimization of the public.
- (2) Any applicant to whom a variance is granted shall be given a written notice specifying the difference between the base flood elevation and the elevation at which a structure is being built, and a statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (3) All such variances to this article shall be maintained in a record and reported to the Federal Insurance Administration and the state flood control coordinator upon request.

Sec. 122-918. Disclaimer of liability.

The degree of flood protection required by this article is considered the minimum necessary and reasonable for regulatory purposes. Larger floods may occur at any time, and excessive floodwater heights may be experienced due to manmade and natural causes. This article does not imply that areas outside the special flood hazard areas, or uses permitted within such areas, shall remain free from flooding or flood damages. This article shall not create a liability on the part of the city or any officer or employee thereof for any flood damage that results from compliance with or reliance upon this article or any administrative decision lawfully made thereunder.

Section 122-556. Entryway Overlay District

Section 122-568. Special Conditions

- (1) All freestanding signs shall be no taller than (10) feet, unless modified by the Planning Commission.

Amend
122-2

Structure means anything constructed or erected the use of which requires permanent locations on the ground or attachment to something having permanent location on the ground. Structure include but are not limited to, principle and accessory buildings, tower, decks, fences, privacy screens, wall, antennae, swimming pools and sign structures

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2011

FRANCES MCMULLAN, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2011.

FRANCES MCMULLAN, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2011.

FRANCES MCMULLAN, City Clerk

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



REQUEST FOR LEGISLATION
March 20, 2012

From: Planning and Development Department

Subject: Flood Damage Prevention Ordinance update (updated FIRM maps)
– copyediting change

A copyediting error was included in the ordinance language for first reading. In the last edited paragraph of Section 122-913 (3), I had incorrectly listed the panel numbers. The correction has been made and is highlighted in yellow in attached ordinance.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- Ordinance with update – 3-09-12

Please contact Teresa Gillotti or Kent Early (OHM) with any questions you may have.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012-060
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti desires to continue marketing the Water Street Redevelopment Area; and

WHEREAS, the City of Ypsilanti previously entered into a contract with CB Richard Ellis on June 15 2008 to provide a series of services including a market study, development of a pricing scheme for parcels on the site, and ongoing marketing of the property; and

WHEREAS, the contract was extended until June 14, 2010 but had not been formally extended, and

WHEREAS, the new contract would allow CBRE to more actively market the property including updating sales materials, develop a new marketing plan and update the previous market study without any additional cost to the City of Ypsilanti,

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached contract with CBRE; and

FURTHER, that the Mayor and City Clerk are authorized to sign the contract to approval by the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

JOSEPH M. FAZIO
TEL (734) 668-7633
FAX (734) 747-7147
E-MAIL fazio@millercanfield.com

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NEW YORK: New York

OHIO: Cincinnati

CANADA: Toronto • Windsor

CHINA: Shanghai

MEXICO: Monterrey

POLAND: Gdynia
Warsaw • Wrocław

February 29, 2012

VIA EMAIL arthur.itkis@cbre.com

Arthur Itkis
CBRE, Inc.
2000 Towne Center
Suite 500
Southfield, MI 48075-1239

Re: Third Amendment to and Reaffirmation of Exclusive Sales Listing Agreement
between the City of Ypsilanti and CBRE, Inc. (fka CB Richard Ellis, Inc.)

Dear Arthur:

I am enclosing execution copies of the Third Amendment to and Reaffirmation of Exclusive Sales Listing Agreement. After discussing the modifications made by your counsel, the City is prepared to move forward with the draft as submitted. Teresa Gillotti will be contacting you shortly, but it is the City's hope that this can be placed on the Agenda for the City Council approval on March 20, 2012. She has asked that you and I be present to answer any questions.

Please have at least four copies of the agreement executed and delivered to Teresa for placement on the City Council Agenda. In the interim, please call if there are any questions.

Sincerely,

MILLER, CANFIELD, PADDOCK AND STONE, PLC

Jose

JMF/dlc
Encl.

cc: Frances McMullan, Interim City Manager
David Kowal
Teresa Gillotti

**THIRD AMENDMENT TO AND REAFFIRMATION OF
EXCLUSIVE SALES LISTING AGREEMENT**

THIS THIRD AMENDMENT TO AND REAFFIRMATION OF EXCLUSIVE SALES LISTING AGREEMENT ("Third Amendment") is made this ____ day of February, 2012, by and among the CITY OF YPSILANTI ("Owner"), and CBRE, Inc. (f/k/a "CB Richard Ellis, Inc.") ("Broker").

RECITALS:

A. Owner and Broker entered into an Exclusive Sales Listing Agreement dated June 15, 2008 (as amended, the "Listing Agreement") with respect to the real property totaling approximately 38.5 acres in Ypsilanti known as the "Water Street Project" as more particularly described in the Listing Agreement (the "Property").

B. Simultaneously upon execution of the Listing Agreement, Owner and Broker, executed that certain Amendment to Exclusive Sales Listing Agreement (the "First Amendment") which, among other provisions, required Owner to pay Broker a monthly consulting fee during the term of the Listing Agreement.

C. Owner and Broker executed a Second Amendment to Exclusive Sales Listing Agreement on May 5, 2009 (the "Second Amendment") which, among other provisions, extended the Term of the Listing Agreement through June 14, 2010.

D. The Property has not been sold and the Listing Agreement, as amended, has, by its terms, expired but the parties have intended that it continue; and

E. Owner and Broker desire to amend and reaffirm the Listing Agreement as hereinafter set forth.

NOW, THEREFORE, the parties agree as follows:

1. **Reinstatement; Definitions.** The Listing Agreement is hereby reinstated as of June 15, 2010, subject to the amendments contained herein, and is in full force and effect. Unless otherwise defined herein, all capitalized terms used in this Third Amendment shall have the same respective meanings provided therefor in the Listing Agreement, as amended.

2. **Term.** The Term of the Listing Agreement is hereby extended to expire on midnight, December 31, 2013. Notwithstanding anything to the contrary contained in the Listing Agreement, in the event all of the Property has not been sold on or before the last day of the Term, this Agreement shall automatically renew for an additional two (2) year period, unless Owner notifies Broker of its desire to terminate this Listing Agreement, in writing, on or before the last day of the Term, as same may be extended hereunder.

3. **Consulting Fee.** Broker acknowledges that it has been paid \$72,000.00 in consulting fees pursuant to Section 3 of the First Amendment and Section 2 of the Second

Amendment. The parties agree that Broker shall not be entitled to any additional consulting fees, and Broker hereby waives its right to any such additional consulting fees, including, but not limited to any that may have accrued after June 14, 2010 through the date of this Third Amendment. In exchange for the reduction of the commission rates as provided in Paragraph 5 below, Owner waives the right to a credit against future commissions payable to Broker.

4. **Section 4 of First Amendment.** Broker waives the right to cancel the Agreement as provided in Section 4 of the First Amendment, entitled "Cancellation".

5. **Commission.** The commissions payable to Broker in connection with the Listing Agreement are hereby amended for all purposes as follows:

- (a) **Joint Venture.** The commission payable to Broker pursuant to Section 2 of the Amendment shall be 4.5% if the joint venture partner is "CBRE procured" or 5.0% if the joint venture partner is "Co-Brokered".
- (b) **Sales.** The commission payable to Broker pursuant to Paragraph A of the Schedule of Sale and Lease Commissions attached to the Listing Agreement (the "Commission Schedule") shall be 4.5% of the gross sales price if the buyer is secured by CBRE and shall be 5% if the buyer is Co-Brokered.
- (c) **Ground Leases.** The commission payable to Broker pursuant Paragraph B of the Commission Schedule shall be as follows:
 - (i) **CBRE Ground Leases.** 4.5% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.
 - (ii) **Co-Brokered Ground Leases.** 5% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.
 - (iii) **CBRE Procured Leases 1 – 14,999 Square Feet.** 4.5% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.
 - (iv) **CBRE Procured Leases 15,000 – 24,999 Square Feet.** 4% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.
 - (v) **CBRE Procured Leases 25,000 + Square Feet.** 3.5% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.

- (vi) Co-Brokered Leases 1 – 14,999 Square Feet: 5% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.
- (vii) Co-Brokered Leases 15,000 - 24,999 Square Feet. 4.5% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.

Co-Brokered Leases 25,000 + Square Feet. 4% of the total base rental for the first 120 months in which rent is to be paid, payable 30 days following the commencement of rental payments by Lessee.

6. **Additional Obligations.** In addition to the obligations and responsibilities of the Broker set forth in the Listing Agreement, the Broker shall perform the following duties:

- (a) **Updated Analysis and Brochures.** Broker shall prepare new comparable analysis and updated brochures for the Property at least every six (6) months during the Term.
- (b) **ICSC.** Broker shall feature the Property at the International Council of Shopping Centers' regional and national annual meetings.
- (c) **Marketing Plans.** Prepare and update every six months during the Term marketing plans for the marketing of the Property.

7. **Donations.** The Owner reserves the right, at any time during the Term, to convey to, or ground lease or joint venture with, any third party all or any part of the Property for no monetary consideration, whether by donation, gift or otherwise. In such event, Owner will have no obligation to pay a commission to Broker.

8. **Counterparts.** This Amendment may be executed in counterparts and by facsimile, each of which shall constitute an original and all of which shall together constitute one and the same Amendment.

9. **Ratified.** The parties each acknowledge and agree that, except as expressly amended in this Amendment, the Listing Agreement remains in full force and effect, and the Listing Agreement, as amended, is ratified, confirmed and restated. Any inconsistency or ambiguity arising from this Third Amendment shall be resolved in favor of this Third Amendment.

IN WITNESS WHEREOF, the parties have executed this Third Amendment as of the date set forth above.

Broker:

CBRE, INC.

By: _____

Its: _____

Owner:

CITY OF YPSILANTI

By: _____

Its: _____

By: _____

Its: _____



Resolution No. 2012-061
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Ypsilanti Housing Commission investigate the allegation that an Ypsilanti Housing Commission employee has a felony record, take appropriate action, and report any findings, including but not limited to the following documents:

1. Eric Temple's Resume
2. Employment Application
3. Time Sheets from March 2009 through the end of July 2009
4. The Check registry for 2009
5. YHC Personnel Manual
6. The Resolution passed stating that the YHC adopted the City Employee Handbook and the minutes of the meeting at which the resolution was adopted and actions to City Council not later than July 1, 2012.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

STATEMENT OF GOALS

Dear Paul,

I have many goals for serving, including the opportunity to get involved in local city issues, to deliberate on ethical issues that face the city, and to work within a body that practices what I teach at EMU, namely applied ethics. My interests in ethics is matched by the immersion in city government, having grown up in the house of a city manager--my father. I hope to be able to use my experiences to help out Ypsilanti in times of question, and to clarify any ethical dilemmas.

Thank you,

Evan Dority

Evan Dority
908 Pleasant Drive
Ypsilanti, MI, 48197
H - (734) 482-0211
C - (734) 657-0069
edority@emich.edu
evan_dority@yahoo.com

SUMMARY OF QUALIFICATIONS

Seven years teaching at the college level. Expertise in teaching ethics, and in teaching critical thinking and introductory courses in philosophy. Very enthusiastic teacher, enjoy lecturing, excellent communication skills with students, teaching assistants and professors. Experienced with a full range of class sizes.

EXPERIENCE

- Adjunct instructor at Eastern Michigan University (2008-2012)
- G.T.A. Wayne State University (2004-2008)
- Conducted undergraduate-level courses in Philosophy, including Medical Ethics, Professional Ethics, Critical Thinking and Introduction to Philosophy.
- Prepared and presented lectures to students; researched and compiled bibliographies of specialized materials for outside reading assignments; facilitated class discussions.
- Lectured to large groups of 150+ using a microphone and PowerPoint presentations
- Taught standard classes with 30-40 students as well as lead discussion-based sections with less than 20 students.
- Selected the readings for courses while staying within department and university guidelines for curriculum requirements.
- Designed and executed the evaluations for courses including in-class assignments, in-class exams, take-home essays, papers and other writing assignments.
- Served as assistant to professors and other instructors by leading discussion sections and grading exams and papers.

EDUCATION

Bachelors of Science in Philosophy, 2003 Wayne State University
Masters in Philosophy, 2008 Wayne State University

References upon request

STATEMENT OF ROIS SAVVIDES.

Dear Mayor Schreiber,

I would like to thank you in considering me for the YDDA board.

I have been a resident of Ypsilanti since 1983. I graduated from Eastern Michigan University in 1990 with a Bachelors Degree in Business Administration. My wife and I purchased the Tower Inn Café in 1997.

I believe that I will be a good addition to the DDA since I have lived the changes that our city has been through and love the city of Ypsilanti. We have an active interest on our neighborhood of businesses and our city as a whole.

We own three properties in the city of Ypsilanti and our business.
Please let me know if you need any more information,

Rois Savvides

TO: City of Ypsilanti Mayor and City Council
YHC Board of Commission

FROM: Walter Norris, Jr. Executive Director
Ypsilanti Housing Commission

RE: YHC Sustainability Plan Update

DATE March 15, 2012

Below is the biweekly update of YHC Sustainability Plan. The YHC Commissioners, Executive Director and staff, continues to work toward meet the Accomplishment dates set in the plan.

Programmatic Governance and Execution

- 1. The Board of Commissioners does not provide required governance over the Ypsilanti Housing Commission's ("YHC") programs, finances, and the Executive Director**
 - A. YHC BOC met and evaluated the ED, on January 13,2012*
 - B. Each BOC member was issued/reissued a copy of the YHC Procurement Policy on 10-28-2011.*
 - C. The procurement policy was updated reviewed and approval by the BOC at their December 12-15-2011 meeting.*
 - D. The BOC voted to review on quarterly basics all major contracts and 10% of all contracts issued, procurement awards etc. to assure that YHC is in compliance with the board's adopted procurement policy.*
 - E. The YHC requested that the Board and the City council receive a biweekly report effective January 18 until the plan is completed and accepted by HUD Council and board received a update report on January 18*
 - F. YHC has submitted bi weekly report to the City Council ,YHC BOC and HUD January 26, & Feb 2,2012 Feb 15,2012*
 - G. YHC Board of Commissioners Met with HUD Detroit and HUD Troubled Housing Recovery Team Leader on Feb21,2012 to review sustainability plan and other housing program areas*

2. YHC is often non-responsive to the Department's request for information and the ED is often unreachable by HC or HUD staff

- A. ED, will provide appropriate responses within the requested time frames all HUD communication i.e. e-mail, letters, telephone messages with copies sent to the BOC.
- B. The ED will be present in the YHC offices per the designated schedule prescribed in the YHC Personnel Policy unless out of office for meeting or other office related business, vacation, sick leave or emergencies all of which will be communicated to the BOC President or other designated person by the BOC
- C. The ED has addressed concerns and communication from HUD , Council and the BOC during the last several weeks including the:
 - Payment to the city for 2011 PILOT
 - Revised its CFP 2011 Annual statement/Performance and Evaluation
 - Updated and posted BOC minutes and Revision Parkview LLC minutes to the agency website
 - Completed and corrected NRA Voucher Management System for September 2011-December 2012
 - Submitted YHC Public Housing Monthly Vacancy Report

3. The Executive Director ("ED") does not currently provide adequate oversight of the administration of YHC's programs

- A. *YHC BOC reviewed and discussed with the ED and ADM staff the Sustainability Plan at the Board retreat August 30 & 31 and at the September 29th BOC meeting*
- B. *YHC Commissioners, Executive Director and staff are reviewing the organizational Chart and Job Descriptions.*
- C. *YHC Commissioners, approval the revised Job Description at January 26th Board Meeting*
- D. *organizational Chart will be revised and approval by Board of Commission at its February board meeting*
- E. *Board Approval YHC revised organizational Chart. at the February 23,2012 Board meeting*

4. YHC lacks a training plan, yet has paid for some employee education

- A. *The Board has been provide a Training plan for each department*
- B. *A training plan, for the appropriate and affected Staff in the area of UPCS, SEMAP, PHAS, Housing Choice Voucher and Executive staff, Executive Director Education has been developed*
- C. *YHC will reimburse tuition and training for YHC employees will follow existing policy*
- D. *Board members to be offer board training to be provide by NCRC NAHRO in Peoria, IL April 25-27*
- E. *Board member schedule to Commissioner Training June 11-16 in Cleveland, Ohio Hosted by HUD and the Department of Agriculture.*

Finance

- 1. The Ypsilanti Housing Commission (“YHC”) does not have quality fee accountancy or independent audit services as evidenced by, in part, low Financial Indicator (“FASS”) scores, the amount of initial costs questioned by the Department, inter-fund transfers, etc.**

A. RFP for Fee Accountant and Auditor Service issued December 29, 2011. Proposals due 1/19/2012 and Contract to be awarded 1/27/2011. Proposals due date have been moved to Tuesday January 25, 2012 Due to lack of response and an added addendum for response to questions. Award date has also been moved until February Board meeting or a requested call meeting

B. YHC has received and is reviewing the RFP's for Audit service and Fee accountant. The Director will make recommendation to the Board at YHC March board meeting

C. YHC has received all RFP's for Legal and will be reviewing. The Director will make a recommendation to the Board at the March Board meeting.

D. YHC Board Approved the selection of legal counsel for Tenant Landlord Issues. Roberts and Freatman from Ypsilanti Michigan and for General Council Nacht and associates from Ann Arbor Michigan.

E. Contract was issued to the Selected Legal firms for review and execution

- 2. Financial Reporting to the Board is often not adequate to enable Board to make decisions.**

A. YHC fee accountant has developed monthly accounting reports for the BOC that are clear and understandable and in compliance with the financial policies of the BOCs.

B. These include monthly actual to budget comparisons Chart.

C. The YHC staff at the direction of the YHC BOC and in compliance with HUD regulation issued a RFP for Fee Account and Independent Audit Services.

- 3. YHC is using/has used LRPB funds to support its non-LRPB mixed finance project.**

A. Separate Checking Account has been established to ensure funds are properly separated and expended only for eligible approved budgeted expenses.

B. YHC has reimbursed all questioned and costs to its low rent program from its Development Fee Account.

C. This Development Fee Account is funded with nonfederal funds and therefore the reimbursement is from nonfederal funds.

D. In compliance with the HUD review team recommendation, a Cost Allocation plan I will be reviewed by the BOC

E. Plan has been established and provides for allocations from the Development Fee Account to the YHC general fund account for YHC staff time provided to its non-public housing property, Hamilton Crossing.

F. The Plan will reflect a percentages allocation to staff salaries and other overhead and soft cost to YHC

- G. *YHC Board to approval an allocation plan at February 2012 board meeting. Board of Commissioners tabled the presented allocation plan until their March meeting.*
- H. *YHC Board will review and approval and allocation plan their March 2012 Board meeting*

4. There is approximately \$20,114 in questioned costs identified during the initial site visit.

- A. *The YHC has in its files/possession documentation supporting the resolution of all questioned costs, i.e. receipts etc. and as of 8-2-2011 HUD reviewed the documents*
- B. *YHC has, effective 10-26-2011, repaid in-eligible costs to its low rent housing program from its Development Fee account for any expenditure questioned as in-eligible.*

5. The Operating Budget and process needs to be improved to include all pertinent activities, cost efficiencies, etc.

- A. *Internal controls are inadequate.*

The BOC will assure that, all internal controls and fiscal control policies will be reviewed and revised as needed.

- B. *The recommended improvements will provide for proper controls for vendor payment documentation, quality controls, personnel and other contract administration as well as any other areas identified as in need of greater control.*

6. YHC would benefit from identification and institution of cost efficiencies. A recent review by a HUD contractor confirmed the PHARS Team's conclusion that YHC lacks sufficient controls in spending; has excessively high administrative salaries; lacks clear distinction between the role of the contracted Fee Accountant and the role of the salaried Accounting Assistant; maintenance and administrative expenses are over-budget; tenant accounts receivables are higher than permitted by HUD.

- A. *Proposals due date have been moved to Tuesday January 25, 2012 Due to lack of response and added addendum for responses to questions. Award Date has also been moved until February Board meeting or a requested call meeting*
- B. *YHC is using utilize the recently established budgeting format and built in accessibility to current financial information to control expenditures regarding maintenance and other management related cost and expenditures; assuring that expenditures are within approved budgets.*
- C. *This process will be perused with the fee accountant procured as recommended by the HUD review team in Item "8" above.*
- D. *Expenditures will be reviewed within YHC policy before expenditure to assure that they are within budget, authorized. In response to the relative cost of the YHC Administrative salaries the YHC as referenced in item "12" above will apply cost adjustments allocating funds from the non-federal project Hamilton Crossing to the YHC with the net effect of lowering the salary cost for YHC.*
- E. *The ED will analyze the job descriptions for the fee account and the YHC Accounting Assistant and present recommendations for the BOC's consideration at the 1-27-2012 meeting. (completed)*

- F. Further, the ED will work with the, to be newly procured, fee accountant to maintain clear roles and responsibilities between salaried and contracted fee accountant role: the clarifications will be incorporated into the new fee accountant's contract.
- G. YHC ED reviewed the f YHC high tenant account receivables (TAR) the ED presented to the YHC BOC a resolution to write off uncollected receivables at the 11-01-2011 BOC Commission meeting.
- H. YHC is reviewing the RFP'S for Audit and Fee accountant and will award the contract at the close of the FYE 2012 in order to complete fiscal year close out.

Programmatic Governance and Execution

1. **YHC has a large percentage of vacant units (approx. 11%); YHC does not meet HUD standards for unit turnaround time; YHC does not have a plan or policy to make viable units market ready.- Modernization actions and costs must be included in YHC's Agency Plan and routine maintenance costs for unit turnaround must be included in YHC's operating budget.**
 - YHC's unit turnaround time is currently 99 days, 78 days longer than required under HUD regulations. YHC should keep its average unit turnaround time under 21 days
 - A. Vacant unit turnaround plan will be created by Property Manager, Maintenance Coordinator and ED by 12/31/2011.
 - B. Vacancy; FYE 6/30/10 we had a 5% vacancy rate or averaged 9 vacant units per month for the year; Vacancy Rate as of
 - C. FYE 6/30/11 we had a 9% vacancy rate or averaged 17 vacant units per month for the year; (this vacancy increase was caused by YHC Public Housing Residents being issued Housing Choice Vouchers or section 8 subsidies, causing their move from Public housing units to Section 8 units); however due to public housing rent up efforts the
 - D. YHC currently has a 2.9% vacancy rate, or an average of 5 vacant unit as of 3/15/2012
 - E. Housing Data System, the YHC Vendor for maintenance of the Public Housing data in the HUD PIC system, will upload of Unit Turnaround/ Lease Batch be done on a monthly basis as opposed to a quarterly basis
 - F. YHC Administrative staff / Administrative Specialist will review Agency Plan and 2012 CFP Budget and will recommend revisions as needed. The YHC Budgets will reflect all current PNA items. Revised Agency Plan and CFP Budget will be presented to YHC BOC at February meeting.
 - G. Met with Residents to discuss and receive input 2012 Agency Plan on March 7, 2012
2. **The ARRA and Capital programs have severe deficiencies as evidenced by the lack of documentation and very poor record keeping.**
 - A. YHC has provided documentation to clear this finding regarding the use of insurance proceeds and CFP funds in the same units.
 - B. Documentation is available in our offices and has been provided both physically and by email to the HUD review team.
 - C. Records management procedures/system will be set up by the Administrative Specialist with supervision by the ED and presented to the YHC BOC at the March 2012 meeting. The maintenance supplies are also being included in the record management systems.

D. Met With Pat Hairston, HUD Detroit and Ms. Shook of PHARS to discuss the AARA and Insurance payment for paradise Manor Issue them Documents on Sole Contract

3.

4. **There are outstanding HUD review and audit findings.**

A. The YHC is working to close 2009 and 2010 CAP's

B. Agency Plan for FY 2010 has been uploaded and submitted to HUD

C. YHC is now working on its 2012 Agency Plan due in late April; meeting with residents are set for first week of March 2012

AREA: HOUSING CHOICE VOUCHER

1. The YHC certified to a passing 2009 SEMAP score without benefit of documentation as documented by HUD's on-site SEMAP confirmatory review.

A. The YHC has procured the services of a HCV specialist since February 2011 and hired that person on a permanent basis effective 10-24-2011

B. In accord with HUD Troubled Housing Recovery Team this staff person will be monitored by management; HCV utilization reports and trends will be made to the Board on a monthly basis at the BOC board meeting

2. Deficiencies identified include incorrect market rent calculations and unauthorized expansion of geographic territory outside of the previously HUD-approved area.

A. This individual has been hired and directed to continue and accelerate the correction of all deficiencies included in the 2009 & 2010 CAP Plan.



Resolution No. 2012 – 062
March 20, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE: