



Draft

**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, FEBRUARY 19, 2013
6:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 6:07 p.m.

II. ROLL CALL

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

III. INVOCATION

The Mayor asked all to stand for a moment of silence.

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. AGENDA APPROVAL

Council Member Murdock made a request to add an additional 'Audience Participation' after "Presentations" to allow comment on the work session items only.

On a voice vote Council approved the additional 'Audience Participation' and it was added to the agenda.

VI. WORK SESSION – Water Street (6:00 to 7:00 p.m.)

Planner Teresa Gillotti introduced the work session items stating the focus is on providing an update on the current status of Water Street.

1. Marketing Update from CBRE – Ms. Gillotti introduced Arthur Itkis, of CBRE, and he gave a marketing update, stating that his company has added new recipients to their marketing distribution, and said he has had preliminary discussions with investors in the hospitality industry and senior care industry. He said that while there has been an increase in rental and retail occupancies in Michigan, lenders are not investing in new construction but in rehabilitating existing structures.

City Manager Ralph Lange stated that he wanted to reiterate that the financing is the bigger problem and it almost requires self-funding to accomplish.

Council Member Murdock asked how much interest has been shown since the last marketing update.

Mr. Itkis said his contacts have been minimal.

Mayor Schreiber asked if the recreation center was a magnet to bring other businesses in to the area.

Mr. Itkis said he believes it would bring in more traffic and attract companies looking for traffic. He also said that he has been using the recreation center as a marketing tool.

2. Update on Family Dollar – Ms. Gillotti shared that there had been requests for changes to the design of the Family Dollar store, based on what had been provided with the Letter of Intent (LOI) submitted in December. She stated that staff had been in contact with the builder, Core Resources, who would transfer the property over to Family Dollar to own and operate, and informed Council that changes affecting the company's building costs may require renegotiating the purchase price.

Ms. Gillotti displayed the proposed options for brick and masonry material to be used on the building and asked Council to weigh in on what they prefer.

Council Member Robb stated that brick is a "want" but not a must have, if it affects the price.

Mayor Pro-Tem Richardson stated that she was satisfied with the masonry product.

Mayor Schreiber shared that his primary concern was to have a quality building with future potential for a second floor. He stated that he did prefer the brick.

Council Member Vogt agreed with Mayor Schreiber's comments and stated his preference for traditional or natural brick, over something more modern or concrete, and shared that he is not as concerned with the set back of the building but is more focused with the appearance, quality, and future potential of the structure.

Council Member Moeller stated that she had no preference.

Council Member Murdock stated it made no difference to him, based on the samples displayed.

Mr. Lange asked if Council would prefer to see the building have the potential for a second floor.

Mayor Schreiber stated that he would certainly like to see the ability for a second floor.

Council Member Jefferson said he would like to see that as well.

Ms. Gillotti clarified that there would not currently be a second floor; rather they were discussing the idea of reuse if Family Dollar were to sell the property to a new user.

Council Member Jefferson stated that if the ability to add a second floor would decrease the sales price he would be comfortable staying with one floor.

Ms. Gillotti stated that all of these changes would likely decrease the price, or at least have the potential to do so, and to keep this in mind.

Mayor Pro-Tem Richardson said the ability to add a second floor did not matter to her.

Council Member Robb asked, based on the way the building was laid out, if another building could be built next to it, over the parking lot.

Ms. Gillotti stated that potentially another building could fill that spot.

Council Member Murdock stated that he does not see a benefit to the addition of a second floor because he does not feel Family Dollar will build up and if another user buys the property down the road they would be more likely to tear the building down and build something new than add a second floor.

Mayor Pro-Tem Richardson stated that it would be nice to have the ability to add a second floor but not if it would bring the price down.

Ms. Gillotti asked Council for their opinion on the additional windows along Michigan Avenue.

Council agreed that they prefer the additional windows.

Council Member Moeller stated that it does not matter to her and the reason it doesn't matter is that she did not vote for this project, so she is indifferent at this point.

Council Member Robb shared that the purchase price is not his overriding criteria and he would like to see the windows regardless of how it would impact the price.

Ms. Gillotti showed Council a display of the building with a 10 foot setback and asked for their opinions.

Mayor Pro-Tem Richardson stated that she liked the 10 foot setback from the sidewalk.

Mayor Schreiber stated that it seemed easier to have the setback and that is fine with him.

Council Members Jefferson, Vogt, and Robb agreed that the 10 foot setback was fine.

Council Member Murdock stated that he thinks the setback should be as little as possible.

Ms. Gillotti asked if there were any other items desired by Council and indicated that the purchase agreement and public hearing will come before Council on March 5th.

Mayor Schreiber asked about way-finding signs.

Ms. Gillotti said she would inquire and follow up with Council.

Mr. Lange encouraged Council to provide Ms. Gillotti with a minimum purchase price that is tolerable.

Council Member Vogt stated that part of his concern is the friendliness and the reason he prefers the windows along Michigan Avenue is because it is more welcoming and feels less industrial.

Council Member Murdock questioned how the storm water would be handled.

Ms. Gillotti said she would discuss long-term plans for the storm water with the purchaser, however, at this time the plan is to treat it on site as much as possible.

3. Update on East Side Recreation Center – Ms. Gillotti reminded Council of the LOI that was signed over a year ago and said the resolution is to reaffirm the city's commitment. She added that the current timetable is to complete the bridge in 2013, the border to border trail in 2014 and the recreation center in 2015, pending the passing of the millage proposal. She

reported that the U of M School of Architecture prepared conceptual designs and public meetings were held in the community for feedback.

Ms. Gillotti stated the purpose of this update is to make sure Council and the County Parks and Recreation Commission were still on board with the project and interested in moving forward. She said the YMCA is a third partner and will be doing a marketing study very soon.

Bob Tetens, Director of Washtenaw County Parks and Recreation Commission and County Commissioner Rolland Sizemore were present.

Mayor Schreiber commented that the recreation center is the right thing to do and he feels it will be a good catalyst for the Water Street development. He added that he is looking forward to working with the County.

Ms. Gillotti explained that the resolution was simply reaffirming the previous LOI and the timeline is still intact, along with all of the other components of the letter.

City Manager Lange commented that the border to border trail design is tremendous and he is looking forward to it. He asked for a brief explanation of the original design and the relationship to what the final design would be.

Mr. Tetens said they have not reached that point yet but they will be going through a design process. He also confirmed the timeline that Ms. Gillotti had provided.

Council Member Jefferson said he still agrees with the letter of intent and allowing the project to move forward.

Council Member Vogt expressed a desire to have Council input on the final design and stated that he loved the conceptual models. He said he wants the building to have a big "wow" factor.

City Manager Lange added that the recreation facility is the catalyst for the development of the property. He said it is the centerpiece that will push people to invest. He also said he is already getting feedback from his contacts.

VII. AUDIENCE PARTICIPATION - (Added)

Mayor Schreiber read the rules for audience participation.

1. County Commissioner Rolland Sizemore agreed with Council Member Vogt regarding Park Street, stating that it is designed as a major entrance to the Water Street project and he doesn't want to see it look like a side street. He also said he thinks the County Parks and Recreation Commission should look at what is going to be put in on the property and he would like the County and the City to work together on this. He added that he is still a little concerned with the number of driveways coming off of Michigan Avenue.

Commissioner Sizemore stated that along with the Recreation Center the border-to-border trail would be looked at as well as a park at Ford Lake, putting wildflowers in where a wastewater treatment plant had been torn down, and a grant to build ports to allow canoes across the lake. He stated that everyone is working very hard on this project and he wants to thank Mr. Fischer for agreeing to work with them, as his property is located near the bridge that will cross over Michigan Avenue from Riverside Park.

2. Dave Heikkinen, whose business address is 133 W. Michigan, stated that he is very much against the Family Dollar. He said that on one corner there was going to be a beautiful new Parks and Recreation Center that will attract people from all over the county and drive economic development, while on the corner will be the Family Dollar, with minimum wage

employees, that will attract more low-income customers and drive away other investors. He said he feels a Family Dollar is the absolute worst thing that could be put in on that corner and he hopes Council will reconsider it, and he will continue to do whatever he can to get Council to reconsider their decision.

3. Michael Bodary, former Council Member, 1206 Westmoorland, stated that he understands the frustration relating to the Family Dollar store, stating the original vision was a continuous line of storefronts, of the historic turn of the century type of construction, which is beautiful and represents the "flavor" of our town. He said this type of construction will bring a lot of parking lots facing Michigan Avenue, and a whole different look for the buildings. He added that this will also bring a lot of one-story businesses that do not bring in the same sort of revenue to help retire the Water Street debt. He added that the Family Dollar was not what he was hoping for or what he envisions, but he does understand the desperation, and he appreciate Mr. Itkis's marketing of the property.

Mr. Bodary said, regarding the East Side Recreation Center, he had hoped it would have a small footprint and 9 acres was a very large site. He said it could be downsized, maybe to 5 acres or so, so that there would be more marketable land. He added that it was disappointing that this had to be delayed for the next funding cycle.

4. Kathy Bodary, 1206 Westmoorland, stated that she had a few comments about the marketing plan for CBRE. She said she does not know how the City is being presented, by CBRE, to attract the type of businesses we are hoping to attract. She shared that, as a resident of the City, she would be interesting in seeing their marketing strategy in detail and what verbiage is being used.

VIII. INTRODUCTIONS

Mayor Schreiber introduced former Ward 2 Council Member Michael Bodary, Washtenaw County Commissioner Rolland Sizemore, Downtown Association of Ypsilanti President Dave Heikkinen and Mr. Fischer, owner of Fischer-Honda.

IX. PRESENTATION

Planning Commission & Historic District Commission Annual Reports – Ms. Gillotti referenced the reports that were included in the Council packet and there were no questions or comments from Council. Ms. Gillotti reported that HDC Commissioner Jane Schmiedeke, who has been Chair since the inception of the Commission in the late 1970s has stepped down as Chair but will continue to serve on the Commission. She mentioned that SHPO was performing an evaluation of the Commission and she would report back to Council with the results.

Mayor Schreiber stated that Council should formally recognize Ms. Schmiedeke's long-serving member Historic District Commission.

The meeting recessed at 7:08 p.m. and reconvened at 7:17 p.m.

X. ORDINANCES – FIRST READING

Ordinance No. 1185

1. Ainsworth Rezoning
 - A. Resolution No. 2013-022, determination (*postponed 2/5/13*)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled, "Rezoning of 5, 6, & 7 W. Ainsworth from R1 to RC & R2" be approved on First Reading.

(Ordinance is on file at the Clerk's Office)

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

Planner Teresa Gillotti gave an update on the rezoning request.

SUMMARY & BACKGROUND:

At the Feb. 5, 2013 meeting, City Council delayed the consideration of the rezoning of 5, 6, and 7 Ainsworth until the Feb. 19 meeting. Previously, several options had been considered, with the last one before tabling to be a rezoning of 5 Ainsworth from R1 to RC-residential-commercial, retaining overlay districts, and rezoning of 7 Ainsworth (the initial application) from R1 to R2 -one and two family residential.

Below is clarification on a few questions/comments that came up during the previous meeting.

1- Spot Zoning: As a reminder, spot zoning is when a single parcel is rezoned to a district/use different than other surrounding parcels. The issues around spot zoning include favoritism, the potential to set a (negative) precedent for other rezoning decisions, and can create the potential for the decision to be indefensible in court. At the previous council meeting, City Attorney O'Jack indicated that the change of zoning that included RC to R2 to R1 (as you move south from Michigan Avenue) could be defensible in that it shows a consistent decrease in density as one moves south into the neighborhood.

2- Existing Non-conforming lots in R1 single-family residential

5 Ainsworth: non-conforming lot size in R1 or R2.

6 Ainsworth: conforming – also conforms with R2, one-two family residential

7 Ainsworth: conforming – also conforms with R2, one-two family residential

3- Change from 1 to 2 family for 5 W Ainsworth

Currently, this building is existing, legal nonconforming due to lot size (less than 6000 sq ft) and setbacks (front yard, rear yard, and side yard). Changing the zoning to either RC or R2 would lessen the degree of nonconformity, but to different degrees.

Should the lot be rezoned to RC:

The building would become an existing, lawful nonconformity due to setback requirements (rear yard, abutting a residential district). However, the use of the building could be converted from single-family to two-family, as both are permitted uses in RC, and the nonconformity of the structure would not be affected. Should the structure be altered, it may only be altered in a way that would reduce the nonconformity. However, rezoning this lot to RC provides a number of commercial redevelopment options to the current owners, who also own 707 W Michigan, the parcel which surrounds this parcel to its north and east. As was noted at the last meeting, combination of 5 Ainsworth to 707 W. Michigan would create a parcel similar in size to existing lots on the Michigan Avenue frontage.

Should the lot be rezoned to R2:

This building would become an existing, lawful nonconformity, due both to lot size (less than 5000 sq ft) and setbacks (rear yard). As two-family uses in this district require a larger lot size (6000 sq ft), the amount of nonconformity would be greater than it currently is, and a two-family use would thus be not permitted. A single-family residence with no changes to the structure would be the only use permitted in this rezoning scenario.

4- Noticing: Currently the noticing and public hearing were for the changes as depicted in the map above. Although simply removing a parcel from consideration would not trigger a need to re-notice, changing the scope or type of rezoning would. For example, choosing to consider rezoning 5 W

Ainsworth to R2 would trigger re-noticing; but choosing to remove 6 W Ainsworth from consideration would not.

Council Member Moeller asked for clarification on which properties were to be considered; she mentioned that she recalls the discussion on 5 and 7 W. Ainsworth, but she wanted clarification on what was to be done with 6 W. Ainsworth.

Ms. Gillotti said that, while the discussion at the last meeting mentioned removing the property at 6 W. Ainsworth, the original resolution included it and Council did not pass a change or amendment so all three properties are included, but 6 W. Ainsworth can be removed, if desired.

Council Member Jefferson shared with Council the signed documents sent in by neighbors near the properties voicing their opinions on the rezoning.

Council Member Vogt asked if the neighbors who signed the document were immediately adjacent to the properties being discussed for rezoning.

Mayor Pro-Tem Richardson stated that she spoke with many people in the Ainsworth Circle residential area and none of them wanted to change the zoning. She said they are very protective of their neighborhood and its R1 status, and they have a sense of pride being one of only two areas in the City that is completely zoned as R1, and rezoning a part of the neighborhood to R2 would lead to further encroachment. The neighbors prefer to maintain their R1 status.

Council Member Vogt stated that, based on the response from the neighbors, he proposes an amendment to remove 6 W. Ainsworth from the resolution. He added that it makes sense to keep 5 W. Ainsworth in the resolution due to the support from the owner and in keeping with the long term goals of the City. He stated that it is his understanding that 7 W. Ainsworth is already, and has been, an R2 property and he wishes to keep it as an R2.

Council Member Jefferson supported the amendment and added that he would like to also amend 5 W. Ainsworth from R1 to RC & R2 to just R2.

Mayor Schreiber asked Council Member Vogt if he was on board with that as well.

Council Member Vogt stated that he was worried it would require another public hearing and he does not see it as fitting with the long term goals of the City.

Mayor Schreiber asked if there was support for Council Member Jefferson's amendment.

Council Member Robb supported the suggested amendment by Council Member Jefferson.

City Attorney John Barr asked for clarification that this was an amendment to remove the lot from the resolution and the Ordinance.

Mayor Schreiber stated that was correct, it would be removing 6 W. Ainsworth.

Council Member Moeller stated that, even though the owner of 7 W. Ainsworth wants to utilize the property as R2, since so many residences in the area are R1 and want the neighborhood to remain R1 that she also believes 7 W. Ainsworth should stay R1. She added that a large part of the discussion last time revolved around the issue of "spot zoning" and that is why three properties were included in the rezoning and removing the third property means the rezoning just gets smaller and smaller, which is what they wanted to avoid. She stated that for these reasons she does not support the amendment.

Council Member Vogt stated that the reasoning is they have to change 5 W. Ainsworth to RC, which fits with the surrounding property, and the adjacent property, which is owned by the same owner, is an RC, and the property backs up to 7 W. Ainsworth which is an R2, so it would not be spot zoning.

Ms. Gillotti stated that at the last meeting Mr. O'Jack, Attorney of Counsel, stated he felt it was more defensible to decrease the zoning, moving south from the Michigan Avenue frontage, by going down from RC to R2 and then R1, rather than having 7 W. Ainsworth rezoned as R2 and being surrounded by other R1 properties.

On a roll call vote, the vote to approve the amendment to remove 6 W. Ainsworth and change 5 W. Ainsworth from R1 to RC and only allow R2, was as follows:

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

VOTE:

Yes: 4 No: 3 (Moeller, Murdock, Richardson) Absent: 0 Vote: Carried

Mayor Schreiber asked for further discussion on the amended ordinance and resolution.

Mayor Pro-Tem Richardson asked if, since 6 W. Ainsworth was removed, notices regarding the rezoning would have to be sent back out.

Attorney Barr stated that this is not the first reading so the legal test is "is this a substantial change to the proposal" and in his opinion it is a substantial change. He mentioned that it could be re-noticed for the second reading and a public hearing could be held at that time.

Council Member Robb stated that if this requires re-noticing and another public hearing he would like to reconsider his vote and would like to re-vote on the amendment.

Council Member Robb moved, supported by Council Member Murdock, to reconsider the vote on the amendment.

On a roll call vote, the vote to reconsider the vote for the amendment, was as follows:

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

VOTE:

Yes: 4 No: 3 (Jefferson, Vogt, Schreiber) Absent: 0 Vote: Carried

On a roll call vote, the vote to approve the amendment, was as follows:

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

VOTE:

Yes: 3 No: 4 (Moeller, Murdock, Richardson, Robb) Absent: 0 Vote: Failed

Council Member Jefferson stated that he had to stand by the residents in the neighborhood.

On a roll call vote, the vote to approve Resolution No. 2013-022, as originally written, was as follows:

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

VOTE:

Yes: 3 No: 4 (Moeller, Murdock, Richardson, Robb) Absent: 0 Vote: Failed

Ordinance No. 1183A

2. Zoning Text Amendment: Food production, processing and sales
 - A. Resolution No. 2012-259, determination ***(postponed 12/4/12)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled "FOOD PRODUCTION AMENDMENTS" be approved on First Reading.

(Original text of the ordinance is on file at the Clerk's Office)

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Murdock

Ms. Gillotti gave an overview of the request.

SUMMARY & BACKGROUND:

Changes to the zoning ordinance related to food production and processing were presented to City Council at the December 4, 2012 meeting. Council seemed interested in pursuing the changes subject to additional information. Staff worked on researching information related to the following topics:

- Right to Farm Act and its relationship to the proposed zoning changes (and other city ordinances like the property maintenance code).
- Consideration of provisions to proactively prevent nuisances in particular with gardens and hoop houses in residential areas.
- Policy for plants in median strip between sidewalk and street.

Local ordinances and the Right to Farm Act

Mr. Barr provided a memo with information regarding the history of the Right to Farm Act and how it interacts with local regulations. Based on the recent Supreme Court case in Troy, MI where local zoning was upheld in that circumstance, Mr. Barr indicated that he also was of the opinion that the property maintenance code would be valid even with a Right to Farm claim.

Response:

To address council's concern, the revised ordinance includes the following provision:

... the City of Ypsilanti is an urban environment, and while these provisions are intended to support the local food system, it is not the intent of these standards to create agricultural districts within the City. Additionally, if any gardening or related use invokes the State Right-to-Farm Act, then this section and related sections in this division are to become null and void.

Additionally, Mr. Barr reviewed information from the State building code regarding agricultural buildings. He is of the opinion that any greenhouse or hoop house can be considered an agricultural use and would not be subject to the building code as long as it was not a commercial building utilized by the public in some manner.

Response:

The recommendation to limit the size of a greenhouse/hoophouse in residential areas to 720 remains in place. For parties interested in increasing the size to 1200 sf, a special use permit and site plan would be required.

Preventing Nuisance

To address concerns regarding potential nuisances around staff is proposing revisions to the ordinance which include:

- Gardens should not encroach on neighboring property.
- The property shall be maintained in an orderly and neat condition and shall not be detrimental to the physical environment or to public health and general welfare, and remains subject to compliance with the property maintenance code, noise ordinance, and related ordinances.
- The property shall be maintained so as to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.
- Motorized equipment within a residential zoning district or residential planned development district shall be restricted to hours beginning at 8:00 a.m. and ending at 8:00 p.m. Equipment, such as fans, necessary for the operation of greenhouses is exempted from this provisions.
- Compost piles may only be used for waste generated on site, and are subject to 3 foot setback requirements.
- Gardens shall utilize integrated pest management techniques and best practices in accordance with Ch. 110, Act II of this ordinance (manufactured fertilizer).

Policy for plants in median strip between sidewalk and street

Staff consulted with DPS regarding planting along these strips. There is a formal policy for planting trees in this area (www.cityofypsilanti.com/trees). Similarly, residents should inquire with DPS prior to planting in City right-of-way. However, in case of street projects or other cases where there may be ROW changes, plantings may be removed and not replaced.

As a review, here is a summary of what the ordinance revision would allow:

Food production in residential lots

There has been continued interest gardening vacant lots in the City of Ypsilanti. Currently, gardening is not allowed as a principle use, and is not defined as a permitted accessory use either. To prevent issues similar to what happened in Oak Park in the summer of 2011 (raised bed garden was considered a code violation), the Planning Commission is recommending zoning ordinance changes that will allow gardening as primary and accessory uses as below:

- Gardens/community gardens allowed as permitted primary use in R1, single family and R2 one-two family residential districts.
 - Gardens as principal uses must maintain 3 foot setback on street frontages and maintain corner visibility clearance.

- No farm stands or other sale of goods grown in gardens/community gardens is allowed on garden sites.
- Gardens/community gardens allowed as permitted accessory use in R1, R2, R3, R4 and RO.
- Community gardens allowed as permitted use in PL, Public land.
- Landscaping definition now specifically includes “edible plants” as a permitted type of landscaping as well as raised beds.

Hoop houses/greenhouses

Due to Michigan’s growing season, there is increased interest in hoop houses, greenhouses and other similar structures to extend the growing season to nearly year round use. Interest is both in residential areas where homeowners and renters would like to legally have a hoophouse as an accessory structure and for those interested in larger gardens on vacant lots, to have a hoophouse as a season extension tool for garden/urban agriculture issues.

The accessory use application of the greenhouse/hoophouse was fairly simple to apply, however the committee and the Planning Commission had much deliberation regarding the location of greenhouses/hoophouses on vacant lots in R1 and R2 districts. Concerns ranged from there the lack of an immediate resident/tenant to address any possible issues with the hoophouse maintenance, worry that they may be used as a second garage, and concern that hoophouses may be so large they could exceed the size of adjacent structures or generally not fit into the character of the neighborhood. On the supportive side, the benefits of seasonal extension were discussed as well as thoughts on what size would be most appropriate to accommodate the investment necessary for micro-farms.

In practice, greenhouses/hoophouses would not require permits, except in the case of greenhouse in an approved zoning district where sales were also conducted on site, or potentially in the case where they may be used for educational trainings or other public gatherings. In cases where greenhouses may be an accessory use to a garden on a vacant lot in R1 or R2, staff is recommending a size limitation of 720 sf, which is the maximum size of a garage for a single-family lot, if setbacks and other requirements are unable to be met. For hoophouses/greenhouses between 720 sf and 1200 sf, planning commission is recommending a special use/site plan for the larger size.

Recommended changes to the zoning text are as follows:

- Greenhouses and hoophouses are defined as exclusively for the cultivation of plants.
- Greenhouses and hoophouses may be an accessory structure in R1, R2, R3, R4, RO and PL districts.
 - In cases where a greenhouse is accessory to a garden as a principle use on a vacant lot, the greenhouse is limited in size to 720 sf, unless a special use permit is obtained, in which case the size can be increased to 1200 sf.
 - In cases where a greenhouse is accessory to a garden as a principle use on a vacant lot, the greenhouse is subject to front yard setback requirements.
- Greenhouses do not require building permits unless sales occur on site or otherwise open to the public.

Food Processing

Currently, the zoning ordinance limits food production uses to manufacturing districts, while catering is allowed in several districts. In many circumstances, food production would not be more intensive than

the current catering use. Planning Commission is recommending a change to the catering definition to allow more commercial space for small scale food/beverage production. Additional recommendations create more uniform definitions for manufacturing linked to retail sale food stores, with the exception that in B1, there is still a limitation on the sale of alcohol.

Catering services use also include "the manufacture and processing of food products including brewing and distilling as Special use in RC, B1 and B2 and as permitted use in B4, WS, CI, M1 and M2.

Council Member Moeller asked for clarification about the size of hoophouse that would be allowed.

Ms. Gillotti answered that this was based upon a calculation where the hoophouse could be up to 30% of the square footage of the rear yard, not including the square footage of any accessory buildings occupying the property.

Council Member Vogt asked about setbacks from the side lots and from the front.

Ms. Gillotti detailed the setbacks for R1's from side and rear yard lines.

Council Member Robb asked for clarification on the maximum square footage of accessory structures.

Ms. Gillotti explained the difference in guidelines between a hoophouse that is an accessory to a garden as a principle use and the regular setbacks and regulations for accessory structures. She further explained the difference in guidelines between lots that already have a residence on them and vacant lots.

Ms. Gillotti continued with a summary and background of the ordinance. She referenced an amendment by the State legislature to the Medical Marihuana Act and its relationship to growing medical marijuana in a hoophouse or greenhouse.

Council Member Moeller asked why exhaust fans would be allowed if no heavy machinery or tools were to be allowed after a certain time.

Ms. Gillotti answered that it was included in Detroit's ordinance and it is something Council could amend if they wished.

Mayor Pro-Tem Richardson stated that exhaust fans can also be quite loud.

Council Member Robb added that the exhaust fans would be subject to the City's Noise Ordinance.

Ms. Gillotti stated that there were to be no farm stands or sales on-site.

Council asked for clarification on the size of a lot and the mapping software used in one of the slides presented by Ms. Gillotti and she explained the details of the lot in question as well as the GIS software used to map the representation of a hoophouse on the lot.

Council Member Robb asked for clarification on the 30% square footage based on the text of the ordinance.

Ms. Gillotti answered that gardens are exempt from the 30% area regulations and it was a good point of clarification. She further explained the regulations outlined in the ordinance and how they related to specific structures on both vacant and residential lots with a building.

Council Member Robb asked if there was a maximum square footage that was allowable.

Ms. Gillotti stated that is something Council could add to the ordinance if it was a concern.

Council Member Vogt asked what the maximum size of a hoophouse on a lot with an existing residence.

Ms. Gillotti said it would vary based on the size of the rear yard lot and existing accessory structures on the site. She added that it would also be subject to the setback requirements.

Council Member Vogt asked what the maximum size of a hoophouse could be on a vacant lot.

Ms. Gillotti answered that it would be 720 square feet or 1200 square feet with a special use permit.

Attorney Barr discussed the ordinance as it relates to the Right to Farm Act. He stated that if an ordinance does not directly conflict with Right to Farm Act, the ordinance is legally sound. He also added that he does not feel the Agricultural Use could preempt the City's police power.

Council Member Moeller asked if, as the ordinance is currently written, there were any zoning regulations other than those relating to setbacks.

Attorney Barr stated that Ms. Gillotti had just detailed the conditions under which hoophouses would be allowed.

Council Member Moeller asked what would happen if the hoophouses started falling apart.

Attorney Barr answered that would be handled under the Property Maintenance Code.

Council Member Vogt asked for clarification on some of the related court cases, specifically mentioning that the Right to Farm Act protects commercial uses and it lists no minimum sales required to be categorized as commercial use.

Attorney Barr stated that the reason for this would be for a Co-op to have more local produce. He added that as the State adds more regulations it may impair what the City is trying to accomplish.

Council Member Vogt expressed additional concern that the City would be sitting and waiting to see if and when the Department of Agriculture will pass or change their regulations.

Attorney Barr stated that a safeguard was added in the language of the ordinance that says if any of the uses outlined in a section are protected by the Right to Farm Act then the section would become void.

Council Member Vogt asked how confident Attorney Barr was that the language used as a safeguard would allow the City to back out of any future problems.

Attorney Barr stated that he could only say that he feels this is the best that could be done at this time but he feels confident that the ordinance is sound as it relates to the Right to Farm Act.

Ms. Gillotti outlined the final pages of the ordinance related to food processing.

Council Member Vogt asked about the use of the street side apron or the sidewalk.

Ms. Gillotti stated that there is no formal policy, though one could be drafted, however it is requested that people who want to plant in that area submit their plans to the Department of Public Services for review to ensure there is no obstruction.

Council Member Vogt stated he is concerned about growing food so close to the street where it may be contaminated.

Ms. Gillotti said she had not heard anyone speak directly about that issue but suggested it may be something brought up during the public hearing.

Council Member Murdock expressed a desire to better understand the difference between a smaller operation utilizing the ordinance for food processing and a larger corporation coming into the City for food processing under the ordinance.

Ms. Gillotti explained that high level food processing would still be confined to industrial areas and any processing intensive in nature would require special use permits. She added that Water Street would be a unique case as Council would have to regulate its use per the Planned Unit Development.

B. Open Public Hearing

1. Annie Hannan, 716 Oxford, who owned a nursery business and had a hoophouse that was 748 square feet, stated that hoophouses are very large and she is not sure she would want something of that size in a neighbor's backyard. She added that heating the hoophouse requires heaters that are quite loud and she would not want that next door to her home either.
2. Gary Hannan, 716 Oxford, stated hoophouses are impermeable surfaces and he would be worried, as a neighbor, about the runoff. He questioned whether agricultural use of a hoophouse not only included growing plants but also included storing tools and supplies, what utilities would be allowed, and if permits would be required for them.
3. Kathy Bodary, 1206 Westmoorland, stated that she supports the concept of urban farming and loves seeing the raised beds and thinks farming on vacant lots deserves thoughtful consideration. She added that she has similar concerns about the hoophouses and the difficulty in conforming to all of the regulations. She feared the amount of time it would require the already overworked City staff to properly review the paperwork to ensure hoophouses were being operated legally within the City. She additionally expressed concern about maintenance of the hoophouses, safety of hoophouses, and the noise and light-pollution associated with operating utilities in a hoophouse.
4. Jamie Berlin, 223 River, stated that she has lived in the City for 13 years and, though she doesn't currently own property, ordinances like this do influence her decision to keep Ypsilanti as her permanent home. She shared that she is a community gardener and urban beekeeper. She explained that hoophouses harness the light and energy of the sun to keep the plants as opposed to using excessive amounts of electricity. She said she thinks this the kind of move that is going to keep in line with the direction we want to take the City by drawing vitality to the community.
5. Susan Nicosia, 1312 Kingwood, echoed all of the statements that were made previously about concerns with the hoophouses. She stated that in her Ward of the City the houses are very close together and it would cause conflict among neighbors if a hoophouse of the maximum size were put in to a vacant lot. She said most of her concerns center around uses that are not necessarily relevant for a residential area. She added that 30% of a neighbor's yard could still infringe upon another neighbor's yard. She said she is also a proponent of gardening.
6. Peter Church, 1815 Witmire, stated this issue is near and dear to him and his neighbors and he asked Council if their vision for the City was to have 720 square foot hoophouses with exhaust fans all around the City and asked them to consider the impact of the ordinance in that regard. He added that he does want to see more urban farming but he feels the residential areas need to be kept for residences.

7. Stefanie Stauffer, 212 Woodward, stated that she is both an urban farmer and salsa producer so she falls in the category of both food processor and farmer. She said she feels we are ahead of the curve and this ordinance will continue that by putting Ypsilanti on the map as a city that is thinking towards the future. She added that she feels the revisions to the ordinance presented tonight help to address some of the concerns expressed by others about noise and maintenance. She also said that most of the people using hoopouses in the area grow organically and are not using pesticides or fertilizers nor do they use large scale tools like tractors.
8. Nicole Sandberg, 910 Sheridan #2, stated that she wanted to express her support for the ordinance. She said she is a trained urban planner specializing in food systems. She stated that there is a large amount of research that supports the fact that urban agriculture can have a hugely positive impact on the community with little or no nuisance issues. She said there is a strong and diverse community of people that come together to grow food in the City and she feels that is part of what makes the City of Ypsilanti special and believes it should be fostered and supported by the local government.
9. Erik Nowakowski, 1125 Hawthorne, stated that while he lives in the Township he feels invested in this issue as he tries to get as much of his food locally as possible. He stated that he wanted to speak in favor of the ordinance. He stated that the concerns over noise should be lessened because of the noise ordinance. He added that if they were concerned with the amount of light, perhaps there should be a light ordinance as well. He stated he did not feel this was the correct ordinance to express concern over noise and light-pollution in the residential neighborhoods.
10. Lisa Bashert, 909 Grant, wanted to thank Ms. Gillotti, the Planning Commission, Attorney Barr, and City Council for working on this issue which she considers near to her heart. She shared her experience working with Growing Hope, the City's 2020 Task Force, and the Community Garden at the Senior Center. She said she feels this ordinance will help attract the "creative class" to the City. She added that there would not be issues with pesticides or noise that were expressed as concerns by other citizens. She said she very much supports this law as it has been proposed and looks forward to seeing how it all falls into place.
11. Jesse Tack, 1236 E. Cross St., Ypsilanti Township, said he feels this is a very important ordinance to pass and support. He stated this is a big part of localizing our food system and improving quality of life and nutrient intake. He mentioned that pesticides were not a factor for him and many of the people he works with and farms with and added that hoopouses can rely solely on the sun which would eliminate any concerns over lighting and noise.
12. Jamie Billiu, 9 N. Summit, stated that this is a large part of the local food movement and represents a consciousness in the community about locally sourced food. He added that the kind of people who would have a hoopouse and the type to be informed about environmental issues and concerns. He stated that this is not a moneymaker and he does not feel like these will be in every backyard.
13. Casey VanEst, 201 N. Normal, stated that everyone that has spoken before her expressed most of her ideas. She expressed her belief in the importance of growing your own food and the importance of having an ordinance like this, to empower people to grow food for many months out of the year. She added that growing food has a wonderful economic impact as well.

14. Susan Baskins, 2022 Washtenaw, expressed her support for the ordinance. She stated that, as she understand it, there is not currently any ordinance restricting hoophouses and without this ordinance someone could put in a large unit that doesn't comply with any of the conditions laid out in this ordinances. She added that hoophouses are not inexpensive and if someone spends the money to put one up they will also take the time to protect and maintain their investment.
15. Amanda Edmonds, 320 Garland, stated that she had sent a memo of her recommendations as well as some research relating to the concerns many people had expressed. She added that pesticides and commercial production are covered under other state laws related to agriculture. She stated that she thinks greenhouses should be handled differently than hoophouses because greenhouses may involve more ventilation and lighting, which were the primary concerns of the citizens. She also explained that she does not feel the Right to Farm Act is relevant in urban areas or in this type of instance. She added that she had outlined ways to keep the maximum size under 720 square feet and encouraged Council to look more closely at the recommendations she had made.

C. Resolution No. 2013-033, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed ordinance entitled "FOOD PRODUCTION AMENDMENTS" be officially closed.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

On a voice vote, the vote to close the public hearing was as follows:

VOTE:

Yes: 7

No: 0

Absent: 0

Vote: Carried

Council Member Vogt mentioned that no one had brought up the issue of raising food near the streets where there could be possible contamination.

An unnamed audience member responded that salt would prevent the plants from growing so closely to the road. She added that most of the people who would be doing the growing would be doing it for personal use and they would not want to grow so close to the road for fear of contaminating their own food supply.

Jeanette Golembiewski, a horticulturist, added that plants would trans-locate the contaminated materials rather than taking them up as nutrients and the plant would remain uncontaminated once they were washed off of the surface.

Council Member Moeller stated that most of her neighbors had expressed concerns over the maintenance of the hoophouses and them becoming dilapidated.

Council Member Robb said that would be handled under the Property Maintenance Code, not this ordinance.

Mayor Schreiber asked Ms. Gillotti to go over the process that would ensue if a hoophouse was not properly maintained.

Ms. Gillotti explained that this was a complaint based code and if a hoophouse was not properly maintained a PMC violation or zoning violation may occur and a citation would be issued and sent to the Administrative Hearings Bureau, as is the same process with other buildings that are not maintained.

Council Member Jefferson referenced the statement made by Amanda Edmonds about keeping the maximum allowable size of a hoophouse to 720 square feet.

Ms. Gillotti explained that for hoophouses fewer than 720 square feet a site plan could be quickly approved. She added that for hoophouses from 720-1200 square feet would require a special use permit and a formal site plan review where an architect and engineer actually draw up site plans and design the project.

Council Member Vogt asked if there were any height restrictions.

Ms. Gillotti stated that she was not sure.

Council Member Robb stated that people could grow as high as they wanted as long as the setback and visibility requirements were met.

Ms. Gillotti added that height would be limited based on growing seasons. She added that Detroit had a provision that stated all crops had to be removed by a certain date in November, but it had been removed from this ordinance. She further explained that accessory structures, like a terrace, had a height limitation of 15 feet.

Council Member Murdock asked for clarification on the site plan reviews.

Ms. Gillotti explained the process for approving the site plans and review before a planner or the Planning Commission.

Council Member Robb expressed concern over the 30% based on certain parcels in the City that have very large lots and suggested getting rid of the 30% rule.

Ms. Gillotti suggested adding a provision for a maximum square footage where the 30% would still apply, up to that maximum size.

Council Member Moeller asked if, currently, she could put a 250 square foot hoophouse in her yard without any approval, which is how she understood the current reality.

Ms. Gillotti explained that in an R1 district you can only have a garage and a shed as accessory structures and nothing else.

Council Member Vogt discussed how the ordinance stands up to the Right to Farm Act and how dependent upon state law, the City's ordinance could become void. He explained that is a risk Council takes in adopting this ordinance.

Council Member Moeller asked why hoophouses should be allowed in R1 districts.

Ms. Gillotti explained that there is general interest in the community as well as having vacant lots in R1 residential areas.

Mayor Pro-Tem Richardson asked Attorney Barr if the chicken ordinance includes a requirement for neighbor consent.

Attorney Barr stated that it was discussed but not included in the ordinance as passed.

Council Member Moeller asked what would happen if R1 districts were removed from the ordinance.

Council Member Robb stated that it would be meaningless.

Ms. Gillotti explained that R1 makes up a fairly substantial percentage of the City's vacancy.

Council Member Robb confirmed with Ms. Gillotti that any hoophouses currently existing in R1 districts are illegal and are being enforced by the Building Department.

Ms. Gillotti agreed and stated that enforcement is based on complaints.

Council Member Robb wanted to add that the City is proactively enforcing ordinances rather than simply based on complaints. He then asked for further clarification about pulling permits for lighting in hoophouses.

Ms. Gillotti stated that they would be subject the permits but it would be further investigated.

Council Member Robb asked for clarification on what would constitute a nuisance in relation to hoophouses and how they would be enforced since they are exempt from many building codes as they are accessory structures.

Ms. Gillotti explained that many of these provisions needed to be developed.

Mayor Schreiber asked if the suggested changes to the ordinance would be made prior to the second reading or if an amendment would be made at the present time, before the vote.

Ms. Gillotti asked if the changes would require re-noticing the public hearing.

Attorney Barr answered that, because the changes are minor, it would not require re-noticing.

Council Member Robb asked if the square footage restriction would be a major change.

Ms. Gillotti explained the language would maintain the 30% rule up to a limit and subject to setback requirements.

Mayor Pro-Tem Richardson stated that she had envisioned smaller hoophouses and would like a garage-size limit.

Council Member Vogt asked the audience if there was a certain size that would be a breaking point for their purposes.

Council Member Robb stated that hoophouses are sold as kits.

Mayor Schreiber opened the floor for the audience to respond.

Amanda Edmonds stated that some hoophouses are not kits and are DIY efforts with a lot of construction possibilities. She added that 720 square feet is one of the smallest commercial kits that can be purchased and the maximum limits set in the ordinance would only allow small-scale operations.

An unnamed audience member added that, as a private citizen, her perspective was far different and she suggested the hoophouses in residential areas be limited to a smaller size and anything larger should require a special use permit so that neighbors have a chance to respond. She stated this would keep the hoophouses for personal use and any individuals looking for larger scale operations would be required to go through additional steps for approval. She stated that this seems like a special interest and a special use but the ordinance would allow anyone in the City to put up a hoophouse and add an obtrusive structure in a residential setting.

Ms. Gillotti asked for clarification on the revisions Council was requesting to the ordinance.

Council Member Robb stated that his primary concern was the maximum size limit.

Council Member Moeller stated that if there are vacant lots in R1 districts that are next to other houses she feels the size should be smaller. She further asked how many illegal hoopouses there were in the City.

Ms. Gillotti stated she was not sure.

Council Member Robb asked about adding specific standards for medical marijuana.

Ms. Gillotti stated she would follow up on Council Member Robb's question.

Council Member Robb stated he was concerned with grouping hoopouses and greenhouses.

Ms. Gillotti stated that they could be separated.

Council Member Murdock asked where greenhouses were currently allowed.

Ms. Gillotti listed the districts where greenhouses were allowed and pointed them out on the map.

Council discussed the options relating to the districts where greenhouses are allowed.

Mayor Schreiber confirmed that the issue of the largest concern was the size and asked for Council's opinion on the maximum size.

Council Member Murdock stated he was concerned that the ordinance was creating a single commercial use for agriculture or farming that was exempt from most of the zoning in any district.

Council Member Vogt explained some of the difficulties relating to urban agriculture and the Right to Farm Act. He stated that this topic is not very well understood or developed and encouraged audience members to talk with legislators to clarify the law as it relates to their interests.

Mayor Schreiber stated he was in favor of keeping the 30% rule, up to some sort of maximum size limit, though he was not sure what the maximum size should be. He stated that staff had recommendations for revisions to the ordinance to prepare for the second reading and asked if Council had any further comments.

Council Member Murdock proposed amending the ordinance to remove hoopouses and simply focus on the other aspects of the ordinance. He suggested staff bring back the hoopouses at a later time, once the guidelines were more clearly defined.

Council Member Murdock moved, supported by Mayor Pro-Tem Richardson, to remove hoopouses from the ordinance.

On a roll call vote, the vote to approve the amendment to the ordinance was as follows:

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

VOTE:

Yes: 2 No: 5 (Jefferson, Moeller, Robb, Vogt, Schreiber) Absent: 0 Vote: Failed

Council Member Moeller asked for clarification on what would happen to the ordinance now, as she thought the ordinance was being sent back to staff. She stated that she misunderstood the last vote and would like to reconsider her vote.

Council Member Moeller moved, supported by Mayor Pro-Tem Richardson, to reconsider the vote on the amendment to the ordinance.

On a roll call vote, the vote to reconsider the vote on the amendment to the ordinance was as follows:

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

VOTE:

Yes: 4 No: 3 (Jefferson, Vogt, Schreiber) Absent: 0 Vote: Carried

Council Member Vogt asked for clarification on why Council Member Murdock wished to remove hoophouses from the ordinance at this time.

Council Member Murdock explained that removing the hoophouses would make the ordinance less controversial and allow more time to deal with all of the issues surrounding the hoophouses.

Mayor Pro-Tem Richardson asked for confirmation that there would be a separate ordinance for hoophouses, in addition to the current ordinance on gardening.

Council Member Murdock confirmed.

Council Member Moeller asked for confirmation that the ordinance would be removing every reference to hoophouses.

Council Member Vogt confirmed.

Council Member Murdock stated the ordinance would now just cover community gardening and food processing.

Ms. Gillotti confirmed that was her understanding.

Council Member Robb stated that the reason he voted no is that he thought the issues with hoophouses could not be resolved in time for the next few Council meetings and he did not want to hold up the other topics on the ordinance from being passed. He asked if re-noticing would be required if the issues could be solved more quickly.

Attorney Barr stated he felt re-noticing would be required.

On a roll call vote, the vote to approve the amendment to the ordinance removing all references to hoophouses and greenhouses, was as follows:

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

VOTE:

Yes: 4 No: 3 (Robb, Vogt, Schreiber) Absent: 0 Vote: Carried

On a roll call vote, the vote to approve Resolution No. 2012-259 (Ordinance No. 1183A), as amended, was as follows:

Council Member Jefferson	Yes	Council Member Robb	Yes
Council Member Moeller	Yes	Council Member Vogt	Yes
Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Abstain		

VOTE:

Yes: 6 No: 0 Absent: 1 (Richardson, abstained) Vote: Carried

The meeting recessed at 10:14 p.m. and reconvened at 10:30 p.m.

Ordinance No. 1186

3. Fireworks Ordinance
 - A. Resolution No. 2013-034, determination

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that an Ordinance regarding the use of consumer fireworks within the City of Ypsilanti, pursuant to MCL 28.457(2) be approved on the First Reading.

OFFERED BY: Council Member Jefferson
SUPPORTED BY: Council Member Moeller

Attorney Barr gave a brief background.

SUMMARY/BACKGROUND

In 2011, the State of Michigan passed the Michigan Fireworks Safety Act, MCL 28.451 et seq. This Act abolished the previous state-wide prohibition against consumer fireworks. Since the passing of the Act, many citizens have voiced concerns about the use of these devices. These concerns relate to the frequency of use, the time of use, and the location of use.

Section 7 of the Act allows municipalities to regulate the use of fireworks, but only for days that are not national holidays, the day before a national holiday, or the day after a national holiday. This ordinance completely prohibits their use on days that the Act allows municipalities to regulate. Any use of consumer fireworks that is in violation of this ordinance results in a misdemeanor.

To avoid issues that may result in changes to the law, or to the existence of national holidays, this ordinance refers to the appropriate state and federal statute for the requisite definition. Section 12 of the Act already proscribes certain requirements and prohibitions relating to the use of consumer fireworks. Those include requiring permission from property owners, prohibiting sales to minors, and prohibiting the use of such devices under the influence of drugs or alcohol.

Council Member Murdock asked if the current ordinance allows consumer fireworks and how it related to the state regulations.

Attorney Barr explained the background of the state law and said our ordinance mirrored theirs, giving any special permission for use of fireworks to the Fire Department.

Council Member Moeller stated that she liked this resolution and was supporting it based on her experiences and the complaints of her neighbors. She stated the noise ordinance would work if we had the staff to properly enforce it.

Council Member Jefferson shared his experience with fireworks in his neighborhood and his family's frustrations over the noise disturbing the peace within neighborhoods.

Mayor Pro-Tem Richardson stated she was in support of the ordinance however she feels it is hard to enforce, as the fireworks could be done and over before the police are ever able to even go and check the nuisance.

Council Member Moeller stated that she feels the problem has gotten worse and this year was the worst yet.

City Manager Ralph Lange asked for a list of the national holidays so that the police department could be aware of when the fireworks are allowed.

Council Member Robb listed the ten national holidays.

B. Open Public Hearing

1. Susan Melke, 330 Chidester #409, expressed concern over enforcement and stated she feels the ordinance is unimportant.
2. Susan Nicosia, 1312 Kingwood, agreed that there will always be people who will set off fireworks whether or not there is a law, but she feels there are enough law abiding citizens and the ordinance will reduce the

C. Resolution No. 2013-035, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider an ordinance regarding the use of consumer fireworks within the City of Ypsilanti, pursuant to MCL 28.457(2) be officially closed.

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

On a voice vote, the vote to close the public hearing carried unanimously.

Council Member Robb asked Attorney Barr if the ordinance would supersede the sections of the zoning ordinance and what the definition of a firework is in the ordinance.

Attorney Barr stated the ordinance would not supersede the zoning ordinance and explained the definition of fireworks would mirror what was in the state law. He added that cities cannot define or regulate fireworks however they can ban or prohibit them.

Council Member Robb asked what the allowable hours to set off fireworks would be under the ordinance.

Attorney Barr stated that would be covered under the noise ordinance.

Council Member Robb asked that before the ordinance come back for second reading the City Manager get statistics from the Police Department about the number of complaints received for fireworks each year and how they respond to those calls. He added that he feels this ordinance would be very difficult to enforce.

Council Member Murdock stated that he doesn't feel this ordinance changes anything. He said he felt the noise ordinance is always going to be difficult to enforce, in many situations.

Mayor Schreiber stated that he also thinks this is a policy issue that will be hard to enforce but he is going to support the ordinance and he thinks Council needs to take a stand on the issue.

Mr. Lange stated that he will follow up with the Police Department and explained the strains the department is feeling due to the low number of Police Officers.

Mayor Schreiber stated again that he feels this is a policy issue but is still very important.

Council Member Vogt stated that he supports the ban because he had many family members and friends complaining about the fireworks far before the state passed their laws. He added that fireworks are a public nuisance and he wants to increase the safety as well.

Council Member Jefferson stated that he enjoys fireworks and understands the right of others to use them to celebrate but he also understand the right of neighbors and the community to have peace and quiet.

On a roll call vote, the vote to approve Resolution No. 2013-034 was as follows:

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

VOTE:

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

Council Member Jefferson moved, supported by Council Member Vogt to extend the meeting to 11:45 p.m. On a voice vote the motion carried.

XI. AUDIENCE PARTICIPATION

1. Susan Melke, 330 Chidester #409, stated she came because she wanted to know what Council is going to do about the court decision related to medical marijuana dispensaries. She stated that she is a patient and the dispensaries in the City have created a safe and trusting environment for her.
2. Will Thompson, 330 Chidester #717, stated he is also a medical marijuana patient and feels dispensaries are a lot safer option and he supports them.

XII. REMARKS BY THE MAYOR

Mayor Schreiber called on Attorney Barr to give his opinion on the court ruling.

Attorney Barr stated that marijuana is illegal under both state and Federal law, though the State of Michigan approved medical marijuana as an exception. He detailed his opinion of the recent court decision and his understanding of its implications.

Council Member Murdock stated that he feels the Attorney General has a different opinion of medical marijuana dispensaries and his understanding of the implications for the dispensaries is that it would make it very difficult for them to continue operations.

Attorney Barr stated that as long as the dispensaries abide by the medical marijuana laws he does not feel they would have to face prosecution.

XIII. MINUTES

Resolution No. 2013-036, approving the minutes of January 29 and February 5, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of January 29 and February 5, 2013 be approved.

OFFERED BY: Council Member Moeller
SUPPORTED BY: Council Member Vogt

Mayor Schreiber indicated his remarks were added to the revised minutes.

On a voice vote the minutes were approved.

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS

1. Resolution No. 2013-037, reaffirming partnership for East Side Recreation Center.

A RESOLUTION ACKNOWLEDGING A PARTNERSHIP BETWEEN THE CITY OF YPSILANTI AND THE WASHTENAW COUNTY PARKS AND RECREATION COMMISSION, TO DESIGN, BUILD AND OPERATE A COMMUNITY RECREATION CENTER IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF YPSILANTI (WATER STREET REDEVELOPMENT AREA)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Washtenaw County Parks and Recreation Commission, in response to survey data and citizen interest, has been considering and exploring opportunities for the development of a community recreation center to serve the residents of the greater Ypsilanti area, and;

WHEREAS, the Commission has determined that the most beneficial location for the development of a community recreation center would be within the central business district of the City of Ypsilanti, specifically on the northwest corner of the Water Street redevelopment site - adjacent to the Huron River, Michigan Avenue (US-12) and the proposed alignment of the Commissions Border-to-Border trail, and;

WHEREAS, the Commission, in consideration of the limited resources currently available for such a project, first approached the City of Ypsilanti in late 2011 and proposed a project partnership that at a minimum includes the Commission and the City of Ypsilanti, and;

WHEREAS, under the proposed partnership the City of Ypsilanti would provide the land necessary for the project; the Commission would construct and own the community recreation center, and;

WHEREAS, the Commission and the City Council both approved an initial Letter of Intent to proceed with work towards the development of the Eastside Recreation Center on January 10, 2012 (see exhibit 1), and;

WHEREAS, in early 2012 the Commission contracted for the professional services of a multidisciplinary design team from the University of Michigan's Graduate School of Architecture and Urban Planning to evaluate the merits of the proposed project; to determine the appropriateness of the site; to develop a conceptual site plan for the community recreation center at the preferred location; and to explore the opportunities and challenges for development of the remainder of the Water Street Redevelopment Area, and;

WHEREAS, to inform the public and gather the necessary input and support essential for a successful project, the conceptual study and design (including scale models) have been presented at a number of public meetings of both the Ypsilanti City Council and the Washtenaw County Parks and Recreation Commission; were formally presented at a public open house, where the plans and models were left on display for several days to allow for additional public review and comment; and have also been available online for review and comment, and;

WHEREAS, an important component of the project is the extension of the Commissions Border-To-Border Trail, which would link the City's riverside parklands now separated by multiple roads and the river, to form a non-motorized linear park throughout the City -- a broadly supported community vision first expressed over 100 years ago in a plan prepared by the Olmsted Brothers, the pre-eminent landscape design firm of that era, and;

WHEREAS, with the financial and design assistance provided by the Commission, the City has already been awarded two grants (2011 and 2012) from the Michigan Department of Natural Resources Trust Fund program to facilitate the extension of the Border-to-Border Trail, with a bridge crossing the river and connecting Riverside Park and the Water Street site near the proposed community recreation center; and then to continue an urban non-motorized trail along the river's edge through the Water Street site to Waterworks Park and further to Grove Road, with the potential to ultimately connect the City and the recreational resources of Ford Lake, and;

WHEREAS, the parties agree that the successful completion of these projects would be of significant benefit for the residents of the greater Ypsilanti area; would recognize, restore and emphasize the cultural and environmental significance of the Huron River to the quality of life in the Ypsilanti community; and would serve as a catalyst for additional redevelopment of the Water Street site, and;

WHEREAS, the parties agree and acknowledge that resources are limited and that none could accomplish this broad community vision unilaterally; and that these projects are still in the preliminary design phase and that there are many details that will need to be resolved among the parties should there be agreement for the projects to proceed to construction;

NOW THEREFORE BE IT RESOLVED, that by way of this resolution the undersigned parties publicly demonstrate their support for this project and their commitment to provide the necessary resources and/or skills, to work together cooperatively and in good faith, in the best interests of the community, towards the completion of this ambitious effort, and;

BE IT FURTHER RESOLVED that the City of Ypsilanti agrees to provide sufficient land at the preferred site as previously agreed to in the Letter of Intent approved on January 10, 2012 to allow the Commission to confidently proceed to the design phase; that the Washtenaw County Parks and Recreation Commission agrees to proceed with the design phase for the building and further define the site plan, including

determining the exact footprint of the project and the amount of land necessary, and;

BE IT FURTHER RESOLVED that the parties agree that this intergovernmental, public/private partnership demonstrates a commendable and challenging level of collaboration that should serve as a model for future efforts to improve the quality of life for residents in communities throughout Washtenaw County.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

Ms. Gillotti explained that the resolution does not supersede the letter of intent and is only reaffirmation that the City still supports the project.

Council Member Murdock asked where the project was in terms of moving forward and asked for clarification on the terms of the letter of intent.

Ms. Gillotti stated that the next phase included the YMCA completing a formal marketing study to determine whether or not they could commit to the partnership. She added that at that time the Parks and Recreation Commission could proceed with their designs.

Council Member Robb asked if grants approved in 2011 and 2012 were tied to the Recreation Center or if construction on the bridge could begin and move forward on its own. He added that he did not want everything tied to the approval of the Recreation Center.

Ms. Gillotti stated the easement was being worked on and, once that was complete, construction on the bridge could begin this summer.

Mayor Pro-Tem Richardson asked for clarification on whether it was required to wait on the Recreation Center approval before progress could be made on the border-to-border trail or if work could begin as soon as the agreement was received.

Ms. Gillotti explained that progress on the bridge would begin in 2013 and that by the time the agreement was received and approved for the border-to-border trail it would likely be next summer before work began. She added that if everything went well work on the Recreation Center could begin in 2015.

Mr. Lange stated that this represented a rare opportunity for economic development and added that Washtenaw County Commissioners have said they are enthusiastic about the chance to invest in the City of Ypsilanti and simply want to make sure the City is still engaged and interested in the project.

Mayor Schreiber stated that it is reasonable to reaffirm commitment due to the type of monetary commitment that is being made to the project. He expressed his support for the resolution.

Council Member Robb stated that Council Member Murdock was the City's liaison to the study committee on the project and he doesn't understand how, unless Council Murdock has given them any indication that the City was not engaged and interested in moving forward, they could doubt the City's commitment to the project.

Ms. Gillotti stated that the perspective she has is that there are two political bodies trying to work on a development deal over a long period of time and it is important to confirm the City's interest and support.

Council Member Murdock stated this was simply a formality because he believed everyone was on board and interested in moving forward.

Council Member Jefferson stated that he had concerns over the County still being interested because the letter of intent was signed over a year ago.

Ms. Gillotti explained how the millage vote tied up the process on the County's end and that is why the current timeline was developed.

Mayor Schreiber said the resolution helps to move things forward and if they don't pass the resolution it could create some confusion as to what City Council wanted and whether they were committed to the project.

Mayor Pro-Tem Richardson stated that she did agree with Council Member Jefferson and stated perhaps the City needed some reaffirmation from the County as well. She added that they should now call the vote.

On a roll call vote, the vote to approve Resolution No. 2013-037 was as follows:

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

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

XV. LIASON REPORTS

- A. SEMCOG Update – Meeting on Friday in a new building at 1001 Woodward.
- B. Washtenaw Area Transportation Study – Meeting tomorrow.
- C. Washtenaw Metro Alliance – No meeting this month.
- D. Urban County – Have not held a meeting since last Council Meeting.
- E. Freight House – Nothing to report.

XVI. COUNCIL PROPOSED BUSINESS

Mayor Pro-Tem Richardson

- Requested the food ordinance be brought back for the second meeting in March.
- Stated that she would be in DC during the first week of March and would be in contact with a number of legislators and would be willing to deliver any messages on behalf of Council.

Council Member Murdock

- Shared a report from DTE that states Ypsilanti has the third most projects, behind Ann Arbor and Detroit, in terms of solar current projects, which puts the City at the highest per capita for solar projects.

Council Member Moeller

- Asked for an ordinance enforcement report.
- Asked for a street sign at Kingwood and Cambridge as the sign is no longer there.

Council Member Vogt

- Stated he had an inquiry for Mr. Lange about the status of a previous request for speed-bumps but stated it was not a high priority.

Council Member Jefferson

- Stated that he liked the locks and reinforced doors that had been added to the first floor of City Hall, as well as the updated decor.

XVII. COMMUNICATIONS FROM THE MAYOR

Nominations:

Human Relations Commission

Claudia Pettit (reappointment)
945 Sheridan St.
Ypsilanti, Michigan 48197
Expires: 2/6/2016

Huron River Watershed Council

Steve Wilcoxon (new appointment, replacing Sally Lusk)
1728 Whittier
Ypsilanti, Michigan 48197
Expires: 12/2/2014

Discussion:

Mayors Against Illegal Guns

- MAIG Coalition letter in support of assault weapons ban
- MAIG Coalition letter in support of gun trafficking bills
- <http://www.demandaplan.org/>

Creating American Prosperity through Preservation (CAPP) Act

- CAPP bill facts for expanding federal historic preservation tax credits

XVIII. COMMUNICATIONS FROM THE CITY MANAGER

Mr. Lange stated that he was going to have City Clerk Frances McMullan speak about the Clerk and Treasurer office consolidation however time was running short and he suggested she speak about it at a later date, to which she agreed.

He made a note that he had planned on discussing a Council Retreat to discuss ways of being more effective, but suggested following up on that at a later time.

He discussed the continuous need for collaboration and proposed a collaboration committee of the City of Ypsilanti, Ypsilanti Township, and Eastern Michigan University. Council Member Vogt volunteered to be a part of the committee.

XIX. AUDIENCE PARTICIPATION

None

XX. REMARKS FROM THE MAYOR

None

XXI. ADJOURNMENT

A. Resolution No. 2013-039, 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 carried and the meeting adjourned at 11:44 p.m.