Approved

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MARCH 19, 2013
6:00 P.M. – CLOSED SESSION
7:30 P.M. – OPEN SESSION

I. CALL TO ORDER –

The meeting was called to order at 6:05 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 –

On a voice vote the agenda was approved as submitted.

VI. CLOSED SESSION (6:00 to 7:30 p.m.) –

Closed Session to discuss collective bargaining OMA 15.268, Section 8(c).

On roll call, the vote to adjourn to closed session 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	Yes		

VOTE:

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

The meeting adjourned to closed session at 6:08 p.m.

Open session reconvened at 8:25 p.m.

VII. INTRODUCTIONS –

Mayor Schreiber introduced former Fire Chief Jon Ichesco, City Counsel Joe Fazio, City Planner Teresa Gillotti, and Bill Tippman, of Core Resources, representing Family Dollar.

IX. PUBLIC HEARING –

A. Resolution No. 2013-052, approving Family Dollar purchase agreement.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Ypsilanti City Council approved a Letter of Intent for the sale of up to 1.25 acres in November of 2012; and

WHEREAS, Ypsilanti City staff have been working with NINETY NINE 90, LLC on behalf of Family Dollar on a 1.1 acre development on the NE corner of the Water Street Redevelopment Area (on Michigan and Park Streets); and

WHEREAS; Ypsilanti City Council approved an ordinance to sell Water Street on August 18, 2009; and

WHEREAS, Ypsilanti City Council has passed a resolution requiring a public hearing with every purchase offer for the Water Street Redevelopment Area in July 21, 2009; and

WHEREAS; Ypsilanti City Council has held a public hearing for a sale of a 1.1 acre portion of the Water Street Redevelopment area to provide an opportunity for public input on March 19, 2013; and

WHEREAS: NINETY NINE 90, LLC, Family Dollar and the City have negotiated terms including a concept site plan, related building elevations, contingency and governmental approval periods as well as price for the land; and

WHEREAS NINETY NINE 90, LLC has agreed to the attached purchase agreement for the purchase and development of 1.1 acres for $210,000 for the development of a Family Dollar Store.

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the attached Purchase Agreement with NINETY NINE 90, LLC to sell and develop 1.1 acres of the Water Street Redevelopment Area as presented in the agreement and attachments; and

FURTHER, that the Mayor and City Clerk are authorized to sign the Purchase Agreement.

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

Ms. Gillotti gave a presentation on the topic. She gave an overview of the process for selling a property on Water Street, the steps that have already been completed, the terms of the purchase agreement, the concept plans, the benefit of moving forward with the project, the relationship of the proposal to the current Master Plan, and the next steps to move forward if the proposal is accepted.

Background:

On November 20, 2012, City Council approved a Letter of Intent with Core Resources, LLC, the development partner with Family Dollar, to purchase and develop an approximately 8,320 square feet. The Letter of Intent was signed on 12-10-12 with the duration of 90 days or until a purchase agreement was secured, whichever is sooner.

Staff has worked with Core Resources on a few modifications to the concept plan as well as on the purchase agreement with the help of Miller Canfield, which has provided an attached term sheet summarizing the terms and conditions.

<u>Relationship to previous and current planning efforts:</u>

The last formal plan for development of the entire Water Street Redevelopment area was the Freed plan in 2006. At that time a single developer proposed mixed use and single story commercial development on Michigan Avenue and a mix of residential products through the site. The area Family Dollar is requesting to purchase is 1.1 acres on the hard corner of Michigan and Park Streets. In the Freed plan, the area is represented by "Block E" and a potential use identified was that of a one-story drug store with an area of 1.45 acres.

The Master Plan process going on now, Shape Ypsilanti just completed a week of workshops and other public meetings and input sessions including studio time with the design team. A frequent discussion topic was not only a land use, infrastructure and design plan for Water Street, but also a discussion of how a new layout or Master Plan for the Water Street Redevelopment area would integrate Family Dollar. At this point the consultant team is looking into a way to integrate the project with the future plan, but may suggest a reorientation of the building and/or change in the parcel size to integrate the parcel into a future scheme.

Staff will be following up with Family Dollar, the consultant team and council on any particular changes that may impact the development agreement by Tuesday's Council meeting.

Below is a summary of the offer from Family Dollar Stores (as presented by subsidiary Core Resources, Inc.)

Location: Park and E. Michigan (see attachments)

Building size: Approx 8,320 square feet

Use: Discount retail

Investment: Approx: $800,000 in improvements, not counting land cost.

Purchase Price: $210,000

Commission: Buyer's broker, 5%, CBRE, 2.5% to be paid through previous agreement.

Staff has been working with developer on the form of the building and a conceptual site plan corresponding to the previously proposed zoning for the site. Key features include:

Setbacks: 10 foot maximum setback on Park and E. Michigan frontages

Access: Shared use drive, to be built by developer subject to MDOT requirements

Utilities: Expected to pull from Michigan Ave. or Park Street and paid for by the developer

Façade: Brick or brick form construction on street and parking lot frontages, as well as windows on street and parking lot frontages (excluding south side)

Parking: Meets maximums set in draft zoning, and is preferred by developer

Stories: One

Comparable Development:

The closest comparable within the City is the AutoZone (2166 Washtenaw). It currently has a similar size and operates within a similar discount retail vein. The taxable value of the property is 341,900 for a 7,864 sf building. Based on this and referencing some slightly larger pharmacies, the estimated taxable value for the proposal is $350,000 - $400,000 which would result in an estimated $30,000 a year in taxes.

Next steps:

At this point, approving the purchase agreement would contractually obligate the City, per the terms and conditions provided in the agreement as presented and the contingency and governmental approvals periods will begin. These approvals would be subject to the existing Master Plan and zoning ordinance. If City Council is interested in waiting for further design and infrastructure plan for Water Street to be presented as part of the Master Plan process, it may request to delay the decision, or the City may chose to decline the proposal.

If approved, the agreement would be executed immediately. City staff would begin amendments to the Brownfield Plan which would be presented and potentially approved during the governmental approvals period as well. Core Resources would immediately begin work on a survey and legal description, followed closely by development of a formal Planned Unit Development and site plan submission as well as other related approval. According to Core Resources' stated timeline, construction would be expected this summer.

Ms. Gillotti asked Mr. Fazio to explain the terms of the agreement.

Mr. Fazio reviewed the terms of the agreement.

Mayor Schreiber asked how flexible the agreement was in regard to the exact location of the Family Dollar.

Mr. Fazio stated that the purchase agreement references the existing zoning ordinances and Master Plan of the City and does not contemplate a material or significant change to the current master planning goals.

Council Member Vogt asked what, exactly, would be considered a competing use that would be excluded or barred. He asked if it included any other retail uses or simply another Family Dollar.

Mr. Fazio explained that paragraph 8 of the purchase agreement addresses the scope and extent of competing uses and stated that, currently, it is a use restriction that relates to the same basic business model as Family Dollar, and there is a list of identified businesses currently operating under that model. He mentioned that there are specific exclusions, expressly mentioned in the contract, which would allow other businesses to operate in the nearby area.

Mayor Pro-Tem Richardson asked if the property was tax exempt because of the tax proration amounts included in the documentation.

Mr. Fazio stated that the property is currently exempt because the City owns it and there would be no tax proration when the sales transaction closes.

Mayor Schreiber asked if there had been any discussion with the developer regarding the ShapeYpsi master planning process that just started.

Mr. Fazio said he would let Mr. Tippman speak on behalf of the developer, however, it was his understanding that the developer is willing to accommodate changes in the site configuration as well as the orientation of the building, within certain limitations.

Ms. Gillotti pointed out details of the site plan, showing examples of what the proposed building would look like, and discussed changes to the building that had been previously proposed. She pointed out the difficulties in planning for a second story before plans for the second story were created, as it is hard to know what would be needed that far down the road. She mentioned that the closest similar project was the AutoZone on Washtenaw Avenue.

Ms. Gillotti mentioned the ShapeYpsi project that was currently underway and stated that a goal of the master planning project is to have a plan for the Water Street site and be able to codify it.

Mr. Tippman stated that he has discussed building flexibility into the agreement to accommodate the City's desires.

Ms. Gillotti shared what the next steps would be, if City Council wished to move forward with the project, beginning with signing the agreement and getting all necessary approvals.

Council Member Vogt stated that he was a little unclear on how a contract could be signed, with specific terms, and still allow for flexibility.

Ms. Gillotti stated that a disclosure would be added to the agreement which would state that the City was going through the master planning process. She added that the general layout for the Water Street plan would be known by mid-April, and that would be used as the basis for the site plan of this project. She stated that the agreement could contain a few essential items that could be left open for discussion based on changes the City might like to make to the site plan.

Council Member Vogt stated that it was his understanding that size, shape and layout would be the main items that have flexibility.

Ms. Gillotti confirmed this.

Mr. Tippman explained the normal process includes signing a contract, which begins a contingency period during which title is ordered and surveys are conducted. He stated that, in this case, it is suggested that the contingency period be extended until the property can be defined and a survey can be completed.

Mr. Lange asked how long the contingency period might last.

Ms. Gillotti stated that, while the master plan probably wouldn't be adopted until June, the third week of April is when the designers would begin working on the layout for Water Street, and since this project is only concerned with one corner of the property, it is likely that that corner could be defined by that time, which would prevent the developer from having to wait until the entire master plan was adopted.

B. Open public hearing

1. Dave Heikkinen, a business owner in the City, stated that he was a part of the ShapeYpsi meetings and he does not know how the project can be moved forward before the master planning process is complete. He added that he has talked to a lot of people and there is not a lot of support for the Family Dollar store in the Water Street area and he felt the City needed to maximize the value of the property.

2. Carter Good, 961 Sherman, read a letter from his son, who grew up studying Water Street, who works with the Urban Redevelopment Authority in Singapore. The letter that the City should have a high set of standards for the Water Street property and further stated that the author feels the Water Street site is the most important development zone within the City.

C. Close public hearing

Mayor Pro-Tem Richardson moved, supported by Council Member Jefferson, to close the public hearing.

On a voice vote the motion carried.

Council Member Vogt stated that originally he thought anything was better than nothing on the Water Street property. He said that he now feels Council should consider what the standard of the entire site should be and he feels they should delay getting into an agreement and let the master planning process complete before proceeding with a project, rather than having the project dictate the master planning process. He echoed the sentiments of the audience members who spoke during the public hearing and proposed Council table this topic until the master planning is done and approved.

Council Member Vogt moved, supported by Council Member Moeller, to table Resolution No. 2013-052, approving Family Dollar purchase agreement.

Council Member Murdock stated that this would cut off all discussion on the matter.

Council Member Vogt stated that was not his intention, but at some point he felt the discussion should be halted and the resolution tabled to a later date.

Council Member Vogt moved, supported by Council Member Moeller, to withdraw his previous motion to table Resolution No. 2013-052, approving Family Dollar purchase agreement.

Council Member Murdock asked Ms. Gillotti what needed to be added to the agreement to give it the flexibility the City desired.

Ms. Gillotti stated that the Governmental Approvals section (7b) could include a disclosure regarding the master planning process and how this may result in a modification of the planned development strategy for the Water Street project. She added that another measure would be to add in a date when the contingency period would start, which would allow time to determine the exact size of the parcel and the structure, as well as where the structure would go on the site.

Mr. Tippman stated that it would turn the agreement into an "option" on both parties' part to proceed with the project, until they could reach an agreement on some critical issues relating to how the development would move forward. He added that he doesn't think there is much flexibility on this particular parcel, with respect to the master plan and configuration of the structure on the property.

Council Member Murdock asked if the language we currently have is adequate.

Mr. Fazio stated that it would require drafting some additional language as well as taking a look at some current language that would need to be eliminated, that referenced an easement on the property, which would no longer be relevant if the building was reoriented on the site.

Mayor Pro-Tem Richardson asked if we have a current master plan in place that includes the Water Street site.

Ms. Gillotti answered there is a narrative in the master plan that includes permitted uses of the site but there is no formal layout or accepted infrastructure plan.

Mayor Pro-Tem Richardson stated that the site has been sitting there for close to ten years now and she feels we shouldn't hold up the project just because we are in the middle of a new master planning process. She added that she is in support of the project and feels the Family Dollar store would be a natural progression into the other retail shops in the surrounding area.

Council Member Jefferson stated that he feels it is a good idea to move forward and not delay the project any longer. He added that adding roadways to connect the parts of the City that are divided by the river would increase walkability and enhance business opportunities, and he sees this as an opportunity to put in those roads. He said he had communicated with the consultants and the project could be designed to match the new master plan. He said he feels the only delay would be to get the language drafted.

Mr. Tippman stated that the agreement currently says the roadway would be a private drive that would be constructed and maintained by Family Dollar until the additional parcel was sold and developed, when both parcels would share in the maintenance of the roadway.

Council Member Murdock stated that he feels the Family Dollar store fits with the City's vision and plan for the property and he thinks Council should move forward with the project.

Council Member Vogt stated that he thinks it would be risky and inappropriate to try and move forward with the agreement too quickly. He said that he doesn't think anything would be unnecessarily delayed by tabling the resolution, as it would likely be late-April or early-May before the details of the agreement were completed, anyhow.

Mayor Schreiber stated that the developer is looking for support and reliability from the City and he does support the Family Dollar project and wants to see it move forward to fit with the grid structure that has been brought up as a part of the master planning process. He asked Ms. Gillotti what options Council had to incorporate that kind of language in the agreement and what steps would need to be taken to do so.

Ms. Gillotti stated that the matter would have to be brought back before Council, which could occur during a regular scheduled meeting or a special meeting. She stated that she thinks the changes to the agreement could be completed within a week's time.

Mr. Fazio stated this would be true as long as the direction was to align the roads and re-orient the site plan.

Ms. Gillotti stated the language would need to include a master plan disclosure, with a contingency period that lasts until the end of April, when the parcel size and building orientation would be known and a new concept site plan could be created, if necessary. She said the purchase agreement could then be approved while still allowing a period of time to work out the necessary details.

Mayor Schreiber stated that the other option would be to wait until the end of April when the changes could be included in the actual agreement.

Ms. Gillotti answered yes, however, that option would not allow the developer to begin their process and move forward.

Mayor Schreiber asked the developer if approving the agreement next week would give the predictability needed to move forward with the project.

Mr. Tippman replied the advantage of that option is that it would save several weeks of time. He added that he wanted to respectfully remind Council that all of the parties involved had signed a Letter of Intent 90 days ago and, at some time during the passing of that 90 day period, one of the parties had decided to change their mind. He stated that this left the other party with a deal that was different from the one they had 90 days ago.

Mayor Schreiber stated that he appreciated their flexibility.

Mr. Fazio asked if the agreement would need to come back before Council if the agreement was approved with language that referenced a future date, when the master planning process was closer to completion.

Mayor Schreiber answered yes, Council would need to approve the agreement again, at that time.

Mr. Fazio stated it is another contingency that needed to be clarified.

Mayor Schreiber stated that it was turning a one-step process into a two-step process.

Mayor Pro-Tem Richardson asked for clarification on whether a special Council meeting next week would take care of this contingency.

Ms. Gillotti stated that the special meeting would allow all parties involved to sort out details until the end of April, at which point an amended agreement would need to be approved.

Mayor Schreiber stated that he feels this will enhance Family Dollar's viability as well, as Water Street gets developed. He added that he feels Family Dollar is a good use for the property as there is a diverse group of people that would utilize the store.

Mr. Tippman said nothing would help Family Dollar more than having a walkable community surrounding the store.

Mr. Lange stated that he would like the roadway to be moved over 50 ft., so that it will be in line with the street grid, and still be built by the developer to the standard required to be a public street, so that it may be used as such in the future.

Mr. Tippman said that he only mentioned the different options and locations for the roadway so that Council would consider that when moving forward.

Council Member Vogt moved, supported by Council Member Moeller, to table Resolution No. 2013-052, approving Family Dollar purchase agreement.

Mayor Schreiber asked if Council Member Vogt wanted to table the resolution or simply delay it.

Council Member Vogt stated that it would be delayed at least a week, anyhow, but he would like to wait until the master planning process is complete. He said his proposal was to not make a decision until that time so that Council can make a judgment about how the project would fit into the new master plan. He added that he feels May would be a good time to review the project again.

Council Member Moeller asked Attorney Barr if there was a difference between tabling the resolution and delaying it.

Attorney Barr stated that the motion, as he understands it, is to table the resolution to a definite time, which would be the first meeting in May.

On a roll call, the vote to table Resolution No. 2013-052, approving Family Dollar purchase agreement, to the first City Council Meeting in the month of May, was as follows:

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

VOTE:

Yes: 2 No: 5 (Jefferson, Murdock, Richardson, Robb, Schreiber) Absent: 0 Vote: Failed

Council Member Murdock stated that the next scheduled Council meeting is on April 9, 2013 and, while he didn't mind if Council held a special meeting next week, he would not be able to attend.

Mayor Pro-Tem Richardson stated that she would like to have another meeting as soon as Ms. Gillotti and Mr. Fazio are able to draft the proper language for the agreement, so that the developer could begin moving forward on their end.

Mr. Tippman suggested continuing with the contract as is, without adding or changing any language, but insert new exhibits, that would define the new parcel as being aligned with Parsons and Lincoln streets, and a new concept site plan that would establish the building footprint. He suggested this happen in time to bring it all before Council for the second meeting in April.

Council Member Murdock, supported by Mayor Pro-Tem Richardson moved to table Resolution No. 2013-052, approving Family Dollar purchase agreement to the April 23, 2013 Council meeting.

On a roll call, the vote to table Resolution No. 2013-052, approving Family Dollar purchase agreement, to the April 23, 2013 Council meeting, was as follows:

Council Member Moeller	No	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: 5	No: 2 (Moeller, Robb)	Absent: 0	Vote: Carried

VIII. AUDIENCE PARTICIPATION –

Mayor Schreiber read the rules for audience participation.

1. Carter Good, 961 Sherman, gave his thanks for being allowed to participate and share the letter from his son. He said that his family cares very much for the City of Ypsilanti.

2. Dave Heikkinen, 133 W. Michigan, stated that he really likes the ShapeYpsi process and thinks there has been a lot of great discussion. He mentioned that one of his concerns was the scheduling of one of the meetings on Friday at 5:00 p.m., as it made it very difficult for business owners, and others, to attend. He said it would be nice for the City to be cognizant of people's schedules. He added that he had been a part of a discussion about Park St. and how it could play an important role because it travels south and catches the bend in the river, which has been seen as a significant feature of the Water Street property. He stated that there is a lot of discussion to be had about the property and he is glad Council has delayed the Family Dollar project until more discussion can take place. He added that he does not want Council to forget the bigger picture because he thinks their sights are set too low, in terms of the potential that the property has. He said he would like Ypsilanti to pursue the type of development that Ann Arbor is getting because he feels Ypsilanti has more to offer, including Eastern Michigan University, prime location, accessibility, lower prices, the river, and a train station. He said he feels we continue to sell ourselves short and he does not understand why. He suggested getting the community involved with the real estate agents to help with the marketing of the Water Street property.

IX. REMARKS BY THE MAYOR –

Mayor Schreiber stated that he appreciated the comments of Mr. Good and Mr. Heikkinen. He said he thinks there is an excellent group of people working on the ShapeYpsi project and feels that there will be a lot of good ideas for the City as a whole.

Council Member Vogt stated that he also appreciated the comments from the audience and said there are a lot of subtleties that he feels need to addressed regarding the Water Street property and that is why he feels it is a good idea to take time considering them.

X. MINUTES –

Resolution No. 2013-050, approving the minutes of February 26 and March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of February 26, and March 5, 2013 be approved.

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

On a voice vote the motion carried. The minutes were approved as submitted.

XI. ORDINANCES – SECOND READING –

1. Resolution No. 2013-046, approving Ordinance No. 1183A – Text Amendment: Food production, processing and sales ordinance

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled "FOOD PRODUCTION AMENDMENTS" be approved on Second and Final Reading.

Ordinance is on file in the Clerk's office.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Murdock

Ms. Gillotti stated that the only change to the ordinance was that all references to hoophouses and greenhouses have been removed from the ordinance. She said that what is left in the ordinance are gardens and community gardens. She mentioned that there were special use standards that would apply to some of the gardens. She added that the gardens in the residential areas are meant for interim uses and not for long-term agricultural use. She reviewed the setback requirements and other property requirements for maintaining a garden on the premises. She mentioned that if at any time someone were to invoke the Right to Farm Act, to protect the gardens or community gardens, it would nullify that section of the ordinance.

Council Member Vogt asked if there were any restrictions to changing the rules if Council decides that some part of the ordinance is inappropriate.

Ms. Gillotti said the same process they were following now, to revise the ordinance, could be done again in the future if Council felt the need to do so.

Council Member Vogt asked if the 3 foot setback applied to islands located between the sidewalk and street.

Ms. Gillotti stated that the ordinance does not regulate that space, which is public right-of-way, so if someone wants to plant there they need to notify the Department of Public Services. She said there is a process for the planting of street trees, and growing in that space should not be done without City approval.

Council Member Vogt asked if the City had standards for what was allowed in those spaces.

Ms. Gillotti stated that there is not a formal process, aside from the one for street trees, other than the fact that permission is supposed to be received before planting in those spaces. She gave an example of a neighbor she knows who keeps a beautiful garden in an island between the street and the sidewalk and said that if the City did not deem her use of the space appropriate, notice would not be required prior to mowing it down.

Council Member Vogt stated that he knew of a property on Louise that had plants growing all over the front yard, not just in the island, that has been ticketed multiple times but still has plants that are growing. He said he is not sure what the City would do if people were given even more incentive to grow plants but not maintain or care for them. He asked Ms. Gillotti how the City should deal with this.

Ms. Gillotti used the example of planting on a vacant lot and said that if the gardens become dilapidated there is a section of the ordinance relating to the maintenance of the gardens that would allow the City to follow up with the violators and ticket them if they are found guilty of non-compliance.

Council Member Vogt stated that he feels this is still subjective and could lead to a court battle.

Ms. Gillotti stated that they will be asking people who come in with garden plans to sketch out the plants so that the City can know what the setbacks will be and that can be referred to if the property becomes non-compliant.

Council Member Moeller asked if people could grow on vacant lots right now, if the ordinance were not passed.

Ms. Gillotti stated that there is nothing that explicitly allows it now.

Council Member Moeller asked if there was anything that would prevent an owner of a vacant lot from using it for a garden.

Ms. Gillotti stated that in single family zones no gardens are allowed. She said there is a gray area and a lot of people have begun to plant on their properties, but are being told they are doing so at their own risk.

Council Member Moeller asked if corn is allowed to be grown on front yards currently.

Ms. Gillotti stated that there is nothing, currently, that says whether or not corn is allowed to be grown. She said the landscaping provisions in this ordinance include edible plants and raised garden beds.

Mayor Pro-Tem Richardson expressed concern over gardening in the front yards of residential properties and would like to see it only allowed on side and rear yards. She also stated that she would like to see the setback requirement on vacant lots increased to 6 feet. She said she wants to encourage people to garden, but she also wants to keep a nice and neat looking city, which is impossible when all sorts of produce is growing in the front yard. She asked Ms. Gillotti what the setbacks for were for composting.

Ms. Gillotti said it was subject to the setback requirements of the underlying district.

Council Member Murdock asked if there is an ordinance regulating composting.

Ms. Gillotti stated that she was not familiar with one but she would look into it.

Mayor Schreiber stated that he is going to support this resolution. He said he believes everyone has seen examples of finely manicured lawns as well as examples of lawns that have not been well maintained. He said there are gardens that can be attractive and still include things like tomatoes. He added that the community in Ypsilanti is very interested in growing their own food and this ordinance will allow them to do so while also attracting other people who want to live in a city that support this.

Mayor Pro-Tem Richardson stated that she will support the ordinance, with the recommendations she has made.

Mayor Pro-Tem Richardson moved to amend the ordinance to only allow gardening on the side and rear yards and change the setback requirements on vacant lots from 3 feet to 6 feet.

Mayor Schreiber asked Attorney Barr if the ordinance would have to be republished.

Attorney Barr stated that if the motion passes he feels it should be republished.

Mayor Pro-Tem Richardson said she tried to make these same statements at the first reading of the ordinance and felt her recommendations were ignored and she was told she could address them on the second reading of the ordinance.

Council Member Moeller seconded Mayor Pro-Tem Richardson's motion.

Council Member Murdock stated that he thinks these are good things for the community and necessary to allow folks to grow food where they live, which is very useful. He said he would oppose the amendment because of these reasons.

Mayor Schreiber stated he would be opposing it also.

On a roll call, the vote to amend the ordinance to only allow gardening on the side and rear yards and change the setback requirements on vacant lots from 3 feet to 6 feet, was as follows:

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

VOTE:

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

Ms. Gillotti discussed the changes made to the ordinance as they related to food processing in the different allowable districts.

Council Member Robb asked if the City planned to enforce these regulations or just create policy.

Ms. Gillotti said the City plans to enforce them.

Council Member Vogt stated that because it is a matter of public health and safety the County would have to be involved.

Council Member Robb stated that there were already ordinances that were just a matter of policy and were not currently being enforced and he feared this would be the same.

Ms. Gillotti stated that there are a lot of ordinances to enforce and the City enforces as many as they can. She continued to further discuss the food processing portion of the ordinance as it related to manufacturing districts.

On a roll call, the vote to approve Resolution No. 2013-046, approving Ordinance No. 1183A – Text Amendment: Food production, processing and sales ordinance, was as follows:

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

Council Member Jefferson Yes

VOTE:

Yes: 5	No: 2 (Moeller, Richardson)	Absent: 0	Vote: Carried

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-053, approving Fischer-Honda purchase agreement.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Ypsilanti City Council desires to continue the Border to Border trail through the City limits; and

WHEREAS, the City has indicated in its Parks plan and non-motorized plan a need to link Riverside Park and the Water Street Redevelopment area; and

WHEREAS, the City has received a 2011 Natural Resources Trust Fund grant and related commitments for the construction of a pedestrian bridge; and

WHEREAS, the bridge will cross the Huron River from Riverside Park to a corner of the existing Fischer Honda property.

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the attached access easement between the City of Ypsilanti and Fischer Honda to ensure an area for the landing of the pedestrian bridge; and

FURTHER, that the Mayor and City Clerk are authorized to sign the purchase agreement and attached easement subject to approval by the City Attorney.

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

Ms. Gillotti gave the background.

Background:

The City received a grant in 2011 to construct a pedestrian bridge from Riverside Park to the Water Street Redevelopment Area. In collaboration with Washtenaw County Parks and Recreation Commission (WCPRC), the City is pursuing the bridge crossing from Riverside Park to a corner of the Fischer Honda Dealership parcel on the east side of the Huron River.

Bob Tetens from WCPRC had initiated conversations previously with the owner of Fischer Honda, and Mr. Fischer expressed interest in providing a portion of his property for such an effort. Mr. Fischer requested an appraisal of the property and the City Assessor provided an initial estimate. A formal appraisal followed, which valued the area of the permanent easement at 28,000. Mr. Fischer agreed to the price as well as the cost of the appraisal which was $3,500.

Washtenaw County Parks and Recreation Commission met on Tuesday, March 12 and approved funding in the amount of $31,500 to cover the cost of the easement and the appraisal. Note that the easement agreement covers both the permanent and a temporary easement for the property, and the easement would be held by the City of Ypsilanti.

This easement or other permanent access is required per the State of Michigan's Natural Resources Trust Fund grant guidelines.

Council Member Murdock asked if the resolution could add the fact that the County will be paying for the project.

Ms. Gillotti stated that was fine.

Council Member Moeller and Council Member Jefferson agreed with this change as they had, respectfully, supported and seconded the resolution.

On a roll call, the vote to approve Resolution No. 2013-053, approving Fischer-Honda purchase agreement, was as follows:

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

VOTE:

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

2. Resolution No. 2013-054, declaring March 23, 2013 "Earth Hour Day" in the City of Ypsilanti.

Whereas, The Ypsilanti community is deeply concerned about the impacts of climate disruption and believes that energy efficiency and natural resource conservation are important elements to combating climate change;

Whereas, A significant and growing number of Ypsilanti residents engage in energy conservation activities such as turning off non-essential lights, recycling, choosing sustainable transportation, and weatherizing their homes and businesses;

Whereas, Ypsilanti City Council recently adopted a comprehensive Climate Action Plan that includes recommendations to reduce our energy consumption and green house gas emissions;

Whereas, Earth Hour is both an international and local symbolic event organized by World Wildlife Fund to raise awareness about climate change issues, to encourage businesses, individuals and government to take actions to reduce their carbon emissions and their impact on the environment in their daily lives and operations;

Whereas, Earth Hour asks all citizens, businesses, government agencies, and commercial and non-commercial establishments to turn off all non-essential lighting for one hour beginning at 8:30 pm on March 23, 2013 and to encourage citizens and businesses to commit to actions they can take in the coming year to reduce their carbon footprints and conserve energy;

Whereas, Earth Hour will be used as a tool to inform local residents and businesses about existing information and tools

already available within the community to assist them in increasing energy efficiency and decreasing emissions and use of natural resources;

Whereas, Extinguishing or dimming non-essential lights in City Hall and other City facilities and urging businesses and citizens to do the same will send a clear message that the people of Ypsilanti in the State of Michigan in the United States of America are concerned about climate change, stand with the rest of the world in seeking solutions and are demanding that elected leaders act immediately to take measures that will help fight global climate change; and

RESOLVED, That Ypsilanti City Council endorses efforts by World Wildlife Fund through Earth Hour to raise awareness around global climate change and energy efficiency;

RESOLVED, That Ypsilanti City Council encourages city employees to turn off or dim all nonessential lighting in city government buildings and public landmarks for the hour between 8:30 and 9:30 PM on March 23, 2013 to conserve energy and raise awareness about global climate change as part of the city-wide energy conservation event: Earth Hour; and

RESOLVED, That Ypsilanti City Council asks all citizens, businesses, government agencies, and commercial and non-commercial establishments to turn off all non-essential lighting for one hour beginning at 8:30 pm on March 23, 2013 and to commit to actions they can take in the coming year to reduce their carbon footprints and conserve energy; and

RESOLVED, That Ypsilanti City Council directs the City Manager to share this resolution with Eastern Michigan University to encourage their participation; and

RESOLVED, That Ypsilanti City Council declares March 23, 2013 to be "Earth Hour Day" in the City of Ypsilanti.

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

On a roll call, the vote to approve Resolution No. 2013-054, declaring March 23, 2013 "Earth Hour Day" in the City of Ypsilanti, was as follows:

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

VOTE:

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

XIII. LIASON REPORTS –

A. SEMCOG Update: March General Assembly on 3/21/2013
B. Washtenaw Area Transportation Study: Meeting on 3/20/2013

- Additional funds have become available allowing Grove Road project funds for 2014 to be used this year, thus saving the City from having to borrow the funds from Ypsilanti Township.

C. Washtenaw Metro Alliance: No meeting this week.
D. Urban County: No meeting since last Council meeting.
E. Freight House: Some discussion on the number of doors required for the Freight House.

Mayor Schreiber asked if there was any chance to hold weddings at the Freight House in the near future.

Council Member Murdock stated that would not be feasible at this point. He mentioned that the drawings were almost done and the previous mention of it being open in May was a bit premature.

XIV. COUNCIL PROPOSED BUSINESS –

Mayor Pro-Tem Richardson

- Mayor Pro-Tem Richardson stated that since the City was hiring it ought to also try restoring the 5% pay cut that many employees took when the furlough days were implemented.

- Stated that she saw there was another Medical Marijuana Dispensary that was trying to open and she would like to see a moratorium on any new dispensaries.

Council Member Moeller

- Mentioned that she would be attending the College Heights Neighborhood Association meeting with Council Member Vogt.

- Stated she appreciated how quickly staff handles the complaints that she gives to the City Manager from citizens in her Ward.

Council Member Vogt

- Stated that he also wanted to thank staff for taking care of various issues.

Council Member Jefferson

- Stated that he has received multiple complaints, which he has reported to the Building Department, about the property located at 210 S. Hamilton, about work being done and allowing occupancy without the proper permits.

XV. COMMUNICATIONS FROM THE MAYOR –

Go Solar Community Forum

Mayor Schreiber stated that he wanted to thank staff and said that he was impressed with the ShapeYpsi discovery process.

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

- Reported the sale of the City Crown Victoria.

- Provided update on the Streetlight Report.

- Stated he is in the middle of his first budget process.
- Shared that the Collaboration Committee will be meeting in a couple of weeks.
- Addressed concerns over the website and the City's image. Stated that Ms. Savage will be working on website content.
- City Clerk Frances McMullan provided a report on the Clerk-Treasurer office consolidation.

Mayor Schreiber asked for a motion to extend the meeting.

Council Member Vogt moved, supported by Council Member Jefferson, to extend the meeting for 10 minutes.

On a voice vote the motion carried.

XVII. AUDIENCE PARTICIPATION –

None

XVIII. REMARKS FROM THE MAYOR –

None

XIX. ADJOURNMENT –

A. Resolution No. 2013-055, 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 11:01 p.m.