1. City Council Special Meeting Agenda

   Documents: 05-21-2013 AGENDA.PDF

2. City Council Special Meeting Packet

   Documents: 05-21-2013 PACKET.PDF

CITY OF YPSILANTI
COUNCIL REGULAR AND BUDGET MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MAY 21, 2013
6:00 P.M.

I. CALL TO ORDER -

II. ROLL CALL -

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

III. INVOCATION -

IV. PLEDGE OF ALLEGIANCE -

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

V. INTRODUCTIONS –

VI. AGENDA APPROVAL –

VII. PRESENTATIONS -

1. Proclamation honoring the Behavior Workshop of Ypsilanti's CAPS Student Tutors and Junior Computer Technicians – Mayor Schreiber

VIII. AUDIENCE PARTICIPATION

IX. REMARKS BY THE MAYOR

X. MINUTES

Resolution No. 2013-079, approving the minutes of April 26, and May 7, 2013.

XI. ORDINANCES – FIRST READING –

Ordinance No. 1188

1. An emergency ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of 60 days.

   A. Resolution No. 2013-077, determination

XII. MOTIONS/RESOLUTIONS/DISCUSSIONS -

1. Resolution No. 2013-078, regarding Council Member abstention from voting.

XIII. LIASON REPORTS

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

XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

Ypsilanti Downtown Development Authority
Leigh Greden (reappointment)
EMU -- 207 Welch Hall
Ypsilanti, MI 48197
Term Expires: 7/7/2017

Recreation Commission
Bob Krzewinski (reappointment)
706 Dwight
Ypsilanti, MI 48198
Term Expires: 6/19/2016

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

XVII. BUDGET SESSION -

Continuation of Non-General Fund Expenditures Budget/Review - City Manager Ralph Lange

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

A. Resolution No. 2013-080, adjourning the City Council Meeting.

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I. CALL TO ORDER -

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Mayor Pro-Tem Richardson	P A		

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XVII. BUDGET SESSION -

Continuation of Non-General Fund Expenditures Budget/Review - City Manager Ralph Lange

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

A. Resolution No. 2013-080, adjourning the City Council Meeting.

Resolution No. 2013 – 079
May 21, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of April 26 and May 7, 2013 be approved.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

DRAFT

CITY OF YPSILANTI
SPECIAL COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197

FRIDAY, APRIL 26, 2013
7:30 A.M.

I. CALL TO ORDER –

The meeting was called to order at 7:35 a.m.

II. ROLL CALL –

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

4 Present; 3 Absent

Council Member Murdock moved, supported by Mayor Pro-Tem Richardson to excuse the absences. On a voice vote the motion carried and the absences were excused.

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."

VI. INTRODUCTIONS –

None

VII. AUDIENCE PARTICIPATION -

Eric Maes thanked the Mayor and City Council for their action on this item. He said the Friends of Rutherford Pool (FORP) have been working on this project for a while and are now approaching $1 million dollars in funds. He said he is looking forward to the new pool.

VIII. RESOLUTIONS/MOTIONS/DISCUSSIONS -

1. Resolution 2013-071, to approve Memorandum of Understanding with Baruzzini General Contractors regarding Rutherford Pool.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the Friends of the Rutherford Pool, Inc (Friends) have worked with the City to develop a plan to rebuild the Rutherford Pool, and

Whereas the Friends, with the City have secured a state grant to partially fund the rebuild, and the Friends have secured additional donations, that together will finance the rebuild, and

Whereas the City with the Friends issued a request for proposal for the rebuild, that contained a provision to consider alternate proposals, and

Whereas Baruzzini General Contractors (Baruzzini) submitted a bid with alternate proposal that would save approximately $100,000 in construction costs, and

Whereas the City and Friends have carefully considered all the bids and would like to accept the alternate proposal, and Baruzzini is willing to do additional work on the alternate proposal, at their own cost, to make it ready for submission for review and approval by the State of Michigan, City and Friends, provided, that if accepted, the bid would be approved and their alternate bid be accepted by the City and Friends, and

Whereas the City, Friends and Baruzzini have prepared a memorandum of understanding setting forth the agreement,

NOW THEREFORE, City Council approves the said memorandum of understanding and authorizes the mayor and city clerk to sign the memorandum of understanding for and on behalf of the City, subject to the approval of the city attorney.

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

Background

In 2011, the City of Ypsilanti applied for and received a Natural Resources Trust Fund grant for the Reconstruction of the Rutherford Pool, in collaboration with the Friends of the Rutherford Pool. In 2012, the City and the Friends entered into an operating agreement and lease, whereby the FORP would collaborate with the City on the reconstruction of the pool, but maintain responsibility for fundraising and successive operation of the pool.

The Friends of the Rutherford Pool went out to bid for design services and selected the team of Kadushin architects and WTI engineering to design the pool and prepare all required site and building plans as well as bid documents. That team had submitted plans for site plan and building department review, as well as the DEQ and DNR. Once approved, the team created bid documents, all in conjunction with the city.

A pre-bid meeting was conducted on March 19, 2013, and the bid documents accepted on March 26th at 4 p.m. by the City Clerk's office. The City received four bids, including one alternate proposal (attached).

The FORP and the City were interested in finding out more about the alternate, so followed up with Baruzzini Construction Co. on more detail, and included a short meeting with them the same day as the review team met. On March, 28, 2013 bids were reviewed by a team consisting of Ralph Lange, City Manager, Stan Kirton, Public Services Director, Teresa Gillotti, Community Development, Chris Allen, Kardushan & Associates, Brian Tell, FORP.

The team decided to follow up on the alternate, which would include us of a vacuum sand filtration technology that would be installed in the ground, with a cedar fence for separation rather than inside the building per the original bid/building plan specifications (see attached review from WTI and response from Baruzzini for more detail.) The alternate would provide a savings of just over $100,000 of other base prices submitted, although for a different filtration system.

After review of references, and further follow up with Baruzzini Construction Co., city staff and the FORP would like to request approval of Baruzzini Construction Co. for the Rutherford Pool reconstruction in 2013 subject to the following conditions:

- As the alternate would require changes to site and building plans, Baruzzini Construction Co. would be responsible for redrafting and resubmitting the plans for approval with the City of Ypsilanti, Michigan DEQ and Michigan DNR.

- Baruzzini Construction Co. would have 50 calendar days for the signing of the agreement to receive approvals from relevant agencies.

- If approval is not granted, the City will revisit the bids and may proceed with another contractor using the previously approved building plans.

Architect Chris Allen, Kadushin Associates, was present to answer questions from Council. He added that Baruzzini is an excellent company with a good reputation. He said EMU had a good experience with them and he visited the City of Wayne, who has the same system being proposed, and it was impressive. He said he is excited that the FORP can move forward since the proposal is within their budget.

Brian Tell, 408 Huron and member of FORP gave an overview on fundraising efforts and said they have raised $1 million so far. He said this has been an amazing experience for him.

Planner Teresa Gillotti explained that there is no contract for approval at this time because the original bid specifications were different from the alternate system that is being proposed so the new alternative needs to be submitted to the DEQ for approval. She said Baruzzini will change the plans but wanted the city's approval before moving forward. She added that if the DEQ doesn't approve, Baruzzini will go back to the original proposal.

Eric Maes asked for clarification on the details of the alternate plan.

Chris Allen said he wasn't able to explain the technical differences in the plans.

Mayor Schreiber asked about the trade-offs between the systems.

Mr. Allen said the original system is more costly. He said both systems are great and would work very well, however one is more expensive and self-contained.

Mayor Schreiber commented that pressure systems are mostly preferred now for newer pools.

Mr. Allen said both are currently being used. He said WTA is a pool expert so he would forward all technical questions to them.

City Manager Lange said WTA originally had some reservations but due to the reputation of the company they were persuaded. He said the existing plan saves over $100,000 from the second lowest bid. He said time is of an essence and he is 100% sure that Baruzzini will get the job done on time. He added that the quality of the company is excellent.

Mayor Schreiber asked what happens after the State approves.

Ms. Gillotti answered the plans would go through the Building Department for approval and then a contract would come before City Council for approval.

City Attorney John Barr explained that the memo says if Baruzzini receives approval from the City Council today it shows approval of the concept and that is the purpose of the Letter of Intent.

Mayor Schreiber asked about the indemnity clause.

City Attorney Barr said the indemnity clause is boiler plate language that is used in all city contracts. He said Baruzzini has indicated they have adequate insurance and once he reviews it and confirms there is no problem the contract goes forward.

Mayor Schreiber asked if there is a project schedule.

Mr. Tell said there is a June 17th deadline for all of the needed approvals then the item will come back to Council for approval and then building will begin in 90 days, hopefully June or July.

Mayor Schreiber asked if Labor Day is the target date.

Mr. Tell replied yes or sooner.

Council Member Murdock asked if this is a CUB agreement required project.

Mr. Allen answered yes.

Mr. Tell said the CUB agreement has been discussed and is understood.

Fred Vigal asked if the contractor has read and understands what the CUB agreement means.

Mr. Allen replied yes, they are fully aware.

Mr. Vigal asked if Union workers will be used for this project.

Mr. Allen replied the contractors are aware of the CUB stipulations.

Attorney Barr clarified that the CUB agreement does apply and said he confirmed if with the bidder.

On a roll call, the vote to approve Resolution No. 2013-071 was as follows:

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

VOTE:

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

IX. <u>REMARKS BY THE MAYOR</u> -

Mayor Schreiber thanked everyone for their hard work on the pool project.

X. ADJOURNMENT –

Resolution No. 2013-072, adjourning the Special 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 Murdock
SUPPORTED BY: Mayor Pro-Tem Richardson

On a voice vote the motion carried and the meeting adjourned at 7:59 p.m.

Draft

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MAY 7, 2013
6:00 P.M.

I. CALL TO ORDER –

The meeting was called to order at 6:04 p.m.

II. ROLL CALL -

Council Member Jefferson	Present	Council Member Robb	Present
Council Member Moeller	Present (6:13)	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

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

On a voice vote the motion carried.

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 moved, supported by Council Member Robb, to add an agenda item to suspend the rules and reconsider Resolution No. 2012-006.

On a voice vote the agenda was approved as amended.

VI. INTRODUCTIONS –

Mayor Schreiber introduced former Mayor Dr. Cheryl Farmer, Historic District Commissioner Hank Prebys, and Joe Fazio.

VII. PRESENTATIONS –

1. Proclamation honoring Jane Schmiedeke – Mayor Schreiber

2. Re-imagine Washtenaw Project Update – Nathan Voght, Economic Development Specialist
   (Presentation on file in the Clerk's Office)

Council Member Murdock asked for confirmation that the state law had been changed to allow a single entity instead of four entities and asked what the next steps would be to move forward.

Mr. Voght answered that the law had been changed and explained that each entity would need to pass an identical ordinance creating a new authority that defined the number of members that would be appointed by each unit. He stated that the tax component could be left off so that it was simply for organizational purposes which would allow the authority to be grant-eligible.

3. Family Dollar Update – Planner Teresa Gillotti

   Ms. Gillotti presented Council with a marked-up copy of the most recent version of the Purchase Agreement. She reviewed the process for selling a property on Water Street, the steps the Family Dollar proposal has gone through, the changes that have been made to the Purchase Agreement, the tax benefit, how the new proposal fits in with the master planning process, and the next steps if the agreement is approved.

   Mr. Fazio and Mr. Tippman, from Core Resources, provided input on the details of the Purchase Agreement and the steps the developer was taking, respectively.

VIII. AUDIENCE PARTICIPATION

Mayor Schreiber read the rules for audience participation.

1. Emmanuel Jones, 6916 Plainview (Ypsilanti Township), stated that he wanted to thank Council Member Jefferson for his support, through his church, of the bowling fundraiser for the Mentor2Youth nonprofit organization, which raised over $3,000. He said that he looks forward to future support from other Council Members as well.

2. Dr. Cheryl Farmer, former Mayor, 214 N. Huron, stated that she wanted to add her thanks for Jane Schmiedeke for her more recent role in preserving the Starkweather farmhouse. She stated that she wanted Council to consider the following question: "Can a Family Dollar store be the anchor development that helps Ypsilanti draw in the additional types of development we want to see on the rest of the parcel?" She stated that what we are willing to settle for is what we will end up with and she asks that Council votes wisely.

3. Dave Heikkinen, local business owner, stated that he is embarrassed, on behalf of Ypsilanti, that this is the best we can get on the Water Street property. He said that it was energizing to participate in the Shape Ypsi master planning process and seeing how many people care about and support the City. He stated that he does not know how anyone can support this because it sets the bar very low. He asked that Council would really consider this and asked that they consider creating a task force of interested community members to help pursue what the City should do to market the property in a way that represents what the City stands for.

IX. MOTIONS/RESOLUTIONS/DISCUSSIONS -

1. 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 SE 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: Council Member Jefferson
SUPPORTED BY: Mayor Pro-Tem Richardson

Council Member Vogt stated that he wanted to thank the developer for agreeing to a long list of changes that Council requested. He said that he is still concerned that the Shape Ypsi process has not been completed and the fact that they are not looking at a potential two or three-story building because of the tax benefit of maximizing the use of every parcel.

Council Member Robb asked Council Member Vogt if he felt the City should hold off on all development until the master planning process was completed and passed by Council.

Council Member Vogt stated that he felt they did not have to be completely finished with the master planning process to know that this project doesn't quite fit with the direction the master plan is headed.

Council Member Robb stated that he was confused because he does not think that anyone has ever given their vision for what the Water Street property should be. He mentioned that a consultant came and sold everyone on the idea of a grid-plan while the City had previously been working based off of the Freed plan, which Jane Schmiedeke's husband, an acclaimed architect, said was the greatest natural use of the river he had ever seen. He stated that the stand-alone building that is a part of this project fit the Freed plan. He said he feels like we are throwing this project away because of the one week of Charettes that were a part of the master planning process.

Council Member Vogt stated that he does not feel like we are throwing away anything and said he does not know why this proposal cannot fit the rest of the Freed plan with higher-use and mixed-use buildings as well to maximize the economic value of the parcels.

Mayor Pro-Tem Richardson stated that anything that is new becomes old. She mentioned Mr. Carter Good's reading of his son's letter and stated that she feels it is important to think about the development on this corner as a segue into the next block, and not just zero in on the corner itself, realizing that there are older buildings right across the street. She said there are still 37.5 acres available for mixed-use.

Council Member Moeller stated that she is going to vote against the resolution because many of the citizens from her Ward are against the project.

Council Member Jefferson stated that he appreciates the changes that were accepted since the last meeting. He said that he feels the changes help the building to fit better with the Freed plan and make the parcel more attractive. He also said that there was still a lot of land left that Council can use to develop however they choose. He stated that he does not agree with those who say the City has a beggar's mentality because the developers have been willing to make changes to the agreement based on Council's desires for the project.

Council Member Murdock stated they had met all of the criteria that was in place when the project began and now all of these changes are being made because of the master planning process that has just begun. He said that if we change things every time there is a new plan or a new idea then we won't be able to get anyone to come and develop on the site. He stated that he would be supporting the resolution because of this.

Mayor Schreiber stated that he also planned to support the resolution tonight. He said he is really happy that the developer was able to accommodate the last minute changes requested by Council. He stated the comments made by former Mayor Farmer brought him back to the days when they had hoped there would be a single developer that would develop the whole site, but said he feels the City would have to wait a lot longer to find a developer to come in and do that. He stated that since this project falls in line with the grid structure he sees it as an opportunity to diversify.

Move by Council Member Murdock, supported by Council Member Robb, to add an amendment that reads "FURTHER RESOLVED that the proceeds from this sale, less any commissions, closing costs and other costs directly related to this sale be placed in a restricted fund to be used solely for Engineering, Infrastructure or Debt Service for the Water Street site."

Council Member Moeller asked Council Member Murdock why he proposed this amendment.

Council Member Murdock stated that he feels the funds should go back into retiring the debt or making the property more saleable.

Mayor Schreiber asked Ms. Gillotti to address Council to explain how the amendment would impact the project.

Ms. Gillotti stated that it was mostly just solidifying the policy as this concept had been discussed previously.

Mayor Pro-Tem Richardson stated that she agrees with this amendment to the resolution because any income from any parcel sold or leased should go towards retiring the debt or maintaining the infrastructure.

Council Member Moeller stated that she agrees with the amendment but she doesn't like the idea of it being tied to the sale because she is not going to vote for the Family Dollar store but she does agree that any proceeds should be applied to the debt. She stated that there should be a policy like this for all of the land sold or leased so that it is a more general policy.

Council Member Murdock stated that if they do not pass this when the opportunity is present then it will not ever get done.

On roll call, the vote to approve the amendment to Resolution No. 2013-052 was as follows:

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

VOTE:

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

Mayor Schreiber stated that he voted no because he does not like to see things come in at the last minute without having been studied by staff.

On roll call, the vote to approve Resolution No. 2013-052, as amended, was as follows:

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

VOTE:

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

2. Motion to suspend the rules and reconsider Resolution No. 2012-006

Council Member Murdock stated that while a lot of the other details were still being reviewed by the Planning Commission, the location of the Recreation Center on the Water Street site had already been decided on by Council. He said that he feels Council should vote on this again to put to rest the idea that the City is not interested in moving forward with the project at that location.

Attorney Barr confirmed that this was a motion to suspend the rules and reconsider a previous action by Council. He stated that if Council votes this down it would, in effect, be a reaffirmation of the original vote and confirmation that Council wishes to go forward with the original deal.

Mayor Pro-Tem Richardson asked Council Member Murdock to confirm that he is asking Council to set aside rules so that they can once again look at Resolution 2012-006. She stated that she did not feel comfortable voting on something that they did not have in front of them.

Council Member Murdock explained that if they vote to suspend the rules the resolution would be on the table to discuss and be voted on once again.

Council Member Moeller asked why they were reconsidering this when they had already voted on this previously.

Council Member Murdock stated that there had been talk about City Council not being sure of the location of the Recreation Center on the Water Street site and it had upset Washtenaw County Commissioners because they thought the City had voted on the matter.

Mayor Schreiber shared that he had breakfast with the Washtenaw County Parks and Recreation Commission Chair Bob Marans and they discussed the Recreation Center and its location on the northwest corner of the property. He stated that Mr. Marans agreed that the Recreation Center could align to the grid structure. He said that he would be voting against suspending the rules to reconsider this resolution.

City Manager Ralph Lange stated that unless Council votes to reconsider Resolution No. 2013-037, which states "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…", he could confidently, on behalf of the Administration, state that the Council's position has not changed, as he feels this resolution, passed on February 19th reaffirms that commitment.

Council Member Murdock stated that, given the Mayor and Mr. Lange's comments, he does not feel this is necessary and he will withdraw his motion. He stated that he just wanted to reaffirm their commitment to the project and the location on the Water Street site.

3. Resolution No. 2013-073, approving appointments to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	**BOARD**	**TERM TO EXPIRE**
Sally Lusk (reappointment) 1111 W. Clark Rd. Ypsilanti, MI 48198	**Huron River Watershed Council**	**12/2/2014**
Sally Lusk (new appointment) 1111 W. Clark Rd. Ypsilanti, MI 48198	**Ethics Board**	**10/16/2013**
Mark Bullard (reappointment) 37 Photo Ypsilanti, MI 48198	**Planning Commission**	**5/1/2016**

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

On roll call, the vote to approve Resolution No. 2013-052 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

X. AUDIENCE PARTICIPATION –

Mayor Schreiber stated that the same rules applied as previously stated.

1. Mark Hergott, 111 Miles, stated that he wanted to personally introduce himself and welcome the new City Manager and Council Member Moeller. He said that he thinks the Family Dollar store is a good fit for the neighborhood and he thinks it was a good vote to support it. He also stated that he supports Fire Chief Anthouard's support of the new box-launches. He said, to Mr. Lange, that we need to work with our neighbors as far as Police and Fire are concerned to collaborate with the surrounding jurisdictions.

XI. <u>REMARKS BY THE MAYOR</u> –

Mayor Schreiber welcomed back Mr. Hergott and said that it was good to see him. He said that Mr. Lange has bent over backwards to negotiate with the Fire and Police unions and said he is looking at all of the options. He stated that the City is doing a lot of things to collaborate with other local governments and he appreciates the interest.

XII. <u>MINUTES</u>

Resolution No. 2013-074, approving the minutes of April 23, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of April 23, 2013 be approved.

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

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

XIII. <u>LIASON REPORTS</u>

A. SEMCOG Update:

- Mayor Pro-Tem Richardson stated that at the last meeting SEMCOG voted to give a portion of the funds that the City of Detroit had been receiving for bus services to the Suburban Mobility Authority for Regional Transportation. She stated that she did not vote for that because she felt it was something that could have been left for the Regional Transportation Authority to decide on.

- She shared that there will be a general assembly meeting sometime in June.

B. Washtenaw Area Transportation Study:

- Council Member Murdock stated that they are setting up public sessions for the 2040 Transportation study.

C. Washtenaw Metro Alliance:

- Council Member Robb stated that after a two year absence they finally met and had some members of the press show up. He shared that they discussed MABAS, the Mutual Aid Box Alarm System, and the AATA. He said they would meet again in July.

D. Urban County:

- Mayor Schreiber stated that he has nothing else to report since the last meeting.

E. Freight House:

- Council Member Murdock stated that tomorrow evening the Friends of the Freight House should be receiving the drawings and cost estimates.

XIV. COUNCIL PROPOSED BUSINESS –

Mayor Pro-Tem Richardson

- Stated that she attended an event for World Laughter Day which is celebrated in over 80 countries worldwide to promote peace and harmony.

Council Member Murdock

- Asked if the City needed to get any other help or involvement to market the Angstrom plant facilities that he noticed had recently been put up for sale.
  - Mr. Lange answered that he, along with Ms. Gillotti, had been in contact with the owners and said they will be engaged in supporting the sale and redevelopment of the site.
- Stated that he was going to propose a rule that Council Members could only abstain from a vote if they had a conflict of interest.

Council Member Robb

- Stated that the Letter of Intent for the Recreation Center will expire in less than two months and said he would like to know if it would be extended.
- Shared that this summer will mark the two year anniversary of 208 E. Cross and asked when it would be cleaned up.

Council Member Moeller

- Stated that there was a steam pipe, or something similar, making a lot of noise in the area of the physical plant at EMU and there had been a lot of complaints.

Council Member Vogt

- Shared that he had presented the proclamation to the Ypsilanti Community Choir on behalf of the Mayor last week, which he enjoyed greatly.

Council Member Moeller

- Mentioned the wonderful work the Mentor2Youth organization is doing and said he is welcome to help Mr. Jones anytime.

XV. COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber stated that the only communication he had was about an email received by Council from the City Clerk about submitting the Clerk's evaluation. He stated that it should be submitted to either Mayor Pro-Tem Richardson or Council Member Robb by May 24th.

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

1. Mentioned that his neighborhood got a new LED light which he was excited about.
2. Shared that he wanted to update Council on the Infrastructure Plan relating to major roads and bridges, along with OHM and DPS Director Stan Kirton.
3. Stated that there was a DPS worker counting the lights in City Hall for the City Building Energy Conservation Fund project.

4. Commended the Police and Fire departments for their hard work.

5. Shared that the AFSCME negotiations will begin on Thursday.

The meeting recessed at 8:20 p.m.

The meeting reconvened at 8:32 p.m.

XVII. <u>BUDGET SESSION</u> –

1. General Fund Revenues Review/Questions (FY 2012-13, FY 2013-14) –Ralph A. Lange

2. General Fund and Non-General Funds Expenditures Review/Questions (FY 2012-13, 2013-14)

- Ralph A. Lange:

  - FY 2012-2013 Accomplishments:
    - Established Draft Recovery Plan – within first 90 Days
    - SEMCOG Audit
    - SEMCOG supported most of the Recovery Plan
    - Rescheduled and Reduced Interest on CDBG component of Water Street Debt (from 4% to 2%)
    - The city lost 18 employees between Jan 1, 2012 – May 1 2013; hired or rehired only 5
    - Established more comprehensive Tier II benefit package for union and non-union employees
    - Settled POAM contract

  - Overview:
    - Good News
      - **5 Year Recovery Plan-** Revenues have proven to be more accurate than previously projected
      - **Rutherford Pool Project-** looking forward to the reconstruction beginning this year
      - **Water Street Redevelopment-** Actively working toward securing the first private investment
      - **Enhanced Service-** FY 2013-2014 budget projects a fiscally responsible increase in personnel for the first time in many years
      - **Taxable and Assessed Values**- Housing & Business Markets have significantly improved over the past year and are projected to continue improving
    - General Fund Revenues and Expenditures
    - City Manager's Office

- Judi Smith:

  - Human Resources
  - Worker's Compensation & Unemployment

- Frances McMullan:

  - City Council Budget
  - Clerk/Treasurer's Office
  - Voter Registration
  - Administration Hearing Bureau
  - City Insurances
  - Treasury

- Teresa Gillotti:

  - Community Development Consolidation
  - Building Inspection
  - Planning
  - Water Street Grant Activity
  - CDBG
  - Building Ordinance Enforcement
  - Historic District Commission

- Stan Kirton:

  - Public Building Maintenance
  - Parking Lots & Meters
  - Street Lighting
  - Parks
  - Major Streets
  - Local Streets
  - Environmental Services
  - Garbage Services

- John Barr:

  - Legal Services

- Marilou Uy:

  - FY 2012-2013 Accomplished Goals
  - General Accounting
  - Assessing
  - Senior Center
  - Parkridge
  - Sick & Vacation
  - MTT and Charge backs
  - Transfers and Contributions
  - FY 2013-2014 Goals

Mr. Lange stated that, though this was his first budget session, he feels he understands the constraints the City is dealing with. He said that, at the moment, the budget is only off by approximately $500,000. He said there is no silver bullet that will get rid of all of the debt but he thinks he is presenting ideas that are helping to slowly but surely chip it away.

XVIII. AUDIENCE PARTICIPATION –

Mr. Hergott stated that Mr. Lange and Mr. Koryzno are definitely very different and said that he had long had the faith that things would change, but, after hearing Mr. Lange speak, he is now hopeful.

XIX. REMARKS FROM THE MAYOR –

Mayor Schreiber stated that he appreciated everyone's hard work and cooperation.

XX. ADJOURNMENT –

A. Resolution No. 2013-075, 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. The meeting adjourned at 10:50 p.m.

Barr,
Anhut &
Associates, P.C.
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John M. Barr
Karl A. Barr
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Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jane A. Slider ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: May 10, 2013

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Moratorium Medical Marijuana

SUMMARY/BACKGROUND

Councilmembers Jefferson and Richardson have requested that no more permits/licenses be granted for medical marijuana until staff reviews the present density of licenses already granted.

There are presently several bills in the legislature concerning medical marijuana and several court cases in the higher courts that could have an effect on medical marijuana.

I recommend a moratorium on permits/licenses for medical marijuana until staff can review and matter and make recommendations.

City charter section 2.11 allows for an emergency ordinance on first reading that could impose a moratorium for 60 days. I recommend that council consider and pass such an ordinance. Note that a 4/5 vote of the council members present is needed for passage.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance
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Ordinance No. 1188

An ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of sixty days

WHEREAS Ordinance 1145 of 2011, Chapter 22 of the Ypsilanti City Code provides for Medical Marijuana Dispensary/Growing Facility licensing, and

WHEREAS, several licenses have been granted, and

WHEREAS, the Michigan courts have issued several opinions and court orders concerning medical marijuana and a number of other cases are moving through the court system, and

WHEREAS, there is legislation proposed in the State legislature that could have an impact on Michigan medical marijuana, and

WHEREAS, the city desires to review the number of permits and licenses to be allowed in the city, and

WHEREAS The City desires to ascertain the best and safest path to continuing compliance with the Michigan Medical Marijuana Act, Being PA 2008; MCL 333.26423(d) in order to protect the public health, safety, and welfare; and

WHEREAS the City Council determines that it is desirable to immediately and temporarily suspend the issuance of permits and licenses under Chapter 22 for the cultivation, use, sale, or dispensation of medical marijuana until further study is done, and

WHEREAS Council is empowered to enact ordinances with immediate necessity for the public health, safety, and welfare, and to be adopted at a session at which it is first introduced and the City Council determines that the following ordinance satisfies that requirement, and

WHEREAS, Council declares this ordinance to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety or welfare for the facts and circumstances set forth above:

1. THE CITY OF YPSILANTI ORDAINS That a moratorium is hereby imposed on the issuance of any and all permits and licenses under Chapter 22, or otherwise for the sale or dispensing of medical marijuana for a period of sixty days.

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

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

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

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

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ________ DAY OF ____________________, 2013.

____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ___ was published in ____ on the __________ day of _____________________, 2013.

____
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _______________, 2013.

____
Frances McMullan, City Clerk

First and Final Reading: May 21, 2013

Published: _______________________

Effective Date: Immediate

Resolution No. 2013-077
May 21, 2013

RESOLUTION ADOPTING EMERGENCY MORITORIUM PROHIBITING

ISSUANCE OF PERMITS AND LICENSES UNDER CHAPTER 22 FOR SIXTY DAYS

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council determines that further study of the medical marijuana ordinance, Chapter 22 of the city code is necessary, and

WHEREAS, City Council determines that an emergency moratorium prohibiting permits or licenses for sixty days is necessary for the public peace, health, safety and welfare, and

WHEREAS, City Council determines that the moratorium should be given immediate effect as an emergency ordinance under City Charter Section 2.11,

NOW THEREFORE BE IT RESOLVED that an ordinance entitled **An ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of sixty days** is adopted and given immediate effect.

OFFERED BY:____

SUPPORTED By:____

YES: NO: ABSENT: VOTE:

Resolution No. 2013-078
May 21, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that each member of the Council present shall cast a "yes" or "no" vote on each question before the Council, unless having a financial conflict of interest or excused from voting by a vote of at least four (4) members of City Council, excluding the member requesting the abstention.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Statement from Leigh Greden:
I would be honored to be re-appointed.
My goals for my next term include:

-- continue the work I have led as Chair to focus on investing DDA resources in downtown infrastructure (these investments have proven wildly successful)
-- continue to work with the City to implement long-term goals related to transit and public safety
-- continue to reduce expenses to ensure long-term financial viability

Leigh R. Greden, Esq.
Executive Director, Government and Community Relations
Eastern Michigan University

Statement from Bob Krzewinski:
Paul - I would be very interested in continuing to serve on the Recreation Commission!

As far as goals for a next term, I would like to help make happen...

- More recreational events in the City, especially since the City no longer has a Recreation Department
- Increased promotion of City parks
- Exploring more grants to improve City parks
- Greater cooperation with other county organizations

Bob Krzewinski

Resolution No. 2013-080
May 21, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE: