



APPROVED

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

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. INTRODUCTIONS –

Mayor Schreiber introduced Washtenaw County Commissioner Ronnie Peterson, Pastor Grayson, Firefighter Ken Hobbs, and Member of the Heritage Park Neighborhood Association Fred Williams.

VI. AGENDA APPROVAL –

Council Member Murdock moved to delay Resolution No. 2013-078 until after the approval of the Minutes.

On a voice vote the agenda was approved as amended.

VII. PRESENTATIONS –

1. Proclamation honoring the Behavior Workshop of Ypsilanti's CAPS Student Tutors and Junior Computer Technicians—Mayor Schreiber **Delayed to June 4, 2013 meeting**

VIII. AUDIENCE PARTICIPATION –

Mayor Schreiber read the rules for audience participation.

1. Bryan Foley, 424 Ainsworth, stated that he is a lifelong resident of the City and he is here in support of the medical marijuana moratorium. He said he thinks it is important to take the time to look at how it impacts the community.

2. Firefighter Ken Hobbs, President of the Ypsilanti Firefighter Local 401, shared that he was upset the Firefighters had not been allowed on the agenda for a presentation to City Council. He stated that while City administration was claiming there would be a \$2.1 million savings in converting to a hybrid public safety model they had facts to counter that assumption. He also stated that if the City of Kalamazoo converted back to traditional Fire and Police departments they would save \$7.9 million annually, just in personnel costs, and further mentioned that the City of Oak Park would save \$1.2 million and the City of Grand Haven would save over \$700,000. He said that the Michigan Professional Firefighters Union stated that these facts are the reason that the State Treasurer's Advisory Committee denied funding to communities for the purpose of developing hybrid public safety models.
3. Robert Casey, resident of Ypsilanti Township, stated that he came to speak in support of the medical marijuana moratorium. He said he has lived here for over 30 years and he loves Ypsilanti, but he has seen the community struggle, especially the African American community, and he thinks a moratorium is a good thing.
4. Jamie Lowell, from 3rd Coast Compassion Center, located at 19 N. Hamilton, stated that though he feels it is perfectly reasonable for the City to take a look at whether there should be a cap on the number of medical marijuana facilities allowed or if the market should simply be allowed to play out as is, he thinks an emergency moratorium seems inappropriate as there is no public health or safety concern.
5. John Evans, 1301 Kingwood, stated that he relocated to Ypsilanti because of the medical marijuana laws. He said he loves this town because it has charm, character and history. He said if there are public health and safety issues they should be addressed but he does not think there should be a moratorium. He said that any facilities that were problematic should be addressed on an individual basis. He said the City of Ypsilanti is leading the State and he shared a Federal bill that would recognize all state medical marijuana laws.
6. Pastor Grayson, of Messiah Temple Church in Ypsilanti, stated that the City of Ypsilanti has a greater saturation of medical marijuana facilities than other nearby jurisdictions which he feels may contribute to issues in the community, especially the south side, which has already dealt with crime in the area and recovered from it. He is concerned with the direction of the City and the impact it will have on future generations.
7. Fred Williams, 82 Madison, stated that he thinks it would be a disservice to the community to allow more medical marijuana facilities in the City.
8. Cherisse Lamarr stated that she grew up in the area and feels the neighborhood is already struggling in regards to safety, especially for children. She stated that additional medical marijuana facilities in the area would attract more traffic and negativity to the neighborhood.
9. Victoria James, Pastor of Ekklesia Fellowship Ministries at 123 N. Adams, stated that she has been a lifelong resident of Ypsilanti and she does not want the City to be associated with marijuana, especially at the entryway to the City on the south side, which had been cleaned up before to create a more pleasant entry to the community.
10. Valerie Brown-Tooson, 107 Middle Dr., stated that she is totally against a medical marijuana facility being located at the gateway of the community. She stated that a first impression is a lasting impression and she does not want anyone having a negative impression of the City.
11. Adam Tasselmeyer, founder of Herbal Solutions, located at 124 W. Michigan Avenue, stated that the six medical marijuana businesses currently operating in the City have maintained storefronts, renovated spaces, and employed City residents, all of which are positive things. He shared that the medical marijuana facilities have to pass inspections, done by the City, in order to remain in business and he hopes Council would consider this before making a decision on the future of these facilities in the City.

12. Lee Tooson, 107 Middle Dr., stated that the south side of the City has always been a dumping ground for things that were unwanted. He asked City Council to help the citizens clean up the City. He said that people would not come and visit the City if they did not feel safe and saw eyesores all over.

IX. REMARKS BY THE MAYOR –

Mayor Schreiber stated that he appreciated everyone who came to speak. He commented on the statements made by Ken Hobbs and shared that the union is currently in negotiations and Mr. Lange is participating in those negotiations. He said that allowing a presentation to City Council would be overstepping Mr. Lange's negotiation efforts.

Council Member Vogt stated that there was a misconception that Council was not considering pros and cons of the PSO model, which he said is false. He said the purpose is to save the City, financially, and they need to figure out a method that works for us and not what works for other cities. He stated that Council was being very deliberate, careful, and thorough in analyzing these issues. He said Council is open to any discussions that anyone would like to have, both formally and informally.

Council Member Jefferson stated that he wanted to thank those who came to speak about the moratorium on Medical Marijuana. He said that he is proud of his neighborhood and he wants it to continue being a welcoming gateway into the City.

Mayor Pro-Tem Richardson stated that she wanted to make sure everyone understood the moratorium was only to prevent new medical marijuana facilities from opening and not to infringe on the businesses that were already licensed and operating in the City.

Mayor Schreiber stated that he appreciated Council Member Vogt's comments about the union negotiations and said that once the contract was settled he would welcome a presentation from the firefighters. He shared that the State has rules regarding union negotiations, which must be done in a closed session.

Council Member Moeller stated that it is not illegal for them to be on the agenda while negotiations are going on. She said that she does not understand how Council can suggest the firefighters come and present their information on PSOs after a contract has been agreed upon that contains information about those PSOs.

X. MINUTES –

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

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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

On a voice vote the minutes were approved as submitted.

XI. MOTIONS/RESOLUTIONS/DISCUSSIONS –

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

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: Council Member Murdock
SUPPORTED BY: Council Member Jefferson

Council Member Murdock stated that he was surprised Council Members were able to abstain because he knows in the past they were not able to. He said that he feels they are elected to make decisions and he feels they should have to vote on every issue.

Council Member Moeller stated that she feels this resolution is about her recent abstention and, though she is new to City Council, she thought they were following Robert's Rules of Order, which allows abstention. She explained her reasoning for abstaining and said she feels they have had a lot of censorship lately and does not like creating new rules as they go along.

Council Member Murdock stated that he feels Council should have to vote on all of the issues that come before them, which is why he proposed the change. He said this was not about any particular person but about the Council as a whole.

Mayor Pro-Tem Richardson said that Council Member Moeller should not feel bad as she remembers a time when many Council Members disagreed with her and she decided to excuse herself from the Council Meeting, during which time they passed a resolution that did not allow abstention.

Council Member Moeller stated that Attorney Barr confirmed that she could abstain from voting. She added that if Council has a problem with her abstaining, she will follow their rules.

Council Member Robb stated that no one has abstained more than Mayor Pro-Tem Richardson, yet they've elected her as Mayor Pro-Tem twice. He stated that if someone wanted to abstain from every vote their constituents would judge them for their actions. He said he would be abstaining from this vote.

Mayor Schreiber stated that he wanted to support Council Member Robb's viewpoint on this because, according to the City Charter, it takes four "yes" votes for a motion to carry, so anything other than a "yes" vote can cause a motion to fail.

Council Member Vogt urged Council to not take this resolution as being directed towards any individual. He shared a proposed amendment that would include professional conflicts of interest.

Council Member Murdock stated that, under the system proposed by this resolution, they could ask to be excused from voting if they feel that have some other conflict of interest.

Council Member Vogt stated that there may be instances where the conflict of interest was confidential and could not be explained to Council in order to be excused from voting.

Council Member Murdock accepted the amendment to the resolution.

Mayor Pro-Tem Richardson moved, supported by Council Member Jefferson, to set aside the resolution and move on with the meeting. She said she felt this conversation was leading to a divided Council which would not help the City move forward.

On roll call, the vote to table Resolution No. 2013-078 was as follows:

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

VOTE:

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

On roll call, the vote to table Resolution No. 2013-078, as amended, was as follows:

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

VOTE:

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

XII. 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

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.

Ordinance on file in Clerk's Office.

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

Planner Teresa Gillotti provided a brief background.

Summary of Ordinances

The City of Ypsilanti adopted two ordinances, one regarding zoning of medical marijuana facilities and another determining the licensing process for medical marijuana dispensaries, growing facilities and home occupations (for growing only).

The intent with the zoning ordinance was to permit dispensaries in such a way that they were dispersed through the various business districts rather than clustered into one particular district (Downtown vs. Depot Town for example). Additionally, it was felt that the dispensaries should be 1,000 feet from a school and that no two dispensaries, growing facilities or combination thereof, be within 500 feet of one another. There are many other requirements that can be found in the ordinances and fact sheets located here: www.cityofypsilanti.com/mmma. A brief summary follows:

Dispensaries

- Dispensaries may only be located within the B2, Community Business; B3, Central Business; or B4, General Business zoning districts.
- Dispensaries must be located at least 1,000 feet from a school, as measured from the parcel boundaries.
- Dispensaries must be located at least 500 feet from medical marijuana growing/manufacturing facilities or other dispensaries, as measured from the parcel boundaries.
- Growing, smoking, or other use of medical marijuana at a dispensary is prohibited.
- All activities related to the dispensary shall be done indoors.
- The dispensary shall maintain a log book and/or database identifying the amount of medical marijuana on the premises for each qualifying patient/caregiver, and shall be available to law enforcement or code officials at any time.
- Dispensary drive-through facilities are prohibited.
- The premise will be open for inspection by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules.

Growing Facilities

- Growing/Manufacturing facilities may only be located within the M1, Light Manufacturing; M2, General Manufacturing; and CI, Commercial Industrial zoning districts.
- Growing/Manufacturing facilities must be located at least 1,000 feet from a school, as measured from the parcel boundaries.
- Growing/Manufacturing facilities must be located at least 500 feet from medical marijuana dispensaries or other growing/manufacturing facilities, as measured from the parcel boundaries.
- A maximum of five (5) primary caregivers may operate at one growing/manufacturing facility.
- Use of medical marijuana at a growing/manufacturing facility is prohibited.
- All activities related to the growing/manufacturing facility shall be done indoors.
- There shall be no other accessory uses permitted within the same building, including dispensaries.
- The facility shall maintain a log book and/or database identifying the amount of medical marijuana on the premises for each qualifying patient/caregiver, and shall be available to law enforcement or code officials at any time.
- All plants shall be contained within the main building in accordance with the Michigan Medical Marijuana Act, as amended.
- The premise will be open for inspection by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules.

Existing and potential future facilities

Dispensaries

Currently there are 6 licensed dispensaries, and one potential dispensary that has submitted an application but not the required site or building plans. Based on the zoning and distance requirements and the location of the pending application, there appear to be 2 likely locations for additional dispensaries in the City. "Likely" is based on countless staff conversations with location seekers, applicants, and potential landlords. There are additional areas where a dispensary can theoretically be

located, but based on the existing uses as well as other factors, staff feels that the existing use is unlikely to change. Those locations include: former Taco Bell on Ecorse, 800-900 block of W. Michigan, and potentially the 500-600 block of W. Michigan although this is less likely based on the existing landlords and businesses.

Grow Facilities

There is one operating growing facility with two others pending final approval, due to the City's requirement for special use permit/site plan review. A facility on Railroad Street has applied for a license and the approval is pending site plan approval/construction. A proposed facility on Catherine Street has received the special use permit and site plan approvals. Work is currently underway on the site and building including sidewalk expansion, storm water management and building improvements. This owner decided to wait to submit a license application, as there is a provision in the city's ordinance noting that the applicant has only 60 days to receive a certificate of occupancy (all site and building work completed), once the license has been issued.

There is potential for approximately 2 more growing facilities: one in the Industrial park and another at the former Wooden Nickel on Huron River Drive.

Distribution

Dispensaries and growing facilities are fairly well distributed in the City between wards 1 and 3, where the majority of the business districts are located.

Ward 1 – 2 dispensaries, 1 potential dispensary, 1 grow facility and 1 potential grow facility

Ward 2 – 1 dispensary

Ward 3 – 3 dispensaries & 1 potential grow facility

Moratorium concerns

I understand that the City Manager's office is requesting feedback from the City Attorney regarding any legal issues related to potential vested rights related to the three facilities currently in the process of approval to see if that would pose an issue related to the proposed moratorium.

Council Member Vogt stated that a lot of conversation has revolved around the City being saturated with these facilities and asked if Ms. Gillotti felt the City was saturated in terms of demand.

Ms. Gillotti replied that there are a lot of inquiries about opening new facilities and these potential business owners feel that there is still a market for more dispensaries in the City.

Council Member Moeller asked why Council was now considering a moratorium on medical marijuana facilities when they had previously passed an ordinance allowing them.

Council Member Jefferson stated that it is not clear what will happen to these facilities in the future, as the State legislature and courts make further decisions and rulings, so he felt it was a good time to reevaluate the City's ordinance. He said that a lot of the details of the City's ordinance are clearer to him now that the facilities have been in operation and he would like to use this opportunity to address any concerns. He stated that he, along with Mayor Pro-Tem Richardson, should have been notified of the new application for a grow facility located in Ward 1. He said it is his responsibility, as a representative for that neighborhood, to know what is coming into the community.

Council Member Robb stated that this seems like a complete abuse of the emergency ordinance. He outlined the requirements to make a change to the ordinance and stated that the 60 days allotted under the requested moratorium doesn't give Council or staff much time to work on any substantial changes and would impose strict deadlines on staff members to get the changes approved in a timely manner. He stated that Council should feel free to explore changes to the ordinance but said he does not feel the emergency ordinance is the correct way to go about doing this.

Mayor Pro-Tem Richardson stated that this was not originally presented as an emergency ordinance but it

was the advice of legal counsel to proceed in this manner. She said she does feel that allowing up to 15 medical marijuana facilities in a City as small as Ypsilanti is extreme and Council should go back and take another look at the ordinance. She shared a recent experience where she was in a parking lot that was located near a dispensary and said she saw multiple people coming and going from the dispensary and even witnessed individuals smoking in the parking lot. She said that the smoke was so strong she felt like she needed to move away from the area. She stated that she did not think City Council had thought about the undue stress these facilities would put on the Police Department when they already have a limited number of officers on patrol.

Council Member Robb asked Mayor Pro-Tem Richardson and Council Member Jefferson, who offered and supported the resolution, what, specifically, they were looking to change within the next 60 days.

Council Member Jefferson stated that he would like to take a look at the regulations regarding the location of the facilities and their distance from other businesses. He said that he would like to take a look at other jurisdictions to see if we had a comparable number of facilities in the City.

Council Member Murdock stated that there are limits to the locations of the facilities based on zoning regulations. He said that Council could limit the number of licenses allowed by simpler measures, such as passing a resolution, but he does not think an emergency ordinance is the way to accomplish that. He shared that the state legislature is not scheduled to take any action on medical marijuana during the current session so he does not feel that there will be any resolve coming from that direction at this time.

Legal counsel Jesse O'Jack stated that he would have to look into whether or not a resolution would be a sufficient way to place a cap on the number of facilities allowed in the City.

Council Member Moeller asked legal counsel Jesse O'Jack if he was able to confirm whether or not a simple resolution could be passed to place a cap on the number of facilities allowed, as that would be much simpler and faster than the emergency ordinance.

Mayor Pro-Tem Richardson stated that she wanted to reiterate that it was the City Attorney who suggested moving forward with this matter as an emergency ordinance. She said that she is open to the idea of delaying this resolution to the next meeting so that Mr. O'Jack can look into the options that Council has in moving forward. She stated that she feels the main thing that Council wants is to limit the number of facilities allowed in the City so that the City does not become completely saturated.

Mayor Pro-Tem Richardson moved, supported by Council Member Jefferson, to table Resolution No. 2013-077 to the next City Council meeting.

On roll call, the vote to table Resolution No. 2013-077, was as follows:

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

VOTE:

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

Mayor Schreiber thanked Ms. Gillotti for putting together the information to present to Council on this matter.

XIII. LIASON REPORTS –

A. SEMCOG Update: None

B. Washtenaw Area Transportation Study:

- Council Member Murdock stated that they had appointed Ryan Buck as new Director at the last meeting.
- C. Washtenaw Metro Alliance: None
- D. Urban County: None
- E. Freight House:
 - Council Member Murdock stated that they would be going before the Historic District Commission next month for approval of the construction plans.

XIV. COUNCIL PROPOSED BUSINESS –

Council Member Murdock

- Asked if there was any information available to track complaints processed through the website. He requested a report on the complaints and the status of them.
 - Mr. Lange answered that staff has been working on streamlining the process and Assistant to the City Manager Ericka Savage has been working on this project and she will work on a report for the next Council meeting.
- Mentioned HB 4742 to repeal PA 297 of 2011 that prohibits Public Employers from providing medical benefits to domestic partners and moved, supported by Council Member Vogt, to propose a resolution supporting the bill.

Council Member Vogt

- Stated that many neighbors in the area of Ainsley Street were upset that a barrier had been removed for an event and they had been submitting their complaints to EMU. He suggested City staff look at ways to better communicate event details to prevent problems like this in the future.

Council Member Jefferson

- Stated that there has been graffiti on the Parkridge Park Pavilion since Sunday evening of last week and there had been a citizen calling to report it, but it has not been taken care of. He said it was vulgar and he felt it should be handled immediately.

Mayor Pro-Tem Richardson

- Stated that she would like to present a proclamation to Ypsilanti Public Schools to acknowledge the district, as their farewell celebration is June 1, 2013.

XV. COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber suggested the packet link that is sent out to Council be distributed on the listserver so that interested parties will be able to easily view the materials prior to meetings.

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 –

1. Discussed the priority of creating commuter rail service in the City and the possibilities related to having trains on display in the near future.
2. Provided updates on the streetlight conversions and his recommendations for moving forward. He said he hopes to bring forth a contract at the next Council meeting for 500 streetlight conversions to be completed from July to November 2013 and 750 streetlight conversions to be completed by November 2014.

The meeting recessed at 8:08 p.m.

The meeting reconvened at 8:22 p.m.

XVII. BUDGET SESSION –

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

- Budget Priorities for FY 2013-2014
- Budget Highlights
- Long Term Financial Viability

Fiscal Services Director Marilou Uy assisted Mr. Lange in the presentation of information related to the fund balances.

Council Member Murdock stated that one of the things he would like to get out of these budget conversations were target dates for when proposed changes might take place.

Mayor Schreiber thanked the staff for all of their hard work on the budget.

Mayor Pro-Tem Richardson stated that she wanted to also thank staff for their work.

XVIII. AUDIENCE PARTICIPATION –

Mr. Allen stated that, as a strong advocate of medical marijuana, he was upset and appalled by the poor judgment of Mayor Pro-Tem Richardson when she stated that there were people smoking marijuana in a parking lot near a medical marijuana dispensary. He said that it was illegal to do so and he asked her to call the police if that ever happened again in the future. He stated that he does not tolerate that kind of behavior in the community. He said that Council Member Jefferson's comment likening medical marijuana facilities to crack houses was incredibly insulting. He said that he was upset that Council had originally passed the ordinance but now, when the chance of a new facility in their neighborhood arises, want to try and limit them.

XIX. REMARKS FROM THE MAYOR –

None

XX. ADJOURNMENT –

Resolution No. 2013-080, 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 9:16 p.m.