

1. City Council Regular Meeting Agenda

Documents: [11-19-13 REVISED FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet Part 1

Documents: [COUNCIL PACKET REVISED 11-19-13 PART 1.PDF](#)

2.I. City Council Regular Meeting Packet Part 2

Documents: [COUNCIL PACKET 11-19-13 PART 2.PDF](#)

2.II. City Council Regular Meeting Packet Part 3

Documents: [COUNCIL PACKET 11-19-13 PART 3.PDF](#)

3. Thompson Site Plan

Documents: [COUNCIL PACKET 11-19-13 SITE PLAN.PDF](#)



**CITY OF YPSILANTI  
COUNCIL MEETING AGENDA  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, NOVEMBER 19, 2013  
7:00 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. Ypsilanti Housing Commission Update – Executive Director Zachary Fosler
2. Traffic Calming – Planning Director Teresa Gillotti
3. Motor Pool Assessment Report – DPS Director Stan Kirton and City Manager Ralph Lange

**VIII. ORDINANCES – FIRST READING -**

1. An ordinance to change the name of the Recreation Commission and add additional duties and powers.

Ordinance No. 1202

  - A. Resolution No. 2013-232, determination
  - B. Open the public hearing
  - C. Resolution No. 2013-233, close public hearing
2. An ordinance to amend Ypsilanti City Code Chapter 94 "Streets, Sidewalks and Certain Other Public Places,"; Article V "Snow Removal" to reduce the time to clear ice and snow to 24 hours, to change the notice provisions to publication once prior to each Winter, and to otherwise clarify and cleanup the code sections.

Ordinance No. 1203

- A. Resolution No. 2013-234, determination
- B. Open the public hearing
- C. Resolution No. 2013-235, close public hearing

Ordinance No.1204

- 3. An ordinance to amend Chapter 71: Administrative Hearing Bureau of the Ypsilanti City Code to revise the rules and procedures.

- A. Resolution No. 2013-236, determination
- B. Open the public hearing
- C. Resolution No. 2013-237, close public hearing

Ordinance No.1205

- 4. An ordinance to rezone from B3 (Central Business District), right-of-way, R1, single family residential and Historic Overlay (HO) to a Planned Unit Development (PUD) for the development of the former Thompson Block building (400 N. River St.), a portion of the public alley to the east, and 107 E. Cross St.

- A. Resolution No. 2013-238, determination
- B. Open the public hearing
- C. Resolution No. 2013-239, close public hearing

**IX. AUDIENCE PARTICIPATION –**

**X. REMARKS BY THE MAYOR –**

**XI. MINUTES –**

Resolution No. 2013-240, approving the minutes of November 5, 2013.

**XII. CONSENT AGENDA –**

Resolution No. 2013-241

- 1. Resolution No. 2013-242, approving agreement with the Washtenaw County CDBG grant program to utilize the appropriated CDBG funds for the 2012-2013 City of Ypsilanti Infrastructure Improvement Project.
- 2. Resolution No. 2013-243, approving City of Ypsilanti Limited English Proficiency Plan.
- 3. Resolution No. 2013-244, approving appointments to Boards and Commissions.
- 4. Resolution No. 2013-245, approving Stormwater, Asset Management and Wastewater (SAW) Grant Application.
- 5. Resolution No. 2013-246 approving 2014 Council Meeting schedule.

**XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS -**

- 1. Resolution No. 2013-247, adopting the "80/20 Cap" health care option.
- 2. Resolution No. 2013-248, approving purchase of two (2) patrol vehicles (2014 Ford Police Interceptors) from Gorno Ford.
- 3. Resolution No. 2013-249, approving Transportation Funding Agreement with AAATA.

**XIV. LIASON REPORTS –**

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

**XV. COUNCIL PROPOSED BUSINESS –**

**XVI. COMMUNICATIONS FROM THE MAYOR –**

**XVII. COMMUNICATIONS FROM THE CITY MANAGER –**

**XVIII. AUDIENCE PARTICIPATION -**

**XIX. REMARKS FROM THE MAYOR -**

**XX. ADJOURNMENT -**

Resolution No. 2013-250, adjourning the City Council Meeting.





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| Council Member Murdock   | P A | Mayor Schreiber     | P A |
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## City of Ypsilanti

Community & Economic Development Department

**Summary Memo:** Proposed policy for speed bumps and other resident requested speed control devices:

There has been a recent increase in resident interest in controlling vehicle speeds on residential streets within the City. The City does not currently have a policy regarding installation of permanent or temporary speed control measures; the City Manager has requested that the Traffic Review Committee develop one. This memo contains information about best practices, current practices in neighboring communities, and recommended standards for Ypsilanti.

### Road Types

There are many types of roads that run through residential areas in the City. Other municipalities limit their citizen-initiated speed control programs to local streets that have a speed limit (either posted or *prima facie*) of 25mph, residential uses on both sides for at least one full block, and a low average daily traffic volume, generally between 500 and 5,000 vehicles per day. These roads primarily serve local traffic, but may see temporary increases in usage as cut-through streets when issues arise on preferable routes, such as disrepair, construction, or congestion. This classification includes but is not limited to roads like Pearl (west of Summit), Mansfield (north of Washtenaw), Olive, Dwight, Towner, Tyler, Monroe, and Second.

### Causes of Speeding

Depending on the cause of the speeding, different methods may be appropriate to abate it. People who are cutting through to avoid poor road conditions on a primary route will likely return to the primary route once those conditions are fixed, but if speed controls were to be placed on the subject route, would likely divert to another cut-through, causing the same problems on that road. The cost of repairing the "problem" road, although generally more expensive than other speed controls or series of speed controls, will resolve the issue more quickly and effectively than any number of other speed controls. People cutting through to avoid temporary, non-recurring events such as construction will likely return to their primary route once it's complete; however, for the duration of the construction, an increase in enforcement during peak traffic will likely make cut-throughs unappealing and slightly less popular. In cases where cut-through traffic is not prompted by temporary issues, however, methods to alleviate these chronic traffic issues should be explored. Context should be considered as well; if traffic is being generated from areas within a mile and have destinations similarly nearby, improvements to driver education, transit, carpooling, biking, or walking infrastructure should be considered in the longer-term.

## Types of Controls

Citizens may request many types of interventions. Generally speaking, signage is ineffective at best for speed control, stop signs are generally not warranted, and enforcement is impractical in the long term. Speed humps, raised intersections, bump-outs, and traffic circles all have pros and cons. Speed humps are relatively cheap, but if spaced too far apart, are ineffective and noisy; they also have the greatest impact on emergency response times. Raised intersections and crosswalks function similarly to speed humps, but interfere less with emergency vehicle responses; however, they are also much more expensive and require proper engineering and attention to ADA issues. Bump-outs interfere the least with snowplow and emergency vehicle travel, but also require engineering and are less effective than raised intersections or speed humps. Traffic circles are very effective at slowing traffic and reducing intersection crashes, but if not designed well, can interfere with the movement of longer-wheelbase vehicles, including schoolbuses and fire trucks. All of these controls also have the potential to interfere with surface flow of stormwater, and due consideration to their placement should be given to minimize or mitigate that interference; note also that if there are not any (or many) trees present on a street, installation of street trees has been shown to improve the efficacy. Ann Arbor, Washtenaw County Road Commission, and Lansing use all of these types of speed controls.

Temporary speed bumps have been discussed as an option. Generally speaking, temporary speed bumps are meant for use in parking lots, loading zones, or drive-throughs; areas which are meant to have travel speeds under 20 miles per hour. Case studies available through ITE mention concerns with durability due to use, durability with temperature changes, damage to vehicles due to failure, very quick wearing of reflective striping (tapes) on the surface of the humps, and debris becoming stuck between the lip of the hump and the roadway surface, damaging the roadway surface. As they are generally meant for use in slower-speed areas, emergency response times can be assumed to increase beyond that of permanent speed humps. These are not recommended nor are they in regular municipal use in the area.

## Process

Each municipality has its own unique process for installing speed control devices, but all have several steps in common. Taking those common steps and applying them here, this is what our process could look like:

- Resident request (petition by the majority of the residents in a block, similar to RPP process)
- Municipality determines if the roadway is eligible:
  - Local Street
  - Speed limit of 25mph or less
  - Traffic count of less than 5,000
- Traffic study performed by municipality
  - Eligible if 15% or more of the motorists are travelling at least 5mph above speed limit.
  - Crash history review
- Analysis of other factors:
  - Neighboring road conditions: if the decay of nearby streets are causing cut-through traffic, are those streets in the five-year TIP? If so, likely more cost-effective to wait to repair the streets.
  - Traffic generation: if a new business or other trip generator is causing an increase in traffic flow or speed, work with the traffic generator to educate motorists & reduce overall traffic (AAATA route improvement, nonmotorized/sidewalk improvements, etc)

- If street is on an AAATA bus route or school bus route, those stakeholders will have input into any decision.
- If the street is on an emergency snow removal route, special consideration must be given to snow removal issues, including snow storage.
- Determine appropriate treatment
- Funding sources determined: potential sources of funding include general fund dollars, Act 51 dollars; donations from neighborhood associations, a special assessment, or a combination of these funding sources. Consideration given to ADT during funding discussion.
- Formulation of recommendation by municipality
  - Results of the City's findings sent (via postcard) to residents of the block/area, with anticipated construction date, if any
- Execute the work to be done, if any.

## **References**

These are recommendations based on the Institute for Transportation Engineers' case studies and traffic calming factsheets; the US Traffic Calming Manual; and other Michigan communities' practices. More detailed background information can be found in a separate memo.



## City of Ypsilanti

Community & Economic Development Department

**Summary Memo:** Proposed policy for speed bumps and other resident requested speed control devices:

City Council has requested a policy for managing both resident requests and appropriate road treatments to address speed control requests in residential neighborhoods in Ypsilanti. A companion document provides information on road types, causes of speeding and appropriate treatments. Below is a summary of the **main considerations** in the policy followed by a proposed process for receiving, reviewing, and acting on the citizens' requests.

- Speed controls discussed should be applied to local streets only
- Controls under consideration include speed humps, bumpouts, traffic circles and street trees. This is separate from signage, whether informational or traffic control signage.

#### Applications:

- Speed controls should not be applied in the case of traffic diversion based on temporary, non-reoccurring events and generators
- Speed controls should not be applied if a permanent solution (to what is causing cut-through traffic) will be applied within the next 5 years
- Temporary measures are intended for short term applications and/or low traffic areas such as parking lots, loading zones and drive-thrus. They are not recommended for application within the city due to potential failure after use, and potential to damage vehicles.

### Recommended process for requesting, reviewing, and implementing speed controls

- Resident request (petition by the majority of the residents in a block, similar to RPP process)
  - ☐ To the extent possible, residents should provide as much information as possible as to:
    - Segments of street where speeding usually occurs
    - If speeding is issue on other nearby streets
    - Where conflicts between vehicles and pedestrians are likely
    - Other concerns whether it be issues around timing of speeding, other potential hazards, options to be considered
  - ☐ Staff may want to attend a neighborhood meeting or meet with residents in the area in question to gain a clearer understanding of potential concerns
- Traffic Review Committee (TRC) determines if the roadway is eligible:
  - ☐ Local Street
  - ☐ Speed limit of 25 mph or less
  - ☐ Traffic count of less than 5,000 (may require counts conducted by DPS)
- Traffic study performed by Police Department and presented to TRC
  - ☐ Eligible if 15% or more of the motorists are travelling at least 5 mph above speed limit.

- ☐ Crash history review
- Analysis of other factors:
  - ☐ Neighboring road conditions: if the decay of nearby streets are causing cut-through traffic, are those streets in the five-year TIP? If so, likely more cost-effective and efficient way is to wait to repair the streets.
  - ☐ Traffic generation: if a new business or other trip generator is causing an increase in traffic flow or speed, work with the traffic generator to educate motorists & reduce overall traffic (Bus route improvement, nonmotorized/sidewalk improvements, etc)
  - ☐ If street is on a bus route or school bus route, request input prior to making a final recommendation.
  - ☐ If the street is on an emergency snow removal route, special consideration must be given to snow removal issues, including snow storage.
- Determine appropriate treatment
  - ☐ Utilize background data memo to review options and determine which is most appropriate to achieve speed reduction goal
- Funding sources determined: potential sources of funding include general fund dollars, Act 51 dollars; neighborhood associations, special assessment, or a combination of these funding sources. **Consideration given to ADT during funding discussion.**
- Formulation of recommendation by municipality
  - ☐ TRC representative to stay in contact with applicants' representative during process
  - ☐ If treatments to be installed, DPS follows their standard notification policy (neighborhood groups, fliering) if construction to follow.
- Execute the work to be done, if any.





**Barr,  
Anhut &  
Associates, P.C.**  
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John M. Barr  
Karl A. Barr  
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jane A. Slider ~ Legal Assistant

**REQUEST FOR LEGISLATION**

DATE: July 24, 2013

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Amendment to Recreation Commission Ordinance to change name to Parks and Recreation Commission and set out duties regarding parks

**SUMMARY/BACKGROUND**

The Recreation Commission desires to change the commission name to Parks and Recreation Commission. At my suggestion the commission has developed the additional duties and responsibilities of the commission as shown in the attached ordinance amendment.

The Recreation Commission is requesting that the ordinance be amended as shown, to change the name and add additional duties and powers.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN: \_\_\_\_\_



Resolution No. 2013-232  
November 15, 2013

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

The certain ordinance entitled "An **ordinance to change the name of the Recreation Commission and add additional duties and powers**" be adopted on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1202**

An ordinance to change the name of the Recreation Commission and add additional duties and powers

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** That

that section 78-46 Recreation Commission of the Ypsilanti City Code, and following sections is hereby amended to change the name of the commission to Ypsilanti Parks and Recreation Commission and add duties and powers and to read as follows: (new language is underlined)

CITY OF YPSILANTI - PARKS AND RECREATION COMMISSION ORDINANCES

Sec. 78-46. - Composition; appointment. 

The parks and recreation commission shall consist of at least nine but not more than 11 members appointed by the mayor, subject to confirmation by a majority of city council.

(Code 1983, § 1.200; Ord. No. 825, § 1.200, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007)

Sec. 78-46.01. - Youth members. 

Three members may be youth members, under the age of 18 years of age. Youth members shall have all powers of a member, including the power to vote and hold office in the recreation commission.

(Ord. No. 1061, § 1, 6-5-2007)

Sec. 78-47. - Term. 

The term of the members of the parks and recreation commission shall be three years, except that of the members first appointed. Terms shall be staggered so that as far as practicable at least three member's terms expire each year.

(Code 1983, § 1.201; Ord. No. 825, § 1.201, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007)

Sec. 78-48. - Residency. 

Members of the parks and recreation commission shall be residents of the city. At least three members shall be appointed from each of the three wards of the city.

(Code 1983, § 1.202; Ord. No. 825, § 1.202, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007)

Sec. 78-49. - Powers and duties. 

The parks and recreation commission shall be an advisory board and shall have the following powers:

(1)

Make recommendations to the city manager, recreation director, and city council concerning the recreation and city parks needs of the city, including how park improvement funds are used.

(2)

Update the City of Ypsilanti Parks and Recreation Master Plan.

(3)

Review and approve "Adopt-A-Park" applications.

(4)

Expand park and recreational opportunities through Commission sponsored events when appropriate.

(5)

Set its own rules and regulations.

(6)

Report, at least annually to city council.

(Code 1983, § 1.203; Ord. No. 825, § 1.203, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007)

Sec. 78-50. - Secretary and administrative help. 

The city manager shall, within budgetary appropriations, provide for secretarial and administrative help for the commission.

(Code 1983, § 1.204; Ord. No. 825, § 1.204, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007)

Sec. 78-51. - Vacancy in office. 

Vacancies shall be filled in the same manner that members are appointed. The office of any member shall be deemed vacant if that member has three or more unexcused absences from meetings of the commission. Absences may be excused by simple majority of a quorum.

(Code 1983, § 1.205; Ord. No. 825, § 1.205, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007)

**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](http://www.cityofypsilanti.com).

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

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

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

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

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

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

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: November 6, 2013

First Reading: November 19, 2013

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



Resolution No. 2013-233  
November 15, 2013

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

The public hearing on an ordinance entitled "An **ordinance to change the name of the Recreation Commission and add additional duties and powers**" be officially closed.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



REQUEST FOR LEGISLATION  
November 19, 2013

From: Teresa Gillotti, Director of Community and Economic Development  
Frank Daniels, Deputy Director of Community and Economic Development

Subject: Snow/Ice removal ordinance changes and updated Snow/ice removal policy and Weed abatement policy

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**Background**

City Council had previously requested changes to the snow/ice removal ordinance to improve the timeliness in snow and ice being removed from sidewalks during the winter season. This goal is also documented in the City's Non-Motorized Transportation Plan.

To meet this goal, staff determined that the key to a successful change is reducing the time period between accumulation and snow removal. The changes recommended related to this are:

- Reducing the time frame for removal from 48 hours to 24 hours
- Change the policy requiring notice before every abatement/ticket to a single notice at the beginning of the season

**Snow/Ice Removal Ordinance**

The attached revised ordinance notes these changes.

- Time frame: Snow to be removed within 24 hours of first accumulation
- Notice to remove snow/ice: Two options are available:
  - o Newspaper notice prior to Oct. 1 (similar to weeds ordinance)
  - o Notification in person, by telephone, by mail or by written notice at the property (hang tags)
- Notice to clear snow/ice:
  - o No additional notice required after initial notice to remove is provided.

**Snow/Ice removal Policy**

- Under the previous policy, after 48 hours of non-compliance, the code official put a door warning for abatement allowing the owner/agent an additional 18 hours to comply. After 18 hours, the official returns to the property to confirm whether or not sidewalks are cleared. If not, the official orders the abatement.
- Under the changes, after 24 hours, the code official will provide a door warning, the first snow accumulation of the season. This one-time-per season warning will provide another 24 hours for the owner/agent to remove snow/ice on the sidewalk. If not removed, the ordinance officer will order the abatement and ticket the owner.



- For successive snows, the ordinance officer will wait the required 24 hours, and then proceed with ticketing and abatement as needed.
- The previous policy required a door warning for removal (allows 48 hours to remove). A repeat site visit by the code enforcement staff would be required to then tag the door and provide another 12 hours prior to ordering removal

### **Relationship to Weed Removal policy**

Staff has provided the weed removal policy as a reference. It has a similar noticing requirement (once per season) and is recommended to change to a single door warning per season prior to abatement and tickets. This will allow for a shorter waiting period before compliance.

Please direct any questions or comments to Teresa Gillotti or Frank Daniels.

RECOMMENDED ACTION: Approval

#### **ATTACHMENTS:**

- Revised Snow/Ice removal ordinance
- Draft Snow/Ice removal policy
- Draft Weed removal policy

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: \_\_\_\_\_

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2013-234  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That a ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 94 "STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES," ARTICLE V "SNOW REMOVAL," TO REDUCE THE TIME TO CLEAR ICE AND SNOW TO 24 HOURS, TO CHANGE THE NOTICE PROVISIONS TO PUBLICATION ONCE PRIOR TO EACH WINTER, AND TO OTHERWISE CLARIFY AND CLEANUP THE CODE SECTIONS" be approved on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

## **The City of Ypsilanti**

### **Ordinance No.1203**

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 94 "STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES," ARTICLE V "SNOW REMOVAL," TO REDUCE THE TIME TO CLEAR ICE AND SNOW TO 24 HOURS, TO CHANGE THE NOTICE PROVISIONS TO PUBLICATION ONCE PRIOR TO EACH WINTER, AND TO OTHERWISE CLARIFY AND CLEANUP THE CODE SECTIONS.

#### **THE CITY OF YPSILANTI HEREBY ORDAINS:**

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-132 "Scope," is hereby amended as follows:

Sec. 94-132. Scope.

This article applies to ~~Those areas affected by this article are~~ sidewalks, those publicly owned rights-of-way that convey pedestrian traffic exclusively, parking lots, being those areas paved or unpaved that provide other than single-family or occupied two-family vehicular parking.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-133 "Areas to be cleared," is hereby amended as follows:

Sec. 94-133. Removal of snow. ~~Areas to be cleared.~~

The occupant, manager, ~~or owner,~~ or owner/agent of every lot or parcel of land adjoining any sidewalk ~~or publicly owned rights-of-way that convey pedestrian traffic exclusively and the owner, manager, or owner/agent of any parking lot within the scope of this article must~~ shall clear from those surfaces all ice and snow, fallen, drifted, or in any other manner accumulated, from sidewalks adjoining such lot or parcel of land within 24 48 hours from the first accumulation. of such snow or ice. When any snow shall fall or drift upon any sidewalk, the owner, occupant or manager of the lot or parcel of land adjacent the such sidewalk shall remove such snow within 48 hours from the first accumulation.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-134 "Removal of ice," is hereby amended as follows:

Sec. 94-134. Removal of ice.

~~When any ice shall form on any sidewalk or parking lot, the owner, occupant or manager of the lot or parcel of land adjoining such sidewalk shall,~~ The occupant, manager, owner, or owner/agent of every lot or parcel of land adjoining any sidewalk or publicly owned rights-of-way that convey pedestrian traffic exclusively and the owner, manager, or owner/agent of any parking lot within the scope of this article must, if practicable, immediately remove from those surfaces any ice formed: the ice and when ~~When immediate removal of ice is impracticable, shall immediately cause sand, salt or other chemicals or materials to~~ must immediately be spread upon the ice in such manner and in such quantity as to prevent the ~~surfaces sidewalk or parking lot~~ from being slippery and dangerous to pedestrians or motor vehicles, and ~~then must~~ shall remove such ice as soon thereafter as ~~shall be~~ removal is practicable.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-135 "Removal of snow from parking lots," is hereby amended as follows:

Sec. 94-135. Notice to remove. ~~Removal of snow from parking lots.~~

~~The owner or manager of any parking lot shall remove all snow from the parking lot within 24 hours from the first accumulation of such snow.~~

Either of the following forms of notice to remove snow and ice are deemed sufficient notice alone for the city to enforce the provisions of this Article:

(a) Publication and contents of general notice to remove.

The city manager will give general notice of required snow and ice removal at least once each snow/ice season by publication of a notice in a newspaper in the same manner as required for the publication of other city notices. For the purposes of this Article, the snow/ice season begins on October 1 each year and ends on May 31 the following year. Such notice must set forth the requirements of Sections 94-133 and 94-134 of the city code. This notice will become effective for the entire snow/ice season ten (10) days after its publication.

(b) Other notice.

At any time the notice by publication outlined in subsection 94-135(a) is not effective, notification may be made in person, by telephone, by mail, or by written notice

left at the property. Notice under this subsection is effective if the owner or occupant fails to remove snow or ice prior to 12:00 noon of the day after notice is given (provided there has been at least 18 hours since delivery of the notice).

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-136 "Failure to clear," is hereby amended as follows:

Sec. 94-136. - Failure to clear.

(a) *Removal by city.* If snow or ice is not removed or treated as required in sections 94-133; and/or 94-134, ~~and/or 94-135, the city may notify the owner or occupant of the violation. This notification may be made in person, by telephone, by mail, or by written notice left at the property. If the owner or occupant fails to remove snow or ice prior to 12:00 noon of the day after notice is given (provided there has been at least 18 hours since delivery of the notice),~~ the city may cause such snow or ice to be removed. The owner of the adjacent property (as indicated by the records of the assessor) shall then be charged the actual cost of the sidewalk clearance, plus an administrative fee as set by resolution of council. If that charge is not paid within 45 days, it may be assessed against that parcel.

(b) *Blight violation .* A person who violates any provision of sections 94-133 and/or 94-134 is responsible for a blight violation. ~~If any occupant, owner or manager shall neglects or fails to clear ice or snow from a parking lot, or from a sidewalk adjoining his lot or parcel of land within the time limited and herein required, or shall otherwise permits ice or snow to accumulate on such sidewalk or parking lot, he shall be responsible for a blight violation,~~ subject to payment of a civil fine as set forth in section 71-73. Repeat offenses under this article shall be subject to increased fines as set forth in section 71-73. Each day that the condition of accumulation of ice or snow shall continue after the first day of violation shall constitute a separate offense and shall bear a separate penalty.

## Section 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, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, 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 will 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 has 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.

Section 3. Repeal.

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

Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will 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.

Section 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.

Section 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 Ypsilanti Courier. 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.

\_\_\_\_\_  
Paul Schreiber, Mayor

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_ was published in the Ypsilanti Courier 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

Notice Published November 6, 2013

First Reading November 19, 2013

Second Reading \_\_\_\_\_

Published \_\_\_\_\_

Effective Date \_\_\_\_\_



Resolution No. 2013-235  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the public hearing on an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 94 "STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES," ARTICLE V "SNOW REMOVAL," TO REDUCE THE TIME TO CLEAR ICE AND SNOW TO 24 HOURS, TO CHANGE THE NOTICE PROVISIONS TO PUBLICATION ONCE PRIOR TO EACH WINTER, AND TO OTHERWISE CLARIFY AND CLEANUP THE CODE SECTIONS" be officially closed.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:





## **Sidewalk Snow/Ice Removal Enforcement and Abatement Process**

November 2013

**Annual Notice:** The proposed ordinance changes allow the City to provide annual newspaper notice prior to the winter season, prior to October 1, or to use one or more of the follow methods: in person, by telephone, by mail, or by written notice at the property (hang tags).

**Violations:** Twenty-four (24) hours after snow accumulation of 1 inch or more, the Code Enforcement officer monitors and responds to complaints of uncleared sidewalks.

### **Process:**

1. Ordinance officer provides a door warning indicating that the snow/ice must be abated within 24 hours. This warning will be provided **once per season, per address**, which will be noted on the warning. This is a change from the previous policy,
2. Ordinance officer perform a site visit after 24 hours
  - a. If not abated, the officer will order the abatement (snow/ice removal) and ticket the property owner or registered agent \$50 for the first offense.
  - b. Abatements (snow/ice removal) will be charged to the property owner or registered agent.
3. Repeat violation
  - a. For each repeat violation, abatement and ticket will occur immediately with increased fines.
  - b. Unpaid abatements will be transferred to property taxes with \$50 additional lien fee.



## **Grass and Weeds Enforcement and Abatement Process**

November 2013

**Annual Notice:** State statute requires annual newspaper notice, 14 prior to the weed control program starting. Staff generally provides this notice at the end of March.

**Violations:** Code Enforcement officer monitors and responds to complaints of grass and weeds in excess of 10 inches (per ordinance). Note: Sec. 302.4 provides that weeds do not include cultivated gardens and flowers.

### **Process:**

1. Ordinance officer provides a door warning indicating that the weeds/grass must be abated within 48 hours. This warning will be provided once per year, per address, which will be noted on the warning. This is a change from the previous policy which required warning/repeat site visit for each offense.
2. Ordinance officer perform a site visit after 48 hours
  - a. If not abated, the officer will order the abatement (mowing) and ticket the property owner or registered agent \$50 for the first offense.
  - b. Abatements (mowing) will be charged to the property owner or registered agent.
3. Repeat violation
  - a. For each repeat violation, abatement and ticket will occur immediately with increased fines.
  - b. Unpaid abatements will be transferred to property taxes with \$50 additional lien fee.



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Anhut &  
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John M. Barr  
Karl A. Barr  
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired

## **REQUEST FOR LEGISLATION**

DATE: November 12, 2013

FROM: Jesse O'Jack, Assistant Ypsilanti City Attorney

SUBJECT: Amendments to the Administrative Hearings Bureau provisions of the Ypsilanti City Code

### **SUMMARY/BACKGROUND**

The City of Ypsilanti in August of 2010 established an Administrative Hearings Bureau (AHB) and set forth its authority, rules, and procedures pursuant to the authority granted in the Home Rule Act in MCL sections 117.41, 117.4q, and 117.4r. Multiple chapters and sections of the Ypsilanti Code were also amended to convert violations of each to blight violations that would then fall within the jurisdiction of the Administrative Hearings Bureau.

These proposed amendments are primarily designed to make the Administrative Hearings Bureau more efficient and cost effective. The major change is the division of hearings into Formal AHB Hearings and Informal AHB Hearings similar to how the District Court divides civil infraction hearings. Informal AHB Hearings will not include attorneys and, therefore, will be more cost effective to the city,

The amendments also streamline the procedures which should assist in fewer hearings for each case and an additional cost savings.

Additionally, the amendments allow city council to set by resolution a specific amount which a respondent can subtract from a judgment entered if the respondent timely pays the judgment. If this

amendment passes, it is suggested that city council raise the AHB costs imposed in a judgment by the same amount as this new subtraction. The result will be a double benefit: 1) An incentive to timely pay the judgment, and 2) if the judgment is not timely paid, the higher total judgment amount will reimburse the city for its collection costs.

Finally, for clarification and simplicity, additional statutory requirements have been set forth in the amendments for the sake of ease of use; certain language has been clarified and corrected.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

---

DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2013-236  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That a ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," TO MAKE ADMINISTRATIVE HEARINGS MORE EFFICIENT BY ADDING RULES AND PROCEDURES FOR INFORMAL AND FORMAL AHB HEARINGS, TO SET FORTH ADDITIONAL STATUTORY REQUIREMENTS, TO CLARIFY THE CHAPTER AND CORRECT ERRORS AND OMISSIONS, AND TO ALLOW CITY COUNCIL TO SET BY RESOLUTION AN AMOUNT WHICH WILL BE SUBTRACTED FROM A JUDGMENT ENTERED IF THE JUDGMENT IS PAID TIMELY" be approved on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

## **The City of Ypsilanti**

### **Ordinance 1204**

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," TO MAKE ADMINISTRATIVE HEARINGS MORE EFFICIENT BY ADDING RULES AND PROCEDURES FOR INFORMAL AND FORMAL AHB HEARINGS, TO SET FORTH ADDITIONAL STATUTORY REQUIREMENTS, TO CLARIFY THE CHAPTER AND CORRECT ERRORS AND OMISSIONS, AND TO ALLOW CITY COUNCIL TO SET BY RESOLUTION AN AMOUNT WHICH WILL BE SUBTRACTED FROM A JUDGMENT ENTERED IF THE JUDGMENT IS PAID TIMELY.

#### **THE CITY OF YPSILANTI HEREBY ORDAINS:**

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article I "In General", Section 71-1 "Purpose," is hereby amended as follows:

#### **Sec. 71-1. - Purpose.**

To define, prevent, reduce, and eliminate blight, factors, and causes of blight and address other quality of life violations in the city that negatively impact the public health, safety, and welfare of city residents. Pursuant to MCL §§ 117.4l, ~~117.41~~, 117.4q, and 117.4r, which authorize the creation of an administrative hearings bureau, the city finds that changing zoning, building or property maintenance, solid waste and illegal dumping, disease and sanitation, noxious weeds, vehicle abandonment, and inoperative vehicles from criminal misdemeanor or civil infraction offenses to blight violations punishable by a civil fine as determined following a hearing by the city administrative hearings bureau is a potentially more efficient and effective way of gaining compliance with laws concerning issues of blight.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article I "In General", Section 71-2 "Definitions," is hereby amended to add definitions for Formal AHB Hearing and Informal AHB Hearing to read as follows:

**Sec. 71-2. - Definitions.**

Formal AHB Hearing means a hearing before an Administrative Hearings Officer where either respondent or the city or both are represented by an attorney.

Informal AHB Hearing means a hearing before an Administrative Hearings Officer where neither respondent nor the city are represented by an attorney.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau", Section 71-36 "Instituting administrative adjudication proceedings," is hereby amended as follows:

**Sec. 71-36. - Instituting administrative adjudication proceedings.**

(a) Any authorized department or agency of the city may institute an administrative adjudication proceeding by forwarding a copy of the notice of blight violation and a notice of hearing, which has been properly served on the respondent, to the administrative hearings bureau.

(b) A violation notice shall be treated as made under oath if the violation alleged in the notice occurred in the presence of the authorized local official signing the violation notice and includes the information set forth in Section 71-38(b). If the violation did not occur in the presence of the authorized local official signing the violation, the official may issue the violation if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a blight violation and if the city attorney or an assistant city attorney approves in writing the issuance of the violation notice.

(c) The city shall not issue a blight violation notice during an inspection of either a multiple dwelling or a one- or two-unit rental dwelling if the landlord is properly registered with the rental inspection program, unless either of the following occurs:

(1) The landlord is given a written correction notice of the violation and a reasonable opportunity to correct the circumstances before a re-inspection of the premises or a date specified in the notice, or

(2) The violation is a direct result of the landlord's action or inaction and creates an emergency that presents an immediate risk of harm to people or damage to property, including, but not limited to, a flooded basement or premises without heat.

(d) The person served with the notice of blight violation and notice of hearing must be notified in writing whether the person can admit responsibility and pay the blight violation at the Administrative Hearings Bureau prior to appearing at the hearing or whether appearance at the hearing is required.

(e) The person served with the notice of blight violation and notice of hearing shall be notified in writing whether the scheduled hearing is an Informal AHB Hearing or a Formal AHB Hearing.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau", Section 71-39 "Administrative Hearings," is hereby amended as follows:

**Sec. 71-39. - Administrative hearings.**

(a) Any administrative adjudication proceeding conducted by the bureau must be conducted before an administrative hearing officer.

(b) An attorney who appears on behalf of any person must file a written appearance with the administrative hearing officer on a form provided by or approved by the administrative hearings bureau.

(c) Prior to the start of an Informal AHB Hearing, upon the receipt of an appearance by any attorney, any scheduled Informal AHB Hearing shall be rescheduled as a Formal AHB Hearing.

(d) Prior to the start of an Informal AHB Hearing, either the city or the person served with the notice of blight violation and notice of hearing may have an Informal AHB Hearing rescheduled as a Formal AHB Hearing upon written request.

(e) At any Informal AHB Hearing or Formal AHB, respondent may admit responsibility, admit responsibility with an explanation, or proceed with the hearing. Continuances may be requested by either party, however, the administrative hearing officer may only grant a continuance upon a finding of good cause.



(f) ~~(e)~~ The city may not be represented by an employee of the bureau; provided, however, that documentary evidence, including notice of violation, which has been prepared by another department or agency of the city, may be presented at the hearing by the administrative hearing officer.

~~(d)~~ — ~~The administrative hearing officer may grant a continuance only upon a finding of good cause.~~

(g) ~~(e)~~ All testimony must be given under oath or affirmation.

(h) ~~(f)~~ The administrative hearing officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. The issuance of subpoenas is subject to the restrictions contained in [section 71-41](#)

(i) ~~(g)~~ Subject to subsection (l) ~~(j)~~ of this section, the administrative hearing officer may, in unusual circumstances, permit a witness to submit testimony by affidavit or by telephone.

(j) ~~(h)~~ The formal and technical rules of evidence do not apply in the conduct of a hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(k) ~~(i)~~ The office of the city attorney at a Formal AHB Hearing or an authorized local official at an Informal AHB Hearing must prove the violation by a preponderance of the evidence; however, a violation notice, or a copy thereof, issued and signed in accordance with [section 71-38](#) is prima facie evidence of the correctness of the facts specified therein.

(l) ~~(j)~~ Upon the timely request of any party to the proceeding, any person who the administrative hearing officer determines may reasonably be expected to provide testimony that is material, and which does not constitute a needless presentation of cumulative evidence, must be made available for cross-examination before a final determination of liability.

(m) ~~(k)~~ The record of all hearings before an administrative hearing officer includes:

- (1) A record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means;
- (2) All documents presented at the hearing, or scanned copies or digital copies thereof;
- (3) A copy of the notice of violation or notice of hearing; and
- (4) A copy of the findings and decision of the administrative hearing officer.

(n) ~~(l)~~ Within ten days of the conclusion of a hearing, the administrative hearing officer must issue a final determination of liability. Upon the issuance of a final determination of liability the administrative hearing officer may:

- (1) Impose penalties and or fines that are consistent with applicable provisions of this Code;
- (2) Issue orders that are consistent with applicable provisions of this Code; and/or
- (3) Assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that the administrative hearing officer may not impose a penalty of imprisonment or, except in cases to enforce the collection of any tax imposed and collected by the city, where this limitation does not apply, impose a fine in excess of \$10,000.00 exclusive of costs of enforcement and or costs imposed to secure compliance with this Code.

(o) ~~(m)~~ In the issuance of a final determination of liability, an administrative hearing officer must inform the respondent of his or her right to seek judicial review of the final determination.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau", Section 71-40 "Default," is hereby amended as follows:

**Sec. 71.40. - Default.**

- (a) If at the time set for a hearing, informal AHB hearing, or formal AHB hearing, neither the recipient of a notice of hearing ~~for violation~~, nor his or her attorney of record, appears, the administrative hearing officer may find the recipient in default and proceed with the hearing, accept evidence relevant to the existence of a code violation, and conclude with a finding, decision, and order. A copy of the decision and order of default must be served in any manner permitted by 71.38(c). ~~section 71-41(a).~~
- (b) The recipient of a notice of blight violation or a notice of hearing who is found to be in default may petition the administrative hearing officer to set aside the entry of decision and the order of default and set a new hearing date in accordance with section 71-49 of this chapter.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau", Section 71-48 "Fines payable to the city clerk," is hereby amended as follows:

**Sec. 71-48. - Fines payable to the city clerk.**

All fines and other monies paid to the city under this chapter must be remitted to the city clerk. For any judgment signed by an Administrative Hearings Officer, the city clerk must accept as full payment of the fines and other

monies owed an amount less than the judgment amount, if city council by resolution has set the an amount which may be subtracted from the judgment if the fines and other monies owing on the judgment are paid in full within thirty (30) days, and the respondent pays the judgment in full, less that subtraction, within the thirty (30) days.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau", Section 71-49 "Petition to set aside default order," is hereby amended as follows:

**Sec. 71-49. - Petition to set aside the entry of a decision and order of default.  
~~default order.~~**

- (a) An administrative hearing officer may set aside any order of default and the entry of decision pursuant to that order ~~entered by default~~ and set a new hearing date, upon a petition filed within 21 days after the issuance of the entry of the decision and order of default, if the administrative hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or, at any time, if the petitioner establishes that the petitioner was not provided with proper service of process. If the petition is granted, the administrative hearing officer must proceed with a new hearing on the underlying matter as soon as practical.
- (b) If any order is set aside under this section, the administrative hearing officer must enter an order extinguishing any lien which has been recorded for any debt due and owned to the city as a result of the vacated decision and default order and direct the city to refund any fines or penalties paid pursuant to the vacated decision and order.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article III "Violations", Section 71-36 "General violations," is hereby amended as follows:

**Sec. 71-71. - General violations.**

Any act or omission regarding zoning, building or construction, building or property maintenance or condition in buildings or on the premises; fire prevention; illegal dumping, disposal of solid waste; noxious weeds, and abandoned or inoperative vehicles, that is prohibited by this code or any ordinance of the city and designated a blight violation, including but not limited to those violations designated as blight violations in Chapter(s) 18, 42, 50, 86, 94,

110, and 122 are blight violations subject to the procedures and penalties outlined in this Chapter.

#### Section 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, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, 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 will 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 has 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.

#### Section 3. Repeal.

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

#### Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will 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.

#### Section 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.

#### Section 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 Ypsilanti Courier. 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.

\_\_\_\_\_  
Paul Schreiber, Mayor

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_ was published in the Ypsilanti Courier 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

Notice Published November 6, 2013

First Reading November 19, 2013

Second Reading \_\_\_\_\_

Published \_\_\_\_\_

Effective Date \_\_\_\_\_



Resolution No. 2013-237  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the public hearing for an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," TO MAKE ADMINISTRATIVE HEARINGS MORE EFFICIENT BY ADDING RULES AND PROCEDURES FOR INFORMAL AND FORMAL AHB HEARINGS, TO SET FORTH ADDITIONAL STATUTORY REQUIREMENTS, TO CLARIFY THE CHAPTER AND CORRECT ERRORS AND OMISSIONS, AND TO ALLOW CITY COUNCIL TO SET BY RESOLUTION AN AMOUNT WHICH WILL BE SUBTRACTED FROM A JUDGMENT ENTERED IF THE JUDGMENT IS PAID TIMELY" be officially closed.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



REQUEST FOR LEGISLATION  
November 19, 2013

From: Teresa Gillotti, Community and Economic Development Director

Subject: Rezoning of 0.56 acres located at 400-412 N. River Street, proposed partial alley vacation, 107 E. Cross St. from B3, Central Business District; R1, Single Family Residential; and Historic District Overlay to Planned Unit Development (PUD). Commonly known as Thompson Block Redevelopment Project.

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Thompson Block Partners, LLC has applied for Planned Unit Development (PUD) rezoning and site plan approval for approximately 0.56 acres including the parcel at 400-412 N. River Street (Thompson Block parcel), the newly vacated alley east of the property and 107 E. Cross Street.

The 400-412 N. River parcel is comprised almost entirely of the two structures of the Thompson Block. Right-of-way improvements are proposed along the River Street frontage. The proposed reuse of the existing structure will include restoring the building and façade, with 16 upper story residential lofts, and a combination of commercial/retail uses on the first floor totaling approximately 10,000 sf. The vacated alley and the vacant 107 E. Cross will provide for parking, stormwater management, and buffer between the development and adjacent properties.

**PUD Development requirements**

Section 122-575 of the Zoning Ordinance provides review procedures for Planned Unit Development applications:

- 1) Pre-application conference
- 2) Formal PUD Application
- 3) Planning Commission Review, Public hearing, and Recommendation
- 4) City Council Action

The project is currently at stage #4 above. Planning and Development staff held several meetings with the development team. The Planning Commission held a public hearing on Wednesday, August 28, 2013 where they postponed action until the next meeting, pending some revisions of the site plan. On Wed., September 18, 2013, they recommended zoning and site plan approval with conditions.

**Remaining Conditions and site plan revision**

Staff received revised plans (attached) dated 11-11-13 which addressed the following conditions

1. Install fencing in accordance with 122-703 along north side of structure in cooperation with adjacent owners
  - Staff met with one of the owners of 414 N. River (the immediately adjacent apartment house) and Stewart Beal of Thompson Block partners to discuss the pathway and egress on the north side of the property.

The primary residential ingress/egress will be to the east off the parking lot. A secondary ingress/egress will be located on the east of the building. Gates will be located to the east and west with a push bar for egress and a punch-code available to residents to limit pedestrian traffic.

To secure the gate on the east and west ends, a fence will be run along the property line to the edge of the property at 414 N. River. That property owner has agreed to let the fence then run north and affix to the house in two locations. This will limit the fencing and provide more space for building maintenance for both owners. This is shown on A-2. An easement will be required for access.

2. Detailed grading plans shall demonstrate how ADA requirements are met on River and Cross intersection
  - Plans will be submitted during the detailed engineering phase.
3. Sidewalk on Cross Street shall continue through drive at 6 feet width
  - Shown on sheet A-1.
4. Update required percentage to reflect entire project area and confirm calculation
  - Calculation provided and standard met (shown on sheet 4)
5. Add bicycle parking
  - Bicycle parking is shown in two locations, one along River Street (for visitors/customers) and a second on the north side of the parking area (presumably for tenants).
6. Consider a metal gate on the east side of the pedestrian access on north side of the building
  - Gates are provided and have been coordinated with adjacent neighbor.
7. All items from engineering review letter dated 9-13-13
  - Items will be addressed in detailed engineering, if not already addressed above.
8. A list of plantings for the bioswales should be provided.
  - Seed mix details have been provided to staff.
9. Provide a maintenance plan for bioswales,
  - Schedule provided on page 4



10. Provide height for all pole lights
  - Additional lights will be DTE Granville model which meets height requirements.
11. All fixtures on north side of building shall be down-directed and full cutoff.
  - Cut sheet requested prior to HDC application for staff review.
12. Add one additional tree to parking area
  - Requirement met.
13. Note all exemptions from zoning basis on the site plan.
  - Exemptions noted on cover sheet
14. HDC approval is required for all exterior work.
  - Noted on page

A few modifications are still needed on the site plan and will need to be corrected between the first and second reading should council move the project forward:

- Cover sheet – note about a mutual easement for ingress and egress between parking lots should be removed
- Cover sheet – note that copy of recorded easement for use of a portion of 414 N. River to add fence and attach to the house to help secure fence and gate will be needed prior to construction
- Fencing on north side to be shown on A-1 as well.

**Next Steps:**

The public hearing and first reading will occur on Nov. 19, 2013. At the Dec. 3 meeting, a second reading will be held as well as a resolution for approval of a PUD agreement.

Please contact Teresa Gillotti with any questions at 734-483-9646 or [tgillotti@cityofypsilanti.com](mailto:tgillotti@cityofypsilanti.com).

RECOMMENDED ACTION: Approval

ATTACHMENTS: Thompson Block Project site plans dated 11-11-13  
Staff Planning Commission reviews and related minutes:

- August 28, 2013
- September 18, 2013

Support Letters

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CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: 11-19-13

CITY MANAGER COMMENTS:

FINANCE DIRECTOR APPROVAL:



Resolution No. 2013-238  
November 15, 2013

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT An Ordinance Entitled, "THOMPSON BLOCK REDEVELOPMENT PROJECT ORDINANCE" be adopted on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

**PLANNING COMMISSION  
MEETING MINUTES  
August 28, 2013  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**II. ROLL CALL**

**Present:** R Johnson, B. Lenart, G. Clark, M. Bullard, R. Murphy,  
C. Zuellig, A. Bedogne

**Absent:** B. Lenart (excused) P. Hollifield (excused)

**Staff:** Teresa Gillotti, Community Development Director  
Bonnie Wessler, Planner I  
Nan Schuette, Executive Secretary

Chairman Johnson welcomed a new member to the Planning Commission, Anthony Bedogne, who has recently been serving on the Zoning Board of Appeals and was a very active member.

**III. AUDIENCE PARTICIPATION**

**Mayor Paul Schreiber, 922 Pleasant** - thanked everyone on the board for their service to the city. He continued by saying that it is very important to have people with good experience on boards and Planning Commission is a great example of that, especially with two very important projects occurring in the city and the Planning Commission's direction and experience is critical to the city and its success.

Chairman Johnson also thanked the commission and staff for their time and involvement in these projects as well as other huge projects that have been ongoing at the same time.

#### **IV. PUBLIC HEARING ITEMS**

##### **1. Family Dollar Rezoning & PUD Plan**

Chairman Johnson stated that this is a Planned Unit Development (PUD). It is a rezoning but is also like a contract with the city that requires more complex zoning. It is part of the Water Street complex. He added that this is more complex than a normal PUD in that, we are looking at previous zoning that was pre 1998 and the Master Plan that was in effect in 1998. We are also looking at a different Master Plan that was passed by this board in 2004 and zoning that is not actually officially in place but which we have been asked to recognize as well as a new Master Plan. We are being asked to review the agreement and site plan that will be presented to us this evening making a recommending to City Council to make the final decision.

Ms. Gillotti, Community Development Director, began by stating that this is the first proposed development in the Water Street redevelopment area. In May, City Council approved a development agreement for the site that included a concept plan. There were some conditions that were specific to the site plan that was included in the development agreement that are to be discussed at this meeting.

The parcel location of this property is approximately 0.84 acres plus an estimated 0.26 to establish Lincoln Street, putting it over one acre. A PUD is allowed for projects over one acre. City Council required that this go through Planning and Development to ensure quality development as part of the agreement. Ms. Gillotti added that Josh Allen, who is the architect for the project, is in attendance to discuss any questions by the board.

The concept plan for the development area has changed over time and as we were going through the Shape Ypsilanti process and how we wanted the Water Street area to look, it changed again. The Family Dollar building is proposed to be built on a lot between Park and Lincoln facing Michigan Avenue with parking on both the side and rear yards. The building is proposed to be approximately 8,320 sq. ft. with masonry block and windows along the Michigan Avenue frontage. She noted that were five different review criteria that went into this review that includes the Master Plan revision of 2008 specific to the Water Street area, regular zoning; in this case, a PUD with B3 as the underlying district, the development agreement, draft zoning that the Planning Commission did in 2009 and while City Council ultimately tabled the zoning, they have indicated that it should be used for negotiating future development and is to serve as a guideline for the proposed development and lastly, the draft Master Plan.

Ms. Gillotti gave a short overview of the proposed Family Dollar showing the location of the building, adding that the utilities will be located off Park Street, lights will be installed on all sides, windows will be clear in front and other windows will be tinted. She reviewed the parking and curb cuts, including the proposed handicap parking; on street parking will be allowed on Lincoln as is currently allowed on Park. Five bicycle parking spaces are required. A rain garden is proposed on the east side of the parcel between the parking lot and Park Street. Street trees will be required on the east side of Lincoln Street frontage per the development agreement as well as on the frontage of Michigan Avenue. Chairman Johnson asked her to review the staff recommendations.

She stated that staff recommends the Planning Commission approve the PUD plan and rezoning to PUD listing the various findings, including two exemptions: one is recommended based on zoning guidelines to reduce the number of required parking spaces to a maximum of 24 and the second is an exemption from the required entryway overlay district. She indicated that there are 23 potential conditions, which she reviewed in detail for clarification. Also noted were the various waivers that are being requested; requirement from the 3 ft berm between Michigan Avenue and parking lot, and instead, the potential of a landscaping wall; foundation planting tree requirements along Michigan and Lincoln Street and relocation of two trees on Park Street; and lastly the omission of the sprinkler system.

Commissioner Bedogne asked for clarification on Parsons Street, which Ms. Gillotti provided. Chairman Johnson asked about the orientation of the lot frontage and Ms. Gillotti responded with a detailed explanation.

Commissioner Clark moved to open the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.

**Josh Allan, 1404 Vine Street, Cincinnati, OH** – stated that he is the architect for the project. Ms. Gillotti has done a good job of outlining where everything is – the lot location, parking, bioswale, landscaping, etc. but there are a few things he would like to address on the conditions. He reviewed a picture of the rain garden, which has an appealing look as well as function. It is standard with Family Dollar to have a sprinkler system installed. On the curb & gutters, they will be included as a standard. They will change the notes on the Lincoln Street improvements currently showing the city paying for that. They do not expect the city to pay for any improvements and will include the curb cut, sidewalk and the landscaping. He provided samples of the materials – they plan to use masonry product, structural brick, and beige base on bottom. Dumpsters will be installed with gates and match the building. They would like to have 25-30 parking spaces.

Chairman Johnson asked about the issue of the glass – reflective vs non reflective. Mr. Allan responded that this is something he can work out with staff. Chairman Johnson added that it should be noted as one of the conditions. He also asked about how the parking can be reduced and Mr. Allan stated they could get rid of seven at the back since they are less useful. They would prefer to have 25 parking spaces and reorganize the landscaping at the back. Discussion continued on various parking issues including handicap spaces. Commissioner Zuellig added there is an opportunity to put a screen wall running parallel to the building reinforcing the street edge, to which Commissioner Murphy concurred.

The issue of the monument sign was discussed with one board member stating that it should be eliminated since there was enough signage on the building itself but no specific recommendation was made.

Much discussion was held on the location of windows and canopies and the question was raised if it is possible to install windows on the Lincoln Street side of the building since it is currently just a huge brick wall with no break. Mr. Allan responded that putting windows in that location is not practical since it looks directly into the delivery area. The board encouraged Mr. Allan to look at other options rather than having just another large brick wall facing Lincoln Street and he agreed to look at this further.

Mr. Allan referred to the six street trees on Michigan Avenue stating that it is his opinion that once they mature to a potential 30', it would be difficult to see the building and is requesting that they eliminate one or two. Commissioner Zuellig was opposed to this reduction.

**Irmgard Gelletly, 921 Sheridan** – asked about run-off and the possibility of using water off the roof or rainwater for the sprinkler system. Chairman Johnson responded that he believes the run-off goes into the storm system like all other streets. Ms. Gelletly is concerned if the parking lot drains into the rain garden area and Chairman Johnson responded that this is an adequate concern. Commissioner Zuellig added that often they put stones in that area where the stormwater comes off the parking lot into a type of basin and collects the salt going into the plants. Also, they typically pick plant material that is salt tolerant.

Commissioner Clark moved to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Chairman Johnson stated that it was his opinion that Family Dollar had done an excellent job of trying to integrate their building to the community but at the same time it is a challenge. The staff report has given us an excellent write-up with good recommendations, etc. Commissioner Clark informed Mr. Allan that he had pictures of another store location showing types of windows that could be considered on the Lincoln Street side. Commissioner Zuellig agreed with Chairman Johnson that staff had worked really hard on this site plan with a lot of positive things about it. She was pleased to see they did include irrigation. She referred to the on-street parking on Lincoln adding that it should have concrete on the back and needs a guard rail and signage because of being a dead-end street. Chairman Murphy asked about the timing of completion since he is concerned because it is his opinion there are many large issues that need to be addressed, which he detailed in length. Mr. Allan responded that he hopes it would be 180 days from signing. Commissioner Clark added that this is the first site on the Water Street redevelopment area and it is very important that we get it right making sure that every detail is covered. Chairman Johnson listed the various issues that were of concern.

Mr. Allan concluded by saying that there are only two main concerns he had that he could work out with staff and had no problems with all of the other conditions and waivers.

Commissioner Murphy moved to postpone action to our September meeting but with a date certain to pick back up again. Items to be clarified by staff were: the monument sign, six trees on Michigan, confirmation of film on windows on Michigan Avenue, canopies on Lincoln Street side of building, knee wall parallel with Michigan Avenue between sidewalk and parking lot area, between 25-30 parking spaces, relocation of barrier free spaces, change plantings, maintain 30' drive with concrete at back, 10' sidewalk on Michigan Avenue (Support: A. Bedogne) and the motion carried unanimously.

## 2. Thompson Block Rezoning & PUD Plan

Chairman Johnson stated that this has been a high profile project for a number of years and we are happy to see movement going forward so we can take action. Ms. Gillotti presented the staff report by stating that this did not come before Planning Commission previously because it was originally a project that was based just on the building portion. It now encompasses the

vacant parcel and a portion of the alley behind the two, which the applicant is trying to vacate and combine all three; the Thompson Block property, the alley and the property located at 107 E. Cross, to create a single lot size of approximately 0.56 acres; the minimum required for a historic preservation Planned Unit Development (PUD) is 0.5 acres.

In 2009, due to the damage from a fire to the southern structure, it lost its non-conforming structure status since it was not rebuilt in 18 months. As a means of addressing the illegal non-conforming status and preserve and adaptively reuse the building, the applicants have applied for an adaptive reuse of a historically significant structure PUD rezoning and site plan approval. The B3 Central Business District requires 5' setback on both sides and 25' setback when adjacent to a residential district, so one of the exemptions that the board will have to consider is for the setback exemption requirement in order to preserve the actual building facade for the building allowing it to be located in its current state, otherwise it would have to be moved back.

There is a provision in the Zoning Ordinance that allows for a smaller land area to be considered for PUD – ½ acre – if it is for preservation of a historic structure. That was determined by the Historic District Commission at their last meeting that it was within the 0.5 acre requirement.

She provided some information on the restoration of the project. There will be parking area adjacent to the east of the building providing parking for the residential units. They are planning for 10,000 sq. ft. on the first floor for commercial with 16 upper story residential lofts. Along the River Street frontage, they intend to create a concrete addition along the front of the building for outdoor seating plus sidewalk. The vacated alley and the vacant 107 E. Cross will provide for parking, stormwater management, and buffer between the development and adjacent properties. The property at 113 E. Cross is being proposed to provide additional egress by the property owner, but will be considered in a separate site plan application.

Residential access is primarily off the parking lot although it is still shown on the site plan to the north of the building where the elevator is located. Clarification is required from the owner. There is access to the commercial building at the rear of the bays; however, each bay will have its own front door.

Ms. Gillotti reviewed the parking requirements stating that currently, thirty-one parking spaces are shown, exceeding the minimum of twenty-six. The parking area is missing the required barrier-free parking spaces and lacks adequately-sized travel/maneuvering lanes. Staff is recommending maintenance of a 12 foot drive if parking is changed to 45 degree angle. No signage is planned at this time. Dumpster information needs clarification.

Staff is recommending that the Planning Commission approve the PUD plan and rezoning to PUD based on a number of findings, conditions to be addressed and waivers of foundation plantings requirement, sprinkler system and permit installation of landscaping and wall for off-street parking in lieu of berm. Ms. Gillotti offered to address any concerns.

Commissioner Zuellig asked if a schedule for the work had been provided and Ms. Gillotti responded that she would refer that question to the applicant.

Commissioner Murphy moved to open the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

**Fred Beal**, is a partner in the new entity called The Thompson Block Partners, in putting this project together since they have expanded the group. He stated that the property in question is owned by The Thompson Block. The idea centers around the building as it did before. He reviewed some of the planned changes. Due to timing, they got OHM's comments late and have not quite worked out the details on the parking lot but should be able meet their requirements on the width required. He expounded on the details. On the scheduling question, they would complete all approvals, financing, tax credit closing between now and year end, beginning the project January 1<sup>st</sup> and finishing by the end of 2014.

He introduced his architect, David Lavender. Mr. Lavender continued the presentation adding that in terms of lighting, they plan to match the same as is on the street. Regarding the ADA walks, the building frontage is roughly 132 ft. In order to provide a 1 in 20 slope, they need approximately 87 ft. Within the frontage of the building on River Street there is more than enough space to put in a slope walkway that won't require a ramp. They would work with their leaseholders in terms of the kind of signs they require but working within the signage required in the ordinance, similar to E. Cross Street.

Chairman Johnson stated that the building had been heavily damaged and wondered if there are any engineering concerns, i.e. certified that the building can withstand the major renovation? Mr. Lavender responded that the brick walls that are there used to support the exterior walls -- they are going to rebuild the interior walls to provide lateral bracing and in addition to that, the wood floors that were between the walls provided a diaphragm in the other direction, so essentially putting back what was there structurally previously will be restored. Commissioner Clark stated it was his understanding in order to make the building structurally sound, you have to rebuild the building inside the walls and wondered how much of this building has to exist in order to receive the Historic Foundation tax credits and Mr. Beal clarified how the credits and programs work.

Commissioner Murphy moved to open the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

**Irmgard Gelletly, 921 Sheridan** – owns the building next to the Thompson Block immediately next to the north wall. She had a number of concerns about the proposed stairwell at the north end of the building, noise from potential loft owners and the height of the building that would affect the sun exposure in the backyard of her property.

**Mayor Paul Schreiber, 922 Pleasant Drive** – had questions on the western façade windows, to which Mr. Beal responded.

Commissioner Bedogne moved to close the public portion of the hearing (Support: c. Zuellig) and the motion carried unanimously.

There were many questions by the board members. Further discussion was held with a consensus by the commission members that many items need to be addressed as well as more information being provided on the bioswale, elevator, planting, signage, parking, etc.



Commissioner Clark moved to postpone a decision on this project with the applicant returning on September 18<sup>th</sup>, at which time, have further clarification on the rear entrance of parking lot, landscaping, elevator, side entrance and how it will work, River St ROW and dumpster (Support: R. Murphy) and the motion carried unanimously.

## **V. OLD BUSINESS**

### **1. Recreation Master Plan Update**

Ms. Gillotti complimented Bonnie Wessler, for the great job she did on putting together the parks plan. Ms. Wessler stated that this is an update on the new Parks and Recreation Plan and highlights as they relate to Shape Ypsilanti. Five main areas were discussed: Water Street and Waterworks Park; Frog Island Park and Depot Town; Railroad Street; Washtenaw & Cross; and overall connectivity for pedestrians and vehicles. There are differences in the plans due to the different timelines (the Master Plan has a 10-20-year timeline; the Recreation Plan is 5-10), and these differences will be resolved prior to adoption of either plan.

The existing ball fields at Waterworks Park will be renovated with the help of the Little League. The disc golf course will be maintained and potentially a small area for a dog park will be explored.

The Recreation Plan also calls for sidewalks along Catherine Street from Waterworks down to Factory Street.

## **VI. NEW BUSINESS**

None

## **VII. COMMITTEE REPORTS**

Ms. Gillotti stated that there was a report on the Non-Motorized Committee; however, it was inadvertently omitted from the packet. She will copy everyone.

## **VIII. FUTURE BUSINESS DISCUSSION/UPDATES**

- Family Dollar
- Thompson Building
- South Prospect Church Site Plan

## **IX. ADJOURNMENT**

Since there was no further business, Commissioner Murphy moved to adjourn the meeting (Support: G. Clark) and the motion carried unanimously.



## **City of Ypsilanti**

Planning and Development Department

### **Planning Commission Agenda: August 28, 2013**

**Staff Review of Site Plan and  
Planned Unit Development (PUD) rezoning  
400-412 N. River Street, proposed partial alley vacation,  
107 E. Cross St.  
Ypsilanti, Michigan**

#### **GENERAL INFORMATION**

|                          |                                                                                         |
|--------------------------|-----------------------------------------------------------------------------------------|
| <b>Applicant:</b>        | Thompson Block Partners, LLC<br>221 Felch St.<br>Ann Arbor, MI 48103                    |
| <b>Project Name:</b>     | Thompson Block Redevelopment Partners                                                   |
| <b>Application Date:</b> | July 17, 2013                                                                           |
| <b>Location:</b>         | 400-412 N. River Street, proposed partial alley vacation, 107 E. Cross St.              |
| <b>Zoning:</b>           | B3, Central Business District; R1, Single Family Residential; Historic District Overlay |
| <b>Action Requested:</b> | Site plan approval; Rezone to Planned Unit Development (PUD)                            |

#### **PROJECT AND SITE DESCRIPTION**

The property commonly known as the Thompson Block (400-412 N. River) has been a redevelopment priority for the City and DDA for many years. Vacant for numerous years, its recent history has been problematic, exacerbated further by a devastating fire in 2009.

The damage from the fire to the southern structure created an illegal nonconforming status as it was not rebuilt in 18 months (see attached zoning letter). As a means of addressing the illegal non-conforming status and preserve and adaptively reuse the building, the applicants have applied for a adaptive reuse of a historically significant structure Planned Unit Development (PUD) rezoning and site plan approval.

The project will include three primary properties with access granted at a fourth. The property with the structures, 400-412 N. River (11-11-04-495-023) will be combined with a vacated alley

as well as 107 E. Cross (11-11-04-495-015) to create a single lot sized of approximately 0.56 acres, the minimum required for a historic preservation PUD is 0.5 acres.

### **Existing consent agreement between applicant and City**

Post fire, the City and the property owners had pursued legal action related to post-fire activities such removing buttressing from the city right-of-way to support the building, stabilizing sections of the building in danger of collapse and ultimately securing and completing the building envelope. This consent agreement was approved by both parties in May of 2011. The final condition, completion of the exterior envelope, is due to be completed by Aug. 30, 2013. The applicant has requested an extension of the agreement subject to new requirements, which is currently under consideration by City Council.

### **Project Financing and Phasing**

Prior to the 2009 fire, the Thompson Block redevelopment project had received a combination of public and private funding. Some of the public funding remains with the project, while other will need to be renewed. The project is estimated at \$4.8 million and includes the following financing plan:

- Total tax credits: \$2,907,280.00 total value, \$2,724,500.01 syndicated value.
- Total current commitment by investors: 174 shares available for \$10,000 each
- Combined funding being sought through bank and State of Michigan for \$2,900,000
- City OPRA abatement from 2006 estimated value for duration: \$530,000

SHPO has confirmed that the State Enhanced credits are available for the project until the end of calendar year 2016. The applicant is intending to either amend or reapply for the OPRA, as well as the brownfield TIF, as changes have been proposed for qualifying expenses related to TIF. Additionally, the applicant is seeking MEDC support as well as local investors at \$10,000 a share. A traditional bank loan is also being sought. More detail is in the applicant's application materials.

### **Site details**

The proposed redevelopment area is 0.56 acres zoned a combination of B3, Central Business District; R1, Single Family Residential; and Historic District Overlay. The 400-412 N. River parcel is comprised almost entirely of the two structures of the Thompson Block. Right-of-way improvements are expected along the River Street frontage. The proposed reuse of the existing structure will include restoring the building and façade, with 16 upper story residential lofts, and a combination of commercial/retail uses on the first floor totaling approximately 10,000 sf. The vacated alley and the vacant 107 E. Cross will provide for parking, stormwater management, and buffer between the development and adjacent properties. The property at 113 E. Cross is being proposed to provide additional egress by the property owner, but will be considered in a separate site plan application.

## **REQUIRED INFORMATION – PUD SUBMITTAL**

Section 122-575 provides application requirements for Planned Unit Developments. These requirements include cover letter from applicant and owner, legal description, site plan at a maximum scale of one inch equals 50 ft. or larger prepared in accordance with 122-125 (site plan review). Additional required information: copy of agreements, covenants, or deed restrictions which will assure that the development will be completed and maintained as shown on the plans by the developer and successive owners; open spaces areas; architectural sketches; copy of deed restrictions; and required fees.

Required information has been submitted. The following has been provided:

- Ownership of existing parcels
- Legal description for parcels
- Lot combination submitted, subject to alley vacation
- Alley vacation process pending

***Items to be Addressed:*** None

## **PUD PROCESS**

Section 122-575 of the Zoning Ordinance provides review procedures for Planned Unit Development applications:

- 1) Pre-application conference
- 2) Formal PUD Application
- 3) Planning Commission Review, Public hearing, and Recommendation
- 4) City Council Action

The project is currently at stage #3, above. Planning and Development staff met with the applicant on a number of occasions to discuss the project. The Planning Commission will review and hold a public hearing on Wednesday, Aug. 28, 2013.

## **MASTER PLAN CONSIDERATION**

The 1998 City of Ypsilanti Master Plan indicates a series of goals including the rehabilitation of historic structures.

In Objective 2.1: Encourage the rehabilitation of historic structures (page 57). Relevant sections follow:

- a. Consider strategies to permit flexibility in or obtain relief from certain code regulations to help facilitate the rehabilitation of upper stories for loft housing (for example, not requiring sprinkler systems, relief from fire separation requirements, barrier-free access requirements, etc.)
- d. Continue local incentives for restoration of historic buildings...
- e. Recruit developers for loft redevelopment and mixed use adaptive reuses of vacant structures.

In Objective 3.2: Attract business and facilitate housing opportunities:

- f. Consider revitalization efforts for Depot Town

The future land use map maintains a central business designation for the 400-412 N. River parcel area but indicates the 107 E. Cross parcel stay single-family.

The draft 2013 master plan denotes the corner parcel (400-412 N. River St) as a central business. The alley and 107 E. Cross parcel are designated as central neighborhood. This designation is intended to have more flexibility in use and form and what is designated in the current master plan and zoning ordinance. Central neighborhoods are defined as: "...built before World War II, a grid block pattern and historic buildings with a variety of residential types and retail uses on corners." Using the 107 E. Cross St parcel as a parking area for 400-412 N. River would be a change from a future use as a single family residential dwelling. However, it provides a transition from the multifamily residential to the east to the more commercial Depot Town area, while supporting master plan goals of loft redevelopment, while contributing to an increase in residential density. Immediately across Cross Street, Standard Printing and the Automotive Heritage Museum have central business-style uses, as well as central business pedestrian and vehicle traffic volumes.

## LAND USE AND ZONING

**Figure 1: Subject Site Location**



**Figure 2: Site Aerial Photo (2010)**



**Table 1: Surrounding Land Use and Zoning**

|              | <b>LAND USE</b>                                  | <b>ZONING</b>                                                              |
|--------------|--------------------------------------------------|----------------------------------------------------------------------------|
| <b>NORTH</b> | 3-unit residential; 4-unit residential;          | R1, single family residential<br>HO, historic overlay                      |
| <b>EAST</b>  | 7-unit residential; single family<br>residential | R1, single family residential<br>HO, historic overlay                      |
| <b>SOUTH</b> | Automotive Heritage Museum;<br>Standard Printing | B3, Central Business<br>CI, Commercial Industrial,<br>HO, Historic overlay |
| <b>WEST</b>  | Vacant Depot, parking lot                        | B3, Central Business<br>HO, Historic overlay                               |

## AREA, WIDTH, HEIGHT, SETBACKS, DEVELOPMENT STANDARDS

The underlying district for the majority of the subject area is B3, Central Business district. The 107 E. Cross parcel is zoned R-1, single family residential. The ordinance notes that PUD is not allowed in R1, single family districts. However, section 122-572 of the zoning ordinance has this provision:

In a planned unit development, the principal uses which shall be permitted shall be based on the underlying zoning district. City Council may also consider, upon Planning commission recommendation, the City of Ypsilanti Master plan as a basis for principal uses permitted in a planned unit development.

Based on the current (1998 Master Plan) goals listed above including, encouraging the rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town. Staff recommends Planning Commission invoke the above provision and recommend that City Council use the master plan goals as a basis for the principal uses permitted in a planned unit district. Based on the zoning of the structure and adjacent Central Business designations in the Master Plan, the B3 – Central Business district will serve as the underlying district for the entire project area. This review will proceed based on the use of B3 as the underlying district.

Section 122-573 (3) of the PUD regulations state that base regulations may be modified to encourage flexibility and creativity in development, provided such modifications result in a higher quality of development than would otherwise be possible. Exemptions will be listed below to be noted on site plans and in PUD agreement. Even though a lot combination is included with this plan, the PUD agreement will consider the two parcels and alley as the project area.

**Table 2: Area, Width, Height, Setbacks**

|                                            | <b>REQUIRED<br/>(B3 Central Business)</b>                                                                                                                                                                                                                         | <b>Existing</b>                                                                                                                                                     | <b>Proposed</b>                                                                      |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>LOT AREA /<br/>WIDTH /<br/>COVERAGE</b> | The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts. | Lot Area: 24,384 sf<br>(.56 acres)<br><br>Width: 186.46 ft<br>(River)<br><br>Lot Coverage:<br>approx. 56%<br><br><i>Subject to<br/>vacation/lot<br/>combination</i> | Unchanged<br><br><b>Show building and floor<br/>plan dimensions on site<br/>plan</b> |
| <b>SETBACKS</b>                            |                                                                                                                                                                                                                                                                   |                                                                                                                                                                     |                                                                                      |
| <b>Front (River)</b>                       | Not less than 5 feet                                                                                                                                                                                                                                              | 0                                                                                                                                                                   | Unchanged<br><br><b>Exemption requested<br/>to preserve historic<br/>façade</b>      |

Planned Unit Development Review | Thompson Block redevelopment project –| Aug. 28, 2013

|                               |                                                                      |                                                                                                 |                                                                                                                                                                                                                                                                                                                    |
|-------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Street side (E. Cross)</b> | Not less than 5 feet                                                 | 0 from River to alley.                                                                          | Unchanged<br><br><b>Exemption requested to preserve historic façade</b>                                                                                                                                                                                                                                            |
| <b>side</b>                   | 3                                                                    | 4                                                                                               | Unchanged                                                                                                                                                                                                                                                                                                          |
| <b>Rear</b>                   | >25' from adjacent residential and screen in accordance with 122-703 | 67 feet                                                                                         | Unchanged; landscape screening provided                                                                                                                                                                                                                                                                            |
| <b>Side (north)</b>           | >25' from adjacent residential and screen in accordance with 122-703 | None shown                                                                                      | <b>Exemption requested to preserve historic façade;</b><br><br><b>Install fencing in accordance with 122-703 along north side of structure</b>                                                                                                                                                                     |
| <b>HEIGHT</b>                 | Six stories or 75 feet, whichever is smaller                         | 45 feet                                                                                         | Unchanged                                                                                                                                                                                                                                                                                                          |
| <b>Minimum floor area</b>     | Usable floor area (excludes basements and attics) Sec 122-794        | gross area*                                                                                     | gross area                                                                                                                                                                                                                                                                                                         |
|                               | 1 BR: 450 sf                                                         | 12- 1br units, dimensions not shown                                                             | <b>Provide dimensions of each unit</b>                                                                                                                                                                                                                                                                             |
|                               | 2 BR: 650 sf                                                         | 4- 2 br units, dimensions not shown                                                             |                                                                                                                                                                                                                                                                                                                    |
| <b>SIDEWALKS</b>              | provide a sidewalk or shared-use path                                | 5.5 ft sidewalk along River street frontage to be relocated to accommodate outdoor patio space. | <b>Ensure that sidewalk on River Street frontage meets ADA requirements.</b><br><br><b>Ensure also that interior access sidewalks meet or exceed minimum width and maneuvering standards.</b><br><br><b>Note that if the corner ADA ramps &amp;/or landing spaces are disturbed, replacements will be required</b> |
| <b>LANDSCAPING</b>            | 10% = 2,438 sf                                                       |                                                                                                 | 2,736 sf<br><b>Update required percentage to reflect entire project area.</b>                                                                                                                                                                                                                                      |



|                |                                                                             |       |                                                                            |
|----------------|-----------------------------------------------------------------------------|-------|----------------------------------------------------------------------------|
| <b>PARKING</b> | 1 ½ for each 1 bedroom<br>2 for each 2 bedroom<br><br>18 + 8 = 26 required. | None. | 31 supplied.<br><br><b>Add 2 handicap spaces including one van space.</b>  |
| <b>SIGNAGE</b> |                                                                             |       | <b>None shown. All signage requires sign permit and related sign plan.</b> |

***Items to be addressed:***

1. Show building, floor plan, and dwelling unit dimensions on site plan
2. Install fencing in accordance with 122-703 along north side of structure
3. Ensure that all new or changed sidewalks meet or exceed ADA requirements
4. Update site landscaping calculation to include entire project area
5. Provide required barrier-free parking
6. Note that all signage requires sign permit and related master sign plan.

***Exemptions to be noted:***

1. Exemption to setback requirements in front, side and street side yard requested to preserve historic façade

## **BUILDING LOCATIONS AND SITE ARRANGEMENT**

The Thompson block is two structures that share a common wall. The northern structure remains predominantly intact post-fire. The southern has a complete façade on the River Street frontage, and mostly complete on the Cross Street side. Areas of the wall remain open on the north and east sides of the structure.

The restoration of the building would include recreation of storefronts along the River Street frontage. Stairs and ramp ways may have to be reoriented to provide barrier free entry and adequate access to the raised seating area. Secondary or service access for the commercial uses is on the eastern side of the building onto a 5 foot proposed walkway and adjacent parking lot. An elevator tower is proposed for the northeast corner of the southern structure, abutting the parking lot.

A dumpster enclosure is indicated on the northwest side of the parking area; gas meters, electrical panels, and other mechanicals are located on the east frontage of the building.

***Items to be addressed: None***

## **SITE ACCESS AND CIRCULATION**

Pedestrian access to the businesses is on the River Street frontage either through stairs on the southwest frontage, or ramp access to the raised entrance to the proposed store fronts. Service entrances are located to the rear of the building, as well as a resident access to the stairwell. Per the south elevation, there is a doorway; this doorway is not shown on the floor plan. Resident access and elevator access is via the north entrance; the plan view shows a

wooden staircase not shown on the elevations and the front elevation shows a lean-to of overhang not shown elsewhere; the applicant should clarify these items and dimension the sidewalk shown to ensure an adequate access and clear path of travel is provided. A new 5 foot sidewalk is proposed at the rear of the building between the building and the adjacent parking lot to provide a connection to the parking lot, elevator, bike parking, and dumpster enclosure.

Bicycle parking is provided to the rear of the building off Cross Street at the northeast corner of the building footprint. There is no bike parking provided along the River Street frontage; staff recommends coordinating with the DDA to locate "signature" bike racks and/or bike sharing stations along that frontage.

Vehicles would enter off East Cross Street and travel one-way eastward through the parking area, either leaving through an exit on the site, or through the adjacent multi-family parking lot. The applicant does currently own the adjacent property at 113 E Cross and is proposing an easement for vehicle traffic and stormwater handling on it. No loading zones are shown, but in conversation with the applicant staff suggests on-street parking on River Street include both a loading zone and a barrier-free on-street parking space. Similar front yard loading is common in Downtown and Depot Town due to the zero lot lines and limited rear access to buildings.

Currently, thirty-one parking spaces are shown, exceeding the minimum of twenty-six. At this time, the parking area is missing the required barrier-free parking spaces and lacks adequately-sized travel/maneuvering lanes. The attached engineering review notes that the parking aisles are below the city's requirement for 90 degree spaces. Staff recommends maintaining a 12 foot drive if parking is changed to 45 degree angle as described in the attached engineering review. Additionally, the parking area should be curbed, with outlets for the rain garden and bioswale areas. Bumper blocks should be removed as noted in the attached engineering letter. If adjusting the dimensions and providing the required barrier-free spaces alters the number of parking spaces that will fit on the lot, Planning Commission may provide up to a 20% waiver (thus requiring only 21 spaces) &/or the applicant may choose to pay a fee in lieu of providing parking, per §122-841. Note that the underutilized and public Maple Street lot, containing 63 parking spaces, is within 500 feet; the popular public lot between Aubree's and the railroad is well within 300 feet.

An AAATA stop is located within 300' of the development for the #10 bus. It currently runs from 6am to 10pm Monday-Friday, from 7:30a to 7p on Saturday, and not at all on Sunday. The proposed commuter rail stop is also within walking distance, although it is not anticipated to be in operation until 2015-2016.

***Items to be addressed:***

1. Ensure a clear and accessible path of travel for pedestrians is provided to the north door.
2. Provide copy of easement burdening 113 E Cross for review; submit copy of recorded easement prior to applying for a Certificate of Occupancy.
3. Ensure that ADA standards are met or exceeded along the River Street sidewalk/frontage.
4. Show on-street loading and barrier free parking space on River Street per city standards.
5. Ensure parking spaces and maneuvering lanes meet dimensional requirements (see engineering review).

## ENGINEERING/STORMWATER REQUIREMENTS

Two bioswales and a raingarden are proposed in addition to landscape screening. One bioswale extends along the north of the parking area, draining into the raingarden at the north-west corner. The other, along the east side of the parking area at the property line with 113 E Cross, is for infiltration. These areas also contain landscaping.

The attached engineering review notes that the parking maneuvering aisles are below the required width, and that the parking lot should be curbed with spillways provided to direct stormwater into the bioswales and raingarden.

It is unclear if any water and/or sanitary sewer work is proposed with this project. That should be clarified with a site plan revision.

### ***Items to be addressed:***

1. All items from engineering review letter dated Aug. 22, 2013.
2. Provide a maintenance plan for bioswales and raingardens.

## SCREENING

|                 | Required                                                                                                                                                                       | Existing Conditions                                                | Proposed                                                                                                                                                                                                                                                                                                                                                    |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lighting</b> | <ul style="list-style-type: none"> <li>• down-directed and shielded</li> <li>• not &gt;0.5 fc @ lot line</li> <li>• not &gt;16'in height</li> <li>• not &lt; 0.3 fc</li> </ul> | Two existing streetlights are located on the River Street frontage | <p>Streetlight nearest the River/Cross intersection noted to be relocated.</p> <p>Building lighting provided on all frontages except south; upper-story decks are not provided with lighting. No parking lot lighting indicated.</p> <p><b>Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and 122-834(9).</b></p> |

|                                       |                                                                                     |                                                                        |                                                                                                                                                                                                                                   |
|---------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Screening Between Land Uses</b>    | Visual buffer of at least 80% opacity and 6' height along north and east boundaries | None                                                                   | Landscape screen of red maple and white spruce provided in both locations.<br><br><b>Provide fence at least 6'in height and of at least 80% opacity at north property line. Spruces may be omitted if not otherwise required.</b> |
| <b>Off-Street Parking Landscaping</b> | 1 tree per 8 spaces (31/8 = 4)                                                      | Existing trees in 107 E. Cross lot to be removed                       | Two trees provided along Cross street on either side of landscape wall. Another two trees provided in landscape island in parking lot.                                                                                            |
|                                       | landscape island per 16 continuous spaces                                           | n/a                                                                    | n/a                                                                                                                                                                                                                               |
|                                       | ends of all aisles and corners protected                                            |                                                                        | <b>Aisle-ends not provided at rear of 113 E Cross. Otherwise met.</b>                                                                                                                                                             |
|                                       | minimum distance of 3' from curb backside to landscaping or sidewalk                |                                                                        | <b>Ensure that vehicles parked in the spots facing the building do not overhang the sidewalk after changes made per engineering review</b>                                                                                        |
|                                       | must be screened per 122-703 if conflicting land use                                |                                                                        | <b>Screening to be provided to the north</b>                                                                                                                                                                                      |
|                                       | must be screened from public ROW                                                    |                                                                        | <b>Landscape wall provided; waiver requested</b>                                                                                                                                                                                  |
| <b>Foundation Landscaping</b>         | Foundation plantings required along all building frontages                          | No or minimal setbacks along south, west and north building frontages. | <b>Waiver requested for foundation plantings due to lack of setbacks and desire to integrate pedestrian access to all building frontages.</b>                                                                                     |

|                                      |                                                                                                                     |  |                                                                                                                                  |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Refuse Containers</b>             | masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad |  | <b>Confirm sizing of dumpster enclosure will meet proposed future uses. Provide detail drawing.</b>                              |
| <b>Exterior Electrical</b>           | when visible from ROW screen                                                                                        |  | Not visible from ROW                                                                                                             |
| <b>Maintenance</b>                   | install underground sprinkler system                                                                                |  | <b>Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.</b> |
| <b>Fencing, hedges, walls, berms</b> | no taller than 10' in side/rear yard                                                                                |  | <b>Fences to be provided shall not exceed 10'</b>                                                                                |

***Items to be addressed:***

1. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and 122-834(9).
2. Provide fence at least 6' in height and of at least 80% opacity at north property line. Spruces may be omitted if not otherwise required.
3. Protect aisle-end for parking aisles at north side of 113 E Cross.
4. Ensure that vehicles parked in the spots facing the building do not overhang the sidewalk.
5. Screening to be provided to the north
6. Waiver requested to permit installation of landscaping and wall for off-street parking landscaping in lieu of berm to satisfy the requirements of 122-704(c)(2).
7. Waiver from foundation plantings requirement of 122-706 due to lack of setbacks and need to integrate pedestrian access to all building frontages.
8. Confirm sizing of dumpster enclosure will meet proposed future uses. Provide detail drawing for enclosure.
9. Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.
10. Fencing provided shall not exceed 10'

## REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

Section 122-573 provides the following requirements for Planned Unit Developments:

1. **Unified Control.** *The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.*

**STAFF COMMENT:** Historic Equities Fund, LLC, owns 400-412 N. River and 107 E. Cross. They have applied and are in the process of requesting that an alley to the rear of the building, between it and 107 E Cross, be vacated. Once vacated, the parcels will be combined into a single lot.

2. **Minimum Size.** *The minimum size of a Planned Unit Development shall be forty-three thousand, five hundred sixty (43,560) square feet (one acre) of contiguous land or 21,870 sf (1/2 half acre) if the proposal involves the preservation and/or adaptive reuse of a historically significant structure. The historical significance shall be determined by the city historic district commission.*

**STAFF COMMENT:** Total acreage of the combined site is 0.56 acres and is intended for adaptive reuse of the Thompson Block building.

3. **Applicable Base Regulations.** *Unless waived or modified in accordance with the procedures and standards set forth in this Article, the yard, bulk, parking, loading, landscaping, lighting, general provisions, and all other standards set forth in the Zoning Ordinances for the uses listed below shall be applicable for uses proposed as part of a Planned Unit Development:*

**STAFF COMMENT:** As noted earlier, the B3, Central Business zoning will serve as the base regulation for the entire project area. Planning Commission will need to recommend to City Council that the proposed vacated alley and 107 E. Cross should use B3 as the underlying district based on the Master Plan goals of historic preservation, rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town

*To encourage flexibility and creativity in development consistent with the planned Development concept, departures from compliance with the base regulations may be granted by the City Council, upon recommendation of the Planning Commission, as a part of the approval of the Planned Development. For example, such departures may include modifications of lot dimensional standards, setback requirements, density standards, parking and landscaping requirements, and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.*

**STAFF COMMENT:** The applicant requests the following exemptions:

- Provide exemption from setback requirements of §122-394(2), (3), (4), and (7) to preserve historic façade

4. **Street Access.** *Each lot, main building, and principal use within a Planned Development district shall have vehicular access to a public street. Adequate provision shall be made for dedications of land for streets and essential services.*

**STAFF COMMENT:** The site will have adequate access to public streets.

5. **Usable Open Space.** *The proposed development shall contain at least as much open space as would otherwise be required by the existing underlying zoning.*

**STAFF COMMENT:** The proposed development exceeds the B3 district requirement.

6. **Landscaping and Maintenance of Common Areas.** *All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.*

*Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.*

**STAFF COMMENT:** Bioswales and rain gardens shall be maintained to provide adequate drainage per Washtenaw County Water Resources Commissioner's stormwater standards. Planning Commission may want to request a maintenance plan as a condition of the PUD agreement approval. Easement for stormwater management to be obtained from neighboring parcel at 113 E Cross.

7. **Additional Considerations.** *During review of a proposed planned development, the Planning Commission shall take into account the following considerations which may be relevant to a particular project: perimeter setbacks and screening; thoroughfares, drainage, as provided for in best management practices as appropriate, and utility design; underground installation of utilities; insulating pedestrian circulation from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction mechanisms, particularly in cases where non-residential uses adjoin off-site residentially-zoned property.*

**STAFF COMMENT:** Staff recommends that Planning Commission discuss these considerations listed above to make sure the plan is satisfactory. Public sidewalks are provided along the development. The development substantially achieves compliance with these standards. However, consideration to residential uses are of concern.

**Items to be addressed:**

1. Exemptions requested from setback requirements of 122-394. Note all exemptions on the site plan.
2. Provide easement as noted earlier in this report.

## STANDARDS FOR APPROVAL

Section 122-576 provides the standards that the City must be met in order that a Planned Unit Development be approved.

- (1) ***Conformance with the planned development concept.*** *The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of this article, as well as with specific project design standards set forth in this chapter*

**STAFF COMMENT:** The project and overall design are consistent with the intent of the PUD article. It will help achieve master plan goals of historic preservation, adaptive reuse of a historic structure, increase downtown residential lofts and provide more commercial space in Depot Town.

- (2) ***Recognizable benefits.*** *The planned development will result in recognizable and substantial benefits to the ultimate users of the project and to the community in general where such benefits would otherwise be unfeasible or unlikely to be achieved*

**STAFF COMMENT:** The rehabilitation of the Thompson Block and adjacent vacant lot will reactivate a stagnant corner of Depot Town. The site has been under-utilized for dozens of years and the proposed use is in line with both City and DDA goals. These are substantial benefits to the neighborhood and general public that are not required by the Zoning Ordinance. The PUD approach is preferable to review under the existing zoning, as the existing standards would require the building to be torn down and rebuilt. Likewise, it would not allow the inclusion of the adjacent lot for reuse as part of the redevelopment plan. The PUD process will allow for the rehabilitation of a historically significant structure, rather than its demolition.

- (3) ***Compatibility with adjacent uses.*** *The proposed planned unit development shall be designed with due regard to its relationship with development on surrounding properties and uses thereon, including building heights, setbacks, density, parking, circulation, landscaping, views, and other layout features. In particular, consideration shall be given to the following:*

- a. The bulk, placement, architecture, and types of materials used in construction of proposed structures

**STAFF COMMENT:** The existing structure will be restored and enhanced, while the adjacent vacant parcel will be provide storm water management, parking, landscaping and separation between the edge of the Depot Town B3 commercial district and adjacent residential uses; similar to what occurs on the other side of Cross Street. Additionally, the proposed changes will enhance the streetscape along River Street, providing improved ADA sidewalk links and raised outdoor seating complementary to what is existing in the area.



- b. The location and screening of vehicular circulation and parking areas in relation to surrounding development*

**STAFF COMMENT:** The location and screening of vehicular circulation and parking will be largely contained on the 107 E. Cross parcel, and pedestrian traffic to and from related public parking areas will be encouraged by pedestrian friendly design.

- c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development*

**STAFF COMMENT:** Outdoor storage is not proposed. A single dumpster enclosure is proposed. Electrical & mechanical equipment are out of view of the right of way.

- d. The hours of operation of the proposed uses*

**STAFF COMMENT:** Hours of operation are consistent with adjacent B3 uses.

- e. Landscaping, preservation of historic features, and other site amenities*

**STAFF COMMENT:** The goal of this PUD proposal is restoration of a historically significant structure in Depot Town. The adaptive use of this facility will not only preserve the structure, but bring it back into productive use.

- (4) **Impact of traffic.** *The planned development shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to the following:*

- a. Estimated traffic to be generated by the proposed development*
- b. Access to major thoroughfares*
- c. Proximity and relation to intersections*
- d. Adequacy of driver sight distances*
- e. Location of and access to off-street parking*
- f. Required vehicular turning movements*
- g. Provisions for pedestrian traffic*
- h. Access to loading and unloading areas*

**STAFF COMMENT:** The development is proposed to generate traffic, bicycle, pedestrian and car traffic. Due to its location on a key corner of Depot Town, it will have access to existing underutilized public parking in the area. The development is pedestrian-oriented, including the changes to the River Street streetscape. Loading is expected to occur on River. A loading zone and/or barrier-free parking space on River Street should be considered. Bicycle parking is being provided.

- (5) **Public services.** *The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities; including but not necessarily limited to water and sewer services, public roads, fire and police protection,*

*and schools. The proposal shall not place an undue burden upon the subject or surrounding land or property owners and occupants or the natural environment*

**STAFF COMMENT:** The proposed development will not result in a material increase in need for public services if it is well managed through-out its life cycle.

- (6) ***Compatibility with master plan and this chapter.*** *The proposed development shall be compatible with the adopted city master plan and with the spirit and intent of this chapter.*

**STAFF COMMENT:** The redevelopment meets numerous goals of the Master Plan's goals related to redeveloping existing housing stock, and creating a positive entry into the community.

- (7) ***Economic impact.*** *The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties*

**STAFF COMMENT:** The proposed development will provide additional commercial capacity in Depot Town and also add residential capacity. The building has been blight on a neighborhood, so this redevelopment would not only abate the blight but create a new destination and opportunities in the commercial district.

- (8) ***Compliance with applicable regulations.*** *The proposed development shall be in compliance with all applicable federal, state, county, and local laws and regulations*

**STAFF COMMENT:** The development shall comply with all applicable laws.

- (9) ***Phasing.*** *When a project is proposed for construction in phases, the project shall be designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space; and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the occupants of the surrounding area*

**STAFF COMMENT:** No phasing is planned for this project.

**Items to be addressed:** None. The proposed project is in substantial compliance with the standards of 122-576.

## **RECOMMENDATIONS**

**The proposed Thompson Block Redevelopment project is consistent with the Planned Unit Development concept in that it is allowing for rehabilitation of a historically significant structure as well as provide for its adaptive reuse. Only nominal flexibility in the below standards is being requested in return. The existing property is currently blighted and vacant, and the proposed redevelopment is in line with numerous Master Plan and DDA goals, and will greatly benefit for the Depot Town business district.**

**Staff recommends that the Planning Commission approve the Planned Unit Development plan and rezoning to PUD based on the following findings:**

- (1) The application substantially complies with §122-127 and §122-576.
- (2) The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefit.
- (3) The project will restore a historically significant building to productive use and serve as a good example of redevelopment of existing structure. It will also provide improvements within the right of way that will enhance and complement the existing Depot Town streetscape.
- (4) The proposed use will be consistent with all surrounding uses
- (5) The proposed use will not have an adverse impact on traffic or other public services and infrastructure.
- (6) The proposed redevelopment meets numerous Master Plan and DDA goals including encouraging the rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town.
- (7) A single exemption is requested, from the requirements of §122-394.

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

- (1) Show building, floor plan, and dwelling unit dimensions on site plan
- (2) Install fencing in accordance with 122-703 along north side of structure: at least 6' in height and of at least 80% opacity at north property line. Fencing provided shall not exceed 10'.
- (3) Ensure that all new or changed sidewalks meet or exceed ADA requirements
- (4) Update site landscaping calculation to include entire project area
- (5) Provide required barrier-free parking on the site.
- (6) Note on the site plan that all signage requires sign permit and related master sign plan.
- (7) Ensure a clear and accessible path of travel for pedestrians is provided to the north door
- (8) Provide copy of easement burdening 113 E Cross for review; submit copy of recorded easement prior to applying for a Certificate of Occupancy.
- (9) Show on-street loading and barrier free parking space on River Street per city standards.
- (10) Ensure parking spaces and maneuvering lanes meet dimensional requirements (see engineering review).
- (11) Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and 122-834(9).
- (12) Protect aisle-end for parking aisles at north side of 113 E Cross.
- (13) Ensure that vehicles parked in the spots facing the building do not overhang the sidewalk.
- (14) Confirm sizing of dumpster enclosure will meet proposed future uses. Provide detail drawing for enclosure.
- (15) Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.
- (16) Fencing provided shall not exceed 10'
- (17) Satisfy all items from engineering review letter dated Aug. 22, 2013.
- (18) Provide a maintenance plan for bioswales and raingardens.

- (19) Note all exemptions from zoning basis on the site plan.
- (20) HDC approval is required for all exterior work.

The following waivers are requested under 122-713:

- (1) Waiver requested to permit installation of landscaping and wall for off-street parking landscaping in lieu of berm to satisfy the requirements of 122-704(c)(2).
- (2) Waiver from foundation plantings requirement of 122-706 due to lack of setbacks and need to integrate pedestrian access to all building frontages.
- (3) Request waiver from 122-712 to omit provision of a sprinkler system; applicant shall note alternate means of keeping landscaping watered.

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Teresa Gillotti, Director, Community and Economic Development

Cc: File  
Developer: Thompson Block Partners, LLC – 221 Felch Street Ann Arbor, MI 48103  
Architect/Engineers: Mason Browns Associates, LLC and David Lavender Architect, LLC

**PLANNING COMMISSION  
MEETING MINUTES  
September 18, 2013  
CITY COUNCIL CHAMBER  
7:30 P.M.**

**I. CALL TO ORDER**

The meeting was called to order at 7:01 p.m.

**II. ROLL CALL**

**Present:** R Johnson, G. Clark, M. Bullard, P. Hollifield, C. Zuellig, M. Bullard, A. Bedogne

**Absent:** B. Lenart (excused) R. Murphy (excused)

**Staff:** Teresa Gillotti, Community Development Director  
Bonnie Wessler, Planner I  
Nan Schuette, Executive Secretary

Chairman Johnson stated that going forward; board members should address the chair when they want to interact with other board members.

**III. APPROVAL OF MINUTES – August 21 and August 28, 2013**

Commissioner Hollifield moved to approve the minutes of August 21, 2013 (Support: A. Bedogne) and the motion carried unanimously. Commissioner Bedogne moved to approve the minutes of August 28, 2013 (Support: C. Zuellig) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

**Heidi Jugenitz** introduced herself stating that she had been nominated to join the Planning Commission and looked forward to joining the group.

**Mayor Paul Schreiber, 922 Pleasant** – stated that he was pleased to nominate Ms. Jugenitz adding that she had recently moved to Ypsilanti and would bring an added dimension of someone living outside of the city. He also added that the City Council would like the Thompson Block to be successful and appreciates the help of the board in that process.

## **V. PUBLIC HEARING ITEMS**

None

## **VI. OLD BUSINESS**

### **1. Family Dollar Rezoning & PUD Plan**

Commissioner Clark moved to remove this item from the table (Support: M. Bullard) and carried unanimously.

Ms. Gillotti, Director of Community Development, went through the highlights of changes from the meeting held on August 28th. The board spent much time discussing the 10' sidewalk and she has ensured that it extends all the way from Park to Lincoln. Also, she discussed the interface between the street, sidewalk and parking area. We now have a 20' sidewalk with landscaping and knee wall between that and the parking spaces, which will be 29 spaces. Signage was discussed – they are looking at three signs, one being a pole sign and two wall signs. Three smaller windows will be clear glass with a tinted film will be added along the Lincoln Street frontage. She referred to street trees adding that there will be three on Lincoln side, six in front on Michigan Avenue and also two in the bump-out on Park Street.

All conditions have been met significantly and the building setbacks are now noted on the site plan. Lighting will be taken care of with photo metrics later on in the process. There are three parking lot lights, one of which, Ms. Gillotti would like to see relocated. She stated that staff recommends approval with various conditions and items being addressed administratively by Planning staff prior to review by City Council.

Some discussion was held by board members on the signage and it was the consensus to not allow either pole signs or the monument sign, maintaining B3 requirements.

Commissioner Clark moved that the Planning Commission approve the Planned Unit Development (PUD) plan and rezoning to PUD based on the following findings:

#### Findings:

1. The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefits.
2. The project will develop an acre of the 38 acre city-owned Water Street redevelopment area with retail more urban than suburban in form, and with careful consideration of vehicular and pedestrian access to help accommodate future adjacent development.
3. The proposed use will be consistent with all surrounding uses, in particular to the east.
4. The proposed use will not have an adverse impact on traffic or other public services and infrastructure.
5. The proposed redevelopment meets numerous Master Plan and DDA goals.
6. Two exemptions are recommended:
  - Provide exemption to zoning ordinance reducing parking spaces to a maximum of 29 based on zoning guidelines.

- Provide exemption to Entryway Overlay District requirements due to the Master Plan desire for a more urban form and treatment.
7. 10' sidewalk on Michigan Avenue should extend to Lincoln Street.

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

Conditions:

1. Provide dimensions for wall signage and elevation re-evaluating the presence of a monument sign with staff to confirm it meets zoning requirements.
2. Move "tags" on site plan to match relocation of barrier-free parking and ramp.
3. All items from engineering letter dated Sept 13, 2013.
4. Consider relocating proposed light pole on south side out of easement location.
5. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and Sec 122-834(9).
6. Final plans to be submitted to MDOT for approval.

The following waivers are requested under Sec 122-713:

Waivers:

1. Waiver from 3 foot berm requirement between Michigan Avenue and parking lot, to maintain urban form and/or request different treatment.
2. Waiver from foundation shrub and tree planting requirements along Michigan and foundation tree plantings on Lincoln Street due to street tree requirement. Relocate required 2 trees on Park street side elsewhere on the site.

The motion was supported by Commissioner Hollifield. A roll call vote was taken and carried unanimously.

2. Thompson Block Rezoning & PUD Plan

Commissioner Bullard moved to remove this item from the table (Support: G. Clark) and the motion carried unanimously.

Ms. Gillotti provided the staff report stating that this item was reviewed for site plan approval and PUD zoning at the August 28, 2013 meeting and it was agreed that it should be postponed awaiting some revisions, which included changes to parking lot layout, pedestrian access, etc. to its adjacent neighbors.

She proceeded to review the various changes beginning on the River Street side. Their architect did some grade changes on the frontage, which was quite steep. They plan to extend out from the building to the outdoor café section and re-route the sidewalk going north with a ramp up to where the outdoor café will be. There will be street trees between the on-street parking and the sidewalk and then raised outdoor café with railing around the edges with stair entrance on south side and ramp entrance on north side. The loading zone will be on River St on the south end with 2 on-street parking

spaces. Going north, there will be a metal gate with walkway, which is the entrance for upper storey residents.

Commissioner Bedogne asked the width of sidewalk on north side and Mr. Beal responded approximately 6-8'. Commissioner Zuellig referred to landscape and grading plan on Cross St, which appears to be different than the architectural site plan. She noted there was no landscaping on east side and the west side has 3' plants. It is her opinion that these plants don't fit and wonder if they could be eliminated.

**Stewart Beal, owner** – stated that he had reviewed the 14 items listed on the on-line version of the report and reviewed all with his comments. Overall, he appreciated staff's feedback.

After further comments and questions by commissioners, Commissioner Bedogne moved that the Planning Commission approve the Planned Unit Development plan and rezoning to PUD based on the following findings:

Findings:

1. The application substantially complies with Sec 122-127 and Sec 122-576.
2. The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefit.
3. The project will restore a historically significant building to productive use and serve as a good example of redevelopment of existing structure. It will also provide improvements within the right of way that will enhance and complement the existing Depot Town streetscape.
3. The proposed use will be consistent with all surrounding uses
4. The proposed use will not have an adverse impact on traffic or other public services and infrastructure.
5. The proposed redevelopment meets numerous Master Plan and DDA goals including encouraging the rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town.
6. A single exemption is requested, from the requirements of Sec 122-394.

Conditions:

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

1. Install fencing in accordance with Sec 122-703 along north side of structure in cooperation with adjacent owners
2. Detailed grading plans shall demonstrate how ADA requirements are met on River and Cross intersection
3. Sidewalk on Cross Street shall continue through drive at 6 feet width
4. Update required percentage to reflect entire project area and confirm calculation
5. Add bicycle parking
6. Consider a metal gate on the east side of the pedestrian access on north side of the building
7. All items from engineering review letter dated 9-13-13



8. A list of plantings for the bioswales should be provided.
9. Provide a maintenance plan for bioswales,
10. Provide height for all pole lights
11. All fixtures on north side of building shall be down-directed and full cutoff.
12. Add one additional tree to parking area
13. Note all exemptions from zoning basis on the site plan.
14. HDC approval is required for all exterior work.
15. Applicant will work with staff on appropriate landscaping on south side of parking area.

The following waivers are requested under 122-713:

1. Waiver requested to permit installation of landscaping and wall for off-street parking landscaping in lieu of berm to satisfy the requirements of 122-704(c)(2).
2. Waiver from foundation plantings requirement of 122-706 due to lack of setbacks and need to integrate pedestrian access to all building frontages.
3. Request waiver from 122-712 to omit provision of a sprinkler system; applicant shall note alternate means of keeping landscaping watered.

The motion was supported by Commissioner Zuellig. A roll call vote was taken and carried unanimously.

### 3. Reimagine Washtenaw Right-of-Way Update

Ms. Gillotti stated that this is a presentation by both Nathan Voght, Community & Economic Development at Washtenaw County and Commissioner Cheryl Zuellig (SmithGroupJJR).

Mr. Voght gave some background information stating that this effort was started by a planner in the County who reached out to different communities along the stretch between Ann Arbor and Ypsilanti realizing that there was a lot of potential for developing the corridor of the 4-5 mile stretch of Washtenaw Avenue. A lot of interest developed, which has now turned into a large effort to transform this corridor; a realization of potential because of traffic volumes already there; potential because of high transit ridership and potential because of infrastructure already there. The four communities got together and formed the JTC in 2009 to get stakeholders together and in 2010 an actual strategic document was adopted to focus on sidewalks, bike lanes, transportation. We are now in the implementation stage. There are various active partners, i.e. MDOT, AATA, etc with subcommittees consisting of various people.

Commissioner Zuellig presented an overview highlighting the various cross sections for the corridor. Three public meetings have been held as well as an on-line survey noting issues that were important, i.e pedestrian crossings, bike lanes, add more street trees, better lighting. They came up with three scenarios along the corridor and although one cross section does not fit all, the current five lane cross section which includes bike lanes, landscape buffers and consistent sidewalks does fit but additional ROW would be needed.

This is a vision of how this corridor could be transformed in the next 15-20 years.

She showed the various renderings of how each cross section would look with the traffic lanes and wider boulevard to Hogback, and a slightly narrower boulevard from there to Ypsilanti,

which is a transition from 4 lanes of traffic to approximately three lanes that would continue to Cross Street. This whole vision is predicated on people using more buses and bikes as well as walking, which would be a considerable shift from vehicles towards transit.

Commissioner Zuellig stated that the next step is to finalize public access requirements, develop super stops for buses and mid-block crossing concepts, and develop phasing strategy and final community meeting.

Board members were very receptive of this presentation. Commissioner Clark asked if consideration could be made regarding the super stops, i.e. include information areas on various activities on art exhibits, messaging centers, etc.

## **VII. NEW BUSINESS**

### **1. 615 E. Michigan**

Ms. Wessler, Planner I, stated that this item had been presented at a previous meeting where they received a variance. They are proposing to expand connecting the two existing buildings in the corner and are now requesting site plan approval. Her initial concern with this site plan was the landscaping since this property is located in the Entryway Overlay District which has stringent landscaping requirements. They have included two bike spaces in the revised plan located at the far east of the lot; no photometric plan was included and site safety is a concern expressed by many members of the public as well as lack of clarity on signage. They have removed the shed from the site plan and they are no longer showing pedestrian access from the sidewalk. Engineering was able to review the plans and was confident that any concerns could be handled by the Building Department.

Some concerns were brought up by board members, regarding number of parking spaces, location of bike spaces, and addition of trees in front of office, as well as the photometric plan. The engineer representing the applicant agreed that they will make all the necessary changes as requested.

Commissioner Bullard moved to postpone action on the site plan for the Harmony House Expansion at 615 E. Michigan with the following conditions outlined in the staff report dated September 13, 2013:

1. Provide a complete landscape plan that conforms with the landscaping ordinance, in particular the minimum area requirements; greenbelt dimensions and layout, and parking layout. Ensure it addresses all other issues raised in this review.
2. Eliminate the three parallel and three perpendicular spaces adjacent to the frontage; meet the requirements of Sec 122-704, and ensure that garbage trucks have a clear path of entry and exit from the site.
3. Clarify signage type(s) and location(s). Note that all new or altered signage must conform to the ordinance.
4. Continue to restrict access to the rear of the buildings. Monitor those areas.
5. Show relocated shed on site plan, if shed is to remain.
6. Remove concrete post/footing in front of perpendicular building.
7. Ensure pedestrian access from public sidewalk is ADA compliant.

8. Submit photometric plan that conforms to the provisions of Sec 122-641.
9. Engineering conditions as outlined in forthcoming engineering letter.

The motion was supported by Commissioner Zuellig and carried unanimously.

#### **VIII. COMMITTEE REPORTS**

Non-Motorized Committee

A copy of the minutes from the August 1, 2013 meeting was included in the packet.

#### **VII. FUTURE BUSINESS DISCUSSION/UPDATES**

834 Railroad  
333 S. Prospect  
Master Plan  
212/216 N. Huron  
615 E. Michigan

#### **VIII. ADJOURNMENT**

Since there was no further business, Commissioner Bullard moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously. The meeting adjourned at 9:10 p.m.



## **City of Ypsilanti**

Planning and Development Department

**Planning Commission Agenda: August 28, 2013  
September 18, 2013 (revision)**

**Staff Review of Site Plan and  
Planned Unit Development (PUD) rezoning  
400-412 N. River Street, proposed partial alley vacation,  
107 E. Cross St.  
Ypsilanti, Michigan**

### **GENERAL INFORMATION**

**Applicant:** Thompson Block Partners, LLC  
221 Felch St.  
Ann Arbor, MI 48103

**Project Name:** Thompson Block Redevelopment Partners

**Application Date:** July 17, 2013

**Location:** 400-412 N. River Street, proposed partial alley vacation, 107 E. Cross St.

**Zoning:** B3, Central Business District; R1, Single Family Residential; Historic District Overlay

**Action Requested:** Site plan approval; Rezone to Planned Unit Development (PUD)

### **PROJECT AND SITE DESCRIPTION**

The Planning Commission reviewed the application for site plan approval and Planned Unit Development zoning at its August 28, 2013 and decided to postpone action awaiting revisions including changes to parking lot layout, pedestrian access, etc. its adjacent neighbors.

#### **Site details**

The proposed redevelopment area is 0.56 acres zoned a combination of B3, Central Business District; R1, Single Family Residential; and Historic District Overlay. The 400-412 N. River parcel is comprised almost entirely of the two structures of the Thompson Block. Right-of-way improvements are expected along the River Street frontage. The proposed reuse of the existing structure will include restoring the building and façade, with 16 upper story residential lofts, and a combination of commercial/retail uses on the first floor totaling approximately 10,000 sf. The vacated alley and the vacant 107 E. Cross will provide for parking, stormwater management,

and buffer between the development and adjacent properties. Previous site plans looked to a third parcel at 113 E. Cross to provide additional egress; however, the site plan revision has a two way entrance that does not require egress onto 113 E. Cross.

### **REQUIRED INFORMATION – PUD SUBMITTAL**

Section 122-575 provides application requirements for Planned Unit Developments. These requirements include cover letter from applicant and owner, legal description, site plan at a maximum scale of one inch equals 50 ft. or larger prepared in accordance with 122-125 (site plan review). Additional required information: copy of agreements, covenants, or deed restrictions which will assure that the development will be completed and maintained as shown on the plans by the developer and successive owners; open spaces areas; architectural sketches; copy of deed restrictions; and required fees.

Required information has been submitted. The following has been provided:

- Ownership of existing parcels
- Legal description for parcels
- Lot combination submitted, subject to alley vacation
- Alley vacation process pending

***Items to be Addressed:*** None

### **PUD PROCESS**

Section 122-575 of the Zoning Ordinance provides review procedures for Planned Unit Development applications:

- 1) Pre-application conference
- 2) Formal PUD Application
- 3) Planning Commission Review, Public hearing, and Recommendation
- 4) City Council Action

The project is currently at stage #3, above, although the public hearing was held on Wednesday, Aug. 28, 2013.

### **MASTER PLAN CONSIDERATION**

The 1998 City of Ypsilanti Master Plan indicates a series of goals including the rehabilitation of historic structures.

In Objective 2.1: Encourage the rehabilitation of historic structures (page 57). Relevant sections follow:

- a. Consider strategies to permit flexibility in or obtain relief from certain code regulations to help facilitate the rehabilitation of upper stories for loft housing (for example, not requiring sprinkler systems, relief from fire separation requirements, barrier-free access requirements, etc.)
- d. Continue local incentives for restoration of historic buildings...

- e. Recruit developers for loft redevelopment and mixed use adaptive reuses of vacant structures.

In Objective 3.2: Attract business and facilitate housing opportunities:

- f. Consider revitalization efforts for Depot Town

The future land use map maintains a central business designation for the 400-412 N. River parcel area but indicates the 107 E. Cross parcel stay single-family.

The draft 2013 master plan denotes the corner parcel (400-412 N. River St) as a central business. The alley and 107 E. Cross parcel are designated as central neighborhood. This designation is intended to have more flexibility in use and form and what is designated in the current master plan and zoning ordinance. Central neighborhoods are defined as: "...built before World War II, a grid block pattern and historic buildings with a variety of residential types and retail uses on corners." Using the 107 E. Cross St parcel as a parking area for 400-412 N. River would be a change from a future use as a single family residential dwelling. However, it provides a transition from the multifamily residential to the east to the more commercial Depot Town area, while supporting master plan goals of loft redevelopment, while contributing to an increase in residential density. Immediately across Cross Street, Standard Printing and the Automotive Heritage Museum have central business-style uses, as well as central business pedestrian and vehicle traffic volumes.

## LAND USE AND ZONING

**Figure 1: Subject Site Location**



**Figure 2: Site Aerial Photo (2010)**



**Table 1: Surrounding Land Use and Zoning**

|              | <b>LAND USE</b>                                  | <b>ZONING</b>                                                              |
|--------------|--------------------------------------------------|----------------------------------------------------------------------------|
| <b>NORTH</b> | 3-unit residential; 4-unit residential;          | R1, single family residential<br>HO, historic overlay                      |
| <b>EAST</b>  | 7-unit residential; single family<br>residential | R1, single family residential<br>HO, historic overlay                      |
| <b>SOUTH</b> | Automotive Heritage Museum;<br>Standard Printing | B3, Central Business<br>CI, Commercial Industrial,<br>HO, Historic overlay |
| <b>WEST</b>  | Vacant Depot, parking lot                        | B3, Central Business<br>HO, Historic overlay                               |

## AREA, WIDTH, HEIGHT, SETBACKS, DEVELOPMENT STANDARDS

The underlying district for the majority of the subject area is B3, Central Business district. The 107 E. Cross parcel is zoned R-1, single family residential. The ordinance notes that PUD is not allowed in R1, single family districts. However, section 122-572 of the zoning ordinance has this provision:

In a planned unit development, the principal uses which shall be permitted shall be based on the underlying zoning district. City Council may also consider, upon Planning commission recommendation, the City of Ypsilanti Master plan as a basis for principal uses permitted in a planned unit development.

Based on the current (1998 Master Plan) goals listed above including, encouraging the rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town. Staff recommends Planning Commission invoke the above provision and recommend that City Council use the master plan goals as a basis for the principal uses permitted in a planned unit district. Based on the zoning of the structure and adjacent Central Business designations in the Master Plan, the B3 – Central Business district will serve as the underlying district for the entire project area. This review will proceed based on the use of B3 as the underlying district.

Section 122-573 (3) of the PUD regulations state that base regulations may be modified to encourage flexibility and creativity in development, provided such modifications result in a higher quality of development than would otherwise be possible. Exemptions will be listed below to be noted on site plans and in PUD agreement. Even though a lot combination is included with this plan, the PUD agreement will consider the two parcels and alley as the project area.

**Table 2: Area, Width, Height, Setbacks**

|                                            | <b>REQUIRED<br/>(B3 Central Business)</b>                                                                                                                                                                                                                         | <b>Existing</b>                                                                                                                                                     | <b>Proposed</b>                                                                 |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <b>LOT AREA /<br/>WIDTH /<br/>COVERAGE</b> | The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts. | Lot Area: 24,384 sf<br>(.56 acres)<br><br>Width: 186.46 ft<br>(River)<br><br>Lot Coverage:<br>approx. 56%<br><br><i>Subject to<br/>vacation/lot<br/>combination</i> | Unchanged                                                                       |
| <b>SETBACKS</b>                            |                                                                                                                                                                                                                                                                   |                                                                                                                                                                     |                                                                                 |
| <b>Front (River)</b>                       | Not less than 5 feet                                                                                                                                                                                                                                              | 0                                                                                                                                                                   | Unchanged<br><br><b>Exemption requested<br/>to preserve historic<br/>façade</b> |



|                                   |                                                                      |                                     |                                                                                                                                                                                                                                                             |
|-----------------------------------|----------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Street side<br/>(E. Cross)</b> | Not less than 5 feet                                                 | 0 from River to alley.              | Unchanged<br><br><b>Exemption requested to preserve historic façade</b>                                                                                                                                                                                     |
| <b>side</b>                       | 3                                                                    | 4                                   | Unchanged                                                                                                                                                                                                                                                   |
| <b>Rear</b>                       | >25' from adjacent residential and screen in accordance with 122-703 | 67 feet                             | Unchanged; landscape screening provided                                                                                                                                                                                                                     |
| <b>Side (north)</b>               | >25' from adjacent residential and screen in accordance with 122-703 | None shown                          | <b>Exemption requested to preserve historic façade;</b><br><br><b>Wooden fencing shown to north between buildings, to be coordinated with adjacent property owners.</b><br><br>Landscape screening provided between parking lot area and northern boundary. |
| <b>HEIGHT</b>                     | Six stories or 75 feet, whichever is smaller                         | 45 feet                             | Unchanged                                                                                                                                                                                                                                                   |
| <b>Minimum floor area</b>         | Usable floor area (excludes basements and attics)<br>Sec 122-794     | gross area*                         | gross area                                                                                                                                                                                                                                                  |
|                                   | 1 BR: 450 sf                                                         | 12- 1br units, dimensions not shown | Provided separately/meets requirements                                                                                                                                                                                                                      |
|                                   | 2 BR: 650 sf                                                         | 4- 2 br units, dimensions not shown |                                                                                                                                                                                                                                                             |

|                    |                                                                                     |                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SIDEWALKS</b>   | provide a sidewalk or shared-use path                                               | 5.5 ft sidewalk along River street frontage to be relocated to accommodate outdoor patio space. | <p><b>Detailed grading plans shall demonstrate how ADA requirements are met on River and Cross intersection</b></p> <p><b>Cross street sidewalk should continue across drive and be 6' at crossing per engineering letter dated 9-13-13</b></p> <p><b>Note that if the corner ADA ramps &amp;/or landing spaces are disturbed, replacements will be required</b></p> |
| <b>LANDSCAPING</b> | 10% = 2,438 sf                                                                      |                                                                                                 | <p>2,736 sf</p> <p><b>Update required percentage to reflect entire project area.</b></p>                                                                                                                                                                                                                                                                             |
| <b>PARKING</b>     | <p>1 ½ for each 1 bedroom<br/>2 for each 2 bedroom</p> <p>18 + 8 = 26 required.</p> | None.                                                                                           | <p>26 supplied + 3 on-street spaces.</p> <p>Two handicap spaces in rear lot as well as one on-street handicap space.</p> <p><b>Add bicycle parking.</b></p>                                                                                                                                                                                                          |
| <b>SIGNAGE</b>     |                                                                                     |                                                                                                 | Note added.                                                                                                                                                                                                                                                                                                                                                          |

***Items to be addressed:***

1. Install fencing in accordance with 122-703 along north side of structure in cooperation with adjacent owners
2. Detailed grading plans shall demonstrate how ADA requirements are met on River and Cross intersection
3. Sidewalk on Cross Street shall continue through drive at 6 feet width
4. Update required percentage to reflect entire project area and confirm calculation
5. Add bicycle parking

***Exemptions to be noted:***

1. Exemption to setback requirements in front, side and street side yard requested to preserve historic façade

**BUILDING LOCATIONS AND SITE ARRANGEMENT**

The Thompson block is two structures that share a common wall. The northern structure remains predominantly intact post-fire. The southern has a complete façade on the River Street

frontage, and mostly complete on the Cross Street side. Areas of the wall remain open on the north and east sides of the structure.

The restoration of the building would include recreation of storefronts along the River Street frontage. Stairs and ramp ways may have to be reoriented to provide barrier free entry and adequate access to the raised seating area. Secondary or service access for the commercial uses is on the eastern side of the building onto a 8 foot proposed walkway and adjacent parking lot. An elevator tower is proposed for the northeast corner of the southern structure, abutting the parking lot.

A dumpster enclosure is indicated on the northwest side of the parking area; gas meters, electrical panels, and other mechanicals are located on the east frontage of the building.

***Items to be addressed: None***

## **SITE ACCESS AND CIRCULATION**

Pedestrian access to the businesses is on the River Street frontage either through stairs on the southwest frontage, or ramp access to the raised entrance to the proposed store fronts. Service entrances are located to the rear of the building, as well as a resident access to the stairwell. Resident apartment access to additional stairs and elevator is via the north entrance. Concrete sidewalk is shown on this extent from River to the parking lot. A metal gate is shown on the River Street frontage; one from the parking lot should also be considered. A new 8 foot sidewalk is proposed at the rear of the building between the building and the adjacent parking lot to provide a connection to the parking lot, elevator, and dumpster enclosure.

There is no bike parking provided along the River Street frontage or on site; staff recommends coordinating with the DDA to locate "signature" bike racks and/or bike sharing stations along that frontage. Bicycle parking should be provided in the parking lot area or Cross Street frontage.

The parking lot has been reconfigured with two-way access form Cross Street only. Commercial loaded is proposed on River Street located at the spring point of the radius on River (essentially where the grass starts) providing a 40 foot loading area followed by 2 on-street parking spaces and a barrier-free space on-street to the north with a barrier-free ramp to provide access to both storefronts, and residential access. Similar front yard loading is common in Downtown and Depot Town due to the zero lot lines and limited rear access to buildings.

Twenty-six parking spaces are shown meeting the minimum required by ordinance. Two barrier-free spaces are provided in the parking lot. The maneuvering lane width is 22 feet which complies with the ordinance. The entirety of the parking area is curbed, with 6" spillouts located every 5 feet along the east curb of the parking lot adjacent to the bioswale.

An AAATA stop is located within 300' of the development for the #10 bus. It currently runs from 6am to 10pm Monday-Friday, from 7:30a to 7p on Saturday, and not at all on Sunday. The proposed commuter rail stop is also within walking distance, although it is not anticipated to be in operation until 2015-2016.

***Items to be addressed:***

1. Consider a metal gate on the east side of the pedestrian access on north side of the building

**ENGINEERING/STORMWATER REQUIREMENTS**

A large bioswale area is proposed to the east and northeast of the parking lot along with landscape screening in the same area. The landscape screen is also shown on the northeast side of the parking lot. The Engineering letter dated 9-13-13 notes that it appears that the capacity is large enough in this area, and that details will be required including grades, at the detailed engineering level

It is unclear if any water and/or sanitary sewer work is proposed with this project. That should be clarified with a site plan revision.

***Items to be addressed:***

1. All items from engineering review letter dated 9-13-13
2. A list of plantings for the bioswales should be provided.
3. Provide a maintenance plan for bioswales,

**SCREENING**

|  | Required | Existing<br>Conditions | Proposed |
|--|----------|------------------------|----------|
|--|----------|------------------------|----------|

|                                       |                                                                                                                                                                                |                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lighting</b>                       | <ul style="list-style-type: none"> <li>• down-directed and shielded</li> <li>• not &gt;0.5 fc @ lot line</li> <li>• not &gt;16'in height</li> <li>• not &lt; 0.3 fc</li> </ul> | Two existing streetlights are located on the River Street frontage | <p>Decorative streetlight proposed on Cross south of the parking drive entrance.</p> <p>Decorative lighting provided above storefronts on River Street frontage.</p> <p>Two wall packs shown on parking lot side. Upper-story decks are not provided with lighting.</p> <p>North side of building adjacent to residential indicates decorative lighting above first window sets.</p> <p>North Building lighting provided on all frontages except south; No parking lot lighting indicated.</p> <p>Light shown to east of parking lot. <b>Provide height on all new pole lights.</b></p> <p>Photometric provided meets standard.</p> <p><b>All fixtures on north side of building shall be down-directed and full cutoff.</b></p> |
| <b>Screening Between Land Uses</b>    | Visual buffer of at least 80% opacity and 6' height along north and east boundaries                                                                                            | Existing 6 fence to north of 107 E. Cross.                         | <p>Landscape screen of Viburnum and American Arborvitae in both locations.</p> <p>8' screening wall provided between dumpster enclosure area and northern boundary in lieu of landscaped screening.</p> <p>Wooden fence proposed between building and neighbors to north.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Off-Street Parking Landscaping</b> | 1 tree per 8 spaces (26/8 = 3)                                                                                                                                                 | Existing trees in 107 E. Cross lot to be removed                   | <p>Two trees provided along Cross street on either side of landscape wall.</p> <p><b>Another tree required in parking lot area.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                       | landscape island per 16 continuous spaces                                                                                                                                      | n/a                                                                | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                       | ends of all aisles and corners protected                                                                                                                                       |                                                                    | Curbing provided                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                      |                                                                                                                     |                                                                        |                                                                                                                                               |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|                                      | minimum distance of 3' from curb backside to landscaping or sidewalk                                                |                                                                        | 20 foot lanes shown with curbing.                                                                                                             |
|                                      | must be screened per 122-703 if conflicting land use                                                                |                                                                        | Provided                                                                                                                                      |
|                                      | must be screened from public ROW                                                                                    |                                                                        | <b>3' landscape wall provided; waiver requested</b>                                                                                           |
| <b>Foundation Landscaping</b>        | Foundation plantings required along all building frontages                                                          | No or minimal setbacks along south, west and north building frontages. | <b>Waiver requested for foundation plantings due to lack of setbacks and desire to integrate pedestrian access to all building frontages.</b> |
| <b>Refuse Containers</b>             | masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad |                                                                        | Provided.                                                                                                                                     |
| <b>Exterior Electrical</b>           | when visible from ROW screen                                                                                        |                                                                        | Not visible from ROW                                                                                                                          |
| <b>Maintenance</b>                   | install underground sprinkler system                                                                                |                                                                        | <b>Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.</b>              |
| <b>Fencing, hedges, walls, berms</b> | no taller than 10' in side/rear yard                                                                                |                                                                        | n/a                                                                                                                                           |

***Items to be addressed:***

1. Provide height for all pole lights
2. All fixtures on north side of building shall be down-directed and full cutoff.
3. Add one additional tree to parking area
4. Waiver requested to permit installation of landscaping and wall for off-street parking landscaping in lieu of berm to satisfy the requirements of 122-704(c)(2).
5. Waiver from foundation plantings requirement of 122-706 due to lack of setbacks and need to integrate pedestrian access to all building frontages.
6. Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.

## REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

Section 122-573 provides the following requirements for Planned Unit Developments:

1. **Unified Control.** *The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.*

**STAFF COMMENT:** Historic Equities Fund, LLC, owns 400-412 N. River and the Thompson Block Partners own 107 E. Cross. They have applied and are in the process of requesting that an alley to the rear of the building, between it and 107 E Cross, be vacated. Once vacated, the parcels will be combined into a single lot, and ownership confirmed under a single entity.

2. **Minimum Size.** *The minimum size of a Planned Unit Development shall be forty-three thousand, five hundred sixty (43,560) square feet (one acre) of contiguous land or 21,870 sf (1/2 half acre) if the proposal involves the preservation and/or adaptive reuse of a historically significant structure. The historical significance shall be determined by the city historic district commission.*

**STAFF COMMENT:** Total acreage of the combined site is 0.56 acres and is intended for adaptive reuse of the Thompson Block building.

3. **Applicable Base Regulations.** *Unless waived or modified in accordance with the procedures and standards set forth in this Article, the yard, bulk, parking, loading, landscaping, lighting, general provisions, and all other standards set forth in the Zoning Ordinances for the uses listed below shall be applicable for uses proposed as part of a Planned Unit Development:*

**STAFF COMMENT:** As noted earlier, the B3, Central Business zoning will serve as the base regulation for the entire project area. Planning Commission will need to recommend to City Council that the proposed vacated alley and 107 E. Cross should use B3 as the underlying district based on the Master Plan goals of historic preservation, rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town

*To encourage flexibility and creativity in development consistent with the planned Development concept, departures from compliance with the base regulations may be granted by the City Council, upon recommendation of the Planning Commission, as a part of the approval of the Planned Development. For example, such departures may include modifications of lot dimensional standards, setback requirements, density standards, parking and landscaping requirements, and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.*

**STAFF COMMENT:** The applicant requests the following exemptions:

- Provide exemption from setback requirements of §122-394(2), (3), (4), and (7) to preserve historic façade

4. **Street Access.** *Each lot, main building, and principal use within a Planned Development district shall have vehicular access to a public street. Adequate provision shall be made for dedications of land for streets and essential services.*

**STAFF COMMENT:** The site will have adequate access to public streets.

5. **Usable Open Space.** *The proposed development shall contain at least as much open space as would otherwise be required by the existing underlying zoning.*

**STAFF COMMENT:** The proposed development exceeds the B3 district requirement.

6. **Landscaping and Maintenance of Common Areas.** *All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.*

*Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.*

**STAFF COMMENT:** Bioswales shall be maintained to provide adequate drainage per Washtenaw County Water Resources Commissioner's stormwater standards. Planning Commission may want to request a maintenance plan as a condition of the PUD agreement approval.

7. **Additional Considerations.** *During review of a proposed planned development, the Planning Commission shall take into account the following considerations which may be relevant to a particular project: perimeter setbacks and screening; thoroughfares, drainage, as provided for in best management practices as appropriate, and utility design; underground installation of utilities; insulating pedestrian circulation from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction mechanisms, particularly in cases where non-residential uses adjoin off-site residentially-zoned property.*

**STAFF COMMENT:** Staff recommends that Planning Commission discuss these considerations listed above to make sure the plan is satisfactory. Public sidewalks are provided along the development as well as an enhanced streetscape on River Street with improved pedestrian amenities. The development substantially achieves compliance with these standards. However, consideration to residential uses are of concern.

**Items to be addressed:**

1. Exemptions requested from setback requirements of 122-394. Note all exemptions on the site plan.



## STANDARDS FOR APPROVAL

Section 122-576 provides the standards that the City must be met in order that a Planned Unit Development be approved.

- (1) ***Conformance with the planned development concept.*** *The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of this article, as well as with specific project design standards set forth in this chapter*

**STAFF COMMENT:** The project and overall design are consistent with the intent of the PUD article. It will help achieve master plan goals of historic preservation, adaptive reuse of a historic structure, increase downtown residential lofts and provide more commercial space in Depot Town.

- (2) ***Recognizable benefits.*** *The planned development will result in recognizable and substantial benefits to the ultimate users of the project and to the community in general where such benefits would otherwise be unfeasible or unlikely to be achieved*

**STAFF COMMENT:** The rehabilitation of the Thompson Block and adjacent vacant lot will reactivate a stagnant corner of Depot Town. The site has been under-utilized for dozens of years and the proposed use is in line with both City and DDA goals. These are substantial benefits to the neighborhood and general public that are not required by the Zoning Ordinance. The PUD approach is preferable to review under the existing zoning, as the existing standards would require the building to be torn down and rebuilt. Likewise, it would not allow the inclusion of the adjacent lot for reuse as part of the redevelopment plan. The PUD process will allow for the rehabilitation of a historically significant structure, rather than its demolition.

- (3) ***Compatibility with adjacent uses.*** *The proposed planned unit development shall be designed with due regard to its relationship with development on surrounding properties and uses thereon, including building heights, setbacks, density, parking, circulation, landscaping, views, and other layout features. In particular, consideration shall be given to the following:*

- a. The bulk, placement, architecture, and types of materials used in construction of proposed structures

**STAFF COMMENT:** The existing structure will be restored and enhanced, while the adjacent vacant parcel will be provide storm water management, parking, landscaping and separation between the edge of the Depot Town B3 commercial district and adjacent residential uses; similar to what occurs on the other side of Cross Street. Additionally, the proposed changes will enhance the streetscape along River Street, providing improved ADA sidewalk links and raised outdoor seating complementary to what is existing in the area.

- b. The location and screening of vehicular circulation and parking areas in relation to surrounding development*

**STAFF COMMENT:** The location and screening of vehicular circulation and parking will be largely contained on the 107 E. Cross parcel, and pedestrian traffic to and from related public parking areas will be encouraged by pedestrian friendly design.

- c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development*

**STAFF COMMENT:** Outdoor storage is not proposed. A single dumpster enclosure is proposed. Electrical & mechanical equipment are out of view of the right of way.

- d. The hours of operation of the proposed uses*

**STAFF COMMENT:** Hours of operation are consistent with adjacent B3 uses.

- e. Landscaping, preservation of historic features, and other site amenities*

**STAFF COMMENT:** The goal of this PUD proposal is restoration of a historically significant structure in Depot Town. The adaptive use of this facility will not only preserve the structure, but bring it back into productive use.

- (4) **Impact of traffic.** *The planned development shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to the following:*

- a. Estimated traffic to be generated by the proposed development*
- b. Access to major thoroughfares*
- c. Proximity and relation to intersections*
- d. Adequacy of driver sight distances*
- e. Location of and access to off-street parking*
- f. Required vehicular turning movements*
- g. Provisions for pedestrian traffic*
- h. Access to loading and unloading areas*

**STAFF COMMENT:** The development is proposed to generate traffic, bicycle, pedestrian and car traffic. Due to its location on a key corner of Depot Town, it will have access to existing underutilized public parking in the area. The development is pedestrian-oriented, including the changes to the River Street streetscape. Loading is expected to occur on River. A loading zone and/or barrier-free parking space on River Street should be considered. Bicycle parking should be provided.

- (5) **Public services.** *The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities; including but not necessarily limited to water and sewer services, public roads, fire and police protection,*

*and schools. The proposal shall not place an undue burden upon the subject or surrounding land or property owners and occupants or the natural environment*

**STAFF COMMENT:** The proposed development will not result in a material increase in need for public services if it is well managed through-out its life cycle.

- (6) ***Compatibility with master plan and this chapter.*** *The proposed development shall be compatible with the adopted city master plan and with the spirit and intent of this chapter.*

**STAFF COMMENT:** The redevelopment meets numerous goals of the Master Plan's goals related to redeveloping existing housing stock, and creating a positive entry into the community.

- (7) ***Economic impact.*** *The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties*

**STAFF COMMENT:** The proposed development will provide additional commercial capacity in Depot Town and also add residential capacity. The building has been blight on a neighborhood, so this redevelopment would not only abate the blight but create a new destination and opportunities in the commercial district.

- (8) ***Compliance with applicable regulations.*** *The proposed development shall be in compliance with all applicable federal, state, county, and local laws and regulations*

**STAFF COMMENT:** The development shall comply with all applicable laws.

- (9) ***Phasing.*** *When a project is proposed for construction in phases, the project shall be designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space; and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the occupants of the surrounding area*

**STAFF COMMENT:** No phasing is planned for this project.

**Items to be addressed:** None. The proposed project is in substantial compliance with the standards of 122-576.

## **RECOMMENDATIONS**

**The proposed Thompson Block Redevelopment project is consistent with the Planned Unit Development concept in that it is allowing for rehabilitation of a historically significant structure as well as provide for its adaptive reuse. Only nominal flexibility in the below standards is being requested in return. The existing property is currently blighted and vacant, and the proposed redevelopment is in line with numerous Master Plan and DDA goals, and will greatly benefit for the Depot Town business district.**

**Staff recommends that the Planning Commission approve the Planned Unit Development plan and rezoning to PUD based on the following findings:**

- (1) The application substantially complies with §122-127 and §122-576.
- (2) The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefit.
- (3) The project will restore a historically significant building to productive use and serve as a good example of redevelopment of existing structure. It will also provide improvements within the right of way that will enhance and complement the existing Depot Town streetscape.
- (4) The proposed use will be consistent with all surrounding uses
- (5) The proposed use will not have an adverse impact on traffic or other public services and infrastructure.
- (6) The proposed redevelopment meets numerous Master Plan and DDA goals including encouraging the rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town.
- (7) A single exemption is requested, from the requirements of §122-394.

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

- (1) Install fencing in accordance with 122-703 along north side of structure in cooperation with adjacent owners
- (2) Detailed grading plans shall demonstrate how ADA requirements are met on River and Cross intersection
- (3) Sidewalk on Cross Street shall continue through drive at 6 feet width
- (4) Update required percentage to reflect entire project area and confirm calculation
- (5) Add bicycle parking
- (6) Consider a metal gate on the east side of the pedestrian access on north side of the building
- (7) All items from engineering review letter dated 9-13-13
- (8) A list of plantings for the bioswales should be provided.
- (9) Provide a maintenance plan for bioswales,
- (10) Provide height for all pole lights
- (11) All fixtures on north side of building shall be down-directed and full cutoff.
- (12) Add one additional tree to parking area
- (13) Note all exemptions from zoning basis on the site plan.
- (14) HDC approval is required for all exterior work.

The following waivers are requested under 122-713:

- (1) Waiver requested to permit installation of landscaping and wall for off-street parking landscaping in lieu of berm to satisfy the requirements of 122-704(c)(2).
- (2) Waiver from foundation plantings requirement of 122-706 due to lack of setbacks and need to integrate pedestrian access to all building frontages.
- (3) Request waiver from 122-712 to omit provision of a sprinkler system; applicant shall note alternate means of keeping landscaping watered.

---

Teresa Gillotti, Director, Community and Economic Development

Cc: File

Developer: Thompson Block Partners, LLC – 221 Felch Street Ann Arbor, MI 48103

Architect/Engineers: Mason Browns Associates, LLC and David Lavender Architect, LLC



## Sidetrack Bar & Grill

### OFFICE

56 East Cross St.,  
Ypsilanti, MI

### PHONE

734 – 483 – 1035

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11/9/2013

Ypsilanti City Council  
City of Ypsilanti  
One South Huron  
Ypsilanti, MI 48197

Dear Ypsilanti City Council,

I am writing to you in support of the Thompson Block Partners, LLC application for site plan approval and for the associated Historic Planned Unit Development that has been submitted. The project as currently designed will preserve a former Civil War Barracks built in 1861 and add tremendously to the vibrancy of Depot Town. I specifically believe that the proposed project which includes 10,000 to 14,000 sf of commercial space, 16 luxury lofts, and a 26 car parking lot is a perfect fit for the corner of River & Cross.

The creation of commercial and residential spaces in Depot Town would act as an economic catalyst by serving the current need for more rental opportunities in the area. Further, a mix-use space would be an attractive community feature to those looking to move to a modern, livable downtown. Needless to say, the benefits of this project to the community would be both numerous and of great importance.

I also understand that Thompson Block Partners, LLC at a later date will be requesting that the existing OPRA (Obsolete Property Rehabilitation Act Exemption) issued to the former owner Historic Equities Fund I, LLC be removed and a new 12 year OPRA be issued to the new ownership entity. I am very supportive of this because, as a recipient of an OPRA myself, I know how important this assistance of can be on a historic renovation project like this. As you know the ownership group faces tremendous costs both because of the historic nature of this project and the fire.

Please approve the Thompson Block site plan, the Historic Planned Unit Development, and the OPRA application.

Sincerely yours,

*Linda J. French*

Linda J. French

Owner, Sidetrack Bar and Grill



## **City of Ypsilanti**

Planning & Development Department

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November 8, 2013

Ypsilanti City Council  
City of Ypsilanti  
One South Huron  
Ypsilanti, MI 48197

Dear Ypsilanti City Council Members,

This letter is written in support of the Thompson Block Partners, LLC application for site plan approval and for the associated Historic Planned Unit Development that has been submitted and recommended for approval by the Ypsilanti Planning Commission on November 19, 2013. This building is one of Ypsilanti's most historic assets and it is absolutely critical that it be preserved for benefit of the entire community.

The project as currently designed, will preserve a former Civil War Barracks built in 1861 and add significantly to the vibrancy of Depot Town. The Historic District Commission believes that the proposed project, which includes 10,000 to 14,000 sf of commercial space, 16 luxury lofts, and a 26 car parking lot, is an appropriate fit for the corner of River & Cross.

We understand that Thompson Block Partners, LLC will at a later date request that the existing OPRA (Obsolete Property Rehabilitation Act Exemption) issued to the former owner Historic Equities Fund I, LLC be removed and a new 12 year OPRA be issued to the new ownership entity. We are supportive of this because we know how important this assistance can be to a historic renovation project like this.

The Historic District Commission supports City Council's approval of the Thompson Block site plan, the Historic Planned Unit Development, and the OPRA application.

Respectfully,

Historic District Commission

October 17, 2013  
2013-33

**DOWNTOWN DEVELOPMENT AUTHORITY  
RESOLUTION OF SUPPORT FOR A PLANNED UNIT DEVELOPMENT (PUD) AND  
SITE PLAN APPROVAL AND OBSOLETE PROPERTY REHABILITATION ACT  
(OPRA) CERTIFICATE FOR 400 N. RIVER ST. (THOMPSON BLOCK)**

The following preamble and resolution were offered by Member L. French and supported by Member K. Hill.

WHEREAS, 400 N. River/Thompson Block is one of the key redevelopment pieces located in the Depot Town District of the Ypsilanti DDA; and

WHEREAS, Thompson Block Partners LLC has been formed with the mission of redeveloping the vacant Thompson Block properties; and

WHEREAS, the Thompson Block Partners LLC has applied to the City for approval of its Historic PUD and site plan at 400 N. River; and

WHEREAS, the PUD and site plan have been reviewed by the City of Ypsilanti's Planning Commission and they have recommended their approval to City Council; and

WHEREAS, Thompson Block Properties LLC has requested that the City of Ypsilanti approve an OPRA exemption certificate for 400 N. River St. which is located within the pre-approved OPRA District; and

WHEREAS, granting an OPRA to 400 N. River St. will result in a freeze of taxable value at its 2014 assessed rate for 12 years; and

WHEREAS, the YDDA has previously supported the OPRA designation for this property and accepts the potential loss of TIF revenue with the freeze of taxable value; and

WHEREAS, Thompson Block Partners LLC is proposing the complete rehabilitation of 400 N. River St. that will include the restoration of the historic property into a mixed-use development; and

WHEREAS, the YDDA believes that the proposed redevelopment of this property is a long term goal of the DDA and that the Thompson Block Partners LLC plan represents a great opportunity to achieve this goal; and

WHEREAS, another key community stakeholder, the Depot Town Merchants has expressed similar support;

**NOW, THEREFORE, BE IT RESOLVED THAT**



1. the Ypsilanti DDA supports the approval of the PUD and site plan for 400 N. River St. as submitted to assist with the complete restoration of these historic properties and return to active use.
2. the Ypsilanti DDA supports the granting of an Obsolete Property Rehabilitation Act (OPRA) exemption certificate for 400 N. River St. to also assist with the complete restoration of these historic properties and return to active use.
3. all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are and the same hereby are rescinded.

AYES: A. Edmonds, L. French, A. Gainsley, L. Greden, K. Hill, R. Parker, R. Savvides, & P. Schreiber

NAYS: none

ABSTAINED: none

YES: 8      NO: 0      ABSENT: 0      VOTE: affirmed

City of Ypsilanti  
Ordinance No. 1205

An Ordinance Entitled "THOMPSON BLOCK REDEVELOPMENT PROJECT ORDINANCE"

THE CITY OF YPSILANTI ORDAINS:

That the .54 acre property defined in the attached site plans dated 11-11-13  
for the redevelopment of the Thompson Block project

BE REZONED FROM B3, CENTRAL BUSINESS, R1, SINGLE-FAMILY RESIDENTIAL  
AND HO HISTORIC OVERLAY, TO PUD, PLANNED UNIT DEVELOPMENT

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  
the Ypsilanti Courier 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

Notice Published: October 30, 2013  
First Reading: November 19, 2013  
Second Reading: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_



Resolution No. 2013-239  
November 15, 2013

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT the public hearing on an ordinance Entitled, "THOMPSON BLOCK REDEVELOPMENT PROJECT ORDINANCE" be officially closed.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



Resolution No. 2013 –240  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the Minutes of November 5, 2013 be approved.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



Revised *Draft*

**CITY OF YPSILANTI  
COUNCIL MEETING MINUTES  
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, NOVEMBER 5, 2013  
7:00 P.M.**

**I. CALL TO ORDER –**

The meeting was called to order at 7:20 p.m.

**II. ROLL CALL –**

|                               |         |                     |         |
|-------------------------------|---------|---------------------|---------|
| Council Member Jefferson      | Present | Council Member Robb | Present |
| Council Member Moeller (7:18) | 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 Interim Police Chief Tony DeGiusti, Fiscal Services Director Marilou Uy, Assistant to the City Manager Ericka Savage, Valerie Bieberich, City Planner Teresa Gillotti, Washtenaw County Commissioner Roland Sizemore, Washtenaw County Parks and Recreation Director Bob Tetens and students from Eastern Michigan University.

**VI. APPROVAL OF AGENDA –**

Council Member Murdock recommended the following changes:

Remove from agenda: Resolution Nos. 2013-226 and 2013-227

Remove from Consent Agenda to Motions/Resolutions/Discussions: Resolution No. 2013-214

With no objections, on a voice vote, the agenda was approved as amended.

**VII. PRESENTATIONS –**

1. Certificate of Achievement for Excellence in Financial Reporting - Edward Sell, Michigan Government Finance Officers Association, Representative from City of Monroe.

Mr. Sell stated that it was an honor to present the award to the City of Ypsilanti for the fifth year. He went on to explain the background of the GFOA. Fiscal Services Director

Marilou Uy thanked Edward Sell for the GFOA award. She also thanked the Mayor, City Council, City Manager, and Sallea Tisch for their continued support.

Mayor Schreiber encouraged the EMU Students present to review the city's financial statistics and to take note of how the city's tax base has changed the fiscal structure over the past 10 years.

2. Ypsilanti Police Department Update – Interim Police Chief Tony DeGiusti

Interim Police Chief DeGiusti gave an update on the progress in the recent homicide near the LeForge Rd. area. He stated that the City of Ypsilanti Police Department, EMU campus patrol, Ypsilanti Township and the Washtenaw County Sheriff's Department have formed a partnership with a zero tolerance level for crime. He said the objective is to restore a sense of safety to the students on campus. He stated that a strong presence will be around Huron River and Clark Roads. He said that the focus of YPD is working on creating a partnership with the apartment's management. He reported that YPD is currently collecting data to come up with a sustainable plan for the future. He noted that Officer Thompson is on patrol in the area along with another Officer and one Deputy.

He stated that LeForge is a border street for jurisdictions so all officers from YPD and EMU will become deputized by the Sheriff to patrol and enforce in that area. He stated that a substation will also be created within the University Green Apartments.

Mr. DeGiusti gave a list of safety mechanisms that are being promoted along with working with neighborhood watch groups. Mr. DeGiusti gave a brief overview of the previous forums held on October 22, 2013 and October 23, 2013 and stated that Mr. Reed's murder case is still being investigated diligently. He listed the number of warrants and suspects that have been investigated said YPD will continue to follow up on every lead until the case is solved.

Mr. DeGiusti reported that two police officers were hired last week; Brandon Harrison and Timothy Anderson. He said that they are two outstanding candidates and will be an asset to the Ypsilanti Police Department.

Mayor Pro-Tem Richardson questioned how the assignment of the YPD officers will be covered as far it relates to regular time versus overtime.

Mr. DeGiusti answered that Officer Thompson was pulled off of his shift to patrol and his shift is being covered by overtime.

Mayor Pro-Tem Richardson stated that she understands that this is a sensitive matter, however overtime is killing the City right now. She said she was informed that the Washtenaw County Sheriff's department offered two deputies and a detective to help out with the investigation but was refused.

Mr. DeGiusti answered that information was not true.

Mayor Pro-Tem Richardson stated that if Washtenaw County is willing to cover some of the time and the City would not have to pay the overtime, which is the way to go. She stated that between YPD, EMU, and the Washtenaw County Sheriff's Dept., this can be covered with regular officer time. She said she needs an answer as to why any officers have to put on overtime if Washtenaw County has offered help, and it has been declined by both EMU and YPD. She went on to ask are we really working together or not.

Mr. DeGiusti answered that he has never been offered a Detective from Washtenaw County other than the officers that were assigned to the patrol. In regards to the overtime question, he stated that the department has analyzed options and it is actually cheaper to have a full-time officer.

Council Member Moeller questioned the source of Mayor Pro-Tem Richardson's information and stated that if she is not willing to give her sources then it is just a rumor or hearsay. She said that Chief DeGiusti knows what he is doing in this unexpected situation and overtime is used in the case of an emergency. She commended Mr. DeGiusti on how he presented the City at the forums. She also stated that she was not comfortable with Mayor Pro-Tem Richardson's comments in an open meeting that may not be true.

Mayor Pro-Tem Richardson answered that Officer DeGiusti says that the services were not offered but other sources say differently. She then stated that she was not at liberty to give her sources.

City Manager Ralph Lange stated that he has actively been trying to set up a meeting with the County Sheriffs and EMU and he knows that there are many rumors; however the goal is to go directly to the source to sort fact from fiction.

Council Member Vogt thanked everyone for how this situation has been handled and he really appreciated their efforts. He also applauded the efforts of the City of Ypsilanti staff, as he sees this as the biggest push for collaboration. He questioned where the next area of collaboration would be for the future.

Mr. DeGiusti answered that he and Mr. Lange are continuing to move forward.

Council Member Jefferson said that the information that was received from the sources seems to be valid and suggested that YPD take a look at resources when offered and stop not wanting to share resources across jurisdictions because criminals do not care about jurisdictions. He stated that if services are being offered then they should be used.

Mayor Schreiber asked Mr. DeGiusti to explain how the deputizing works.

Mr. DeGiusti stated that due to border areas it is important that they are able to work together. He said deputizing allows police officers to work county-wide.

Mayor Schreiber commented on the overtime and stated that the DeMarius Reed situation was a crisis. He told Interim Police Chief DeGiusti that he takes his hat off to him for doing a great job.

Council Member Murdock agreed with all the comments of congratulations to the Chief and stated that overtime will continue to be a problem until the vacancies are filled.

Mr. DeGiusti stated that they are working to get the right people for the job.

City Manager Ralph Lange stated that filling the vacancies is critical for long term stability.

Mayor Pro-Tem Richardson congratulated the Interim Chief on his presentation at the forums and said she was proud of the work that he did; however she just wanted to know about the overtime.

3. Redevelopment Ready Re-Certification – Jennifer Rigterink, MEDC Director, Ready Communities Re-Certification ***(Presentation on file in Clerk's Office)***

#### **VIII. AUDIENCE PARTICIPATION –**

1. Steven Darty greeted City Council and introduced himself.
2. Desmond Miller, EMU Student Body President, thanked Ypsilanti Interim Police Chief DeGiusti for answering questions during the recent forum and commented that he was well received among the students on campus. Mr. Miller asked for a change within the City of Ypsilanti's policies regarding multiple unit apartment complex security. He said that landlords should be held to higher standards and requested that Council pass an ordinance for rental property security mandates. He suggested that the City partner with EMU to install cameras downtown, Depot Town, LeForge, Huron River, and Clark Road. He ended by asking that everyone stand together and take a positive step in the right direction for the community.
3. Steve Gray, 1939 Roosevelt, thanked everyone for their public service. He said that he supports the Border to Border Trail resolution, and said that he and his family use it at least three times a week. He added that his son rides his bike to school by way of the trail and the trail is a great use of public space as it pulls people into the city.
4. Cheryl Weber, College Heights resident and member of the Non-Motorized Committee, spoke in support of the hawk light crossing at Michigan Avenue and encouraged education to support success of crossing. She took a moment to remember Deborah and Jerome Strong and said they represented what was good and right in Ypsilanti. She said that Jerome Strong would be very proud of the progress the City was making.
5. Dave Heikkinen, business owner at 133 W. Michigan Avenue, objected to Family Dollar. He applauded the city for its response to Mr. Reed's death but said he found the lack of responsibility shown by citizens as very disturbing and frustrating. He questioned how residents could hear six shots, walk around a body and not call 911. He asked that the City and EMU press upon the citizens to step up and do the right thing. He said he also wants to see the Downtown back in the YDDA and asked Council to postpone nominations until a Downtown representative is considered.
6. Mark Hergott, 111 Myles, stated that the fact that YPD officers were not deputized with the County is shocking. He said that the development with Family Dollar and the new hawk lighting is great and should bring people in; however he said the City should focus on why people are leaving or not coming to the City of Ypsilanti.
7. Tommie Frye, 1355 Lathers, Ypsilanti Twp., encouraged City Council to come see the progress that has been made at the Parkridge Center. He said that a lot of good things are happening and invited everyone to come and check it out.

#### **IX. REMARKS BY THE MAYOR -**

Mayor Schreiber appreciated the comments from Mr. Miller of EMU and said he hopes to form a committee in the future to address the security issues within the City.

He also thanked Mrs. Webber for her comments and stated that City Council has prepared a resolution of appreciation in honor of Deborah Strong who recently passed away.



Regarding the comments of Mr. Heikkinen, Mayor Schreiber stated that a nominee from the downtown area is on the agenda tonight.

Mayor Schreiber thanked Mr. Frye for his comments and mentioned the purchase of the property on Harriet as it relates to the Parkridge Center.

**X. MINUTES –**

Resolution No. 2013-210, approving the minutes of October 15, 2013.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That the Minutes of October 15, 2013 be approved.**

OFFERED BY: Council Member Moeller

SUPPORTED BY: Council Member Vogt

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

**XI. CONSENT AGENDA -**

Resolution No. 2013-211

1. Resolution No. 2013-212, confirming redevelopment communities' recertification priorities.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the Michigan Suburbs Alliance (MSA) originally launched the Redevelopment Ready Communities (RRC) program in southeast Michigan in 2003 to educate and improve existing processes for redevelopment in established communities in SE Michigan; now the Michigan Economic Development Corporation (MEDC) is building upon the foundation MSA created and is expanding the program to be statewide; and,**

**WHEREAS, the mission of the MEDC is to market Michigan and provide the tools and environment to drive job creation and investment; and,**

**WHEREAS, the City MEDC is committed to assisting communities in maintaining and attracting development and redevelopment, which will improve the economic vitality , eliminate blighting influences, and develop underutilized properties, and,**

**WHEREAS, the City MEDC promotes community planning and public participation as one of the foundations of redevelopment, and,**

**WHEREAS, the RRC program was created to identify best practices for redevelopment and create a system for communities who adopt those practices; it is the first of its kind in the country; and,**

**WHEREAS, the City of Ypsilanti has been selected to participate in the RRC program; and,**

**WHEREAS, communities must develop and meet various standards and requirements to become certified under this project.**

**NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council has reviewed these standards and requirements and has elected to participate in the program that will improve the economic development process that will allow the steps for redevelopment to become more efficient, cost effective, decrease the approval timeframe and decrease risk for all participating stakeholder and citizens; and**

**FURTHER, that the City of Ypsilanti commits to the participation in the program and the initial adopting and implementation of the standards.**

2. Resolution No. 2013-213, 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:

| <u>NAME</u>                                                    | <u>BOARD</u>                        | <u>TERM EXPIRATION</u> |
|----------------------------------------------------------------|-------------------------------------|------------------------|
| Clarence Hollifield<br>361 Worden<br>Ypsilanti, MI 48197       | <b>Ypsilanti Housing Commission</b> | 12/31/2014             |
| Valerie Bieberich<br>318 Washtenaw Ave.<br>Ypsilanti, MI 48197 | <b>Ypsilanti Housing Commission</b> | 12/31/2018             |

3. ~~Resolution No. 2013-214, approving Mutual Aid Box Alarm System (MABAS) Inter-local Agreement.~~

~~(Insert Resolution)~~

4. Resolution No. 2013-215, approving amendment to LDFA agreement.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That Amendment Number One to Agreement Between the City of Ann Arbor and the City of Ypsilanti Creating a Local Development Finance Authority pursuant to PA 281 of 1986 (as amended) is approved and the Mayor and City Clerk are authorized to sign the amendment to change Article 1 (d) of the agreement to read:**

- 1. Governing Board; Terms and Appointment.**  
**(d) Except as provided in this Section 1 for the initial appointments to the Board, members of the Board appointed under Section 1(a), (b) and (c), except the City of Ann Arbor Council member, shall serve terms of four (4) years. The City of Ann Arbor Council member shall be appointed to a 4-year term subject to annual confirmation consistent with the process for appointment of Council members to authorities, boards and commissions, which appointment shall cease if he/she ceases to be a member of the City of Ann Arbor Council. Upon expiration of a member's term, the member appointed under Section 1(a) (b) and (c) shall continue serving as a member of the Authority Board until**

**resignation or the appointment of their successor, except that no member, except the City of Ann Arbor Council member, shall continue serving more than ninety (90) days after expiration of his or her term.**

**The City of Ann Arbor Council member shall serve at the pleasure of the City of Ann Arbor Council and shall be appointed or removed consistent with the process for appointment of Council members to authorities, boards and commissions. ~~No member shall serve more than one complete four (4) year term.~~**

5. Resolution No. 2013-216, approving contract agreement with State of Michigan Department of Natural Resources for the development of the Ypsilanti River's Edge linear park and trail.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, The City of Ypsilanti, Michigan does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Ypsilanti does hereby specifically agreement but not by way of limitation as follows:**

**To appropriate all funds necessary to complete the project during the project period and to provide \$300,000) dollars to match the grant authorized by the DEPARTMENT.**

**To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.**

**To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.**

**To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.**

**To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.**

**NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached contract with State of Michigan Department of Natural Resources for the development of the Ypsilanti River's Edge Linear Park and Trail.**

6. Resolution No. 2013-217, authorizing the City Treasurer to levy and assess on the December 2013 tax roll special assessments for unpaid bills. ***(Tax Roll on file in Clerk's Office)***

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**Whereas, that, the City Treasurer be authorized to levy and assess on the December 2013 tax roll the attached listing of unpaid bills totaling \$314,554.82**

**Now therefore be it resolved that the Ypsilanti City Council approve these special assessments.**

7. Resolution No. 2013-218, approving purchase of property located at 220 N. Park Street (Boys and Girls Club).

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**Whereas the city owns property at 220 North Park Street, Ypsilanti Michigan and desires to sell the property, and**

**Whereas the State of Michigan owns a strip of land between 220 North Park Street and the adjacent railroad, and is willing to sell the land to the city for \$1, and**

**Whereas staff recommends the purchase of said strip of land, and**

**Whereas city council finds the purchase in the best interest of the city,**

**NOW THEREFORE, City Council approves the purchase and authorizes the City Manager to complete the transaction and sign any and all necessary documents and expend all necessary funds.**

8. Resolution No. 2013-228, approving Worker's Compensation contract.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, City Administration of the City of Ypsilanti did obtain quotes for Workers' Compensation Insurance, and**

**WHEREAS, City Council of the City of Ypsilanti deems it to be in the best interest of the City to obtain Midwest Employers Casualty Company, and**

**RESOLVED, that the Human Resources Department of the City of Ypsilanti will prepare all First Report of Injury Claim Forms and monitor all Workers' Compensation injuries through Midwest Employers Casualty Company instead of Accident Fund.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Human Resources Department to retain Midwest Employers Casualty Company for the calendar year of November 1, 2013 through October 31, 2014.**

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

On a voice vote the motion carried and the Consent Agenda was adopted.

**XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2013-219, in honor of Deborah Strong.

**WHEREAS, the City of Ypsilanti wishes to acknowledge and pay tribute to exceptional individuals that contribute to our community and quality of life; and**

**WHEREAS, Deborah Strong held bachelors and masters degrees in special education from Eastern Michigan University and was a post-graduate fellow at the Institute for Education Leadership (IEL) in Washington, D.C; and**

**WHEREAS, Ms. Deborah Strong, was appointed to the Ypsilanti Housing Commission Board of Directors in 1993; and**

**WHEREAS, Ms. Strong served with distinction for twenty years on the YHC board, spearheading efforts to provide measurable goals and best practices for YHC staff, mentoring other less experienced board members, and, most of all, always putting the needs of the YHC families and children first; and**

**WHEREAS, Deborah Strong was dedicated to helping disadvantaged families throughout the state of Michigan, serving as Executive Director of the State of Michigan Children's Trust Fund for over nine years and receiving the 2007 Michigan Association of School Administrators' Champion for Children award; and**

**WHEREAS, in 2001 Ms. Strong testified at the Subcommittee on Select Education for the U. S. House of Representatives, was Teen Advisor for the Ypsilanti Jack and Jill, worked with the Infant Mental Health Association of Michigan, served on the Board of the Student Advocacy Center of Michigan, and served on the MSU Families and Children Together (FACT) Advisory Committee; and**

**WHEREAS, Deborah Strong died in her Ypsilanti home on October 27, 2013, with her loving family by her side.**

**NOW, THEREFORE BE IT RESOLVED that the City of Ypsilanti City Council sends our deepest sympathies to the family of Deborah Strong. We are grateful for Deborah Strong's decades of service to children and families in Ypsilanti and throughout the state of Michigan. She will be missed, but her passion and conviction will serve as a role model for others.**

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

Council Member Murdock stated that the resolution says it all. He said that he has known the family for a long time and that Mrs. Strong has always advocated for progress in the city. He also said that Mrs. Strong advocated for children's issues and her efforts will be missed in the community and state.

Mayor Schreiber stated that he served with Mrs. Strong for 11 years on the Ypsilanti Housing Commission (YHC) and that she was the most experienced member on the Commission. He said she served as a mentor and was very organized and competent in guiding the Commission through the process and search for a new Executive Director.

On a voice vote the motion carried.

2. Resolution No. 2013-220, approving an ordinance to rezone .83 acres of Water Street

Redevelopment Area to PUD for rezoning of Family Dollar. (Ordinance No. 1199) (***Second Reading***)

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That an ordinance entitled, "FAMILY DOLLAR PLANNED UNIT DEVELOPMENT" be approved on Second and Final Reading.**

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

Planner Director Teresa Gillotti gave reviewed the staff report and gave a brief overview.

SUMMARY BACKGROUND:

The details of the Planned Unit Development normally detailed in a PUD agreement. This circumstance is different to previous PUDs that council has approved such as Hamilton Crossing or Peninsular Place. In this case, the City owns the property, and has many details related to the development in the existing purchase agreement. Due to that, this document is less detailed than a normal PUD agreement, but the Purchase agreement is included as an appendix.

The main element of this agreement is related to the monument sign discussion that was brought up by City Council during their Oct. 16 meeting. At that time, council approved the first reading of the Family Dollar PUD rezoning with the removal of the monument sign from the site plan.

Core Resources, on behalf of Family Dollar, contacted staff and suggested that they would remove the monument sign to achieve the City Council's desire of a more urban form, with the condition that if the City ever erected a monument sign, or allowed others to do so on the Water Street redevelopment area, then Family Dollar would be entitled to put up a monument sign as previously depicted. Language reflecting this request (as well as if a multiple party monument sign) has been included in the attached development agreement.

Council Member Murdock asked if the site plan would be included in the agreement.

Ms. Gillotti answered yes.

On a roll call, the vote to approve Resolution No. 2013-220 was as follows:

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

**VOTE:**

Yes: 5      No: 2 (Moeller; Vogt)      Absent: 0      Vote: Carried

3. Resolution No. 2013-221, approving Family Dollar Planned Unit Development (PUD) Agreement.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the City of Ypsilanti approved the Planned Unit Development rezoning for the Family Dollar parcel of the Water Street Redevelopment Area; and**

**WHEREAS, the attached development agreement has been drafted by the City Attorney and reviewed by the developer's attorney and ensures that the use of the property will conform to the approved Planned unit Development and that the site will be developed and maintained in accordance with the approved PUD plan and more substantial purchase agreement;**

**NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached Planned Unit development agreement and,**

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

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Jefferson

On a roll call, the vote to approve Resolution No. 2013-221 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   | No  |
| Council Member Vogt      | No  |                          |     |

VOTE:

Yes: 5      No: 2 (Vogt; Moeller)      Absent: 0      Vote: Carried

4. Resolution No. 2013-222, approving 2<sup>nd</sup> Extension for Family Dollar Purchase Agreement.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, The Ypsilanti City Council approved a Purchase Agreement for the sale of .85 acres of the Water Street Redevelopment Area to NINETY NINE 90, LLC for the development of a Family Dollar Store on May 7, 2013**

**WHEREAS, said agreement has been executed by both parties; and,**

**WHEREAS, NINETY NINE 90, LLC has requested a 2<sup>nd</sup> amendment to both invoke two 30-day extension periods, as well as add two additional 30 day extension periods to the purchase agreement;**

**NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the attached 2<sup>nd</sup> Amendment to the Purchase Agreement with NINETY NINE 90, LLC to sell and develop .85 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 subject to attorney approval.**

OFFERED BY: Council Member Robb

SUPPORTED BY: Mayor Pro-Tem Richardson

On a roll call, the vote to approve Resolution No. 2013-222 was as follows

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

VOTE:

Yes: 5                      No: 2 (Vogt; Moeller)                      Absent: 0                      Vote: Carried

5. Resolution No. 2013-223, approving Border to Border Trail Michigan Avenue bridge easement acquisition.

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**Whereas it is a priority of the City of Ypsilanti to continue the Border to Border Trail across the Huron River, and**

**Whereas the city has worked with the County of Washtenaw and grant funds are available, and**

**Whereas a certain easement is required to construct a bridge across the Huron River to Michigan Avenue for the trail, and**

**Whereas staff has negotiated a purchase agreement with Huron Fischer Leasing Company to acquire the easement for \$40,000 and Washtenaw County has agreed to share \$31,500 of the cost,**

**NOW THEREFORE, the Mayor and City clerk are authorized to sign the attached purchase agreement for \$40,000 and the City Manager and the City Attorney are authorized to complete the purchase and the City Manager is authorized to sign any and all documents necessary to close and complete the transaction and further authorized to pay the necessary cost of title insurance and recording costs and any other closing costs incurred.**

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

Planning Director Teresa Gillotti stated that previously Council approved the easements with a possible closing date of August 2013. She said that details had to be worked out with MDOT confirming some cost estimates for the bridge; however because they were finishing up another project it caused the original closing date to be missed. She said that the reason for the slight increase was due to asking Fischer for an extension; however a signed agreement has been executed and they are hoping to close by November 15, 2013.

Council Member Robb asked if the reason why they missed the closing date was solely due to MDOT.



Mr. Lange answered yes.

Council Member Vogt stated that he has supported the Border to Border trail from the beginning and said that it is a wonderful project. He thanked Teresa Gilotti for passing on the hawk information. He said he feels that the hawk street crossing was a wonderful way to go and said that he will support the resolution.

Mr. Lange said there was a huge amount of work done on this project and thanked Attorney Barr for his work in trying to get this easement within such a short time frame.

Council Member Murdock stated that he is having a hard time supporting the resolution. He said when this was first proposed it was a bridge that was under Michigan Avenue and originally the easement was going to be donated then a price was set at \$30k and now it is \$40k. He said the mid-block crossing would have made this unnecessary and would have stayed true to the Border to Border Trail without having to come up with another \$100k or \$200k for hawk street crossing.

Ms. Gillotti clarified the costs from \$40k to \$50k and said that hawk street crossing qualifies for federal funding through MDOT. She said that the City would have been responsible for the mid-block crossing.

Mayor Schreiber stated that he will support the resolution.

Mayor Pro-Tem Richardson questioned the total amount for the entire project.

Ms. Gillotti replied the City's portion is \$8,500 for the easement. She said Washtenaw County Parks and Recreation had committed to the \$31,500 but currently there is no budget for the mid-block project. She said she is in the process of getting requests for funding out to organizations such as the Wolf Pack and other funding sources.

Mayor Pro-Tem Richardson asked what the total cost would be.

Ms. Gillotti replied that the total amount the City would be responsible for is about \$60k.

City Manager Ralph Lange said that the City has some organizations that are willing to get behind the hawk project but a plan must be put into action.

On a roll call, the vote to approve Resolution No. 2013-223 was as follows:

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

VOTE:

Yes: 5      No: 2 (Robb; Murdock)      Absent: 2      Vote: Carried

6. Resolution No. 2013-224, approving donation of 761 Harriett Street property to Parkridge.

#### **RESOLUTION TO ACCEPT GIFT OF 761 HARRIET STREET**

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the offer**

**of Tommy Frye to gift the title of 716 Harriet Street to the city is accepted and the City Clerk is directed to accept the deed on behalf of the city and record the deed in the office of the Washtenaw County Register of Deeds.**

**The city administration is directed to take all steps necessary to change the property on the tax rolls to exempt property under city ownership.**

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

Teresa Gillotti gave the background and stated that 761 Harriet was purchased by SOAR Incorp. for support of Parkridge Community Center.

City Council accepted, as a friendly amendment, a motion to change the name from Tommy Frye to SOAR Incorp.

Mayor Pro-Tem Richardson added a friendly amendment stating that 761 Harriet is designated for the future use of Parkridge Community Center.

Council accepted Mayor Pro-Tem Richardson's addition as a friendly amendment.

Teresa Gillotti stated that the intent of purchaser was to accommodate a potential expansion of Parkridge, and the purchase was to secure the property.

Mr. Tommy Frye, speaking on behalf of himself and Mr. Barfield, stated that they have purchased the house and would like to purchase the house next door also for Parkridge. He stated that he is trying to buy up property that will enhance Parkridge and he would like the City to support it.

Council Member Vogt commended Tommy Frye and Associates for their efforts to assist the community, and said he would support the resolution.

Council Member Robb recalled that the last time the gift of a house was given it blew up in the City's face. He asked what are the City's obligations and responsibilities once accepted.

Teresa Gillotti answered it will be the responsibility of the City to tear down the property and the maintenance.

Council Member Robb mentioned that the last time the gift was given it was on a non-profit basis, and asked if there were any tax deductions or other strings attached?

Teresa Gillotti said she could not answer that question.

Council Member Robb questioned if the issue is closed once approved or can a deduction be requested in the future.

Attorney John Barr stated that the IRS will make that determination. He said currently the way the deal is set up there is no request letter.

Mayor Pro-Tem Richardson stated that Mr. Frye and Mr. Barfield have put in countless hours in this project and Council has no idea how much work has been put into the Parkridge Community Center.

Mr. Lange thanked everyone involved and said that the City would have ended up with the property in the long run so the donation process made it a much easier process.

Council Member Jefferson said that he is glad to see children and seniors still enjoying Parkridge and commended Mr. Frye for all of his hard work,

On a roll call, the vote to approve Resolution No. 2013-224 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

The resolution as adopted reads as follows:

**RESOLUTION TO ACCEPT GIFT OF 761 HARRIET STREET**

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the offer of S.O.A.R. Incorp. to gift the title of 716 Harriet Street to the city is accepted and will be donated for the Parkridge Community Center. The City Clerk is directed to accept the deed on behalf of the city and record the deed in the office of the Washtenaw County Register of Deeds.**

**The city administration is directed to take all steps necessary to change the property on the tax rolls to exempt property under city ownership.**

7. Resolution No. 2013-214, approving Mutual Aid Box Alarm System (MABAS) Inter-local Agreement.

**WHEREAS the City of Ypsilanti has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, hazardous incident response, and other emergency response services ("Fire Services"); and**

**WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster ("Incidents"); and**

**WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq. (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately; and**

**WHEREAS, the City of Ypsilanti desires to enter into an inter-local agreement, pursuant to the Act, to further improve Fire Services; and**

**WHEREAS, the Mutual Aid Box Alarm System (MABAS), is a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency mutual aid response; and**

**WHEREAS, as a result of entering into an inter-local agreement to further improve Fire Services, the Parties are creating the Washtenaw MABAS Division; and**

**WHEREAS, Washtenaw MABAS Division has the authority to execute this agreement pursuant to resolution of its governing body; and**

**WHEREAS, the City of Ypsilanti desires to commit personnel and equipment to another Party if deemed reasonable upon the request of another Party; and**

**NOW, THEREFORE BE IT RESOLVED that the City of Ypsilanti finds it is the best interest of its citizens, from a safety and fiscal standpoint, to enter into the Inter-local Agreement - MABAS Division, and agrees to appoint one member to the MABAS Executive Board.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Robb

Mr. Lange introduced Captain Madison and explained that he is standing in for Fire Chief Anthouard. He said that if any questions need to be answered he would be the best person to answer them.

Council Member Murdock commented that the City has been operating under the MABAS agreement for several years.

Captain Madison stated that they have been working under a similar agreement but this is on a larger scale. He said that this agreement is formalizing the plan and making it a bigger agreement; not just Washtenaw County but possibly Livingston or a more regional aspect.

Council Member Murdock stated that the MABAS concept is basically authorized by the State of Michigan.

Captain Madison answered yes. He explained that the State breaks up the counties participating into regions. He said that the City of Ypsilanti would have to provide similar resources with a set number of apparatus, for example three people and a fire engine. He said if there was a large scale disaster with multiple casualties they would go through the divisions that have to respond within a certain amount of time. He said with this agreement resources are used from multiple areas.

Council Member Murdock asked if the city needed an inter-local agreement or is this resolution enough. He said that the one he saw was a cookie cutter one from the MABAS website.

Mr. Lange said that an inter-local agreement may be needed and if so it will be created to make sure it's approved to form by our City Attorney.

Mayor Pro-Tem Richardson pointed out that in the resolution the inter-local agreement is mentioned and it states that the parties will be creating the Washtenaw MABAS Division, so there will be several divisions.

Mr. Lange stated that no one can plan for a disaster, however this agreement is a way to extend our resources.

On a roll call, the vote to approve Resolution No. 2013-214 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

8. Resolution No. 2013-225, approving rejection of right of first approval to purchase the property at 303 N. Huron (Towner House).

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**WHEREAS the City of Ypsilanti holds a Right of First Refusal to purchase the Towner House property at 302 North Huron Street, Tax ID # 11-11-40-410-005, and**

**WHEREAS the city has received notice of the intent of the Towner House Foundation to purchase the Towner House property, and**

**WHEREAS the City of Ypsilanti has no desire or interest to purchase the Towner House property and is satisfied with the purchase of the property by the Towner House Foundation;**

**NOW THEREFORE, the City of Ypsilanti rejects the Right of First Refusal and gives up any rights thereunder and has no objection to the sale of the property to the Towner House Foundation.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Moeller

Attorney John Barr gave the background on the Towner House Property.

Mayor Pro-Tem Richardson stated that it is interesting how things come full circle. She remembered that this same item was on the agenda at her first City Council meeting.

Council Member Robb stated that at the request of Ms. Savage he would like to add the following amendment:

**Be it Resolved That the City of Ypsilanti revises the fee schedule to include AHB prosecution costs from \$75 to \$200 and add a \$75 fee for AHB cost.**

Mr. Barr stated that adding the amendment was not necessary and that Council could address this with a single motion.

On a roll call, the vote to approve Resolution No. 2013-225 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:                      Absent:                      Vote: Carried

~~9. Resolution No. 2013-226, approving Special Events policy. (REMOVED)~~  
(Insert Resolution)

~~OFFERED BY:~~

~~SUPPORTED BY:~~

~~10. Resolution No. 2013-227, amending fee schedule. (REMOVED)~~

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**THAT the proposed AHB fees be adopted and included in the fee schedule.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

Teresa Gillotti stated that she would like Council to adopt the AHB fees. She said she believes that the prosecution fees were removed from the agenda based on the special events fees being included but requested that Council vote on this portion only in order to allow the AHB to collect their portion. She said as it currently stands AHB would not be able to collect.

Ericka Savage clarified that the fee schedule resolution was revising the AHB fees only and nothing else.

On a roll call, the vote to approve the motion to adopt the AHB fees only was as follows:

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

VOTE:

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

11. Resolution No. 2013-230, reconsidering Resolution No. 2013-125B appointing Caryn Charter to the Local Development Finance Authority (LDFA). *(Added)*

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**THAT the rules be suspended and Resolution No. 2013-125B appointing Caryn Charter to the Local Development Finance Authority (LDFA) be reconsidered.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Jefferson

On a roll call, the vote to approve Resolution No. 2013-230 was as follows:

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

VOTE:

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

Resolution No. 2013-125B, appointing Caryn charter to the Local Development Finance Authority (LDFA)

**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:**

| <b><u>NAME</u></b>                                                                                                     | <b><u>BOARD</u></b> | <b><u>TERM TO EXPIRE</u></b> |
|------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|
| Caryn Charter (new appointment)<br>4760 Middlesex (home)<br>Dearborn, MI 48126                                         | SmartZone LDFA      | 6/30/2017                    |
| E.M.U. (business)<br>Office of Research Development<br>Starkweather Hall, 2 <sup>nd</sup> floor<br>Ypsilanti, MI 48197 |                     |                              |

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

On a roll call, the vote to approve Resolution No. 2013-125B 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   | Yes |
| Mayor Schreiber          | Yes |                          |     |

VOTE:

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

12. Resolution No. 2013-231, approving an ordinance to repeal Ordinance No. 1054 and Ordinance No. 965. ***(Public hearing will be conducted at Second Reading on December 3, 2013)*** – Ordinance No. 1201.

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**An ordinance to adopt an ordinance to repeal Ordinance No.1054 "An ordinance to amend the provisions of the city of Ypsilanti Fire and Police Retirement System, contained in Public Act 345 of 1937, as amended, to provide for post retirement pension improvements to retirees who have retired from the position of Fire Chief, and Ordinance No. 965, "An ordinance to amend the provisions of the City of Ypsilanti Fire and Police Retirement System, contained in Act 345 of 1937, as amended, to provide for outrageous Post Retirement Pension improvements to retirees who retired from the position of Police Chief, be approved on First Reading.**

OFFERED BY: Council Member Robb  
SUPPORTED BY: Council Member Vogt

Mayor Schreiber asked for an amendment to remove the word "outrageous" from the resolution.

**Council Member Jefferson moved, supported by Council Member Vogt, to remove the word "outrageous".**

On a roll call, the vote to amend the resolution to remove the word "outrageous" was as follows:

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

VOTE:

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

Council Member Robb questioned how the Police and Fire Chiefs have their own employment agreements and why Council had no knowledge of what was included in them. He also asked why Council is not approving those contracts.

Attorney Barr commented that the relationship of an employee to employer is a contract and the City Manager is in charge of the hiring and the firing of administrative staff. He said that the City Manager hires within the budgetary limits and signs the employee agreements.

Mr. Lange stated that he has had a discussion with Council Member Robb regarding this already. He said that he has worked with the City Attorney and has explained how he is trying to work with the benefits that previously were afforded but are not now. He said that he was hired to flatten the curve. He went on to explain many officers have retired and took their benefits and went on to other jobs.

Mr. Lange asked Council Member Robb what is it that he is trying to accomplish so that he could help.

Council Member Vogt asked for clarification on if the City Manager was for or against the change.

City Manager Lange answered yes he is in support of the change being requested.

Council Member Robb said that he doesn't disagree with City Manager Lange, however Council Members have two jobs; to hire and fire the City Manager and provide oversight. He said that Council provides oversight and checks and balances and the City Manager still has not answered his question. He stated that in the ordinance, at least they knew what was included in the benefits and as it stands now Council



doesn't know what's in the employment agreements. He said that right now the oversight mechanism is gone and that is what he is concerned about. He stated that Council needs to know how the oversight is being handled.

Mayor Schreiber commented that he thought Council approved the employment agreement for the Police Chiefs in the past.

City Manager Lange commented that a specific classification of employees have individual agreements and each agreement is unique. He said that the benefit structure is also unique and they are not giving away benefits that the employee may not want or need. He said that he has worked with Labor Attorney Rick Fanning and he is trying to do what Council is commanding him to do. He said he is saving money and keeping up the quality of employees.

Mayor Schreiber asked if Council approved the Police Chief's contract in the past.

Attorney Barr answered that he did not believe so but said he could check the Charter.

Council Member Moeller asked if they were voting only on the pension plan and if it would change the pension for the new police chief.

Attorney Barr answered the Act 345 Pension plan is a State law and it sets up the multiplier for retirees and can be changed by collective bargaining. He said the ordinance being considered was passed to increase the multiplier for specific people, for example the Fire Chief.

Council Member Moeller asked if the City Manager has to use the multiplier.

Attorney Barr stated that the City Manager has nothing to do with the multiplier set forth in Act 345.

Council Member Moeller clarified that the issue is if the new Police Chief is getting a new contract and that the agreement might have something in it that the Council does not know about, including the multiplier or pension.

Attorney Barr stated that currently the multiplier for the Chief is three percent, unless Council votes on the pension to change it to what the State's multiplier is which is two percent. He said that the multiplier can only be changed by collective bargaining or by Council. He stated that not all Chiefs are entitled to the 345 pension.

Council Member Moeller asked what kind of Chief is not eligible for the 345 pension.

Mr. Ralph Lange answered anyone already retired is not eligible for the 345 pension plan.

Council Member Murdock stated that the ordinance requires the Police and Fire Chief be in the 345 Pension Plan and get a three percent multiplier and that is why he wants to remove it from the ordinance.

On a roll call, the vote to approve Resolution No. 2013-231 as amended was as follows:

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

VOTE:

Yes: 7

No: 0

Absent: 0

Vote: Carried

Resolution No. 2013-231 as adopted reads as follows:

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**An ordinance to adopt an ordinance to repeal Ordinance No.1054 "An ordinance to amend the provisions of the city of Ypsilanti Fire and Police Retirement System, contained in Public Act 345 of 1937, as amended, to provide for post retirement pension improvements to retirees who have retired from the position of Fire Chief, and Ordinance No. 965, "An ordinance to amend the provisions of the City of Ypsilanti Fire and Police Retirement System, contained in Act 345 of 1937, as amended, to provide for Post Retirement Pension improvements to retirees who retired from the position of Police Chief, be approved on First Reading.**

**XIII. LIASON REPORTS -**

- A. SEMCOG Update –Mayor Pro-Tem Richardson reported that the General assembly meeting was held recently but she was not able to attend.
- B. Washtenaw Area Transportation Study – Council Member Murdock stated he received an email from the Director that dues are due.
- C. Washtenaw Metro Alliance – No meeting this month. (Council Member Robb)
- D. Urban County – None (Mayor Schreiber)
- E. Freight House – None (Council Member Murdock)

**XIV. COUNCIL PROPOSED BUSINESS –**

Murdock

- Requested an update on the new dumping ordinance and fees.

Attorney Barr stated he would have it at the next meeting.

- Inquired about progress on the energy efficiency project in city buildings.

City Manager Lange replied the new lights were showed to Council recently. He stated that Stan Kirton is waiting until the first of the year to convert lights in order to get extra incentives.

- He stated he has a punch list for Cross Street and said he is waiting for the "stop for pedestrian crosswalk" sign.
- Referred to a recent article in the Free Press regarding plate scanners concern.

Interim Police Chief Tony DeGiusti was he is currently working with a provider of the equipment and they've indicated that personal information will not be stored.

Robb

- Commented that Veteran's Day is Monday and according to the law fireworks can be set off.

- Reported that the lights are out on North Washington Street and asked if there is policy for tracking and determining how many lights in city are out? Stated he is concerned if a formal policy for reporting is needed instead of waiting for people to report that a light is out.

City Manager Lange stated that Police and Fire who are out in the evening would report lights out to DTE.

Council Moeller stated that the current policy is to go to website and report it. She said that is what people were told to do and they are doing it.

#### Moeller

- Reported that at the corner of Mansfield and Washtenaw there is a mess of junk. She said people are complaining of 4 ft. high weeds and the remains of a cut up telephone pole. She said it is at the northeast corner.

City Manager Lange said he would report the issue to James Jackson in code enforcement.

#### Vogt

- Reported the same code enforcement concern as Council Member Moeller.

#### Jefferson

- Reported that at 301 S. Washington the stump was cut down, however the area is very soft and sinks in about ½ inch and is not seeded. He said there is no grass but weeds are growing there.
- Inquired about the medical marijuana dispensary license application for 539 S. Huron. He asked if site plan approval was granted and how this relates to the Planning Commission.

#### Richardson

- Reported that shrubs at Hamilton and Ferris are overgrown again.
- Commented that the Michigan Ave. road diet is creating a lot of traffic backups. She said it takes three or four lights to change before getting through it and it has increased going home time. She said people are turning on Second Ave. to avoid the light and are speeding. She said the diet isn't good for car traffic and there are really no bicycles.
- Thanked Mr. Barr and Ms. McMullan for attending the MML MBC-LEO fundraiser on Friday. She said it was a very delightful evening. She said Don Snyder, MEDC Representative, was present and spoke about the revival of midtown Detroit. She said he shared a lot of good ideas and concepts.

Council Member Jefferson added that the shrubs at Hamilton and Ferris that he reported previously were cut and cleaned but they are still overhanging and high. He said the location is just bad and obstructs the view heading east on Ferris.

## **XV. COMMUNICATIONS FROM THE MAYOR –**

**Ypsilanti Downtown Development Authority**

Richard Smith (open)  
1327 Elmwood Ct. Apt 6  
Ypsilanti, 48197  
Term Expires: 7/7/2016

Mayor Schreiber indicated that Mr. Smith is the owner of Ramos Fine Cuts Barber Shop.

**XVI. COMMUNICATIONS FROM THE CITY MANAGER –**

Mr. Lange reported on the following:

- LED lights
- 2 new police officers
- Freight House – extending water a little farther
- Holiday lights will go up
- Preparing for goal setting meetings
- Comparison of 80/20; hard cap health care options coming soon
- Rutherford pool is moving along
- DPS operations that can save money are being explored
- Hiring fire fighters will help with overtime
- Limited English Proficiency ordinance coming next meeting
- City staff working with less although the need for service hasn't changed
- City employees are extremely dedicated
- Appreciated the MML Black Caucus event. He said he couldn't attend but Ericka Savage attended.

Mayor Schreiber reported he received an email from a neighbor stating that the new streetlights have been installed at a 90 degree curve and they are shining on the houses and not the road.

Mr. Lange stated that they are working to correct the issue.

**AUDIENCE PARTICIPATION -**

Mark Hergott, 111 Miles, clarified his comments on the Mr. Gwener issue and said he feels Council and the city will do their best. He said he wanted to remind people that Mr. Gwener was a person and deserves to be remembered also.

**XVII. REMARKS FROM THE MAYOR –**

Mayor Schreiber stated that he was on the Ypsilanti Housing Commission for 11 years and the issue with Mr. Gwinner was a family issue and obviously there are a lot of people not speaking. He said he has been told that the situation has gotten a lot better.

Council Member Jefferson commented on the Ypsilanti Housing Commission and on the recent murder.

**XVIII. ADJOURNMENT –**

A. Resolution No. 2013-229, 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 9:58 p.m.



Resolution No. 2013 – 241  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the following items be approved:

1. Resolution No. 2013-242, approving agreement with the Washtenaw County CDBG grant program to utilize the appropriated CDBG funds for the 2012-2013 City of Ypsilanti Infrastructure Improvement Project.
2. Resolution No. 2013-243, approving City of Ypsilanti Limited English Proficiency Plan.
3. Resolution No. 2013-244, approving appointments to Boards and Commissions.
4. Resolution No. 2013-245, approving Stormwater, Asset Management and Wastewater (SAW) Grant Application.
5. Resolution No. 2013-246 approving 2014 Council Meeting schedule.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



REQUEST FOR LEGISLATION  
November 12, 2013

To: Mayor and Council

From: Stan Kirton, Director of Public Services

Subject: Agreement with the County Washtenaw Community Development, Community Development Block Grant Program (CDBG)

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SUMMARY & BACKGROUND:

Washtenaw County administers CDBG funds received through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Entitlement Communities Grant (CDBG). The City of Ypsilanti is a member of the Washtenaw County, Urban County Program. The Urban County Program disperses Community Development Block Grant (CDBG) funds to participating members. The 2011-2012 and 2012-2013 CDBG Urban Funding includes funds for Infrastructure Improvement Projects, including funds for ADA sidewalk ramp replacement (The City of Ypsilanti Sidewalk Ramp Replacement Program) in low to moderate income areas within the city in the total amount of \$96,000.

An agreement between the City of Ypsilanti and Washtenaw County is necessary to utilize the appropriated CDBG funds for the 2012-2013 City of Ypsilanti Infrastructure Improvement Project. The scope of work includes: removal of existing non compliant ADA ramps and replacement with ADA compliant sidewalk ramps, the construction of ADA compliant ramps where needed, addition of integral curbs as needed and restoration of disturbed margin areas.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution, Agreement with CDBG

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 11-19-13

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2013 -242  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, Washtenaw County administers CDBG funds received through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Entitlement Communities Grant (CDBG) and

WHEREAS, the City of Ypsilanti is a member of the Washtenaw County, Urban County Program and;

WHEREAS, the Urban County Program disperses Community Development Block Grant (CDBG) funding to participating members; and

WHEREAS, the 2011-2012 CDBG Urban Funding and 2012-2013 CDBG Urban Funding includes funds for Infrastructure Improvement Projects, including funds for ADA sidewalk ramp replacement in low to moderate income areas within the city (The City of Ypsilanti Sidewalk Ramp Replacement Program) in the amounts of \$46,000 in 2011-2012 funding and \$50,000 in 2012-2013 funding for a total of \$96,000; and

WHEREAS, an agreement is needed between the City and Washtenaw County in order to utilize the appropriated funds.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposed agreements; and

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

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



**COUNTY OF WASHTENAW COMMUNITY AND ECONOMIC DEVELOPMENT AGREEMENT  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG PROGRAM)**

This AGREEMENT dated the \_\_\_\_\_ day of \_\_\_\_\_, 2013, is between the COUNTY OF WASHTENAW, a municipal corporation, with office located in the County Administration Building, 220 North Main Street, Ann Arbor, Michigan 48107 ("COUNTY") and the **City of Ypsilanti** a municipal corporation, with offices located at **One South Huron Street, Ypsilanti, MI 48197**, ("CITY").

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Federal Awarding Agency         | U.S. Department of Housing and Urban Development |
| Federal / State Contract Number | B-11-UC-26-006; B-12-UC-26-006                   |
| Federal Program Title           | Community Development Block Grant (CDBG) Program |
| CFDA Number                     | 14.228                                           |
| Federal Funding %               | 100%                                             |

WHEREAS, the COUNTY receives funds from the United States Department of Housing and Urban Development (HUD) pursuant to HUD's Community Development Block Grant Entitlement Communities Grants ("CDBG") and the COUNTY is authorized to award CDBG funds pursuant to Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; 42 U.S.C. 5301, et. seq.; and

WHEREAS, the COUNTY has been designated as an entitlement county for the CDBG Program and acts as the lead entity for the Washtenaw Urban County, which consists of the COUNTY, the City of Ann Arbor, the City of Ypsilanti, Ypsilanti Township, Pittsfield Township, Ann Arbor Township, Bridgewater Township, Salem Township, Superior Township, York Township, Scio Township, Northfield Township, Dexter Township, Lima Township, Manchester Village, Manchester Township, Saline City, Saline Township, and Webster Township; and

WHEREAS, the **City of Ypsilanti Curb Cuts** project has been approved by the Urban County Executive Committee for funding under the CDBG Program; and

WHEREAS, the **CITY** has agreed to collaborate with the Office of Community and Economic Development (OCED) to manage this public improvement project; and

WHEREAS, on May 24, 2011 the Urban County Executive Committee approved **\$46,000.00** in **2011-12 Urban County CDBG Funding** and on April 24, 2012 the Urban Executive Committee approved **\$50,000.00** in **2012-13 Urban County CDBG Funding** for a total of **\$96,000.00**, as a grant to the **CITY** for eligible Curb Cut improvement activities in Ypsilanti, as specified in this Agreement; and

In consideration of the mutual covenants and obligations contained in this Agreement, including the Attachments, and subject to the terms and conditions stated, **THE PARTIES AGREE AS FOLLOWS:**

**1. USE OF FUNDS:** [24 CFR 570.503(b)(1)]

A. **SCOPE OF SERVICES:** **CITY** agrees to use COUNTY CDBG funds for the eligible costs of re-constructing the following **Curb Cuts** to meet the American's with Disabilities Act (ADA) and Uniform Federal Accessibility Standards (UFAS):

|                                       |                                            |
|---------------------------------------|--------------------------------------------|
| N. River St. @ Ferrier St (2 ramps)   | Lincoln St @ Babbit (2 ramps)              |
| Lincoln @ North St (8 ramps)          | Pearl St @ N. Washington St (6 ramps)      |
| Pearl St @ N. Adam St (8 ramps)       | Washtenaw Ave @ N. Adam St (8 ramps)       |
| Emmet St @ N. Adams St ( 8 ramps)     | Washtenaw Ave @ N. Washington St (8 ramps) |
| Emmet St @ N. Washington St (8 ramps) | Brooks @ Madison St (8 ramps)              |
| Brooks St @ Jefferson St (8 ramps)    | Second St @ Monroe St (8 ramps)            |
| Second St @ Madison St (2 ramps)      | Second St @ Jefferson St (2 ramps)         |



**CITY** will work with the Office of Community and Economic Development to coordinate the bidding and procurement of all services necessary to complete the projects and shall perform all services necessary to complete the projects as set forth in Attachment A.

- B. **SCHEDULE:** Timely completion of the work specified in this Agreement is essential. By signing this Agreement, **CITY** agrees to make every effort to ensure that the project will not be delayed. Failure to meet deadlines may result in cancellation of this Agreement and the revocation of COUNTY CDBG funds.
- C. **BUDGET:** **CITY** expressly agrees to complete all work in accordance with the budgets set forth in Attachment B.
- D. **INELIGIBLE ACTIVITIES:** **CITY** expressly agrees not to use CDBG funding for the following prohibited uses: a) purchasing equipment without approval from the Office of Community and Economic Development, b) using the funds for operating and maintenance expenses, c) constructing new housing, and d) providing income payments.
- E. **CITY** expressly agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.
- F. The **CITY** will use local funds to pay for any cost overruns that are related to this project. For record keeping purposes, the **CITY** will submit a summary of all of the project costs to the Office of Community and Economic Development.
- G. **CITY** designee will meet with Community and Economic Development staff after bids are received to review the project costs and time schedule.

**2. RECORDS AND REPORTS: [24 CFR 570.503(b)(2)]**

- A. **CITY** agrees to maintain all required records and submit reports on forms provided by the COUNTY within two weeks after the end of the program year.
- B. **CITY** agrees to prepare and submit reports every six months, or as otherwise directed, to the Director of the Office of Community and Economic Development; and to cooperate and confer with her as necessary to ensure satisfactory work progress.
- C. **CITY** agrees to maintain all records required by the federal regulations specified in 24 CFR 570.206 that are pertinent to the activities funded under this Agreement for a minimum of five years, starting from the date of the submission of the annual performance and evaluation report, in which the specific activity is reported to HUD for the final time. If litigation claims, audits, negotiations or other actions are initiated prior to the expiration of the five-year period, then such records shall be retained until all related issues have been resolved.
- D. All reports, estimates, memoranda and documents submitted by **CITY** must be dated and bear designee's name.
- E. All reports made in connection with the Agreement are subject to review and final approval by the COUNTY.
- F. **CITY** shall provide an annual project audit of revenues and expenses based upon **CITY's** budget calendar.
- G. **CITY** agrees to maintain project-related data demonstrating participant and project eligibility for services provided pursuant to this Agreement. Such data includes, but is not limited to, names, addresses, funding amounts, sources and uses of funding, property values, construction records, inspection reports, mortgage and security documents, signed applications, source documentations for household income level or other basis for determining eligibility, and descriptions of services provided. This information shall be made available to COUNTY upon request.
- H. **CITY** shall forward copies of all executed subcontracts to the Office of Community & Economic Development along with documentation of the selection process.

**3. PROGRAM INCOME: [24 CFR 570.503(b)(3)]**



Pursuant to 24 CFR 570.504(c), **CITY** agrees that program income, unexpected funds or other assets will not be retained by **CITY** for other eligible activities, but will be returned to the COUNTY and will be deposited into the CDBG Program Income Account. The activities to be undertaken with program income are noted in Section 1B. of this Agreement. All provisions of this Agreement shall apply to the specified activities. Transfers of grant funds by the COUNTY to **CITY** shall be adjusted according to the principles described in 24 CFR 580.504(b)(2) (i), (ii). Any program income on hand when the agreement expires, or received after the agreement's expiration, shall be paid to the COUNTY as required by 24 CFR 570.503(b)(8) as noted in Article 8 of this Agreement.

**4. UNIFORM ADMINISTRATIVE REQUIREMENTS: [24 CFR 570.503(b)(4)]**

- A. Governmental Entities: OMB Circular No. A-87, OMB Circular A-128 as implemented at 24 CFR part 44), and applicable provisions of 24 CFR part 85.
- B. Non-Profit Entities: OMB Circular No. A-122, OMB Circular No. A-21, and OMB Circular A-133, as set forth in 24 CFR part 45, as applicable.
- C. Audits: Audits shall be conducted annually. **CITY** shall also comply with applicable provisions of OMB Circular A-110, as implemented at 24 CFR part 84.
- D. Uniform administrative requirements and cost principles. OMB Circular A-128 (implemented at 24 CFR part 44).

**5. OTHER PROGRAM REQUIREMENTS: [24 CFR 570.503(b)(5)]**

**CITY** agrees to comply with the provisions of 24 CFR 570 Subpart K as follows:

- A. Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063, as applicable under 24 CFR 570.601
- B. Public Law 88-352, which is title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and implementing regulations in 24 CFR part 1, as applicable under 24 CFR 570.570.601(a)(1).
- C. Public Law 90-284, which is the Fair Housing Act (42 U.S.C. 3601-3620), as applicable under 24 CFR 570.601(a)(2)
- D. Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652; 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing), and implementing regulations in 24 CFR part 107, also apply as applicable under 24 CFR 570.601(b).
- E. In accordance with County regulations and 24 CFR 507.602, Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, sexual orientation, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.
- F. Labor standards.
  - (i) In a construction project that has a total cost which exceeds two thousand dollars (\$2,000.00), **CITY** agrees to comply with the requirements of the Davis-Bacon Act (40 U.S.C. 276a-276a – 5). In accordance with 24 CFR 570.603 (a), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) applies to the rehabilitation of residential property only if such property contains not less than 8 units.
  - (ii) **CITY** agrees to comply with the Copeland "Anti-Kickback" Act (40 U.S.C. 276 et. seq.).
  - (iii) In accordance with 24 CFR 570.603(b), the regulations in 24 CFR part 70 apply to the use of volunteers.



- (iv) **CITY** agrees that all of its agents, employees, contractors, and subcontractors will be sufficiently and properly trained to perform activities under this Agreement.
- (v) In accordance with the Drug-Free Workplace Act of 1998 and the rules found at 24 CFR Part 24, subpart F, **CITY** agrees to provide a drug-free workplace.
- (vi) **CITY** agrees to ensure that all subcontracts awarded under this Agreement will be awarded on a fair and open competition basis and in accordance with the Office of Community Development Procurement Policy.
- (vii) **CITY** agrees to comply with the Living Wage Ordinance enacted by the COUNTY requiring covered vendors who execute a service or professional contract with the COUNTY to pay their employees under that contract, a minimum of either \$11.64 per hour with benefits or \$13.65 per hour without benefits. **CITY** understands and agrees that an adjustment of the living wage amounts, based upon the Health and Human Services poverty guidelines, will be made on or before April 30, 2014 and annually thereafter which amount shall be automatically incorporated into this Agreement. COUNTY agrees to give **CITY** thirty (30) days written notice of such change. **CITY** agrees to post a notice containing the COUNTY'S Living Wage requirements at a location at its place of business accessed by its employees.
- (viii) **CITY** agrees to Equal Opportunity Employment.
  - (1) Except as it relates to a bona fide occupational qualification reasonably necessary to the normal operation of the business, **CITY** will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief.
  - (3) **CITY** agrees to post state and federal notices containing the regulations against discrimination in conspicuous places available to applicants for employment and employees. All solicitations or advertisements for employees, placed by or on the behalf of **CITY**, will comply with state and federal law.

G. National Flood Insurance Program. Pursuant to 24 CFR 570.605, the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) and the regulations in 44 CFR parts 59 through 79 apply to funds provided under 24 CFR 570.

H. Displacement, relocation, acquisition, and replacement of housing. If property is occupied at the time of this Agreement, **CITY** will comply with the requirements of 24 CFR 570.606.

I. Employment and contracting opportunities. Pursuant to 24 CFR 570.607, **CITY** shall comply with:

- (i) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p.339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264) (Equal Employment Opportunity) and the implementing regulations at 41 CFR chapter 60; and
- (ii) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.

J. Lead-based paint. Pursuant to 24 CFR 570.608, **CITY** agrees to comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, J, K, and R of this part apply to activities under this program.

K. Use of debarred, suspended or ineligible contractors or sub recipients is prohibited. Pursuant to 24 CFR 570.609, the requirements set forth in 24 CFR part 5 apply to this program. By signing this Contract, **CITY** assures the COUNTY that it will comply with Federal Regulation 45 CFR Part 76 and certifies that to the best of its knowledge and belief the Contractor and any subcontractors retained by Contractor:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or contractor;
2. Have not within a three-year period preceding this Contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;



3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of any of the offenses enumerated in section 2, and;
4. Have not within a three-year period preceding this Contract had one or more public transactions (federal, state or local) terminated for cause or default.

L. Conflict of interest. Pursuant to 24 CFR 570.611:

- (i) In the procurement of supplies, equipment, construction, and services the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.
- (ii) In all other cases, the following provisions apply:
  - (a) **CITY** warrants that it presently has no interest and shall not acquire any interest, directly or indirectly, which could conflict in any manner with the performance of its services under this Agreement. **CITY** further warrants that it will not employ persons having such an interest.
  - (b) These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the COUNTY or of **CITY**
  - (c) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of 24 CFR 570.611(d).
- (iii) **CITY** agrees that no funds received and no personnel employed pursuant to this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the United States Code, which is commonly referred to as "The Hatch Act".

M. Eligibility restrictions for certain resident aliens. In accordance with 24 CFR 570.613, certain individuals are ineligible to receive funds under this program.

- (i) Restriction. Certain newly legalized aliens, as described in 24 CFR part 49, are not eligible to apply for benefits under covered activities funded by the Community Development Block Grant Program. "Benefits" under this section means financial assistance, public services, jobs and access to new or rehabilitated housing and other facilities made available under covered activities funded by programs listed in this program. "Benefits" do not include relocation services and payments to which displacees are entitled by law.
- (ii) Covered activities. "Covered activities" under this section means activities meeting the requirements of Sec. 570.208(a) that either:
  - (1) Have income eligibility requirements limiting the benefits exclusively to low and moderate income persons; or
  - (2) Are targeted geographically or otherwise to primarily benefit low and moderate income persons (excluding activities serving the public at large, such as sewers, roads, sidewalks, and parks), and that provide benefits to persons on the basis of an application.
- (iii) Limitation on coverage. The restrictions under this section apply only to applicants for new benefits not being received by covered resident aliens as of the effective date of this section.
- (iv) Compliance. Compliance can be accomplished by obtaining certification as provided in 24 CFR 49.20.

N. Architectural Barriers Act and the Americans with Disabilities Act. Pursuant to 24 CFR 570.614, **CITY** agrees to comply with the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157), the Uniform Federal Accessibility Standards (appendix A to 24 CFR part 40 for residential structures, and appendix A to 41 CFR part 101-19, subpart 101-19.6), and The Americans with Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218 and 225).

O. Environmental Standards. Pursuant to 24 CFR Part 58, **CITY** agrees to comply with the National Environmental Policy Act of 1969, the Clean Air Act, and the National Historic Preservation Act of 1966, regarding environmental review, decision making, and actions and responsibilities related to the execution of all federally-funded projects.

6. **SUSPENSION AND TERMINATION:** [24 CFR 570.503(b)(7)]

In accordance with 24 CFR 85.43, suspension or termination may occur if **CITY** materially fails to comply with any term of this Agreement. This agreement may also be terminated in accordance with the provisions of 24 CFR 85.44.



**7. REVERSION OF ASSETS. [24 CFR 570.503(b)(8)]**

As indicated in Article 3 of this Agreement, **CITY** shall transfer to **COUNTY** any CDBG funds on hand at the time of expiration of this Agreement and any accounts receivable attributable to the use of CDBG funds. Any real property under **CITY**'s control that was acquired or improved in whole or in part with CDBG funds in excess of \$25,000 is used to meet one of the national objectives in 24 CFR 570.208 until five years after expiration of this Agreement, or for such longer period of time as determined to be appropriate by the **COUNTY**; or not used in accordance with one of the national objectives as discussed in this section, in which event, the **CITY** shall pay to the **COUNTY** an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment is program income to the **COUNTY**.

**8. REQUESTS FOR DISBURSEMENT OF FUNDS:**

- A. The County shall pay **CITY** an amount not to exceed **Ninety-Six Thousand Dollars and Zero Dollars (\$96,000.00) in CDBG Funds**, which consists of **Forty-Six Thousand Dollars and Zero Cents (\$46,000.00) in 2011-12 CDBG Funding and Fifty Thousand Dollars and Zero Cents (\$50,000.00) in 2012-13 CDBG Funding** to accomplish the work detailed in this Agreement. **CITY** will comply with established **COUNTY** disbursement schedules and procedures. CDBG funds will be disbursed to the **CITY** upon submission of invoices for work completed and inspected. **CITY** will provide the OCED with proof of interim & final inspections, final project budget (including engineering/project management costs), original Davis-Bacon and Section 3 paperwork, sworn statements from contractors, and waivers of lien w/ final request for reimbursement of CDBG-eligible costs. All checks, invoices, contracts, vouchers, or other accounting documents pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible.
- B. **CITY** agrees that all CDBG funds will be disbursed within 30 business days of receipt. In no event will a disbursement or further disbursements be made after a notice by the **COUNTY** of a violation of this Agreement, which violation has not been corrected to the satisfaction of the **COUNTY**.
- C. **CITY** agrees that payments for services, supplies or materials shall not exceed the amount ordinarily paid for such services, supplies or materials in the area where the services are rendered or the supplies or materials are furnished. All cost overruns shall be the responsibility of **CITY**.

**10. ENFORCEMENT OF AGREEMENT: [24 CFR 92.504(c)(3)(vii)]**

In the event **CITY** breaches this Agreement or any of the loan documents to be executed, the **COUNTY** shall have full remedies consistent with the purpose of this Agreement and as set forth in the loan documents. Remedies include, but are not limited to: **COUNTY** providing direction to **CITY** in project management; deed restrictions, property liens, appointing a receiver to manage the project according to terms of this Agreement; taking possession of the project and managing it; purchasing the property, and all remedies set forth in the parties loan documents and assignment of rent document, if applicable. It is the intent of the parties that these remedies be exercised in a manner appropriate in light of the breach and that this project shall continue to provide housing for the target population of low-income individuals. In the event of any breach, each lender shall be responsible for enforcement of its own loan/grant documents.

The **COUNTY** may terminate this Agreement, in whole or in part, at any time before the date of completion, whenever it is determined that **CITY** has failed to comply with the terms and conditions of this Agreement or in the event that funds are no longer available to the **COUNTY**. The **COUNTY** shall promptly notify **CITY** in writing of the determination and the reasons for the termination, together with the effective date. Payments made to recipients or recapture of funds by the **COUNTY** shall be in accordance with the legal rights and liabilities of the parties.

It is the parties' intent that the obligations created by this Agreement be enforceable by all parties to this Agreement. This Agreement is binding upon the parties to this Agreement and upon their successors, heirs and assigns, except as prohibited by this Agreement. Each of the promises and restrictions shall run with the land from the date of this Agreement. Neither the **COUNTY** or **CITY** will assign or transfer interest without the written consent of the other.

**11. DURATION OF AGREEMENT:**



This project starts on June 8, 2013 and ends on December 31, 2014.

**12. PRACTICE AND ETHICS:**

Each party shall conform to the code of ethics of its respective national professional associations.

**13. EQUAL ACCESS:**

CITY agrees to adhere to the terms of this Agreement without discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical handicap, or age.

**14. CONTINGENT FEES:**

CITY promises that it has not employed or retained any company or person, other than bona fide employees working solely for CITY, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than bona fide employees working solely for CITY, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this Agreement. For breach of this promise, the COUNTY may cancel this Agreement without liability or, at its discretion, deduct the full amount of the fee, commission, percentage, brokerage fee, gift or contingent fee from the compensation due to CITY.

**15. PAYROLL TAXES:**

CITY is responsible for all applicable state and federal social security benefits and unemployment taxes and, to the extent allowed by law, agrees to indemnify and protect the COUNTY against such liability.

**16. SECURITY:**

CITY agrees to execute all appropriate documents to secure and to provide for the repayment of funds advanced by the COUNTY and other lenders as well as to enforce the provisions of this Agreement. CITY shall not incur additional debt secured by this property without written approval of the COUNTY and any other lenders. CITY may refinance at any time, so long as the amount financed shall not exceed the amount currently financed and so long as CITY is in compliance with the terms of this Agreement.

**17. INSURANCE REQUIREMENTS:**

CITY agrees to require any contractor, subcontractor, or consultant to maintain at the expense of the contractor, subcontractor, or consultant, the following insurance coverage as applicable:

- A. Workers' Compensation Insurance with Michigan statutory limits and Employers Liability Insurance with a minimum limit of \$100,000 each accident for any employee.
- C. Comprehensive/Commercial General Liability Insurance with a combined single limit of \$1,000,000 each occurrence for bodily injury and property damage. The COUNTY shall be added as "additional insured" on this Policy with respect to the service provided under this Agreement.
- D. Automobile Liability Insurance covering all owned, hired and non-owned vehicles with Personal Protection Insurance and Property Protection Insurance to comply with the provisions of the Michigan No Fault Insurance Law, including residual liability insurance with a minimum combined single limit of \$1,000,000 each accident for bodily injury and property damage.

CITY shall be responsible to COUNTY or insurance companies for all costs resulting from both financially unsound insurance companies selected and inadequate insurance coverage.

**18. INDEMNIFICATION:**

Only to the extent allowed by law, **CITY** will protect, defend and indemnify the **COUNTY**, its officers, agents, servants, volunteers and employees from any and all liabilities, claims, liens, fines, demands and costs, including legal fees, of whatsoever kind and nature which may result in injury or death to any persons, including **CITY**'s own employees, and for loss or damage to any property, including property owned or in the care, custody or control of the **COUNTY** in connection with or in any way incident to or arising out of the occupancy, use, service, operations, performance or non-performance of work in connection with this Agreement resulting in whole or in part from negligent acts or omissions of contractor, any sub-contractor, or employee, agent or representative of **CITY**.

**19. CONTRACT AMENDMENT:**

Changes mutually agreed upon by the **COUNTY** and **CITY** will be incorporated into this Agreement by written amendments signed by both parties.

**20. CHOICE OF LAW AND SEVERABILITY:**

This contract is to be interpreted by the laws of Michigan. The parties agree that the proper forum for litigation arising out of this Agreement is in Washtenaw County, Michigan. If any provision or provisions set forth in this document is in conflict with any Michigan law or is otherwise unenforceable, that provision is void to the extent of the conflict and is severable from and does not invalidate any other provision of this Agreement.

**21. HEADINGS:**

The headings in this Agreement are for convenience of reference only and shall not affect the meaning of this Agreement.

**22. SIGNATURE AUTHORITY:**

The individuals signing this Agreement have the requisite authority to do so and bind **CITY** to the terms and conditions herein.

**23. ENTIRE CONTRACT:**

This Agreement represents the entire agreement between the parties and supersedes all prior representations, negotiations or agreements whether written or oral.



IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first written above.

ATTESTED TO:

WASHTENAW URBAN COUNTY:

By: \_\_\_\_\_  
Lawrence Kestenbaum (DATE)  
County Clerk/Register

By: \_\_\_\_\_  
Verna J. McDaniel (DATE)  
County Administrator

ATTESTED TO:

YPSILANTI TOWNSHIP:

By: \_\_\_\_\_  
Frances McMullan (DATE)  
City Clerk

By: \_\_\_\_\_  
Paul Schreiber (DATE)  
Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
Curtis N. Hedger (DATE)  
Office of Corporation Counsel

By: \_\_\_\_\_  
Mary Jo Callan, Director (DATE)  
Office of Community & Economic Development

## ATTACHMENT A- SCOPE OF SERVICES & PROJECT TIMELINE

### **NARRATIVE DESCRIPTION/ SCOPE OF WORK:**

WASHTENAW COUNTY will contract with the CITY for the eligible costs of re-constructing **Curb Cuts**, as described in the Scope of Services, to meet the American's with Disabilities Act (ADA) and Uniform Federal Accessibility Standards (UFAS). The improvement project will be paid for with 2011 & 2012 CDBG funding in accordance with the budget in Attachment B.

### **PROJECT TIMELINE:**

| <b>Activity</b>                                                                                                                                                       | <b>Deadline</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| CITY will advertise for bids on project.                                                                                                                              | 5/15/2012       |
| CITY will hold bid opening.                                                                                                                                           | 6/7/212         |
| CITY will award contract to most responsible and responsive bidder.                                                                                                   | 10/2/2012       |
| Contractor will begin curb cut work.                                                                                                                                  | 7/8/2013        |
| Office of Community Development will perform Davis-Bacon Interviews.                                                                                                  | 8/6/2013        |
| Contractor will achieve substantial completion of curb cuts project.                                                                                                  | 12/31/13        |
| Contractor will complete construction and OCED and/or CITY will perform a final inspection.                                                                           | 1/10/14         |
| CITY will submit request for reimbursement, along with accompanying sworn statements and required, original Davis-Bacon payroll forms and Section 3 compliance forms. | 1/17/14         |
| <b>Project Completion Date: 1/31/14</b>                                                                                                                               |                 |

## ATTACHMENT B- PROJECT BUDGET

### SUMMARY OF TERMS:

The COUNTY agrees to pay to or on behalf of the CITY the sum of **Ninety-Six Thousand Dollars and Zero Cents (\$96,000.00) in CDBG Funds**, which consists of **Forty-Six Thousand Dollars and Zero Cents (\$46,000.00) in 2011-12 CDBG Funding** and **Fifty Thousand Dollars and Zero Cents (\$50,000.00) in 2012-13 CDBG Funding** according to the budget below:

### PROJECT BUDGET:

| 2011 & 2012 Curb Cut Project Budget |                 |
|-------------------------------------|-----------------|
| REVENUE SOURCE(S):                  | TOTAL           |
| Grant Amounts – CDBG (2011 & 2012)  | \$96,000        |
| Other Support (In-Kind)             |                 |
| Status of Funds                     |                 |
| <b>Total Revenues</b>               | <b>\$96,000</b> |
| PROGRAM EXPENSES                    |                 |
| PROGRAM EXPENSES                    | TOTAL           |
| Personnel, Taxes & Fringe Benefits  |                 |
| Consultant & Contractual Fees       |                 |
| Space & Related Costs               |                 |
| Printing / Supplies                 |                 |
| Specific Assistance - scholarships  |                 |
| Audit                               |                 |
| Program Evaluation                  |                 |
| Marketing                           |                 |
| Other – postage, communications     |                 |
| Other – travel, insurance           |                 |
| Other – staff development           |                 |
| Other – construction                | \$96,000        |
| <b>Total Expenditures</b>           | <b>\$96,000</b> |
|                                     |                 |
|                                     |                 |



**Barr,  
Anhut &  
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P.C.**

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Karl A. Barr

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

**REQUEST FOR LEGISLATION**

**DATE: November 14, 2013**

**FROM:** John M. Barr, City Attorney

**SUBJECT:** City Limited English Proficiency (LEP) Plan

**SUMMARY/BACKGROUND**

Tim Colbeck of DDA asked if there is a need for an LEP Plan to be implemented for the City of Ypsilanti;

After research into the requirements of Title VI of the Civil Rights Act and Department of Justice Requirements for LEP Plans and recipients of Federal funding, I have determined that this plan is necessary for our city provided that the City meets the population threshold which would trigger the need for this Plan. This is to be determined by assessing the population of LEP individuals who would use the City's services, programs, and activities; and also weighing this need against the cost of providing the Plan for the LEP individuals in the City.

We have drafted the city plan using the Ann Arbor plan as a model.

In order to assess the City's needs and implement this LEP Plan, please review the enclosed LEP Plan and if accepted, please forward it to City Council for approval.

**ATTACHMENTS:** Proposed LEP Plan, proposed resolution

**RECOMMENDED ACTION:** Adoption of the proposed LEP Plan.

---

**DATE RECEIVED:** \_\_\_\_\_ **AGENDA ITEM NO.**

**CITY MANAGER COMMENTS:**

**FOR AGENDA OF:** \_\_\_\_\_ **FINANCE DIR. APPROVAL**

**COUNCIL ACTION TAKEN:**



Resolution No. 2013-243  
November 19, 2013

**RESOLUTION TO APPROVE LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

WHEREAS This Plan is implemented in compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS The City of Ypsilanti is the recipient of Federal funding that would require the City to comply with Title VI of the Civil Rights Act of 1964; and

WHEREAS The City of Ypsilanti desires to have the ability to implement a Limited English Proficiency (LEP) Plan; and

WHEREAS This Plan will provide LEP individuals with meaningful access to City services; and

WHEREAS The City of Ypsilanti has a need to enforce the provisions of that Plan, specifically with Identification of the LEP Population, and Recalculation of the City's Primary Language Groups; and

WHEREAS The City of Ypsilanti shall update this Plan as the needs of the City should require; and

WHEREAS The City of Ypsilanti shall remain in compliance with Federal and State Laws.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the Limited English Proficiency (LEP) Plan is hereby approved pursuant to the requirements of Title VI of the Civil Rights Act of 1964.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

# City of Ypsilanti

## LIMITED ENGLISH PROFICIENCY (LEP) PLAN



## INTRODUCTION

The City is committed to making its services, programs and activities available to everyone, regardless of language barriers. As residents, workers or visitors who contribute to the quality of life in the City, LEP individuals are entitled to meaningful access to City services. As a recipient of federal funds, the City is required by federal law to plan for, and provide LEP individuals with meaningful access to City services, programs and activities. The City's LEP Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq., and its implementing regulations, which state that no individual shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled *Improving Access to Services for Individuals with Limited English Proficiency* indicates that differing treatment based upon an individual's inability to speak, read, write or understand English is a type of national origin discrimination. It directs Federal agencies to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This Executive Order applies to all state and local agencies that receive federal funds, including all City service areas receiving federal funds.

LEP community members and advocates can refer to the City's LEP Plan to learn about the City's commitment to ensure LEP individuals have meaningful access to City services, programs and activities. The guidelines and procedures contained in this document apply to all City service areas and all City employees who interact directly or indirectly with LEP individuals.



The Director of Human Resources is responsible for developing and maintaining the City's LEP Plan. For questions about the City's LEP Plan, contact (734) 483-1100 or send an email to [jsmith@cityofypsilanti.com](mailto:jsmith@cityofypsilanti.com).

### **LEP Services**

The City's LEP Plan governs City and City employee functions and actions, along with sub-recipients of federal funds through the City. This plan does not govern organizations that make use of City space for non-City events.

The City's LEP Plan addresses how services will be provided through general guidelines and specific procedures.

- **Notification:** Providing notice to LEP individuals about their right to service
- **Identification:** Identifying LEP populations and LEP services in City service areas
- **Interpretation:** Offering free and timely interpretation to LEP individuals upon request
- **Translation:** Providing free and timely translation of vital City documents upon request
- **Training:** Delivering training on LEP service to City employees

### **General Guidelines and Procedures for LEP Services**

The City's LEP Plan will be updated as necessary by Human Resources.

Human Resources will evaluate the City's LEP Plan on a regular basis to determine its effectiveness. The evaluation will include:

- Identification of the LEP population in the City of Ypsilanti and recalculation of the City's primary language groups



- Assessment of the current level of services delivered to LEP individuals by each city service area
- Reporting on the LEP training received by City employees
- Reporting of activities by each City service area
- Feedback and comments from LEP communities, including organizations and advocacy groups serving LEP individuals, on the effectiveness of the City's LEP services.
- Evaluation of complaints

### A. Notification

#### Guidelines

The City must proactively notify LEP individuals of their right to services, programs and activities. City service areas and their employees must ensure that LEP individuals know they have the right to free and timely language services as it relates to the City's services, programs and activities.

*Notification should be provided in a variety of ways, including, but not limited to:*

- Posting signs in appropriate areas, such as waiting rooms, reception areas and other points of entry.
- Standard translated content in outreach documents, such as posters or brochures, stating services are available.
- Working with LEP organizations and other stakeholders to inform City of Ypsilanti residents of their right to LEP services.

*Notification includes (at minimum):*

- Information about available LEP services;

- Instructions on accessing services, programs and activities, including directions to City offices; and
- Assurance of free and timely service.

Notice should be provided based on a calculation of relative importance of the information or city services, programs and activities as it relates to the LEP individual. Decisions based on which signs, documents or other means of providing notice should be based on criteria such as:

- Importance or urgency of service
- Volume of contact

### Procedures

City service areas should post standard signs informing LEP individuals of their right to free and timely interpretation and translation services.

Catalog current signs that are posted in public areas and decide which signs (e.g. directional, instructional, etc.) are the most important for accessing City services, programs and activities. Translate the most important signs first.

Vital documents used for City services, programs and activities should include a version of the following message, translated into the City's primary languages "Attention, if you want help translating this information, call (734) 483-1100."

## **B. Identification**

### **Guidelines**

The City should identify the number or percentage of City of Ypsilanti residents who primarily speak a language other than English, and which languages they speak. The primary languages should be reviewed at least once a year and revised as necessary.

Immigration status is not relevant in determining whether an individual is eligible for the LEP services outlined in the City's LEP Plan. Except under special circumstances, City employees are not permitted to ask an LEP individual about their immigration status. All LEP individuals are eligible for City services, programs and activities.

City service areas will be responsible to keep detailed records of the LEP services they provide. Guidance on seeking records and the ensuing reporting will be provided by Human Resources. These records will be requested by Human Resources on a predetermined schedule. Records may also be requested on a need-to-know basis. The records may be used to determine the level of LEP services, evaluate changes and make appropriate LEP budget decisions.

### **Procedures**

*EP individuals can be identified in a variety of ways, including:*

- Analyzing existing data sets, such as United States Census data or information from public agencies; or
- Asking LEP individuals to indicate their preferred language using "I Speak" cards or other mechanisms.

 ***General population statistics are accessible on the United States Census***

***Bureau website at [www.census.gov](http://www.census.gov).***

*Ways to collect information about LEP individuals served may include:*

- Adapting databases used by the City to track languages spoken by clients
- Incorporating 'language spoken' fields in client intake forms and tracking responses
- Tracking telephone interpreting service usage
- Counting website 'hits' directed to translated content
- Conducting resident or customer satisfaction surveys
- Tallying the number of translated materials requested or distributed

### **C. Interpretation and Translation**

#### **Guidelines**

The City must provide an interpreter, free of charge, to LEP individual if needed to receive meaningful access to City services, programs and activities. The City must provide a translation of vital documents, free of charge, to LEP individuals if needed to receive meaningful access to City services, programs and activities.

Public meeting notices should include notification language that states interpreters will be provided upon request, if requested at least 5 business days prior to the meeting.

Vital documents must be available in the City's primary languages or readily translated by an interpreter, upon request. Not all documents can be translated and available in every language. City service areas must have the capacity to translate documents upon request and in a timely fashion.

Interpretation is more than the ability to speak two or more languages. Interpretation is the conversion of a spoken message from one language to another, while preserving the intent and meaning of the original message. Interpreters must be skilled and competent. Translation is

more than the ability to read and write in two or more languages. Translation is the conversion of a written message from one language to another, while preserving the intent and meaning of the original message. Translators must be skilled and competent.

*Competent interpreters should be able to demonstrate at least one of the following:*

- Evidence of training that includes skills and ethics of interpreting;
- Ability to convey information in both languages, accurately and completely, as demonstrated by a simulated interpreting encounter, or;
- Fundamental knowledge in both languages of any specialized terms or concepts related to a City service area's service, program or activity.
- The skill of translating is very different from the skill of interpreting. An individual who is a competent interpreter may or may not be competent to translate. A translator should understand the expected reading level of the audience and where appropriate, have fundamental knowledge about the target group's vocabulary and phraseology.

A competent translator should demonstrate one or more of the following:

- Evidence of training that includes skills and ethics of translation
- Proficiency in English and the other language, as documented in an objective language proficiency test
- Ability to convey information in both languages, accurately and completely, as demonstrated by a simulated translation request
- Fundamental knowledge in both languages of any specialized terms or concepts

Interpretation and translation services for the City will be carried out by competent interpreters or translators, whether they are City employees, contractors or telephone interpreters.

City employees who work as interpreters or translators must demonstrate competence as defined above. With contract interpreters and translators and telephone interpreters, contracting agencies must demonstrate how competency is assessed.

Volunteers, friends or family members whose competence has not been assessed should not be relied upon to interpret or translate. The use of untrained volunteers exposes the City to liability related to its legal obligation to provide competent interpreter and translation services.

For reasons of accuracy, confidentiality and family dynamics, minor children (under 18) should not interpret or translate for family members or other LEP individuals. This guideline does not apply in serious emergency cases when a minor child is the only available potential interpreter or translator.

City employees should not urge or require those who speak little or no English to provide their own interpreter or translator. LEP individuals, however, may use their own interpreter or translator if they waive their right to an interpreter or translator provided by the City. If the effectiveness of service may be compromised or the LEP individual's privacy may be violated, a competent interpreter or translator should be used.

Individuals waiving the right to an interpreter or translator provided by the City will be asked to sign a waiver form.

Access to interpretation or translation services in all City service areas must be timely. No one may be denied access to services based on the lack of interpreter or translator availability.

## Procedures

*Interpretation or translation can be provided in a variety of ways:*

- Bilingual City employee formally trained in interpreting or translating
- Approved City contract vendor providing interpretation or translation services
- Contract or freelance professional translators or contract interpreters providing oral, on-site translation
- Competent volunteer translators

The City maintains contracts with vendors to provide interpretation and translation services. City service areas that use these services will be charged for them. To access an interpreter or translator, City employees must contact Human Resources.

The City maintains contracts with vendors to provide telephonic interpretation services. City service areas that use these services will be charged for using them. To access a telephone interpreter, City employees must contact Human Resources.

Access to translated materials in all City service areas must be timely. No one may be denied access to services, programs and activities based on the lack of translated materials or documents.

If the City hires or contracts with an interpreter or translator, the City has the responsibility to ensure that all individuals should, at a minimum, demonstrate oral and written proficiency in each language and demonstrate familiarity with and comprehension of ethical standards for interpreters and translators.

### D. Training

It is important to ensure that all City employees are given proper LEP training. City employees should know their obligations to provide LEP individuals with meaningful access to

City services, programs and activities. The more frequent the contact with LEP individuals, the greater the need for in-depth training. City employees with little or no contact with LEP individuals must be aware of the City's LEP Plan. City employees in management positions, even if they do not interact regularly with LEP individuals, must be fully aware of and understand the City's LEP Plan so they can reinforce the importance and ensure the implementation of the City's LEP Plan.

LEP training on a city-wide level will be planned and carried out by Human Resources as needed.

*At a minimum, the City will ensure:*

- All City employees know about the City's LEP Plan;
- All City employees who are in public contact positions will be trained to work effectively with in-person and telephone interpreters and translators; and
- The City will provide training, including a copy of the City's LEP Plan, as part of the City's orientation for new City employees.

**Implementing, Monitoring, and Updating the Plan**

The City's LEP Plan will be updated as necessary. Updating and maintaining the City's LEP Plan is the responsibility of Human Resources.

To ensure continuous improvement in providing LEP individuals with meaningful access to City services, programs and activities, the City will seek input from non-English or LEP communities, as well as community-based and advocacy organizations that work and interact with LEP populations.



Human Resources will work with Communications to maintain and update the City's LEP information page on the City's website.

*Human Resources will evaluate the City's LEP Plan on a regular basis to determine its effectiveness. The evaluation will include:*

- Identification of the LEP population in the City of Ypsilanti and recalculation of the City's primary language groups,
- Assessment of the current level of services delivered to LEP individuals by each city service area,
- Reporting on the LEP training received by City employees,
- Feedback and comments from LEP communities, including organizations and advocacy groups serving LEP individuals, on the effectiveness of the City's LEP services,
- Evaluation of Human Resources responsibilities in handling complaints.

### **Contractor Responsibilities**

City contracted vendors and sub-recipients of federal funds through the City will be directed to read and follow the City's LEP Plan. Language to ensure compliance with language access and the City's LEP Plan should appear in City contracts. Contractors and vendors will be responsible for notifying and training their employees about LEP mandates. The City Attorney's Office will be responsible for providing City service areas with the necessary LEP language requirements to include in City contracts.

### **Complaint Process**

Complaints regarding LEP services (e.g. poor customer service, timeliness or quality of interpreter services) may be made in a number of ways to Human Resources:

- Face-to-face (Complaint will be asked to fill out a complaint form),

- Telephone (City employees will be asked to fill out a complaint form on behalf of the complainant),
- In writing via the U.S. mail,
- In writing via electronic mail,
- In writing via fax.

*The Complaint should contain the following information:*

- Name, mailing address, and contact information (i.e. telephone number, email address, etc.),
- How, when, where, and why complainant believes he or she received unsatisfactory service. Include the location, names, and contact information of any witnesses, and
- Other information that complainant deems significant.

The Complaint must be sent to Human Resources at Ypsilanti City Hall, One South Huron Street, Ypsilanti, Michigan 48197 or via email to [jsmith@cityofypsilanti.com](mailto:jsmith@cityofypsilanti.com), or fax to (734) 483-7387.

### **LEP Contact Person**

**Local Contact:**

Judi Smith, Manager  
Human Resources  
City Hall, fourth floor  
One South Huron Street  
Ypsilanti, MI 48197  
[jsmith@cityofypsilanti.com](mailto:jsmith@cityofypsilanti.com)  
Tel: (734) 483-1100

**City Attorney's Office:**

John Barr, City Attorney  
105 Pearl Street  
Ypsilanti, MI 48197  
[jbarr@barrlawfirm.com](mailto:jbarr@barrlawfirm.com)  
Tel: (734) 483- 3871

*The effective date of this LEP Plan is January 1, 2014.*



Resolution No. 2013 –244  
November 19, 2013

**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:

| <b><u>NAME</u></b>                                                 | <b><u>BOARD</u></b> | <b><u>TERM<br/>EXPIRATION</u></b> |
|--------------------------------------------------------------------|---------------------|-----------------------------------|
| Richard Smith (open)<br>1327 Elmwood Ct. Apt 6<br>Ypsilanti, 48197 | YDDA                | 7/7/2016                          |

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



REQUEST FOR LEGISLATION  
November 19, 2013

FROM: Stan Kirton, Director of Public Services

SUBJECT: Stormwater, Asset Management, and Wastewater (SAW) Grant Application Requirement

Background:

The first part of the resolution explains the funding source, up to \$500,000 for stormwater management planning with a ten (10) percent match.

Council approval of the attached resolution is a necessary component of a complete application for the SAW Grant Funds. Basically, the resolution states that the Municipality will pay back, with interest the grant funds (if awarded) if the project is not completed within three (3) years of the grant award. The Municipality is not obligated to this stipulation with the application but, only if the grant is awarded and accepted by the Municipality.

The SAW Grant covers all costs including computer hardware, software, costs for data collection, CCTV (filming) storm mains, Asset Management Planning with a ten (10) percent match from the municipality. The total grant application is for the amount of \$420,000 with a maximum match of \$42,000.

Recommendation: That City Council considers approving the resolution for application purposes.

Attachments: Budget/Cost Breakdown, Resolution

Council Agenda Date: November 19, 2013 Council Agenda Item No. \_\_\_\_\_

City Manager Approval: \_\_\_\_\_

City Manager Comments:

Finance Director Approval: \_\_\_\_\_

City \_\_\_\_\_ of Ypsilanti  
County of Washtenaw

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the \_\_\_\_\_ of the \_\_\_\_\_ of  
County of \_\_\_\_\_, State of Michigan, (the "Municipality") held on  
\_\_\_\_\_.

PRESENT: Members: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Members: \_\_\_\_\_  
\_\_\_\_\_

Member \_\_\_\_\_ offered and moved the adoption of the following resolution,  
seconded by Member \_\_\_\_\_.

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and  
Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL  
324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan  
Department of Environmental Quality (the "DEQ") shall establish a strategic water quality  
initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to  
municipalities for sewage collection and treatment systems or storm water or nonpoint source  
pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other  
applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient  
shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality  
to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to establish a(n) (select one or  
more) ☐ asset management plan, ☒ stormwater management plan, ☐ plan for wastewater/  
stormwater, ☐ design of wastewater/stormwater, ☐ innovative technology, or ☐ for  
disadvantaged community construction activities (up to \$500,000).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate  
principal amount not to exceed \$420,000 ("Grant") be requested from the MFA and  
the DEQ to pay for the planning and/or design activities; and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. DPS Director (*title of the designee's position*), a position currently held by Stan Kirton (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached hereto as Appendix I) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation from the general funds of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members:

NAYS: Members:

#### RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ , County of \_\_\_\_\_ , said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
Name  
\_\_\_\_\_ of \_\_\_\_\_ , Clerk  
\_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_



## Michigan Finance Authority

### Stormwater, Asset Management, and Wastewater (SAW) GRANT AGREEMENT

This Grant Agreement ("Agreement") is made as of \_\_\_\_\_ 20\_\_\_\_, among the Michigan Department of Environmental Quality, Office of Drinking Water and Municipal Assistance (the "DEQ"), the Michigan Finance Authority (the "Authority") (the DEQ and the Authority are, collectively, the "State") and the \_\_\_\_\_, County of \_\_\_\_\_ ("Grantee") in consideration for providing grant assistance to the Grantee.

The purpose of this Agreement is to provide funding for the project named below. The State is authorized to provide grant assistance pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Legislative appropriation of funds for grant disclosure is set forth in 2013 Public Act 59.

**The Grantee shall be required to repay the grant made under this Agreement (the "Grant"), within 90 days of being informed by the State to do so, under certain conditions, as set forth in Section XVIII. Program Specific Requirements: SAW Grant.**

Award of a Grant under this Agreement and completion of the activities identified in Exhibit A does not guarantee loan assistance from the State Revolving Fund, Strategic Water Quality Initiatives Fund, or Stormwater, Asset Management or Wastewater.

#### GRANTEE INFORMATION:

\_\_\_\_\_  
Name/Title of Authorized Representative  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone number  
\_\_\_\_\_  
E-mail address  
\_\_\_\_\_

#### GRANT INFORMATION:

Project Name: \_\_\_\_\_  
Project #: \_\_\_\_\_  
Amount of Grant: \$ \_\_\_\_\_  
Amount of Match \$ \_\_\_\_\_  
Project Total \$ \_\_\_\_\_ (grant plus match)  
Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

#### DEQ REPRESENTATIVE:

\_\_\_\_\_  
Name/Title  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone number  
\_\_\_\_\_  
E-mail address

#### AUTHORITY REPRESENTATIVE:

\_\_\_\_\_  
Name/Title  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone number  
\_\_\_\_\_  
E-mail address

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.



The individuals signing below certify by their signatures that they are authorized to sign this Grant Agreement on behalf of their respective parties, and that the parties will fulfill the terms of this Agreement, including the attached Exhibit A, and use this Grant only as set forth in this Agreement.

GRANTEE

\_\_\_\_\_  
Signature of Grantee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and title (typed or printed)

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

\_\_\_\_\_  
Its Authorized Officer

\_\_\_\_\_  
Date

MICHIGAN FINANCE AUTHORITY

\_\_\_\_\_  
Its Authorized Officer

\_\_\_\_\_  
Date

**I. PROJECT SCOPE**

This Agreement shall be in addition to any other contractual undertaking by the Grantee contained in the Resolution authorizing the Grant (the "Resolution").

This Agreement, including its exhibit(s), constitutes the entire agreement between the DEQ, the Authority, and the Grantee.

- (A) The scope of this Grant is limited to the activities specified in Exhibit A (the "Project"), and such activities as are authorized by the State under this Agreement. Any change in project scope requires prior written approval in accordance with Section III, Changes, in this Agreement.
- (B) By acceptance of this Agreement, the Grantee commits to complete the Project identified in Exhibit A within the time period allowed for in this Agreement and in accordance with the terms and conditions of this Agreement.

**II. AGREEMENT PERIOD**

This Agreement shall take effect on the date that it has been signed by all parties (the "Effective Date"). The Grantee shall complete the Project in accordance with all the terms and conditions specified in this Agreement no later than the End Date shown on page one. **Only costs incurred on or after January 2, 2013 and between the Start Date and the End Date shall be eligible for payment under this Grant.**

### **III. CHANGES**

Any decreases in the amount of the Grantee's compensation, significant changes to the Project, or extension of the End Date, shall be requested by the Grantee in writing, and approved in writing by the State in advance. The State reserves the right to deny requests for changes to the Agreement including its Exhibit A. No changes can be implemented without approval by the State.

### **IV. GRANTEE PAYMENTS AND REPORTING REQUIREMENTS**

The Grantee shall meet the reporting requirements specified in Section XVIII of this Agreement.

### **V. GRANTEE RESPONSIBILITIES**

- (A) The Grantee agrees to abide by all local, state, and federal laws, rules, ordinances and regulations in the performance of this Grant.
- (B) All local, state, and federal permits, if required, are the responsibility of the Grantee. Award of this Grant is not a guarantee of permit approval by the state.
- (C) The Grantee shall be solely responsible to pay all taxes, if any, that arise from the Grantee's receipt of this Grant.
- (D) The Grantee is responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services furnished by its subcontractors under this Agreement. The State will consider the Grantee to be the sole point of contact concerning contractual matters, including payment resulting from this Grant. The Grantee or its subcontractor shall, without additional grant award, correct or revise any errors, omissions, or other deficiencies in designs, drawings, specifications, reports, or other services.
- (E) The DEQ's approval of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve the Grantee of responsibility for the technical adequacy of the work. The DEQ's review, approval, acceptance, or payment for any of the services shall not be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- (F) The Grantee acknowledges that it is a crime to knowingly and willfully file false information with the State for the purpose of obtaining this Agreement or any payment under the Agreement, and that any such filing may subject the Grantee, its agents, and/or employees to criminal and civil prosecution and/or termination of the Grant.

### **VI. ASSIGNABILITY**

The Grantee shall not assign this Agreement or assign or delegate any of its duties or obligations under this Agreement to any other party without the prior written consent of the State. The State does not assume responsibility regarding the contractual relationships between the Grantee and any subcontractor.

## **VII. NON-DISCRIMINATION**

The Grantee shall comply with the Elliott Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 *et seq*, and all other federal, state, and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The Grantee agrees to include in every subcontract entered into for the performance of this Agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of this Agreement.

## **VIII. UNFAIR LABOR PRACTICES**

The Grantee shall comply with the Employers Engaging in Unfair Labor Practices Act, 1980 PA 278, as amended, MCL 423.321 *et seq*.

## **IX. LIABILITY**

(A) The Grantee, not the State, is responsible for all liabilities as a result of claims, judgments, or costs arising out of activities to be carried out by the Grantee under this Agreement, if the liability is caused by the Grantee, any subcontractor, or anyone employed by the Grantee.

(B) All liability as a result of claims, demands, costs, or judgments arising out of activities to be carried out by the State in the performance of this Agreement is the responsibility of the State and not the responsibility of the Grantee if the liability is materially caused by any State employee or agent.

(C) In the event that liability arises as a result of activities conducted jointly by the Grantee and the State in fulfillment of their responsibilities under this Agreement, such liability is held by the Grantee and the State in relation to each party's responsibilities under these joint activities.

(D) Nothing in this Agreement should be construed as a waiver of any governmental immunity by the Grantee, the State, its agencies, or their employees as provided by statute or court decisions.

## **X. CONFLICT OF INTEREST**

No government employee or member of the legislative, judicial, or executive branches or member of the Grantee's governing body, its employees, partner, agencies or their families shall have benefit financially from any part of this Agreement.

## **XI. AUDIT AND ACCESS TO RECORDS**

See Section XVIII (C).

## **XII. INSURANCE**

(A) The Grantee shall maintain insurance or self insurance that will protect it from claims that may arise from the Grantee's actions under this Agreement or from the actions of others for whom the Grantee may be held liable.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

- (B) The Grantee must comply with applicant workers' compensation laws while engaging in activities authorized under this Agreement.

### **XIII. OTHER SOURCES OF FUNDING**

The Grantee guarantees that any claims for reimbursement made to the State under this Agreement shall not be financed by any source other than the State under the terms of this Agreement. If funding is received through any other source, the Grantee agrees to delete from Grantee's billings or to immediately refund to the State, the total amount representing such duplication of funding.

### **XIV. COMPENSATION**

- (A) A breakdown of Project costs covered under this Agreement is identified in Exhibit A. The State will pay the Grantee a total amount not to exceed the amount on page one of this Agreement, in accordance with Exhibit A, and only for expenses incurred. All other costs over and above the Grant amount, necessary to complete the Project, are the sole responsibility of the Grantee.
- (B) The Grantee is committed to the match amount on page one of this Agreement, in accordance with Exhibit A. The Grantee shall expend all local match committed to the Project by the End Date of this Agreement.
- (C) The State will approve payment requests after approval of reports and related documentation as required under this Agreement.
- (D) The State reserves the right to request additional information necessary to substantiate payment requests.

### **XV. CLOSEOUT**

- (A) A determination of Project completion shall be made by the DEQ after the Grantee has met any match obligations and satisfactorily completed the activities and provided products and deliverables described in Exhibit A.
- (B) Upon issuance of final payment from the State, the Grantee releases the State of all claims against the State arising under this Agreement. Unless otherwise provided in this Agreement or by State law, final payment under this Agreement shall not constitute a waiver of the State's claims against the Grantee.
- (C) The Grantee shall immediately refund to the State any payments or funds in excess of the costs allowed by this Agreement.

### **XVI. CANCELLATION**

This Agreement may be canceled by the State, upon 30 days written notice, due to Executive Order, budgetary reduction, or other lack of funding upon request by Grantee or upon mutual agreement by the State and Grantee. The State reserves the right to provide just and equitable compensation to the Grantee for all satisfactory work completed under this Agreement.

## **XVII. TERMINATION**

(A) This Agreement may also be terminated by the State for any of the following reasons upon 30 days written notice to the Grantee:

(1) If the Grantee fails to comply with the terms and conditions of the Agreement or with the requirements of the authorizing legislation cited on page 1 or the rules promulgated thereunder, or with other applicable law or rules.

(2) If the Grantee knowingly and willfully presents false information to the State for the purpose of obtaining this Agreement or any payment under this Agreement.

(3) If the State finds that the Grantee, or any of the Grantee's agents or representatives, offered or gave gratuities, favors, or gifts of monetary value to any official, employee, or agent of the State in an attempt to secure a subcontract or favorable treatment in awarding, amending, or making any determinations related to the performance of this Agreement.

(4) During the 30-day written notice period, the State shall also withhold payment for any findings under subparagraphs 1 through 3, above.

(5) If the Grantee or any subcontractor, manufacturer, or supplier of the Grantee appears in the register of persons engaging in unfair labor practices that is compiled by the Michigan Department of Licensing and Regulatory Affairs or its successor.

(B) The State may immediately terminate this Agreement without further liability if the Grantee, or any agent of the Grantee, or any agent of any subagreement, is:

(1) Convicted of a criminal offense incident to the application for or performance of a state, public, or private contract or subcontract;

(2) Convicted of a criminal offense, including but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees;

(3) Convicted under state or federal antitrust statutes;

(4) Convicted of any other criminal offense which, in the sole discretion of the State, reflects on the Grantee's business integrity; or

(C) If a grant is terminated, the State reserves the right to require the Grantee to repay all or a portion of funds received under this Agreement.

## **XVIII. PROGRAM-SPECIFIC REQUIREMENTS: SAW REPAYABLE GRANT**

(A) General Representations. The Grantee represents and warrants to, and agrees with, the Authority and DEQ, as of the date hereof as follows:

(1) Grant funds shall be expended only to cover costs for the development of an Asset Management Plan, Stormwater Management Plan, innovative wastewater or stormwater technology, construction costs for disadvantaged communities, or for planning, design and user charge development.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

(2) Grant funds used for administrative activities or activities performed by municipal employees shall be limited to work that is directly related to the Project and is conducted by employees of the Grantee.

(3) The Grantee has full legal right, power and authority to execute this Agreement, and to consummate all transactions contemplated by this Agreement, the Resolution, and any and all other agreements relating thereto. The Grantee has duly authorized and approved the execution and delivery of this Agreement, the performance by the Grantee of its obligations contained in this Agreement, and this Agreement is a valid, legally binding action of the Grantee, enforceable in accordance with the terms thereof except as enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the rights of creditors generally, and by principles of equity if equitable remedies are sought.

(4) The Resolution has been duly adopted by the Grantee, acting through its executive(s) or governing body, is in full force and effect as of the date hereof, and is a valid, legally binding action of the Grantee, enforceable in accordance with the terms thereof except as enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the rights of creditors generally, and by principles of equity if equitable remedies are sought.

(5) The execution and delivery of this Agreement by the Grantee, and the fulfillment of the terms and conditions of, and the carrying out of the transactions contemplated by the Resolution and this Agreement do not and will not conflict with or constitute on the part of the Grantee a breach of, or a default under any existing law (including, without limitation, the Michigan Constitution), any court or administrative regulation, decree or order or any agreement, indenture, mortgage, obligation, lease or other instrument to which the Grantee is subject or by which it is bound and which breach or default would materially affect the validity or binding effect of the Grant, or result in a default or lien on any assets of the Grantee. No event has occurred or is continuing which with the lapse of time or the giving of notice, or both, would constitute a default by the Grantee under the Resolution or this Agreement.

(6) No consent or approval of, or registration or declaration with, or permit from, any federal, state or other governmental body or instrumentality, is or was required in connection with enactment by the Grantee of the Resolution, or execution and delivery by the Grantee of this Agreement which has not already been obtained, nor is any further election or referendum of voters required in connection therewith which has not already been held and certified and all applicable referendum periods have expired.

(7) Proceeds of the Grant will be applied (i) to the financing of the Project or a portion thereof as set forth in the Resolution and Exhibit A or (ii) to reimburse the Grantee for a portion of the cost of the Project. The Grantee will expend the proceeds of each disbursement of the Grant for the governmental purpose for which the Grant was issued.

(8) The attached Exhibit A contains a summary of the estimated cost of the Project, which the Grantee certifies is a reasonable and accurate estimate.

(9) The Grantee reasonably expects (i) to fulfill all conditions set forth in this Agreement to receive and to keep the Grant, and (ii) that no event will occur as set forth in this Agreement which will require the Grantee to repay the Grant.



(B) Repayment of Grant. The Grantee shall repay the Grant, within 90 days of being informed to do so, with interest calculated from the date Grant funds are first drawn at a rate not to exceed 8% per year, to be determined by the Authority, to the Authority for deposit into the SWQIF.

“(a) A grant recipient (shall) proceed with a project for which grant funding is provided within 3 years after the department approves the grant (executed grant agreement). For asset management programs related to sewage collection and treatment systems, this includes significant progress, as determined by the department, toward achieving the funding structure necessary to implement the program.

(b) The grant recipient (shall) repay the grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority for deposit into the fund if the applicant is unable to, or decides not to, proceed with a construction project or begin implementation of an asset management program for which grant funding is provided.”

SAW grant recipients for wastewater system asset management plans are required to make significant progress on the funding structure. Significant progress is defined as a 5-year plan to eliminated the gap with a minimum initial rate increase to close at least 10 percent of the funding gap. The first rate increase must be implemented within three years of the executed grant. The applicant will need to certify that all grant activities have been completed at the end of three years. Asset management plans for stormwater systems are to be implemented. Stormwater management grant recipients must develop a stormwater management plan. Innovative project grant recipients must proceed with full implementation or certify that the project is not financially or technically feasible.

(C) Covenants and Certifications.

(1) The Grantee has the legal, managerial, institutional, and financial capability to plan, design, and build the Project, or cause the Project to be built, and cause all facilities eventually constructed to be adequately operated.

(2) The Grantee certifies that no undisclosed fact or event, or pending litigation, will materially or adversely affect the Project, the prospects for its completion, or the Grantee's ability to make timely repayments of the grant if any of the two (2) conditions identified under Section XVIII(B) occur.

(3) The Grantee agrees to provide the minimum appropriate local match for grant-eligible costs and disburse match funds to service providers concurrent with grant disbursements.

(4) The Grantee agrees to maintain complete books and records relating to the grant and financial affairs of the Project in accordance with generally accepted accounting principles ("GAAP") and generally accepted government auditing standards ("GAGAS").

(5) The Grantee agrees that all municipal contracts related to the Project will provide that the contractor and any subcontractor may be subject to a financial audit and must comply with GAAP and GAGAS.

(6) The Grantee agrees to provide any necessary written authorizations to the DEQ and the Authority for the purpose of examining, reviewing, or auditing the financial records of the Project. The applicant also agrees to require similar authorizations from all contractors, consultants, property owners or agents with which the applicant negotiates an agreement.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

(7) The Grantee agrees that all pertinent records shall be retained and available to the DEQ and the Authority for a minimum of three years after satisfactory completion of the Project and final payment. If litigation, a claim, an appeal, or an audit is begun before the end of the three-year period, records shall be retained and available until the three years have passed or until the action is completed and resolved, whichever is longer.

(8) The Grantee agrees to ensure that planning and design activities of the Project are conducted in compliance with the requirements of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, its Administrative Rules; and all applicable state and federal laws, executive orders, regulations, policies, and procedures.

(9) The Grantee agrees that the Project shall proceed in a timely fashion and will exercise its best efforts to satisfy the program requirements as identified under Section XVIII(B) within three years of award of the SAW Grant from the Strategic Water Quality Initiatives Fund in accordance with Section 5204(e) of the Natural Resources and Environmental Protection Act 1994, PA 451, as amended.

(10) The Grantee acknowledges that acceptance of a wastewater asset management grant will subsequently affect future NPDES permits to include asset management language as applicable.

(D) Grantee Reimbursements and Deliverables

The Grantee may request grant disbursements no more frequently than monthly, using the Disbursement Request Form provided by the DEQ. Upon receipt of a disbursement request, the DEQ will notify the Authority, which will in turn disburse grant funds equal to 75 percent, 90 percent, or 100 percent of eligible costs, whichever percentage is applicable, that have been adequately documented. The forms provided by the State will include instructions on their use and shall be submitted to the DEQ representative at the address on page 1. All required supporting documentation (invoices) for expenses must be included with the disbursement request form. The Grantee is responsible for the final submittal of all documents prepared under this Grant and included in the Project Scope identified in Exhibit A.

(E) Miscellaneous Provisions.

(1) Applicable Law and Nonassignability. This Agreement shall be governed by the laws of the State of Michigan.

(2) Severability. If any clause, provision or section of this Agreement be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections.

(3) Execution of Counterparts. This Agreement may be executed in several counterparts each of which shall be regarded as an original and all of which shall constitute one and the same document.

**XIX. USE OF MATERIAL**

Unless otherwise specified in this Agreement, the Grantee may release information or material developed under this Agreement, provided it is acknowledged that the DEQ funded all or a portion of its development.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.



## **XX. SUBCONTRACTS**

The State reserves the right to deny the use of any consultant, contractor, associate or other personnel to perform any portion of the project. The Grantee is solely responsible for all contractual activities performed under this Agreement. Further, the State will consider the Grantee to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the anticipated Grant. All subcontractors used by the Grantee in performing the project shall be subject to the provisions of this Agreement and shall be qualified to perform the duties required.

## **XXI. ANTI-LOBBYING**

If all or a portion of this Agreement is funded with state funds, then the Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of lobbying as defined in the State of Michigan's lobbying statute, MCL 4.415(2). "Lobbying" means communicating directly with an official of the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action." The Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of litigation against the State. Further, the Grantee shall require that language of this assurance be included in the award documents of all subawards at all tiers.

## **XXII. IRAN SANCTIONS ACT**

By signing this Agreement, the Grantee is certifying that it is not an Iran linked business, and that its contractors are not Iran linked businesses as outlined in Michigan Compiled Law 129.312

## **XXIII. DEBARMENT AND SUSPENSION**

By signing this Agreement, the Grantee certifies to the best of its knowledge and belief that it, its agents, and its subcontractors:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or the state.
- (2) Have not within a 3-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction as defined in 45 CFR 1185; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- (3) Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in subsection (2).
- (4) Have not within a 3-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.
- (5) Will comply with all applicable requirements of all other state or federal laws, executive orders, regulations, and policies governing this program.

**SAW Grant Program**

Project No. \_\_\_\_\_

**Exhibit A**

Grantee: \_\_\_\_\_

Project Name: \_\_\_\_\_

DEQ Approved Grant Amount: \$ \_\_\_\_\_; \_\_\_\_\_  
\_\_\_\_\_ Dollars

Time Period for Eligible Costs: Start Date \_\_\_\_\_ (month/year)

End Date \_\_\_\_\_ (month/year)

Description of Approved Project Scope:  
\_\_\_\_\_  
\_\_\_\_\_

| DEQ Approved Project Costs                               |  |
|----------------------------------------------------------|--|
| 1. Project Planning Costs                                |  |
| 2. Design Engineering Costs                              |  |
| 3. User Charge Development Costs                         |  |
| 4. Wastewater Asset Management Plan Costs                |  |
| 5. Stormwater Asset Management Plan Costs                |  |
| 6. Stormwater Management Plan Costs                      |  |
| 7. Innovative Wastewater and Stormwater Technology Costs |  |
| 8. Disadvantaged Community Construction Cost             |  |
| 9. Cost Subtotal                                         |  |
| 10. LESS Local Match                                     |  |
| 11. Requested SAW Grant Amount (Line 9 minus Line 10)    |  |

The following services have been determined to be ineligible for SAW Grant assistance, for the reasons listed, and have been excluded from the approved project costs shown above:

\_\_\_\_\_

\_\_\_\_\_

| Task                                                    | Appoximate Cost     |
|---------------------------------------------------------|---------------------|
| Hardware: Desktop, Server, Tablet, Trimble, Plotter     | \$45,000.00         |
| Software: ESRI, CMMS, Trimble Data Collection           | \$40,000.00         |
| Data Collection and GIS Development                     | \$40,000.00         |
| CCTV - Approximately 8 Miles                            | \$150,000.00        |
| Collective Prioritization and Deterioration Forecasting | \$85,000.00         |
| Asset management Plan - System Cost Analysis            | \$20,000.00         |
| Total                                                   | \$380,000.00        |
| Contingency (10%)                                       | \$40,000.00         |
| Grant Resolution                                        | <b>\$420,000.00</b> |
| Maximum City Match                                      | \$42,000.00         |



Resolution No. 2013-246  
November 5, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

The Ypsilanti City Council will hold Regular Meetings at 7:00 p.m. in the City Council Chambers, located at One South Huron Street, Ypsilanti, Michigan 48197, for the year 2014 on the following dates:

|             |                       |
|-------------|-----------------------|
| January 7   | July 1                |
| January 21  | July 15               |
| February 4  | August 7 (Thursday)   |
| February 18 | August 19             |
| March 4     | September 2           |
| March 18    | September 16          |
| April 1     | October 7             |
| April 15    | October 21            |
| May 6       | November 6 (Thursday) |
| May 20      | November 18           |
| June 3      | December 2            |
| June 17     | December 16           |

The City of Ypsilanti encourages persons with disabilities to participate and will provide necessary reasonable auxiliary aids and services, such as signed for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon two (2) days notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling the following:

City Clerk's Office  
One South Huron Street  
Ypsilanti, Michigan 48197-5420  
(734) 483-1100

All persons are welcome to attend. Additional information may be obtained at the City Clerk's Office and written comments may be sent to the City Clerk's Office at the above listed address.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



REQUEST FOR LEGISLATION  
November 19, 2013

To: Mayor and Council

From: Ralph A. Lange, City Manager

Subject: Public Act 152 of 2014 Option Selection

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**SUMMARY & BACKGROUND:**

Public Act 152 of 2011 (hereinafter "the Act") established new restrictions on how much public employers, including the City of Ypsilanti, can pay toward the medical benefit plans offered to employees.

For the past two years The City has opted for the "80/20" model where it would pay no more than eighty (80%) percent of the "total annual costs" of the medical benefit plans it offers to employees. The City Council would have to elect this option by a majority vote.

There are two other options which are the "Hard Cap" and the "Percentage of Pay." All three options have an attachment to this Request for Legislation for comparison costs. The "Hard Cap" would cost the City an extra \$19,823.56 compared to the "80/20." If the "Percentage of Pay" was to be implemented, the only one that would benefit the City would be the 6%. However, this amount would be a hardship on the employees, who already have percentages coming out of their checks for union dues, pension funds and supplemental benefits.

**COLLECTIVE BARGAINING AGREEMENTS:**

Currently all Bargaining Agreements have adopted the "80/20" Option. The POAM contract does not expire until 2016 and the Fire and AFSCME expires in 2017. The COAM contract expires on June 30, 2014.

**RECOMMENDED ACTION (Approval):**

Staff recommends adoption of the "80/20 Cap" option as provided for in Public Act 152 of 2011. An appropriate Council resolution is attached for your consideration.

**ATTACHMENTS:**

Summary Impact of the "Hard Cap" option  
Summary Impact of the "80/20 Cap" option  
Summary Impact of the % of pay

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 10/18/2011

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2013 – 247  
November 19, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, Public Act 152 of 2011 (hereinafter "the Act") establishes restrictions on how much public employers, including the City of Ypsilanti, can pay toward the medical benefit plans offered to employees; and

WHEREAS, the City of Ypsilanti has four (3) options as provided for in the Act under which compliance with all provisions of the Act can be achieved; and

WHEREAS, the City Council, by majority vote, may select an option under which it would pay no more than eighty percent (80%) of the "total annual costs" of the medical benefit plans it offers to employees; and

WHEREAS, the Act does not apply to medical benefit plans that include benefits provided to individuals retired from a public employer; and

WHEREAS, the Act applies to medical insurance (including prescription drugs) but does not apply to dental, vision or other insurance plans, such as life or disability insurance; and

WHEREAS, the Act states that groups of employees who are covered by a collective bargaining agreement or "other contract" which is in effect "on the effective date of the Act" are exempted from the "80/20 Cap" requirements; and

WHEREAS, the Act requires that no agreement "executed" after January 1, 2014, can include terms which are inconsistent with the requirements of the "80/20 Cap" option and that the collective bargaining agreement and "other contract" exemption last until the contract expires.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council does hereby approve and adopt the "80/20 Cap" option as provided for in Public Act 152 of 2011, to become effective January 1, 2014.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:

SUMMARY OF HEALTH CARE EMPLOYEES AND EMPLOYER'S COST  
CY 2014

11/15/13 9:01 AM

OPTION 1 - Hard Cap

|                    | TOTAL INSURANCE COST | TOTAL ANNUAL<br>EMPLOYER COST | TOTAL ANNUAL<br>EMPLOYEE COST | BI-WEEKLY<br>EMPLOYEE SHARE | WEEKLY EMPLOYEE<br>SHARE |
|--------------------|----------------------|-------------------------------|-------------------------------|-----------------------------|--------------------------|
| SINGLE COM. BLUE   | 133,633.40           | 117,151.60                    | \$ 16,481.80                  | 31.70                       | 15.85                    |
| 2 PERSON COM. BLUE | 173,067.84           | 128,866.87                    | \$ 44,200.97                  | 167.43                      | 77.27                    |
| FAMILY COM. BLUE   | 529,554.51           | 431,331.21                    | \$ 98,223.30                  | 151.58                      | 69.96                    |
| FAMILY SIMPLY BLUE | 65,526.12            | 63,900.92                     | \$ 1,625.20                   | 16.93                       | 7.81                     |
| <b>TOTAL</b>       | <b>901,781.87</b>    | <b>741,250.60</b>             | <b>160,531.27</b>             |                             |                          |

OPTION 2 - 80/20

|                    | TOTAL INSURANCE COST | TOTAL ANNUAL<br>EMPLOYER COST | TOTAL ANNUAL<br>EMPLOYEE COST | BI-WEEKLY<br>EMPLOYEE SHARE | WEEKLY EMPLOYEE<br>SHARE |
|--------------------|----------------------|-------------------------------|-------------------------------|-----------------------------|--------------------------|
| SINGLE COM. BLUE   | 133,634.40           | 106,907.52                    | \$ 26,726.88                  | 51.40                       | 25.70                    |
| 2 PERSON COM. BLUE | 173,067.84           | 138,454.27                    | \$ 34,613.57                  | 121.03                      | 60.51                    |
| FAMILY COM. BLUE   | 529,555.32           | 423,644.26                    | \$ 105,911.06                 | 150.87                      | 75.44                    |
| FAMILY SIMPLY BLUE | 65,526.24            | 52,420.99                     | \$ 13,105.25                  | 126.01                      | 63.01                    |
| <b>TOTAL</b>       | <b>901,783.80</b>    | <b>721,427.04</b>             | <b>180,356.76</b>             |                             |                          |

OPTION 3 - % of Pay

|                          | TOTAL INSURANCE COST | TOTAL ANNUAL<br>EMPLOYER COST | TOTAL ANNUAL<br>EMPLOYEE COST | BI-WEEKLY<br>EMPLOYEE SHARE | WEEKLY EMPLOYEE<br>SHARE |
|--------------------------|----------------------|-------------------------------|-------------------------------|-----------------------------|--------------------------|
| <b><u>2 % OF PAY</u></b> | 901,781.87           | 834,073.00                    | 67,708.87                     |                             |                          |
| LOWEST PAID              |                      |                               |                               | 27.69                       | 13.84                    |
| HIGHEST PAID             |                      |                               |                               | 71.92                       | 35.96                    |
| <b><u>5% OF PAY</u></b>  | 901,781.87           | 732,509.70                    | 169,272.17                    |                             |                          |
| LOWEST PAID              |                      |                               |                               | 69.22                       | 34.61                    |
| HIGHEST PAID             |                      |                               |                               | 179.81                      | 89.90                    |
| <b><u>6% OF PAY</u></b>  | 901,781.87           | 698,655.27                    | 203,126.60                    |                             |                          |
| LOWEST PAID              |                      |                               |                               | 83.06                       | 41.53                    |
| HIGHEST PAID             |                      |                               |                               | 215.77                      | 107.88                   |

S:\Clerk's Office\CITY COUNCIL MEETINGS\CITY COUNCIL MEETINGS\2013 City Council Meetings\11-19-13\Health Insurance\OPTION 1 - 3 HARDCAP 80-20% % of Pay for CY 2014.xlsx\SUMMARY



**OPTION 1**  
**THE HARD CAP OPTION**

|                    | ACTIVE<br>PARTICIPANTS | 2014 HARD<br>CAP LIMIT<br>PER PERSON | 2014 ANNUAL<br>HARD CAP<br>TOTAL | 2014 ANNUAL<br>INSURANCE<br>RATE PER<br>PERSON | 2014 ANNUAL<br>PREMIUM X<br>ACTIVE<br>PARTICIPANTS | ANNUAL<br>PREMIUM<br>LESS<br>2014 HARD<br>CAP | ANNUAL<br>EMPLOYEE<br>SHARE | BI-WEEKLY<br>EMPLOYEE<br>SHARE | WEEKLY<br>EMPLOYEE<br>SHARE |
|--------------------|------------------------|--------------------------------------|----------------------------------|------------------------------------------------|----------------------------------------------------|-----------------------------------------------|-----------------------------|--------------------------------|-----------------------------|
| SINGLE COM. BLUE   | 20                     | \$ 5,857.58                          | \$ 117,151.60                    | \$ 6,681.67                                    | \$ 133,633.40                                      | \$ 16,481.80                                  | \$ 824.09                   | \$ 31.70                       | \$ 15.85                    |
| 2 PERSON COM. BLUE | 11                     | \$ 11,715.17                         | \$ 128,866.87                    | \$ 15,733.44                                   | \$ 173,067.84                                      | \$ 44,200.97                                  | \$ 4,018.27                 | \$ 167.43                      | \$ 77.27                    |
| FAMILY COM. BLUE   | 27                     | \$ 15,975.23                         | \$ 431,331.21                    | \$ 19,613.13                                   | \$ 529,554.51                                      | \$ 98,223.30                                  | \$ 3,637.90                 | \$ 151.58                      | \$ 69.96                    |
| FAMILY SIMPLY BLUE | 4                      | \$ 15,975.23                         | \$ 63,900.92                     | \$ 16,381.53                                   | \$ 65,526.12                                       | \$ 1,625.20                                   | \$ 406.30                   | \$ 16.93                       | \$ 7.81                     |
| <b>TOTAL</b>       | <b>62</b>              |                                      | <b>\$ 741,250.60</b>             |                                                | <b>\$ 901,781.87</b>                               | <b>\$ 160,531.27</b>                          |                             |                                |                             |

| EMPLOYEE GROUP | SINGLE    | 2 PERSON  | FAMILY    | TOTAL     |
|----------------|-----------|-----------|-----------|-----------|
| NON-UNION      | 7         | 3         | 6         | 16        |
| POAM           | 7         | 2         | 6         | 15        |
| COAM           | 0         | 0         | 4         | 4         |
| IAFF           | 2         | 2         | 7         | 11        |
| AFSCME         | 4         | 4         | 8         | 16        |
| <b>TOTAL</b>   | <b>20</b> | <b>11</b> | <b>31</b> | <b>62</b> |

| EMPLOYEE SHARE BY BARGAINING UNIT | SINGLE              | 2 PERSON            | FAMILY              | TOTAL                |
|-----------------------------------|---------------------|---------------------|---------------------|----------------------|
| EMPLOYEE SHARE COM BLUE           | \$ 824.09           | \$ 4,018.27         | \$ 3,637.90         |                      |
| EMPLOYEE SHARE SIMPLY BLUE        |                     |                     | \$ 406.30           |                      |
| NON-UNION                         | \$ 5,768.63         | \$ 12,054.81        | \$ 21,827.40        | \$ 39,650.84         |
| POAM                              | \$ 5,768.63         | \$ 8,036.54         | \$ 21,827.40        | \$ 35,632.57         |
| COAM                              | \$ -                | \$ -                | \$ 1,625.20         | \$ 1,625.20          |
| IAFF                              | \$ 1,648.18         | \$ 8,036.54         | \$ 25,465.30        | \$ 35,150.02         |
| AFSCME                            | \$ 3,296.36         | \$ 16,073.08        | \$ 29,103.20        | \$ 48,472.64         |
| <b>TOTAL</b>                      | <b>\$ 16,481.80</b> | <b>\$ 44,200.97</b> | <b>\$ 99,848.50</b> | <b>\$ 160,531.27</b> |

| CITY'S SHARE BY BARGAINING UNIT | SINGLE               | 2 PERSON             | FAMILY               | TOTAL                |
|---------------------------------|----------------------|----------------------|----------------------|----------------------|
| CITY'S SHARE PER PLAN           | \$ 5,857.58          | \$ 11,715.17         | \$ 15,975.23         |                      |
| NON-UNION                       | \$ 41,003.06         | \$ 35,145.51         | \$ 95,851.38         | \$ 171,999.95        |
| POAM                            | \$ 41,003.06         | \$ 23,430.34         | \$ 95,851.38         | \$ 160,284.78        |
| COAM                            | \$ -                 | \$ -                 | \$ 63,900.92         | \$ 63,900.92         |
| IAFF                            | \$ 11,715.16         | \$ 23,430.34         | \$ 111,826.61        | \$ 146,972.11        |
| AFSCME                          | \$ 23,430.32         | \$ 46,860.68         | \$ 127,801.84        | \$ 198,092.84        |
| <b>TOTAL</b>                    | <b>\$ 117,151.60</b> | <b>\$ 128,866.87</b> | <b>\$ 495,232.13</b> | <b>\$ 741,250.60</b> |

**OPTION 2**  
**THE 80/20 CAP OPTION**

| ACTIVE PARTICIPANTS |    | TOTAL MONTHLY PREMIUM CALENDAR YEAR 2014 | TOTAL ANNUAL PREMIUM CALENDAR YEAR 2014 | 80% CITY MONTHLY SHARE | 20% EMPLOYEE MONTHLY SHARE | 80% CITY ANNUAL COST PER PARTICIPANT | CITY TOTAL ANNUAL SHARE | 20% EMPLOYEE ANNUAL SHARE PER PARTICIPANT | EMPLOYEES TOTAL ANNUAL SHARE | BI-WEEKLY EMPLOYEE SHARE | WEEKLY EMPLOYEE SHARE |
|---------------------|----|------------------------------------------|-----------------------------------------|------------------------|----------------------------|--------------------------------------|-------------------------|-------------------------------------------|------------------------------|--------------------------|-----------------------|
| SINGLE COM. BLUE    | 20 | \$ 556.81                                | \$ 6,681.72                             | \$ 445.45              | \$ 111.36                  | \$ 5,345.38                          | \$ 106,907.52           | \$ 1,336.34                               | \$ 26,726.88                 | \$ 51.40                 | \$ 25.70              |
| 2 PERSON COM. BLUE  | 11 | \$ 1,311.12                              | \$ 15,733.44                            | \$ 1,048.90            | \$ 262.22                  | \$ 12,586.75                         | \$ 138,454.27           | \$ 3,146.69                               | \$ 34,613.57                 | \$ 121.03                | \$ 60.51              |
| FAMILY COM. BLUE    | 27 | \$ 1,634.43                              | \$ 19,613.16                            | \$ 1,307.54            | \$ 326.89                  | \$ 15,690.53                         | \$ 423,644.26           | \$ 3,922.63                               | \$ 105,911.06                | \$ 150.87                | \$ 75.44              |
| FAMILY SIMPLY BLUE  | 4  | \$ 1,365.13                              | \$ 16,381.56                            | \$ 1,092.10            | \$ 273.03                  | \$ 13,105.25                         | \$ 52,420.99            | \$ 3,276.31                               | \$ 13,105.25                 | \$ 126.01                | \$ 63.01              |
| TOTAL ANNUAL SHARES |    |                                          |                                         |                        |                            |                                      | <u>\$ 721,427.04</u>    |                                           | <u>\$ 180,356.76</u>         |                          |                       |

| EMPLOYEE GROUP | SINGLE    | 2 PERSON  | FAMILY    | TOTAL     |
|----------------|-----------|-----------|-----------|-----------|
| NON-UNION      | 7         | 3         | 6         | 16        |
| POAM           | 7         | 2         | 6         | 15        |
| COAM           | 0         | 0         | 4         | 4         |
| IAFF           | 2         | 2         | 7         | 11        |
| AFSCME         | 4         | 4         | 8         | 16        |
| <b>TOTAL</b>   | <b>20</b> | <b>11</b> | <b>31</b> | <b>62</b> |

| EMPLOYEE SHARE BY BARGAINING UNIT | SINGLE              | 2 PERSON            | FAMILY               | TOTAL                |
|-----------------------------------|---------------------|---------------------|----------------------|----------------------|
| EMPLOYEE SHARE COM BLUE           | \$ 1,336.34         | \$ 3,146.69         | \$ 3,922.63          |                      |
| EMPLOYEE SHARE SIMPLY BLUE        |                     |                     | \$ 3,276.31          |                      |
| NON-UNION                         | \$ 9,354.41         | \$ 9,440.06         | \$ 23,535.79         | \$ 42,330.26         |
| POAM                              | \$ 9,354.41         | \$ 6,293.38         | \$ 23,535.79         | \$ 39,183.58         |
| COAM                              | \$ -                | \$ -                | \$ 13,105.25         | \$ 13,105.25         |
| IAFF                              | \$ 2,672.69         | \$ 6,293.38         | \$ 27,458.42         | \$ 36,424.49         |
| AFSCME                            | \$ 5,345.38         | \$ 12,586.75        | \$ 31,381.06         | \$ 49,313.18         |
| <b>TOTAL</b>                      | <b>\$ 26,726.88</b> | <b>\$ 34,613.57</b> | <b>\$ 119,016.31</b> | <b>\$ 180,356.76</b> |

| CITY'S SHARE BY BARGAINING UNIT | SINGLE               | 2 PERSON             | FAMILY               | TOTAL                |
|---------------------------------|----------------------|----------------------|----------------------|----------------------|
| CITY'S SHARE COM. BLUE          | \$ 5,345.38          | \$ 12,586.75         | \$ 15,690.53         |                      |
| CITY'S SHARE SIMPLY BLUE        |                      |                      | \$ 13,105.25         |                      |
| NON-UNION                       | \$ 37,417.63         | \$ 37,760.26         | \$ 94,143.17         | \$ 169,321.06        |
| POAM                            | \$ 37,417.63         | \$ 25,173.50         | \$ 94,143.17         | \$ 156,734.30        |
| COAM                            | \$ -                 | \$ -                 | \$ 52,420.99         | \$ 52,420.99         |
| IAFF                            | \$ 10,690.75         | \$ 25,173.50         | \$ 109,833.70        | \$ 145,697.95        |
| AFSCME                          | \$ 21,381.50         | \$ 50,347.01         | \$ 125,524.22        | \$ 197,252.74        |
| <b>TOTAL</b>                    | <b>\$ 106,907.52</b> | <b>\$ 138,454.27</b> | <b>\$ 476,065.25</b> | <b>\$ 721,427.04</b> |

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**OPTION 3**

% of pay

| BARGAINING UNIT | TOTAL BASE<br>WAGES | 2%EMPLOYEE<br>CONTRIBUTIONS | 5% EMPLOYEE<br>CONTRIBUTIONS | 6% EMPLOYEE<br>CONTRIBUTIONS |
|-----------------|---------------------|-----------------------------|------------------------------|------------------------------|
| NON-UNION       | 926,265.60          | 18,525.31                   | 46,313.28                    | 55,575.94                    |
| POAM            | 863,934.24          | 17,278.68                   | 43,196.71                    | 51,836.05                    |
| COAM            | 294,615.36          | 5,892.31                    | 14,730.77                    | 17,676.92                    |
| IAFF            | 648,796.82          | 12,975.94                   | 32,439.84                    | 38,927.81                    |
| AFSCME          | 651,831.31          | 13,036.63                   | 32,591.57                    | 39,109.88                    |
| TOTAL           | 3,385,443.33        | 67,708.87                   | 169,272.17                   | 203,126.60                   |

| EMPLOYEE GROUP | SINGLE | 2 PERSON | FAMILY | TOTAL |
|----------------|--------|----------|--------|-------|
| NON-UNION      | 7      | 3        | 6      | 16    |
| POAM           | 7      | 2        | 6      | 15    |
| COAM           | 0      | 0        | 4      | 4     |
| IAFF           | 2      | 2        | 7      | 11    |
| AFSCME         | 4      | 4        | 8      | 16    |
| TOTAL          | 20     | 11       | 31     | 62    |

|                                     | ANNUAL WAGES | 2%EMPLOYEE<br>CONTRIBUTIONS | 5% EMPLOYEE<br>CONTRIBUTIONS | 6% EMPLOYEE<br>CONTRIBUTIONS |
|-------------------------------------|--------------|-----------------------------|------------------------------|------------------------------|
| <b><u>LOWEST PAID EMPLOYEES</u></b> |              |                             |                              |                              |
| AFSCME EMPLOYEE HOURLY RATE         | \$ 17.3040   |                             |                              |                              |
| TOTAL HOURS ANNUAL                  | 2080         |                             |                              |                              |
| ANNUAL PAY/CONTRIBUTION             | \$ 35,992.32 | 719.85                      | 1,799.62                     | 2,159.54                     |
| BI WEEKLY EMPLOYEES SHARE           |              | 27.69                       | 69.22                        | 83.06                        |
| WEEKLY EMPLOYEES SHARE              |              | 13.84                       | 34.61                        | 41.53                        |

|                                      |              |          |          |          |
|--------------------------------------|--------------|----------|----------|----------|
| <b><u>HIGHEST PAID EMPLOYEES</u></b> |              |          |          |          |
| NONUNION EMPLOYEE HOURLY RATE        | \$ 44.9520   |          |          |          |
| TOTAL HOURS ANNUAL                   | 2,080.00     |          |          |          |
| ANNUAL PAY/CONTRIBUTION              | \$ 93,500.16 | 1,870.00 | 4,675.01 | 5,610.01 |
| BI WEEKLY EMPLOYEES SHARE            |              | 71.92    | 179.81   | 215.77   |
| WEEKLY EMPLOYEES SHARE               |              | 35.96    | 89.90    | 107.88   |

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EMPLOYEES WAGES BY BARGAINING UNIT

| ID #       | BARGAINING UNIT | HOURLY RATE | ANNUAL BASE<br>WAGES | INSURANCE<br>COVERAGE | SINGLE        | TWO PERSON | FAMILY        | WAIVER |
|------------|-----------------|-------------|----------------------|-----------------------|---------------|------------|---------------|--------|
| 01-0085    | NON-UNION       | 40.3900     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0611    | NON-UNION       | 22.6380     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0626    | NON-UNION       | 22.9690     | 47,775.52            | SINGLE                | SINGLE        |            |               |        |
| 01-1290    | NON-UNION-DDA   | 26.5800     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0245    | NON-UNION       | 28.8500     | 60,008.00            | FAMILY                |               |            | FAMILY        |        |
| 01-1282    | NON-UNION       | 31.2500     | 65,000.00            | SINGLE                | SINGLE        |            |               |        |
| 01-1479    | NON-UNION-DDA   | 13.0000     | 23,660.00            | SINGLE GRP 10         | SINGLE GRP 10 |            |               |        |
| 01-0046    | NON-UNION       | 26.7810     | 55,704.48            | FAMILY                |               |            | FAMILY        |        |
| 01-0836    | NON-UNION       | 26.6590     |                      | WAIVER                |               |            |               | WAIVER |
| 01-1378    | NON-UNION       | 19.6900     | 40,955.20            | SINGLE                | SINGLE        |            |               |        |
| 01-0044    | NON-UNION       | 35.1490     | 73,109.92            | FAMILY                |               |            | FAMILY        |        |
| 01-1411    | NON-UNION       | 44.9520     | 93,500.16            | TWO PERSON            |               | TWO PERSON |               |        |
| 01-0890    | NON-UNION       | 32.5180     | 67,637.44            | FAMILY                |               |            | FAMILY        |        |
| 01-0511    | NON-UNION       | 22.4330     | 46,660.64            | TWO PERSON            |               | TWO PERSON |               |        |
| 01-1259    | NON-UNION       | 45.3820     | 94,394.56            | FAMILY-EST.           |               |            | FAMILY-EST.   |        |
| 01-1400    | NON-UNION       | 26.3900     | 54,891.20            | SINGLE                | SINGLE        |            |               |        |
| 01-0093    | NON-UNION       | 24.0510     | 50,026.08            | SINGLE                | SINGLE        |            |               |        |
| 01-0083    | NON-UNION       | 24.5730     | 51,111.84            | FAMILY GRP 10         |               |            | FAMILY GRP 10 |        |
| 01-0569    | NON-UNION       | 25.8800     | 53,830.40            | TWO PERSON            |               | TWO PERSON |               |        |
| 01-1489    | NON-UNION       | 23.0770     | 48,000.16            | SINGLE                | SINGLE        |            |               |        |
| 01-0880    | NON-UNION       | 19.2300     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0061    | NON-UNION       | 31.0920     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0421    | NON-UNION       | 39.7000     |                      | WAIVER                |               |            |               | WAIVER |
| 926,265.60 |                 |             |                      | 7                     | 3             | 6          | 7             |        |
| 01-1253    | COAM            | 34.2130     | 71,163.04            | FAMILY GRP 11         |               |            | FAMILY GRP 11 |        |
| 01-1270    | COAM            | 34.2130     | 71,163.04            | FAMILY GRP 11         |               |            | FAMILY GRP 11 |        |
| 01-0250    | COAM            | 39.0030     | 81,126.24            | FAMILY GRP 11         |               |            | FAMILY GRP 11 |        |
| 01-0492    | COAM            | 34.2130     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0337    | COAM            | 34.2130     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0628    | COAM            | 34.2130     | 71,163.04            | FAMILY GRP 11         |               |            | FAMILY GRP 11 |        |
| 294,615.36 |                 |             |                      | 0                     | 0             | 4          | 2             |        |
| 01-0860    | POAM            | 30.0110     |                      | WAIVER                |               |            |               | WAIVER |
|            |                 | 21.3080     | 44,320.64            | SINGLE                | SINGLE        |            |               |        |
| 01-1402    | POAM            | 21.3080     | 44,320.64            | SINGLE                | SINGLE        |            |               |        |
| 01-0820    | POAM            | 30.0110     | 62,422.88            | SINGLE                | SINGLE        |            |               |        |
| 01-1212    | POAM            | 30.0110     | 62,422.88            | SINGLE                | SINGLE        |            |               |        |
| 01-0094    | POAM            | 30.0110     | 62,422.88            | FAMILY                |               |            | FAMILY        |        |
| 01-0891    | POAM            | 30.0110     |                      | WAIVER                |               |            |               | WAIVER |
|            |                 | 21.3080     | 44,320.64            | SINGLE                | SINGLE        |            |               |        |
| 01-0583    | POAM            | 30.0110     |                      | WAIVER                |               |            |               | WAIVER |
| 01-0834    | POAM            | 30.0110     | 62,422.88            | FAMILY                |               |            | FAMILY        |        |
| 01-0847    | POAM            | 30.0110     | 62,422.88            | TWO PERSON            |               | TWO PERSON |               |        |
| 01-0909    | POAM            | 30.0110     | 62,422.88            | FAMILY                |               |            | FAMILY        |        |
| 01-1401    | POAM            | 21.3080     | 44,320.64            | SINGLE                | SINGLE        |            |               |        |
| 01-0297    | POAM            | 30.0110     | 62,422.88            | FAMILY                |               |            | FAMILY        |        |
| 01-0096    | POAM            | 30.0110     | 62,422.88            | FAMILY                |               |            | FAMILY        |        |
| 01-0894    | POAM            | 30.0110     | 62,422.88            | SINGLE                | SINGLE        |            |               |        |

| ID #    | BARGAINING UNIT | HOURLY RATE | ANNUAL BASE<br>WAGES | INSURANCE<br>COVERAGE | SINGLE | TWO PERSON | FAMILY | WAIVER |
|---------|-----------------|-------------|----------------------|-----------------------|--------|------------|--------|--------|
| 01-0906 | POAM            | 30.0110     | 62,422.88            | TWO PERSON            |        | TWO PERSON |        |        |
| 01-0285 | POAM            | 30.0110     | 62,422.88            | FAMILY                |        |            | FAMILY |        |
|         |                 |             | -                    |                       |        |            |        |        |
|         |                 |             | 863,934.24           |                       | 7      | 2          | 6      | 3      |
| 01-0494 | IAFF            | 22.6800     | 63,685.44            | FAMILY                |        |            | FAMILY |        |
| 01-0107 | IAFF            | 20.2500     | 56,862.00            | FAMILY                |        |            | FAMILY |        |
| 01-0050 | IAFF            | 23.6930     | 66,529.94            | FAMILY                |        |            | FAMILY |        |
| 01-0039 | IAFF            | 20.2500     | 56,862.00            | SINGLE                | SINGLE |            |        |        |
| 01-0111 | IAFF            | 20.2500     | 56,862.00            | FAMILY                |        |            | FAMILY |        |
| 01-0051 | IAFF            | 23.6930     |                      | WAIVER                |        |            |        | WAIVER |
| 01-0498 | IAFF            | 20.2500     | 56,862.00            | FAMILY                |        |            | FAMILY |        |
| 01-0205 | IAFF            | 23.6930     |                      | WAIVER                |        |            |        | WAIVER |
| 01-0079 | IAFF            | 20.2500     | 56,862.00            | FAMILY                |        |            | FAMILY |        |
| 01-0854 | IAFF            | 20.2500     | 56,862.00            | SINGLE                | SINGLE |            |        |        |
| 01-0040 | IAFF            | 20.2500     |                      | WAIVER                |        |            |        | WAIVER |
| 01-0054 | IAFF            | 20.2500     | 56,862.00            | TWO PERSON            |        | TWO PERSON |        |        |
| 01-0857 | IAFF            | 22.6800     | 63,685.44            | TWO PERSON            |        | TWO PERSON |        |        |
| 01-0020 | IAFF            | 20.2500     | 56,862.00            | FAMILY                |        |            | FAMILY |        |
|         |                 |             | -                    |                       |        |            |        |        |
|         |                 |             | 648,796.82           |                       | 2      | 2          | 7      | 3      |
| 01-0248 | AFSCME          | 25.3270     | 52,680.16            | FAMILY                |        |            | FAMILY |        |
| 01-0762 | AFSCME          | 18.4610     | 38,398.88            | TWO PERSON            |        | TWO PERSON |        |        |
| 01-0926 | AFSCME          | 17.3040     | 35,992.32            | FAMILY                |        |            | FAMILY |        |
| 01-0875 | AFSCME          | 17.3040     | 35,992.32            | FAMILY                |        |            | FAMILY |        |
| 01-1367 | AFSCME          | 16.9380     | 35,231.04            | SINGLE                | SINGLE |            |        |        |
| 01-0827 | AFSCME          | 19.0830     | 39,692.64            | SINGLE                | SINGLE |            |        |        |
| 01-0822 | AFSCME          | 16.6870     |                      | WAIVER                |        |            |        | WAIVER |
| 01-0876 | AFSCME          | 17.6790     | 36,772.32            | FAMILY                |        |            | FAMILY |        |
| 01-0658 | AFSCME          | 21.0700     | 43,825.60            | FAMILY                |        |            | FAMILY |        |
| 01-0736 | AFSCME          | 21.3920     | 44,495.36            | FAMILY                |        |            | FAMILY |        |
| 01-0756 | AFSCME          | 19.2870     | 40,116.96            | SINGLE                | SINGLE |            |        |        |
| 01-1317 | AFSCME          | 17.3040     |                      | WAIVER                |        |            |        | WAIVER |
| 01-0485 | AFSCME          | 21.0700     | 43,825.60            | SINGLE                | SINGLE |            |        |        |
| 01-0047 | AFSCME          | 22.8580     |                      | WAIVER                |        |            |        | WAIVER |
| 01-0809 | AFSCME          | 19.4430     | 32,858.67            | TWO PERSON            |        | TWO PERSON |        |        |
| 01-0700 | AFSCME          | 20.1200     | 41,849.60            | FAMILY                |        |            | FAMILY |        |
| 01-0675 | AFSCME          | 26.8830     | 55,916.64            | TWO PERSON            |        | TWO PERSON |        |        |
| 01-0486 | AFSCME          | 21.0700     |                      | WAIVER                |        |            |        | WAIVER |
| 01-0783 | AFSCME          | 17.2790     | 35,940.32            | FAMILY                |        |            | FAMILY |        |
| 01-0903 | AFSCME          | 18.3860     | 38,242.88            | TWO PERSON            |        | TWO PERSON |        |        |
| 01-1318 | AFSCME          | 17.3040     |                      | WAIVER                |        |            |        | WAIVER |
|         |                 |             | 651,831.31           |                       | 4      | 4          | 8      | 5      |
|         |                 |             | 3,385,443.33         |                       | 20     | 11         | 31     | 20     |

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Employees Comparative Insurance Rates for 2013 & 2014 -Group #000/001/003/004/11

|                           | Single      |               |                                  |                             | 2 Person    |               |                                  |                             | Family      |               |                                  |                             | TOTAL         |
|---------------------------|-------------|---------------|----------------------------------|-----------------------------|-------------|---------------|----------------------------------|-----------------------------|-------------|---------------|----------------------------------|-----------------------------|---------------|
|                           | 2013        | 2014          | Increase<br>(Decrease)<br>Amount | Increase<br>(Decrease)<br>% | 2013        | 2014          | Increase<br>(Decrease)<br>Amount | Increase<br>(Decrease)<br>% | 2013        | 2014          | Increase<br>(Decrease)<br>Amount | Increase<br>(Decrease)<br>% |               |
| Members                   |             | 20            |                                  |                             |             | 11            |                                  |                             |             | 27            |                                  |                             | 58            |
| Blue Cross Community Blue | \$ 322.45   | \$ 363.53     | \$ 41.08                         | 13%                         | \$ 773.90   | \$ 872.46     | \$ 98.56                         | 13%                         | \$ 967.36   | \$ 1,090.59   | \$ 123.23                        | 13%                         |               |
| EHIM (Rx)                 | \$ 79.01    | \$ 78.84      | \$ (0.17)                        | 0%                          | \$ 189.63   | \$ 189.20     | \$ (0.43)                        | 0%                          | \$ 237.04   | \$ 236.51     | \$ (0.53)                        | 0%                          |               |
| EHIM (WRAP)               | \$ 100.84   | \$ 72.83      | \$ (28.01)                       | -28%                        | \$ 242.01   | \$ 174.80     | \$ (67.21)                       | -28%                        | \$ 302.51   | \$ 218.50     | \$ (84.01)                       | -28%                        |               |
| EHIM Adm. Fees            | \$18.00     | \$18.00       | \$ -                             | 0%                          | \$18.00     | \$18.00       | \$ -                             | 0%                          | \$18.00     | \$18.00       | \$ -                             | 0%                          |               |
| Federal Taxes & Fees      |             | \$15.92       | \$ 15.92                         |                             |             | \$38.21       | \$ 38.21                         |                             |             | \$47.77       | \$ 47.77                         |                             |               |
| State Taxes               |             | \$7.69        | \$ 7.69                          |                             |             | \$18.45       | \$ 18.45                         |                             |             | \$23.06       | \$ 23.06                         |                             |               |
| MONTHLY RATES             | \$ 520.30   | \$ 556.81     | \$ 36.51                         | 7%                          | \$ 1,223.54 | \$ 1,311.12   | \$ 87.58                         | 7%                          | \$ 1,524.91 | \$ 1,634.43   | \$ 109.52                        | 7%                          | \$ 3,502.35   |
| ANNUAL RATES              |             | \$ 6,681.67   |                                  |                             |             | \$ 15,733.44  |                                  |                             |             | \$ 19,613.13  |                                  |                             | \$ 42,028.24  |
| ANNUAL INSURANCE COSTS    |             | \$ 133,633.39 |                                  |                             |             | \$ 173,067.81 |                                  |                             |             | \$ 529,554.48 |                                  |                             | \$ 836,255.68 |
| 20% Employee Pays (Yr)    | \$ 1,248.72 | \$ 1,336.33   | \$ 87.61                         | 7%                          | \$ 2,936.50 | \$ 3,146.69   | \$ 210.19                        | 7%                          | \$ 3,659.78 | \$ 3,922.63   | \$ 262.84                        | 7%                          |               |
| Bi-Weekly                 | \$ 48.03    | \$ 51.40      | \$ 3.37                          | 7%                          | \$ 112.94   | \$ 121.03     | \$ 8.08                          | 7%                          | \$ 140.76   | \$ 150.87     | \$ 10.11                         | 7%                          |               |
| Weekly                    | \$ 24.01    | \$ 25.70      | \$ 1.68                          | 7%                          | \$ 56.47    | \$ 60.51      | \$ 4.04                          | 7%                          | \$ 70.38    | \$ 75.44      | \$ 5.05                          | 7%                          |               |

Employees Comparative Insurance Rates for 2013 & 2014 -Group # 10 & 11

|                                                             | Single      |             |                                  |                             | 2 Person    |              |                                  |                             | Family      |              |                                  |                             | TOTAL         |
|-------------------------------------------------------------|-------------|-------------|----------------------------------|-----------------------------|-------------|--------------|----------------------------------|-----------------------------|-------------|--------------|----------------------------------|-----------------------------|---------------|
|                                                             | 2013        | 2014        | Increase<br>(Decrease)<br>Amount | Increase<br>(Decrease)<br>% | 2013        | 2014         | Increase<br>(Decrease)<br>Amount | Increase<br>(Decrease)<br>% | 2013        | 2014         | Increase<br>(Decrease)<br>Amount | Increase<br>(Decrease)<br>% |               |
| Members                                                     |             | 0           |                                  |                             |             | 0            |                                  |                             |             | 4            |                                  |                             | 4             |
| Blue Cross Simply Blue                                      | \$ 275.58   | \$ 328.22   | \$ 52.64                         | 19%                         | \$ 661.38   | \$ 787.74    | \$ 126.36                        | 19%                         | \$ 826.73   | \$ 984.67    | \$ 157.94                        | 19%                         |               |
| EHIM (Rx)                                                   | \$ 79.01    | \$ 78.84    | \$ (0.17)                        | 0%                          | \$ 189.63   | \$ 189.30    | \$ (0.33)                        | 0%                          | \$ 237.04   | \$ 236.51    | \$ (0.53)                        | 0%                          |               |
| EHIM (WRAP)                                                 | \$ 117.11   | \$ 20.83    | \$ (96.28)                       | -82%                        | \$ 281.07   | \$ 50.00     | \$ (231.07)                      | -82%                        | \$ 351.34   | \$ 62.00     | \$ (289.34)                      | -82%                        |               |
| EHIM Adm. Fees                                              | \$18.00     | \$18.00     | \$ -                             | 0%                          | \$18.00     | \$18.00      | \$ -                             | 0%                          | \$18.00     | \$18.00      | \$ -                             | 0%                          |               |
| Federal Taxes & Fees                                        |             | \$0.00      | \$ -                             |                             |             | \$0.00       | \$ -                             |                             |             | \$43.13      | \$ 43.13                         |                             |               |
| State Taxes                                                 |             | \$0.00      | \$ -                             |                             |             | \$0.00       | \$ -                             |                             |             | \$20.82      | \$ 20.82                         |                             |               |
| MONTHLY RATES                                               | \$ 489.70   | \$ 445.89   | \$ (43.81)                       | -9%                         | \$ 1,150.08 | \$ 1,045.04  | \$ (105.04)                      | -9%                         | \$ 1,433.11 | \$ 1,365.13  | \$ (67.98)                       | -5%                         | \$ 2,856.06   |
| ANNUAL RATES                                                |             | \$ 5,350.63 |                                  |                             |             | \$ 12,540.50 |                                  |                             |             | \$ 16,381.53 |                                  |                             | \$ 34,272.66  |
| ANNUAL INSURANCE COSTS                                      |             | \$ -        |                                  |                             |             | \$ -         |                                  |                             |             | \$ 65,526.12 |                                  |                             | \$ 65,526.12  |
| 20% Employee Pays (Yr)                                      | \$ 1,175.28 | \$ 1,070.13 | \$ (105.15)                      | -9%                         | \$ 2,760.19 | \$ 2,508.10  | \$ (252.09)                      | -9%                         | \$ 3,439.46 | \$ 3,276.31  | \$ (163.16)                      | -5%                         |               |
| Bi-Weekly                                                   | \$ 45.20    | \$ 41.16    | \$ (4.04)                        | -9%                         | \$ 106.16   | \$ 96.47     | \$ (9.70)                        | -9%                         | \$ 132.29   | \$ 126.01    | \$ (6.28)                        | -5%                         |               |
| Weekly                                                      | \$ 22.60    | \$ 20.58    | \$ (2.02)                        | -9%                         | \$ 53.08    | \$ 48.23     | \$ (4.85)                        | -9%                         | \$ 66.14    | \$ 63.01     | \$ (3.14)                        | -5%                         |               |
| TOTAL ANNUAL INSURANCE COSTS - COMMUNITY BLUE & SIMPLY BLUE |             |             |                                  |                             |             |              |                                  |                             |             |              |                                  |                             | \$ 901,781.80 |

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FEDERAL INSURANCE PREMIUM, COMPARATIVE FEE, REINSURANCE FEE, MICHIGAN CLAIMS TAX, AND STATE INSURANCE PREMIUM TAX

**Blue Cross Community Blue**

|                                            | SINGLE       | 2 PERSON     | FAMILY       | TOTAL            |
|--------------------------------------------|--------------|--------------|--------------|------------------|
| 0004 NON-UNION                             | 7            | 3            | 6            | 16               |
| 0003 AFSCME                                | 4            | 4            | 8            | 16               |
| 0000 FIRE                                  | 2            | 2            | 7            | 11               |
| 0001 POLICE                                | 7            | 2            | 6            | 15               |
| TOTAL                                      | 20           | 11           | 27           | 58               |
| Blue Cross Community Blue Rate             | 363.53       | 872.46       | 1090.59      |                  |
| Total Monthly Cost                         | 7,270.60     | 9,597.06     | 29,445.93    | <b>46,313.59</b> |
| Federal taxes & Fees Total                 | 318.44       | 420.33       | 1,289.67     | 2,028.44         |
| <b>Federal Taxes &amp; Fees Per Person</b> | <b>15.92</b> | <b>38.21</b> | <b>47.77</b> |                  |
| State Taxes Total                          | 153.74       | 202.94       | 622.66       | 979.34           |
| <b>State Taxes Per Person</b>              | <b>7.69</b>  | <b>18.45</b> | <b>23.06</b> |                  |

**Blue Cross Simply Blue**

|                                            | SINGLE | 2 PERSON | FAMILY       | TOTAL           |
|--------------------------------------------|--------|----------|--------------|-----------------|
| GROUP 11 COAM                              |        |          | 4            | 4               |
| TOTAL                                      | 0      | 0        | 4            | 4               |
| Blue Cross Simply Blue Rate                | 328.22 | 787.74   | 984.67       |                 |
| Total Monthly Cost                         | -      | -        | 3,938.68     | <b>3,938.68</b> |
| Federal taxes & Fees Total                 | -      | -        | 172.51       | 172.51          |
| <b>Federal Taxes &amp; Fees Per Person</b> |        | -        | <b>43.13</b> |                 |
| State Taxes Total                          | -      | -        | 83.29        | 83.29           |
| <b>State Taxes Per Person</b>              |        | -        | <b>20.82</b> |                 |

**SUMMARY**

|                                   |         |                  |
|-----------------------------------|---------|------------------|
| FEDERAL TAX                       | 4.11%   | 2,200.95         |
| STATE TAX                         | 1.99%   | 1,062.63         |
| BC MONTHLY INSURANCE PREMIUM 2014 | 93.90%  | 50,252.27        |
| TOTAL                             | 100.00% | <b>53,515.85</b> |

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11/15/13 9:01 AM



Resolution No. 2013-248  
November 19, 2013

**RESOLVED BY THE CITY COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti Police Department desires to replace two (2) Patrol Vehicle with 2014 Ford Police Interceptors, and

WHEREAS, the City of Ypsilanti Police Department has been allocated funds in the FY 2013-14 budget for the purpose of purchasing these vehicles, and

WHEREAS, Gorno Ford of Woodhaven, Michigan has provided State of Michigan bid pricing in the amount of \$49,040.00.

THEREFORE BE IT RESOLVED, that the Chief of Police be authorized to sign all necessary documents needed to execute the vehicle purchase.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION  
November 19, 2013

FROM: Interim Chief Tony DeGiusti

SUBJECT: Replacement of Patrol Vehicles

**Summary and Background:**

In the FY 2013-14 budget funds were allocated from the Motor Pool account for the replacement of two patrol vehicles due to excessive wear, mileage and maintenance costs to safely operate the vehicles. The vehicles are scheduled to be replaced by two 2014 Ford Police Interceptors. The Ford Police Interceptor is specifically designed to be a patrol vehicle. It is equipped with all wheel drive for superior handling in all types of weather and will accommodate some of the current equipment at the police department. The cost to replace each vehicle is \$24,520.00 or a total of \$49,040.00.

The vehicle will be purchased under state bid pricing from Gorno Ford of Woodhaven, MI.

**Action Requested:**

Approve the purchase of two (2) 2014 Ford Police Interceptors from Gorno Ford in the amount of \$49,040.00 to be paid for from the Motor Pool account #641-7-9330-987-10.

Attachment(s): Gorno Ford Bid Specifications and Pricing Sheet

---

City Manager Approval: \_\_\_\_\_ Council Agenda Date: 11-19-13

City Manager Comments: \_\_\_\_\_

Finance Director Approval: \_\_\_\_\_

|                                                       |        |
|-------------------------------------------------------|--------|
| *GRILLE HARNESS                                       | 50.00  |
| *WIRE HARNESS CONNECTOR PKG(FRT)                      | 125.00 |
| 100 WATT SIREN/SPEAKER(INSTALLED)                     | 280.00 |
| REAR FLOOR PLATE                                      | 35.00  |
| *COURTESY LIGHTS IN-OP                                | 25.00  |
| *REAR DOOR HANDLES IN-OP                              | 35.00  |
| *REAR WINDOWS IN-OP                                   | 35.00  |
| REVERSE SENSING                                       | 275.00 |
| RECONFIGURE STEERING WHEEL SWITCHES                   | 155.00 |
| NOISE SUPPRESSION (NOT NEEDED)                        | 100.00 |
| *FORD REAR LIGHTING PKG                               | 470.00 |
| REAR CARGO LIGHT FOR UTILITY                          | 50.00  |
| *PREP FRONT HEADLIGHT FOR LED/STROBES                 | 125.00 |
| GORNO LEDS FOR HEADLIGHT PREP PKG                     | 350.00 |
| FRONT HEADLIGHT LED/STROBE STYLE LIGHTING             | 915.00 |
| SETINA PB 450 PUSH BUMPER W/SIDE AND FRONT LED LIGHTS | 695.00 |
| SYNC                                                  | 395.00 |
| <u>RETAIL/CHIEF'S PKG. INCLUDES</u>                   | 599.00 |
| CARPET W/FLOOR MATS                                   |        |
| CLOTH TRIM, FRT & REAR                                |        |
| FACTORY STYLE CONSOLE W/COLUMN SHIFT                  |        |
| WHEEL COVERS                                          |        |
| INTERCEPTOR BADGES-DELETED                            |        |

SPECIAL PKG. INCLUDES

|                                                 |          |
|-------------------------------------------------|----------|
| SYNC, REVERSE SENSING, BACK UP CAMERA, & HEATED |          |
| BLIND SPOTS MIRRORS                             | 1,305.00 |
| DRIVER'S SIDE BALLIST DOOR PANEL                | 1,685.00 |
| DRIVER/PASSANGER BALLIST DOOR PANELS            | 3,470.00 |
| REMOTE START SYSTEM                             | 350.00   |
| HAVIS IDLE RIGHT 2 CONTROL SYSTEM, STARTING @   | 595.00   |
| FORD READY FOR THE ROAD PKG                     | 3,495.00 |
| WHELAN LIBERTY ALL LED LIGHT BAR                | 1,695.00 |
| CODE 3 TORAS ALL LED LIGHT BAR                  | 1,395.00 |
| SETINA PRISONER CAGE                            | 799.00   |
| SETINA REAR CAGE(SUV)                           | 495.00   |
| EQUIPMENT CONSOLE, STARTING FROM                | 395.00   |

GORNO FORD BASIC LIGHTING PKG. INCLUDES 3,195.00  
 CODE 3 42" ALL LED TORAS ;LIGHT BAR W/ALLEY & TAKEDOWN LIGHTS,  
 CODE 3 100 WATT SIREN SPEAKER, CODE 3 RLS FLAT PANEL LIGHTING,  
 SIREN, PA, MIC, ARROW STICK CONTROLLER, TAILLIGHT FLASHER,

GORNO FORD'S READY FOR THE ROAD PKG. INCLUDES 5,295.00

CODE 3 TORAS ALL LED LIGHT BAR, CODE 3 100 WATT SIREN SPEAKER,  
CODE 3 RLS FLAT PANEL SIREN, P.A., LIGHTING, ARROW STICK, MIC,  
CONTROLLER, SOUND OFF IN THE GRILL FLASHING  
ED LIGHTS, SOUND OFF TAILLIGHT FLASHER, CODE 3 4 HEAD LED  
RED/BLEU REAR WINDOW LIGHT, SETINA PRISONER CAGE, BASE CONSOLE,  
W/ARMREST,

ABOVE SYSTEM AVAILABLE AS A SLICK TOP

OPTIONS FOR GORNO READY FOR THE ROAD

|                               |        |
|-------------------------------|--------|
| REAR PSIONER CAGE FOR UTILITY | 595.00 |
| SETINA DOUBLE WEAPONS MOUNT   | 595.00 |

|            |           |
|------------|-----------|
| TRUNK TRAY | \$ 240.00 |
|------------|-----------|

THIS IS JUST A SAMEPLE

ANY QUESTIONS, CALL ME.

HOME OF THE MUSTANG POLICE CAR & F150 ECO-BOOST 4x4 CREW CAB  
SSV.

SINCERELY

EDDIE WILLIAMS  
GOVERNMENT SALES  
CELL 313-319-3431





**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

105 Pearl Street  
Ypsilanti, MI 48197  
(734) 481-1234  
Fax (734) 483-3871  
www.barrlawfirm.com  
e-mail: jbarr@barrlawfirm.com

John M. Barr  
Karl A. Barr  
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

**REQUEST FOR LEGISLATION**

DATE: November 13, 2013

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Transportation Funding Agreement, Ann Arbor Area Transportation Authority

**SUMMARY/BACKGROUND**

In 2010, the voters of the City of Ypsilanti adopted an amendment to the City Charter that dedicated property tax mills each year to public transportation. The City of Ypsilanti joined what is now called the Ann Arbor Area Transportation Authority on or about June 20, 2013.

This attached Transportation Funding Agreement lays out the operational relationship between the City and the AAATA. Specifically, it provides that the City will use this dedicate funding for the AAATA to provide public transportation service to the City of Ypsilanti. The agreement also provides for the City to be compensated for its services through this dedicated funding and for the AAATA to make regular reports to the City for input and recommendations.

This agreement was approved by the AAATA Board of Directors on October 17.

ATTACHMENTS: -Proposed Resolution approving Transportation Funding Agreement with the AAATA  
-Proposed Transportation Funding Agreement with the AAATA

RECOMMENDED ACTION: Adoption of the resolution.

---

DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO. \_\_\_\_\_

CITY MANAGER COMMENTS:

FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL \_\_\_\_\_

COUNCIL ACTION TAKEN:



Resolution No. 2013-249  
November 19, 2013

RESOLUTION TO APPROVE TRANSPORTATION FUNDING AGREEMENT  
WITH ANN ARBOR AREA TRANSPORTATION AUTHORITY

WHEREAS the Ann Arbor Transportation Authority had provided public transportation services to the City of Ypsilanti under contract for many years; and

WHEREAS the voters of the City of Ypsilanti, in 2010, adopted a City Charter amendment to dedicate 0.9789 mills of approved millage each year to fund public transportation; and

WHEREAS in June of this year the City of Ypsilanti joined the Ann Arbor Transportation Authority as a member and the organization's name was changed to the Ann Arbor Area Transportation Authority; and

WHEREAS the City of Ypsilanti and the Ann Arbor Area Transportation Authority have been discussing an agreement to formally outline the operational relationship between the two organizations for some time; and

WHEREAS the attached Transportation Funding Agreement is the fruit of those discussions; and

WHEREAS this proposed Transportation Funding Agreement provides in part that the City will use the dedicated millage to fund public transportation services through the Ann Arbor Area Transportation Authority and that the Ann Arbor Area Transportation Authority will make regular reports to the City for input and recommendations.

Now Therefore, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the attached Transportation Funding Agreement between the City and the Ann Arbor Area Transportation Authority is hereby approved, and the City Clerk is directed and authorized to transmit a copy of this resolution to the Ann Arbor Transportation Authority.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

**Transportation Funding Agreement**  
By and Between the City of Ypsilanti and the  
Ann Arbor Area Transportation Authority

This Transportation Funding Agreement is entered into and made this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Ypsilanti, a Michigan home-rule city located in the County of Washtenaw, State of Michigan (hereinafter "City") and the Ann Arbor Area Transportation Authority, a legal authority created under Act 55 of 1963 (hereinafter "AAATA").

WITNESSETH:

Whereas, the AAATA and its predecessor authority, the Ann Arbor Transportation Authority or AATA, furnished surface transportation to the Ann Arbor area beginning in the year 1968; and

Whereas, the original AAATA member (then AATA) was the city of Ann Arbor; and

Whereas, the AATA furnished bus service to the City for many years under contract; and

Whereas, the City paid for the service yearly out of the City general fund by budget appropriation; and

Whereas, the City adopted a City Charter amendment to dedicate 0.9789 mills of approved millage each year to transportation in 2010; and

Whereas, the City became a member of the AAATA in 2013 and the authority bylaws were amended and the name changed to AAATA; and

Whereas, it is deemed in the public interest to formally outline the operational relationship between the City and the AAATA;

Now, therefore, the City and the AAATA hereby agree as follows:

1. Service Agency. The City recognizes the AAATA as the operating agency of the City to provide mass transportation service to the public. These services shall include surface bus and any other form of transportation the AAATA may decide to render in accordance with the AAATA Articles of Incorporation.
2. Millage Revenue. For services provided, the City agrees to dedicate and transfer the full amount of collected property tax revenues for public transit, as specified by the City Charter Amendment approved in November 2010 and adjusted by law (estimated to be \$273,797 in the year 2013), to the AAATA.



The full amount of the property tax revenue from the public transit millage will be transferred to the AAATA in each year that the City Charter provides for the public transit millage, the City remains a member of AAATA, and that AAATA furnishes transportation services to the City.

3. General Municipal Services. The parties to this agreement recognize their mutual responsibility to the public to provide transportation services at the least possible cost. Accordingly, it is agreed that the following services may only be appropriately performed by the City:
  - a. Tax assessment, billing, collection, and receipting.
  - b. Review and coordination of public transit plans into the overall city planning process
  - c. Official City Clerk responsibilities and services for processing AAATA matters requiring City Council review or approval.

For these services, AAATA agrees to pay to the City 1.0% of the annual millage for transportation purposes at the time of collection of taxes. AAATA will undertake to evaluate additional required services annually, and to use City services where it is clearly established that this is the most economical and effective method of procuring them.

4. Budget. The AAATA will submit to the City Council each year its proposed budget for the ensuing fiscal year. Council may submit its recommendations or comments in writing to the AAATA within four weeks of receipt of the proposed budget by Council.
5. Audit. The AAATA will prepare and submit the results of a yearly audit of its finances by a certified public accountant to the City Council and the public.
6. Major Policy. On major, long-term decisions dealing with public policy actions of transportation services, whether or not they represent financial expenditures, the AAATA will apprise City Council and solicit Council's advice prior to making the decision.
7. Reporting. To ensure that Council is kept apprised of the AAATA's activities, the AAATA will submit to Council, at least quarterly, a written report indicating its activities. This report will include such key elements as levels of ridership, budget variations, and other service level information.
8. Good Relations. Both the City and the AAATA recognize their obligation as public bodies to exist harmoniously for the public good. To the extent it is possible, disputes arising out of this agreement are to be resolved through discussions and negotiations by the two bodies.
9. Term. This agreement shall remain in force until mutually terminated or amended.

The foregoing agreement was adopted by an affirmative vote of the majority of the members elect of the City Council of the City of Ypsilanti, Washtenaw County, Michigan, at a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF YPSILANTI**

By: \_\_\_\_\_  
Paul Schreiber, Mayor

By: \_\_\_\_\_  
Frances McMullan, City Clerk

The foregoing agreement adopted by an affirmative vote of the majority of the Board of Directors of the Ann Arbor Area Transportation Authority (AAATA), at a meeting duly held on the 17<sup>th</sup> day of October, 2013

**AAATA**

By: \_\_\_\_\_  
Charles Griffith, Chair

By: \_\_\_\_\_  
Any Dale, Secretary

Approved as to form:

By: \_\_\_\_\_  
John M. Barr, Ypsilanti City Attorney

By: \_\_\_\_\_  
Jerold Lax, AAATA Counsel

Resolution 3/2014

Execution of Agreement Between  
Ann Arbor Area Transportation Authority  
And  
City of Ypsilanti, Michigan

Whereas, the City of Ypsilanti (Ypsilanti) adopted a City Charter amendment in 2010 to dedicate 0.9789 mills of approved millage each year to public transportation; and

Whereas, Ypsilanti became a member of the AAATA in 2013 and the name changed to AAATA; and

Whereas, it is deemed in the public interest to formally outline the operational relationship between Ypsilanti and the AAATA; and

Whereas, Ypsilanti agrees to directly remit dedicated transportation millage funds directly to AAATA;

**NOW THEREFORE BE IT RESOLVED**, that the AAATA Board of Directors approves and accepts the terms of the Transportation Funding Agreement by and between the City of Ypsilanti and the Ann Arbor Area Transportation Authority, and

**BE IT FURTHER RESOLVED**, that the AAATA Board of Directors authorizes the CEO to execute the Agreement on behalf of AAATA.



Charles Griffith, Chair



Anya Dale, Secretary

October 17, 2013

October 17, 2013



Resolution No. 2013-250  
November 19, 2013

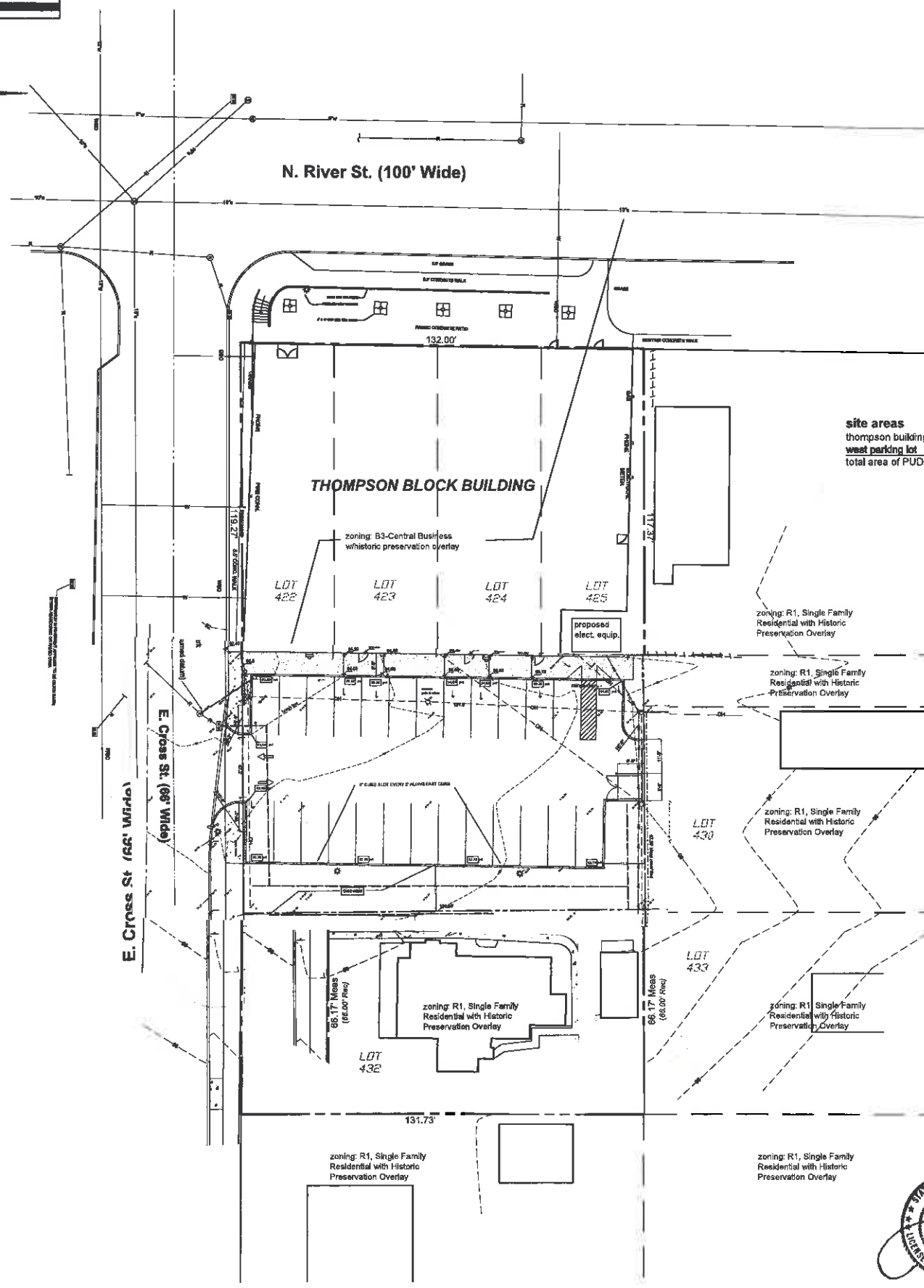
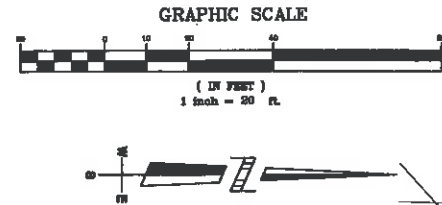
**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

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:



site areas

|                                                    |                   |            |
|----------------------------------------------------|-------------------|------------|
| thompson building (including alley to be vacated): | 15,537.42 sq. ft. | 0.36 acres |
| west parking lot                                   | 8,948.58 sq. ft.  | 0.20 acres |
| total area of PUD                                  | 24,386.00 sq. ft. | 0.56 acres |

Sec. 122-394. Area regulations.

- No building or structure nor any encroachment thereof in a B3 central business district shall be erected except in conformance with the following lot area, yard, and building coverage requirements.
- (1) **Lot area and width.** The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.
  - (2) **Front yard.** Where all frontage on the same side of a street between two intersecting streets is located entirely within business zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than five feet.
  - (3) **Side yards.** No side yards are required along the interior side lot lines if building walls are built of fire-retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.

pavement legend

|  |                             |
|--|-----------------------------|
|  | PROPOSED NEW PAVEMENT       |
|  | PROPOSED ON-STREET PAVEMENT |

exemptions requested

| setbacks:             | required | exemption | result |
|-----------------------|----------|-----------|--------|
| rear yard:            | 25'      | 25'       | 0'     |
| abutting residential: | 25'      | 22'       | 3'     |

Landscaping: None  
Parking: None  
Screenwalls: yes not installed no walls

parking requirement

|                           |                  |             |
|---------------------------|------------------|-------------|
| 4 units of 2 bedrm apts:  | 2 space/unit     | = 8 spaces  |
| 12 units of 1 bedrm apts: | 1-1/2 space/unit | = 18 spaces |
| total required            |                  | 26 spaces   |
| total provided            |                  | 26 spaces   |



PUD notes:

The existing Thompson Block Building and proposed parking lot (Lots 422-425, Lot 431 and the adjoining alley to be vacated) comprise the proposed PUD. The existing apartment building to the east is not part of the PUD application and is shown here for context purposes.

A mutual easement for ingress and egress will be granted between the 2 parking lots.

The base underlying zoning for this PUD application is B-3, Central Business.

Minimum Size -Sec.122-573(2): 1/2 acre if the proposal involves a historically significant structure.

Sec. 122-395. Street side yard.

In the B3 central business district the street side yard setback on a corner lot shall follow the requirements of subsection (2) of this section.

(4) **Streetside yard.** In the B3 central business district the street side yard setback on a corner lot shall follow the requirements of subsection (2) of this section.

(5) **Courtyards.** Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.

(6) **Rear yards.** There shall be a rear yard of not less than ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet plus five feet for each story in excess of two stories shall be provided, starting at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the outerline of an alley, provided no wall or fence is constructed along the rear property line.

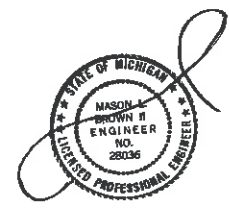
(7) **Abutting a residential district.** Notwithstanding the above, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as per section 122-703.

Sec. 122-396. Height regulations.

No building or structure in a B3 central business district shall exceed six stories or 75 feet in height, whichever is less. See section 122-640 for height exceptions.

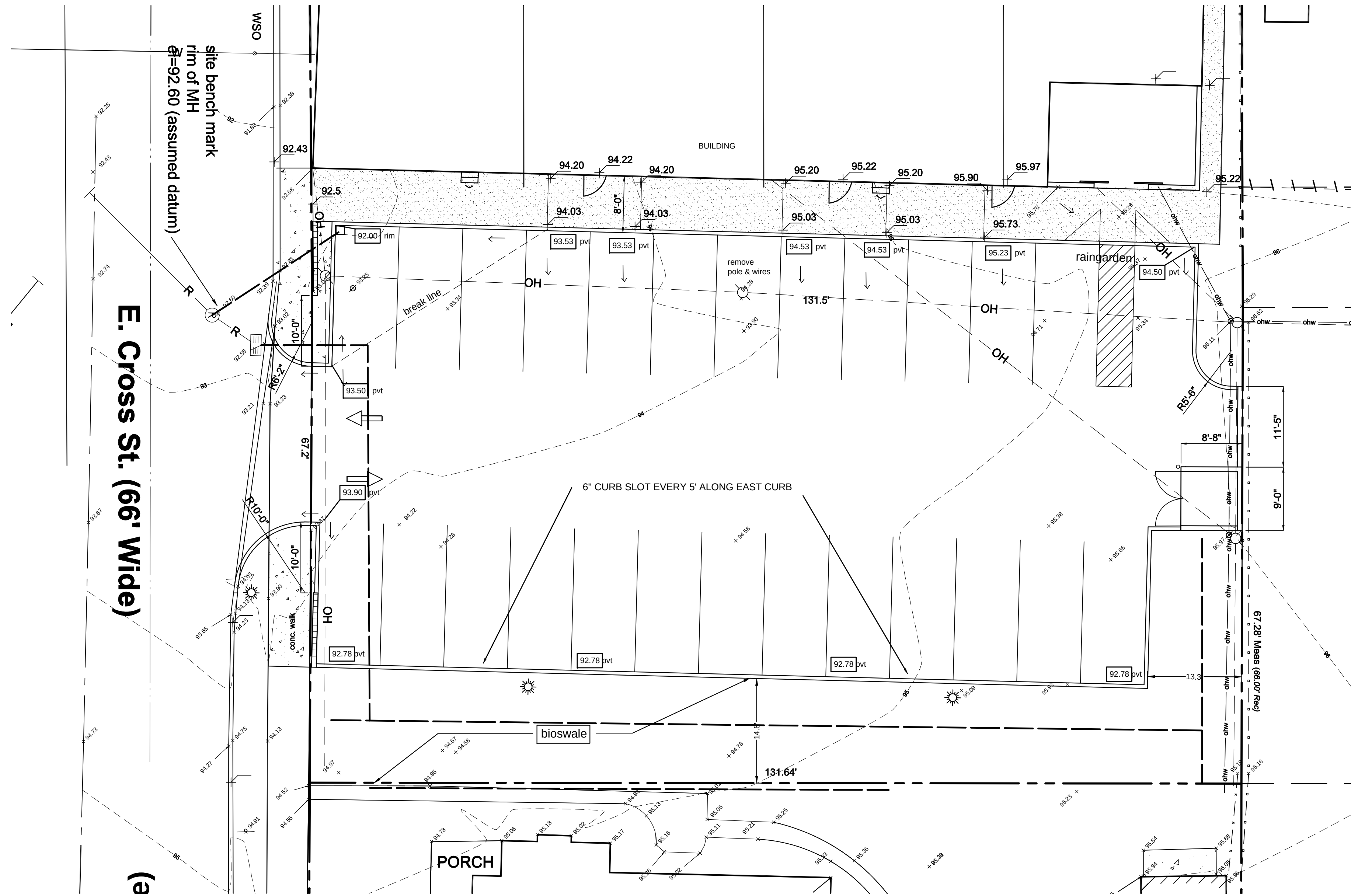
Sec. 122-396. Development standards.

- (a) **Site plan review.** Site plan review and approval are required for uses in the B3 district in accordance with article IV of this chapter.
- (b) **General standards.** Buildings and uses in the B3 district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off-street parking requirements, signs, and flood damage prevention.

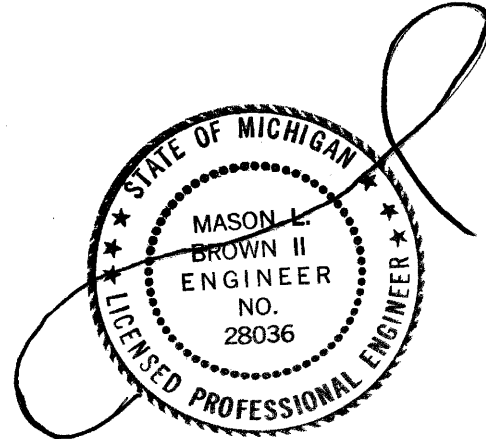
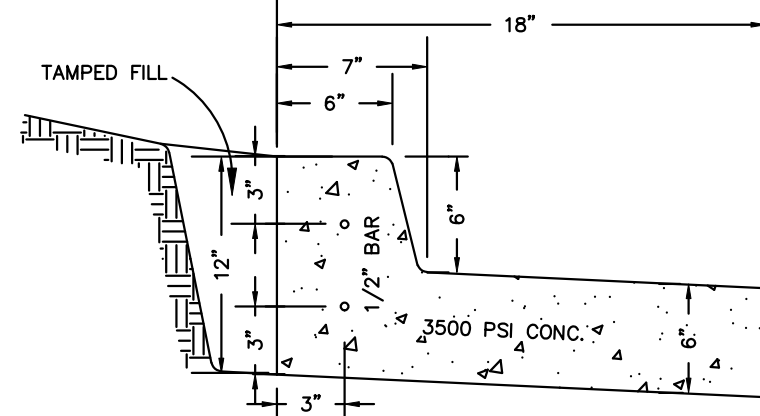
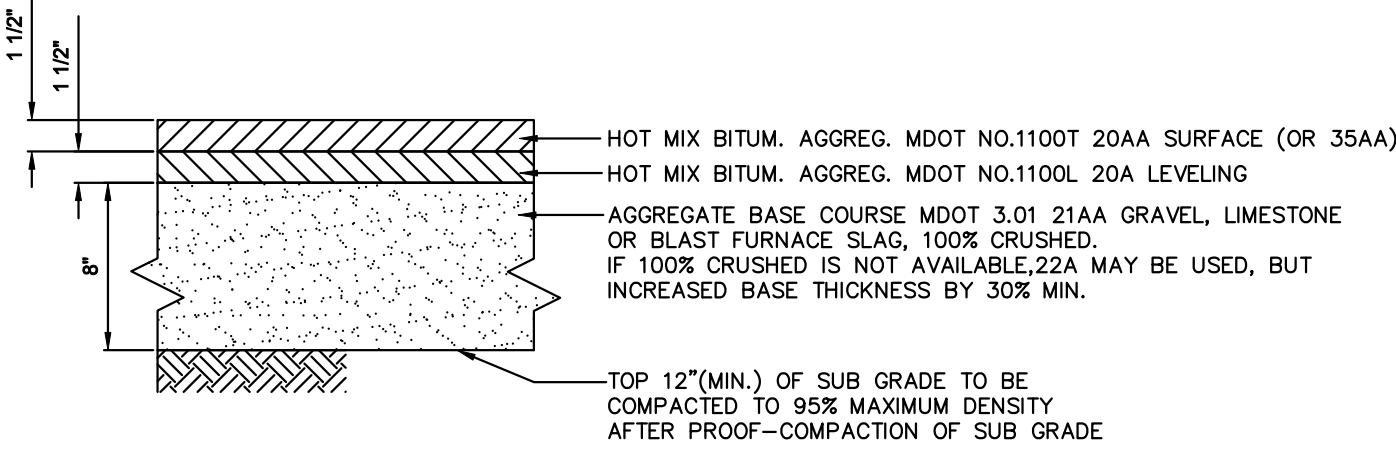
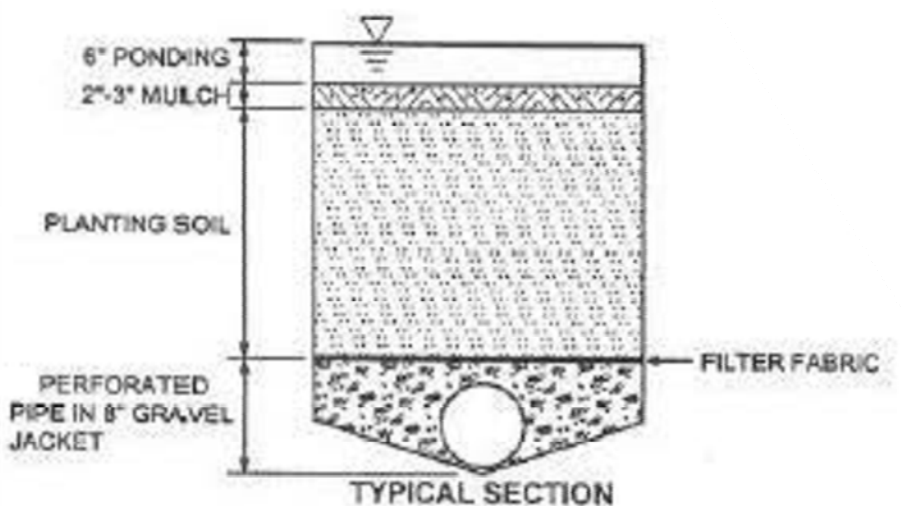
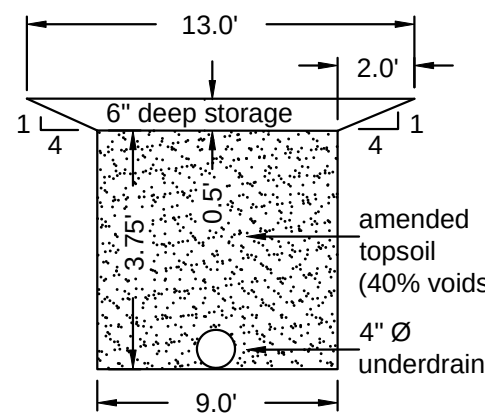
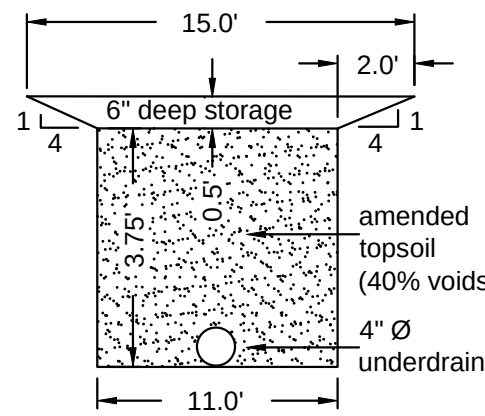


|                                                                                                                                                                   |            |            |            |                                                                                                                            |        |          |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|------------|----------------------------------------------------------------------------------------------------------------------------|--------|----------|------------|
| MASON BROWN ASSOCIATES, LLC<br>CIVIL ENGINEERS & SURVEYORS<br>2708 BRIDLE ROAD<br>BLOOMFIELD HILLS, MICHIGAN 48304<br>(248) 425-9769<br>mason_brown@bgaonline.net |            |            |            | THOMPSON BLOCK PARTNERS, LLC<br>Lots 422-425 & 431, M. Norris Addition<br>221 Felch Street, Suite 6<br>Ann Arbor, MI 48103 |        |          |            |
| DESIGN                                                                                                                                                            | 13-014-JWB | PER CLIENT | 2013-07-16 | DESIGN                                                                                                                     | ---    | PER CITY | 2013-08-19 |
| DRAWING                                                                                                                                                           | mb         | PER CITY   |            | DRAWING                                                                                                                    | mb     | PER CITY |            |
| CHECKED                                                                                                                                                           | mb         | PER CITY   |            | CHECKED                                                                                                                    | mb     | PER CITY |            |
| FIELD CTR. NET                                                                                                                                                    |            | PER CITY   |            | FIELD CTR. NET                                                                                                             |        | PER CITY |            |
| SCALE:                                                                                                                                                            | as shown   | DATE:      | 07-15-13   | JOB NO.                                                                                                                    | 13-014 | SHEET    | 1          |

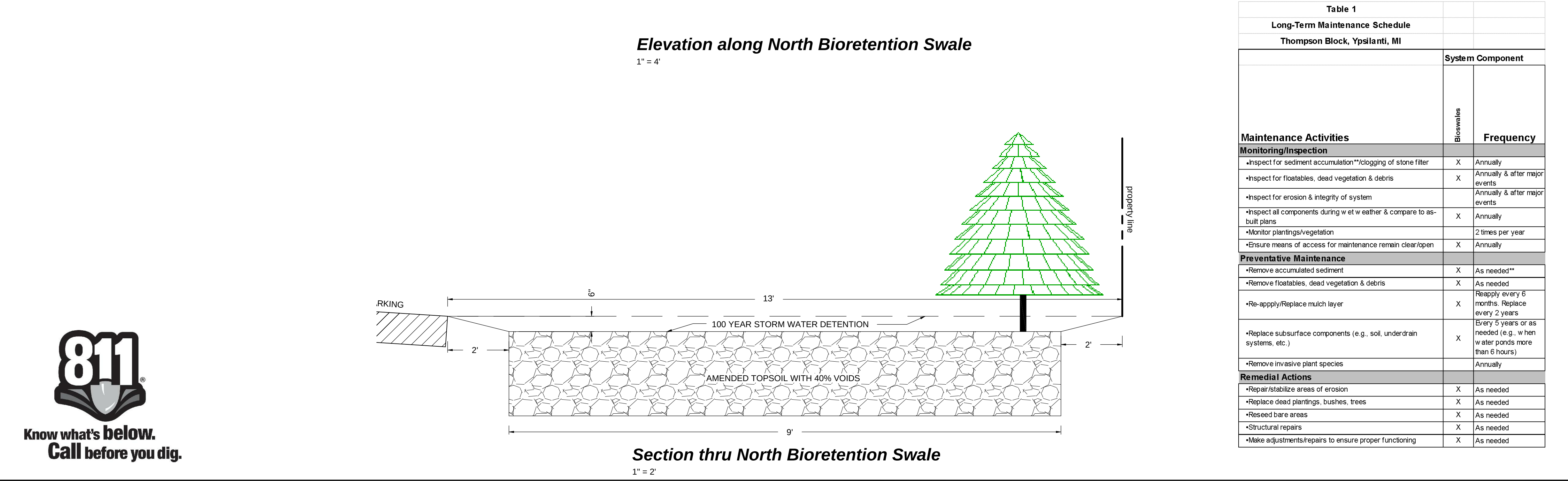
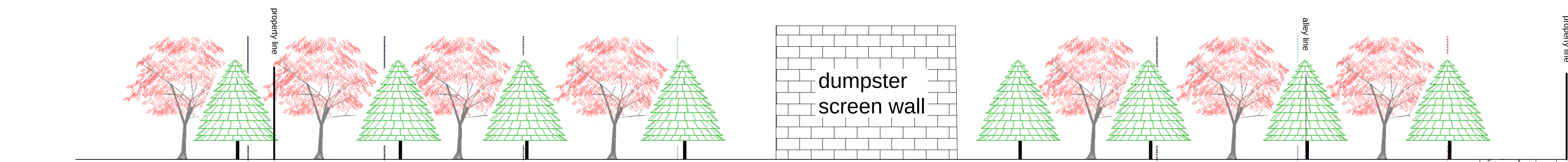
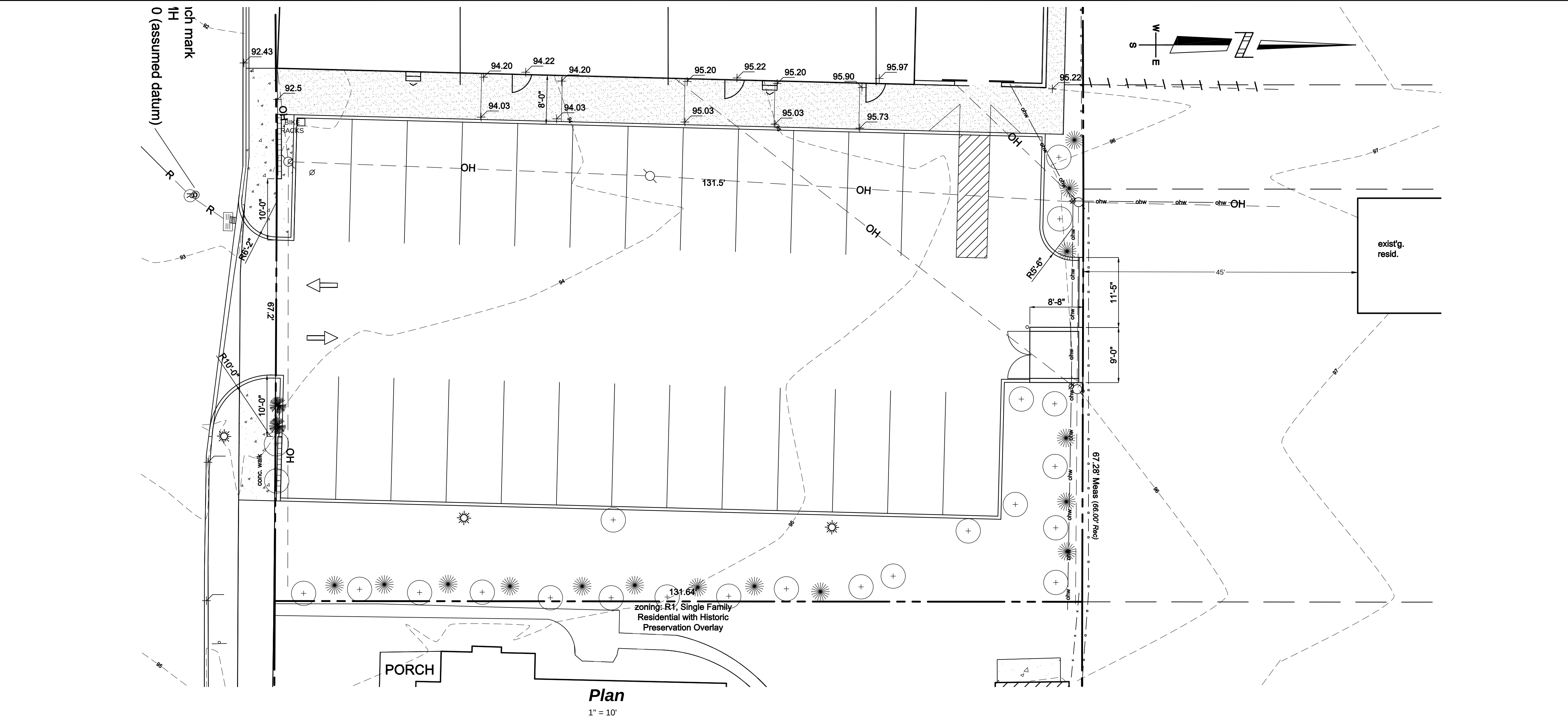




| DETENTION CALCULATION                                             |   |           |              |  |
|-------------------------------------------------------------------|---|-----------|--------------|--|
| PAVT AREA                                                         | = | 0.255     | acre         |  |
| ROOF AREA                                                         | = | 0         | acre         |  |
| WATER SURFACE AREA                                                | = | 0         | acre         |  |
| SEMI-PERVIOUS AREA                                                | = | 0.06      | acre         |  |
| TOTAL AREA                                                        | = | 0.315     | acre         |  |
| USE HYDROLOGIC SOIL GROUP B, SLOPE BETWEEN 1% AND 3%= 0.25        |   |           |              |  |
| C=(ROOF+PAVT)(0.95)+(WATER)(1.00)+(SEMI-PERVIOUS)(0.25)/SITE AREA |   |           |              |  |
| Cdev                                                              | = | 0.817     |              |  |
| Qa = (0.15 cfs/acre)(area)=                                       |   | 0.04725   | CFS          |  |
| Qo =Qa/AC=                                                        |   | 0.18      | CFS/ACRE-IMP |  |
| T =-25+SQRT((10312.5/Qo)=                                         |   | 211.95    | MIN.         |  |
| Vs =(16500T/(T+25) -(40QoT)=                                      |   | 13,201.94 | CF/ACRE-IMP  |  |
| Vt = VsxAxC=                                                      |   | 3,396.20  | CF           |  |







LANDSCAPING:

ON SITE PARKING PROVIDED: 31 SPACES TOTAL

PARKING LOT TREES

1 TREE/8 SPACES x 26 SPACES = 3 REQUIRED  
STREET FRONTAGE TREES: 1 TREE/30' x 67' = 2 REQUIRED  
STREET ORNAMENTAL DECIDUOUS TREES: 1/20'x67' = 3 REQUIRED  
TOTAL REQUIRED = 8  
TOTAL FRONTAGE & PARKING LOT TREES PROVIDED= 8

SCREENING ALONG NORTH & EAST PROPERTY LINES

SINCE BIORETENTION IS PROPOSED IN THESE AREAS, NO SCREEN WALL IS PROPOSED. AN EXEMPTION WILL BE REQUESTED.

SCREENING PLANTS  
A TOTAL OF 19 DECIDUOUS TREES AND 17 EVERGREEN TREES, ALL WATER TOLERANT ARE PROPOSED.

SEE PLAN FOR LOCATION AND LANDSCAPE LEGEND FOR SPECIES.

ALL LANDSCAPING TO COMPLY WITH CITY REQUIREMENTS.

LANDSCAPE AREAS

REQUIRED = 10% OF TOTAL AREA OF  
= 10% x (24,384) = 2,438 SQ. FT  
PROVIDED= 2,490 SQ. FT. = 10.2%

| Landscape Legend |                                                                   |
|------------------|-------------------------------------------------------------------|
| NUMBER           |                                                                   |
| 17               | Viburnum 2.5" min. caliper                                        |
| 15               | Fuja Occidentalis (American Arborvitae) 6' min. height            |
| 2                | Arborvitae 3' min. height                                         |
|                  | Stormwater Seed Mix as distributed by JF New (or approved equal). |

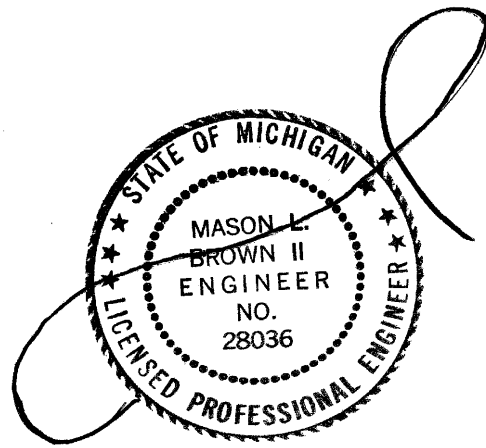
Sec. 122-712. Installation, maintenance, and completion.

- All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee, as set forth in Section 122-133, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
- All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
- All plant material shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be trimmed or pruned in such a manner so as to not alter their natural growth potential.
- The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from physical damage or injury arising from lack of water, chemical damage insects, diseases, blight or other causes.

All materials used to satisfy the requirements of this Ordinance which become unhealthy or dead shall be replaced within six (6) months of damage or death or the next appropriate planting period, whichever comes first.

- All landscaped areas shall be provided with a readily available and acceptable water supply. Underground sprinkler systems shall be installed, utilized and maintained in order to insure the proper watering of all plant materials on the sites.

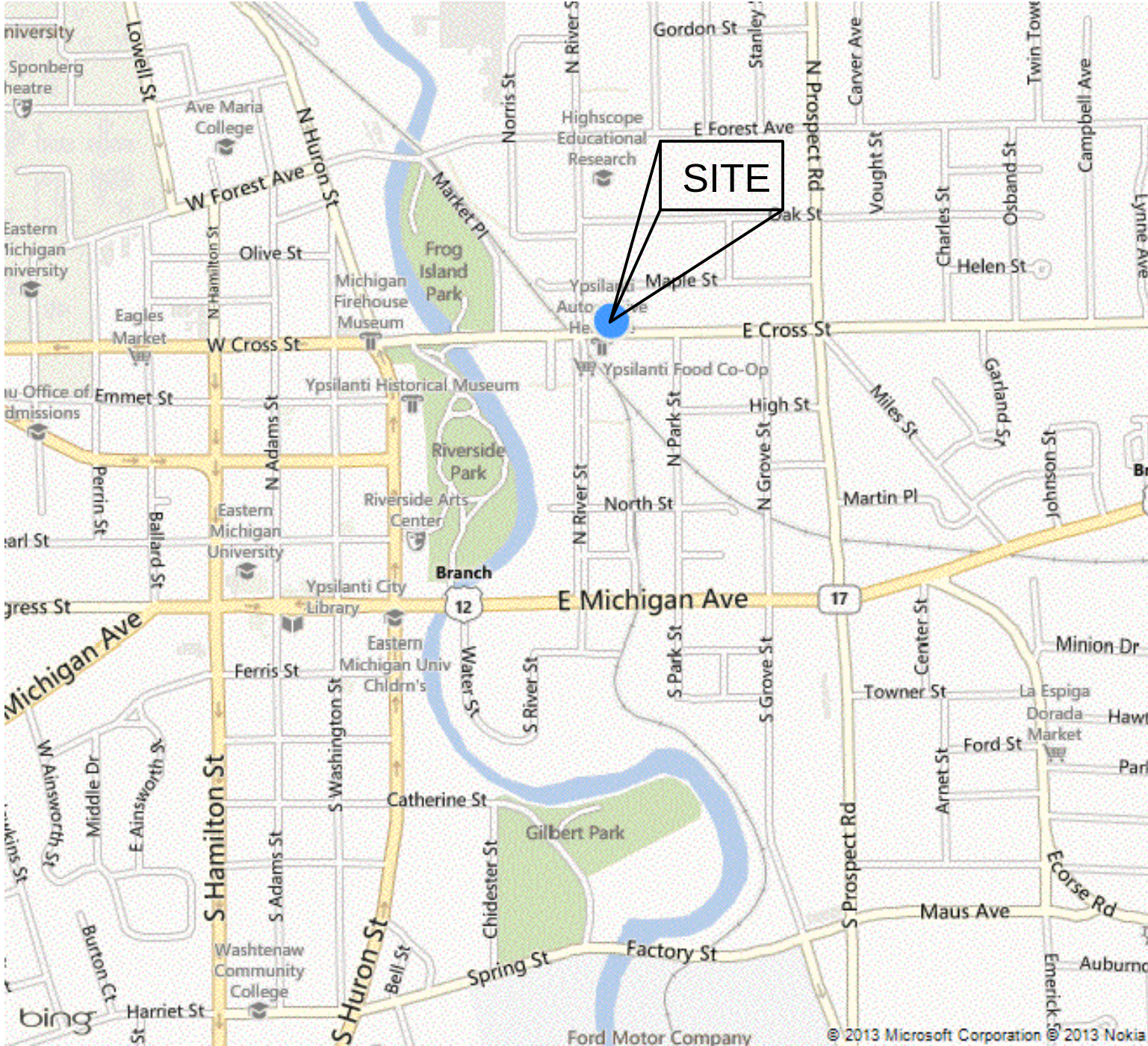
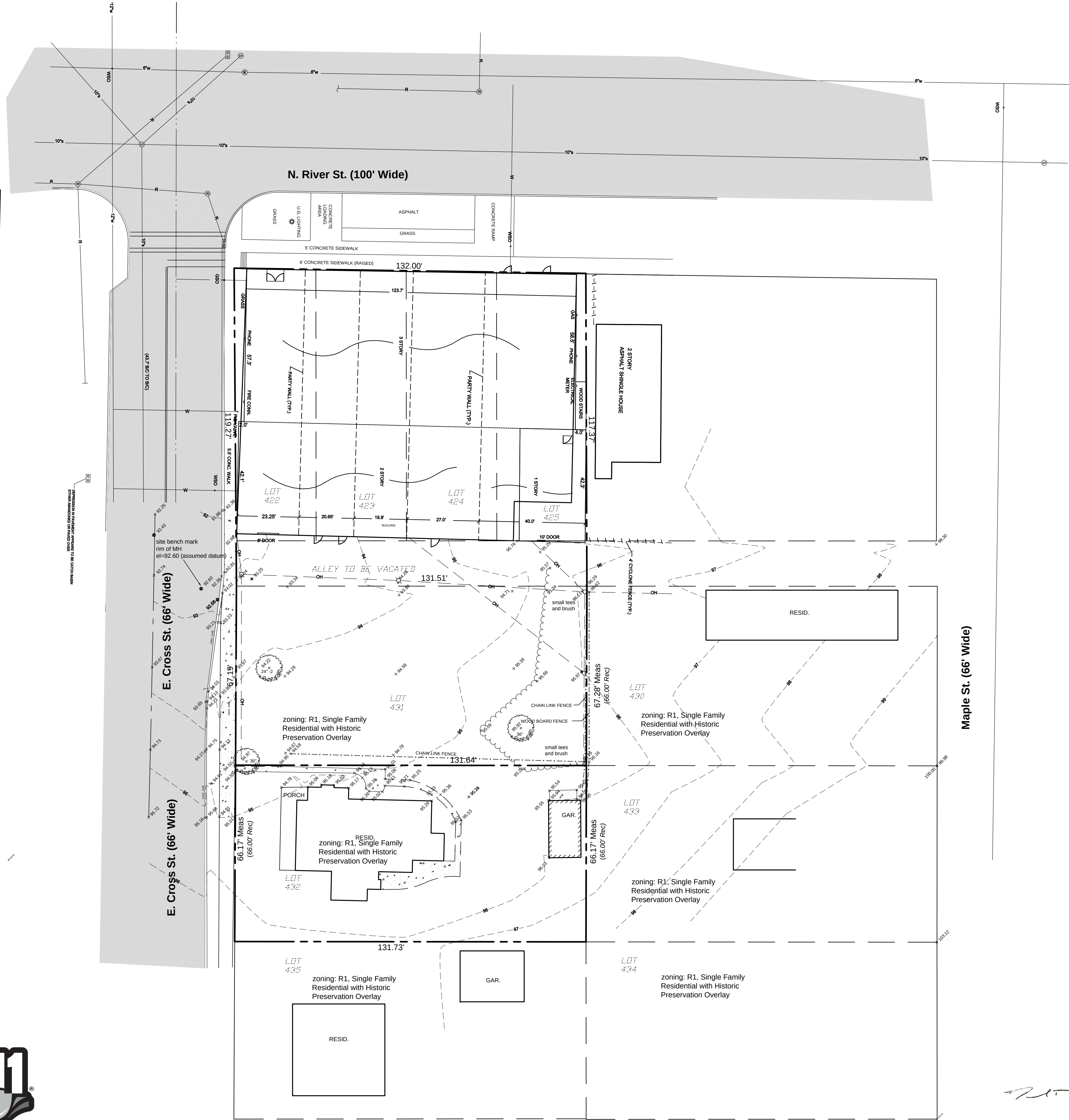
| Table 1                                                                |                  |                                                                       |
|------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------|
| Long-Term Maintenance Schedule                                         |                  |                                                                       |
| Thompson Block, Ypsilanti, MI                                          |                  |                                                                       |
| Maintenance Activities                                                 | System Component |                                                                       |
|                                                                        | Bioretention     | Frequency                                                             |
| <b>Monitoring/Inspection</b>                                           |                  |                                                                       |
| •Inspect for sediment accumulation*/clogging of stone filter           | X                | Annually                                                              |
| •Inspect for floatables, dead vegetation & debris                      | X                | Annually & after major events                                         |
| •Inspect for erosion & integrity of system                             | X                | Annually & after major events                                         |
| •Inspect all components during wet weather & compare to as-built plans | X                | Annually                                                              |
| •Monitor plantings/vegetation                                          | X                | 2 times per year                                                      |
| •Ensure means of access for maintenance remain clear/open              | X                | Annually                                                              |
| <b>Preventative Maintenance</b>                                        |                  |                                                                       |
| •Remove accumulated sediment                                           | X                | As needed**                                                           |
| •Remove floatables, dead vegetation & debris                           | X                | As needed                                                             |
| •Re-apply/Replace mulch layer                                          | X                | Reapply every 6 months. Replace every 2 years                         |
| •Replace subsurface components (e.g., soil, underdrain systems, etc.)  | X                | Every 5 years or as needed (e.g., when water ponds more than 6 hours) |
| •Remove invasive plant species                                         | X                | Annually                                                              |
| <b>Remedial Actions</b>                                                |                  |                                                                       |
| •Repair/stabilize areas of erosion                                     | X                | As needed                                                             |
| •Replace dead plantings, bushes, trees                                 | X                | As needed                                                             |
| •Re-seed bare areas                                                    | X                | As needed                                                             |
| •Structural repairs                                                    | X                | As needed                                                             |
| •Make adjustments/repairs to ensure proper functioning                 | X                | As needed                                                             |



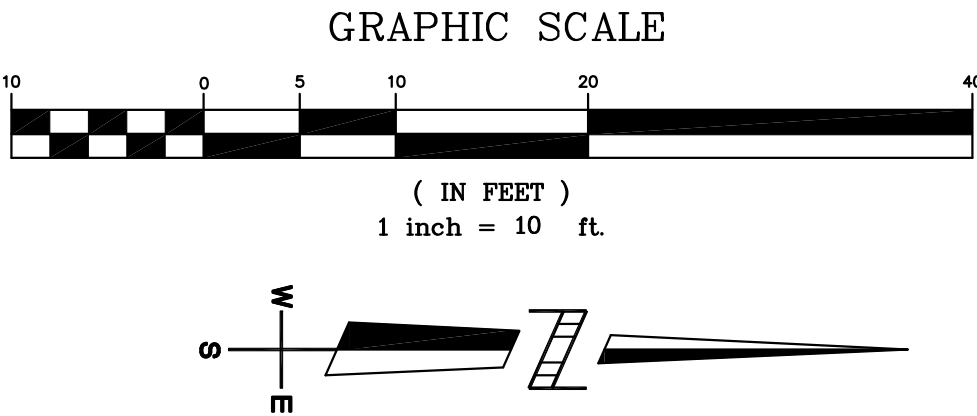




Know what's below.  
Call before you dig.



location map



legal description

Los 422-425, Lot 431, & adjacent alley to be vacated, "Part of Ypsilanti being an Addition by Mark Norris", as recorded in Liber N, Page 162, Washtenaw County Records

GOVERNMENT CORNER

CONCRETE MONUMENT

SET STEEL STAKE

FOUND IRON ROD

BENCH MARK

CATCHBASIN

STORM MANHOLE

SANITARY MANHOLE

WATER SHUT OFF VALVE

WATER GATE VALVE & WELL

FIRE HYDRANT

GAS VALVE

ELECTRIC TRANSFORMER PAD

LIGHT POLE

POWER/TEL POLE

GUY ANCHOR

METAL POST

SIGN

DECIDUOUS TREE

CONIFEROUS TREE

PLANTING ROW

SANITARY SEWER

STORM SEWER

WATER MAIN

GAS MAIN

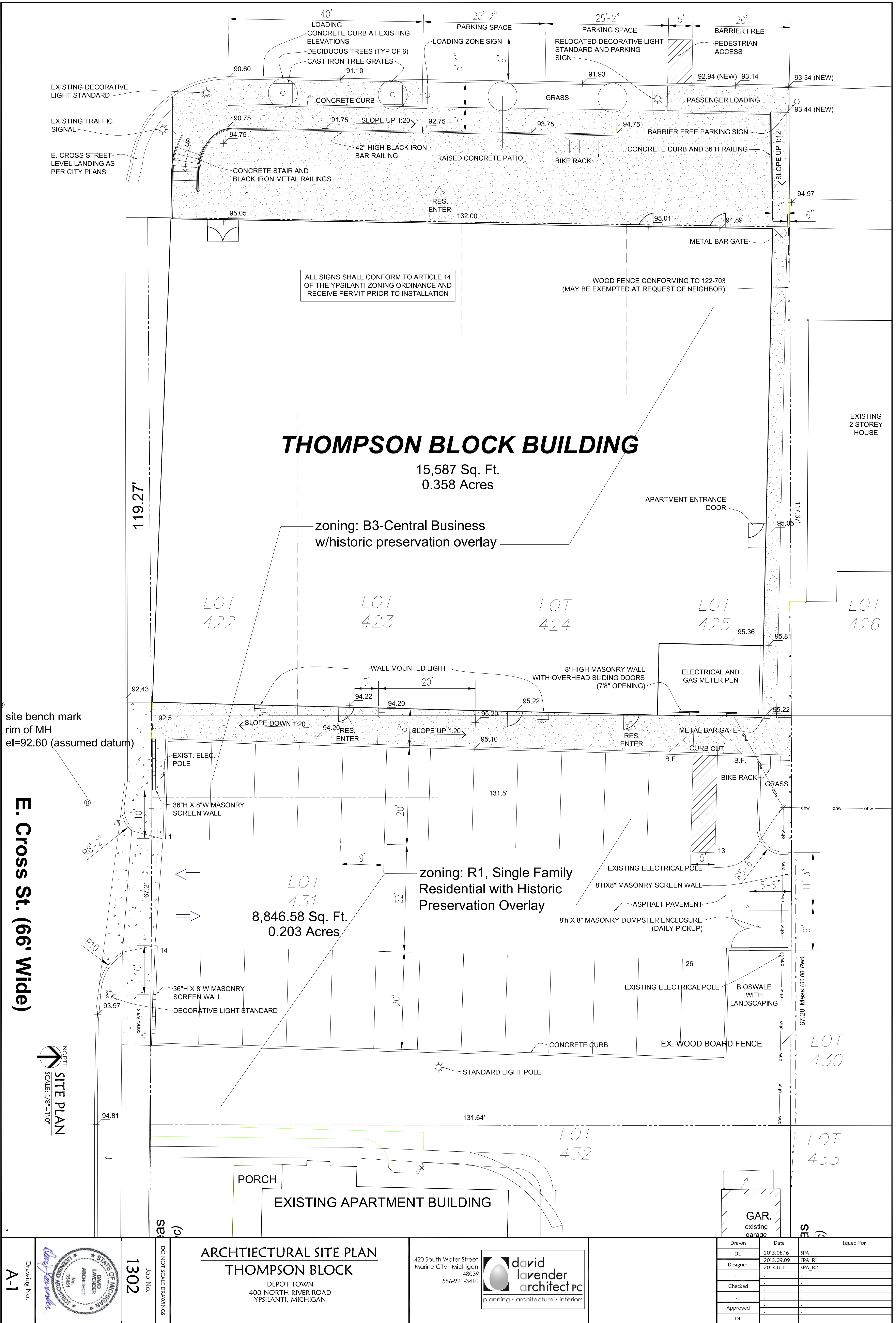
OVERHEAD WIRES

EXISTING CONC. PAVEMENT

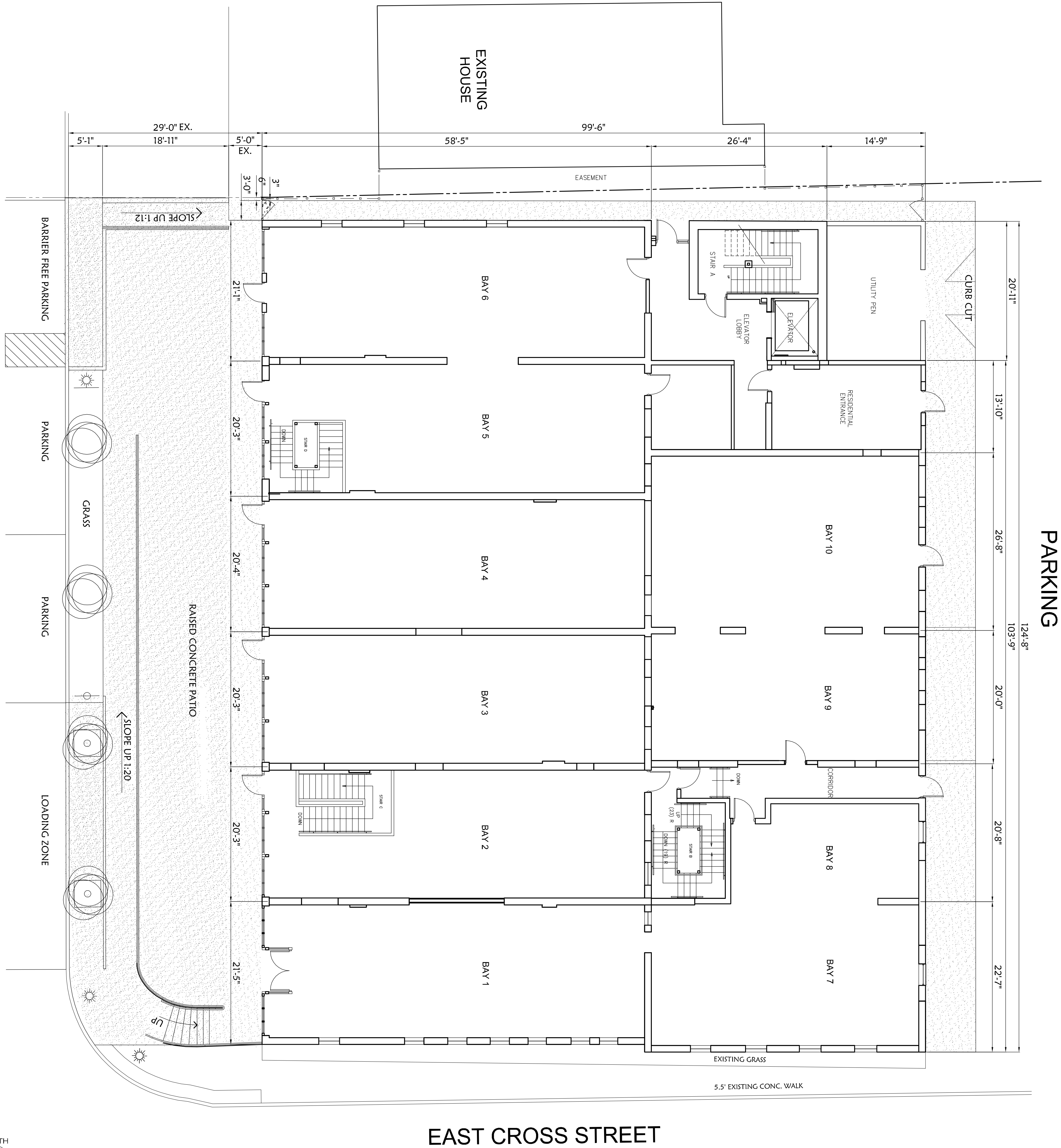
Legend











N. RIVER STREET

EAST CROSS STREET

MAIN FLOOR PLAN  
SCALE: 1/8"=1'-0"

| Drawn    | Date       | Issued For |
|----------|------------|------------|
| DL       | 2013.08.16 | SPA        |
| Designed | 2013.09.09 | SPA_R1     |
| -        | 2013.11.11 | SPA_R2     |
| -        | -          | -          |
| Checked  | -          | -          |
| -        | -          | -          |
| -        | -          | -          |
| Approved | -          | -          |
| DL       | -          | -          |

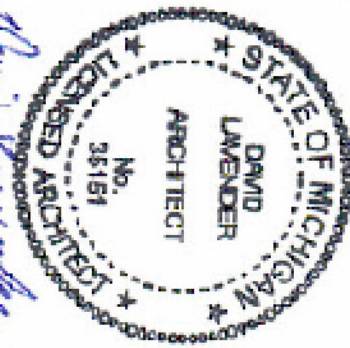


420 South Water Street  
Marine City Michigan 48039  
586-921-3410

MAIN FLOOR PLAN  
THOMPSON BLOCK  
DEPOT TOWN  
400 NORTH RIVER ROAD  
YPSILANTI, MICHIGAN

DO NOT SCALE DRAWINGS

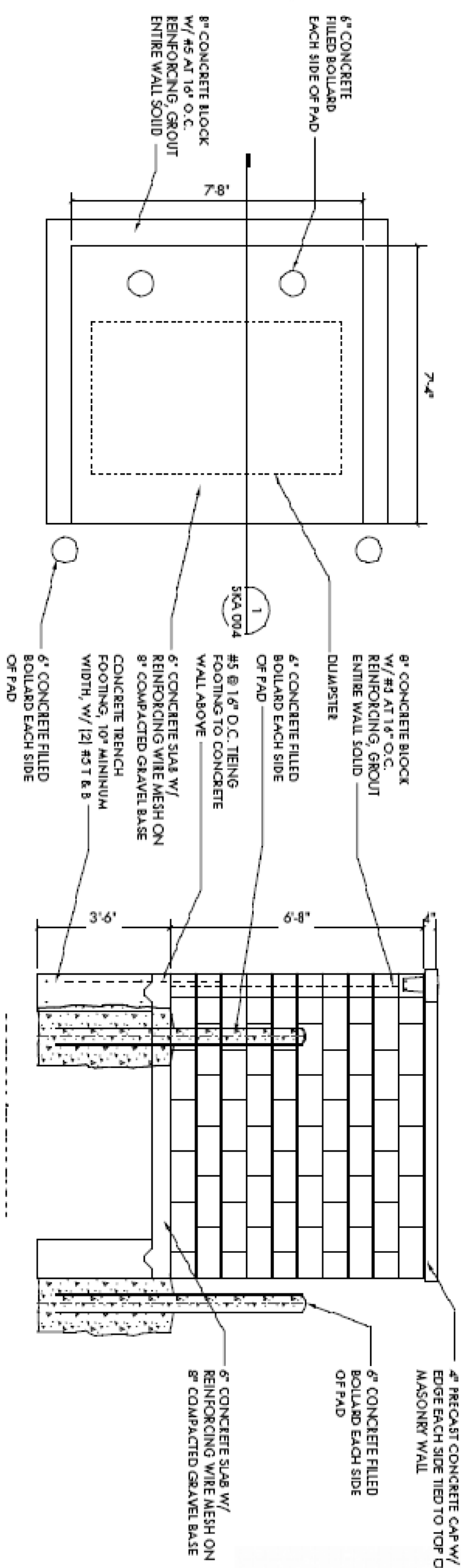
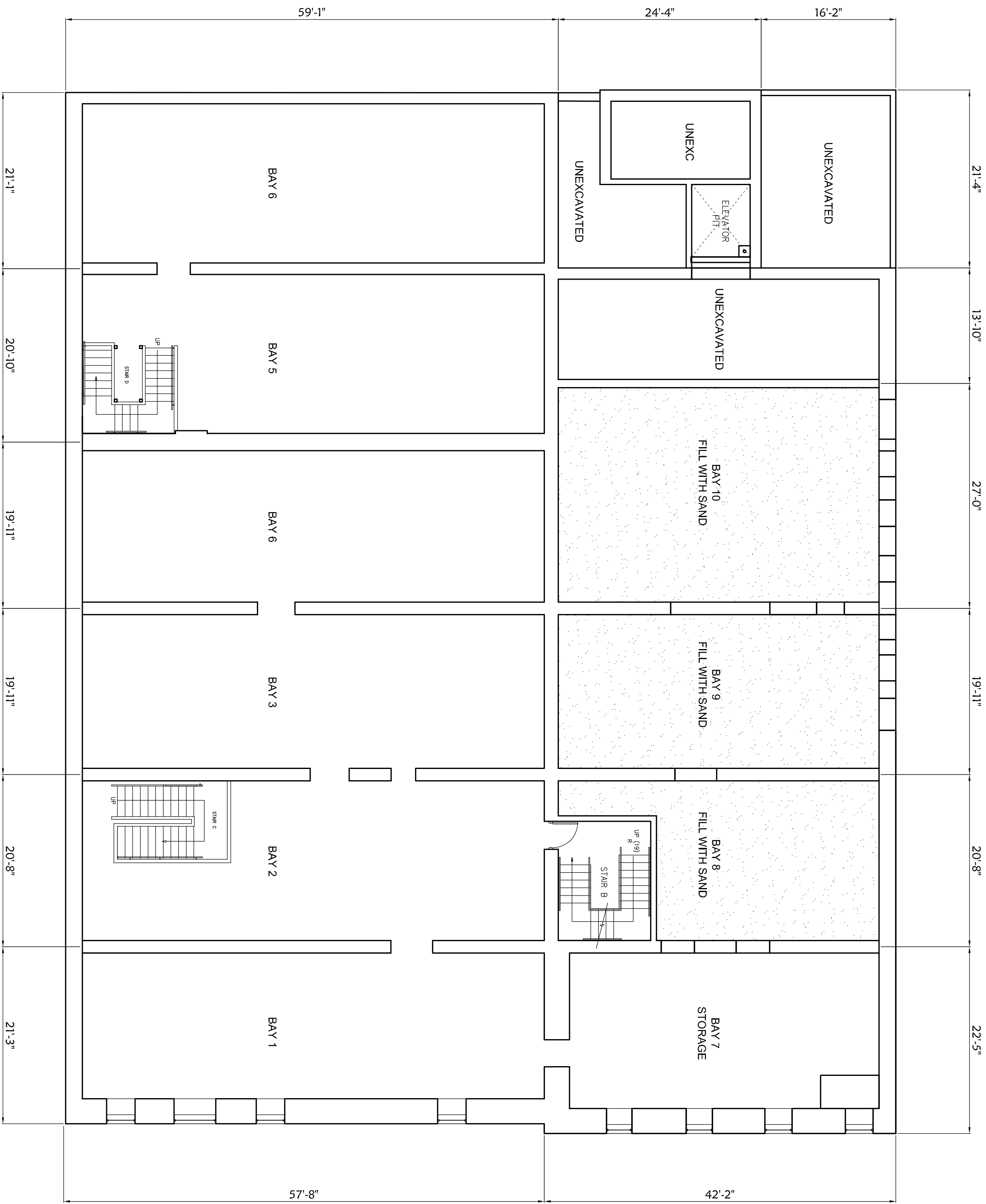
Job No.  
1302



Drawing No.

A-2





DUMPSTER ENCLOSURE

SCALE: NTS

BASEMENT FLOOR PLAN

SCALE: 1/8"=1'-0"

| Drawn    | Date       | Issued For |
|----------|------------|------------|
| DL       | 2013.08.16 | SPA        |
| Designed | 2013.09.09 | SPA_R1     |
| -        | -          | -          |
| Checked  | -          | -          |
| -        | -          | -          |
| Approved | -          | -          |
| DL       | -          | -          |



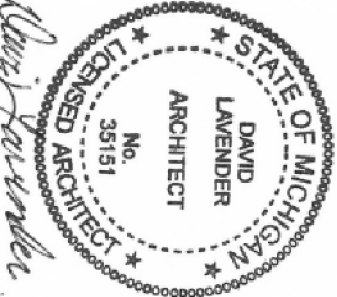
420 South Water Street  
Marine City Michigan  
48039  
586-921-3410

BASEMENT PLAN  
THOMPSON BLOCK

DEPOT TOWN  
400 NORTH RIVER ROAD  
YPSILANTI, MICHIGAN

DO NOT SCALE DRAWINGS

Job No.  
1302



Drawing No.

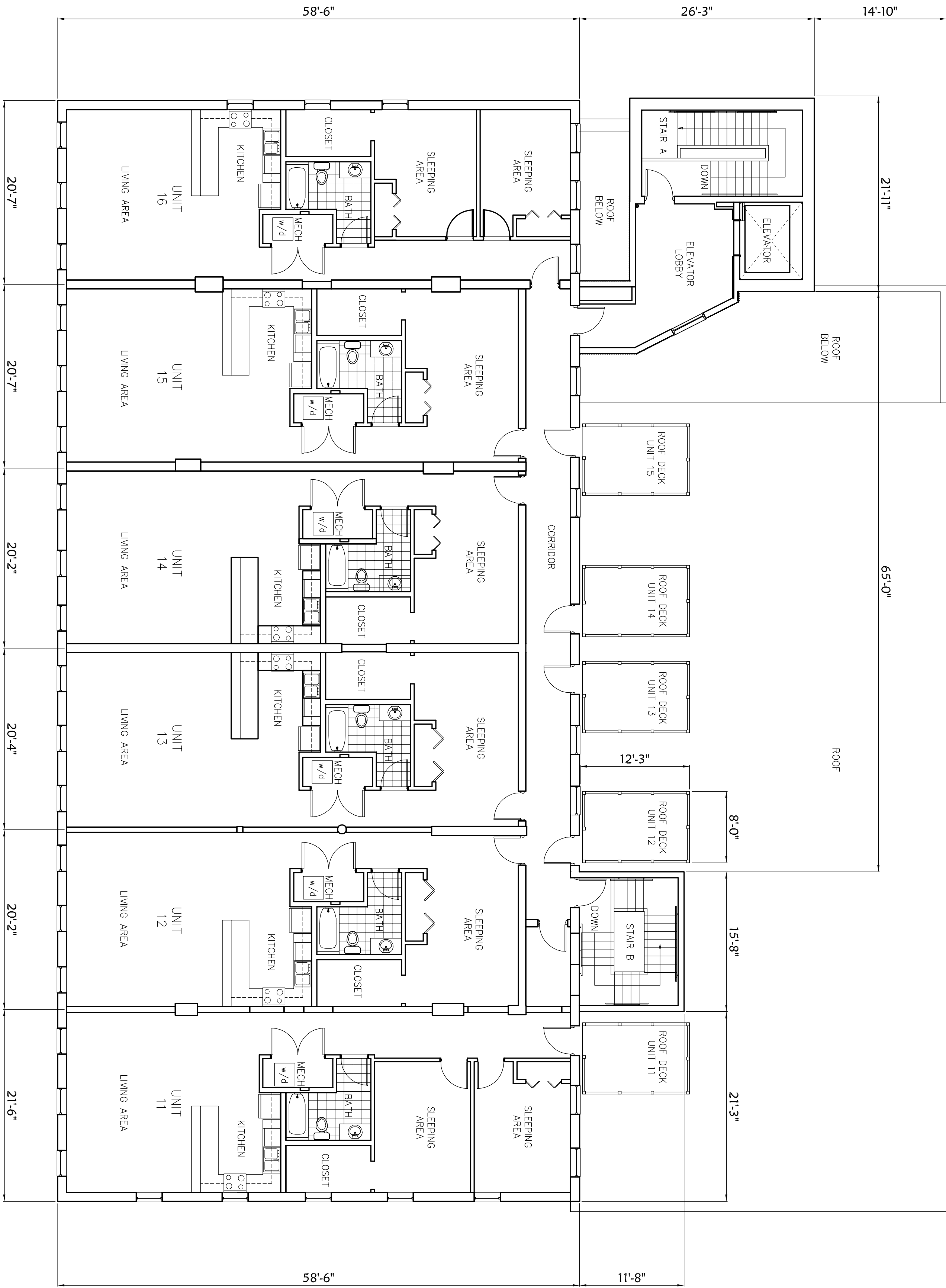
A-3





NORTH  
SCALE: 1/8"=1'-0"  
SECOND FLOOR PLAN





NORTH  
THIRD FLOOR PLAN  
SCALE: 1/8"=1'-0"

| Drawn    | Date       | Issued For |
|----------|------------|------------|
| DL       | 2013.08.16 | SPA        |
| Designed | 2013.09.09 | SPA_R1     |
| -        | -          | -          |
| Checked  | -          | -          |
| -        | -          | -          |
| Approved | -          | -          |
| DL       | -          | -          |

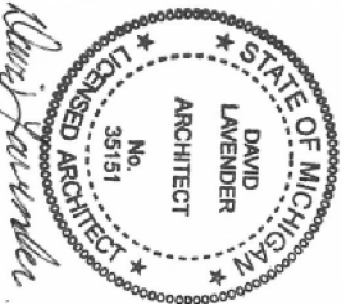


420 South Water Street  
Marine City Michigan 48039  
586-921-3410

THIRD FLOOR PLAN  
THOMPSON BLOCK  
DEPOT TOWN  
400 NORTH RIVER ROAD  
YPSILANTI, MICHIGAN

DO NOT SCALE DRAWINGS

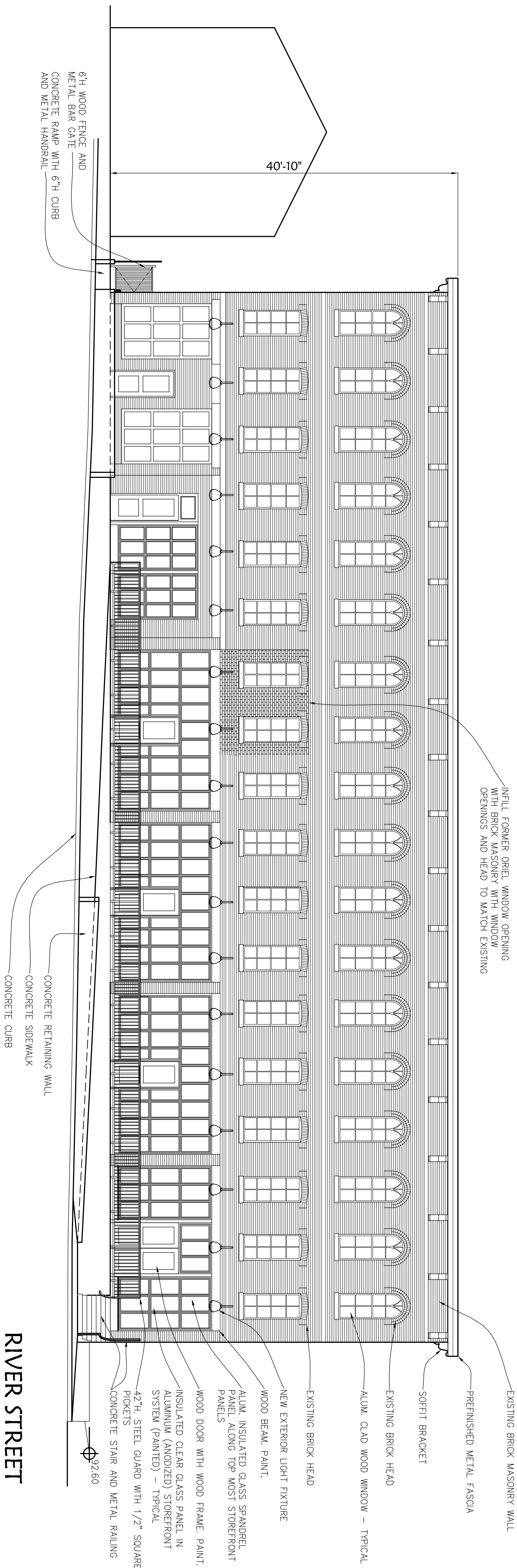
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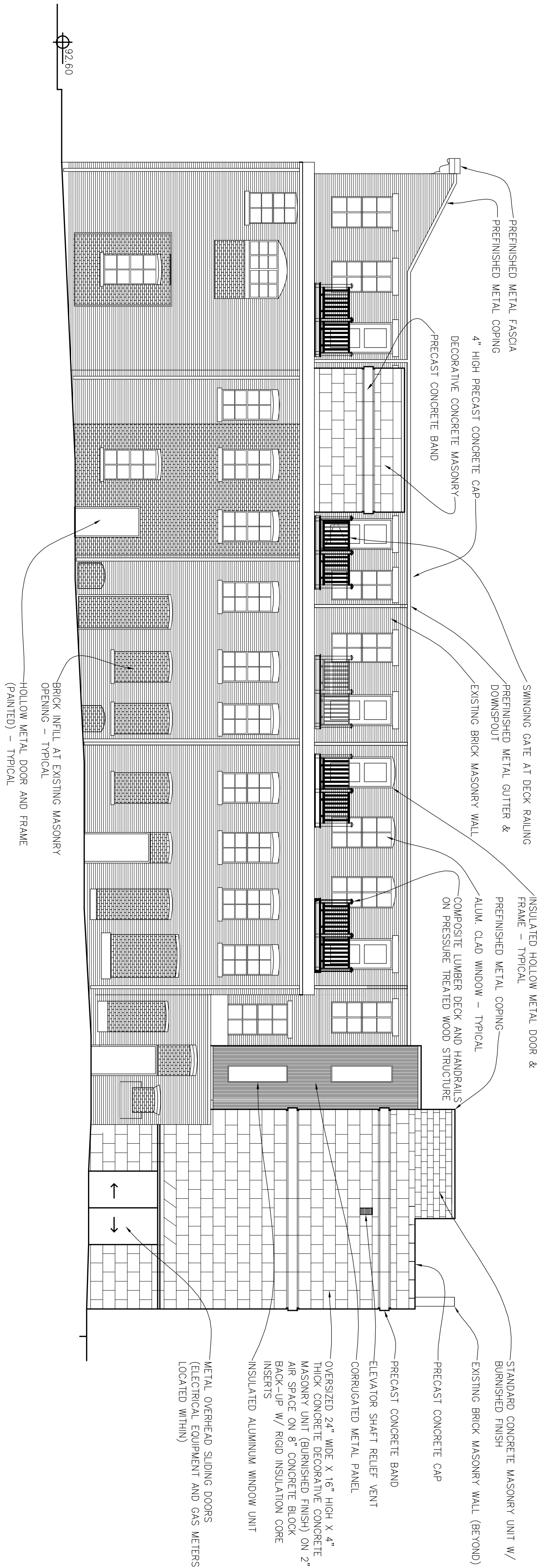
Drawing No.

A-5





**RIVER STREET**  
**WEST ELEVATION**



**PARKING**  
**EAST ELEVATION**

| Drawn    | Date       | Issued For |
|----------|------------|------------|
| DL       | 2013.08.16 | SPA        |
| Designed | -          | -          |
| -        | -          | -          |
| Checked  | -          | -          |
| -        | -          | -          |
| -        | -          | -          |
| Approved | -          | -          |
| DL       | -          | -          |

420 South Water Street  
Marine City Michigan  
48039  
586-921-3410



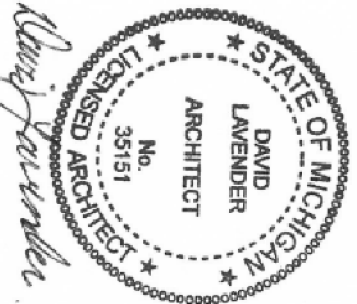
ELEVATIONS  
THOMPSON BLOCK

DEPOT TOWN  
400 NORTH RIVER ROAD  
YPSILANTI, MICHIGAN

DO NOT SCALE DRAWINGS

JOB NO.  
1302

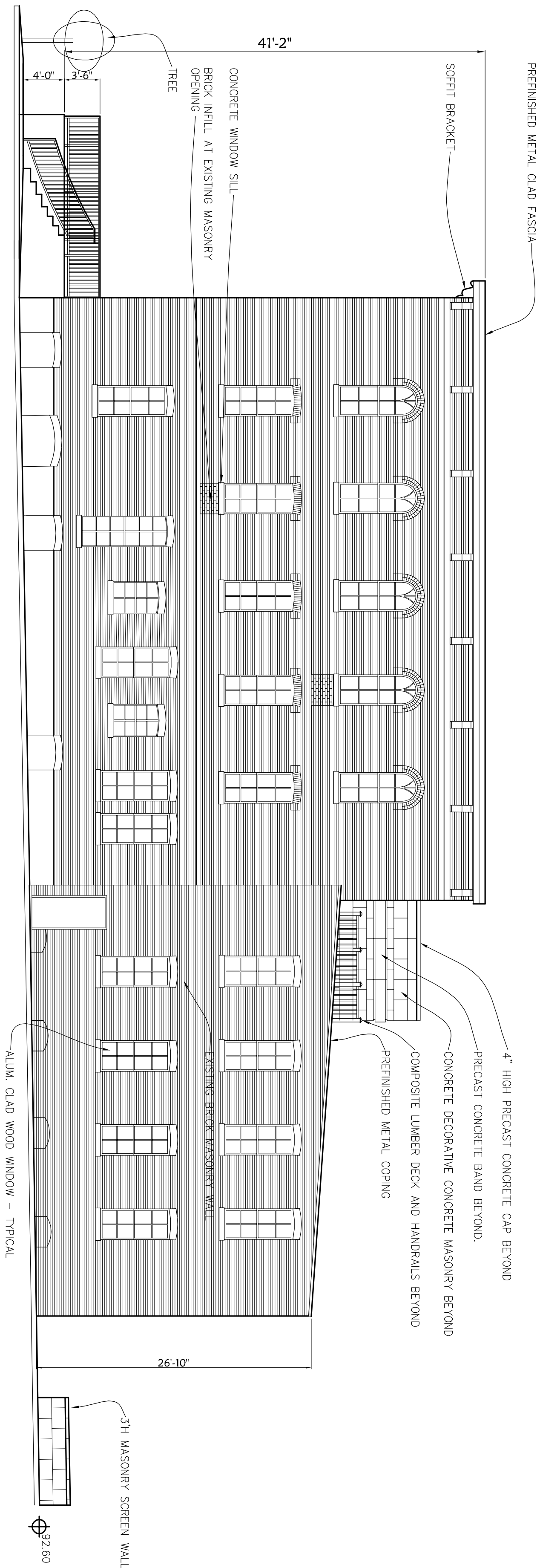
Job No.



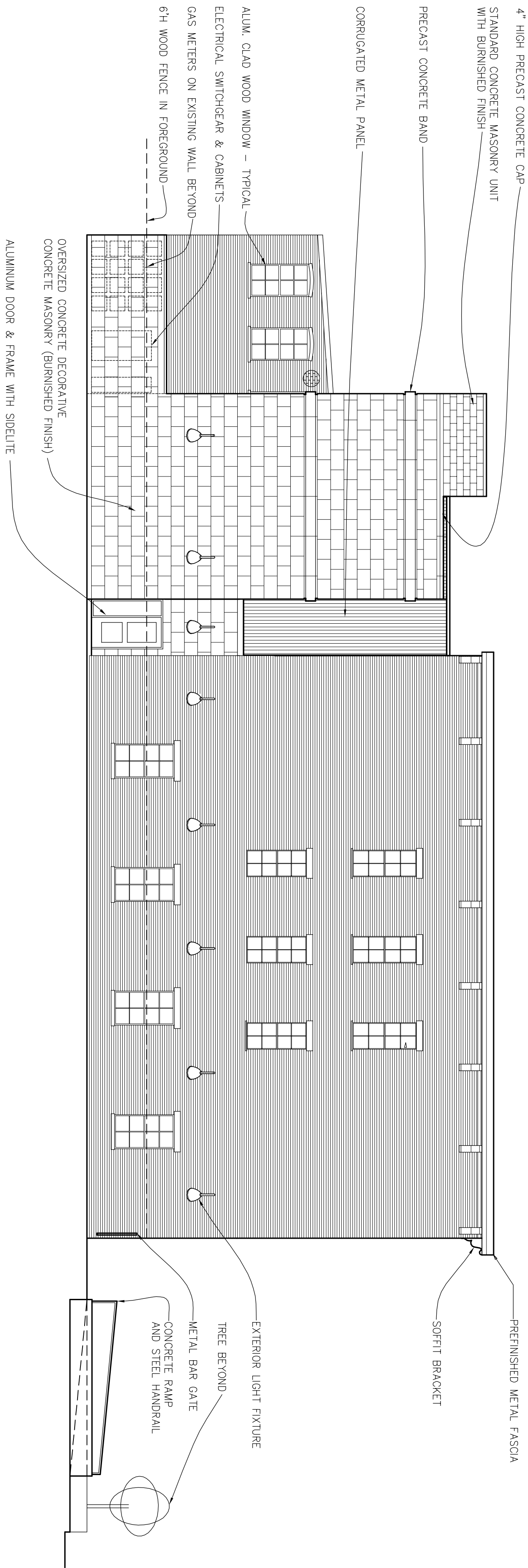
Drawing No.

A-6





EAST CROSS  
WEST ELEVATION  
SCALE: 1/8"=1'-0"



RESIDENTIAL  
SOUTH ELEVATION  
SCALE: 1/8"=1'-0"

| Drawn    | Date       | Issued For |
|----------|------------|------------|
| DL       | 2013.08.16 | SPA        |
| Designed | 2013.09.09 | SPA_R1     |
| -        | -          | -          |
| Checked  | -          | -          |
| -        | -          | -          |
| Approved | -          | -          |
| DL       | -          | -          |

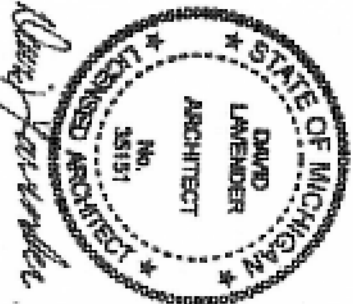


420 South Water Street  
Marine City Michigan  
48039  
586-921-3410

ELEVATIONS  
THOMPSON BLOCK  
DEPOT TOWN  
400 NORTH RIVER ROAD  
YPSILANTI, MICHIGAN

DO NOT SCALE DRAWINGS

Job No.  
1302



Drawing No.

A-7



| LUMINAIRE SCHEDULE                                                                |       |     |                                                                      |                                                                                                             |                                                                          |                                        |          |      |       |
|-----------------------------------------------------------------------------------|-------|-----|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------|----------|------|-------|
| Symbol                                                                            | Label | Qty | Catalog Number                                                       | Description                                                                                                 | Lamp                                                                     | File                                   | Lumens   | LLF  | Watts |
|  | LA    | 2   | LITHONIA #DSX0 LED 20C 530 50K T3M MVOLT HS (SINGLE - 12' MTD HTG)   | DSX0 LED WITH (1) 20 LED LIGHT ENGINE, TYPE T3M OPTIC, 5000K, @ 530mA WITH HOUSE SIDE SHIELD                | LED                                                                      | DSX0 LED 20C 530 50K T3M MVOLT HS.ies  | Absolute | 0.92 | 35    |
|  | LB    | 4   | BEGA #2230LED                                                        | CAST ALUMINUM HOUSING, CLEAR LINEAR PRISMATIC GLASS LENS ABOVE CAST BLACK ENAMEL STEPPED BAFFLE FACE PLATE. | 2 WHITE LEDS                                                             | 2230LED.ies                            | Absolute | 0.88 | 9.9   |
|  | LC    | 9   | TMS LIGHTING #H136-LED15                                             | H SERIES ASYMMETRICAL ANGLED WHITE REFLECTOR                                                                | 15W LED                                                                  | H136-LED15.ies                         | 614      | 0.60 | 15.84 |
|  | WA    | 2   | LITHONIA #DSXW2 LED 30C 1000 50K TFTM MVOLT (WALL MTD)               | DSXW2 LED WITH 3 LED ENGINES, 30 LED's, 1000mA DRIVER, 5000K LED, TYPE FORWARD THROW MEDIUM OPTIC           | LED                                                                      | DSXW2_LED_30C_1000_50K_TFTM_MVOL_T.ies | Absolute | 0.92 | 109   |
|  | D/LA  | 3   | HOLOPHANE - GRANDVILLE SERIES #GVE116ASX2NXX (SINGEL - 15' POLE HTG) | GRANVILLE LED CLASSIC                                                                                       | LED ARRAY                                                                | GVE116ASX2_NXX.ies                     | Absolute | 0.90 | 122.8 |
|  | A     | 0   | LITHONIA #WST LED 1 10A700/40K SR2 MVOLT                             | WST LED WITH 1 MODULE, 10 LED's, 700mA DRIVER, 4000K COLOR TEMPERATURE, TYPE 2 LENS                         | Outdoor Wall Pack Luminaire to IES LM-79-08, LUMINAIRE OUTPUT: 1998 Lms. | WST_LED_1_10A700_40K_SR2_MVOL.ies      | Absolute | 0.88 | 24    |

| STATISTICS                  |        |        |        |        |         |         |
|-----------------------------|--------|--------|--------|--------|---------|---------|
| Description                 | Symbol | Avg    | Max    | Min    | Max/Min | Avg/Min |
| NORTH 3' SIDEWALK           | +      | 0.2 fc | 1.2 fc | 0.0 fc | N / A   | N / A   |
| OVERALL LTG VALUES AT GRADE | +      | 0.5 fc | 8.7 fc | 0.0 fc | N / A   | N / A   |
| PARKING LOT                 | ✕      | 2.2 fc | 8.7 fc | 0.7 fc | 12.4:1  | 3.1:1   |
| PROPERTY LINE               | ■      | 0.2 fc | 0.4 fc | 0.0 fc | N / A   | N / A   |

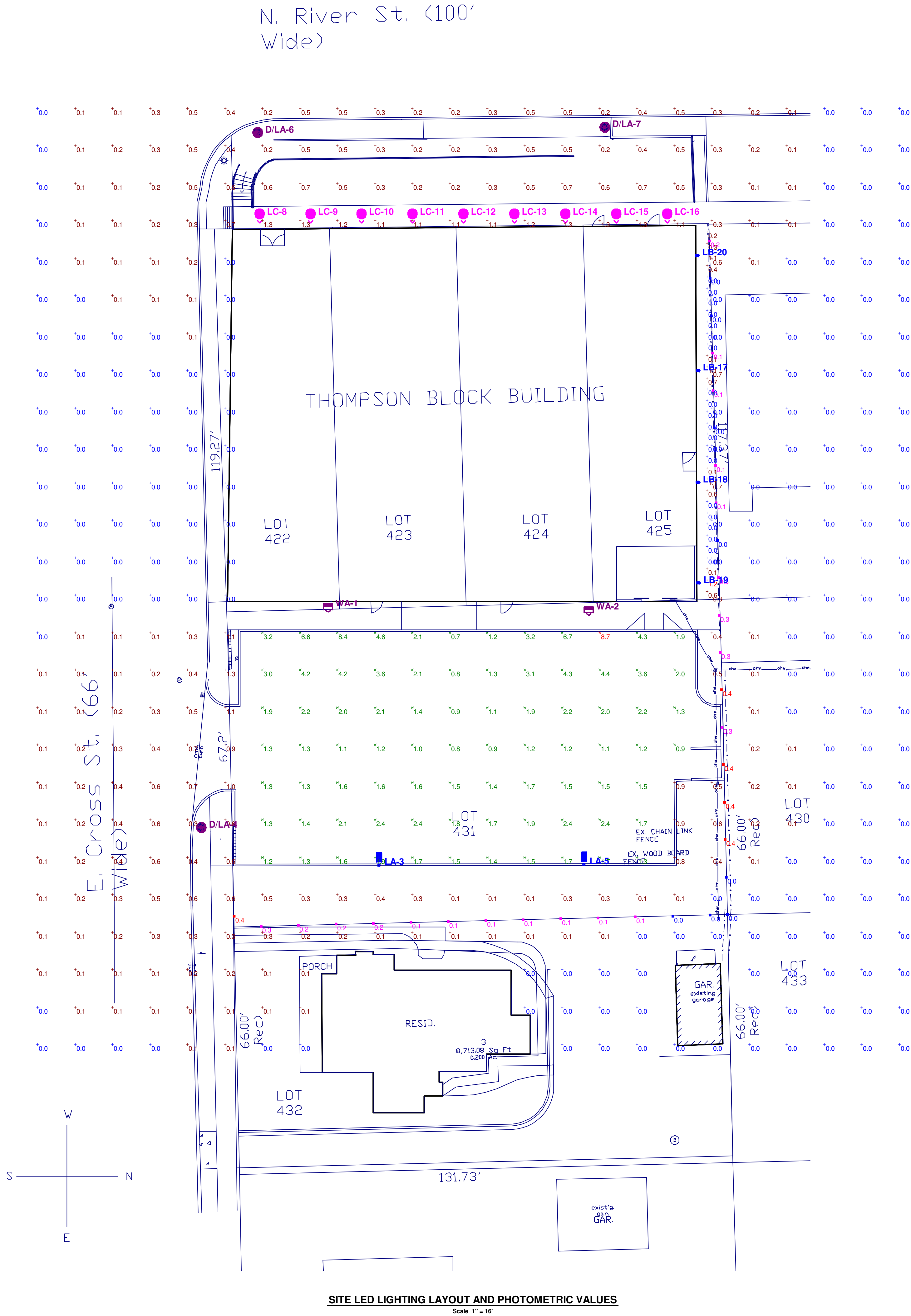
NOTES

1. SEE MH COLUMN OF LUMINAIRE LOCATIONS FOR MOUNTING HEIGHTS.

2. SEE LUMINAIRE SCHEDULE FOR LIGHT LOSS FACTORS.

3. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT GRADE SURFACE.
- THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.
- THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

| LUMINAIRE LOCATIONS |       |            |       |      |             |      |
|---------------------|-------|------------|-------|------|-------------|------|
| No.                 | Label | Location X | Y     | MH   | Orientation | Tilt |
| 1                   | WA    | 117.6      | 386.6 | 12.0 | 180.0       | 0.0  |
| 2                   | WA    | 187.2      | 385.7 | 12.0 | 180.0       | 0.0  |
| 3                   | LA    | 131.2      | 317.5 | 12.0 | 0.0         | 0.0  |
| 4                   | D/LA  | 83.7       | 327.5 | 15.0 | 180.0       | 0.0  |
| 5                   | LA    | 185.9      | 317.7 | 12.0 | 0.0         | 0.0  |
| 6                   | D/LA  | 98.7       | 513.2 | 15.0 | 180.0       | 0.0  |
| 7                   | D/LA  | 191.4      | 514.6 | 15.0 | 180.0       | 0.0  |
| 8                   | LC    | 99.3       | 491.2 | 12.0 | 180.0       | 30.0 |
| 9                   | LC    | 112.9      | 491.2 | 12.0 | 180.0       | 30.0 |
| 10                  | LC    | 126.5      | 491.2 | 12.0 | 180.0       | 30.0 |
| 11                  | LC    | 140.1      | 491.2 | 12.0 | 180.0       | 30.0 |
| 12                  | LC    | 153.7      | 491.2 | 12.0 | 180.0       | 30.0 |
| 13                  | LC    | 167.3      | 491.2 | 12.0 | 180.0       | 30.0 |
| 14                  | LC    | 180.9      | 491.2 | 12.0 | 180.0       | 30.0 |
| 15                  | LC    | 194.5      | 491.2 | 12.0 | 180.0       | 30.0 |
| 16                  | LC    | 208.1      | 491.2 | 12.0 | 180.0       | 30.0 |
| 17                  | LB    | 216.3      | 449.6 | 3.0  | 90.0        | 0.0  |
| 18                  | LB    | 216.1      | 419.7 | 3.0  | 90.0        | 0.0  |
| 19                  | LB    | 216.3      | 392.8 | 3.0  | 90.0        | 0.0  |
| 20                  | LB    | 216.0      | 480.3 | 3.0  | 90.0        | 0.0  |



THOMPSON BLOCK BLDG - YPSILANTI, MI

PARKING LOT LIGHTING VALUES AT GRADE

PREPARED FOR: BEAL PROPERTIES, LLC

GASSER BUSH ASSOCIATES

Designer

TD/KJS

Date

SEP 13 2013

Scale

AS NOTED

Drawing No.

#13-17495-V4