

1. City Council Regular Meeting Agenda

Documents:

[1-6-15 REVISED FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents:

[1-6-15 COUNCIL PACKET REVISED.PDF](#)

3. City Council Regular Meeting Action Minutes

Documents:

[1-6-15 ACTION MINUTES.PDF](#)



Revised – January 6, 2015

**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
Tuesday, January 6, 2015
7:00 p.m.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Anne Brown	P A	Council Member Robb	P A
Council Member Nicole Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	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 –

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. MINUTES –

Resolution No. 2015-001, approving the minutes of December 16, 2014

XI. ORDINANCES – FIRST READING -

Ordinance No. 1237

1. Ordinance to vacate Lathers Street, located between the City boundary to the west and Warner Street to the east, within the City of Ypsilanti.

A. Resolution No. 2015-002, determination.
(Public hearing will be held at Second Reading – Feb. 17, 2015)

Ordinance No. 1238

2. Ordinance to vacate alley: Forest/Prospect/Oak/River, second north-south alley from east.

A. Resolution No. 2015-003, determination.

(Public hearing will be held at Second Reading – Feb. 17, 2015)

Ordinance No. 1239

3. Ordinance to amend Ordinance No. 2014-1212 in order to provide for a service charge in lieu of taxes for two additional parcels of a housing project for low income persons and families pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the "Act").

A. Resolution No. 2015-004, determination.

B. Open public hearing.

C. Resolution No. 2015-005, close public hearing.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2015-006, approving Amendment #1 to the Ann Arbor/Ypsilanti SmartZone Agreement between Michigan Economic Development Corporation, City of Ann Arbor, City of Ypsilanti and the Local Development Finance Authority of the Cities of Ann Arbor and Ypsilanti.
2. Resolution No. 2015-007, approving annual compensation for the Mayor and City Council.
3. Resolution No. 2015-009 approving Release of Right of First Refusal for Towner House, 303 North Huron, Ypsilanti MI 48197

XIII. LIASON REPORTS –

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

XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

XVII. AUDIENCE PARTICIPATION –

XVIII. REMARKS FROM THE MAYOR –

XIX. ADJOURNMENT -

Resolution No. 2015-008, adjourning the City Council meeting.



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XVII. AUDIENCE PARTICIPATION –

XVIII. REMARKS FROM THE MAYOR –

XIX. ADJOURNMENT -

Resolution No. 2015-008, adjourning the City Council meeting.



Resolution No. 2015 – 001
January 6, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of December 16, 2014 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
Tuesday, December 16, 2014
7:00 p.m.**

I. CALL TO ORDER –

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

II. ROLL CALL –

Council Member Brown	Present	Council Member Robb	Present
Council Member Murdock	Present	Council Member Vogt	Present
Mayor Pro-Tem Richardson	Present	Mayor Edmonds	Present

III. INVOCATION –

Mayor Edmonds 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 Edmonds introduced the following individuals; City Clerk Frances McMullan, City Attorney John Barr, Planning Consultant Megan Masson-Minock, Fiscal Services Director Marilou Uy, Assistant City Attorney Jesse O'Jack, Washtenaw County Economic Development Specialist Nathan Voght, Assistant City Attorney Dan Duchene, and Ypsilanti Housing Commission Director Zach Fosler.

VI. AGENDA APPROVAL –

Mayor Pro-Tem Richardson moved, supported by Council Member Vogt to approve the agenda.

On a voice vote, the motion carried and the agenda was approved.

VII. PRESENTATIONS –

- Audit presentation - Kimberley Alleman, Audit Manager of Abraham & Gaffney, P.C.

Audit Manager Kimberly Alleman provided a presentation regarding the audit.

Mayor Edmonds asked if the change to the Police and Fire Pension fund is based off of legal requirements, or if the City chose to modify its current practices.

City Council Meeting Minutes
December 16, 2014

Ms. Alleman responded that it is required because Ypsilanti has a pension trust fund.

City Manager Lange stated MERS has a significant surplus and asked if the City would be given credit for that surplus.

Ms. Alleman responded yes, if Ypsilanti has a net pension asset for MERS it will show as an asset.

Mayor Edmonds thanked Fiscal Services Director Marilou Uy, City Manager Lange and any other staff that worked on the City's audit.

Council Member Murdock stated one fund mentioned was the Downtown Development Authority (DDA) and asked where it was located in the audit document.

Ms. Alleman responded it is located on page 44 and 45, which show the balance sheet, expenses, general revenues, and program revenues.

Council Member Murdock asked if the revenues over expenditures for the Depot Town DDA were \$32,571.

Ms. Alleman replied correct.

Council Member Murdock stated on page 33 of the audit, relative to personal property reimbursement for Fiscal Year 2014-2015, the State of Michigan will replace 59.96% of lost revenue. Mr. Murdock stated Ypsilanti will only be reimbursed for 60% of lost revenue as a result of state legislation ending personal property tax.

Ms. Alleman responded that calculation is unaudited information that the Michigan DOA required this year.

Council Member Murdock stated that is the reimbursement for the loss of personal property revenues for local governments.

Ms. Alleman responded yes, 60% is accurate.

Council Member Murdock stated the reimbursement is only for essential services so the state will not fully fund the lost revenue.

Ms. Alleman stated the 60% is a flat rate for all local governments in Michigan.

Council Member Murdock stated another rule may be adopted that would require local governments would need to report, or note, their tax expenditures.

Ms. Alleman answered yes, that is a recent development.

Council Member Murdock stated he is in support of that proposed rule.

Mayor Edmonds asked for clarification of the new rule.

Council Member Murdock responded when the City awards an OPRA, the DDA tax capture, or circumstances of that nature it will be reflected in the audit. Mr. Murdock stated that proposal should be adopted next year, but the City can begin to administer that proposal before it is adopted by the state making the City's finances more transparent.

- Revised Brownfield Plan – Nathan Voght, Washtenaw County Economic Development Specialist and Bonnie Wessler, Planner II

Washtenaw County Development Specialist Nathan Voght introduced Anne Jamieson, AKT Peerless, and provided a presentation for Council.

Mayor Edmonds stated the plan must be adopted by the end of 2014 to capture the Family Dollar development and asked if that means it must be adopted by Council, or the Board of Commissioners.

Mr. Voght responded as long as this is approved before the end of March by the Board of Commissioners it will be on the 2014 roll.

Council Member Murdock stated the information given lists several activities that the brownfield capture could be allocated for beyond any further remediation.

Mr. Voght replied correct, because Ypsilanti is a core community it has the ability to do non-environmental developments such as a streetscape. Mr. Voght stated the idea is urban core communities need the extra help to develop new neighborhoods and other non-environmental activities.

Council Member Murdock stated the funds would not be available for construction.

Mr. Voght responded correct, it has to be brownfield related.

Anne Jamieson, AKT Peerless, stated these are public improvements and are not meant to benefit developers.

Mr. Voght added with the exception of storm water management, such as rain gardens.

Ms. Jamieson stated that is really to offset impact to public infrastructure.

Council Member Murdock asked how rigid is the plan, meaning if a planned street was altered would another plan need to be adopted.

Mr. Voght responded no, it is a plan and it may be amended.

VIII. AUDIENCE PARTICIPATION –

1. Lisa Walters, 12 W. Michigan, encouraged Council to select Beth Bashert for the Ward 2 vacancy. Ms. Walters said Ms. Bashert is a dedicated member of the Ypsilanti community and has the passion, intelligence, and skills to move Ypsilanti forward.
2. Barbara Hale, 310 N. Hamilton, stated there is a problem with parking enforcement in an alley. Ms. Hamilton stated only one car is allowed to be parked per single family dwelling. Ms. Hale asked why the City is allowing people to put a burden on their neighbors and asked that something be done.
3. Jesse Miller, 93 Oakwood, stated Council has been elected to make decisions on behalf of the citizens of Ypsilanti. Mr. Miller stated he lives in a Ward that is underrepresented and Council has been given the task to select whom they feel the electorate of Ward 2 would select. Mr. Miller asked that Ms. Bashert be selected to represent Ward 2 and asked that decisions be based on who the electorate of Ward 2 would have elected.
4. Roberta Wojcik-Andrews, 7 N. Normal, stated she lives in Ward 1 but would like to recommend Beth Bashert for the Ward 2 vacancy. Ms. Wojcik-Andrews stated she would like to speak to the proposed zoning changes and has seen the memo from staff urging Council to adopt the zoning ordinance with the proposed

changes. Very important to maintain the diversity of housing in the Core Neighborhood and group residences would hinder that goal.

5. Robert DeVries, 1315 N. Huron River Drive, stated he has been before Council several times representing the Tenant's Rights Association. Mr. DeVries stated he is being charged with interfering with the Ypsilanti Police because of his activism. Mr. DeVries stated a year ago he went before Judge Simpson saying the Judge was not treating tenants fairly in disputes with landlords and Judge Simpson is not being charged with a crime he is.
6. David Barowski, 906 Grant St, stated he would like to address the zoning ordinance change that would allow six individuals instead of three allowed, to live together in a home. Stated he supports the changes, not everyone can afford a large historic home and this would allow individuals as a group to purchase a home they would not have been able to afford. This helps avoid sectioning historic homes so that they may be used as apartments as permitted in an R3.
7. Hammer Ravier, 1084 Littleman, stated she is in support of the group living stipulation in the proposed zoning ordinance. Ms. Ravier explained she currently lives in a group living residence which helps them to afford healthy food.
8. Ben Miller, 310 Maple St., stated he came to the special meeting last week and wanted to reiterate his support of Beth Bashert who works tirelessly for the City and would do great things as a member of Council.
9. Jennifer Trombley, 25 N. Washington, stated she is here as a representative of the Ypsilanti Tenant's Rights Association and is very excited that Mayor Edmonds has invited her association to present to City Council. Ms. Trombley stated her organization has been examining best practices across the country and is looking forward to presenting after the holidays. She encourages other tenants to attend the associations meeting at the Library on Michigan Ave on Saturdays at 1 p.m.

IX. REMARKS BY THE MAYOR –

- Thanked everyone who spoke and will direct staff to address Barbara Hales's situation.
- Stated she cannot speak to what Mr. DeVries discussed as Council does not get involved with individual criminal charges, but will follow up with the Police Department.
- Thanked all individuals who spoke regarding the proposed zoning ordinance.
- Thanked those who made recommendations for the Council vacancy.

X. MINUTES –

Resolution No. 2014-286, approving the minutes of December 2, December 8 and December 9, 2014.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of December 2, December 8 and December 9, 2014 be approved.

OFFERED BY: Council Member Vogt
SUPPORTED BY: Council Member N. Brown

City Council Meeting Minutes
December 16, 2014

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

XI. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2014-287, approving Ward 2 Council Member appointment.
(Administration of Oath of Office immediately after approval)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That Anne Brown be appointed as Ward 2 Council Member, term ending November 2016.

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member N. Brown

Mayor Edmonds stated Council agreed at the last meeting to use a blank resolution and the Member of Council that read the resolution would fill in the name. Mayor Edmonds added Council would then vote on that candidate and if the vote failed another nomination will be made.

Council Member Vogt stated this has been a rewarding and challenging process. Mr. Vogt stated it was rewarding because Council was able to interview three outstanding candidates, all of whom would be qualified for the position. Mr. Vogt stated citizens have recommended all three candidates with the most recommendations for Beth Bashert. Council Member Vogt said two years ago in a conversation with Beth Bashert he recommended she run for City Council. Mr. Vogt said he has also gotten to know Anne Brown recently and feels she is also an excellent candidate, which makes for an extremely difficult choice.

Mayor Edmonds stated she agrees with Council Member Vogt that all three candidates were excellent and the choice will be difficult.

Mayor Pro-Tem Richardson stated having been on Council for 14 years for anyone to apply for Council or run for Council is a very noble. Ms. Richardson stated all three candidates were exceptional; however, she felt Ms. Brown was the most qualified which is why she was her choice.

On a roll call, the vote to approve Resolution No. 2014-287 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

Mayor Edmonds congratulated Anne Brown and thanked all of the applicants both for their interest in becoming a member of Council and their dedicated service to Ypsilanti.

2. Resolution No. 2014-294, approving the 2014 Brownfield Plan for Water Street Development Area for the property located at 1-216 E. Michigan Avenue, in accordance with Act 381, and as authorized by the Washtenaw County Brownfield Redevelopment Authority and Washtenaw County Board of Commissioners.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Washtenaw County established the Washtenaw County Brownfield Development Authority (WCBRA) in accordance with the Brownfield Redevelopment Financing Act,

being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act") to encourage redevelopment of contaminated, functionally obsolete or blighted property by providing economic incentives; and

WHEREAS, the property located at 1-216 E. Michigan Avenue (the "Property") was previously utilized as a commercial property; is located within the City of Ypsilanti, a qualified local governmental unit, or "Core Community" under Act 381; one of the parcels comprised by the subject property has been determined to be a "facility;" and the remaining parcel is adjacent and contiguous to the parcel determined to be a "facility., thus the property is considered to be an eligible property as defined in the Act; and

WHEREAS, a previous plan was adopted in 2006 between the City of Ypsilanti and the Washtenaw County Brownfield Authority; and

WHEREAS, The new Brownfield Plan for the Water Street Redevelopment Area (the "Plan") has been created to facilitate the redevelopment of the Property in accordance with the street framework, infrastructure plan and lot layout incorporated and adopted by the City of Ypsilanti as part of the Shape Ypsilanti 2013 Master Plan;

WHEREAS, The Brownfield Plan for the Water Street Development Area (the "Plan") has been created to facilitate the redevelopment of the Property of approximately 38 acres for an overall increased taxable value estimated at \$41.816 million over 30 years;

WHEREAS, the Plan will allow reimbursement of up to \$22,874,634 in eligible activities to assist in the redevelopment;

WHEREAS, the Plan must be approved by the City of Ypsilanti, before the WCBRA and Washtenaw County Board of Commissioners will consider the plan for approval; and

WHEREAS, neither Washtenaw County nor the Washtenaw County Brownfield Redevelopment Authority will incur a financial note or bonded indebtedness for any eligible expenses related to this Property ;

NOW THEREFORE BE IT RESOLVED, That the Ypsilanti City Council approve The 2014 Brownfield Plan for Water Street Development Area for the property located at 1-216 E. Michigan Avenue, in accordance with Act 381, and as authorized by the Washtenaw County Brownfield Redevelopment Authority and Washtenaw County Board of Commissioners.

AND MAY IT FURTHER BE RESOLVED, That the City of Ypsilanti recommends termination of the 2006 Water Street Development Area Brownfield Plan, contingent on final approval of this Plan by the Washtenaw County Board of Commissioners.

OFFERED BY: Council Member N. Brown
SUPPORTED BY: Council Member Vogt

On a roll call, the vote to approve Resolution No. 2014-294 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

3. Resolution No. 2014-288, approving Ordinance No. 1236, an ordinance to Convey Two City-Owned Parcels to Strong Future LDHA Limited Partnership for rehabilitation and/or redevelopment of existing low-income housing throughout the City. Properties under consideration are 130 S. Grove St. and 928 W. Michigan Ave. ***(Second Reading)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to sell city-owned property to Strong Future LDHA Limited Partnership" be approved on Second and Final Reading.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Vogt

City Manager stated he has since spoken with City Planner Bonnie Wessler and the trail is wide enough to meet the requirement of the grant.

Planner Bonnie Wessler stated the area currently reserved for the railroad easement is where the trail will be constructed.

Mayor Pro-Tem Richardson asked for clarification of the unaddressed area of the map.

Ms. Wessler stated between the unaddressed parcel and Hollow Creek is 130 S. Grove which is the parcel you are voting on today.

Mayor Pro-Tem Richardson stated according to the map there is not a parcel between Hollow Creek and the unaddressed parcel.

Mayor Edmonds stated the 130 S. Grove is above the unaddressed parcel, which is the area covered with trees.

Mayor Pro-Tem Richardson responded the arrow on the map signifying where 130 S. Grove is not above the unaddressed parcel.

Mayor Edmonds stated yes, and that area is tree covered.

On a roll call, the vote to approve Resolution No. 2014-288 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes

City Council Meeting Minutes
December 16, 2014

Mayor Pro-Tem Richardson
Council Member A. Brown

Yes
Yes

Council Member Vogt

Yes

VOTE:

YES: 7

NO: 0

ABSENT: 0

VOTE: Carried

City Manager Lange asked if these projects were awarded a MSHDA grant for the 9% round.

Ypsilanti Housing Commission Director Fosler responded no, the City did receive the grant.

4. Resolution No. 2014-289, approving right of way telecommunications permit for KEPS Technologies, Inc., (d.b.a. ACD.net).

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas KEPS Technologies, Inc. (d.b.a. ACD.net) has, on November 10, 2014 filed an application with the City of Ypsilanti applying for a Right of Way Telecommunications Permit pursuant to the Metro Act, Act 48 of 2002; and

Whereas KEPS Technologies, Inc. (d.b.a. ACD.net) has paid the required \$500 application fee to the City; and

Whereas the application meets all the requirements of the said Metro Act;

NOW THEREFORE, the said Telecommunications Permit for KEPS Technologies, Inc. (d.b.a. ACD.net) is approved, and the Mayor and City Clerk are authorized to sign said permit, for and on behalf of the City of Ypsilanti.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Mayor Pro-Tem Richardson

City Attorney John Barr explained that the City of Ypsilanti is a Home Rule City and it has the rights to their streets, highways, and right-of-way. Historically, if a private entity wished to use any of those items they would need to apply to the City for permission. A number of years ago AT&T and other companies approached the state to have an Act to form a state program passed for dealing with right-of-way for telecommunication providers called the Metro Act. The Metro Act is a franchise agreement which sets a general fee and sets all the provisions of the application process. All fees are paid to the state and are refunded to the City. Mr. Barr stated this company has followed the proper protocol and has asked permission to use the right-of-way and Mr. Barr recommends that Council approves the application.

Eli Bing, KEPS Technologies, stated his company has been contracted to install fiber optic cable from the Centennial building to the campus of EMU. Mr. Bing explained all materials needed for the installation will be located in the right-of-way. Mr. Bing stated his company normally permits all steps of the installation process through the Metro Act Permit, which Ypsilanti is enrolled. Normally the route plans given are preliminary because KEPS prefers acquiring the Metro Act permit before surveying the land.

Council Member Murdock asked if the project consists of installing cable only.

Mr. Bing replied yes, in the right-of-way section. Mr. Bing stated additional pole mounted radio enhancement facilities will be constructed on Eastern Michigan University's campus.

Council Member Murdock asked if any PED units will be installed.

City Council Meeting Minutes
December 16, 2014

Mr. Bing replied not on the public right-of-way, however, they will be installed on EMU's campus.

Council Member Robb asked how many feet will the project cover.

Mr. Bing responded 1.5 miles, or around 7,000 ft. to reach the campus and then a mile on the campus.

Mayor Edmonds asked Mr. Barr how many of Metro Act permits are in use and what is the revenue developed from these permits.

Mr. Barr responded around \$60,000 a year in Metro fees and there are several permits which are all controlled through the state.

City Manager Lange stated typically those funds are allocated for projects in the right-of-way for ADA ramps next year those funds can be used for other projects.

On a roll call, the vote to approve Resolution No. 2014-289 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

5. Resolution No. 2014-290, supporting funding Legislation and opposing the House Adopted Transportation Funding Legislation.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, SEMCOG represents counties, cities, villages, townships, Intermediate School Districts, and Community Colleges within the seven-county Southeast Michigan region;

WHEREAS, state gas tax revenue does not increase over time because the tax is based on consumption rather than cost;

WHEREAS, the state gas tax has remained unchanged since 1997;

WHEREAS, federal-aid-eligible roads within the SEMCOG region have gone from a situation where 4 percent of the roads were determined to be in "poor" condition in 2004 to a point where 43 percent of the roads evaluated this year were categorized as "poor";

WHEREAS, roads in poor condition cost vehicle owners additional expense in repairs and endanger those who travel on the roads;

WHEREAS, local road agencies have reduced winter plowing and salting activities due to budget constraints, further endangering those who travel;

WHEREAS, state transit share funding sources have remained unchanged since 1987;

WHEREAS, the SEMCOG region's transit systems are currently considered deficient when compared to other major metropolitan regions in the country;

WHEREAS, SEMCOG supports increased funding for road and transit needs implemented over the quickest possible timeframe;

WHEREAS, SEMCOG opposes efforts to divert existing revenue sources that fund local government and local public schools in order to fund transportation needs.

NOW THEREFORE BE IT RESOLVED THAT, the City of Ypsilanti supports the Senate-passed package of bills to enhance transportation funding based on their ability to generate significant new revenue for our roads and transit systems phased-in over a reasonable period of time and containing provisions that will allow the funding to grow in future years;

BE IT FURTHER RESOLVED THAT, the City of Ypsilanti opposes the House-passed package of bills impacting transportation funding because they fail to generate enough revenue to reverse the deterioration of our roads, offer no relief for the immediate problems of underfunding, cripple our transit systems, divert a significant existing revenue stream from public schools and divert significant revenues from local governments.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member A. Brown

Mayor Edmonds asked who drafted the resolution.

Mayor Pro-Tem Richardson responded the resolution was drafted by SEMCOG for a press conference. She stated that during the press conference there was no support for the House Bill package, support for the Senate Bill package, and no support to take from funds from local governments. She added no one is in support for raising taxes but people are paying more for car repairs than the amount of the tax increase. Mayor Pro-Tem Richardson stated she is strongly in support of this resolution.

Mayor Edmonds asked Council Member Robb to look up a link regarding the article from that press conference and asked how much local schools would lose.

City Manager Lange stated the lack of support of transit funding hurts economic development, especially for Ypsilanti. Mr. Lange added Ypsilanti is currently spending 4.5 mils on road repairs which can only be afforded for so long and the state needs to provide more funding.

Council Member Murdock stated as he understands the Senate and the House each drafted a bill and appointed a conference from each body which have not yet met. Mr. Murdock stated both are meeting with the Governor to discuss this but they are running out of time.

City Council Meeting Minutes
December 16, 2014

Council Member A. Brown stated Mr. Murdock is correct committees have been formed but are yet to meet and are hoping that it dies because of the amount of time remaining in this session. Ms. Brown added if it does die it will be brought to the floor again next year.

Mr. Lange stated the Governor is in support of this program.

Mayor Edmonds stated she is in support of this resolution.

Council Member Vogt stated he is in support of this resolution and he agrees with Mayor Pro-Tem Richardson that individuals will spend more on repairs than on this tax, citing his son spending more than a \$1000 on repairs in less than a month.

Council Member Robb stated the decrease in funding for schools would be \$415 a student.

Mayor Edmonds stated it would be around \$2 million for Ypsilanti schools.

On a roll call, the vote to approve Resolution No. 2014-290 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

6. Resolution No. 2014-291, denying the requested extension deadline set forth by the December 2012 ordinance entitled, "Conditional Rezoning for 311 S. Grove Street.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the owners of the property located at 311 South Grove, have requested that the City rezone the property "Conditional B4" in December 2012; and

WHEREAS, the applicant freely offered conditions on the rezoning; and

WHEREAS, the applicant has been unable to satisfy those conditions; and

WHEREAS, the City has developed a proposal as part of the implementation of the Shape Ypsi Master Plan to rezone the property "General Corridor;"

WHEREAS, the proposed zoning designation does not preclude the applicant's desired use, nor does it preclude the applicant's ability to apply for such use in the future;

NOW THEREFORE:

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

The requested extension of the deadline set forth by the December 2012 ordinance entitled "Conditional Rezoning 311 S. Grove St" be denied.

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

City Planner Bonnie Wessler stated most of the information regarding this resolution is stated in the memo but she will answer any questions Council may have.

Mayor Edmonds stated when this item first came before the Planning Commission she was in the audience and could not believe the amount of citizens in attendance showing support for the owner of this business to be granted an conditional zoning extension but there seems like progress is being made. Mayor Edmonds stated because of that progress she will be supporting this resolution.

On a roll call, the vote to approve Resolution No. 2014-291 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

7. Resolution No. 2014-292, approving Ordinance No. 1232 adopting a significant amendment to both the zoning map and the zoning text of the Zoning code, in accordance with the recently adopted Master Plan ("Shape Ypsi") **(Second Reading)**.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti has adopted a comprehensive Master Plan, "Shape Ypsi;" and

Whereas, the City of Ypsilanti is desirous of fulfilling the goals of the Master Plan; and

Whereas, the Zoning Ordinance will help to implement those goals of creating a safe, sustainable, and diverse Ypsilanti;

Now therefore be it resolved that the Ypsilanti City Council approve the amendments to Chapter 122 of the City's Code of Ordinances on SECOND AND FINAL READING.

OFFERED BY: Council Member N. Brown
SUPPORTED BY: Council Member Murdock

Council Member Vogt asked that staff explain the memos provided.

Council Member Murdock asked for Council to examine each issue individually and suggested to begin with the issue of group residences.

City Planner Bonnie Wessler stated the memo described single family households as individuals related by blood, up to three unrelated people, or continuing non-transient domestic units. A group home, or a foster home, is licensed by the state and must be allowed in any neighborhood. A group home, or adult congregate facility, provides the same type of care but, for seven or more adults and is also licensed by the state. The state will allow local governments to provide special land-use designation for these facilities, which is what staff is proposing. A group residence is defined as four or more unrelated individuals living as a group, such as; sororities and fraternities, but does not include rooming houses. Fraternities and sororities are provided special land-use in the R4, student overlay, and are very limited. Staff is proposing rooming houses for three or more non-related individuals that have separate leases, and recommends that it extends to a special land-use in core neighborhood versus R3 and R4. Ms. Wessler stated during the first reading of this ordinance there was discussion of adding further controls. If Council wishes to do so they may revise Section 122.272 to restrict group residences to special land-use in core neighborhood.

Mayor Edmonds asked Ms. Wessler to describe what needs to transpire in order for a parcel to secure a special land-use designation.

Ms. Wessler responded when a special land-use is requested, under the draft ordinance, the applicant would be required to provide a sketch of the site and if there are major changes to the site, a site plan process would be required. If no major changes are proposed the applicant would go through a special land-use process, which involves a public hearing with those living within 300ft invited to the hearing. The Planning Commission would hear the applicant's case and judge it against a set of criteria laid out in the zoning ordinance and discretion based on neighborhood feedback.

Planning Consultant Megan Mason-Minock added the Planning Commission can place conditions to that property which could add additional enforcement.

Ms. Wessler stated there is a provision in the ordinance providing the ability to revoke a special land-use permit if the parcel is not compliant.

Mayor Edmonds asked what the cost is to apply for a special land-use permit.

Ms. Wessler responded currently the cost is \$300.

Mayor Pro-Tem Richardson asked if the license holder for a group home will still be required to reside in that home.

Ms. Wessler replied yes, based on state law.

Mayor Pro-Tem Richardson stated there are group homes in Ypsilanti that the owner does not reside. Ms. Richardson stated a group residence does not require the owner to live in the residence.

Ms. Wessler replied the second memo discusses amending that, creating stronger controls and requiring a manager to live at that residence.

Council Member A. Brown asked if this situation is similar to Rainbow Homes that have a social worker living on site.

Ms. Mason-Minock responded homes with an onsite social worker are usually state licensed facilities.

Ms. Wessler stated if those homes were to lose their license they would be in violation of the ordinance as unlicensed facilities.

Mayor Pro-Tem Richardson asked if the City has any recourse for group homes without an owner living on the premises.

Mayor Edmonds stated the facilities Mayor Pro-Tem Richardson is referencing are violating state license requirements and would need to be reported to the state.

Ms. Wessler replied the City cannot enforce the terms of a group home's license the state would either need to revoke the home's license or put in place a corrective plan.

Mayor Pro-Tem Richardson asked if the complaint would need to go to the state.

Ms. Wessler replied yes.

Mayor Edmonds asked if staff had two proposed amendments; the onsite residences and the movement of the group residents from four to six would need to go through the special land-use process.

Ms. Mason-Minock stated yes.

Council Member Murdock asked for clarification of group residences, stating that it seems as if it just a group of individuals renting a home. He said he doesn't see the likelihood of a group of people renting a place with a resident manager and he does not support the three unrelated individual limit for single family homes.

Ms. Wessler responded the rental manager would be appointed by the owner and does not require an outside agency.

Ms. Mason-Minock added the position does not have to be paid just a person that can be held responsible when there are complaints and things that need to be fixed.

Mayor Edmonds asked if the onsite resident is specific to group residence and rooming houses.

Ms. Wessler replied yes.

Mayor Edmonds stated she sees it as a concern more in a rooming house.

Ms. Mason-Minock replied it is in the current ordinance. In the proposed draft, the language is more explicit that the manager must live in the facility.

Council Member Murdock asked for clarification of a rooming house and said that he assumes it is a situation where rooms are rented out and the individuals share a common area as opposed to a group home.

Mayor Pro-Tem Richardson asked what the difference is between a group residence and a rooming house.

Ms. Mason-Minock replied the structure of the lease and how they function as a unit. If the lease is written for a group, such as a fraternity, that is a group residence and rooming house facilities are shared and rooms are leased separately.

Mayor Pro-Tem Richardson stated in essence the City is increasing the amount of fraternity style homes.

Ms. Mason-Minock responded the definition of fraternity or sorority means that it has to be a student affiliated organization. During the Master Plan process individuals expressed desire to live in cooperative situations this proposed change would allow that.

Mayor Pro-Tem Richardson stated this is essentially a sorority or fraternity and asked how the idea of expanding group residences developed.

Ms. Wessler replied through public feedback during the Master Plan process, people asked for more flexibility in living arrangements and there is no provision in the current ordinance be it fraternity, sorority, group residence, or coop, or any other situation of a group of individuals living together in a single home.

Ms. Mason-Minock stated it does not have to be a group of students.

Council Member Vogt stated this would also include six elderly women deciding to live in the same home, or three married couples.

Ms. Wessler responded correct.

Council Member Vogt stated the ordinance is not specifically geared toward fraternities and sororities.

Council Member Murdock stated there is a lot of reasons people live together and in his experience if people wish to live together one individual rents the house and the others move in.

Mayor Edmonds stated it is up to the landlord to decide if they want one name on the lease, or each individual who will be living in the home.

Ms. Mason-Minock stated yes, these situations happen and the planning department has had individuals express desire to live in this fashion. Ms. Mason-Minock stated if Council is uncomfortable with the change there are options on how to move forward; Council can direct planning staff to keep it as is in the current ordinance, staff can redefine group residences, separating fraternities, create an overlay, or require these uses to acquire a special land-use permit.

Mayor Pro-Tem Richardson stated Ms. Mason-Minock provided three options; leave the ordinance the way it is, create an overlay, or special land-use.

Ms. Wessler stated this is an issue that staff will be monitoring throughout the year focusing on neighborhood compliance, administration and enforcement issues, and real time observation.

Mayor Edmonds the proposed alteration to the ordinance allows a framework that was requested and a level of control in the neighborhoods that showed concern. Mayor Edmonds stated she is in support of the amendment.

Mayor Pro-Tem Richardson asked for clarification of the amendment Mayor Edmonds is referencing.

Ms. Wessler responded group residences initially would require a special land-use permit and the proposed amendment would require a special land-use permit for four or more people. This would not be as restrictive as an overlay zone and not as permissive as the initial proposed ordinance.

Mayor Pro-Tem Richardson asked if there would be a cap on how many individuals could live in a home.

Ms. Wessler replied no, there is not a proposed cap.

Mayor Pro-Tem Richardson stated there should be a cap on how many individuals can live in a home.

Ms. Wessler stated there are several homes in Ypsilanti that are large enough to house 15 to 20 people.

Mayor Edmonds stated the Planning Commission has the authority to regulate how many individuals are allowed to live in a certain home.

Ms. Wessler stated building codes would also have to be adhered to which regulate the amount of individuals living in a home.

Council Member Murdock stated building codes are how this should be regulated. Mr. Murdock stated he has a concern that the City's proposed ordinance overly regulates living arrangements. Mr. Murdock said the purpose of the proposed ordinance was to remove the burden.

City Manager Lange asked if individual apartments would be regulated by the group residence ordinance provision.

Ms. Wessler replied no, it does not.

Mayor Edmonds asked if it is common to have an onsite manager/point person in group residences.

Ms. Wessler replied it is not necessarily uncommon and makes a lot of sense from the landlord's perspective to provide a person whom would be contacted if there is an issue.

Council Member Murdock asked if that would be the person who signed the lease.

Mayor Edmonds stated it is common practice to have each individual living in the home sign the lease.

Ms. Wessler stated that would be at the landlord's discretion.

Council Member Vogt asked what mandates are in place that will cause the responsible party to act and would that person be cited or would it still be the building owner, how does this further the City.

Ms. Wessler replied it depends on how certain sections of the ordinance are written. Ms. Wessler explained regarding the ordinance for snow removal both the resident and the owner would be notified.

Council Member Vogt stated when a lease is signed one of the renters will need to agree to be the responsible party. Mr. Vogt stated he is in support of this amendment and that it should be on all provisions. Mr. Vogt stated he is not sure that a special land-use permit be required for group residences for over six individuals.

Mayor Edmonds asked for clarification of Mr. Vogt statement that all provisions include a responsible member representing the renters.

Council Member Vogt responded any larger non-family oriented organizations.

Mayor Edmonds stated that provision is already included; the amendment would just strengthen the provision.

Council Member Vogt stated he is in-favor of that provision.

Council Member Murdock stated the reality of the snow removal ordinance is the responsible party is the landlord who can make snow removal a stipulation of the lease, but ultimately responsibility falls to the owner.

Assistant City Attorney Jesse O'Jack stated the City recommends to owners to include a stipulation in the lease that if the owner is fined the tenants would be responsible. He added the City allows owners to name an agent as the responsible party who would be cited for any issues.

Council Member Murdock stated all landlords are required to register with the City and the option stated by Mr. O'Jack is available to landlords.

Mr. O'Jack stated the purpose for registering a single person is that the court may not issue a citation without information of the responsible party and that information is not always available for tenants. Mr. O'Jack stated if there is a registered responsible individual that person can be cited.

Mr. Lange asked for clarification regarding Peninsular Place which can be described as an apartment or a rooming house.

Council Member Robb responded Peninsular Place is a Planned Unit Development (PUD).

Mr. Lange stated the City can have more Planned Unit Developments.

Ms. Wessler responded yes, that is a possibility, but generally speaking the City would only give that classification if it is a commercial property greater than an acre.

Mayor Pro-Tem Richardson stated she can agree to the special land-use option.

Mayor Edmonds asked if Mayor Pro-Tem Richardson would like to offer an amendment.

Mayor Pro-Tem Richardson moved to revise Section 122-272 to permit group residences as a special land-use only and strengthen the special language requiring an onsite manager.

City Attorney John Barr stated the motion would be that the zoning ordinance be revised so if the owner of the property does not reside on the premises, the owner must appoint a manager that resides on the premises and must provide their name and information of this by request of the City. In addition revise Section 122-272 to permit group residences in the core neighborhood by special land-use permit only.

Mayor Pro-Tem Richardson stated it is her intention to put a cap on the amount of individuals who can live in a home.

Council Member Robb stated a cap is a function of the fire and building codes.

Council Member Vogt stated there would be no designation of limits; all group residences would require a special land-use permit.

Mayor Edmonds said all group residences of four or more individuals would require a special land-use permit.

Council Member Vogt supported the motion.

Council Member Murdock stated this amendment is full of unintended consequences because the core neighborhood is mainly located around the university and this will require every landlord annually in August to go before the Planning Commission to acquire a special land-use permit.

Ms. Wessler stated the permit would run with the land and would only require applying for the initial permit.

Council Member Murdock stated he will not support this amendment.

Council Member N. Brown asked if the owner would only need to go through the permitting process once.

Ms. Mason-Minock responded yes, the applicant would only need to go through the process once as long as the use stays the same.

Council Member N. Brown stated after a lease expires and ten individuals move out and the next lease is only for six individuals then no change would be required.

Ms. Mason-Minock responded nothing would change as long as the use continues.

Ms. Wessler stated one of the provisions on a special land-use permit is that no more than ten people may reside there, if the next year 11 tenants were to move in one would have to move out.

Ms. Mason-Minock stated it would not be a situation that would occur every year, once awarded the special land-use permit, the next year the owner would still have that right.

Council Member N. Brown stated if an owner acquires a permit for seven people and the next year wants to rent to 11 people the owner would be required to obtain a new special land-use permit.

Ms. Mason-Minock responded if the permit is limited to that number of people and if the owner wanted to increase the number of people then the owner would need to ask for an amendment and go through the process. The fire code and the building code are not appealable.

Council Member Vogt stated if an owner applies for a special land-use permit, more than likely, they will apply for the maximum amount of allowed tenants. Mr. Murdock's complaint is that it does require that one time, however, the counter point to that is if owners are already renting to groups of that size they should not be and this would require them to go through a process. Mr. Vogt asked how a residence having too many tenants effects the responsible party.

Ms. Mason-Minock responded if the owner has not acquired a special land-use permit and this is adopted as proposed in this amendment, the owner is in violation of the ordinance and not allowed to have that use.

Council Member Vogt stated he understands the issue with putting extra burden on landlords, but if they are in violation of the building and fire code then the extra burden is warranted. Mr. Vogt stated this is an appropriate provision and can be changed later if Council feels it's too onerous.

Mayor Edmonds stated Council has heard the last couple of meetings that tenants are asking for policy strategies to make landlords more accountable and having a responsible agent fulfills that accountability.

Mayor Pro-Tem Richardson stated she could not agree with how this item was originally presented.

Council Member Robb stated what Mr. Murdock was trying to express is this creates an incredible amount of data for staff to collect and maintain. Mr. Robb stated this creates greater burden on staff and runs counter to historic preservation, creating a reason for property owners to section rentals off for individual apartment rental rather than as one unit. Mr. Robb added Council Member Murdock is correct there will be many unintended consequences associated with the amendment. If this is something Council wishes to consider it should not be done at the table it should be looked at more in depth.

Mayor Edmonds asked either Mr. Lange or Ms. Wessler if the Building Department had been consulted to understand the logistics of the proposed amendment.

Ms. Wessler stated if it is already a rental it is a part of the rental inspection program and will not affect the workload of the building department. The resident manager data is collected regularly and the cost and process of the special land-use permit is \$300. Ms. Wessler stated each landlord will have to calculate their own cost-benefit analysis.

City Manager Lange stated that The Building Department does have a heavy workload but a plan has been devised in which qualified inspectors are no longer able to work for other cities due to pension plan issues that will be used to help with inspections.

Ms. Mason-Minock stated the language regarding four to six individuals, as well as that proposing a resident manager, have been reviewed and accepted by the building department.

Council Member Vogt stated he prefers tighter restraints earlier that can be loosened if Council sees fit.

Council Member A. Brown stated she is concerned about the workload and if staff will be able to collect data and put it to use, however, as Mr. Vogt stated begin with tighter restrictions and loosen them if Council sees fit.

Council Member Robb stated the issue with loosening restriction is the unintended consequence that once the house is made into apartments there is no returning to a single family home.

Council Member Vogt asked if special land-use permit fees could be waived if a home is converted from apartments to single family.

Mayor Edmonds asked if waiving special land-use fees for home conversion back to single family units should be voted on after the amendment on the floor.

Ms. Wessler responded yes.

Council Member Vogt asked if that would be sufficient to encourage landlords to go through the process rather than segment the property for apartments.

Council Member Murdock stated as a part of the audit, Council just received, building inspection fees must be provided to the state to ensure the fees are not more than the costs of the project. Mr. Murdock stated the proposed amendment will add additional costs to landlords. Mr. Murdock asked why it matters, in terms of tenants, if they are related.

Ms. Mason-Minock responded due to case law.

Mr. Murdock asked why an owner can't rent a house to five people and answered because the City has an ordinance against it.

Ms. Mason-Minock responded that is correct.

Council Member Murdock stated the City should amend the ordinance.

Ms. Wessler stated the City would amend the ordinance with much input from the City's land-use attorney.

Council Member Murdock stated there is a lot of concern about the amount of people living in a home and does it really matter if they are related or not. Mr. Murdock stated the concern is the behavior of people not the number of people living in a home and none of the proposed changes will solve the issue.

Council Member Robb stated the proposed amendments make the renter the responsible party for issues arising in the residence. Mr. Robb stated he was fine with how the ordinance was originally written.

Mayor Pro-Tem Richardson offered a friendly amendment to separate the proposed amendment.

Council Member Vogt accepted the friendly amendment.

Council Member Robb objected to the friendly amendment

On a roll call, the vote to separate the amendment of Resolution No. 2014-292 was as follows:

Council Member N. Brown	Yes	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 2 (Robb, Murdock) ABSENT: 0 VOTE: Carried

Council Member Robb stated a parallel to this issue would be commercial property. Ultimately the owner is responsible, such as 16 N. Washington, and when unable to be reached the City was able to obtain a search warrant to enter the property. Mr. Robb stated the City already has a process in place and the owner is the responsible party. Mr. Robb stated the amendment creates an unfair burden on renters.

Mayor Edmonds recalled Mr. O'Jack stating that having a renter be a responsible party is already a common practice.

Council Member Robb responded the City offers the ability to designate an agent it is not a requirement.

Council Member N. Brown asked for clarification of the current and proposed practices.

Mr. O'Jack stated it can be difficult to contact the property owner, a registered agent would be a person locally that the City can contact with greater ease to remedy issues with a property.

Council Member N. Brown asked if that is a requirement.

Ms. Wessler replied that is a requirement.

Mr. Barr stated the reason the City benefits from having an on-site agent is for noticing.

Council Member Murdock stated this amendment requires that they live at the property.

Council Member Robb stated retirees may live out of the state half the year and the City would not require a registered agent for the property while out of the state.

Mayor Edmonds stated the City would be able to find that person because they are the owner.

Council Member Robb responded the City knows the owner of every building.

Council Member Vogt stated the fact is; when there is a group of tenants the responsibility becomes more diluted and is less likely any one tenant will take responsibility. Mr. Vogt added the more tenants there are the more this problem becomes compounded and this is a practical solution to the issue.

Council Member Robb stated there are already rules in place to confront these situations.

Council Member Vogt stated the current practices are not working adequately.

Mayor Edmonds stated having a single person responsible has the potential to benefit tenants.

Mayor Pro-Tem Richardson asked for the vote to be called for the amendment.

On a roll call, the vote to amend Resolution No. 2014-292, strengthening language requiring a manager reside on the property, was as follows:

Council Member N. Brown	Yes	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Yes

Mayor Pro-Tem Richardson
Council Member A. Brown

Yes
Yes

Council Member Vogt

Yes

VOTE:

YES: 5

NO: 2 (Murdock, Robb)

ABSENT: 0

VOTE: Carried

On a roll call, the vote to amend Resolution No. 2014-292, requiring all group residences to acquire a special land-use permit, was as follows:

Council Member N. Brown
Council Member Murdock
Mayor Pro-Tem Richardson
Council Member A. Brown

Yes
No
Yes
No

Council Member Robb
Mayor Edmonds
Council Member Vogt

No
Yes
Yes

VOTE:

YES: 4

NO: 3 (Murdock, Robb, A. Brown)

ABSENT: 0

VOTE: Carried

Council Member Murdock asked for the status of Miles St.

Ms. Wessler replied Miles St. is currently on the table to be rezoned as R1. There are four duplexes on Miles and one resident would like to add a second unit to their home. The Planning Department hopes to work with EMU students to have community meetings regarding Miles and Harriet to see if a use based R2 district would be warranted, or zoning it core neighborhood mid.

Mayor Edmonds stated that is her neighborhood and she enjoys living in a neighborhood with mixed uses, but it does make sense to be rezoned as R1.

Council Member Vogt proposed to limit the size of hoop houses and other auxiliary structures, amending the provision to decrease the maximum square footage allowed for passive solar structures. Mr. Vogt stated his proposed amendment would read, "Combined total square footage of passive solar structures (hoop houses, green houses, ect.) are limited to 800 square feet in areas zoned as R1, CNSF, CN Mid, and CNHC, basically all residential neighborhoods.

Ms. Mason-Minock asked if Council Member Vogt request is the maximum square footage of any passive solar structure be 800 sq. ft. in any residential zone. Ms. Mason-Minock stated to make that amendment would require changes in five different sections of the zoning ordinance and would be difficult, at this time. Ms. Mason-Minock requested the motion read "passive solar structures are limited to 800 square feet in residential districts as accessory structures".

Council Member Vogt asked if Ms. Mason-Minock amended his amendment and asked if the amendment would be useful in the historic corridor.

Ms. Wessler stated the historic corridor is not the same as the historic district.

Ms. Mason-Minock stated there are parts of the historic corridor that are part of the historic district so it would be prudent to add that to the amendment. Ms. Mason-Minock listed the districts that should be included in the amendment as; R1, MD, CNSF, CN Mid, CN, and the historic corridor.

Council Member Vogt asked if there would be any argument from staff if the amendment does not include specific zoning classifications.

Ms. Wessler responded MD is a multifamily district and has larger buildings, larger parcels and may have a larger need for larger passive solar structures.

Council Member Vogt stated square footage adjustments are not likely to occur very often and would require combining adjacent parcels, but there should be a reasonable cap on solar passive structures. Mr. Vogt stated his reasoning behind this amendment is not to oppose the use of the structure, but structures be on kept on a small scale.

Mayor Pro-Tem Richardson asked for the motion to be repeated.

Council Member Vogt stated in residential areas passive solar structures be limited to 800 sq. ft.

Council Member Murdock supported the motion.

Mayor Edmonds stated hoop houses may be smaller because of other restrictions set in the zoning ordinance.

Council Member Vogt stated Mayor Edmonds is correct there are many limits on the size of passive solar structures and there wouldn't be many occurrences of this happening, but there could be, especially on multiple parcel lots, and could result in substantially larger structures, which could negatively affect neighboring homes and property values.

Council Member Murdock clarified there are limits in residential zones such as only 35% lot coverage is allowed, accessory structures cannot exceed the footprint of the home, and passive solar structures can exceed the foot print by 200 sq. ft.

Ms. Wessler stated a passive solar structure can exceed the footprint by 200 sq. ft. but must abide by setback and lot coverage rules.

Council Member Murdock asked if Mr. Vogt was proposing a maximum size of 800 sq. ft. hoop houses.

Council Member Vogt replied yes, the intention is to close a loophole which creates a possibility of much larger structures in situations in which parcels have been combined.

Council Member Murdock asked what is the reasoning behind the amendment.

Council Member Vogt replied the issue is that people have expectations that where they live will have a certain appearance and amenities, and the City needs to be careful of things that may disrupt that because it could have a negative effect on the City's reputation.

Council member Vogt moved to extend the meeting until 11:00 p.m.

Council Member N. Brown supported the motion.

On a voice vote, the motion passed and the meeting was extended.

Council Member Murdock asked if this amendment is approved would the approval of the resolution to adopt the zoning ordinance need to be tabled until the adjustments have been made in the ordinance.

Ms. Mason-Minock responded the ordinance could be passed conditionally and be reviewed before it is published.

Mayor Edmonds stated the amendment is adding simple language to several places of the ordinance.

Council Member Murdock asked if CNSF and R1 for accessory structures was the same.

Ms. Wessler stated they are similar but not the same.

Mayor Edmonds stated that she will oppose this amendment. She said there is research that shows community gardens and things of this nature raise property values and she has not seen any evidence in the contrary.

Mayor Pro-Tem Richardson stated she will support the amendment because of concerns raised by citizens.

Council Member A. Brown stated accessory buildings size is already limited based on the house size.

Ms. Mason-Minock responded correct.

Council Member Vogt stated this is new and complicated and Council should make sure that it does not allow an unintended loophole that allows an unattractive structure. Mr. Vogt added a modest sized hoop house would be adequate in the neighborhoods discussed.

On a roll call, the vote to amend Resolution No. 2014-292, placing an 800 sq. ft. cap on passive solar structure for the; R1, MD, CNSF, CN Mid, CN, and the historic corridor, was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	No
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 1 (Edmonds) ABSENT: 0 VOTE: Carried

Mayor Edmonds stated this amendment really limits commercial farming in the City.

Council Member Murdock asked why the City would want commercial activity in an R1 district anyway.

On a roll call, the amended Resolution No. 2014-292, was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

Mayor Edmonds thanked all staff for their work on the zoning ordinance and stated this will take effect in 30 days. Mayor Edmonds asked when the fee schedule involved with the ordinance would come before Council.

Council Member Robb asked that the fee schedule be brought before Council at the January 20th meeting.

Ms. Wessler confirmed January 20th as a reasonable date.

Council Member Murdock stated the fee schedule is usually reviewed around budget time and asked if this can wait until then.

Ms. Wessler responded the ordinance will take effect on January 15th so the fee schedule should be addressed as quickly as possible.

XII. LIASON REPORTS –

City Council Meeting Minutes
December 16, 2014

- A. SEMCOG Update – Held a well-attended news conference last week and everyone present agreed that they were not in favor of the House sponsored bill regarding transportation.
- B. Washtenaw Area Transportation Study – The meeting will be held tomorrow December 17th.
- C. Washtenaw Metro Alliance – No meeting
- D. Urban County - Will be heard during "Communications from the Mayor".
- E. Freight House – Meeting tomorrow, December 17th, to finalize the bid documents and will be meeting December 18th with to see if the DDA will approve funding.
- F. Parks and Recreation – On December 9th a work session was held to set priorities.

XIII. COUNCIL PROPOSED BUSINESS –

Robb

- Explained that as part of the rules regulating Boards and Commission once a term expires members are no longer on the Commission or Board. He informed the Mayor that there are a lot of vacancies to fill. Mr. Robb said the highest priority is the Huron River Watershed.

Mayor Edmonds stated she has been in touch with several of the Commissions and will work to fill all vacancies.

Vogt

- Stated there were complaints about some streetlights being out in the Courtland area and said she will forward those to City Manager Lange.

N. Brown

- Stated she also has information regarding streetlights that are out and said she will forward the locations to the City Manager.

A. Brown

- Echoed Mr. Vogt statement regarding streetlights.

Murdock

- Stated it seems that a lot of the streetlight conversions are not working and asked if Council should be aware of any issues.

City Manager Lange stated he and DPS Director Kirton have both commented on that to DTE and have scheduled a meeting for next week.

- Asked if snow removal will be discussed during "Communications from the City Manager".

Mr. Lange replied yes.

Richardson

- Asked what is the status of the Lathers vacation.

Ms. Wessler stated due to an issue of notification this will be an agenda item for the January 6th meeting for first reading and the public hearing should be in February.

- Stated the company that was awarded the worker's compensation contract also wrote the RFP and selected who would get the bid. Mayor Pro-Tem Richardson stated the attorney's office informed her that it is legal, but it still bothered her.

Mayor Edmonds asked City Manager Lange to address that matter during communications from the City Manager.

- Wished everyone a happy holiday.

A. Brown

- Thanked Council for selecting her for the Ward 2 vacancy and she is looking forward to contributing to the process.

XIV. COMMUNICATIONS FROM THE MAYOR –

- Urban County priority projects
- Stated a resident has expressed that the streetlights are working too well and is causing her living room to be too bright at night.

City Manager Lange asked for the location.

- Started discussion with the Suburbs Alliance that will facilitate Ypsilanti with an environmental action plan.
- Informed Council there is an estimated \$180,000 available in grants from the Urban County Alliance. Ypsilanti, submitted a proposal, along with Ypsilanti Township, regarding furthering home owner energy efficiency. Ypsilanti Township also proposed \$31,000 allocation to repair their community center roof. There will be much more discussion on how funds should be allocated. Mayor Edmonds stated one suggestion she made dealt with accessibility in the construction of ADA ramps focusing on transit lines. She also suggested expanding on community solar projects and trying to make them more affordable. Mayor Edmonds stated another suggestion to focus on creating a "trails town" involving jurisdictions along the Huron River. Mayor Edmonds asked Council for ideas they may have on how these funds should be allocated.

Council Member A. Brown stated she thought the idea off sidewalk links between jurisdictions would be beneficial.

Mayor Edmonds added the Leforge area could benefit from better sidewalk links and examination of safety.

Council Member Vogt stated as Council Member A. Brown was saying those that stretch along Huron met great opposition from home owners and may be more suitable on the north side. He added on superior there are a lot that could be used for sidewalk connections and that could further the border to border trail as well.

Council Member Murdock stated Huron River Drive has so many pieces and is on the City's list for major repaving, but also could use better sidewalk connection and funds for the border to border trail. The Oakwood intersection needs to be redone and provided with a turn-lane. Leforge needs attention and will continue become more dilapidated.

Council Member Vogt added the township is planning on completing a road diet down that stretch of road from Cornell to Hewitt.

Council Member Murdock stated it wasn't clear what could be funded with this money. Mr. Murdock asked if this is the money that would fund the construction of ADA ramps.

Mayor Edmonds responded funding for ADA ramps comes out of Ypsilanti's Community Development Block Grant (CDBG) funds not the priority projects which are something that would benefit the whole county.

Council Member Murdock stated the habitat weatherization project being undertaken by Ypsilanti Township should align with Ypsilanti goals. Mr. Murdock added he would like to see more discussion on how to create jobs and match people with training for available jobs.

Mayor Edmonds stated the CDBG dollars must be allocated for capital investment.

Council Member A. Brown asked if there has been any more discussion on the I-94 connection/overpass.

Mayor Edmonds responded not during the Urban County meeting.

Council Member Murdock stated WATS is meeting Thursday, December 18th to provide its final plan.

Mayor Pro-Tem Richardson informed Council about the area-wide Christmas dinner on Huron St. at the St. Luke's and begins at noon.

XV. COMMUNICATIONS FROM THE CITY MANAGER –

- Stated the floor in the Council Chamber has been buffed in an attempt to strengthen the City's image.
- Said he has a report on the progress of Water Street and will provide that in writing before the break.
- The City did not receive the urban category or the 9% round for the Water Street Flats project, but Mike Rodriguez and the City is still in contention for the 4% round.

Council Member Murdock requested Mr. Lange provide Council a report that explains the situation in more depth.

- Projects continue to be worked on for Water Street including the border to border trail and the Recreation Center. The border to border trail will be re-bid in January.
- Informed Council that staff, as a part of goal setting he will send the forecasts and present them as a part of the update of City's financial position.

Council Member Murdock asked if Mr. Lange was referencing the bridge section when discussing the border to border trail.

Mr. Lange responded no.

Council Member Murdock stated they are both being rebid.

Mr. Lange replied yes, they are both being worked on as one.

- Mr. Lange asked if the City would be using an outside facilitator for the goal setting process.

Mayor Edmonds responded she has been discussing that she and Mr. Lange can talk about that at a later date.

- Said that a the Police and Fire department overtime report has been done every two weeks and will be pushed back to every four weeks. Mr. Lange stated a half year report will be available at the end of this payroll and overtime has decreased each year.
- Mentioned converting retirees to Medicare Advantage has decreased stress on the pension fund and staff is trying to expand it to other retirees.
- It has been suggested staff would work better if there were more team efforts and several committees are being formed as a result one being a parking bureau with a recommendation coming in March.
- Stated City Hall will be closed on Friday, January 2nd.
- Stated he would be interested in being appointed to the Economic Development Corporation.
- Stated communication lines have been opened with the DTE Solar Power Director.
- Staff has been working on the Freight House as much as it can.
- A snow removal taskforce has been formed headed by Lt. Gress; the City will contract for extra enforcement and snow removal.

Mayor Edmonds asked if the Downtown Development Authority has been involved, and asked if the DDA Director was informed of the meeting.

Mr. Lange replied yes, Mr. Colbeck was informed.

- The staff non-union evaluations will be completed by the end of January.

Mayor Edmonds asked the status of the Economic Development and Planning positions.

Mr. Lange responded Paul Tait formed a succession plan for what to do to replace former Community Development Director accepted another position and will be moving forward with the plan.

XVI. AUDIENCE PARTICIPATION –

1. Katlyn Kedri, 1084 LeVona, stated her home is currently a group residence and was surprised by Council's decision. Group housing can be diverse; stated she is a social work student and a part-time pre-school teacher, Alex her housemate is

a graphic designer, Jeff is an archivist with U of M, Ann works for the City of Ann Arbor, and Matt is a Graduate Student at EMU and works at Whole Foods Market so the idea as a group residence as being a "party house" is inaccurate. Ms. Kedri stated the home operates as a family and all decisions are made together. The reality is there are many homes that have four, or more people living in them and it will be difficult for the City to enforce this law.

Council Member Vogt moved to extend the meeting until 11:10 p.m.

Council Member Brown supported the motion.

On a voice vote, the motion carried and the meeting was extended until 11:10 p.m.

2. Alexander Borja, 1084 LeVona, stated Council has overlooked a large portion of people in the young 20 age demographic. Many of those individuals are recent college graduates with thousands in student loan debt which can make life difficult. There should be something that differentiates fraternities and sororities from other group residences in zoning. Regarding hoop houses it is unfortunate that how a property looks is more important than a tenant having the ability to feed themselves.
3. Amera Veer, 1084 LeVona, stated when group residences require a special land-use permit the power is given to individuals who might be biased. When buying the home she was met with resistance from the Ypsilanti Township Planning Director.

XVII. REMARKS FROM THE MAYOR –

- Stated in the last year or so there has been a broad negative description of renters which is troubling. Stated the intention of the zoning ordinance is to hold tenants and landlords more accountable. Stated if Ypsilanti staff ever behaves in the manner of the Ypsilanti Township Planning Director a complaint should be filed.

XVIII. ADJOURNMENT -

Resolution No. 2014-293, 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 A. Brown

SUPPORTED BY: Council Member N. Brown

On a voice vote, the motion carried and the meeting adjourned at 11:03 p.m.



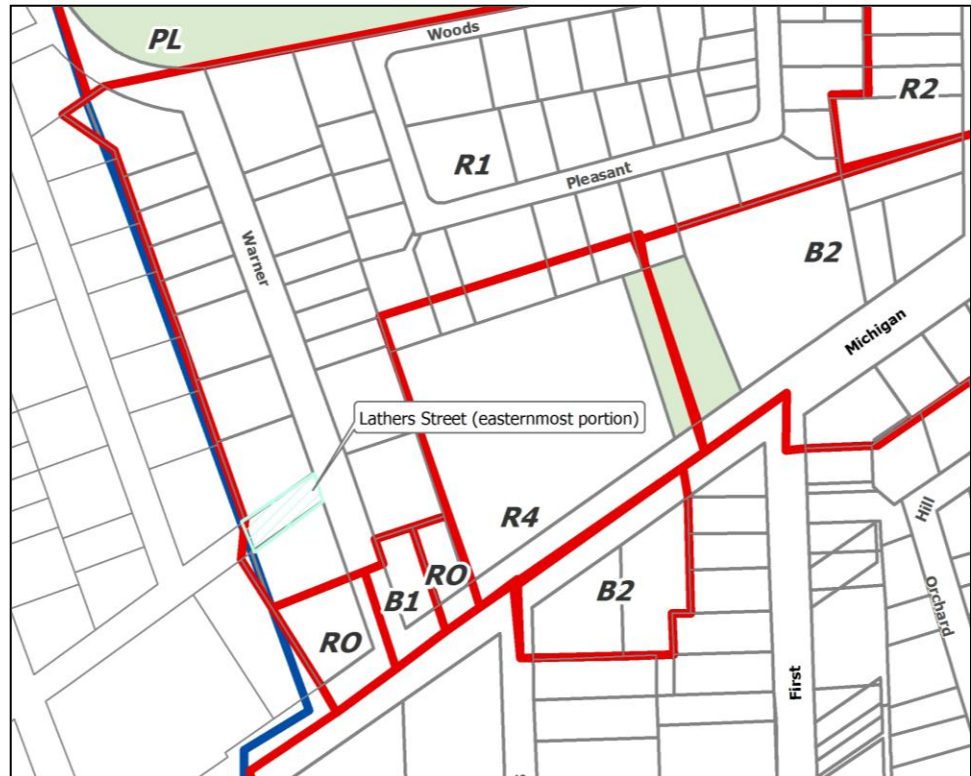
REQUEST FOR LEGISLATION
06 January 2015

From: Planning and Development Department

Subject: Street Vacation: That portion of Lathers within the City

SUMMARY & BACKGROUND:

The family of Ms Foley live at 1010 W Michigan, at the corner of Warner and Michigan Ave. Immediately to the north of the property is the disused Lathers Street, and to the north is 15 W Warner, a single-family residence. This portion of Lathers has not been in use as a street for many years; it has become effectively part of the neighbors' yards; it is not used for access. The neighbors are requesting the City formally vacate the street so that it may become part of their respective properties.



City Code does not currently outline a process by which streets are vacated. Currently we abide by state statute, which only requires Council resolve to vacate the street in question. However, in defense of the public interest, the City has chosen to, for the time being, address street vacations in the same manner as alley vacations, including a mirroring of the review process and public noticing. We anticipate revising the ordinance within the next year to address this procedure directly.

The Planning Commission reviewed the alley vacation application under the standards set forth by §94-271 and recommends that it be vacated, findings that the street is effectively closed to traffic, that the adjoining Warner does not have an outlet, and that the vacation supports the future land use plans of the City. Planning Commission further recommended that the right-of-way to the north, connecting the built portion of Warner to the built portion of West Warner, remain unvacated in perpetuity. Minutes (excerpted) and the original staff report are attached.

Please contact Bonnie Wessler, Planner I, with any questions you may have at 734-483-9646 or by email to wesslerb@cityofpysilanti.com.

RECOMMENDED ACTION: Approval of resolution of intent to close alley;
Approval of ordinance first reading to close alley.

ATTACHMENTS: Staff Report, 16 October 2014
Planning Commission Minutes (excerpted), 22 October 2014.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 01-06-2015

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2015-002
January 5, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the owners of the property located at 1010 W Michigan, have requested that the City vacate a street that runs north of their property; and

WHEREAS, after considering the request, the City does not believe any of the factors listed in Section 94-271 of the Code of Ordinances for the City of Ypsilanti indicate that ownership interest in the purported alley should not be vacated; and

WHEREAS, Section 94-297 of the Code of Ordinances for the City of Ypsilanti provides that when a public alley is vacated by the City, the public right-of-way is extinguished and title to the publicly owned land reverts to the adjacent property owners, "except that the city shall in each case retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities...;" and

NOW THEREFORE:

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

- A. It is in the best interests of the City to vacate the street described above; and
- B. The ordinance entitled "An ordinance to vacate Lathers Street, located between the City boundary to the west and Warner Street to the east, within the City of Ypsilanti" be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

After further discussion, Commissioner Straley moved that the Planning Commission recommend to City Council that the alley located at the Easternmost portion of the east-west alley of Whittier, Cornell, Washtenaw and Mansfield, immediately south of 1403 Whittier, not be vacated based on the following findings:

Findings:

1. Because the alley serves both a residential and a business area, and is in active use for both.
2. No feedback has been received from other parties abutting the alleyway, and this portion of Washtenaw is considered to be a major traffic corridor of the City, and the commerce located along it serves mostly neighborhood needs.
3. Staff also recommends to City Council to direct staff and consider amendment of Chapter 42, Section 75 of the Ypsilanti City Code of Ordinances to reconsider how citations to adjacent property owners in similar circumstances are handled where one party has primary enjoyment and access of an alley.

The motion was supported Commissioner Bedogne. A roll call vote was taken and carried unanimously 6:0.

3. Lathers Street Vacation

Ms. Wessler stated that this is a request for a street vacation at Lathers Street within the City. The family of the applicant lives at 1010 W. Michigan, at the corner of Warner and Michigan Avenue. Immediately to the north of the property is the disused Lathers Street, and to the north is 15 W. Warner, a single-family residence. This portion of Lathers has not been in use as a street for many years; it has become effectively part of the neighbor's yards; it is not used for access. The neighbors are requesting the City formally vacate the street so that it may become part of their respective properties.

City code does not currently outline a process by which streets are vacated. Currently, we abide by state statute, which only requires Council resolve to vacate the street in question. However, in defense of the public interest, the City has chosen to, for the time being; address street vacations in the same manner as alley vacations, including a mirroring of the review process and public noticing. We anticipate revising the ordinance within the next year to address this procedure directly.

Staff recommends that Lathers be vacated, as it currently serves no public purpose and will not negatively impact traffic patterns. Staff further recommends that if Lathers be vacated, then the portion of Warner Street adjacent to Recreation be un-vacated.

Commissioner Sandberg moved to open the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously.

Commissioner Zuellig stated that she was concerned about vacating this property since it could affect future properties to be developed.

Mary Louis Foley, 1010 W. Michigan – stated she purchased the property 30 years ago. The city has never cut grass on the property in question. When she bought the property, she was told that the street had been vacated. She later found out that the vacation had never taken place. Ms. Wessler added that according to the Assessor, the property to the north had never been vacated.

Commissioner Bedogne asked Ms. Foley why she is requesting the vacation. Ms. Foley stated that since the city has never taken care of the upkeep, and it has always been done by her and her neighbor, it is her opinion that it should be vacated and be considered part of her property.

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

After further comments by board members, Commissioner Bedogne moved that the Planning Commission recommend to City Council to vacate Lathers Street, as it currently serves no public purpose and will not negatively impact traffic patterns based on the following findings:

Findings:

1. The street is effectively closed currently
2. The street does not serve traffic currently
3. Warner Street is with no outlet
4. Further recommend that the Lathers be vacated but the Planning Commission note that right-of-way connecting Warner to West Warner shall not be vacated at this time to the north where the built road dead-ends into Recreation Park.
5. The vacation supports the future land use plans of the city.

The motion was supported by Commissioner Hollifield. A roll call vote was taken and carried unanimously 6:0.

VI. NEW BUSINESS

1. 540 S. Mansfield

Ms. Wessler corrected the staff report to read 540 S. Mansfield. Ms. Wessler stated that this is a request for site plan approval for the UPS Parking Lot immediately south of the existing UPS facility on the west side of South Mansfield, south of Michigan Avenue, in the Industrial Park. The applicant is a long-time resident of the city's industrial park and due to the increasing importance of internet-based sales; they are seeing an increased need for seasonal employee parking. They are applying to lay a gravel parking lot to the south of the existing parking area this year, and to pave it in the following year, as well as install a sidewalk along the Mansfield frontage. No other changes are proposed to the site.

Staff is recommending approval with conditions. We do not have an engineering review but will receive one in the future. They will be providing a sidewalk but not this season.



City of Ypsilanti
Community & Economic Development Department

16 October 2014
Staff Review of Street Vacation Application
Lathers Street

GENERAL INFORMATION

Applicant: City of Ypsilanti on behalf of
Mary Louise Foley & family
1010 W Michigan Ave
Ypsilanti, MI 48197

Application Date: 9/18/2014

Location: Lathers Street within the City

Zoning: RO, Residential Office (1010 W Michigan) and R1, single-family
residential (northwards)

Action Requested: Street Vacation

Staff Recommendation: Approval.

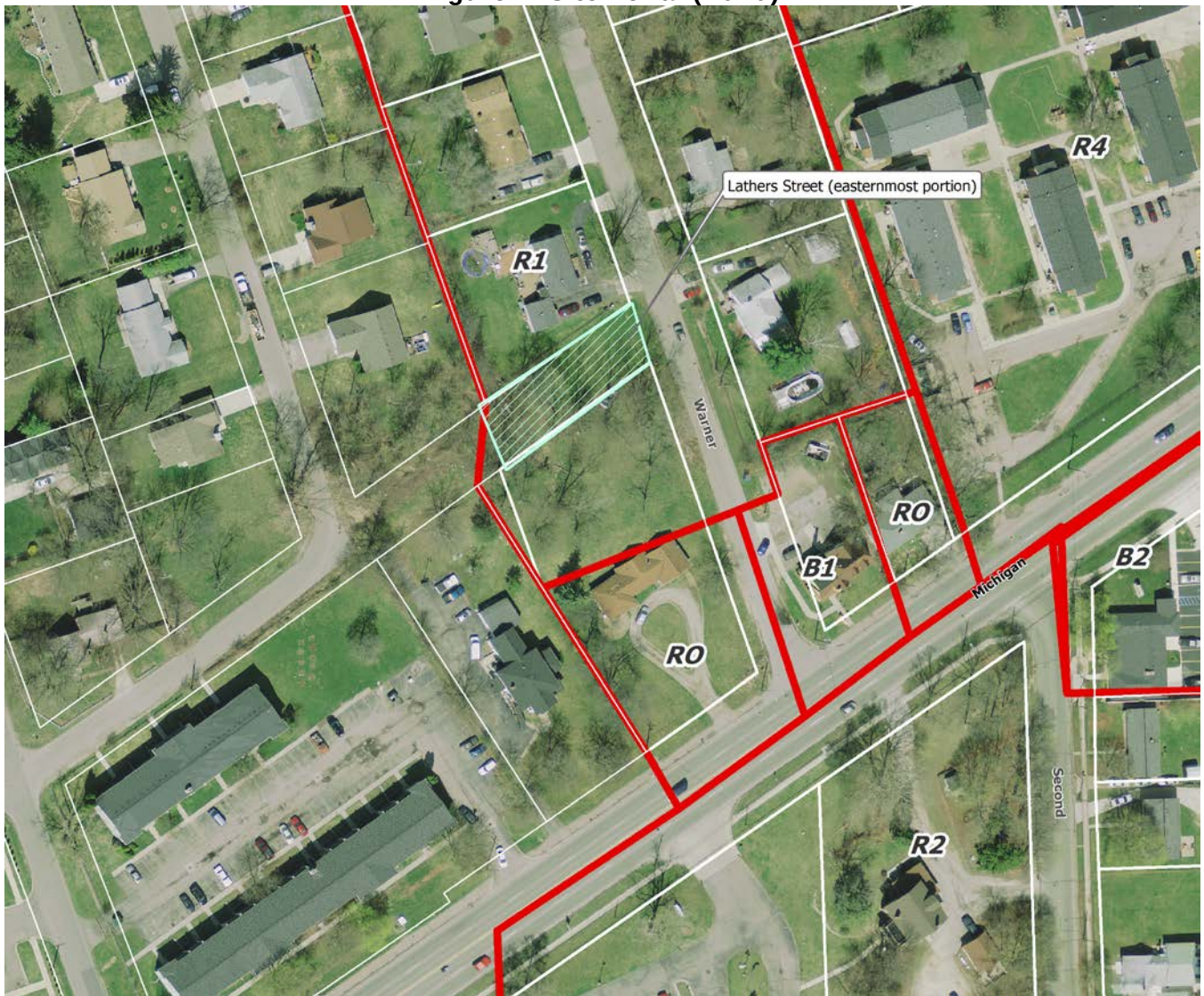
PROJECT AND SITE DESCRIPTION

The family of Ms Foley live at 1010 W Michigan, at the corner of Warner and Michigan Ave. Immediately to the north of the property is the disused Lathers Street, and to the north is 15 W Warner, a single-family residence. This portion of Lathers has not been in use as a street for many years; it has become effectively part of the neighbors' yards; it is not used for access. The neighbors are requesting the City formally vacate the street so that it may become part of their respective properties.

Figure 1: Street Location



Figure 2: Site Aerial (2010)



ALLEY VACATION STANDARDS

§94-271

City Code does not currently outline a process by which streets are vacated. Currently we abide by state statute, which only requires Council resolve to vacate the street in question. However, in defense of the public interest, the City has chosen to, for the time being, address street vacations in the same manner as alley vacations, including a mirroring of the review process and public noticing. We anticipate revising the ordinance within the next year to address this procedure directly.

The process to vacate an alley, as prescribed by City Code, follows these simplified steps:

- (1) A motion of City Council, or a Petition by the majority of abutting owners, initiates the process.
- (2) Planning Commission holds a public hearing
- (3) Planning Commission makes recommendation to City Council
- (4) City Council considers the request in open session and passes a resolution of intent to vacate in the form of an ordinance first reading.
- (5) City Council sets a date for a public hearing not less than four weeks thereafter.
- (6) City Council decides to vacate or close the alley, with or without conditions, or take no action.

The ordinance further provides standards to be considered in any closure or vacation of a public right-of-way. These five, and staff comments, are as follows:

(1) Whether the alley services a residential, single-family, multi-family or business area.

The street is effectively closed, currently.

(2) Whether the closing will create an undue burden on traffic.

The street does not serve any traffic, currently.

(3) Whether the closing is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the alley.

These factors do not appear to apply.

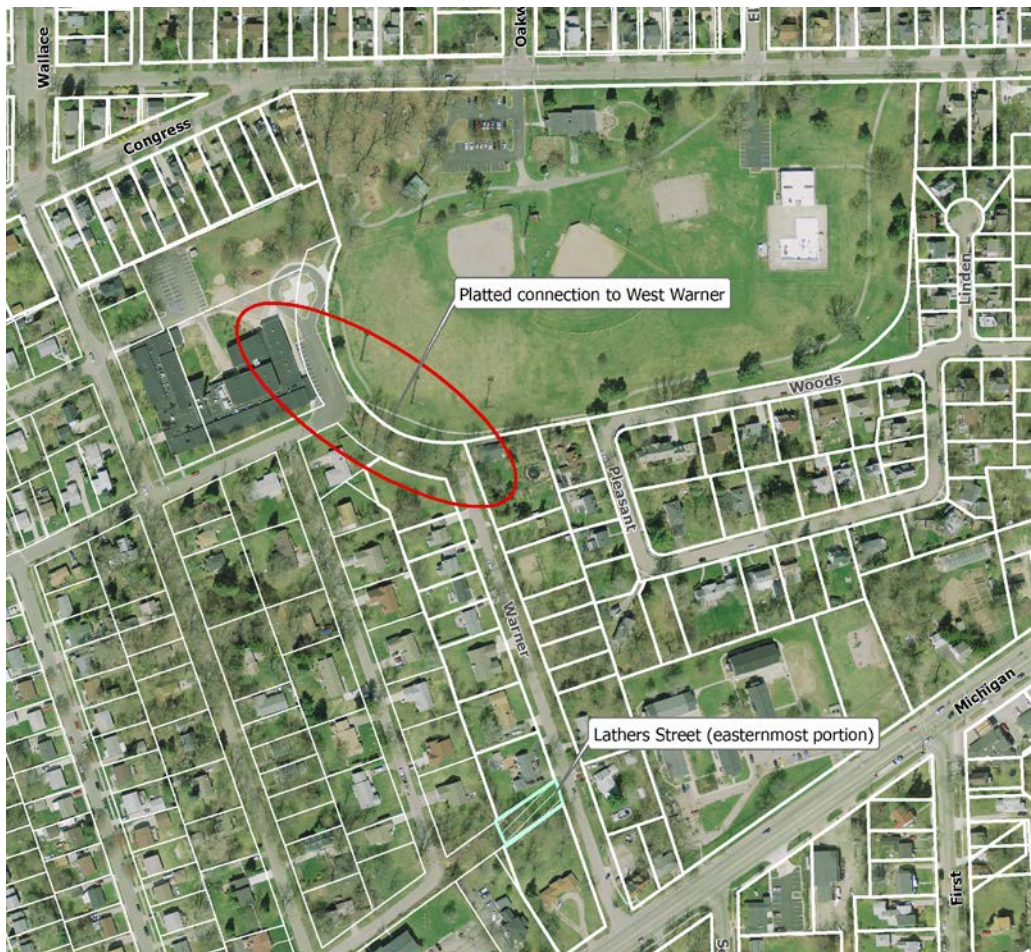
(4) The wishes and desires of the majority of the neighborhood.

It is our understanding that both property owners abutting Lathers are in favor of the vacation. However, notice of this petition was only published in the newspaper of record; individual notices were not sent at this point in the process.

Not less than four weeks prior to the City Council meeting at which this issue will be further deliberated, staff will mail notice to adjacent property owners, post notice of that meeting in no less than three different public places in and around the alley, and publish notice in the official city newspaper at least once per week for two successive weeks, per §94-293, §94-294, & §94-295. Additional feedback is expected at that time.

(5) The present and future interests of the city considering planning for the entire city.

As constructed, Warner is a street with no outlet. To the north, it dead-ends into Recreation Park. As platted, however, it connects to West Warner in the township, and to Lathers, the subject of our review. The Master Plan emphasizes connections between neighborhoods; Warner is fairly unique within the City in that it is largely disconnected; not only is it a dead-end street, but it also has no sidewalks connecting it either to Michigan Avenue or into Recreation Park. A connection to the adjacent neighborhood could be very valuable, but it can be via either platted right-of-way, it need not be via both. Staff would prioritize maintaining the connection adjacent to the park and school before the connection via Lathers, and such a connection would be more “legible”- both on its own, or in the presence of a Lathers connection.



OTHER DEPARTMENT AND AGENCY INVOLVEMENT

DEPARTMENT OF PUBLIC SERVICES

AWAITING FEEDBACK. Utility easements, if necessary, will be retained.

FIRE DEPARTMENT

The Fire Department has reviewed the application and has no objection.

UTILITY ACCESS

Per §94-297 of the City Code of Ordinances, the City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities unless such easement is specifically abandoned. Staff is not aware of any utilities in this location.

STAFF RECOMMENDATIONS

Staff recommends that Lathers be vacated , as it currently serves no public purpose and will not negatively impact traffic patterns.

Staff further recommends that Lathers be vacated, but that Planning Commission note that the right-of-way connecting Warner to West Warner .

Bonnie Wessler
Planner I, Community & Economic Development Dept.

CC File
 Applicant



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1237**

An ordinance to vacate Lathers Street, located between the City boundary to the west and Warner Street to the east, within the City of Ypsilanti.

1. THE CITY OF YPSILANTI ORDAINS that:

The portion of Lathers Street, in the City of Ypsilanti, Michigan, is vacated subject the following conditions:

1. The City reserves all rights and an easement for installation and maintenance of utilities within the entire former right-of-way
2. The Ypsilanti City Clerk shall record a certified copy of such resolution of vacation and this ordinance with the Washtenaw County register of deeds and send a copy to the State Treasurer.
3. No further City action or expense to transfer title to the alley and amend the plat is authorized. The affected property owners may institute such legal action as may be necessary to properly obtain title and amend the plat.

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

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

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect.

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

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

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2015.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in The Washtenaw Now on the _____ day of _____, 2015.

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 _____, 2015.

Frances McMullan, City Clerk

Notice Published: _____

First Reading: January 6, 2014

Second Reading: February 17, 2015

Published: _____

Effective Date: _____



REQUEST FOR LEGISLATION
January 6, 2015

From: Planning and Development Department

Subject: Alley closure: Forest/Prospect/Oak/River, second north-south alley from east.

SUMMARY & BACKGROUND:

Mr Grams and his family live at 317 Oak, at the south-west end of the alleyway. With the recent closure of the alley to their east, approved by Planning Commission in 2011, he and his neighbors have seen an increase in cut-through traffic in the alley. Due to this traffic, the neighbors are concerned about their health, safety, and welfare. They do not wish the alley be vacated, as pedestrians use the alley frequently, and the neighbors use it for garage access.



The Planning Commission reviewed the alley closure application under the standards set forth by §94-271 and recommends that it be closed, with no conditions. Minutes (excerpted) and the original staff report are attached.

Please contact Bonnie Wessler, Planner I, with any questions you may have at 734-483-9646 or by email to wesslerb@cityofypsilanti.com.

RECOMMENDED ACTION: Approval of resolution of intent to close alley;
Approval of ordinance first reading to close alley.

ATTACHMENTS: Staff Report, 16 October 2014
Planning Commission Minutes (excerpted), 22 October 2014.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 01-06-2015

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2015-003
January 6, 2015

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to close the second north-south alley running between East Forest and Oak between River and Prospect in the City of Ypsilanti" be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



City of Ypsilanti
Community & Economic Development Department

16 October 2014
Staff Review of Alley Vacation Application
Second from East N-S Alley between Forest and Oak

GENERAL INFORMATION

Applicant: Robert Grams, Jr
317 Oak St
Ypsilanti, MI 48198

Application Date: 9/17/2014

Location: Second from East N-S Alley between Forest and Oak

Zoning: R1, Single-family Residential

Action Requested: Alley Closure

Staff Recommendation: Approval.

PROJECT AND SITE DESCRIPTION

Mr Grams and his family live at 317 Oak, at the south-west end of the alleyway. With the recent closure of the alley to their east, approved by Planning Commission in 2011, he and his neighbors have seen an increase in cut-through traffic in the alley. Due to this traffic, the neighbors are concerned about their health, safety, and welfare. They do wish the alley not be vacated, as pedestrians use the alley frequently, and the neighbors use it for garage access.

Figure 1: Street Location

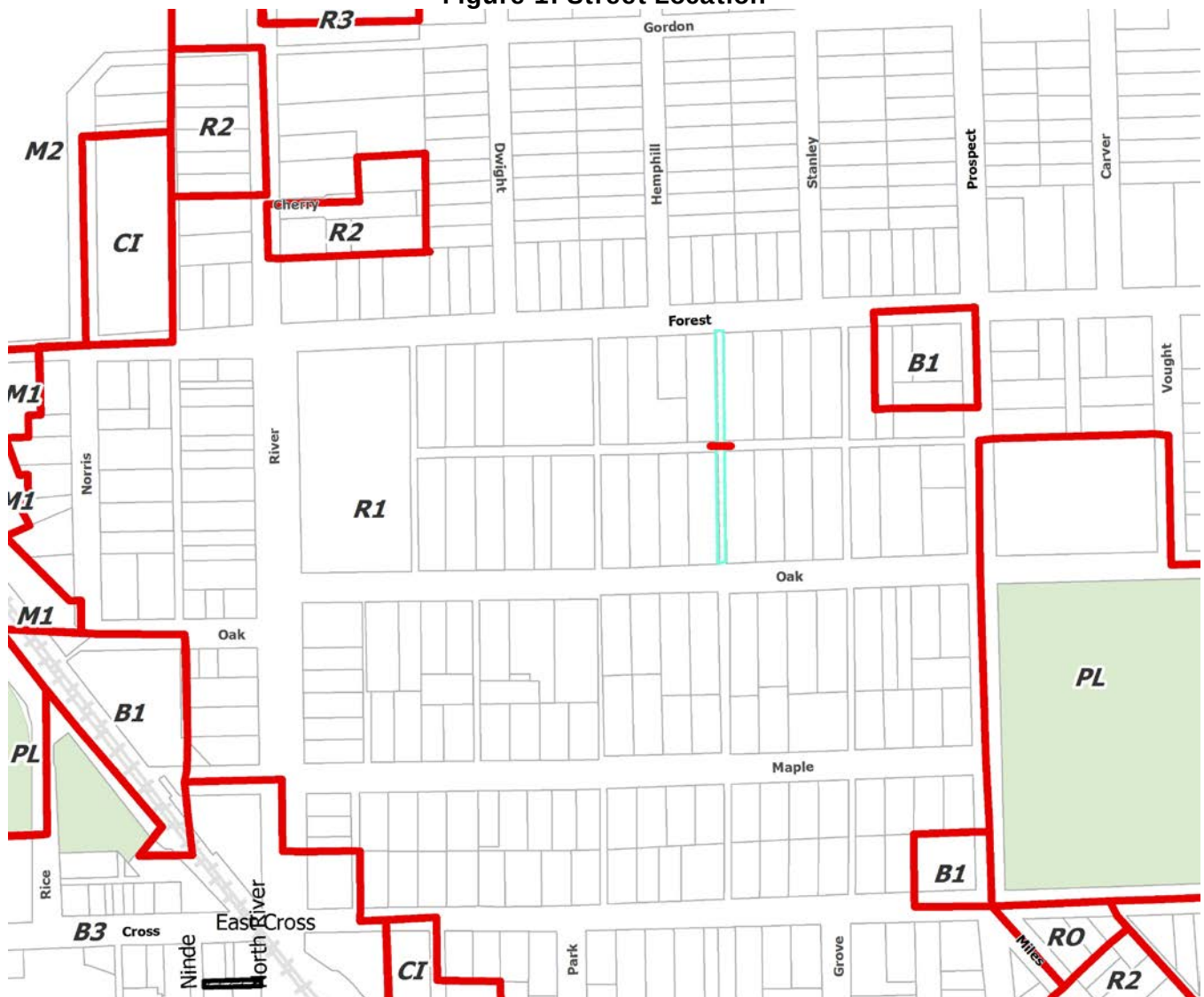


Figure 2: Site Aerial (2010)



ALLEY VACATION STANDARDS

§94-271

The process to vacate an alley, as prescribed by City Code, follows these simplified steps:

- (1) A motion of City Council, or a Petition by the majority of abutting owners, initiates the process.
- (2) Planning Commission holds a public hearing
- (3) Planning Commission makes recommendation to City Council
- (4) City Council considers the request in open session and passes a resolution of intent to vacate in the form of an ordinance first reading.
- (5) City Council sets a date for a public hearing not less than four weeks thereafter.
- (6) City Council decides to vacate or close the alley, with or without conditions, or take no action.

The ordinance further provides standards to be considered in any closure or vacation of a public right-of-way. These five, and staff comments, are as follows:

(1) Whether the alley services a residential, single-family, multi-family or business area.

The area served is residential.

(2) Whether the closing will create an undue burden on traffic.

It is currently used for garage access and pedestrian traffic. Cut-through traffic has been redirected from the alley to the east to this alley. Those drivers were, anecdotally, avoiding the light at Forest/Prospect and traffic generated by the school.

(3) Whether the closing is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the alley.

This closure would prevent cut-through traffic

(4) The wishes and desires of the majority of the neighborhood.

Representatives from each household abutting the alley have signed the petition for its closure.

Not less than four weeks prior to the City Council meeting at which this issue will be further deliberated, staff will mail notice to adjacent property owners, post notice of that meeting in no less than three different public places in and around the alley, and publish notice in the official city newspaper at least once per week for two successive weeks, per §94-293, §94-294, & §94-295. Additional feedback is expected at that time.

(5) The present and future interests of the city considering planning for the entire city.

Closing the alley does not affect future plans. We recommend that this alley not be vacated in the future.

OTHER DEPARTMENT AND AGENCY INVOLVEMENT

DEPARTMENT OF PUBLIC SERVICES

AWAITING FEEDBACK. Utility easements, if necessary, will be retained.

FIRE DEPARTMENT

The Fire Department has reviewed the application and has no objection.

UTILITY ACCESS

Per §94-297 of the City Code of Ordinances, the City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities unless such easement is specifically abandoned. Staff is not aware of any utilities in this location.

STAFF RECOMMENDATIONS

Staff recommends that this alley be closed.

Bonnie Wessler
Planner I, Community & Economic Development Dept.

CC File
 Applicant

**PLANNING COMMISSION
MEETING MINUTES
October 22, 2014
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, C. Zuellig, P. Hollifield, N. Sandberg, A. Bedogne, S. Straley

Absent: H. Jugenitz (excused)

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

III. APPROVAL OF MINUTES

Commissioner Sandberg moved to approve the minutes of August 20, 2014 (Support: P. Hollifield) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS

1. Alley Vacation Application

This is a request for an alley closure second from East N-S Alley between Forest and Oak. The applicant and his family live at 317 Oak, at the southwest end of the alleyway. With the recent closure of the alley to their east, which was approved by Planning Commission in 2011, he and his neighbors have seen an increase in cut-through traffic in the alley. Because of this traffic, the neighbors are concerned about the health, safety and welfare. They do not want the alley to be vacated, since pedestrians use the alley frequently, and the neighbors use it for garage access.

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

Robert Grams, 317 Oak – has complained about the problems with cut-through traffic on many occasions – signage is ignored. Mr. Grams had his four other neighbors sign the petition for the alley closure. Residents also prefer that the city not maintain it with snow removal, etc.

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

After some discussion of board members with staff, Commissioner Zuellig moved to recommend to City Council to approve closing the alley from East N-S between Forest and Oak, based on the following findings:

Findings:

1. Area served is residential
2. Closing will not create an undue burden on traffic or affect future plans
3. Cut-through traffic has been redirected from the alley to the east to this alley.
4. Closure would prevent cut-through traffic

The motion was supported by Commissioner Straley. A roll call vote was taken and carried unanimously 6:0.

2. Alley Vacation Application

This is a request for an alley vacation at the easternmost portion of the east-west alley Whittier, Cornell, Washtenaw and Mansfield, immediately south of 1403 Whittier.

Ms. Wessler, Planner II, stated that this would be a vacation, which means that the city would give up any property interest in the alley. The ownership would revert to the neighboring property owner. Only a small portion of the full alley is being petitioned for vacation, immediately behind 14 Whittier. The primary reason for this request is because the trash from the south goes on the fence line and the northern portion of the alley and under current code, 1403 Whittier is responsible for picking up the trash on their portion. The intent is that once the alley is vacated, they intend to deed it to the southern property owner, thus have no responsibility for upkeep.

This alley is currently open and owned by the city. The property owner at 1415 Whittier, immediately adjacent, uses the alley for access to their garage, as does the property at 1439 Whittier. Businesses along the Washtenaw frontage use the alleyway for access to parking, ingress and egress.

Ms. Wessler reviewed the standards. The closing would not create a burden on traffic but as the alley would become private property, it could possibly be built over. It is not being used as a cut-through. As far as present and future use by the city, because Washtenaw is a very high intensity corridor, it is going to be more intense in a single residential neighborhood. This alley could serve as a buffer or unloading/loading zone. Staff is recommending denial at this time.

Chairman Johnson asked if the city has closed partial alleys previously, to which, Ms. Wessler responded in the affirmative.

City of Ypsilanti
Ordinance No. 1239

An Ordinance to amend Ordinance No. 2014-1212 in order to provide for a service charge in lieu of taxes for two additional parcels of a housing project for low income persons and families pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the "Act").

WHEREAS on February 4, 2014, City Council for the City of Ypsilanti adopted Ordinance No. 2014-1212, "City of Ypsilanti Tax Exemption Ordinance-Scattered Site"; and

WHEREAS this ordinance established a Payment in Lieu of Taxes (PILOT) for several parcels to serve as housing for low income persons and families owned and operated by Strong Future LDHA Limited Partnership; and

WHEREAS since adopting this PILOT, two additional parcels have been added to the project; and

WHEREAS the PILOT needs to be amended to incorporate these additional parcels; and

NOW THEREFORE:

1. THE CITY OF YPSILANTI ORDAINS that Section 2 of Ordinance No. 2014-1212, "City of Ypsilanti Tax Exemption Ordinance-Scattered Site" be amended to read as follows:

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Ypsilanti (the "City") is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from ad valorem taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for exemption from ad valorem taxation and the service charge in lieu of all ad valorem taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City acknowledges that the Sponsor (as defined below) has offered, subject to the approval of an application to the U.S. Department of Housing and Urban Development's

Rental Assistance Demonstration Program and subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to acquire, rehabilitate, own, and operate a housing project identified as Scattered Site Housing Project on certain property located at parcels 11-11-09-170-023, 11-11-39-145-029, 11-11-10-267-003, 11-11-39-414-005, 11-11-37-100-001, 11-11-37-202-001, 11-11-37-152-010, 11-11-10-355-037, 11-11-37-153-007, 11-11-37-201-001, 11-11-39-481-010, 11-11-39-145-030, 11-11-09-170-024 and 11-11-39-484-001 in the City to serve low income persons and families (the "Project"), and that the Sponsor has offered to pay the City on account of this housing project an annual service charge for public services in lieu of all ad valorem property taxes.

2. 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.

3. 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 _____, 2015.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in Washtenaw Now on the _____ day of _____, 2015.

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 _____, 2015.

Frances McMullan, City Clerk

Notice Published: December 25, 2014

First Reading: January 6, 2015

Second Reading: _____

Published: _____

Effective Date: _____



**Barr,
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Associates, P.C.**
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John M. Barr
Karl A. Barr
Daniel J. DuChene

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

REQUEST FOR LEGISLATION

DATE: December 23, 2014

FROM: John M. Barr

SUBJECT: Ordinance to Amend Strong Future PILOT to Include Additional Parcels

SUMMARY/BACKGROUND

On February 4, 2014, City Council adopted Ordinance No. 2014-1210, which authorized the Mayor and City Clerk to enter into an Option to Purchase Land Agreement with Strong Future LDHA Limited Partnership for the sale of the remaining city-owned low income housing, excepting Parkridge (which was dealt with by Ordinance 2014-1209). The purpose of this agreement was to show site control by the limited partnership in order that their application for tax credits from the Michigan State Housing Development Authority be approved.

This application was so approved and the parties are moving forward to complete the sale of those sites. The limited partnership has submitted site plans for the anticipated redevelopment and rehabilitation of the properties. As part of this plan, the limited partnership anticipates constructing a new building at both the Paradise Manor and Hollow Creek sites. These buildings will house management and social service operations and will be used for other purposes as well. In order to construct these buildings, the City would need to sell the parcels it owns that are adjacent to these sites. To this accomplish this, City Council adopted Ordinance 2014-1236 on December 16, 2014, which approved this conveyance by quitclaim deed to the limited partnership.

Now that such a conveyance has been approved, the two parcels are part of the overall project and the ordinance approving the payment in lieu of taxes for the project needs to be amended. This proposed amended amends Ordinance No. 2014-1212 to include these two parcels with the remaining project PILOT.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Review and adoption



**Barr,
Anhut &
Associates,
P.C.**
ATTORNEYS AT LAW

December 23, 2014
Page 2

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An Ordinance to amend Ordinance No. 2014-1212 in order to provide for a service charge in lieu of taxes for two additional parcels of a housing project for low income persons and families pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the "Act")" be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

City of Ypsilanti
Ordinance No. 1239

An Ordinance to amend Ordinance No. 2014-1212 in order to provide for a service charge in lieu of taxes for two additional parcels of a housing project for low income persons and families pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the "Act").

WHEREAS on February 4, 2014, City Council for the City of Ypsilanti adopted Ordinance No. 2014-1212, "City of Ypsilanti Tax Exemption Ordinance-Scattered Site"; and

WHEREAS this ordinance established a Payment in Lieu of Taxes (PILOT) for several parcels to serve as housing for low income persons and families owned and operated by Strong Future LDHA Limited Partnership; and

WHEREAS since adopting this PILOT, two additional parcels have been added to the project; and

WHEREAS the PILOT needs to be amended to incorporate these additional parcels; and

NOW THEREFORE:

1. THE CITY OF YPSILANTI ORDAINS that Section 2 of Ordinance No. 2014-1212, "City of Ypsilanti Tax Exemption Ordinance-Scattered Site" be amended to read as follows:

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Ypsilanti (the "City") is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from ad valorem taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for exemption from ad valorem taxation and the service charge in lieu of all ad valorem taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City acknowledges that the Sponsor (as defined below) has offered, subject to the approval of an application to the U.S. Department of Housing and Urban Development's

Rental Assistance Demonstration Program and subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to acquire, rehabilitate, own, and operate a housing project identified as Scattered Site Housing Project on certain property located at parcels 11-11-09-170-023, 11-11-39-145-029, 11-11-10-267-003, 11-11-39-414-005, 11-11-37-100-001, 11-11-37-202-001, 11-11-37-152-010, 11-11-10-355-037, 11-11-37-153-007, 11-11-37-201-001, 11-11-39-481-010, 11-11-39-145-030, 11-11-09-170-024 and 11-11-39-484-001 in the City to serve low income persons and families (the "Project"), and that the Sponsor has offered to pay the City on account of this housing project an annual service charge for public services in lieu of all ad valorem property taxes.

2. 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.

3. 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 _____, 2015.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in Washtenaw Now on the _____ day of _____, 2015.

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 _____, 2015.

Frances McMullan, City Clerk

Notice Published: December 25, 2014

First Reading: January 6, 2015

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2015-005
January 6, 2015

That the public hearing to amend Ordinance No. 1212 in order to provide for a service charge in lieu of taxes for two additional parcels of a housing project for low income persons and families pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the "Act") be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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John M. Barr
Karl A. Barr
Daniel J. DuChene

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

REQUEST FOR LEGISLATION

DATE: December 23, 2014

FROM: John M. Barr

SUBJECT: Resolution to Approve Amendment No. 1 to the Ann Arbor/Ypsilanti SmartZone Agreement between Michigan Economic Development Corporation, City of Ann Arbor, City of Ypsilanti, and the Local Development Finance Authority of the Cities of Ann Arbor and Ypsilanti

SUMMARY/BACKGROUND

On June 2, 2014, City Council adopted Resolution No. 2014-213, which authorized an agreement with the Adrian/Tecumseh SmartZone as a Satellite SmartZone to support the 15-year extension of the Ann Arbor/Ypsilanti SmartZone LDFA.

The attached resolution requests approval of Amendment No. 1 to the Ann Arbor/Ypsilanti SmartZone Agreement between Michigan Economic Development Corporation, City of Ann Arbor, City of Ypsilanti, and the Local Development Finance Authority of the Cities of Ann Arbor and Ypsilanti. This amendment will do three things:

- Amend Section 3.01 to provide for an additional 15 year period on ratification by State Treasurer and approval of the President of the MEDC of the LDFA amended Development and Tax Increment Financing Plan.
- Amend Section 3.05 of the Agreement to comply with the reporting requirement of Public Act 281.
- Amend Section 5.01 of the Agreement extending its term to May 1, 2032

Under the terms of the Agreement between the Parties, the Cities of Ann Arbor and Ypsilanti must receive prior approval from MEDC to amend the Ann Arbor/Ypsilanti SmartZone LDFA Development Plan and Tax Increment Financing Plan.

Amendment No. 1 recognizes MEDC's approval to amend the LDFA Development Plan and Tax Increment Financing Plan and incorporates the rights and obligations of the parties in regard to the designation of the Satellite LDFA District as a Satellite SmartZone. Both of which are pre-requisites in extending the tax capture period of the LDFA.

ATTACHMENTS: Proposed Resolution



**Barr,
Anhut &
Associates,
P.C.**
ATTORNEYS AT LAW

December 23, 2014
Page 2

RECOMMENDED ACTION: Review and adoption

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2015-006
January 6, 2015

RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE ANN ARBOR/YPSILANTI
SMARTZONE AGREEMENT BETWEEN MICHIGAN ECONOMIC DEVELOPMENT
CORPORATION, CITY OF ANN ARBOR, CITY OF YPSILANTI, AND THE LOCAL
DEVELOPMENT FINANCE AUTHORITY OF THE CITIES OF ANN ARBOR AND YPSILANTI

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

Whereas on November 25, 2002, the Michigan Economic Development Corporation ("MEDC"), the City of Ann Arbor, and the City of Ypsilanti (collectively the "Cities") and the Local Development Finance Authority of the Cities ("LDFA") entered into an agreement to establish the terms and conditions governing the Ann Arbor/Ypsilanti SmartZone ("Agreement"); and

Whereas under the terms of the Agreement, the Cities and the LDFA are required to obtain prior approval of the MEDC to amend the Ann Arbor/Ypsilanti SmartZone LDFA Development and Tax Increment Financing Plan; and

Whereas the Cities and the LDFA have previously approved application to the MEDC to extend the tax capture period of the LDFA by additional fifteen (15) years which required the Cities and the LDFA to enter into an agreement with a Satellite LDFA to designate the Satellite LDFA District as a SmartZone Satellite for the benefit of regional cooperation and collaboration, and to amend Development and Tax Increment Financing Plan for the LDFA to comply with Public Act 281 of 1986, as amended ("Public Act 281"); and

Whereas the Cities approved and entered into an agreement with Satellite LDFA to designate the Satellite LDFA District as a SmartZone Satellite, which designation has been filed with MEDC; and

Whereas, the Cities and the LDFA now desire to amend the Agreement with the MEDC to incorporate the rights and obligations of the parties in regard to the designation of the Satellite LDFA District as a Satellite SmartZone; and

Whereas, Amendment of the Agreement will:

- amend Section 3.01 to provide for an additional 15 year period on ratification by State Treasurer and approval of the President of the MEDC of the LDFA amended Development and Tax Increment Financing Plan
- amend Section 3.05 of the Agreement to comply with the reporting requirement of Public Act 281

- amend Section 5.01 of the Agreement extending its term to May 1, 2032; and

Whereas it is understood by the Cities and the LDFA that MEDC may revoke its approval of the Cities' amendment to their Development and TIF Plan and the extension of its term from 15 to 30 years if the terms of the Amendment to the Agreement are not satisfied;

NOW THEREFORE BE IT RESOLVED that the City Council for the City of Ypsilanti approve Amendment No. 1 to the Ann Arbor/Ypsilanti SmartZone Agreement between Michigan Economic Development Corporation, City of Ann Arbor, City of Ypsilanti, and the Local Development Finance Authority of the Cities of Ann Arbor and Ypsilanti;

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute the Agreement after approval as to form by the City Attorney; and

BE IT FURTHER RESOLVED that the City Clerk is directed to provide a certified copy of this Resolution to the City of Ann Arbor, the Chair of the Ann Arbor/Ypsilanti SmartZone LDFA, and the MEDC.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Hi All –

We had a brief conversation at City Council about elected officials' compensation and I would like to pursue it at the next council meeting now that the precise budget numbers are available. Mayor ProTem Richardson and Councilmember Robb have agreed to place this item on the January 6th Agenda.

BACKGROUND

Prior to the adoption of the 1994 Charter, elected officials compensation was set through a compensation commission. This commission met every two years and made recommendations to City Council on compensation. These recommendations went into effect unless City Council rejected them by a two-thirds vote. Council could not modify the recommendation only vote it up or down. The Charter commission removed that section and replaced it with the following, which is in effect now.

2.04. - Compensation.

The Council shall, from time to time, set the compensation of the Mayor and Council, by a roll call vote. The compensation may not exceed the amount specifically designated for the purpose of compensating the officer or officers in the annual appropriation. There shall not be a local officers' compensation commission.

Since the adoption of the Charter, to my knowledge, there has been no adjustment in elected officials compensation with the exception of the 5% reduction established in January 2010. That was done on conjunction with 5% reductions we were asking of all City non union employees. Since that time we restored the 5% reduction with the firefighters and this month with the non-union personnel.

PROPOSAL

I propose that effective January 1, 2015, we adjust the compensation of elected officials by restoring the 5% reduction that occurred in 2010 and then add an increase of 2%, the same as was done with the other non-union personnel. The restoration will bring us back to the same compensation level as the mid 90's and the 2% will be the first adjustment since then and in line what we recently granted the non-union employees.

Attached is a chart that shows the compensation and changes and costs for the two items and a Council Resolution.

This would require a budget amendment of \$1,425.45 for FY 2024-15 and \$ 2,850.90 for FY 2015-16 for salaries line item and a minor adjustment for social security, medicare and workers comp.line items.

Thanks

Pete

Pete Murdock
Ypsilanti City Council - Ward Three
(734) 485-7799



Resolution No. 2015 -007
January 6, 2015

Be it resolved that pursuant to Section 2.04 of the City Charter and effective as of January 1, 2015, the annual compensation for the Mayor and City Council shall be set as follows:

Mayor	\$ 9,143.28
Mayor Pro-Tem	\$ 6,095.52
City Council Members	\$ 5,254.02

And be it further resolved that the budget for City Council for FY 2014-15 and FY 2015-16 be adjusted to reflect these changes.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Council Wages Dept # 1010

	Current Annual rate	5% Reduction in 2010	annual rate with restoration of 5%	2% increase After restoration of 5%	Annual rate after 5% restoration and 2% increase
Brown, Nicole	4,893.00	258.00	5,151.00	103.02	5,254.02
Edmonds, Amanda- Mayor	8,516.04	447.96	8,964.00	179.28	9,143.28
Murdock, Peter	4,893.00	258.00	5,151.00	103.02	5,254.02
Richardson, Lois - Mayor ProTem	5,676.96	299.04	5,976.00	119.52	6,095.52
Robb, Brian	4,893.00	258.00	5,151.00	103.02	5,254.02
Vogt, Daniel	4,893.00	258.00	5,151.00	103.02	5,254.02
Brown, Anne	4,893.00	258.00	5,151.00	103.02	5,254.02
Total Annual Cost	38,658.00	2,037.00	40,695.00	813.90	41,508.90
Six month Cost		1,018.50		406.95	
Budget amendment for 2014-15					1,425.45
Budget amendment for 2015-16					2,850.90



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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: December 19, 2014

FROM: John M. Barr, City Attorney

SUBJECT: Towner House, release of right of first refusal

**SUMMARY/BACKGROUND**

The Towner House, located at 303 North Huron Street, Ypsilanti, Mi is more than 175 years old and one of the oldest structures in the State of Michigan. The property is presently owned by the First Presbyterian Church, subject to an offer to purchase by the Towner House Foundation. The City of Ypsilanti had a right of first refusal on the property. The Towner House gave the city notice of the purchase on October 13, 2013 and the city had 30 days to purchase the property. The city chose to not purchase the property as the Towner House Foundation was established to own and preserve the property, the same goal as the City of Ypsilanti.

The sale has been in limbo for some time, but is now ready to close. The title company has requested that the City formally release the right of first refusal to clear the title to the property.

Inasmuch as the City lost the right of first refusal 30 days after October 13, 2013, and the purpose of the purchaser is to maintain and preserve the property, I recommend that the City Council authorize the mayor and clerk to sign a release of the right of first refusal and deliver to the title company to allow the purchase to go forward.

A resolution to approve the release and a release of right of first refusal are attached.



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

January 6, 2015  
Page 2

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ATTACHMENTS:      Proposed Release of Right of First Refusal

RECOMMENDED ACTION:   Approval of resolution to release right of first refusal

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

CITY MANAGER COMMENTS:

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

COUNCIL ACTION TAKEN:



Resolution to approve Release of Right of First Refusal for  
Towner House, 303 North Huron, Ypsilanti MI 48197

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

Whereas the City of Ypsilanti has a right of first refusal on the Towner House at 303 North Huron Street, Ypsilanti, Michigan, and

Whereas the Towner House Foundation desires to purchase the Towner House to preserve and maintain it in perpetuity, and

Whereas the City of Ypsilanti has no interest in purchasing the property,

Now Therefore, the City Council approves the release of the Towner House right of first refusal and authorizes the mayor and city clerk to execute a release, subject to the approval of the city attorney.

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

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

YES:

NO:

ABSENT:

VOTE:

RELEASE OF RIGHT OF FIRST REFUSAL

The City of Ypsilanti, a Michigan Home Rule City of 1 South Huron Street, Ypsilanti, MI 48197 does hereby release The First Presbyterian Church of Ypsilanti, a Michigan Ecclesiastical Corporation of 300 North Washington Street, Ypsilanti, MI 48197 of all obligations under a certain Right of First Refusal dated January 1, 2005 and recorded June 15, 2005 in Washtenaw County Records in Liber 4485, Page 794 and the City of Ypsilanti gives up and releases any and all interest in said Right of First Refusal.

Dated: January 06, 2015

City of Ypsilanti, Michigan

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Amanda Edmonds, Mayor

---

Frances McMullan, City Clerk

State of Michigan  
County of Washtenaw

Subscribed and sworn to before me a notary public this \_\_\_\_ day of January, 2015.

Acting in Washtenaw County

---

Notary Public  
My commission expires: \_\_\_\_\_



Resolution No. 2013-225  
November 5, 2013

**RESOLUTION TO REJECT RIGHT OF FIRST REFUSAL  
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;

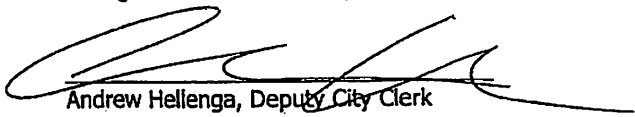
NOW THEREFORE, the City of Ypsilanti rejects the Right of First Refusal and gives up any rights thereunder and has no objection to the sale of the property to the Towner House Foundation.

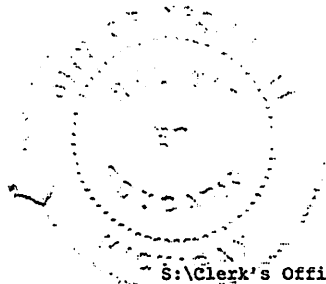
OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Moeller

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

I do hereby certify that the above resolution is a true and correct copy of Resolution 2013-225 as passed by the Ypsilanti City Council, at their meeting held on November 5, 2013.

  
Andrew Hellenga, Deputy City Clerk



S:\Clerk's Office\CITY COUNCIL MEETINGS\CITY COUNCIL MEETINGS\2013 City Council Meetings\11-05-13\Towner\2- Res. No. 2013-225 reject right of first refusal 101613.DOC



Resolution No. 2015-008  
January 6, 2015

**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:



## ACTION MINUTES

CITY OF YPSILANTI  
COUNCIL MEETING ACTION MINUTES  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
Tuesday, January 6, 2015  
7:00 P.M.

**I. CALL TO ORDER –**  
**Called to order at 7:00 p.m.**

**II. ROLL CALL –**

|                             |         |                     |         |
|-----------------------------|---------|---------------------|---------|
| Council Member Anne Brown   | Present | Council Member Robb | Present |
| Council Member Nicole Brown | Present | Council Member Vogt | Present |
| Council Member Murdock      | Present | Mayor Edmonds       | Present |
| Mayor Pro-Tem Richardson    | Present |                     |         |

**All present**

**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 –**  
**Agenda approved as submitted**

**VII. PRESENTATIONS –**

**VIII. AUDIENCE PARTICIPATION –**

**IX. REMARKS BY THE MAYOR –**

**X. MINUTES –**

Resolution No. 2015-001, approving the minutes of December 16, 2014  
**Minutes approved as submitted**

**XI. ORDINANCES – FIRST READING -**

*Ordinance No. 1237*

1. Ordinance to vacate Lathers Street, located between the City boundary to the west and Warner Street to the east, within the City of Ypsilanti.

A. Resolution No. 2015-002, determination.  
***(Public hearing will be held at Second Reading – Feb. 17, 2015)***

**Approved: Yes - 7; No - 0; Absent - 0**

*Ordinance No. 1238*

2. Ordinance to vacate alley: Forest/Prospect/Oak/River, second north-south alley from east.

A. Resolution No. 2015-003, determination.

***(Public hearing will be held at Second Reading – Feb. 17, 2015)***

**Approved as amended: Yes - 7; No - 0; Absent - 0**

*Ordinance No. 1239*

3. Ordinance to amend Ordinance No. 2014-1212 in order to provide for a service charge in lieu of taxes for two additional parcels of a housing project for low income persons and families pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the "Act").

A. Resolution No. 2015-004, determination.

**Approved: Yes - 7; No - 0; Absent - 0**

B. Open public hearing.

C. Resolution No. 2015-005, close public hearing.

**Approved: Yes - 7; No - 0; Absent - 0**

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

1. Resolution No. 2015-006, approving Amendment #1 to the Ann Arbor/Ypsilanti SmartZone Agreement between Michigan Economic Development Corporation, City of Ann Arbor, City of Ypsilanti and the Local Development Finance Authority of the Cities of Ann Arbor and Ypsilanti.

**Approved: Yes - 7; No - 0; Absent - 0**

2. Resolution No. 2015-007, approving annual compensation for the Mayor and City Council.

**Approved: Yes - 6; No – 1 (Vogt); Absent - 0**

3. Resolution No. 2015-009 approving Release of Right of First Refusal for Towner House, 303 North Huron, Ypsilanti MI 48197

**Approved: Yes - 7; No - 0; Absent - 0**

## **XIII. LIASON REPORTS –**

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

## **XIV. COUNCIL PROPOSED BUSINESS –**

## **XV. COMMUNICATIONS FROM THE MAYOR –**

## **XVI. COMMUNICATIONS FROM THE CITY MANAGER –**

## **XVII. AUDIENCE PARTICIPATION –**

**XVIII. REMARKS FROM THE MAYOR –**

**XIX. ADJOURNMENT -**

Resolution No. 2015-008, adjourning the City Council meeting.  
**The meeting adjourned at 8:45 p.m.**