

1. City Council Regular Meeting Agenda

Documents:

[05-07-15 REVISED FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents:

[REVISED 5-7-15 COUNCIL PACKET.PDF](#)

3. City Council Regular Meeting Action Minutes

Documents:

[05-07-15 ACTION MINUTES.PDF](#)



*Revised – 5/6/15*

**CITY OF YPSILANTI  
COUNCIL MEETING AGENDA  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
Thursday, May 7, 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 –**

Recycling Presentation

**VIII. AUDIENCE PARTICIPATION –**

**IX. REMARKS BY THE MAYOR –**

**X. MINUTES –**

Resolution No. 2015-100, approving the minutes of April 21 and April 28, 2015.

**XI. CONSENT AGENDA –**

Resolution No. 2015-101A

1. Resolution No. 2015-101, approving Ordinance No. 1245, an ordinance to amend the Zoning Ordinance, Sec 122-8, to revise "Violations and Penalties" for the Administrative Hearings Bureau (AHB). ***(Second Reading)***
2. Resolution No. 2015-102, approving Ordinance No. 1247, an ordinance to amend Ypsilanti City Code Chapter 102 "Traffic and Vehicles" for Permit Parking. ***(Second Reading)***
3. ~~Resolution No. 2015-103, approving appointment of Anthony Bedogne to the Planning Commission.~~

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

1. Resolution No. 2015-104, approving Metro Act Right of Way Permit extension with Michigan Bell Telephone Company d/b/a/ AT&T.
2. Resolution No. 2015-105, approving Ordinance No. 1244, the adoption, amendment and restatement of the Depot Town Development Plan and Tax Increment Financing Plan ***(Second Reading)***
3. Resolution No. 2015-106, approving Ordinance No. 1246, an ordinance to amend the Zoning Ordinance, Article VI, to revise Non-Conforming Uses ***(Second Reading)***

**XIV. LIASON REPORTS –**

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Urban County
- E. Freight House
- F. Parks and Recreation
- G. Millennial Mayors Conference
- H. Ypsilanti Downtown Development Authority
- I. Eastern Washtenaw Safety Alliance

**XIV. COUNCIL PROPOSED BUSINESS –**

**XV. COMMUNICATIONS FROM THE MAYOR –**

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

**XVII. AUDIENCE PARTICIPATION –**

**XVIII. REMARKS FROM THE MAYOR –**

**Nomination:**

Planning Commission  
Anthony Bedogne (reappointment)  
717 Stanley  
Ypsilanti, MI 48198  
Exp. 5/1/2018

**XIX. COMMUNICATIONS -**

- City of Ypsilanti Human Relations Commission Annual Report
- City of Ypsilanti Resource Allocation Plan, Amended Budget FY 2014-2015 and FY 2015-2016

**XX. ADJOURNMENT -**

Resolution No. 2015-107, adjourning the City Council meeting.



*Revised – 5/6/15*

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**FREE CURBSIDE  
CLOTHING & HOME GOODS  
RECYCLING PROGRAM**

**FREE**

**TURN  
KEY**

**SIMPLE  
& EASY**

**SAVE \$  
MAKE \$**

[www.SimpleRecycling.com](http://www.SimpleRecycling.com) • [Info@SimpleRecycling.com](mailto:Info@SimpleRecycling.com)

## Who is Simple Recycling?

We have over 50 years of experience in clothing & household discard collection

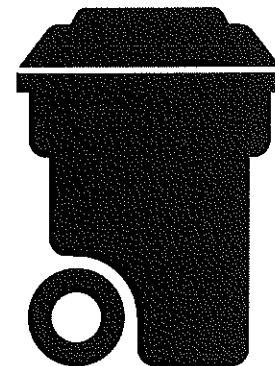
Our sister company manages clothing & household discard donation programs in partnership with non-profit organizations<sup>1</sup>

## Environmental Impact Facts

Clothing, Appliances, Durables, & Furniture account for 15% of local waste stream



**85% OF TEXTILES  
ARE NOT RECYCLED  
OR DONATED**



**EPA ESTIMATES  
70 LBS./PERSON OF CLOTHING  
ARE THROWN AWAY EACH YEAR**

**(YOUR CITY'S POPULATION X 70LBS = MILLIONS OF LBS./YEAR)**

Source:  
1. <http://www.weardonaterecycle.org>

**[www.SimpleRecycling.com](http://www.SimpleRecycling.com) • [Info@SimpleRecycling.com](mailto:Info@SimpleRecycling.com)**

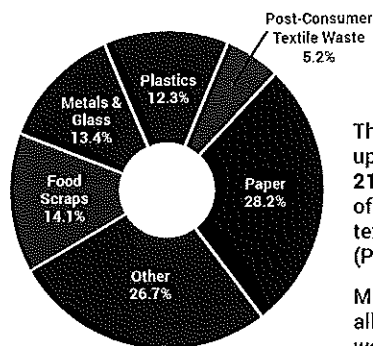
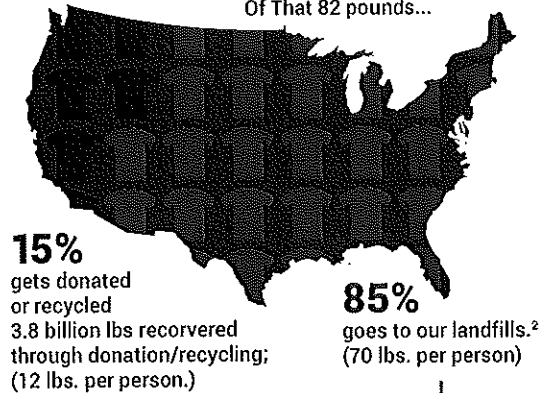
# THE FACTS ABOUT TEXTILE WASTE

The U.S. generates and average of **25 BILLION POUNDS** of textiles\* per year.<sup>1</sup>

\* Textiles includes clothing, footwear, accessories, towels, bedding, drapery, etc.

That's about **82 POUNDS** per U.S. resident.

Of That 82 pounds...



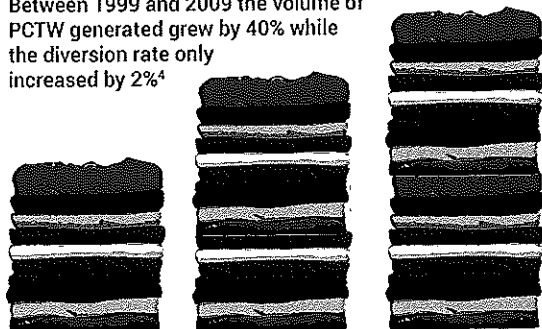
USEPA Municipal Solid Waste Generation

That 85% adds up to about **21 BILLION POUNDS** of post-consumer textile waste (PCTW) PER YEAR

More than 5.2% of all municipal solid waste generated in the U.S.<sup>3</sup>

## AND THIS AMOUNT IS GROWING

Between 1999 and 2009 the volume of PCTW generated grew by 40% while the diversion rate only increased by 2%<sup>4</sup>

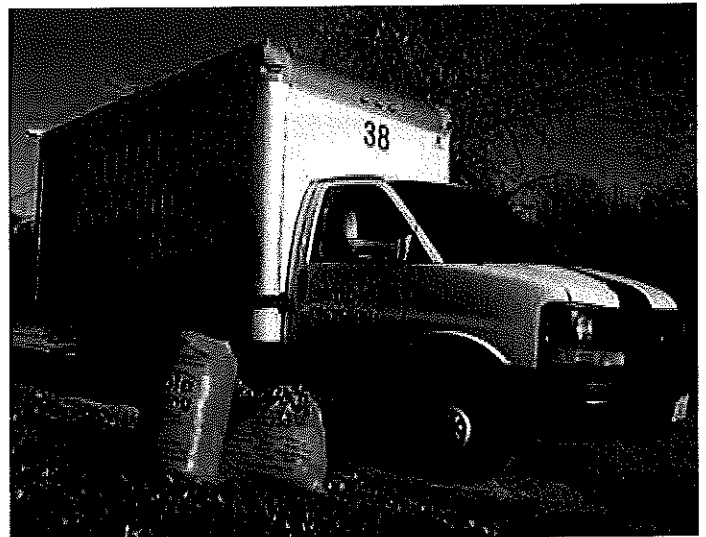


## This Model has been Tested & Proven

Excerpt from USA Today, April 23, 2013 -

"Clothes recycling is going curbside in more U.S. towns as global prices rise for the used apparel, shoes and linens that Americans often toss in the trash.

Since September, more than a dozen local governments -- in Arizona, Massachusetts, New Jersey, Pennsylvania and Washington State -- have begun curbside pickup of textiles, often in special bags next to bins containing paper and cans."<sup>2</sup>



Source:  
2. <http://www.usatoday.com/story/news/nation/2013/04/20/recycling-clothes-expands-curbside/2092351/>



**COST TO YOUR RESIDENTS = \$0**  
**COST TO YOUR CITY = \$0**



### Details & Logistics

#### **Simple Recycling provides:**

- Free residential curbside pickup service
- Specially designed recycling collection bags
- All informational materials
- All trucking, pickup expenses & program management
- Local jobs
- All related insurance coverage
- Drop boxes in locations of city's choosing (if desired)

#### **Your city provides:**

- Supplemental notification & information to residents



# THE LIFE CYCLE OF SECONDHAND CLOTHING

simple  
recycling

## WHAT HAPPENS TO YOUR RECYCLED USED CLOTHING?

Once a resident determines that their clothing, shoes, handbags, or household textiles have reached the end of their useful life, materials are collected by Simple Recycling and collected clothing is sorted and graded for condition.



**10-20%**

Top quality materials are sold to local thrift stores where they create access to low cost clothing and jobs for local residents.



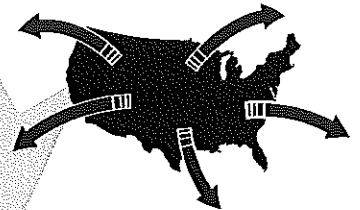
**80%**

The vast majority of clothing collected is not resaleable in the U.S. so it is further sorted for international export or broken down for raw materials.



**45%**

Reused and Repurposed  
Majority exported as secondhand clothing.



**30%**

Recycled and Converted  
Reclaimed wiping rags are used in various ways as industrial and residential absorbents.



**20%**

Recycled into Fiber  
Post-consumer fiber is used to make home insulation, carpet padding, and raw material for the automotive industry.



Only 5% ends up as waste.

Thrift industry employs nearly 100,000 workers in the U.S. with over \$1 billion wages paid. In addition, private sector recyclers create an additional 15,000 to 20,000 jobs nationally.<sup>1</sup>

# WE MAKE IT SIMPLE TO DRAMATICALLY REDUCE TEXTILE WASTE.

Source:  
1. "Textile Recycling in the U.S." Report submitted to  
SMART by Dr. Jena Hawley PhD, Univ. of Missouri 2009

[www.SimpleRecycling.com](http://www.SimpleRecycling.com) • [Info@SimpleRecycling.com](mailto:Info@SimpleRecycling.com)



## Textile Recycling Fact Sheet

You and your students are probably used to recycling aluminum, paper, glass, and other items. But did you know that clothing and other textiles can be recycled too? Here are some textile recycling facts to share with your class:

### The basics

- The Environmental Protection Agency estimates that the average person throws away **70 pounds** of clothing per year. That adds up to **3.8 billion pounds of unnecessary waste added to our landfills**.
- Clothing and household textiles currently make up **5.2% of the waste in landfills**.
- A textile is any item made from cloth or an artificial fabric like vinyl. Textiles are used for clothing, linens, bedding, upholstery, curtains, carpets, and other items. **Any textile item, even if it's worn, torn, or stained, can be recycled.** You can even recycle a single shoe! Items simply need to be clean and dry.
- Recycling clothing and textiles **decreases the use of natural resources**, such as water used in growing crops and petroleum used in creating new clothing and textiles. It also decreases the need for chemicals used in manufacturing new textiles and the pollution caused by the manufacturing process.

### How are recycled textiles used?

- Resold at charities' secondhand clothing stores
- Sent to developing countries
- Turned into wiping cloths, which are used in a variety of industries and businesses (everything from manufacturers to repair shops, construction industries, stores, and maintenance and custodial departments)
- Processed back into fibers and turned into paper, yarn, insulation, carpet padding, and other items

### Where can clothing and textiles be recycled?

If your town doesn't accept textiles with other recyclables, donate your items to a local recycling center or charity. **Nearly 100% of donated items are recycled.** The recycling center or charity will determine which items are usable as clothing, which can be sold and turned into wiping rags, and which can be sold and processed back into fibers to make new products. Charities and recyclers generate revenue for their programs, and textiles get a second (or third or fourth) life. To locate a donation center near you, visit [www.smartasn.org](http://www.smartasn.org).

donate recycle don't throw away<sup>s</sup>



## More Textile Recycling Facts

### What are specific textiles recycled into?

Here are a few examples:

- Stuffed toys and pillows become car seat stuffing and automobile insulation.
- T-shirts, sheets, towels, and clothing become wiping cloths.
- Denim becomes home insulation.
- Shoe soles become paving material.
- Sweaters and coats become carpet padding.
- Curtains and drapes become stuffing for pillows, sleeping bags, and animal beds.
- Wool sweaters and materials become baseball and softball filling.
- Velvet materials become jewelry box lining.
- Leftover fabric scraps become paper money.

### Additional resources

- *Something From Nothing* by Phoebe Gilman (Scholastic, 1992); geared for students from preschool to grade 3, this adaptation of a Yiddish folktale follows a piece of fabric as it goes from a baby blanket to a jacket to a vest to a tie, and so on.
- *The Travels of a T-Shirt in the Global Economy* by Pietra Rivoli (John Wiley, 2005); good source of background information about what happens to used clothing.
- *Salaula: The World of Secondhand Clothing and Zambia* by Karen Tranberg Hansen (University of Chicago Press, 2000); good source of information about the used clothing industry in Africa.



SECONDARY MATERIALS'  
AND RECYCLED TEXTILES

The Association of Wiping Materials, Used Clothing and Fiber Industries

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## Wastes - Resource Conservation - Common Wastes & Materials



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### Textiles

Fleece, flannel, corduroy, cotton, nylon, denim, wool, and linen. What can you do with these fibers when you're finished wearing them, sleeping on them, or draping them over your windows? One way to benefit both your community and the environment is to donate used textiles to charitable organizations. Most recovered household textiles end up at these organizations, who sell or donate the majority of these products. The remainder go to either a textile recovery facility or the landfill.

#### Just the Facts

- An estimated 13.1 million tons of textiles were generated in 2011, or 5.2 percent of total municipal solid waste (MSW) generation.
- An estimated 13.9 percent of textiles in clothing and footwear and 17.6 percent of items such as sheets and pillowcases was recovered for export or reprocessing in 2011.
- The recovery rate for all textiles was 15.3 percent in 2011, 2.0 million tons.

#### Collecting Textiles

Textiles typically are not sorted at the point of collection, but keeping them clean and free from moisture is important. Once clothes get wet, stained, or mildewed, they cannot be sold for reuse. To prevent contamination, many charities offer enclosed drop-off boxes for clothing or other fabrics. Communities with curbside collection for textiles should educate donors on how to properly bag clothing.

#### Recycling Textiles

Textile recovery facilities separate overly worn or stained clothing into a variety of categories. Based on data from the Council for Textile Recycling, it was estimated that 1.3 million tons of textiles in clothing were recovered for recycling in 2009. Some recovered textiles become wiping and polishing cloths. Cotton can be made into rags or form a component for new high-quality paper. Knitted or woven woolens and similar materials are "pulled" into a fibrous state for reuse by the textile industry in low-grade applications, such as car insulation or seat stuffing. Other types of fabric can be reprocessed into fibers for upholstery, insulation, and even building materials. Buttons and zippers are stripped off for reuse. Very little is left over at the end of the recycling process. The remaining natural materials, such as various grades of cotton, can be composted.

[Top of Page](#)



#### More Textiles Information

The Secondary Materials and Recycled Textiles (SMART) Association [\[EXIT Disclaimer\]](#) is working to increase the amount of textile waste that can be recovered while developing new uses, products and markets for products derived from preconsumer and postconsumer textile waste.

The Oklahoma Cooperative Extension Service has created a fact sheet on household textile and apparel recycling (PDF) (4 pp, 1.6MB, about PDF) [\[EXIT Disclaimer\]](#).

[EPA Home](#) | [Accessibility](#) | [Privacy and Security](#) | [Contact Us](#)

<http://www.epa.gov/osw/conserv/materials/textiles.htm>

[Print As-Is](#)

Last updated on June 17, 2013



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Waste

Paper

Scrap Tires

Used Oil

Information Resources

Laws & Regulations

Educational Materials





Resolution No. 2015 – 100  
May 7, 2015

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

That the Minutes of April 21, and April 28, 2015 be approved.

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

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

YES:                      NO:                      ABSENT:                      VOTE:



**Draft**

**CITY OF YPSILANTI  
COUNCIL MEETING MINUTES  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
Tuesday, April 21, 2015  
7:00 p.m.**

**I. CALL TO ORDER –**

The meeting was called to order at 7:06 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 |                     |         |

**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 asked City Manager Lange to introduce Ypsilanti's Director of Economic Development.

City Manager Lange introduced Director of Economic Development Beth Arnet.

Mayor Edmonds introduced the following individuals; City Planner Bonnie Wessler, Assistant to the City Manager Ericka Savage, Ypsilanti Housing Commission Director Zach Fosler, Assistant City Attorney Jesse O'Jack, former Mayor Paul Schreiber, Kent Early, OHM, and DAY President Dave Heikkinen.

**VI. AGENDA APPROVAL –**

Council Member Anne Brown moved, supported by Council Member Vogt, to approve the agenda.

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

**VII. PRESENTATIONS –**

None

**VIII. AUDIENCE PARTICIPATION –**

1. Michelle Barney, 330 Chidester #406, said the inspections have begun at Chidester Place. Ms. Barney stated residents have been given instruction to clear a path in the storage area for fire safety. She asked that more time be given to help clear storage areas at Chidester Place.
2. Sigrid Melvin, 401 W. Michigan #314, stated Town Center is experiencing the same issues as Chidester Place. She said State Representative Rutledge visited and witnessed the problem and brought his concern to management.
3. Jennifer Littrell, 224 S. Adams #1, stated she sought the help from the Tenant's Rights Organization with issues she has been experiencing with Beal Properties. She said her windows are painted shut, there are no screens, and her doors will not lock. She asked the City to start to investigate Beal Properties.
4. Andrea Linn, 1029 Washtenaw, thanked all those who have tried to help the Heritage Festival and hopes that Council will be able to help the Festival as well. She said the Ypsilanti Heritage Festival allows many organizations to raise funds in order to make Ypsilanti a great place to live, learn, and work.
5. James Cook, 7292 Belle Meade, stated he has an issue with Officer Anderson who gave him a drunk driving ticket a year ago. He explained the court has no record of the charge and it was sent directly to the State. Mr. Cook stated he has spent \$10,000 to receive a restricted license, and asked Council how to find a solution to this problem.

Mayor Pro-Tem Richardson asked where Mr. Cook resides.

Mr. Cook responded he lives in Ypsilanti Township.

Council Member Robb asked when Mr. Cook received the ticket.

Mr. Cook replied June 3<sup>rd</sup> of last year.

Mayor Edmonds asked if the incident took place in Ypsilanti.

Mr. Cook responded yes, it occurred on Harriet St.

City Manager Lange stated he would look into the matter, and provided Mr. Cook with his contact information.

Mayor Edmonds informed Mr. Cook that Council will ensure that the City Manager and City Attorney will follow-up with him before the next Council Meeting.

6. Pradeep Chowdry, Eastern Michigan University Professor, stated his support for the City to become more engaged with the Ypsilanti Heritage Festival.
7. Ralph William Thompson, 330 Chidester, stated he provided Council with materials regarding mold at Chidester Place and is willing to answer any questions Council may have.
8. Paul Schreiber, 922 Pleasant Dr., stated he would like to show his support for the Ypsilanti Heritage Festival and the City should show some support through sponsorship. Mr. Schreiber asked Council to attend a Heritage Festival Board meeting if it has any concern.

**IX. REMARKS BY THE MAYOR –**

- Encouraged Jennifer Littrel to contact the Building Department, and voice a formal complaint to trigger an investigation.

Ms. Littrel stated the Tenant's Rights Group provided her with forms to file a complaint.

- Stated she appreciated the comments made regarding the Heritage Festival.
- Stated that staff would follow up with Mr. Cook's issue.
- Thanked Chidester residents for their continued diligence, and she has received the inspection report from city inspectors.
- Stated that she had the opportunity to meet the owner and manager of Town Center in Ohio. She stated that during the meeting she was able to schedule a conference call with the individual and she and Mayor Pro-Tem Richardson would discuss the issue with Town Center.

Council Member Anne Brown stated she and State Representative Rutledge visited Town Center and witnessed fire damage still present, as well as mold. She requested Building Manager Daniels perform an inspection of that building.

Council Member Robb asked Economic Development Director Arnet to provide the inspection record for 224 S. Adams that was completed on September 9, 2014. He said if the windows were painted shut and screens were missing, it should not have received a certificate of occupancy.

**X. MINUTES –**

Resolution No. 2015-089, approving the minutes of April 7, 2015.

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

**That the Minutes of April 7, 2015 be approved.**

OFFERED BY: Council Member N. Brown

SUPPORTED BY: Council Member Vogt

Mayor Pro-Tem Richardson asked that a correction be made on page 30 of the minutes. Ms. Richardson said the minutes read, "Mr. Reid who has been having issues with his rental property he rents..." and should read "Mr. Reid who has been having issues with his property he owns..."

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

**XI. ORDINANCES - FIRST READING –**

***Ordinance No. 1245***

1. An Ordinance to Amend the Zoning Ordinance, Sec 122-8, to Revise "Violations and Penalties" for the Administrative Hearings Bureau (AHB).

- a. Resolution No. 2015-090, determination

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

**Whereas, The City of Ypsilanti has enacted a blight court, known as the Administrative Hearings Bureau; and**

**Whereas, the City has seen success with processing zoning violations through the Administrative Hearings Bureau; and**

**Whereas, the amendment to the Zoning Ordinance will help to implement the Master Plan goals of creating a safe and attractive Ypsilanti;**

**Now therefore be it resolved that the Ypsilanti City Council approve the amendments to Chapter 122, Article I, Section 8 of the City's Code of Ordinances on FIRST READING.**

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

City Planner Bonnie Wessler stated this ordinance is simply an update in language to the original ordinance.

- b. Open public hearing

None.

- c. Resolution No. 2015-091, close public hearing

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

**THAT the public hearing for the approval of the amendments to Chapter 122, Article I, Section 8 of the City's Code of Ordinances regarding the Administrative Hearings Bureau be officially closed.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council member Nicole Brown

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to approve Resolution No. 2015-090 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

***Ordinance No. 1246***

2. An Ordinance to Amend the Zoning Ordinance. Article VI, to Revise Non-conforming Uses.
  - a. Resolution No. 2015-092, determination

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

**Whereas, The City of Ypsilanti adopted a new zoning ordinance in December of 2014; and**

**Whereas, an area of ongoing concern and attention is nonconforming multifamily housing; and**

**Whereas, the amendment to the Zoning Ordinance will allow certain multifamily properties to be rebuilt in the event of a casualty; and**

**Whereas, this amendment will help to implement the Master Plan goals of ensuring housing type diversity, maintaining a walkable community, and an environmentally sustainable community;**

**Now therefore be it resolved that the Ypsilanti City Council approve the amendments to Chapter 122, Article VI, Section 201-211 of the City's Code of Ordinances on FIRST READING.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Nicole Brown

City Planner Bonnie Wessler stated non-conforming uses cannot be resumed if the structure has had a casualty. She said the proposed change to the ordinance will allow certain uses to resume non-conformity classification. She explained a multi-family housing in lower density districts would be allowed to rebuild.

Council Member Murdock asked if all the non-conformity uses would need to register for non-conforming use.

Ms. Wessler replied yes.

Council Member Murdock stated non-conforming structures were allowed to rebuild in the current ordinance if only a certain percentage of the structure was damaged.

Ms. Wessler responded the proposed ordinance change would still provide that ability.

Council Member Murdock asked what registering a property as non-conforming would allow.

Ms. Wessler answered this would allow owners of multi-family structures to rebuild if the damage was more than previously allowed. She said the non-conforming registration would also run with the land, and if sold the designation would continue.

Council Member Murdock asked if this designation would be automatic.

Ms. Wessler replied the property owner would need to apply to the Planning Commission for the designation.

Mayor Edmonds asked how the public would be notified.

Ms. Wessler stated she does not have an accurate number presently, but a postcard mailing has been discussed.

Council Member Robb asked what the time limit is for a property owner to apply.

Ms. Wessler replied there is no time limit, as long as the non-conforming structure has not been destroyed.

Mayor Edmonds asked for clarification on the difference between lot and land.

Ms. Wessler answered lot refers to the dimensions of the lot, land refers to outdoor uses.

Council Member A. Brown asked if this could be posted on the website.

Ms. Wessler responded she would post the notification on the website.

b. Open public hearing

1. Zach Fosler, Ypsilanti Housing Commission Director, stated this amendment is critical to the Strong Housing Project, and critical for many living in Ypsilanti. This amendment will assist in making the project more attractive for investors using tax credits to fund the project.
2. Paul Schreiber, 922 Pleasant Dr., encouraged Council to approve this amendment and provide investors with the assurance the buildings could be rebuilt.

c. Resolution No. 2015-093, close public hearing

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

**THAT the public hearing for the approval of the amendments to Chapter 122, Article VI, Section 201-211 of the City's Code of Ordinances regarding Non-conforming uses be officially closed.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the public hearing was closed.

Mayor Pro-Tem Richardson asked if this change would only apply to multi-family structures.

Ms. Wessler replied yes.

Mayor Edmonds asked how this would affect the individual who spoke during the passing of the Zoning Ordinance regarding duplexes.

Ms. Wessler replied two individuals spoke during that process regarding duplexes; one individual would be allowed to rebuild, and one would not because the structure was not converted into a duplex at that point.

Council Member Robb stated the proposed change does not affect all non-conforming uses, only a small subset.

Ms. Wessler responded correct.

Council Member Robb asked if the structures in Mid-Town on N. Adams would be affected.

Ms. Wessler responded those structures located in CN Mid or R1 would be eligible.

Council Member Robb stated N. Adams is equivalent to R4.

Ms. Wessler responded they would have to apply for a special use permit.

On a roll call, the vote to approve Resolution No. 2015-092 was as follows:

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

VOTE:

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

***Ordinance No. 1247***

3. An Ordinance to Amend Ypsilanti City Code Chapter 102 "Traffic and Vehicles" for Permit Parking.

- a. Resolution No. 2015-094, determination

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

**That an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE, ARTICLE III "STOPPING, STANDING AND PARKING", DIVISION 3 "RESIDENTIAL PERMIT PARKING", SECTIONS 102-101 AND 102-102 TO MAKE THE PURPOSE OF THE DIVISION CONSISTENT WITH ITS PROHIBITIONS" be approved on first reading.**

OFFERED BY: Council Member Anne Brown

SUPPORTED BY: Council Member Vogt

Assistant City Attorney Jesse O'Jack stated the parking ordinance was being reviewed and it was found that language was not consistent and this would rectify that issue.

- b. Open public hearing

None.

- c. Resolution No. 2015-095, close public hearing

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

**That the public hearing for the proposed ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE,**

**ARTICLE III "STOPPING, STANDING AND PARKING", DIVISION 3 "RESIDENTIAL PERMIT PARKING", SECTIONS 102-101 AND 102-102 TO MAKE THE PURPOSE OF THE DIVISION CONSISTENT WITH ITS PROHIBITIONS" be officially closed.**

OFFERED BY: Council Member Anne Brown

SUPPORTED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to approve Resolution No. 2015-094 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

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

1. Resolution No. 2015-084, adopting engineering standards for the development of projects in the city.

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

**WHEREAS, it is considered a best practice to have clear, consistent, and accessible engineering design standards; and**

**WHEREAS, the City has not previously published such standards for potential developers to use; and**

**WHEREAS, the City has an ongoing commitment to clarity, transparency, and predictability; and**

**WHEREAS, the Planning Commission has reviewed and recommended the City adopt such standards;**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council adopt the attached Engineering Standards, dated April 2015.**

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Anne Brown

City Manager Lange stated Kent Early is here from OHM to answer any questions that Council may have.

Council Member Robb asked why the proposed engineering standards do not match those of Ypsilanti Township, Pittsfield Township, Van Buren Township, or Superior Township.

Kent Early, OHM, responded he can only answer to why Ypsilanti Township is different having worked on that project. He said much of that has to do with when the standards were adopted. Mr. Early stated when changes are made by MDOT, or other agencies, they are not updated by municipalities until their standards are adopted.

Council Member Robb asked how often Ypsilanti plans on adopting new standards.

Mr. Early responded most communities adopt standards every four to six years.

Mayor Edmonds asked if the proposed standards are most up to date.

Mr. Early replied yes.

Council Member Robb asked what this process costs the City.

Mr. Early responded \$5,000.

On a roll call, the vote to approve Resolution No. 2015-084 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

2. Resolution No. 2015-096, approving the Memorandum of Understanding (MOU) for a Target Market with the City of Dexter.

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

**WHEREAS, the City of Dexter has applied for grant funding for a Target Market Analysis for Housing from the Michigan State Development Authority on behalf of a coalition including themselves and the Cities of Chelsea, Saline, and Ypsilanti; and**

**WHEREAS, the coalition has been awarded said grant; and**

**WHEREAS, the City of Ypsilanti's monetary contribution for match will not exceed \$5,000; and**

**WHEREAS, the City of Dexter has offered to administer the grant on behalf of the coalition under the terms laid out in the attached Memorandum of Understanding;**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the MOU with the City of Dexter and authorizes the City Clerk and Mayor to sign the agreement.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Mayor Pro-Tem Richardson

City Planner Bonnie Wessler introduced Michelle Aniol, of the City of Dexter.

Michelle Aniol, City of Dexter, stated this is not required by MSHDA but it is encouraged. She stated the grant funding requires a development project to begin within three years, and this Memorandum of Understanding (MOU) states that requirement.

Council Member Murdock asked for clarification regarding a project beginning in three years.

Ms. Aniol responded one of the target areas Ypsilanti listed is Water Street, and the target market analysis will provide information on potential of housing projects for that location.

Council Member Murdock stated the four target areas listed are very different, and asked what the report would contain.

Ms. Aniol replied the report would have individual analysis report, and presentation for each community.

Council Member Anne Brown asked what the staff time would be for this program.

Ms. Aniol responded very limited.

Council Member Robb asked why this report is needed, and stated during the Master Plan process this was discussed.

City Planner Bonnie Wessler responded the target market analysis is a more in-depth analysis than the Master Plan.

Ms. Aniol added the analysis will breakdown housing types, absorption rates, construction rates, lease rates, and sale rates. She stated there is a lot of information to assist in finding possible developers for the target area.

Ms. Wessler stated the analysis will provide insight regarding the kind of development that should be in that area and the type of developer the city should approach.

Director of Economic Development Beth Arnet stated this analysis is used as criteria for MSHDA grants.

City Manager Lange stated the maximum amount the City will pay is \$5,000. He added there are already two projects planned for this area so there is not much risk of not meeting the requirement.

Mayor Edmonds stated a project that is in the hopper can be used.

Ms. Aniol stated correct, if they are located in the study area.

Mr. Lange stated this analysis is helpful to gain MSHDA projects, and every market rate developer will complete their own market analysis.

Ms. Aniol stated when a developer performs a market study it is tied to their product type alone, and this analysis provides information regarding all different product types that would be suitable to that site.

Mayor Edmonds asked if there is one steering committee for all four communities.

Ms. Aniol responded the initial steering community includes representation from Ypsilanti, Chelsea, Dexter, and Saline.

Mayor Edmonds offered an amendment to the MOU stating that each jurisdiction involved other than Ypsilanti is titled with "city of..." and to avoid confusion with the Township this should be included in Ypsilanti's title.

Ms. Aniol responded she would make that correction.

Mayor Edmonds asked if the analysis would be exclusive to the Water Street location.

Council Member Nicole Brown added the MOU states the target area is "Water Street Area in its downtown..." and asked if that should read "Water Street Area and its downtown..."

Ms. Aniol responded yes.

Mayor Edmonds asked if the Park Street area is included in the analysis.

Ms. Wessler replied Park Street is not included.

Mayor Edmonds asked why it was not included as it was listed in the Master Plan.

Ms. Wessler responded Land Use USA may choose to include it in the analysis due to its close proximity but as of now it is not included.

Ms. Aniol stated at the kick-off meeting boundaries will be discussed.

Mayor Edmonds stated the Master Plan lists several locations for development and it would be useful if the analysis were performed at all listed locations.

Ms. Wessler replied this analysis is concentrated on a contiguous location but it can be explored.

Council Member Anne Brown asked Ms. Aniol if she was worked with Land Use USA before this project.

Ms. Aniol responded she had not.

Council Member Robb asked what types of projects receive MSHDA funding.

Ms. Arnet stated projects that expand housing diversity can be funded by MSHDA. She added MSHDA does not fund only low income housing projects; it also may fund moderate income housing.

Council Member Robb stated there is currently affordable housing being planned for this site and it would fill the quota for MSHDA style housing.

Ms. Arnet stated there is still possibility for moderate income housing.

Council Member Murdock stated the project is workforce housing.

Mr. Lange stated it is 60% of the Washtenaw County average which is market rate for Ypsilanti.

Council Member Robb stated that the project that is used is the one approved a year ago, the City will gather information for itself but not developers, and the quota for MSHDA projects have been filled for that site.

Ms. Arnet replied the information the City gains through this study is how initially to attract a developer. She added if a developer is seeking MSHDA funding this study would help to obtain that funding.

Mayor Edmonds stated senior housing has been a market need that has been discussed, and asked if this study will help to examine deeper if there is a market beyond what is already present.

Ms. Arnet responded there are different products regarding senior housing; senior affordable, senior transformative, and empty nesting. She said Ypsilanti needs senior housing, but what kind of senior housing. She added that is the information the study will provide.

Mayor Edmonds stated the study goes beyond if we need more affordable housing it states what the market is.

Ms. Aniol replied yes.

Council Member Robb said he is not interested in senior housing in Water Street he does not want to allow other PILOTS in that location. He said the City is \$2 million in debt, and PILOTS, low income, and moderate income housing will not help in paying off that debt. Mr. Robb stated one project was chosen because it would install 40% of the infrastructure needed in Water Street.

Ms. Aniol responded if she communicated the only thing Ypsilanti will gain by this study is low income housing she apologizes. She said this can provide the City information to attract the development Ypsilanti wants.

Council Member Vogt stated the point of doing this is to identify what developers to approach, specific data that can identify what developers should be approached, and if developers are interested in MSHDA tax credits this will help obtain those grants.

Ms. Aniol responded correct.

Mr. Lange stated the City has very low exposure, and every little bit helps to market the City.

On a roll call, the vote to approve Resolution No. 2015-096 was as follows:

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

VOTE:

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

3. Resolution No. 2015-097, approving the contract amount of \$29,400 for professional services rendered by Beckett and Raeder.

**RESOLUTION APPROVING CONTRACT AMOUNT OF \$29,400 FOR PROFESSIONAL SERVICE RENDERED BY BECKETT & RAEDER**

**WHEREAS, The City Manager entered into a contract with Beckett & Raeder on November 20, 2014 to provide services for the City planning staff; and**

**WHEREAS, this contract was extended on January 23, 2015 until February 20, 2015; and**

**WHEREAS, additional services were provided past the term of the extension; and**

**WHEREAS, the total amount paid by the City to Beckett & Raeder for contracted services was \$29,400; and**

**WHEREAS, Chapter 2, Article VI, Division 2, Section 2-296 of the Code of Ordinances for the City of Ypsilanti requires that City Council approve purchases in excess of \$25,000;**

**NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: The total amount of \$29,400 be approved for services rendered by Beckett & Raeder, Inc. under the contracts attached hereto.**

SUPPORTED BY: Council Member Nicole Brown

OFFERED BY: Council Member Anne Brown

Council Member Robb stated the resolution reads Council is to approve any purchase over \$25,000, and this resolution is after the fact. Mr. Robb stated this goes against the Code of Ordinance and he disagrees with the City Attorney that this is two separate contracts. He said this was a continuation of a

contract, not two small contracts, and it is a violation of the Charter. He said another troubling thing is the initial contract authorized \$18,000, and only \$9,000 was spent, and the second contract authorized \$9,600, and was overspent by \$11,000. Mr. Robb stated this is either an oversight of the ordinance, circumventing the ordinance, or no one is managing the business, and this is two weeks after council found out the Prospect Rd. project is \$253,000 over budget. He said he spoke with Assistant City Attorney Dan Duchene and asked what would happen if City Council did not approve the resolution, and Mr. Duchene replied that the money has already been spent. He said staff is to implement policy not create policy, and this is what happened, and he finds this whole episode troubling.

City Manager Lange responded he agrees with Council Member Robb, and this was an unusual contract that did not have a specific end date. He said that he would not have gone over his \$25,000 spending limit and it should have been more closely monitored. Mr. Lange apologized for the error.

Council Member Vogt stated although he has concerns he is willing to take the advice of the City Attorney that it is a separate contract. He said he shares Mr. Robb's concerns that in the future Mr. Lange be more on top his purchase limit.

Council Member Robb replied the second contract reads the party continues the contract under the same terms and conditions which clearly shows that this is a not a separate contract, but a continuation of the first. He said another issue is that this contract ended in February 2015, and Council is just hearing about this now April 21, 2015. Mr. Robb said he does not know what Council is voting for since the money has already been paid. Mr. Robb moved to amend the resolution to read "BE IT FURTHER RESOLVED, the City Manager's office is to provide copies of all contracts for professional services executed by the City Manager since August 1, 2012, and an accurate accounting, including summaries of said contracts, to City Council for review by May 1, 2015" at the end of the resolution.

Council Member Murdock supports the motion.

Mayor Edmonds stated she supports the amendment and Council fiduciary oversight will be useful, and asked a summary document be attached in addition to the documents requested by Mr. Robb.

Council Member Anne Brown offered a friendly amendment to only ask for copies of contracts going back a year.

Council Member Robb stated he does not accept the friendly amendment because the issue is based on contract extensions and more than one year need to be examined.

Council Member Vogt asked if the point is to examine if this matter is ongoing.

Council Member Robb stated it is his intention to find out if this has happened before.

Council Member Murdock stated he agrees with Mr. Robb and that this is information that Council has requested some time ago.

Mr. Lange stated each year there has been an audit plus the CAFER reports, and asked if the audits are not good enough as proof.

Mayor Edmonds stated she views this as a learning tool to understand what is being contracted out, more of a fiscal management perspective.

Mr. Lange requested clear dates and exactly what is want in material as this will take a lot of work.

Council Member Anne Brown moved to amend Council Member Robb's amendment to only examine contracts within the past year.

Council Member Vogt supported the motion.

Council Member Robb stated the issue is money is being spent without the approval of Council.

Council Member Murdock explained the audit will not provide the information that Council Member Robb is asking for.

Council Member Anne Brown asked City Manager Lange approximately how many personal service contacts he has executed.

Mr. Lange responded that is a difficult estimation.

Council Member Anne Brown stated if some of the contracts would be redundant.

Mr. Lange responded yes.

Council Member Murdock stated the amendment is not asking for every contract it is asking for professional service contracts executed by the City Manager.

Council Member Robb stated the contract in question is for professional services, and those contracts are what he would like to examine.

Mr. Lange stated he does not know how many professional service contracts he has executed.

On a roll call, the vote to approve the amendment to the amendment of Resolution No. 2015-097 was as follows:

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

VOTE:

YES: 3 NO: 4 (Murdock, Robb, Edmonds, N. Brown) ABSENT: 0 VOTE: Failed

Council Member Nicole Brown stated she voted no on the amendment to Council Member Robb's amendment because she would like a holistic examination of the contracts. She offered a friendly amendment adding a summary of the contracts asked for in Council Member Robb's amendment.

Council Member Robb accepted the friendly amendment.

On a roll call, the vote to approve the amendment of Resolution No. 2015-097 was as follows:

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

VOTE:

YES: 4      NO: 3 (Richardson, Vogt, A. Brown)      ABSENT: 0      VOTE: Carried

On a roll call, the vote to approve Resolution No. 2015-097 as amended was as follows:

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

VOTE:

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

Resolution No. 2015-097, as adopted reads as follows:

**RESOLUTION APPROVING CONTRACT AMOUNT OF \$29,400 FOR PROFESSIONAL SERVICE RENDERED BY BECKETT & RAEDER**

**WHEREAS, The City Manager entered into a contract with Beckett & Raeder on November 20, 2014 to provide services for the City planning staff; and**

**WHEREAS, this contract was extended on January 23, 2015 until February 20, 2015; and**

**WHEREAS, additional services were provided past the term of the extension; and**

**WHEREAS, the total amount paid by the City to Beckett & Raeder for contracted services was \$29,400; and**

**WHEREAS, Chapter 2, Article VI, Division 2, Section 2-296 of the Code of Ordinances for the City of Ypsilanti requires that City Council approve purchases in excess of \$25,000;**

**NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: The total amount of \$29,400 be approved for services rendered by Beckett & Raeder, Inc. under the contracts attached hereto.**

**BE IT FURTHER RESOLVED, the City Manager's office is to provide copies of all contracts for professional services executed by the City Manager since August 1, 2012, and an accurate accounting, including summaries of said contracts, to City Council for review by May 1, 2015.**

4. Resolution No. 2015-098, forgiving part of the debt for the Heritage Festival.

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

**WHEREAS, the City of Ypsilanti adopted a Special Events Policy and pursuant to the policy, the City may support an event through co-sponsorship, or may support an event due to economic hardship of a non-profit organization planning the event; and**

**WHEREAS, the Heritage Festival took place August 15, 2014 through August 17, 2014 in Riverside Park; and**

**WHEREAS, the Heritage Festival has an outstanding balance owed to the City of \$9,042.13; and**

**WHEREAS, City Council agrees that supporting the Heritage Festival would be in the general interest of the public.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve to waive \$5,000 of the 2014 Heritage Festival's outstanding fees due to the City.**

**(If partial waiver) BE IT FURTHER RESOLVED THAT fees waived shall be applied to \_\_\_\_\_.**

OFFERED BY: Council Member Anne Brown  
SUPPORTED BY: Council Member Nicole Brown

Mayor Edmonds stated there is a lot of history to this Festival, and it is very valuable to the community. She said there is value in the City assisting in moving the Festival forward, and she thanked all the Festival volunteers that have put in work so far. Mayor Edmonds said forgiving \$5,000 of the 2014 debt from the 2014 Festival will allow the Heritage Festival to move forward with the 2015.

Council Member Murdock offered a substitute resolution which would defer the 2014 debt rather than forgiving the 2014 debt.

Council Member Robb supported the motion.

Council Member Murdock stated he has spoken with several members of the Heritage Festival Committee who stated the festival had a significant amount of pledges for 2015. He said that the substitute

resolution would allow the committee to move forward with the planning of the 2015 festival. Mr. Murdock said he is weary of waving fees, and is worried it would create a precedent for future events. He stated the situation became more difficult for the committee to secure pledges after Mayor Edmonds announced she would get Council to waive \$5,000.

Council Member Anne Brown asked Andrea Linn for a synopsis of the progress of the 2015 Heritage Festival.

Andrea Linn, Vice President and Co-Chair of the Heritage Festival, responded the Committee owes the City around \$9,000 for the 2014 Festival.

Council Member Anne Brown asked if the committee has received pledges to help pay the 2014 debt.

Ms. Linn replied yes, the committee has received \$3,600 in pledges. She stated the committee has also been awarded a \$1,000 mini-grant from the Ypsilanti Area Convention and Visitors Bureau. She explained that she is not certain if the \$1,000 can be used to help pay off the 2014 debt, or if it must be spent on the 2015 festival.

Council Member Anne Brown asked what the plan is to pay for the 2015 Festival.

Ms. Linn stated the festival has been redesigned and the fees will be dramatically less. She said the Festival has been restructured to ensure that all fees are paid and that the committee does not spend more than it takes in.

Council Member Anne Brown asked if the sponsors listed on the website are accurate.

Ms. Linn responded the sponsors on the website are last year's sponsors. She explained it has been difficult to acquire sponsors for the 2015 festival due to the doubt if there will actually be a festival.

Council Member Anne Brown asked if vendors pay a fee.

Ms. Linn responded yes.

Council Member Anne Brown asked if Ms. Linn believes the festival will be able to move forward.

Ms. Linn replied she believes the festival can move forward if the City forgives part of the 2014 debt.

Council Member Anne Brown asked if the festival will attract anyone without the parade.

Ms. Linn answered yes, on Sunday, which will be a family day, a children's parade will be held in the park which does not require street closures.

Council Member Vogt asked what the estimated debt from 2014 is.

Ms. Linn responded the \$30,000 from Operation Sam that was supposed to pay for the festival into the future was spent in 2014.

Council Member Vogt asked if the festival is down to a zero balance.

Ms. Linn responded yes.

Council Member Vogt asked if the festival will be able to breakeven for the 2015 festival.

Ms. Linn stated if the City forgives \$5,000 in debt the festival will be able to move forward for 2015.

Council Member Vogt asked if the 2015 festival has verbal pledges.

Ms. Linn replied yes.

Council Member Vogt asked when the committee will have the pledges in writing and legally binding.

Ms. Linn stated the pledges are conditional until it is known that there will be a 2015 festival.

Council Member Vogt asked if the planning committee has legal advice on how to ensure that the pledges are legally binding.

Ms. Linn responded once it is known that there will be a festival the committee will collect checks.

Council Member Vogt stated he would like the pledges to be legally binding so that it is ensured that those funds will be available to the festival.

Ms. Linn stated if the City decides if there is a festival the committee will collect checks.

Council Member Murdock stated Council does not decide if there will be a festival that is up to the festival committee.

Ms. Linn responded once the checks are collected the committee will approach the City for a contract for the festival.

Mayor Edmonds stated pledges are not legally binding.

Council Member Vogt responded pledges can be legally binding.

Les Heddle, 2058 Washtenaw, stated if the festival happens in 2015 his pledge and the pledges he has secured will be paid but if there is not a festival the pledges will be returned. He said that those who are pledging funds do not want to pay down the 2014 debt and not have a 2015 festival. He said the committee does have a commitment from the Rotary Club to fund what has not been pledged up to \$3,000. He said there are a lot of other possibilities he has yet to speak with about pledging for the festival.

Council Member Anne Brown asked if there have been pledges to help the committee pay down the 2014 debt.

Mr. Heddle stated the pledges are to pay down the 2014 debt.

Council Member Anne Brown asked if the debt was \$9,000.

Mr. Heddle stated yes, and there still may be funds coming in from 2014. Mr. Heddle added that the committee will not spend any of this year's deposits for this year's debt in case there is not a festival and those deposits need to be returned. He added the festival still needs to produce \$35,000 to \$40,000 to worth of sponsorship in order to hold the basic festival.

Council Member Murdock stated during a meeting with the Heritage Festival Committee he explained a possible plan to defer payment of the debt owed to Ypsilanti for the 2014 festival which would allow City Staff to process the festival's application for 2015. Mr. Murdock said if there is a possibility there will not be a festival this year it is not the responsibility of the City it is the responsibility of the festival committee. He added that his proposed resolution the City would commit a sponsorship for the 2015 festival in the form of in kind services.

Council Member Anne Brown asked Council Member Murdock for clarification of the City's sponsorship in his proposed resolution.

Council Member Murdock replied the City would provide a sponsorship of in-kind services to the 2015 Heritage Festival in the amount of \$3,000. Mr. Murdock and the arrears would need to be paid in order to be awarded the in kind services.

Council Member Anne Brown asked Council Member Murdock why the substitute resolution includes monthly financial reports.

Council Member Murdock responded monthly financial reports were added in order to provide more transparency for the festival.

Council Member Anne Brown asked if this would set a precedent for future festivals.

Council Member Murdock replied there is not another group that is experiencing this difficulty.

Assistant to the City Manager Ericka Savage stated festivals incur upfront fees. Ms. Savage stated last year's debt will need to be paid at the same time as the upfront fees.

Council Member Murdock stated neither of these resolutions discusses upfront fees.

Ms. Savage responded the \$3,000 for in-kind services could be applied to the upfront fees.

Council Member Robb stated there are two plans being presented the only that would allow the festival to begin processing paperwork is Council Member Murdock's proposed resolution. Mr. Robb stated if the City waives \$5,000 of the festival's 2014 debt the festival would still need to pay the remainder of the balance in order to begin processing the application.

Ms. Linn stated because the formula does not include a parade or a beer tent the upfront fees would be lower than they have been in the past.

Ms. Savage stated the total for the entire festival is \$14,000.

Joe Nuselberg, Ypsilanti Heritage Festival President, stated the committee has already submitted a check to the City in the amount of \$4,000 leaving balance of \$9,000 for the 2014 debt. He said the funds

collect thus far are allocated for vendors that have already paid are being held until there is for certain going to be a 2015 Festival. He added that almost \$60,000 has been removed in costs for the 2015 festival.

Mayor Edmonds asked why the \$4,000 check has not been deposited.

Ms. Savage responded it has not been decided what invoice will receive the partial payment, either the Department of Public Services or the Police Department.

Mayor Edmonds stated that is a City Manager issue on how to allocate the partial payment. She said because of the amount of time that has passed she is concerned the check will no longer be valid.

Ms. Savage replied it was an issue of deciding which department receives the funds. Ms. Savage said she spoke with both departments who asked that she hold the payment until the City receives the remaining balance, and the invoices can be paid in full. She added if the payments split it would need to be decided what line items would be paid.

Mayor Pro-Tem Richardson stated the amount should be divided evenly between departments.

Council Member Anne Brown asked if festivals are provided an estimate of the total cost.

Ms. Savage replied she provided the festival committee with a very preliminary estimate, but informed them more information is needed to form a more accurate estimate.

Council Member Anne Brown stated after the event the festival will be provided with a total cost. She asked Council Member Murdock if there is a deadline for how long the deferment would last.

Council Member Murdock responded he would like to have a deadline but he was unable to develop one with the festival committee.

Council Member Anne Brown asked if Mr. Nuselberg is in support of deferring the debt or erasing \$5,000 of the debt.

Mr. Nuselberg replied he is in support in what will make the festival happen, and said the festival needs as much help as possible. He said The Heritage Festival has contributed to Ypsilanti more than any other festival in the City. He said the festival has had problems in recent years, and he understands Council's apprehension. He asked how much revenue the City would lose if the heritage Festival dissolves, and if there is another festival to take its place.

Council Member Vogt asked what plan would work for the festival.

Mr. Nuselberg replied partial debt forgiveness would be extremely helpful and that a deferment of the 2014 debt makes him feel uncomfortable because the festival planning has begun so late.

Council Member Anne Brown asked what the City contributes to the Fourth of July and Memorial Day Events.

Ms. Savage responded those are City Events, and there is no fee.

Council Member Anne Brown asked if the Heritage Festival was a City sponsored event if there would be no fee.

Ms. Savage responded a City sponsored event is different than an event co-sponsored by the City.

Mayor Edmonds asked if City staff coordinates the Fourth of July and Memorial Day Parades.

Ms. Savage responded it is City sponsored to the effect that the City does not collect fees.

City Manager Lange stated there is no revenue generated during the Fourth of July and Memorial Day Parades. He said there is another possible event that could be held at the time of the Heritage Festival. He added City staff is simply following policies set by Council. Mr. Lange asked that Council Member Murdock add a payment date to the deferment.

Council Member Vogt asked by what date the festival must pay the upfront fees.

Ms. Savage replied that date has already passed and normally it is six months before the event.

Council Member Vogt asked how much should the City waive, when it should be waived, how much should be paid in pledges, and when do the pledges have to be paid. Mr. Vogt stated those four questions need to answer regardless of what resolution is decided.

Mayor Edmonds stated her resolution forgives \$5,000 of the 2014 debt and requires that the remainder be paid before the 2015 application can be processed.

Council Member Vogt stated Mayor Edmonds proposal forgives \$5,000 of the debt and requires \$4,042 be paid before the City process the festival application for 2015. Mr. Vogt stated Council Member Murdock's proposal \$3,000 will be waived in-kind after the completion of the event. Mr. Vogt asked how much would the festival need to pay before moving forward with the application process.

Council Member Murdock stated he has not specified what will need to be paid upfront also it is not certain that there will be a festival.

Mr. Heddle clarified he is not speaking for the festival committee because he is not on the festival committee. Mr. Heddle said in two weeks on Tuesday, May 5<sup>th</sup> it should be known if there will be a festival or not.

Council Member Robb stated Mayor Edmonds proposal would require the festival come up with \$8,000 and Council Member Murdock's proposal asks that the festival come up with \$4,000. Mr. Robb asked if the committee has \$8,000 to move forward if the Mayor's plan is chosen.

Ms. Linn stated when Mr. Heddle spoke about sponsors he was referring to pledges and the committee has around \$3,600 in pledges.

Council Member A. Brown asked how upfront costs are paid.

Ms. Linn responded upfront costs are paid for by sponsors such as; arts and crafts, food vendors, and other cottage industries.

Mayor Edmonds asked if the committee has those funds.

Ms. Linn replied the committee has funds from arts and crafts and food vendors. Ms. Linn added what is holding the festival back is the 2014 debt, and if the debt was to be forgiven it becomes easier to receive sponsorship.

Council Member Vogt stated if the \$4,042 is paid out of pledges and \$5,000 is forgiven, will the committee have enough to pay the upfront fees to the City.

Ms. Linn replied the committee has the upfront fees.

Council Member Vogt asked if that timeline worked for the committee.

Ms. Linn replied yes.

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

Council Member Nicole Brown supported the motion.

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

City Attorney Barr stated there are two issues; the original motion that forgives \$5,000 of the 2014 debt, and the substitute resolution that defers payment of the 2014 debt.

Council Member Nicole Brown stated a date needs to be added to the substitute resolution.

Mayor Pro-Tem Richardson stated if the substitute resolution passes does the committee have until after the 2015 festival to pay the 2014 debt, or is it due sooner.

Council Member Murdock stated he was not provided an appropriate timeframe in order to establish a date for the debt to be paid.

Mayor Pro-Tem Richardson asked if it is Mr. Murdock's intention to allow the committee to pay the 2014 debt after the 2015 festival.

Council Member Murdock responded the deferment's intention is to allow City staff to process the application without having to pay the 2014 debt.

Mayor Pro-Tem Richardson moved to call to question.

Council Member Vogt stated there needs to be a due date for the 2014 debt.

Council Member Murdock asked Council Member Vogt to pick a date.

Council Member Vogt suggested December 31, 2015.

Mayor Edmonds supported the motion to call to question.

On a roll call, the vote for the Call to Question was as follows:

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

VOTE:

YES: 2 NO: 5 (Murdock, Robb, Vogt, A. Brown, N. Brown) ABSENT: 0 VOTE: Failed

Council Member Murdock asked for suggestions on due dates for the 2014 debt.

Council Member Robb suggested October 1st.

Council Member Vogt stated October 1, 2015 would allow time to do accounting and suggested a date be set for the payment of the collected pledges.

Council Member Murdock accepted the friendly amendment to set a payment date of October 1, 2015.

Council Member Robb accepted the friendly amendment.

Council Member Vogt stated the festival committee informed Council that they have pledge money available, and that should be paid to the City immediately. Mr. Vogt asked if it would be appropriate for this payment to be made at the same time the committee paid the upfront fees for the 2015 festival.

Ms. Savage responded a planning meeting has not been held for the 2015 Heritage Festival, and normally after that meeting is held upfront fees are paid are due.

Council Member Vogt stated Council Member Murdock's substitute resolution as amended the City would be paid a certain amount plus the upfront fees. He said the City will then carry the balance until the event concludes, and at that time the City will waive \$3,000 in in-kind services.

Council Member Murdock stated Council Member Vogt's suggestions are fine but it is not what the resolution says.

Council Member Robb stated the amendment to the resolution was the balance of the 2014 debt was due October 1, 2015.

Council Member Vogt asked if all \$9,000 be paid no later than October 1, 2015.

Council Member Murdock replied yes.

Council Member Vogt asked about an immediate payment.

Council Member Robb stated that is up to the committee.

Council Member Vogt stated if there is not a 2015 festival than the City would receive nothing from the 2014 debt.

Mayor Edmonds stated neither of the resolution discusses what would happen if the festival does not occur.

Council Member Vogt said the committee will know within two weeks if there will be a festival, and it has been stated there are funds available to make a payment to the City.

Mr. Heddle stated getting assistance from the City with the 2014 debt is one issue the festival's real problem is finding adequate sponsorship. Mr. Heddle stated once that is known he will collect pledges to turn into the City.

Council Member Vogt said another scenario is that 2015 festival loses money again, and are deeper in debt. Mr. Vogt stated if the City does not get an upfront payment it would not receive anything for the 2014 debt.

Mr. Heddle responded he will collect the pledges and deliver them to the City.

Council Member Vogt answered that is what he understands but it is not what the resolution says.

Mayor Edmonds said her resolution would forgive some debt if the festival happens or not.

Council Member Robb stated if the festival does not occur the City basically gives them \$9,000.

Mayor Pro-Tem Richardson asked how the City would be giving them \$9,000 and said if the festival does take place.

Council Member Robb stated if the festival does not go on this year it means the Heritage Festival no longer exists.

Mayor Pro-Tem Richardson stated the Heritage Festival Committee is a legal entity.

Council Member Vogt stated the committee would be uncollectable. He added that he would like to take the pledge upfront.

Council Member Anne Brown asked Ms. Savage when she needs the upfront fees for the festival.

Ms. Savage said as soon as possible.

Council Member Anne Brown asked if this could be tabled tonight to allow time to clean up the proposed resolutions.

Ms. Savage stated the festival needs the approval letter to obtain sponsorship.

Council Member Murdock proposed that the resolution read, "Therefore be it resolved that the City of Ypsilanti defer the payment of the 2014 arrears, requiring 50% payment by May 15, 2015 and the remaining 50% payment by October 1, 2015, as the YHFC plan to raise the amount through pledges..."

Council Member Vogt stated he was satisfied with the additional wording.

Council Member Robb accepted Council Member Murdock's friendly amendment.

Council Member Vogt offered a friendly amendment stating "Therefore it be resolved that the City of Ypsilanti defer the payment of the 2014 arrears, as follows 50% payment by May 15, 2015 and the remaining 50% payment by October 1, 2015."

Mayor Edmonds stated she will not be supporting the substitute resolution and believes that a monthly financial report is an unrealistic expectation.

On a roll call, the vote to approve the substitution for Resolution No. 2015-098 was as follows:

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

VOTE:

YES: 4      NO: 3 (Edmonds, A. Brown, N. Brown)      ABSENT: 0      VOTE: Carried

Council Member Vogt stated the substitute resolution will still waive \$3,000 of in-kind services.

Council Member Murdock stated the City would be a sponsor.

Mayor Edmonds responded if the City does not offer support until October 1, 2015 it would not be a sponsor.

On a roll call, the vote to approve Substitute Resolution No. 2015-098 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

Resolution No. 2015-098, as adopted reads as follows:

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

**WHEREAS, the Ypsilanti Heritage Festival Committee (YHFC) has been reconstituted with many new members; and**

**WHEREAS, the YHCF is desirous of putting on The Heritage Festival on August 21, 22 & 23, 2015; and**

**WHEREAS, the YHFC owes a balance of \$9,042.13 for the 2014 event that is preventing the City from processing their application; and**

**WHEREAS, the YHCF has been successfully soliciting pledges to pay off the 2014 debt; and**

**WHEREAS, the City is desirous of removing the City impediment that prevents the YHCF from organizing the 2015 Festival**

**THEREFORE BE IT RESOLVED that the City of Ypsilanti defer the payment of the 2014 arrears, as follows 50% payment by May 15, 2015 and the remaining 50% payment by October 1, 2015; and**

**FURTHER BE IT RESOLVED that the City of Ypsilanti proceed with the processing of the Ypsilanti Heritage Festival application for 2015.**

**FURTHER BE IT RESOLVED that the City of Ypsilanti provide a sponsorship of \$3,000 in kind services for the 2015 Festival if the arrears for 2014 are paid in full and monthly financial reports are provided to the City.**

#### **XIV. LIASON REPORTS –**

- A. SEMCOG Update – No report
- B. Washtenaw Area Transportation Study – During the last meeting there was a lengthy discussion on the US-23 improvements to be added to the TIF plan which were added. Mr. Murdock stated he voted against adding it to the TIF plan because it did not include alternate forms of transportation.
- C. Washtenaw Metro Alliance – No report
- D. Urban County – Meeting will be on Tuesday, April 28<sup>th</sup>.

Council Member Murdock asked if Urban County will be funding \$400,000 into the City's public housing next year.

Mayor Edmonds replied the \$500,000 was voted on during for last year, but does not recall what the proposal was for next year.

- E. Freight House – The final parts of the schematics should be in this week to move forward with the bid.
- F. Parks and Recreation – The report was included in the packet. Council Member A. Brown informed Council that two interns were hired by the Department of Public Services and thanked Assistant to the City Manager Savage for drafting the job description.
- G. Millennial Mayors Conference – No meeting
- H. Ypsilanti Downtown Development Authority – No report

Council Member Murdock stated there was not a quorum present at the last Downtown Development Authority Meeting.

Mayor Edmonds stated there was a quorum at the end of the meeting.

- I. Eastern Washtenaw Safety Alliance – The next meeting is on May 4<sup>th</sup>.

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

##### Robb

- Stated 16 N. Washington St. that was an Action Ticket on it is 257 days old. He said the building was purchased and awarded an Obsolete Property Rehabilitation Act Grant. The owner then was performing construction on the kitchen and pushed the equipment against the window. Mr. Robb stated it is an eyesore and is being used as storage in the B3 zone. On September 17<sup>th</sup> a placard was placed condemning the building and on December 15<sup>th</sup> the City gave the owner 30 days to bring it up to code. He said that was 127 days ago which makes the City look weak, and Mr. Robb would like to see some action taken.
- Stated there are 14 concerns on the Action Ticket Center that are over 240 days old, and said it is very frustrating because he is uncertain who is managing the system. He said there is conversation on how the Action Ticket Center does not work, and the real issue is that no one works on the Action Ticket List.
- Stated on December 2, 2014 he asked that stop signs be placed at Stanley and Hemphill, and it has been 140 days and the stop signs still have not been installed. He said the frustrating part is that staff has not kept him informed of the progress.
- Asked when Council will see a policy regarding police body cameras. He said the policy was supposed to come before Council in March, and asked when it will come to Council.

Council Member Murdock stated he hopes there will be discussion of body cameras during the budget sessions.

Vogt

- Asked that the street sign at Oakwood and Washtenaw be reinstalled now that the weather is warmer.
- Stated he is attending the formation meeting for the Executive Committee for the DTE rate increase Friday, April 24 at 8:00 a.m. The reason for the meeting is to choose an executive committee for municipalities having an issue with DTE rates. He asked if Council or Staff speak to him before the meeting if they have any comments, or suggestions. Mr. Vogt added if there is any need for him to be a board member he will consider it.

Nicole Brown

- Asked for an update on alternatives for stop signs on Ainsworth.
- Stated she has been approached by groups that would like to adopt parks in the City.
- There are both EMU students and EMU Organizations that will be volunteering for Ypsi Pride day.

Anne Brown

- Said the Local Government Committee, at the State level, is proposing to eliminate Act 88. She said that Washtenaw County is the only county with a population of over 340,000 that is using those funds. She said the Washtenaw County Executive has been pleading the case. Ms. Anne Brown stated last time she was in Lansing the argument was to eliminate it.

Murdock

- Thanked staff for their response on issues including Bay Logistics, Prospect Rd., and the street cleaning schedule.

Richardson

- Said she would like the police body cameras to be in operation as soon as possible. She said that Ypsilanti cannot isolate itself from police brutality and needs to act on this matter.
- Asked City Attorney Barr to follow up the issue brought to Council's attention: Mr. Cook regarding Officer Anderson.

City Attorney Barr responded his office would look into that issue.

Mayor Pro-Tem Richardson added this is not the first time she has heard Officer Anderson's name before being involved in a negative situation.

**XV. COMMUNICATIONS FROM THE MAYOR –**

- Stated there will be some vacancies on the Planning Commission and asked if Council has any recommendations from Wards 1 and 2.

Council Member Murdock asked who would be leaving the Commission.

Mayor Edmonds replied Nicki Sandburg would be moving out of the City in June.

- Stated there may be a resolution coming forward for the Local Development Financing Authority (LDFA) regarding Board Members being able to serve more than one four year term. She said this change is needed as all municipalities in the Authority must follow the same rules.
- Said she attended opening day for Little League, and was proud to find out that Ypsilanti was the first Little League to allow girls to play in 1973.

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

- Stated work sessions and budget sessions have been scheduled.
- Stated during the work session next Tuesday, April 28<sup>th</sup> there will be a presentation regarding parking tickets.
- Stated there has been meaningful success in economic development in the City and there will be a presentation during the Work Session on Tuesday, April 28<sup>th</sup>.

Council Member Anne Brown said she would have appreciated a Doodle regarding the scheduled dates and that some of the dates do not work with her schedule.

City Manager Lange replied he will be unable to attend one of the dates, and is willing to reschedule the budget sessions.

Council Member Nicole Brown asked for clarification regarding the 16<sup>th</sup> stating it was a Saturday.

Mayor Edmonds stated that should have been May 14<sup>th</sup> and she would not be available that date.

Mayor Pro-Tem Richardson stated the budget sessions in the past Council was provided in list of dates to pick from, and agree on dates for the budget session. She said that the person who set the dates should have asked Council because Council should all be present at the budget sessions.

Mr. Lange said City Council is present now, and asked if the dates could be decided.

Mayor Edmonds stated she will not be able to be present at May 14<sup>th</sup> meeting, and she doesn't think there should be a budget meeting when City Manager Lange is unable to attend on May 19<sup>th</sup>.

Council Member Robb stated budget sessions consist of Department Heads presenting their budget to Council and Council asking questions.

Mayor Edmonds asked if the third budget session would not require the presence of the City Manager.

City Manager Lange stated he provides the introduction to the budget.

Council Member Vogt offered May 21<sup>st</sup> as a replacement date.

Council Member Nicole Brown said May 19<sup>th</sup> is a regular scheduled Council Meeting.

Council Member Robb stated the May 19<sup>th</sup> meeting will consist of a regular meeting for the first hour with the remainder being dedicated to the budget.

Mayor Edmonds said she feels that this is late to be deciding on dates at this point, and asked that Executive Secretary Nan Schuette send a Doodle with all possible dates.

Council Member Nicole Brown said she disagreed, and said Council should move forward with these dates.

Mayor Pro-Tem Richardson said she would be unable to attend the May 14<sup>th</sup> budget session.

Mayor Edmonds asked if there are any other Council members who would be unable to attend the May 14<sup>th</sup> meeting or any other of the proposed dates.

#### **XVII. AUDIENCE PARTICIPATION –**

1. Michelle Barney, 330 Chidester Place #406, asked if non-conforming rules could be applied to the situation at Chidester Place regarding the need to clear out storage units. She asked that the Building Department provide time to allow residents to clear out space in storage units.

#### **XIII. REMARKS FROM THE MAYOR –**

- Stated that the City Inspector abides by State Adopted Building and Fire Codes and has already stated that he would allow residents time to clear the storage units.

City Attorney Barr stated the City cannot change the Fire Code that is adopted by the State.

#### **XVIII. COMMUNICATIONS -**

- Chidester Place Inspection Documents.

- Parks and Recreation Commission Liaison Report.
- Council Work Session scheduled for April 28, 2015 at 6:00 p.m. in the Council Chambers. Items for discussion are parking, motor pool, and other items.
- Council Budget Sessions are scheduled for May 12<sup>th</sup>, 14<sup>th</sup>, and 19<sup>th</sup> at 6:00 p.m. in the Council Chambers.

**XIX. ADJOURNMENT -**

Resolution No. 2015-099, 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 Vogt

SUPPORTED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the meeting adjourned at 10:57 p.m.



**Draft**

**City of Ypsilanti  
City Council Work Session Minutes  
Tuesday, April 28, 2015  
City Council Chambers, 1 S. Huron St., Ypsilanti, MI  
WORK SESSION: 6:00 p.m.**

**I. CALL TO ORDER –**

The meeting was called to order at 6:05 P.M.

**II. ROLL CALL –**

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

Council Member N. Brown moved, supported by Council Member Murdock, to excuse the absence of Mayor Edmonds and Council Member A. Brown.

On a voice vote, the motion carried, and the meeting was excused.

**III. INVOCATION –**

Mayor Pro-Tem Richardson asked all to stand for a moment of silence.

**IV. PLEDGE OF ALLEGIANCE –**

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

**V. AGENDA APPROVAL –**

City Manager Lange stated the Motor Pool item has been replaced by an Economic Development update.

Council Member Murdock moved, supported by Council Member Nicole Brown, to approve the agenda as submitted.

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

**VI. AUDIENCE PARTICIPATION –**

1. Dave Heikkinen, business owner at 133 Michigan Ave, stated parking has become an issue in the downtown, especially on Friday and Saturday nights. He asked that the number of spots be maximized, especially handicapped parking. Mr. Heikkinen asked that the North Washington Lot be properly marked, and work with the AAATA to make that a destination parking area. He said the

Downtown Development Authority completed a 2012 Parking Study which can be used as a tool for possible changes.

**VII. REMARKS FROM THE MAYOR PRO-TEM –**

- Thanked Mr. Heikkinen for his comments and said it is good news that the downtown is prospering.
- Stated that parking should be examined and the South Huron Lot may need to be restriped.

**VIII. WORK SESSION –**

**A. Parking System**

City Clerk Frances McMullan provided a presentation regarding the parking system in Ypsilanti. Ms. McMullan introduced the Parking Committee; City Attorney John Barr, Assistant City Attorney Jesse O'Jack, Police Chief Tony DeGiusti, Lt. Deric Gress, Assistant to the City Manager Ericka Savage, and herself.

City Attorney John Barr provided a brief history regarding the parking system in Ypsilanti.

Council Member Robb asked why the City Attorney's memo said the letter was sent February 4<sup>th</sup> and the packet says it was sent March 24<sup>th</sup>.

Mr. Barr replied the letter was sent February 4<sup>th</sup> but did not receive conformation until March 24<sup>th</sup>.

Council Member Robb stated the packet says confirmation was received April 24<sup>th</sup>.

Assistant City Attorney Jesse O'Jack replied the letter was sent twice, and was not responded to until April 24<sup>th</sup>.

Council Member Robb stated the letter was sent on February 4<sup>th</sup> and March 24<sup>th</sup>.

City Attorney Barr responded correct.

Council Member Robb asked why Council was not informed that the contract with Duncan was terminated.

Mr. Barr responded there were legal issues concerning the process for termination. He said the Committee made the determination of how to move forward with the contract termination. He stated the parking system as a whole was under the City Manager until 1997. He said the Council, at that time, due to the cost of service being above \$25,000, took control over the contract.

Council Member Robb stated Council was not involved in the contract executed in 2011.

Mr. Barr replied correct.

Council Member Robb said Council was circumvented during that process.

Mr. Barr responded he does not know that Council was circumvented, but Council was not involved.

Council Member Robb said his issue is Council should have been informed but wasn't and it makes him think of what else Council was not told. He added this is an issue of trust between Council and staff and the City cannot continue to operate in this fashion.

Ms. McMullan stated she agrees with Council Member Robb that the City cannot continue to operate in that manner. She stated this is why staff is beginning to form teams and committees so that these issues can be discussed with Council.

Mayor Pro-Tem Richardson asked where Parking Enforcement Officers fit in the system.

Ms. McMullan replied the Parking Enforcement Officers issues the ticket to the violator which is sent to the district court and then to Clemis.

Mayor Pro-Tem Richardson asked if the Parking Enforcement Officer provides ticket information to the violator and Clemis simultaneously.

Ms. McMullan responded correct.

Chief DeGiusti stated the 14 District Court takes 67% of the revenue from tickets.

Council Member Robb stated in the past, tickets were issued and if paid in a day or two the ticket was \$10. He said then for two weeks the cost was \$15 and at that point the ticket would be sent to Duncan Solutions and would cost \$25. Mr. Robb asked for clarification for the current system.

Chief DeGiusti responded the fees do not currently increase.

Council Member Robb asked what the 33% represents.

Assistant City Attorney O'Jack replied when a ticket is issued and goes to court there are two parts, a fine and cost. He said the City gets a portion of the fine, not the cost.

Council Member Robb stated no matter what happens the City is getting \$6.66.

Mr. O'Jack responded yes, there is no increase if the ticket goes to court.

Council Member Robb asked if the City was aware of that fact when it entered a contract with the court.

Mr. O'Jack replied yes, which is why the fee was increased.

Council Member Robb stated the fine used to increase from \$10 to \$15 and now the City only receives \$6.66. Mr. Robb added the City went backwards in terms of revenue.

Chief DeGiusti responded a factor considered was compliance rates, between what the courts can do, and what Duncan Solutions was able to do for collections.

Council Member Robb said Duncan Solution would collect \$25 per ticket, and only keep \$10, or 40% that the City would not have seen in the first place.

Council Member Murdock stated in the past parking tickets were collected here, and at a certain point the fine was turned over to a collection agency. He said an outside agency was used, which performed essentially the same service. Mr. Murdock asked where the court would come into this process.

Chief DeGiusti responded most jurisdiction do not use an outside organization, they use their district court. He said this is done for the ease in transition between the court and the City. He added there is also a great more data available to the city while working with the court.

Council Member Murdock stated when a driver receives a certain amount of tickets the Secretary of State is notified and other punishments may be applied. Mr. Murdock asked how a driver would get to that point.

Ms. McMullan replied if the City decided to go to that extent it would need to establish a Parking Bureau to set those rules, and enter into an agreement with the Secretary of State.

Mr. Barr stated the City's practice at one time was to boot the car of a driver with six or more tickets. He said the issue that this creates is the ability to find out how many tickets a driver has. He added the issue is with record keeping.

Council Member Robb asked if the City had any idea if tickets had been paid while using Duncan Solutions.

Chief DeGiusti replied no the City did not.

Council Member Robb asked if the City knew if the tickets were paid while the court was taking payment.

Chief DeGiusti answered that data could be retrieved through the Clemis system.

Council Member Robb asked if the City does that.

Chief DeGiusti replied not at this time.

Council Member Murdock asked what the plan is at this point.

Chief DeGiusti stated there are a two pieces; compliance and enforcement. He said the parking system at Oakland University was examined and in their system the Parking Enforcement Officer issues a ticket, using the same equipment used in Ypsilanti. The information would be transferred to Clemis and the violator. He said if the violator would like to pay the ticket right away they would have that ability.

Council Member Murdock asked if all the tickets that get paid would have to be entered into Clemis.

Chief DeGiusti responded no, Clemis will only be used to issue and track the tickets. He said the tickets will be paid at City Hall and tracked by a system called Prefarati. He said the court will still be used for violators who wish to contest a parking ticket. He said since the system is in house all the data will be available to city staff.

Council Member Murdock asked how parking enforcement and parking meter revenue is kept separate.

Chief DeGiusti stated that is an issue discussed by the Parking Committee. He said parking meters are inventoried by Parking Enforcement Officers once a month for broken meters. He said to minimize the number of malfunctions 125 digital meters have been ordered and 125 will be ordered in June. He said the digital meters do not have the turning mechanism the current meters do which is the cause of the malfunction.

Council Member Murdock stated meter revenue and parking tickets are two different sources of revenue, and it is difficult to distinguish the two.

Chief DeGiusti agreed it is difficult to track while the court handles the fines.

Ms. McMullan stated the proposed plan will separate those revenue streams and allow them to be more accurately tracked.

Council Member Robb asked what jurisdiction uses the Preferati system.

Chief DeGiusti responded it is used by Oakland University and Rochester Hills Parking Enforcement. He said the cost of the system is an upfront cost of \$4,800. He said Preferati will also be able to translate the backlog of overdue parking tickets sent by Duncan Solutions for a cost of \$1,500. He said combined, the upfront cost would be \$6,300, plus a \$400 monthly fee for the system.

Council Member Murdock stated how tickets that are not paid within two to three years will be handled.

Chief DeGiusti stated the tickets will be sent to a collection agency, either the Credit Bureau of Ypsilanti, the Ann Arbor Credit Bureau, or TGR Accounts Services and the collection rate is anywhere from 25% to 36%

Council Member Murdock asked if the City will need to track tickets between stage one and full implementation.

Chief DeGiusti replied this system will keep track of that information and send out notices.

Ms. McMullan added the final warning letter will say that the violator is being sent to collections.

Council Member Robb asked what that will cost the City.

Ms. McMullan responded that is included in the system.

Council Member Robb asked how much postage will cost to send delinquent letters.

Chief DeGiusti added it is difficult to budget for postage for delinquent letters because there is not data on compliance rates. He said after a few months and more data is collected that number would be able to be narrowed down.

Ms. McMullan stated the system should be budgeted for the excess due to letters needing to be sent from data provided by Duncan.

Council Member Robb stated since the City terminated the contract with Duncan Solution there is no way of knowing how many tickets were lost in the transition. He added the statute of limitations on parking tickets is six years, and those that were issued in 2008 are no longer able to be collected.

Chief DeGiusti responded data will be available once Prefarati translates the data from Duncan Solutions.

Council Member Robb stated the City will know how much was lost and a year's worth of parking tickets is not collectable. He said until a system is put in place the City will continue to lose revenue from past parking tickets.

Chief DeGiusti stated the loss would be minor.

Lt. Deric Gress stated the loss would be minor because most violators pay their tickets.

Council Member Robb stated in 2006 the City collected \$154,000 in enforcement revenue. He said the City has probably lost six figures in the past year plus the time it takes to implement the system.

Chief DeGiusti stated he does not know if the City lost \$100,000 in lost enforcement revenue and he seriously doubts the non-compliance rate is that high.

Council Member Robb asked if police officers write parking tickets.

Chief DeGiusti responded on occasion.

Council Member Robb said in 2013 the City issued 408 parking tickets. He said the City employs two Parking Enforcement Officers working that work 400 man days equaling one ticket a day.

Lt. Deric Gress responded the problem in 2013 was a result of Duncan Solutions. Lt. Gress said Parking Enforcement was running out of Duncan Solution parking tickets, and did not want to order more since the contract was to be terminated, and for a long period of time there were not tickets to write.

Council Member Robb asked if the graphs illustrated calendar years or fiscal years.

Council Member Murdock stated it looks like the City stopped issuing tickets before the end of the contract.

Lt. Gress replied yes, at that point the City ran out of tickets to issue. He said he ordered more in December of 2013 and that is why there is such an extreme drop in the number of issued tickets.

Council Member Robb stated if you look at the previous four years there is an average of 800 tickets issued per month. He said based on the statistical average it would mean the City stopped writing tickets in January 2013, and the contract was terminated 15 months after that.

Lt. Gress replied at one point the Department was told that the contract could be terminated in 30 days, and another point there were threats of legal action. He said at that point he examined ordering new tickets and using the district court. Lt. Gress stated Duncan Solutions was then sent a letter of termination and did not respond to the letter. He said Duncan Solutions was sent a follow-up letter and on April 24<sup>th</sup> responded saying the contract would be terminated May 2014.

Council Member Robb stated Parking Enforcement did not write tickets for a period of 17 months and asked what were the officers doing during that time.

Lt. Gress answered they were collecting parking meters, shuttling cars, and helping with ordinance enforcement.

Council Member Robb stated the City lost \$100,000 in revenue so Parking Enforcement could shuttle cars, and collect a \$35,000 salary.

Council Member Vogt asked if the issue was staffing, or was it all related to not having tickets to write.

Chief DeGiusti said the issue is that the contract lasted longer than anticipated, and the Department did not want to waste thousands of dollars on tickets if the contract was terminated.

Council Member Robb asked City Attorney Barr if he was involved in this at any time in 2013.

Mr. Barr stated it was an ongoing process, and in 2013 he started receiving a lot of complaints from the Treasurer that she was unable to get the material she needed. He stated he then began to receive complaints from the Police Department regarding old tickets they were receiving. He said at that point the Treasurer asked for the contract from Duncan, and several departments collaborated in the process before the termination letter was sent.

Council Member Murdock stated parking enforcement is not at the levels as it once was, and that is shown in the drop in revenue.

Chief DeGiusti responded it is a matter of enforcement versus compliance. He said enforcement revenue may be down but meter collection is higher. He added as compliance goes up enforcement goes down.

Council Member Murdock stated he does not believe behaviors have changed that drastically, and added the majority of meters he parks at have malfunctioned.

Council Member Robb stated the packet states parking revenue is down.

Chief DeGiusti stated the data is to date, and this year has not yet completed so the data is incomplete. He added where the revenue is now is ahead of last year.

Council Member Murdock stated revenue at this point is \$105,000, eight months into the year. He added if revenue for the next four months is assumed at \$50,000 revenue would be lower than the previous year.

Chief DeGiusti stated Council Member Murdock is referencing parking enforcement and he is speaking toward parking meter revenue. He said Preferati is a proven company out of Oregon and are guaranteeing response time of no more than 24 hours. He said the software is not labor intensive, and easily trained to staff.

Council Member Vogt asked what the current rate is for parking violations.

Ms. McMullan replied it is a \$20 flat fee, but rates can be switched back to the \$10, \$15, \$25 structure that was used in the past.

Council Member Vogt replied it is his intention to begin at \$20 not \$10. He asked that violators be given a grace period of the eight business days to pay tickets.

Council Member Robb asked for benchmark from surrounding committees.

Ms. McMullan responded other jurisdictions are moving away from day increases and have data showing that the flat fee works.

Council Member Vogt stated a grace period of a day may not have been a large enough window. He added if the goal is to get the payment quicker the grace period window should be extended.

Ms. McMullan stated this system allows staff control of those parameters.

Council Member Robb stated parking enforcement should not be looked at as a revenue source, but as a way to keep individuals from monopolizing parking. He said that is why he prefers a less costly ticket because the intention is to change the behavior not dissuade the individual from coming to Ypsilanti.

Council Member Murdock stated on the other hand Eastern students will see that fee as less than the price of purchasing a permit to park.

Council Member Vogt stated changing behavior, increasing revenue, and speed of payment are characteristics trying to be controlled through parking enforcement, and he said he would leave it to the Committee to form the cost of the ticket.

Mayor Pro-Tem Richardson stated the Michigan Municipal League provided a presentation in which a Mayor from Bogota, Columbia discussed moving away from municipal parking. She said he has written a book that states parking should be limited, and municipalities should not be responsible for providing individual cars. She stated his intention was to move people to more non-motorized and more walkable.

Council Member Murdock stated Parking Enforcement Officers work for the police department and repair of meter is performed by the Department of Public Services. He asked how the information flows to DPS from Parking Enforcement Officers.

Chief DeGiusti stated the Parking Enforcement Officers collect meter revenue and also take an inventory. He said if a meter malfunctioned the officers take note of the location, and the meter number and that information is forward to the DPS.

Lt. Gress stated 140 meters need repair a week.

Council Member Robb asked how often the meter revenue is collected.

Lt. Gress responded every Friday.

Council Member Robb stated and 140 are repaired every week.

Lt. Gress stated now that the weather is nicer the meters are repaired more quickly.

Council Member Robb asked that when a report is sent to DPS staff should create a ticket for the Action Ticket Center so Council will be able to track and understand the system.

Chief DeGiusti responded that could be done.

Council Member Murdock stated the DDA completed a parking study in 2012 which outlined some basic needs for downtown parking; extended hours of enforcement, handicapped parking needs,

and several other issues. He said the study states parking is about management and there may be some changes with that study in mind.

Chief DeGiusti stated he was not a part of the discussion, but is willing to review the work that was completed.

City Manager Lange stated the system was not efficient and harassment began regarding collections. He said it is his intention to fix the problems that have occurred. He added the bottom line is the new system is inexpensive and largely administrative.

Mayor Pro-Tem Richardson stated the City needs to decide whether parking be a revenue source, or a service provided to people coming to the downtown districts.

Council Member Robb asked if payments could be made online.

Ms. McMullan replied yes.

Mayor Pro-Tem Richardson asked City Attorney John Barr if this will be voted on at this meeting.

Mr. Barr stated parking is in the purview of the City Manager and well within the City Manager's purchasing power. He said if Council opposes the system a resolution could be written voicing that opposition.

Mayor Pro-Tem Richardson thanked those on the Parking Committee, and looked forward to hearing a final report.

Mr. Lange stated Council should develop a parking ticket fine structure in the fee schedule.

Council Member Murdock asked Mr. Lange to bring his recommendation before Council for approval.

Council Member Vogt stated part of what he was trying to convey earlier was to set fines that would discourage appeals and directly cut into the City's revenue. He said having an appropriate two tier system should reduce the number of appeals. He said revenues are an issue because there are costs behind enforcement, and revenues should cover those costs.

#### B. Economic Development

Director of Economic Development Beth Arnet provided a presentation regarding Economic Development in Ypsilanti.

Council Member Murdock asked if a list of the Planning Commission recommendations for Water Street.

Ms. Arnet responded yes.

Council Member Murdock asked what is planned for the lighting on Water Street.

Ms. Arnet responded street lighting is included in the complete streets plan.

City Manager Lange added it would include sidewalks, storm drains, and curb cuts.

Council Member Vogt asked if there were any other infrastructure issues, and that he had the impression that underground lines are being rearranged.

Ms. Arnet replied the proposed plan is pretty complete, and the plan does include all of the sewer, water, and drainage that need to be done for each site. She added the only thing it does not include is electric.

Council Member Vogt asked if there was much change, or is this in-line with what is already there.

Ms. Arnet answered the main lines will follow River which all need to be looped for water service. She said there is a cost for a full street.

Council Member Murdock asked if the site will include pedestrian lights, or more extreme lighting.

Ms. Arnet replied she would have to get back to Council with that information because she does not have the full plan with her.

Mr. Lange stated the engineering guidelines dictate how street lighting should be planned.

Ms. Arnet stated the lot along the river and close proximity to the proposed Recreation Center is very attractive to developers. She said there has been discussion to not complete the road and instead incorporate the river. She said that would be a great incentive for development. She said the City has not received that proposal but she wanted to make Council aware of the possibility.

Mayor Pro-Tem Richardson asked if developers have given any indication of what type of development would be located at that lot.

Ms. Arnet responded mixed use development with entertainment venues.

Mr. Lange stated there will be a series of policy questions that staff would like to get an idea of the direction Council leans in order to avoid wasting time of staff and developers.

Council Member Vogt asked if there is any interest in site J.

Ms. Arnet replied yes.

Council Member Vogt asked if the interest is compatible with site I.

Mr. Lange stated there are several developers interested in Water Street and there will be a combination of developments.

Council Member Vogt stated the point is to consider whether lot I could be expanded to include the road to the west. He asked if the developer would be charged appropriately in that scenario.

Ms. Arnet replied yes, the developer may be asked to bond for that road to ensure the project is completed.

Council Member Vogt asked if sites I and J would be provided proper infrastructure to ensure both safety and transportation routes.

Ms. Arnet replied yes, but it has proved problematic. She said she does not care for the design of the road and it takes away a 90 degree angle of a lot, but it is necessary for the anchor tenant as well as the utility lines.

Council Member Vogt stated there is a lot of potential with curving road on the site.

Council Member Murdock asked if Herman Kittle received the MSHDA tax credits.

Mr. Lange responded they were approved, and he received the letter of confirmation today, April 28<sup>th</sup>.

Council Member Murdock said he never fathomed the outer road was useful and as long as the site has the River Edge Trail Parkway he does not see the roads purpose.

Mr. Lange said the area is heavy utilities as well as being located on a flood plain making development difficult.

Mayor Pro-Tem Richardson asked if the interested company in the Angstrom building expressed interest in the property before the Michigan Economic Development Corporation (MEDC) was involved.

Ms. Arnet said the interested company contacted the MEDC and the MEDC pointed them to several possibilities.

Mayor Pro-Tem Richardson asked what the company is interested in doing with the building, and why is it not the best fit for the Angstrom site.

Ms. Arnet responded the company is interested in expanding operation space in the location of the current parking lot. Ms. Arnet explained the parking lot sits on a flood plain which could prove difficult to build additional space.

Mr. Lange stated the situation was disappointing, but the entire parking lot is on a flood plain and it is very difficult to redevelop a space with that designation.

Council Member Murdock asked if the proposed site for the solar array is a City owned site.

Mr. Lange replied it is not currently a City owned site.

Council Member Murdock stated there are many people interested in installing a solar array, but a major concern was the location of the array. He said the array was hoped to generate revenue and if a property must be purchased it would appear that it would not generate revenue.

Council Member Robb stated 10 N. Washington has the former site of A. Green's. He said that it was listed as one address with no suites, and now there are nine suites planned. He asked if that can be done without Planning or Building approval.

Ms. Arnet replied it cannot be done without Building approval as it requires building permits. She explained it does not require planning approval because there is no change to the exterior of the building, and the use of the building will not change.

Council Member Robb asked if each unit will require a certificate of occupancy.

Ms. Arnet replied yes.

City Council Work Session  
April 28, 2015

Mayor Pro-Tem Richardson asked where new construction would be in Ypsilanti.

Ms. Arnet answered staff is examining possibilities and working with a financial institution that would like to be downtown, but prefers new construction.

Mayor Pro-Tem Richardson thanked Ms. Arnet for the report and does appreciate the proposed action steps.

Mr. Lange stated staff will not entertain any non-taxable public uses, and will focus on private development. He asked Council if they were on board with that strategy.

Council Member Robb answered that Mr. Lange's strategy is not very specific. He said his opinion depends on what type of development Mr. Lange is referring, and he needs to understand what is meant by quality development. He added he does not care about the specific tenants he cares about the type of development.

Ms. Arnet replied each lot needs to be looked at individually, and before any real money is spent it will come before Council. She said what she wants to see is a developer with experience and solid data and plans that is how she measures quality. She clarified that the intention is to understand if Council does or does not want more non-taxable public uses.

Council Member Murdock stated Council has already expressed it no longer wanted non-taxable development, and then it was brought a PILOT.

Mayor Pro-Tem Richardson stated the Herman Kittle development did not begin as a PILOT.

Mr. Lange said staff understands there should not be any further tax exempt developments. He explained that further developments will be market rate, and staff will not approach developments that are tax subsidized. He asked if Council wanted development oriented to the river, or does it not matter.

Council Member Vogt responded it is very important to have development oriented to the river and may be the most important aspect. He emphasized that lots I, J, K, and L will have uses that will be compatible with the fact that businesses will come and go throughout the years.

Mr. Lange stated the developments will follow form based codes. He asked if Council was in favor of pulling anymore streets from the grid. He added at this point he is no longer in favor of changing the grid because developers are bringing plans designed to the current grid.

Council Member Murdock stated if a developer wanted to connect two different lots will the City say no because the street is planned for that location.

Mr. Lange responded there are other ways around that scenario.

Council Member Vogt responded he would rather conserve the grid, but he would not say no if there is a major proposed development.

Council Member Murdock stated the development along the river was primarily focused on residential, and asked is that still what is planned.

Ms. Arnet replied there should be a quality mix on the river. She said not only do people like to live along the river they also like to eat and enjoy other activities. She said mixed use development is instrumental to revitalization.

Council Member Murdock stated the area is 40 acres, and can include mix, however, it does not need to be included on every lot.

Ms. Arnet replied retailers will see the riverfront as prime property, and are more likely to pay higher rents than first floor residential. She cautioned having first floor residential along the river.

Council Member Murdock stated the residential development that is attractive should entice those being driven out of Ann Arbor, and that is a great site for that type of development. He said 16 acres left to develop means that there needs to be \$2,000,000 worth of taxable value per acre to make the payments, and that is the quality that is needed.

Mayor Pro-Tem Richardson stated Ms. Arnet was the first person that provided a presentation on the Water Street that has any semblance of the vision she has. She said she feels that the river should be filled with activity.

C. Miscellaneous

None

#### **IX. AUDIENCE PARTICIPATION –**

1. Dave Heikkinen, business owner at 133 Michigan Ave, stated lot L has one of the best views on Water Street and he hopes that whatever goes on that lot takes advantage of that view. He said he is curious if the streets will have on-street parking.

City Manager Lange responded there will be on-street parking at that location.

Mr. Heikkinen stated there was discussion about having a baseball field and training facilities at the Angstrom site. He said that use would not be affected by the flood plain and would bring a great deal of business to Ypsilanti's Business Districts.

Council Member Murdock stated it is difficult to build anything on a flood plain.

#### **X. REMARKS FROM THE MAYOR –**

None

#### **XI. ADJOURNMENT –**

Council Member Vogt moved, supported by Council Member N. Brown, to adjourn the meeting.

On a voice vote, the motion carried and the meeting adjourned at 8:32 P.M.



Resolution No. 2015 – 101A  
May 7, 2015

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

That the following items be approved:

1. Resolution No. 2015-101, approving Ordinance No. 1245, an ordinance to amend the Zoning Ordinance, Sec 122-8, to revise "Violations and Penalties" for the Administrative Hearings Bureau (AHB). ***(Second Reading)***
2. Resolution No. 2015-102, approving Ordinance No. 1247, an ordinance to amend Ypsilanti City Code Chapter 102 "Traffic and Vehicles" for Permit Parking. ***(Second Reading)***

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

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

YES:              NO:              ABSENT:              VOTE:



Resolution No. 2015-101  
May 7, 2015

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

THAT the Ypsilanti City Council approves an ordinance to amend the Zoning Ordinance, Section 122-8, to revise "Violations and Penalties" for the Administrative Hearings Bureau (AHB) on Second and Final Reading.

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

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

YES:                      NO:                      ABSENT:                      VOTE:

## Ordinance No. 1245

An ordinance entitled, "VIOLATIONS AND PENALTIES"

An ordinance to AMEND the Zoning Ordinance of the City of Ypsilanti, Section 122-8, to Revise "Violations and Penalties."

### THE CITY OF YPSILANTI HEREBY ORDAINS:

1. THE CITY OF YPSILANTI ORDAINS that Section 122-2 of the Ypsilanti City Code be amended as follows:

#### ARTICLE I. IN GENERAL

##### Sec. 122-8. Violations and penalties.

- (a) *Public nuisance.* Any building or structure which is erected, altered, converted, or used, or any use of premises or land which is begun or changed subsequent to the passage of this chapter and in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of the city council, subject to appeal to any court of competent jurisdiction.
  - (b) ~~Municipal civil infraction.~~ *Blight Violation.* A person who violates any provision of this chapter is responsible for a ~~municipal civil infraction~~ blight violation, subject to payment of a civil fine and costs as set forth in section ~~70-38~~ 71-73. Repeat offenses under this ~~article~~ chapter shall be subject to increased fines and costs as set forth in section ~~70-38~~ 71-73. A person who violates this chapter is also subject to enforcement by the procedures, costs, and penalties set forth in Section 1-15 of the Ypsilanti City Code for blight violations.
  - (c) *Owner responsibility.* The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be liable for the fines provided in this chapter.
  - (d) *Each day separate offense.* Each and every day during which a violation of this chapter shall exist shall constitute a separate offense.
  - (e) *Rights and remedies are cumulative.* The rights and remedies provided in this chapter are cumulative and are in addition to any other remedies provided by law.
  - (f) *Rights and remedies preserved, no waiver.* Any failure or omission to enforce the provisions of this chapter, and any failure or omission to prosecute any violations of this chapter, shall not constitute a waiver of any rights and remedies provided by this chapter or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this chapter.
  - (g) *Money received from penalties.* All money received from penalties assessed shall be placed in the city's general fund.
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 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, repealed.
- 4. Saving Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as 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 of this ordinance.
- 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.
- 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 newspaper 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: April 2, 2015  
First Reading: April 21, 2015  
Second Reading: May 7, 2015  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_



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

That an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE, ARTICLE III "STOPPING, STANDING AND PARKING", DIVISION 3 "RESIDENTIAL PERMIT PARKING", SECTIONS 102-101 AND 102-102 TO MAKE THE PURPOSE OF THE DIVISION CONSISTENT WITH ITS PROHIBITIONS" be approved on Second and Final Reading.

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

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

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1247**

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 102 "TRAFFIC AND VEHICLES" OF THE YPSILANTI CITY CODE, ARTICLE III "STOPPING, STANDING AND PARKING", DIVISION 3 "RESIDENTIAL PERMIT PARKING", SECTIONS 102-101 AND 102-102 TO MAKE THE PURPOSE OF THE DIVISION CONSISTENT WITH ITS PROHIBITIONS

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," Article III "Stopping, Standing and Parking," Division 3 "Residential Permit Parking", Section 102-101 "Purpose of division; designation", is hereby amended as follows:

**Sec. 102-101. - Purpose of division; designation.**

(a) *Purpose.* The purpose of the residential parking permit program is to eliminate severe hardship created by non-residents who park on the street on a longterm basis in residential zoning districts, and to limit the use of streets in residential areas for commercial parking.

(b) *Designation.* Residential permit parking zones shall be designated by and may be modified by the city manager. A map of these zones is available for inspection in the office of the city manager.

**2. THE CITY OF YPSILANTI HEREBY FURTHER ORDAINS** That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," Article III "Stopping, Standing and Parking," Division 3 "Residential Permit Parking", Section 102-102 "Definitions", is hereby amended by deleting the entire section as follows:

**~~Sec. 102-102. - Definitions.~~**

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Longterm parking* means parking in a particular spot, or in front of a particular residence, or on a certain block within the city for more than two hours at a time or more than one time per week.~~

**3. 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.

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

**5. 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.

**6. 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.

**7. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 according to Section 11.13 of the City Charter 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: April 14, 2015

First Reading: April 21, 2015

Second Reading: May 7, 2015

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

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



**Barr,  
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Jane A. Slider ~ Legal Assistant

**REQUEST FOR LEGISLATION**

DATE: May 1, 2015

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: METRO Act Extension Application – Michigan Bell Telephone Company  
(d.b.a. AT&T Michigan)

**SUMMARY/BACKGROUND**

Companies that desire to use the right of way in the City must obtain a permit and pay for the use. The State of Michigan passed the METRO Act that requires companies to file an application for a permit with the local municipality on an approved form, including a map of the use.

The companies have to pay an annual fee of five cents a foot of the length of the right of way. The fee is paid to the state and the state sends most of the money back to the municipality.

Michigan Bell (d.b.a. SBC Michigan) filed an application for a permit with the City, which was granted. This permit was effective on June 20, 2005, for a term of five years. This was then extended on June 20, 2010 (d.b.a. AT&T Michigan) for two years and again on June 30, 2012 for three years. As the term of the second extension is now set to expire, Michigan Bell (d.b.a. AT&T Michigan) has now requested that the permit be extended another five years.

The municipality must approve or deny the permit within 45 days of the application. The complete permit application was filed with this office on April 6, 2015. I have reviewed the application and discussed this application with representatives from AT&T as well as special council for Metro Act matters.

ATTACHMENTS: Proposed Resolution  
Application for Extension

RECOMMENDED ACTION: Adoption of the resolution

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

May 1, 2015  
Page 2

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

CITY MANAGER COMMENTS:

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

COUNCIL ACTION TAKEN:



Resolution No. 2015-104  
May 7, 2015

RESOLUTION TO APPROVE RIGHT OF WAY  
TELECOMMUNICATIONS PERMIT EXTENSION FOR  
MICHIGAN BELL TELEPHONE COMPANY (D.B.A. AT&T Michigan)

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

Whereas, the Michigan Bell Telephone Company (d.b.a. AT&T Michigan) has, on April 1, 2015 filed an application with the City of Ypsilanti applying for a five-year extension of its Right of Way Telecommunications Permit pursuant to the Metro Act, Act 48 of 2002; and

Whereas, the initial permit was issued by the City on June 20, 2005 for a term of five years, with the Michigan Bell Telephone Company doing business as SBC Michigan; and

Whereas, this permit was extended by the parties on June 20, 2010 for a term of two years, with Michigan Bell doing business as AT&T of Michigan; and

Whereas, the permit was again extended by the parties on June 30, 2012 for a term of three years; and

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

NOW THEREFORE, the attached Metro Act Right-of-Way Permit Extension for the Michigan Bell Telephone Company (d.b.a. AT&T Michigan) 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: \_\_\_\_\_

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

YES:            NO:            ABSENT:            VOTE:



7015 122 -5 A 11:32

AT&T Michigan  
Susan Sampier  
METRO Act Administrator  
54 N. Mill Street  
Mailbox #30  
Pontiac, MI 48342

April 1, 2015

Ms. Frances McMullan, Clerk  
City of Ypsilanti  
Ypsilanti City Hall - 1<sup>st</sup> Floor  
One South Huron St  
Ypsilanti, MI 48197

**METRO ACT RIGHT OF WAY PERMIT EXTENSION**

Dear Ms. McMullan,

This is a letter agreement which extends the existing METRO Act Permit issued by the City of Ypsilanti/Washtenaw County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on June 30, 2015. The extension is for a term to end on June 30, 2020.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Susan Sampier via e-mail, [ss4792@att.com](mailto:ss4792@att.com) or 248.456.0361.

Agreed to by and on behalf of the  
City of Ypsilanti

By: \_\_\_\_\_  
Signature

Its: \_\_\_\_\_

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

Michigan Bell Telephone Company d/b/a  
AT&T acknowledges receipt of this  
Permit Extension granted by the municipality.

By: \_\_\_\_\_  
Susan Sampier

Its: METRO Act Administrator

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



Resolution No. 2015 -105  
May 7, 2015

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

THAT the Ypsilanti City Council approves the adoption of the Amended and Restated Depot Town TIF and Development Plan as submitted by Ordinance No. 1244 at Second and Final Reading.

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

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

YES:

NO:

ABSENT:

VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1244**

An ordinance to provide for the amending and restatement of the Tax Increment Financing and Development Plan for the Depot Town Downtown Development Authority originally adopted in 1992 and restated in 2000, pursuant to Act 197 of the Public Acts of the State of Michigan of 1975 as amended; to establish the legal basis and procedure for the capture and expenditure of tax increment revenues; to implement a variety of capital improvement and other projects and/or programs dedicate to the economic development of the Depot Town Downtown Development area.

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** that the 2000 Tax Increment Financing and Development Plan for the Depot Town Downtown Development Area be amended as outlined in the Amended and Restated plan.

2. **THE CITY OF YPSILANTI FURTHER ORDAINS** that the boundaries of the District within which the Tax Increment Financing and Development Plan will be in effect for are designated as follows:

Beginning at a point on the East line of River Street and the South line of Ferrier Street, said point also known as the Northwest corner of Lot 65, Hunter's Addition, thence East 280' to the Center line of Lincoln Street thence North along the Center line of Lincoln Street to the North line of East Cross Street thence West 166' along the North line of East Cross Street thence South 141' to the Northeasterly line of the Railroad Right-of-Way thence Northwesterly along the Northeasterly line of the Railroad Right-of-Way to the center line of River Street thence North along the Center line of River Street to the North line of Maple Street thence West along the North line of Maple Street to the West line of vacated alley thence North on the West line of vacated alley, extended North, to the Center line of Oak Street to the Northeasterly line of the Railroad Right-of-Way thence Northwesterly along the Northeasterly line of the Railroad Right-of-Way to the Center line of East Forest Street thence Westerly along the Center line of East Forest Street to the Center line of the Huron River to a point where the North line of Lot 1, Assessor's Plat #3, extended Easterly Intersects the Center line the Huron River thence West along said extended North line of Lot 1 to the Northwest corner of said Lot 1 thence South along the West line of said Lot 1 to the Southwest corner of said Lot 1 thence West along the North line of East Cross Street to the Eastern line of North Huron Street, thence South 18-44 East Approximately 204 feet to the Southwest corner of parcel 11-11-40-401-029 thence North 86-26-30 Est 23.95' thence South 3-49 East 80-9' thence East 190.56' thence Southerly along the western boundaries of properties located at 220,214,206, and 130 North Huron Street, (described as of 12/31/83), to a point 49.5' South of the Northeast corner of Lot 185,

Original Plat, thence East 60' thence South 16.5' thence West 60' to the Northeast corner of Lot 184, Original Plat, thence Easterly to a point where the Center line of North Street, extended Westerly, intersects with the Center line of the Huron River thence Northwesterly in the Huron River to the Northwest corner of the property described as 11-11-020-046-00 thence East 269' along the North line of said property thence North to the Northwest corner of Lot 322, Showerman and Compton's Allotment thence East to the West line of Ninde Street thence along the West line of Ninde Street to the South line of Photo Street thence East along the South line of Photo Street to the West line of River Street thence South along the West line of River Street, thence East to the Point of Beginning. Included in this area are the properties and adjacent right-of-ways with the following addresses and parcel identification numbers: 100 East Cross Street, described in tax code parcel numbers 11-09-107-008 and 11-09-107-009, 315 Ninde Street, described in tax code parcel number 11-09-131-009, 24 East Cross Street, described in tax code parcel number 11-09-131-017, 12-20 East Cross Street, described in tax code parcel number 11-09-131-109, 400-412 North River Street, described in tax code parcel numbers 11-04-495-013 and 11-04-495-014.

**3. 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.

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

**5. 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.

**6. 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.

**7. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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. 1244 was published according to Section 11.13 of the City Charter 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: February 12, and March 12, 2015

First Reading: April 7, 2015

Second Reading: May 7, 2015

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

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



Resolution No. 2015-106  
May 7, 2015

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

THAT an ordinance to amend the Zoning Ordinance, Article VI, to revise Non-Conforming Uses be approved on Second and Final Reading.

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

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

YES:

NO:

ABSENT:

VOTE:

## Ordinance No. 1246

An ordinance entitled, "NONCONFORMITIES"

An ordinance to AMEND the Zoning Ordinance of the City of Ypsilanti, Article VI, to Revise Nonconforming Uses, and to Allow for Certain Uses to be Resumed once Designated as "Nonconforming A" by Planning Commission.

### THE CITY OF YPSILANTI HEREBY ORDAINS:

1. THE CITY OF YPSILANTI ORDAINS that Article VI of the Ypsilanti City Code be amended as follows:

#### **ARTICLE VI. NONCONFORMING USES, BUILDINGS, STRUCTURES OR LOTS\***

**\*State law reference(s)**--Nonconforming uses and structures, MCL 125.583a, MSA 5.2933(1).

##### **Sec. 122-201. Description and purpose.**

~~Certain existing lots, structures, buildings and uses of lots and structures were lawful before this chapter was adopted, but have become nonconformities under the terms of this chapter and its amendments. It is the intent of this chapter to permit such nonconformities to remain until they are abandoned or removed, but not to encourage their survival or, where abandonment or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities must not be enlarged, expanded, or extended, except as provided in this chapter and must not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various districts.~~

It is recognized that there exists within the districts established by this chapter uses of land which were lawful before this chapter was passed or amended, but which would be prohibited or restricted under the terms of this chapter.

It is the intent of this chapter to permit these nonconformities to continue until they are removed, abandoned, or brought into compliance with this chapter but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts. It is further the intent of this chapter that nonconforming buildings, structures, or lots shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited in the district.

It is further recognized that certain nonconforming uses are not necessarily contrary to the public health, safety and welfare and that such uses were lawful at the time of their inception, and that no useful purpose would be served by the strict application of the elimination of lawful nonconforming use status. Therefore, two classes of nonconforming uses are designated, being class A and class B. All nonconforming uses are classified as class B nonconforming uses unless designated class A nonconforming uses.

##### **Sec. 122-202. ~~Nonconforming lots.~~ Authority to continue class B nonconforming.**

~~Any nonconforming use, building, structure, or lot which existed lawfully at the time of the adoption of the ordinance from which this chapter derives and which remains nonconforming and any such use, building, structure or lot which must become nonconforming upon the adoption of this article, or of any subsequent amendments thereto, may be continued, subject to the regulations in this article.~~

Any class B nonconforming use which existed lawfully at the time of the adoption of the ordinance from which this chapter derives and which remains nonconforming and any such use which becomes nonconforming upon the adoption of this article, or of any subsequent amendments thereto, may be continued, subject to the regulations in this article.

### **Sec. 122-203. Nonconforming use of land. Nonconforming lots.**

(a) A nonconforming use of land occurs when property is used for a purpose or in a manner which was lawfully in existence before this chapter was adopted, but has become nonconforming under the terms of this chapter or its amendments.

(b) The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the regulations which follow:

(1) *Change.* The nonconforming use of land must not be changed to any other use except to a use permitted in the district in which the land is located.

(2) *Expansion.* A nonconforming use of land must not be expanded or extended beyond the area it occupies.

(3) *Moving.* No such nonconforming use must be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

(4) *Change in occupancy or ownership.* A change in occupancy or ownership must not constitute a change in use.

(5) *Abandonment.* If the nonconforming use of land is abandoned for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:

(a) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;

(b) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;

(c) Cessation of business operations;

(d) Receipt of a written declaration by the property owner.

(e) Signs or other indications of the existence of the nonconforming use have been removed;

(f) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;

(g) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;

(h) Bank or tax foreclosure;

(i) Operation or maintenance of a permitted use at the property; or

(j) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

A nonconforming lot is a lot of record or a lot described in a deed or land contract existing at the effective date of the ordinance from which this chapter derives that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. The following regulations must apply to any nonconforming lot:

(1) Use of nonconforming lot. Any nonconforming lot must be used only for a use permitted in the district in which it is located.

(2) Single lot of record. A principal structure and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision must apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard setback dimensions and requirements other than those applying to area or width of the lot must conform to the regulations for the district in which such lot is located. However, no more than one dwelling unit must occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

(3) Variance from yard or other requirements. If the use of a legal nonconforming lot requires a variation from any yard or other requirements, other than lot area or width, then such variance must be obtained from the Zoning Board of Appeals.

(4) Contiguous lots in same ownership. When two or more contiguous nonconforming lots or parts of nonconforming lots are in a single ownership at the time of, or subsequent to the adoption or amendment of this chapter, such lots must be considered to be a single lot for the purposes of this

chapter, and no portion of such lot must be used, occupied, divided, or sold in any manner which would diminish compliance with minimum lot width and area requirements of this chapter.

**Sec. 122-204. Nonconforming uses of buildings or structures. Nonconforming use of land.**

The nonconforming use of a building or structure, or structure and lot in combination, may be continued subject to the following provisions:

(1) *Change in use.* The nonconforming use of a building or structure may not be changed to a different use unless the new use is permitted in that same district. Any structure, or structure and lot in combination, in or on which a nonconforming use is replaced by a permitted use, must thereafter conform to the regulations of the district in which it is located and the nonconforming use may thereafter not be resumed.

a. A building or structure used for residential purposes which is nonconforming due to the number of dwelling units contained therein may only be changed so that the number of dwelling units is decreased, or so that the use is brought into conformity with this chapter.

b. Notwithstanding the above, a nonconforming use of a building or structure may be changed to another nonconforming use so that the degree of nonconformity is lessened when authorized by the Planning Commission after a public notice and hearing in accordance with section 122-164. In considering such authorization, the Planning Commission must consider the following:

1. Whether the proposed use is equally or more appropriate than the present nonconforming zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the Planning Commission.

2. Whether the proposed use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this chapter.

3. The effect of the proposed use on adjoining lands and the surrounding neighborhood.

4. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

5. Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it must not thereafter be changed to a less conforming use.

(2) *Expansion of nonconforming use.*

a. The nonconforming use of any part of a building or structure must not be expanded or extended into any other portion of such building or structure. b. No visible structural alteration must be made to the building or structure devoted to a nonconforming use, except repairs and maintenance work which are required to keep such building in sound condition or as required by law.

c. An existing structure containing a nonconforming use must not be enlarged, constructed, reconstructed, moved or structurally altered or extended, unless the use is changed to a use which is permitted in the district in which the structure is located.

(3) *Change in occupancy or ownership.* A change of occupancy or ownership must not constitute a change in use.

(4) *Removal or destruction.* If a building or structure in which a nonconforming use is being conducted is removed, destroyed, or severely damaged to the extent that the cost of restoration of the structure exceeds 100 percent of the state equalized value (SEV) or 50 percent of a higher value established by the most recent appraisal of the structure exclusive of the foundation and land, the nonconforming use must not be renewed, and any subsequent use of the premises must conform to the use regulations of the district in which the premises are located. Single family homes on individual lots that are considered a non-conforming use in the Neighborhood Corridor Zoning District must be allowed to be rebuilt regardless of the amount of damage done to the structure.

For the purpose of calculating a fair and equitable cost of restoration regulated by this section, the average of two bid estimates from licensed contractors must be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code must be included. Clean up costs, demolition, furnishings, appliances, and site work, i.e. landscaping, fencing, paving, must not be included. The actual repair and reconstruction may be done by the owner or contractor of his or her choice.

(5) *Abandonment.* If the nonconforming use of land is abandoned for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:

(a) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;

(b) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;

(c) Cessation of business operations;

(d) Receipt of a written declaration by the property owner.

- (e) Signs or other indications of the existence of the nonconforming use have been removed;
  - (f) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
  - (g) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
  - (h) Bank or tax foreclosure;
  - (i) Operation or maintenance of a permitted use at the property; or
  - (j) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.
- (1) A nonconforming use of land occurs when property is used for a purpose or in a manner which was lawfully in existence before this chapter was adopted, but has become nonconforming under the terms of this chapter or its amendments.
- (2) The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the regulations which follow:
- (a) Change. The nonconforming use of land must not be changed to any other use except to a use permitted in the district in which the land is located.
  - (b) Expansion. A nonconforming use of land must not be expanded or extended beyond the area it occupies.
  - (c) Moving. No such nonconforming use must be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
  - (d) Change in occupancy or ownership. A change in occupancy or ownership shall not constitute a change in use.
  - (e) Abandonment. If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, such use shall not be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use may be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) demonstrating intent on the part of the property owner to abandon the nonconforming use:
    - (i.) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
    - (ii.) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
    - (iii.) Cessation of business operations;
    - (iv.) Receipt of a written declaration by the property owner.
    - (v.) Signs or other indications of the existence of the nonconforming use have been removed;
    - (vi.) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
    - (vii.) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
    - (viii.) Bank or tax foreclosure;
    - (ix.) Operation or maintenance of a permitted or different use at the property; or

- (x.) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

(3) A nonconforming use of land is not eligible for class A nonconforming designation.

**Sec. 122-205. Nonconforming buildings or structures. Class B nonconforming uses of buildings.**

(a) A nonconforming building or structure is a structure which was lawful on the effective date of adoption or amendment of this chapter, but which does not conform to the new chapter regulations for building type, lot area, lot area per dwelling unit, lot width, lot coverage, floor area, height, greenbelts or screening, off-street parking, loading space, yard, or other requirements of the zoning district in which it is located.

(b) Nonconforming buildings and structures may be re-used and occupied by new owners or tenants if all requirements of this Chapter are met and the restrictions below are met.

(c) Nonconforming buildings and structures must be subject to the following restrictions:

(1) *Expansion.* Nonconforming structures may be expanded only in compliance with the following regulations:

a. All nonconforming structures, in any zoning district, may only be expanded in such a way that does not increase a non-conforming characteristic. All expansions must meet all requirements of the zoning district in which it is located, including lot coverage, heights, yard requirements, and off-street parking. A non-conforming building type may not be expanded.

(2) *Alterations.* A nonconforming structure may be altered to decrease its nonconformity.

(3) *Moving.* A nonconforming structure which is moved within a site or to another site must thereafter conform to the regulations of the district in which it is located.

(4) *Damage and removal.* A nonconforming structure which is damaged by any means may be restored to its original conditions and location prior to such damage, provided such construction is completed within 18 months of the date of damage and is diligently pursued to completion. Failure to complete reconstruction must result in the loss of legal, nonconforming status.

(5) *Restoration or repair.*

a. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but such building or structure must not be structurally altered in a way inconsistent with the description and purpose of this article.

b. If a nonconforming structure or a structure housing a nonconforming use becomes physically unsafe or unlawful or poses a threat to the public health, safety, and welfare due to a lack of repairs or maintenance, the structure must be declared by the building department to be unsafe or unlawful by reason of physical condition. Such structure must not thereafter be restored, repaired, or rebuilt except in conformity with the provisions of this chapter.

(6) *Restoration of Historic Structures.* Restoration may be permitted of a legal nonconforming structure, designated as historic by the Ypsilanti Historic District Commission, which has been destroyed or abandoned (as defined in section 122-205) provided the Planning Commission finds all of the following provisions are met:

a. The approved design of the restored building maintains the same design and historical character it had prior to the destruction or abandonment; or, in the case of a building that had been altered prior to destruction or abandonment, that the restored building more closely parallels the design of the original historic structure.

b. All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and will be implemented in the restoration project.

All nonconforming uses of buildings not designated class A shall be class B nonconforming uses of buildings. Class B nonconforming uses of buildings shall comply with all the provisions of this article relative to nonconforming uses of buildings. The class B nonconforming use of a building, or building and lot in combination, may be continued subject to the following provisions:

(1) Change in use. The nonconforming use of a building may not be changed to a different use unless the new use is permitted in that same district. Any building, or building and lot in combination, in or on which a nonconforming use is replaced by a permitted use, must thereafter conform to the regulations of the district in which it is located and the nonconforming use may thereafter not be resumed.

(a) A building or structure used for residential purposes which is nonconforming due to the number of dwelling units contained therein may only be changed so that the number of dwelling units is decreased, or so that the use is brought into conformity with this chapter.

- (b) Notwithstanding the above, a nonconforming use of a building or structure may be changed to another nonconforming use so that the degree of nonconformity is lessened when authorized by the planning commission after a public notice and hearing in accordance with section 122-164. In considering such authorization, the planning commission must consider the following:
- (i.) Whether the proposed use is equally or more appropriate than the present nonconforming zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the planning commission.
  - (ii.) Whether the proposed use will interfere to a lesser extent with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this chapter.
  - (iii.) The effect of the proposed use on adjoining lands and the surrounding neighborhood.
  - (iv.) In permitting such change, the planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.
  - (v.) Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it must not thereafter be changed to a less conforming use.

(2) Expansion of class B nonconforming use.

- (a) The nonconforming use of any part of a building or structure must not be expanded or extended into any other portion of such building or structure.
- (b) No visible structural alteration must be made to the building or structure devoted to a nonconforming use, except repairs and maintenance work which are required to keep such building in sound condition or as required by law.
- (c) An existing structure containing a nonconforming use shall not be enlarged, constructed, reconstructed, moved or structurally altered or extended, unless the use is changed to a use which is permitted in the district in which the structure is located.

(3) Change in occupancy or ownership. A change of occupancy or ownership shall not constitute a change in use.

(4) Removal or destruction. If a building or structure in which a nonconforming use is being conducted is removed, destroyed, or severely damaged to the extent that the cost of restoration of the structure exceeds 100 percent of the state equalized value (SEV) or 50 percent of a higher value established by the most recent appraisal of the structure exclusive of the foundation and land, the nonconforming use shall not be renewed, and any subsequent use of the premises must conform to the use regulations of the district in which the premises are located. Single-family homes on individual lots that are considered a non-conforming use in the NC, Neighborhood Corridor Zoning District, shall be allowed to be rebuilt regardless of the amount of damage done to the structure so long as the rebuilt building is not enlarged or expanded.

For the purpose of calculating a fair and equitable cost of restoration regulated by this section, the average of two bid estimates from licensed contractors must be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code must be included. Clean up costs, demolition, furnishings, appliances, and site work, i.e. landscaping, fencing, paving, shall not be included. The actual repair and reconstruction may be done by the owner or contractor of his or her choice.

(5) Abandonment. If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that

said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:

- (a) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
- (b) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
- (c) Cessation of business operations;
- (d) Receipt of a written declaration by the property owner.
- (e) Signs or other indications of the existence of the nonconforming use have been removed;
- (f) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
- (g) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
- (h) Bank or tax foreclosure;
- (i) Operation or maintenance of a permitted use or different use at the property; or
- (j) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

**Sec. 122-206. ~~Building or structure under construction on effective date of the ordinance from which this chapter is derived.~~ Class A nonconforming uses of buildings.**

Any building or structure must be considered existing and lawful for the purposes of this article if, on the effective date of the ordinance from which this chapter is derived, a building permit has been obtained therefore, if required; or if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

Nonconforming uses of buildings shall be designated class A provided that the Planning Commission finds all of the following exists with respect to the use or structure:

- (1) The use of structure was lawful at its inception.
- (2) The decision to continue the nonconforming use, if granted, will not alter the essential character of the area or neighborhood.
- (3) Continuance of the use or structure would not be contrary to the public health, safety, or welfare or the spirit of the chapter.
- (4) No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.
- (5) Nonconforming uses of buildings are subject to the following restrictions:
  - (a) *Change in use.* The nonconforming use of a building may not be changed to a different use unless the new use is permitted in that same district. Any building, or building and lot in combination, in or on which a nonconforming use is replaced by a permitted use, must thereafter conform to the regulations of the district in which it is located and the nonconforming use may thereafter not be resumed.
  - (b) A building or structure used for residential purposes which is nonconforming due to the number of dwelling units contained therein may only be changed so that the number of dwelling units is decreased, or so that the use is brought into conformity with this chapter.
  - (c) Notwithstanding the above, a nonconforming use of a building or structure may be changed to another nonconforming use so that the degree of nonconformity is lessened when authorized by the planning commission after a public notice and hearing in accordance with section 122-164. In considering such authorization, the planning commission must consider the following:

- (i.) Whether the proposed use is equally or more appropriate than the present nonconforming zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the planning commission.
  - (ii.) Whether the proposed use will interfere to a lesser extent with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this chapter.
  - (iii.) The effect of the proposed use on adjoining lands and the surrounding neighborhood.
  - (iv.) In permitting such change, the planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.
  - (v.) Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it must not thereafter be changed to a less conforming use.
- (6) Removal or destruction. If a class A nonconforming structure is destroyed, or severely damaged, it may be restored in conformance with the plans submitted when the status was conferred.
- (7) This designation shall run with the land.

**Sec. 122-207. ~~Unlawful nonconformities.~~ Class A Conditions.**

(a) ~~No nonconformity must be permitted to continue in existence if it was unlawful at the time it was established.~~

(b) ~~The city must maintain records of nonconforming uses and structures as accurate as is feasible for determining legal nonconforming uses and structures in existence on the effective date of the ordinance from which this chapter is derived. However, failure on the part of a property owner to provide the city with necessary information to determine legal nonconforming status may result in denial of a required or requested permit.~~

The decision to grant a class A designation shall be made by the Planning Commission in writing, setting forth its findings of fact and basis for the designation. Only multiple family dwellings and/or group residence uses in R1, CN-SF, and CN-Mid shall be eligible for this designation. For changes or improvements to a class A use, site plans shall be required.

- (1) Application. An application for class A nonconforming status shall be filed with the city planner's office by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the following information:
- (a) Name, address, and telephone number of the applicant and property owner; and the interest of the applicant in the property.
  - (b) Legal description, address, and tax parcel number of the subject property.
  - (c) An accurate, scaled drawing of the property, showing all property lines and dimensions correlated with the legal description; the location and dimensions of all existing and proposed structures and uses on the property; any roads, alleys, easements, drains, or waterways which traverse or abut the property; and the lot area and setback dimensions necessary to show compliance with the regulations of this chapter. In most cases, a site plan or survey will meet this requirement.
  - (d) The applicant shall show compliance with all applicable conditions of the City of Ypsilanti Code of Ordinances, and all applicable conditions of the International Property Maintenance Code, as adopted under Chapter 18 of the City of Ypsilanti Code of Ordinances.
  - (e) Other reasonable information deemed necessary by the Planning Commission in order to make a proper decision.
  - (f) No application for Class A designation shall be accepted after such time as the building has been destroyed as described in §122-205(4) or the use abandoned as described in §122-205(5).
- (2) Conditions. The Planning Commission may condition its approval on the following:

- (a) Screening and landscaping in keeping with community standards to ensure compatibility with adjacent uses.
  - (b) Restrictions on lighting, noise, odor, or visual impact.
  - (c) Signage must comply with current zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number.
  - (d) Replacement of a building must not create a more nonconforming yard setback condition which would impact on conforming properties in the immediate vicinity.
  - (e) Other reasonable safeguards and improvements may be imposed by the Planning Commission to protect conforming uses in the surrounding area.
- (3) Procedure. By the following procedure, the Planning Commission shall assure the public health, safety and welfare, and the spirit and purpose of this chapter:
- (a) A class A designation shall be deemed temporary until the Planning Commission has received written verification from the building official that the party requesting the class A designation has complied with all of the conditions set forth by the Planning Commission.
  - (b) Once the Planning Commission has received written verification from the building director that the party requesting the class A designation has complied with said conditions, the class A designation shall become final, subject to other provisions of this chapter as hereafter prescribed.
  - (c) No class A nonconforming use shall be resumed if it has been abandoned as defined in section §122-205(5). No class A nonconforming use shall be used, altered, or enlarged in violation of any conditions imposed in its designation.
  - (d) A temporary class A nonconforming use designation shall be void after six months if any conditions imposed by the designation remain outstanding, unless the Planning Commission grants a written request for an extension of six months. No more than two extensions may be granted.
- (4) Revocation. Approval of a Class A designation may be revoked by the Planning Commission if the use and building is not in conformance with the approved plans, or if compliance with conditions has not been consistently demonstrated. In such case, the issue must be placed on the agenda of the Planning Commission for consideration. Written notice must be given to the applicant not less than ten days prior to the meeting. The applicant must be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke the Class A designation if it finds that a violation of the conditions set forth by the Planning Commission in their initial decision exists and has not been remedied prior to the meeting.

**Sec. 122-208. Acquisition of nonconformities. Nonconforming structures.**

The city may acquire private property to remove a nonconformity, as provided in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.

- (8) A nonconforming building or structure is a structure which was lawful on the effective date of adoption or amendment of this chapter, but which does not conform to the new chapter regulations for building type, lot area, lot area per dwelling unit, lot width, lot coverage, floor area, height, screening, off-street parking, loading space, yard, or other requirements of the zoning district in which it is located.
- (9) Nonconforming buildings and structures may be re-used and occupied by new owners or tenants if all requirements of this Chapter are met and the restrictions below are met.
- (10) Nonconforming buildings and structures are subject to the following restrictions:
  - a. Expansion. Nonconforming structures may be expanded only in compliance with the following regulations:
    - i. All nonconforming structures, in any zoning district, may only be expanded in such a way that does not increase a non-conforming characteristic.

- ii. All expansions must meet all requirements of the zoning district in which it is located, including lot coverage, heights, yard requirements, and off-street parking.
    - iii. A non-conforming building type may not be expanded.
  - b. Alterations. A nonconforming structure may be altered to decrease its nonconformity.
  - c. Moving. A nonconforming structure which is moved within a site or to another site must conform to the regulations of the district in which it is located.
  - d. Damage and removal. A nonconforming structure which is damaged by any means may be restored to its original conditions and location prior to such damage, provided such construction is completed within 18 months of the date of damage and is diligently pursued to completion. Failure to complete reconstruction must result in the loss of legal, nonconforming status.
  - e. Restoration or repair.
    - i. All repairs and maintenance work required to keep a nonconforming building in sound condition may be made, but such structure must not be structurally altered in a way inconsistent with the description and purpose of this article.
    - ii. If a nonconforming structure or a structure housing a nonconforming use becomes physically unsafe or unlawful or poses a threat to the public health, safety, and welfare due to a lack of repairs or maintenance, the structure must be declared by the building department to be unsafe or unlawful by reason of physical condition. Such structure must not thereafter be restored, repaired, or rebuilt except in conformity with the provisions of this chapter.
- (11) Restoration of Historic Structures. Restoration may be permitted of a legal nonconforming structure, designated as historic by the Ypsilanti Historic District Commission, which has been destroyed or abandoned (as defined in §122-205) provided the Planning Commission finds all of the following provisions are met:
- a. The approved design of the restored building maintains the same design and historical character it had prior to the destruction or abandonment; or, in the case of a building that had been altered prior to destruction or abandonment, that the restored building more closely parallels the design of the original historic structure.
  - b. All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and are implemented in the restoration project.

**~~Secs. 122-210 – 122-230. Reserved.~~**

**Sec. 122-209. Acquisition of nonconformities.**

The city may acquire private property to remove a nonconformity, as provided in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.

**Sec. 122-210. Building or structure under construction on effective date of the ordinance from which this chapter is derived.**

Any building or structure must be considered existing and lawful for the purposes of this article if, on the effective date of the ordinance from which this chapter is derived, a building permit has been obtained therefore, if required; or if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

**Sec. 122-211. Unlawful nonconformities.**

- (1) No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

(2) The city shall maintain records of nonconforming uses and structures as accurate as is feasible for determining legal nonconforming uses and structures in existence on the effective date of the ordinance from which this chapter is derived. However, failure on the part of a property owner to provide the city with necessary information to determine legal nonconforming status may result in denial of a required or requested permit.

**Secs. 122-212--122-230. Reserved.**

- 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 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, repealed.
- 4. Saving Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as 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 of this ordinance.
- 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.
- 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 newspaper 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 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: March 26, 2015  
First Reading: April 21, 2015  
Second Reading: May 7, 2015  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

Draft 03-23-2015



Resolution No. 2015-107  
May 7, 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:

## **City of Ypsilanti Human Relations Commission Annual report to the Mayor and the City Council**

The members of the Human Relations Commission (HRC) submit the following report, in order to inform the Mayor and City Council of Ypsilanti, Michigan what the Commission accomplished in 2014.

### **Appointed Commissioners:**

The commission operated the year composed of the following eight commissioners: Benjamin P. Elmgren, Arika Lycan, Krista Nordberg, Claudia Pettit, Glen Sard, Darlene Scott, John Shuler, and Jennifer Symanns, with John Shuler as Chair and Jennifer Symanns as Vice Chair. The Human Relations Commission operated 2014 with eight appointed commissioners and one vacant position. The following commissioner's terms are scheduled to expire in 2015: Arika Lycan 11/1/15 and John Shuler 11/1/15.

### **Accomplishments of the 2014 Human Relations Commission**

#### **• Goals:**

The HRC continued the projects and goals of the commission set and accomplished in 2013. The following potential future topics of study continue to be a priority as a means of achieving a continuing goal of building bridges to all parts of our community (these are presented with no order of priority or importance relative to one another):

- A. Integration of new members of the community.
- B. Youth and homelessness
- C. People with disabilities
- D. Hispanic community issues
- E. Issues of discrimination specific to youth
- F. Identify and recommend, to the Mayor, candidates for commissioner on the HRC with the goal of having a full membership.

#### **• Emerging Issues:**

Same Sex Marriage: In March, Judge Bernard Friedman's struck down the Michigan constitutional ban on same sex marriage. Governor Rick Snyder and State Attorney General Bill Schuette appealed the ruling. In light of this development the HRC drafted a resolution and forwarded it to Ypsilanti City Council for approval. The resolution declared the City of Ypsilanti's disagreement with Governor Snyder's position and was to be

forwarded to the Governor upon adoption by Ypsilanti City Council. This resolution was adopted at the next meeting of City Council.

### **• Public Forum on Latino/Hispanic Community in Ypsilanti**

The HRC finalized plans for a public forum on issues facing our Latino and Hispanic community in Ypsilanti. This forum was held October 8, 2014 at the Senior Recreation Center.

Leading up to this forum, two commissioners, Darlene Scott and Krista Nordberg, attended a presentation of the Encuesta Buenos Vecinos, or the "Good Neighbors Survey," results at EMU in early June. HRC invited representatives from the committee to speak with us at our end of June meeting. Felipe Riano, Leonardo Riano, Leah Ewart, Adreanne Waller, and Molly Morgan attended. They presented some of the results from their survey, which sampled 500 members of the Latino/Hispanic community in Washtenaw County. The primary focus of the survey was to understand issues of health and health care among the community. The presentation was very insightful.

We continued to work with this group in planning the October 8<sup>th</sup> forum. We specifically invited governmental officials from the City of Ypsilanti, Ypsilanti Township, and Ypsilanti School Board. See attachment 2 for text of the invitation.

Felipe Riano, Adreanne Waller, and Charo Ledon were the guest speakers at the forum. Again, some results of the "Good Neighbor Survey" were shared with the audience. Felipe Riano also spoke about his experience as a Latino student in Ypsilanti High School, describing the kinds of discrimination he and other Latino students experienced. He also spoke about other barriers to good educational experiences for Latinos.

Two members of the Ypsilanti School Board attended the forum. A representative from Michigan State Representative David Rutledge's office was also present. About a half dozen other people also attended.

Significantly, a connection between the Ypsilanti School Board and Felipe Riano was established and it was reported to the HRC that they are continuing a dialogue.

Another aspect to the preparation for the Hispanic/Latino forum was hearing from representatives of Washtenaw Interfaith Coalition for Immigrant Rights (WICIR), a group focused on immigration reform and rights specifically centered around youth. We heard from this group about their initiative to create a Washtenaw County ID program for persons unable to otherwise obtain a state issued ID. We spent considerable time exploring the details of this program and how it will relate to the City of Ypsilanti. Ypsilanti City Council members Pete Murdock and Brian Robb were in attendance at one of our meetings where these discussions took place. They made us aware that City Council was up-to-speed on the county ID program.

### **• Goals for 2015**

The HRC will remain ready to address emerging issues.

The HRC plans to continue its exploration of issues facing the Hispanic/Latino community in Ypsilanti, including a possible second public forum. Additionally, the HRC intends to plan and implement additional public forums in 2015, likely from among the list of goals identified above. Other topics may also be considered.

Finally, The Human Relations Commission would like to encourage City Council representatives and the Mayor to attend and participate in upcoming HRC public forums. The HRC will be sure the Council is notified of the upcoming events.

Attachment 1



REQUEST FOR LEGISLATION  
(Insert Today's Date)

To: Mayor and Council

From:

Subject:

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SUMMARY & BACKGROUND:

On Friday, March 21, 2014, Judge Bernard Friedman issued a ruling in *DeBoer v. Snyder* that the Michigan Marriage Act violated the equal protection clause of the U.S. Constitution, striking down our state's ban on same-sex marriages and – by extension – adoption of minor children by same-sex couples.

Michigan Attorney General Bill Schuette filed a motion for a stay of this decision with the Sixth Circuit Court of Appeals, one which was granted after more than three hundred same-sex couples had been issued valid marriage licenses by county clerks throughout Michigan, including Washtenaw County.

This resolution urges the Governor and the Attorney General to discontinue the appeal of this decision and allow Judge Friedman's ruling to stand, resulting in financial savings for taxpayers as well as a more welcoming and inclusive environment for Ypsilanti and all Michigan citizens.

RECOMMENDED ACTION: (Approval/Denial)

ATTACHMENTS: (letter, etc.)

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CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE:

\_\_\_\_\_

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

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



Resolution No. 2014 -  
Date of Council Meeting

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

WHEREAS the City of Ypsilanti motto includes "diversity" as an integral identity of the City of Ypsilanti, and

WHEREAS, in 2004, Ypsilanti City Council enacted a nondiscrimination ordinance that is inclusive of sexual orientation, gender identity and expression, and

WHEREAS, in 2013, Ypsilanti City Council directed the city manager to extend benefits to same-sex partners of city employees, and

WHEREAS, the Michigan Department of Civil Rights' 2013 "Report on LGBT Inclusion under Michigan Law" documents that Michigan's non-inclusive climate continues to precipitate significant negative consequences for local economies, and

WHEREAS, that the aforementioned report indicates that young, educated professionals indicate a lack of LGBT inclusion as a factor in their decision to outwardly migrate from the State of Michigan, and

WHEREAS, continuation of the appeals process by Michigan Attorney General Bill Schuette – as directed by Governor Rick Snyder – will continue to cost Ypsilanti and Michigan taxpayers an indeterminate amount of money,

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council supports the ruling of Judge Bernard Friedman as it pertains to the legal right of same-sex couples to marry and jointly adopt children in the State of Michigan.

BE IT FURTHER RESOLVED THAT Ypsilanti City Council urges Governor Snyder and Attorney General Schuette to withdraw its appeal of this decision from the Sixth Circuit Court of Appeals.

BE IT FURTHER RESOLVED THAT the Ypsilanti City Council directs the Office of the City Clerk to forward this resolution in its entirety to the offices of the Honorable Rick Snyder and the Honorable Bill Schuette.

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

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

YES:

NO:

ABSENT:

VOTE:

**Attachment 2**

The City of Ypsilanti Human Relations Commission cordially invites you to attend a Forum Regarding the Hispanic/Latino Community. Please, join us and learn about members of your community.

See below for details.

**COMMUNITY LEADERSHIP FORUM  
REGARDING YPSILANTI-AREA HISPANIC/LATINO COMMUNITY**

**Who:** Ypsilanti-Area Community Leaders

**What:** A Leadership Forum Regarding the Hispanic/Latino Community within the Greater Ypsilanti Area — sponsored by the City of Ypsilanti Human Relations Commission (HRC).

**When:** Thursday, October 9, 2014, from 7:00 – 8:30 p.m.

**Where:** Ypsilanti Senior Center, 1015 N. Congress Street, Ypsilanti, MI

**Why:** This forum will provide an opportunity for Ypsilanti-area community leaders to learn more about the Hispanic/Latino community in our area — with a focus on the unique opportunities and challenges faced by this growing segment of our larger community.

**Background:** In 2013, a group of Washtenaw County public health officials, University of Michigan Faculty members, community health advocates, and local Hispanic/Latino community leaders came together to develop *Encuesta Buenos Vecinos*, or the “Good Neighbors Survey” — a first-of-its-kind attempt to assess and improve the health and well-being of the Washtenaw County Hispanic/Latino community.

In implementing *Encuesta Buenos Vecinos (EBV)*, organizers deployed dozens of volunteers to conduct group sessions, one-on-one, and online interviews with nearly 500 participants in private homes, churches, and other sites throughout the community — gathering valuable information from respondents regarding health,

safety, education, nutrition, family status, etc., as well as about language barriers, legal challenges, social support, and access to education and employment.

The results of this survey are now available, and they provide tremendous insight into many aspects of this socially, economically, and ethnically diverse community — within the context of our larger Ypsilanti Community.

Krista Nordberg, a member of the City of Ypsilanti Human Relations Commission, will moderate the forum, and our scheduled speakers include three members of the *Acción Buenos Vecinos* Coalition, including:

- **Charo Ledón**, recent former Executive Director of Casa Latina, a local Hispanic/Latino advocacy group.
- **Felipe Riaño Mojica**, a Washtenaw Community College student, has been active in local Hispanic/Latino issues, including within the Ypsilanti Community Schools.
- **Adreanne Waller**, M.P.H., an epidemiologist with the Washtenaw County Department of Public Health, and co-principal investigator for the EBV study.

We invite you to join us to learn more about the EBV survey results — after which, forum participants will have an opportunity to ask questions and engage in discussion with our speakers, and with members of the HRC.

### **About the Ypsilanti Human Relations Commission:**

Established under the City Charter, appointed by the Mayor, and confirmed by the Ypsilanti City Council, the eight-member Ypsilanti Human Relations Commission exists to serve as an advisory body for the City Council and City Manager; to study problems related to prejudice and discrimination; to promote mutual understanding and foster equality and respect among all people; to study patterns of tension, discrimination, or prejudice, and offer assistance for mediation; to develop educational and informational programs and

conduct meetings to bring about better human relations; and to accept grants and donations on behalf of the City to study and promote cooperation among various community groups.

For more information, visit:

**[cityofpsilanti.com/Portals/0/docs/Boards and Commissions/Human Relations Commission/HRC Brochure 2.pdf](http://cityofpsilanti.com/Portals/0/docs/Boards and Commissions/Human Relations Commission/HRC Brochure 2.pdf)**

**Please see the Below  
Link for the Amended  
Budget for Fiscal Years  
2014-2015 & 2015-  
2016**

[Amended Budget 2014-2015 & 2015-2016](#)



# ACTION MINUTES

CITY OF YPSILANTI  
COUNCIL MEETING ACTION MINUTES  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
Thursday, May 7, 2015  
7:00 p.m.

**I. CALL TO ORDER –**  
**The meeting was called to order at 7:05 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 |                     |         |
| <b><u>All Present</u></b>   |         |                     |         |

**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 –**  
**The agenda was approved as amended:**

**Addition: Cheryl Zuellig was added as a nomination for the Planning Commission under "Communications from the Mayor".**

**VII. PRESENTATIONS –**

Recycling Presentation

**VIII. AUDIENCE PARTICIPATION –**

**IX. REMARKS BY THE MAYOR –**

**X. MINUTES –**

Resolution No. 2015-100, approving the minutes of April 21 and April 28, 2015.

**Approved as amended:**

**Correction: Director of Economic Development Beth Ernat's name was spelled incorrectly.**

**Correction: Misspelling on page eight, "perking" should read "parking"**

**XI. CONSENT AGENDA –**

Resolution No. 2015-101A

1. Resolution No. 2015-101, approving Ordinance No. 1245, an ordinance to amend the Zoning Ordinance, Sec 122-8, to revise "Violations and Penalties" for the Administrative Hearings Bureau (AHB). ***(Second Reading)***  
**Approved: Yes – 7; No – 0; Absent - 0**
2. Resolution No. 2015-102, approving Ordinance No. 1247, an ordinance to amend Ypsilanti City Code Chapter 102 "Traffic and Vehicles" for Permit Parking.  
***(Second Reading)***  
**Approved: Yes – 7; No – 0; Absent - 0**
3. ~~Resolution No. 2015-103, approving appointment of Anthony Bedogne to the Planning Commission.~~

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

1. Resolution No. 2015-104, approving Metro Act Right of Way Permit extension with Michigan Bell Telephone Company d/b/a/ AT&T.  
**Approved: Yes – 7; No – 0; Absent – 0**
2. Resolution No. 2015-105, approving Ordinance No. 1244, the adoption, amendment and restatement of the Depot Town Development Plan and Tax Increment Financing Plan ***(Second Reading)***  
**Postponed: Yes – 4; No – 3 (Edmonds, Nicole Brown, Anne Brown); Absent – 0**
3. Resolution No. 2015-106, approving Ordinance No. 1246, an ordinance to amend the Zoning Ordinance, Article VI, to revise Non-Conforming Uses ***(Second Reading)***  
**Approved: Yes – 6; No – 1 (Edmonds); Absent - 0**

**XIV. LIASON REPORTS –**

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

- G. Millennial Mayors Conference
- H. Ypsilanti Downtown Development Authority
- I. Eastern Washtenaw Safety Alliance

**XIV. COUNCIL PROPOSED BUSINESS –**

**XV. COMMUNICATIONS FROM THE MAYOR –**

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

**XVII. AUDIENCE PARTICIPATION –**

**XVIII. REMARKS FROM THE MAYOR –**

**Nomination:**

Planning Commission  
Anthony Bedogne (reappointment)  
717 Stanley  
Ypsilanti, MI 48198  
Exp. 5/1/2018

**XIX. COMMUNICATIONS -**

- City of Ypsilanti Human Relations Commission Annual Report
- City of Ypsilanti Resource Allocation Plan, Amended Budget FY 2014-2015 and FY 2015-2016

**XX. ADJOURNMENT -**

Resolution No. 2015-107, adjourning the City Council meeting.  
**The meeting adjourned at 9:06 p.m.**