



APPROVED

**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS, 1 S. HURON
YPSILANTI, MI 48197
TUESDAY, NOVEMBER 3, 2015
6:00 P.M. – WORK SESSION
7:00 P.M. – REGULAR SESSION**

I. CALL TO ORDER –

The meeting was called to order at 6:02 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	Absent		

Council Member Anne Brown moved, seconded by Council Member Nicole Brown to excuse the absence of Mayor Pro-Tem Richardson.

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. AGENDA APPROVAL –

VI. WORK SESSION – 6:00 – 7:00 p.m.

Snow Abatement – City Manager Ralph Lange

City Manager Lange provided a presentation on snow and ice removal. **(See Website)**

Mayor Edmonds asked if parking enforcement officers have provided support for the ordinance officer in the past. Ordinance Officer James Jackson responded the support began last year. Ms. Edmonds asked what that support would include. Mr. Jackson responded parking enforcement would assist him with warnings.

Council Member Robb stated in order for a City to be walkable a person must be able to travel through the City and the way this strategy is zoned it makes it difficult to move around the City. Mr. Robb stated many streets included in zone one should not be priority streets. Mr. Lange responded the zones were developed by considering the center of the community would have the greatest frequency of traffic. Mr. Lange added the concept is that not everything can be completed at once and staff will prioritize which streets in each zone effectively. Mayor Edmonds asked that major thoroughfares be given priority in each zone.

Mayor Edmonds asked if the policy should require a contractor to perform snow removal on City owned properties that are not a high priority. DPS Director Stan Kirton responded a strategy will be created that City owned residential properties will be plowed on route to remove snow from City facilities. Mayor Edmonds stated many residents of this City use a wheelchair and if sidewalks are not properly cleared it creates a huge barrier. Ms. Edmonds said she wants a plan to ensure that residential areas will be cleared for those individuals.

Council Member Anne Brown asked if the snow removal schedule be on the City's website. Mr. Kirton responded in the affirmative. Ms. Anne Brown asked if it will be specific enough that a resident will know when their subdivision will be cleared. Mr. Kirton responded no, the information on the website is not that specific.

Council Member Robb stated the ordinance states after a snowfall a resident has 24 hours to remove the snow from walkways. Mr. Robb stated that is published each year in the newspaper of record and that acts as the warning and the ordinance officer should not be giving residents a second warning. Mr. Robb stated the reason why the fee was reduced to \$15 was to encourage residents to shovel their walks in a timely fashion without giving them \$150 abatement. Mr. Robb added this process makes more work for the Ordinance Officer and the process was designed that a resident would have 24 hours before receiving abatement for shoveling their sidewalk.

City Clerk McMullan asked what if a resident does not receive the newspaper of record and is not aware of the ordinance. Mr. Robb responded ignorance of the law is not a defense. Council Member Nicole Brown asked if the notice could be sent to all properties in Ypsilanti. Mr. Robb responded that would be delivered as Class C mail and disregarded by most residents. Mayor Edmonds asked that could be placed in a properties water bill. Mr. Lange responded the City would have to discuss that with the Ypsilanti Community Utilities Authority.

Mayor Edmonds asked for input from the Non-Motorized Advisory Committee Chair Bob Krzewinski. Mr. Krzewinski responded the biggest issue is how inaccessible the City can become for handicapped residents after a snow storm. Mr. Krzewinski asked that the bike lanes also be plowed in the winter months. Ms. Edmonds stated she would like the Non-Motorized Advisory Committee to be involved in prioritizing areas for snow removal. Mr. Krzewinski stated the Non-Motorized Advisory Committee will also assist in getting the word out to neighborhood groups about the snow ordinance.

Mayor Edmonds stated last year when snow was plowed it was pushed into the handicapped spots so drivers were unaware that they were handicapped. Mr. Kirton responded DPS will ensure that does not become a problem this winter and bollards were installed so that handicapped parking is clearly marked.

Mayor Edmonds asked that if the City could examine how curb cuts can be kept clear with accessibility being the end goal. Ms. Edmonds asked that the City ensure commercial properties keep their walkways and curb cuts clear of snow. Ms. Edmonds suggested a pre-notification to commercial property owners to have a contractor in place before the first snowfall and any other tips to ensure Ypsilanti stays accessible. Mr. Lange responded he will delegate that to staff. Ms. McMullan added residents should receive the same information flier.

Mayor Edmonds asked if the See. Click. Fix. Site will be operational by the first snowfall. Assistant to the City Manager Ericka Savage responded that will be operational by no later than the beginning of December. Ms. Edmond stated residents want feedback of what happens to their complaint. Ms. Savage responded everything on the See. Click. Fix. Site will be public and will say what has happened with an individual complaint.

VII. INTRODUCTIONS –

Mayor Edmonds introduced the following individuals: City Clerk Frances McMullan, City Manager Ralph Lange, City Attorney John Barr, Assistant to the City Manager Ericka Savage, Human Relations Commissioner Sue Melke, Human Resources Manager Kevin

Welch, Non-Motorized Advisory Committee Chair Bob Krzewinski, Ypsilanti Downtown Development Authority Director Tim Colbeck, YDDA Treasurer Adam Gainsley, YDDA Chair Mark Teachout, and Mannik and Smith Group Vice President Walter Bolt.

VIII. PRESENTATIONS –

IX. AUDIENCE PARTICIPATION –

1. Bob Krzewinski, 706 Dwight St., thanked Council for their vote for the Border to Border Trail and recommended if they had not seen it yet to experience it for themselves. He stated he is here in support of the Mannik and Smith Group contract for the non-motorized crossing on Michigan Ave and he hopes Council approves of the contract.
2. Dyrall Holman, 950 Railroad St., stated he is here to share his anger and frustration at the lack of progress in improving race relations with the Police Department. He said he would like City Council to also stand up to injustice that is happening in Ypsilanti Township. He asked Council to take a more aggressive approach in solving this issue.

X. REMARKS BY THE MAYOR –

- Thanked Mr. Holman for coming and stated currently a taskforce is assessing policy changes in the Police Department. She said that taskforce is chaired by the Human Relations Commission Chair John Shuler and Council Member Nicole Brown. She added each Regular Council Meeting will contain an update from the taskforce during Liaison Reports. She said she has been in contact with both Eastern Michigan University Public Safety Department and Ypsilanti Township about concerns that have been brought to her attention by residents.

XI. MINUTES –

Resolution No. 2015-242, approving minutes of October 19 and October 20, 2015.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of October 19 and October 20, 2015 be approved.

OFFERED BY: Council Member Nicole Brown

SECONDED BY: Council Member Vogt

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

XII. ORDINANCES – FIRST READING –

Ordinance No. 1258

Ordinance to Amend Ypsilanti City Code Chapter 102 "Traffic and Vehicles," Article III "Stopping, Standing and Parking," Division 1 "Generally," by amending Section 102-61 "Parking rates" to have fines and fees for violations of that Section set by resolution of City Council.

A. Resolution No. 2015-243 , determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT Ordinance 1258 to Amend Ypsilanti City Code Chapter 102 "Traffic and Vehicles," Article III "Stopping, Standing and Parking," Division 1

"Generally," by amending Section 102-61 "Parking rates" to have fines and fees for violations of that Section set by resolution of City Council be approved on First Reading.

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

City Attorney John Barr stated this ordinance change will make the parking enforcement fines in-line with that of the fee schedule.

On a roll call, the vote to approve Resolution No. 2015-248 was as follows:

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

VOTE:

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

B. Public Hearing *(scheduled November 17, 2015)*

XIII. CONSENT AGENDA –

Resolution No. 2015-244

1. Resolution No. 2015-245, approving appointments to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>TERM EXPIRATION</u>
Andrew O'Neal (replacing Rois Savvides) 1423 Henry Ann Arbor, MI 48104	YDDA	11/3/2015 -7/7/2019

2. Resolution No. 2015-246, reappointing John Gilbreath as AHB Hearing Officer.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Manager Ralph A. Lange has appointed John S. Gilbreath Jr. P33945 as a City of Ypsilanti Administrative Hearings Officer for a two year term subject to the approval of City Council; and

WHEREAS, City Manager Ralph A. Lange has designated John S. Gilbreath Jr. P33945 as the City of Ypsilanti Chief Administrative Hearings Officer subject to the approval of City Council; and

WHEREAS, John S. Gilbreath Jr. meets the qualifications for the position as required by law; and

WHEREAS, the Ypsilanti City Council determines that John S. Gilbreath Jr. is qualified for the position of Chief Administrative Hearings Officer and desires to approve his appointment;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the two year appointment beginning November 4, 2015 of John S. Gilbreath Jr. as a City of Ypsilanti Administrative Hearings Officer and further approves that he be designated during his appointment as the Chief Administrative Hearings Officer.

~~3. Resolution No. 2015-247, approving 2016 Council Meeting schedule.~~ **(Removed and heard during Section XIV, Resolutions/Motions/Discussions)**

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Nicole Brown

On a roll call, the vote to approve Resolution No. 2015-244 was as follows:

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

VOTE:

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

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2015-247, approving 2016 Council Meeting schedule.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

The regular meetings of the Ypsilanti City Council for the year of 2016 will be held on the first and third Tuesdays of each month, unless otherwise indicated. Meetings begin at 7:00 p.m. and are held in the City Hall Council Chambers, located at One South Huron Street (first floor), Ypsilanti, Michigan 4819. The dates are as follows:

January 5	July 5
January 12	July 19
February 2	August 4 (Thursday)
February 16	August 16
March 1	September 6
March 15	September 20
April 5	October 4
April 19	October 18
May 3	November 1
May 17	November 15
June 7	December 6
June 21	December 20

The City of Ypsilanti encourages persons with disabilities to participate and will provide necessary reasonable auxiliary aids and services, such as signed for the

hearing impaired, Limited English Proficiency (LEP) services, and audios of printed materials being considered at the meeting to individuals with disabilities upon two (2) days notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling the following:

**City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197-5420
(734) 483-1100**

All persons are welcome to attend. Additional information may be obtained at the City Clerk's Office and written comments may be sent to the City Clerk's Office at the above listed address.

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Nicole Brown

Council Member Anne Brown moved, seconded by Council Member Nicole Brown to reschedule the second meeting in January 2016 to January 19th.

On a voice vote, the motion carried, and the amendment to Resolution No. 2015-247 was approved.

On a voice vote, the motion carried, and Resolution No. 2015-247 was approved.

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)**

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: Council Member Anne Brown

SECONDED BY: Council Member Nicole Brown

Council Member Anne Brown moved, seconded by Council Member Vogt to table Resolution No. 2015-105 until the November 17th City Council Meeting.

Council Member Vogt stated he and Economic Development Director Beth Ernat had a meeting with several Depot Town business owners affected by the Depot Town TIF. Mr. Vogt stated for a variety of reasons there have been a lot of misconceptions of City Council and the YDDA's positions and actions. Mr. Vogt stated the Depot Town business community requested that this be tabled until the next meeting to allow more time for him and Ms. Ernat to address their concerns. Mr. Vogt stated the business community voiced they would be very upset with Council if the TIF plan were approved without their understanding. Mr. Vogt asked Mr. Barr if time would be an issue if this would be tabled until next meeting. Mr. Barr responded time would not be an issue.

On a roll call, the vote to table Resolution No. 2015-248 was as follows:

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

VOTE:

YES: 5 NO: 1 (Murdock) ABSENT: 1 (Richardson) VOTE: Carried

3. Resolution No. 2015-248, approving DDA Intergovernmental Agreement.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT The contract with the Ypsilanti Downtown Development Authority providing for services is hereby approved and the Mayor and City Clerk are authorized to sign, subject to the approval of the City Attorney.

OFFERED BY: Council Member Nicole Brown

SECONDED BY: Council Member Vogt

Council Member Murdock stated Resolution No. 2015-105 and Resolution No. 2015-248 are dependent on each other and since Resolution No. 2015-105 was tabled this should be as well.

Council Member Nicole Brown moved, seconded by Council Member Anne Brown to table Resolution No. 2015-248.

On a roll call, the vote to table Resolution No. 2015-248 was as follows:

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

VOTE:

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

4. Resolution No. 2015-249, adopting the 80/20 health care option.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City Council of the City of Ypsilanti deems it necessary to comply with Public Act 15 of 2012, as amended by Public Act 270 of 2013; and

Whereas, Public Act 152 places dollar limits on medical benefits paid by the City on behalf of the employee; and

Whereas, the City has three options; including to allow the hard cap limits to remain, by majority vote to place a requirement for each employee to pay 20% of the total cost of health insurance or to opt out of Public Act 152 completely; and

Whereas, in previous years, the City Council has voted to approve a 20% cost share for employees; and

NOW THEREFORE BE IT RESOLVED THAT, the Council of the City of Ypsilanti chooses to comply with Public Act 152, by approving a cost sharing amount of 20% by each employee enrolled in its publically funded health care program.

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Nicole Brown

Human Resources Kevin Welch provided a presentation on Health Care. **(See Website)**

Council Member Robb stated the City currently employees nine people who pay 10% of their salary to health care and one firefighter who pays 12% of their salary and voiced his objection against this plan. Mr. Robb said the 80/20 means the City will comply with Public Act 152 if employees pay 20% of health care cost and that can be broken up dependent on pay rate. Mr. Robb stated the employees who earn the least are paying the largest percentage of their income. Mr. Welch agreed and said the hard cap option would require the City to capture the difference between the hard cap and what is charged by the end of the year. Mr. Welch stated every time there is a change in the employee census this will need to be recalculated and could potentially mean the amount charged to the employees would need to be adjusted.

Council Member Vogt asked if the 80/20 plan is selected is there a way to shift costs away from the employees earning the lowest to higher earning employees. Mr. Welch responded one way is to find the percentage of the aggregate that needs to be collected for the current plan and the same aggregate needed to be collected for the higher deductible plan. Mr. Welch said the higher deductible would require less of a contribution from the employee, around 16%, but that would not address spreading the cost between higher and lower paid employees.

Mr. Lange stated his issue is the City should never be in a position to disconnect itself from how it pays for something and how much it costs. Mr. Lange stated the high deductible options give employees the opportunity to choose a plan that costs less upfront.

On a roll call, the vote to approve Resolution No. 2015-249 was as follows:

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

VOTE:

YES: 5 NO: 1 (Robb) ABSENT: 1 (Richardson) VOTE: Carried

5. Resolution No. 2015-250, approving construction engineering contract with Mannik & Smith Group.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti desires the Mannik & Smith Group provide a traffic signal design; SHPO letter and grant coordination services for the Michigan Mid-Block Crossing Project; and

WHEREAS, the City of Ypsilanti has reviewed said Mannik & Smith proposal and found it to be reasonable, and

WHEREAS, savings from other budgeted projects using Major Street Funds, should be more than enough to cover this additional expenditure, and

WHEREAS, the construction of the Michigan Avenue Mid-Block Crossing was a condition put forth by the Washtenaw County Parks & Recreation Commission for their continued support of the Heritage Bridge and Border to Border Trail projects,

WHEREAS, it is extremely important for the City to move this project along as quickly as possible,

NOW, THEREFORE, BE IT RESOLVED THAT the City Council authorizes the City Manager to sign the attached contract and is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

OFFERED BY: Council Member Robb

SECONDED BY: Council Member Vogt

City Manager Lange introduced Mannik and Smith Group Vice President Walter Bolt and said that he is extremely proud that the City has already saved around \$100,000 on the Prospect Rd. project.

Council Member Murdock asked if the end of Grove St. would be included in this project. Mr. Lange responded in the affirmative.

On a roll call, the vote to approve Resolution No. 2015-250 was as follows:

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

VOTE:

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

XV. LIASON REPORTS –

- A. SEMCOG Update – Council Member Anne Brown stated Governor Snyder spoke about Michigan talent at the Fall Assembly.
- B. Washtenaw Area Transportation Study – Council Member Murdock stated additional funds are being solicited for a match for the I-94 pedestrian crossing. He said construction might begin next year. He added there have been discussions about extending the crossing into the township which would add to the cost as well as other issues. He said Transportation Alternative Program Grant applications are due this month and the Highway Bill is removing TAP grants but there is an amendment to add them.
- C. Urban County – Mayor Edmonds stated there was a discussion on the criteria that should be built into the housing equity study. She stated there was not a consensus reached at that meeting.
- D. Freight House – Ms. Ernat stated there has been an issue that the plumbing drawings do not match what is at the site. She said there is a meeting tomorrow to resolve that issue which should find a resolution fairly quickly.

- E. Parks and Recreation – Council Member Anne Brown stated she attended the Department of Natural Resources conference on partnerships and parks. She said there were around 100 people in attendance from all over Michigan and she had the chance to see the new outdoor activity center in Detroit. She stated she was given four examples of public/private partnerships regarding parks and how to make those work.

Council Member Murdock asked if funds could be used for blight elimination. Mayor Edmonds responded funds can be used for down payment assistance, rehab, and new construction not blight elimination.

- F. Millennial Mayors Conference – No meeting
G. Ypsilanti Downtown Development Authority – Mayor Edmonds stated she is excited to have Andrew O’Neal on the Board.
H. Eastern Washtenaw Safety Alliance – No meeting
I. Police-Community Relations/Black Lives Matter Joint Task Force – Council Member Nicole Brown stated the task force is meeting again on Monday, November 9th. She said during the first meeting the task force just went through the information that had been collected.

Council Member Robb stated Commissioner Shuler’s term expired on November 1st and he can no longer sit on that Commission. Mr. Robb asked if Mr. Shuler would be reappointed or replaced. Mayor Edmonds responded she has been going through applications and discussing with HRC members what they feel would best help the Commission moving forward.

XVI. COUNCIL PROPOSED BUSINESS –

Anne Brown

- Stated she, Council Member Murdock, Economic Development Director Beth Ernat, Ypsilanti Community Utilities Authority, and representation from the Township attended a meeting to discuss proposed parks. She said the meeting consisted of initial discussions and will be meeting again next week.
- Said the Equity Summit is scheduled for Monday, November 9th at Washtenaw Community College from 8 a.m. to 12 p.m.

— COMMUNICATIONS FROM THE MAYOR –

- Discussion of Planning Commission appointments
- Stated there are still openings on the Planning Commission and until yesterday all applicants have been from Ward 2. She added she would like to add more representation from Ward 1 and asked if Council would like to hold off appointments until there are more interested parties from Ward 1.

Council Member Nicole Brown responded she would like to wait to make appointments and she has been in discussions with Mayor Pro-Tem Richardson on possible interested individuals from that Ward. Ms. Edmonds agreed.

Council Member Murdock asked if there are two vacancies on the Planning Commission. Ms. Ernat responded in the affirmative.

Council Member Vogt stated he is concerned with competency of the issues and when individuals are found who are appropriate they should fill those positions.

Mr. Vogt added what Ward those individuals reside in is not as great of importance.

- Stated she had a meeting with EMU's Department of Women's Studies around an initiative called Cities for Seadog created by the International Charter of the United Nations on the status of women. She stated the campaign focuses on cities to ratify the charter. She said there are several things the City could analyze specifically domestic violence and human trafficking.
- She stated there will be a brief presentation during the next City Council Regular Meeting about warming centers, shelters, and the project to end homelessness.
- Stated she spoke with the Chair of Africology at EMU about the possibility of internships with the City.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

- Stated the crane will arrive tomorrow to build the Heritage Bridge.
- Said Adams St. is now open.
- Said he is working on the recovery plan for the City.
- Stated he is pleased the Fire Department has the anti-heroin overdose drug Naloxone.
- Stated there is a big announcement for Ypsilanti Community Schools Tomorrow, November 4th.
- He asked if he could return later to discuss the City's response to the MSHDA report about Water Street.

XVIII. COMMUNICATIONS –

- November 10 and 19, 2015 – Goal Setting @ SPARK East, 215 W. Michigan Ave.

Mayor Edmonds stated she and Clerk McMullan are finalizing the facilitation for goal setting. Ms. Edmonds stated the facilitator will be contacting everyone to gauge what the expectations for processes and outcomes.

City Clerk McMullan stated the November 10th meeting begins at 7:00 p.m. and the 19th begins at 6:00 p.m.

Ms. Ernat reminded that Friday, November 6th the Commercial Space Team in conjunction with First Fridays will be highlighting move in ready spaces in the downtown beginning at 4:00 p.m. Ms. Ernat said 16 N. Washington appeared before the Administrative Hearings Bureau and the owner of the building has been very cooperative. Ms. Ernat explained the owner has hired a contractor and repairs are beginning and has cleaned out the second floor and beginning to clean out the first floor. She added 1404 Whittier is now in the court system and has been assisted by help from Southeastern Michigan Legal Services and she hopes the property will be repaired sooner than later.

City Manager Lange stated he has noticed a lot of work being completed around town.

— Mayor Edmonds asked what the timeline is for the website.

Ms. Savage responded the trainings will be held on December 8th and 9th for the website and it is on track to be implemented by the end of December beginning of January. Ms. Savage added See. Click. Fix should be implemented by early December.

— Stated the African American History Mural project will be officially unveiled Wednesday, November 11th at 11 a.m.

Council Member Murdock stated that Dos Hermanos will unveil its mural Saturday, November 7th at 11:00 a.m.

Ms. Savage stated she needs the Council Member Bios for the website.

Ms. Ernat stated the Riverwalk Commons project has gone through the approval process and approved by MSHDA and is in the process of loan approval by the loan committee. Ms. Ernat stated in order to go to the loan Herman and Kittle were asked to provide an environmental review and have hired ASTI Environmental as a consultant for that review. ASTI submitted environmental reports to MSHDA that were 20 years old and the City asked ASTI to stop. Ms. Ernat stated the reports did not include any remediation that has been completed in that time. At that time AKT Peerless was asked to go through all records the City has on the remediation of Water Street. A new map was prepared along with documentation of compliance and preemptively met with the Department of Environmental Quality (DEQ) and asked them to review documents the City provided. Ms. Ernat said the draft was then filed with MSHDA and the City expected information from MSHDA on what the City would need for further investigation. What was received is a five page email with two separate reviews from two companies and a review from MSHDA. The review provided from MSHDA did not address what the City should provide, it addressed an opinion of what has been completed. Ms. Ernat stated the HMA report's review was very fair and asked for documentation and activities to be provided and the City has always worked toward providing those activities which is why a draft plan was submitted.

Jeremy McCallion, AKT Peerless, stated he has been involved with this sight since 2006 when he worked with Washtenaw County. Mr. McCallion said in 2014 a plan was put into place to develop a brownfield plan, identify the eligible activities that could be done on the site, and each individual work plan would be identified per the project. That process began with the Riverwalk Commons and worked in concert with ASTI to identify the activities that would be done on site to satisfy both the DEQ requirements and MSHDA requirements. Through that process all documentation was reviewed and in that process AKT Peerless was informed by a MSHDA memo that a new care plan would need to be developed for the surrounding property. Information was collected and maps were created based on how the Water Street site plan and would require both MSHDA and the DEQ to review and approve the documentation of Due Care Compliance. Mr. McCallion stated the response indicated the additional data would be required and a greater investigation needs to be completed to assess potential health risks to Riverwalk Commons. Mr. McCallion said the process is at the place that it was estimated to be at this time and he said he would prefer to have more information before responding to the MSHDA email.

Louis Stultz, AKT Peerless, stated this process has been 20 years of investigation and in 2004 was the last time a Due Care Compliance plan was created and the draft plan includes all new information that ASTI had completed in 2014 and 2015. Mr. Stultz said there have been hundreds of tests completed on that site at various depths. Mr. Stultz said the way that functions is each investigation had a goal to find a particular thing and samples were biased toward that. Mr. Shultz stated in looking at the data it was evident that not many shallow soil samples were taken across the entirety of the site. Mr. Stultz stated that data will need to be augmented because the shallow soil is the direct contact concern which was mentioned in the email.

Mayor Edmonds asked if the DEQ will provide a formal response directing the City to complete certain tasks. Mr. Stultz responded the DEQ will complete a formal review once the document is finalized.

Council Member Murdock stated at the very least the City has a public relations disaster. Mr. Murdock asked what has to be done to determine what contaminates is located on the site, what is the plan of action and what will it cost. Mr. Stultz responded this will require a two pronged approach for a resolution: first the incomplete data discussed in both the MSHDA email and the HAT Matthews report will need to be reviewed and clarify the documentation and the second task will be to take around 70 shallow test samples across the site to fill in the gaps in data. Mr. Stultz said once that data is completed a report can be made of what is present and not present in the soil and the impact it will have.

Ms. Ernat asked if it could be explained how after the remediation how contaminants could still be located at the site. Mr. Stultz responded there could be an issue with finding clean fill soil to replace what was removed and if when the soil was removed 20 years ago was it surveyed and to verify if it was the boundaries of the excavation would need examined to make sure what was sampled is not outside of that.

Council Member Murdock asked if there is a specific location of the PCBs. Mr. Stultz responded there is a large area in the central portion of the property closest to the river that was excavated in the past that was affected by PCBs and the three acre site for Riverwalk Commons is near to that.

Ms. Ernat asked what can be done to safely place new development on a brownfield site. Mr. McCallion responded the Riverwalk Commons would be dealing with all of their onsite issues per Due Care requirements and the development process would identify exactly what they would need to do. Mr. McCallion stated in this instance there is surrounding property that MSHDA has identified as having potentially harmful activities and per the DEQ the owner of the site is responsible for the due care obligations which is the City. Mr. McCallion stated in this situation the timeline for investigation has been sped up and needs to be completed prior to MSHDA approval of the Riverwalk Common site. Mr. Stultz added usually a development has three choices; digging up a contamination, which would be the preferred method for this site, engineering controls such as a vapor barrier, and the third option is a combination of both.

Mayor Edmonds stated the standards listed are accepted nationally for developing brownfield sites. Mr. Stultz stated it has been the intention of AKT Peerless to remove the contamination for the development the entire time.

Council Member Murdock stated when there are PCBs present and it is decided to remediate and then develop, he isn't certain that many will want to live at that development. Mr. Stultz responded as long as the PCBs are capped and contained there is no danger, but for a residential development you do not want that stigma.

Council Member Murdock asked how long this will delay the Herman Kettle development. Ms. Ernat responded she does not have a solid answer but by tomorrow, November 4th she expects to have a proposal from AKT Peerless to begin the work that they have described tonight which and will be brought to Council at the November 17th meeting. Ms. Ernat stated Herman and Kettle would like to look at their options and might want to move their site one block over and if they do that it would answer MSHDA's concerns but does not answer the concerns of the City. Ms. Ernat stated if the site is moved it would restart the process it would restart the PILOT and the public hearings that would require, the Planned Unit Development, and the amount of money they would need to put into their engineering. Ms. Ernat stated from a planning standpoint she would be okay with that, however, the contaminated lot would still need to go through remediation in order to be developed.

Mr. Lange asked how much Community Development Block Grant funds are supposed to be allocated for the remediation of this site and said there is a much bigger problem if \$3 million dollars was spent on clean-up and the clean-up wasn't effective. Mr. Lange added the record of the clean-up must be there to be examined. Mr. McCallion responded the remediation was completed the issue is the boundary that was used for the clean fill.

Council Member Murdock stated when this project first came to Council one of the bonuses was that it would be located on area that would require remediation activities. Ms. Ernat responded in the affirmative. Mr. Murdock stated the original plans for that site were to do nothing.

Ms. Ernat stated the plus for this information coming out is it pushes this forward to do the testing and the City will receive the official review. Mr. McCallion stated the issue with this project is it requires MSHDA funding which has higher requirements than DEQ. Mr. McCallion added moving the site will not solve all of MSHDA's issues. Ms. Ernat stated the DEQ is the standard for Michigan and she would say with certainty that MDEQ has some of the highest environmental standards in the country. Ms. Ernat said because the project is dependent on MSHDA funds which channel through the Department of Housing and Urban Development (HUD) there is not a basic standard. Ms. Ernat stated the issue is how that can be addressed if there is not a standard that can be achieved.

Council Member Vogt asked if the City has been following MDEQ standards. Ms. Ernat responded in the affirmative. Mr. Vogt asked if the MSHDA email was a surprise to staff. Ms. Ernat replied in the affirmative and added the MSHDA email is over reaching and absurd. Ms. Ernat added the meeting she attended with Council Member Anne Brown was also over reaching, accusatory, and very demeaning. Ms. Ernat stated the City will work off of the Hant Matthews report because those are real questions and if the standard the City has been working from the beginning of the process. Mr. Stultz said the DEQ will not allow a site to be redeveloped if knowingly people are put at risk. Mr. Stultz stated there are areas on Water Street that will be more difficult to develop as residential than other parcels on the site. Mr. Stultz said those parcels can still be developed as residential it will just cost more and it comes down to individual developers and the process they wish to follow. Mr. Stultz stated the other documentation will be found that is being asked for and additional investigation of shallow soils will be completed. Mr. Stultz added each site will be assessed and a report will be given that includes any contaminant on that site.

Mr. Lange stated moving the development to the west is not an option if the dust cloud is a real threat. Mr. Lange stated the MSHDA email stated the Herman Kittle site was well contained and safety is of his greatest concern. Mr. Lange stated during the construction of the Border to Border Trail excavation was required and the DEQ had to approve that project. Mr. Lange stated the City has a moral and professional obligation that any development would be a fair and reasonable place that he would be willing to live.

Mayor Edmonds asked as this site is developed piece by piece what is process for containment and if there are certain tree species that could assist in that containment. Mr. Stultz responded there are all kinds of types of remediation but he is not particularly familiar with using certain species of trees as a part of the remediation. Mr. Stultz stated for this particular site the shallow soils will contain metals and PCBs and the easiest thing to do is to remove them.

XIX. AUDIENCE PARTICIPATION –

1. Nathan Phillips, 509 N. Washington St., stated the Water Street site contains and Native American burial ground and asked what will be down when human remains are discovered. He said since that burial ground was developed on he had to cremate his wife when she passed. He said do not desecrate that burial site and continue to curse the City.

XX. REMARKS FROM THE MAYOR –

- She said staff has been preparing historical documents to form a presentation regarding how to address the burial ground.

XXI. ADJOURNMENT –

Resolution No. 2015-251, adjourning the Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Murdock

SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the meeting adjourned at 9:23 p.m.