



**CITY OF YPSILANTI  
REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, FEBRUARY 21, 2017  
7:00 p.m.**

**I. CALL TO ORDER –**

**II. ROLL CALL –**

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member 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. AGENDA APPROVAL –**

**VI. INTRODUCTIONS –**

**VII. AUDIENCE PARTICIPATION –**

**VIII. REMARKS BY THE MAYOR –**

**IX. ORDINANCE – FIRST READING –**

Ordinance No. 1283

1. An Ordinance rezoning 311 Ballard from C, Center to CN, Core Neighborhood.
  - A. Resolution No. 2017-041, determination
  - B. Open public hearing
  - C. Resolution No. 2017-042, close public hearing

Ordinance No. 1284

2. An Ordinance to amend Chapter 122 of the City's Code of Ordinances.
  - B. Resolution No. 2017-042A, determination
  - B. Open public hearing
  - C. Resolution No. 2017-042B, close public hearing

**X. CONSENT AGENDA –**

Resolution No.2017 - 043

1. Resolution No. 2017 - 044, approving the minutes of January 10, 2017.

2. Resolution No. 2017 - 045, approving nominations to Boards and Commissions.

**XI. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2017 - 046, revoking the Obsolete Property Rehabilitation Act (OPRA) Grant for the Thompson Block, 400 N. River.
2. Resolution No. 2017 – 047, recommending that the Washtenaw County Board of Commissioners terminate the 2014 Brownfield Plan for the Historic Thompson Block.
3. Discussion regarding possible road funding mechanisms.
4. Resolution No. 2017-049, Directing City Staff and MDOT to review the signalization, configuration and markings of the Huron-Cross intersection to see if there are possibilities to make it safer for pedestrians and drivers.

**XII. LIASON REPORTS –**

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Freight House
- E. Parks and Recreation
- F. Ypsilanti Downtown Development Authority
- G. Eastern Washtenaw Safety Alliance
- H. Police-Community Relations/Black Lives Matter Joint Task Force
- I. Friends of Rutherford Pool

**XIII. COUNCIL PROPOSED BUSINESS –**

**XIV. COMMUNICATIONS FROM THE MAYOR –**

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

**XVI. COMMUNICATIONS –**

- Planning Commission 2016 Annual Report.
- Historic District Commission 2016 Annual Report.

**XVII. AUDIENCE PARTICIPATION –**

**XVIII. REMARKS FROM THE MAYOR –**

**XIX. ADJOURNMENT -**

Resolution No. 2017 - 048, adjourning the City Council meeting.



**REQUEST FOR LEGISLATION**  
13 February 2017

From: Bonnie Wessler, City Planner

Subject: 311 Ballard Rezoning Request

**SUMMARY & BACKGROUND:**

311 Ballard Street is a nonconforming single-family dwelling, House building type, just south of West Cross, currently zoned Center. This property had been zoned B3 prior to 2014, and prior to that had been at some point a part of the lots to the north. To the south of this property and south of Cross Street in general is an area zoned Core Neighborhood (CN). The neighborhood is largely single-family dwellings that have been converted &/or expanded over the years to accommodate two or more dwelling units or group residences (roominghouses).

The applicant, Paul Aljouny on behalf of AJAR, Inc, is requesting a rezoning to CN, which allows single-family dwellings as a permitted use, as well as other residential use options such as up to four units by-right, or more than four units or a group residence/roominghouse with special use permits.

Given the current use of the property, the current building type and style, and the character of the surrounding neighborhood, Planning Commission supported the rezoning request at their January meeting with the following findings:

1. The rezoning is consistent with the goals in the Shape Ypsilanti master plan of "Anyone, no matter what age or income, can find a place to call home in Ypsilanti" and "Ypsilanti is an asset of Eastern Michigan University, and Eastern Michigan University is an asset of Ypsilanti."
2. The proposed rezoning would not affect the physical, geological, hydrological and other environmental features of this parcel.
3. Rezoning the parcel to Core Neighborhood will bring the property and any potential uses into alignment with the existing neighborhood to the south.
4. This rezoning is consistent with the trend of development in the neighborhood to the south.
5. The current zoning is inappropriate for the existing character and use.

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:** Staff review for 1/18/2017 PC meeting  
Planning Commission Minutes 1/18/2017 (draft, excerpt)

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

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

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



Resolution No. 2017- 041  
February 21, 2017

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

WHEREAS, the rezoning of 311 Ballard is consistent with the goals of the City Master Plan and

WHEREAS, the proposed rezoning will not affect the physical, geological, hydrological, and other natural features of the parcel; and

WHEREAS, the proposed rezoning will align the zoning and future uses of the parcel with those of the surrounding neighborhood; and

WHEREAS, the proposed rezoning is appropriate for the current character and use of the property;

NOW THEREFORE BE IT RESOLVED that an Ordinance to rezone 311 Ballard from Center to Core Neighborhood be approved.

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

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

YES:                      NO:                      ABSENT:                      VOTE:



**Ordinance 1283**

**An Ordinance Entitled "311 Ballard Rezoning"**

THE CITY OF YPSILANTI ORDAINS:

That the property addressed as 311 Ballard Street, with the tax code ID#11-11-40-183-017, and a legal description of E 4 RDS OF S 71 FT OF LOTS 5& 6, BLK 3 DAVID F. BALLENTINES & RICHARD E. MORSE'S ALLOTMENT OF THE WESTERN ADDITION.

BE REZONED FROM C,CENTER, TO CN, CORE NEIGHBORHOOD;

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

\_\_\_\_\_  
Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published in the Washtenaw Legal News on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Andrew Hellenga, Interim 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Andrew Hellenga, Interim City Clerk

Notice Published: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_



City of Ypsilanti  
Community & Economic Development Department

January 10, 2017

Staff Review of Rezoning Application  
311 Ballard Rezoning  
311 Ballard

## GENERAL INFORMATION

**Applicant:** AJAR, LLC

**Project:** 311 Ballard Rezoning

**Application Date:** December 7, 2016

**Location:** Southwest corner of the intersection of W. Cross and Ballard

**Zoning:** C-Center

**Master Plan:** Center

**Action Requested:** Rezone the entire parcel to CN, Core Neighborhood

**Staff Recommendation:** Approval

## PROJECT AND SITE DESCRIPTION

A rezoning is requested for parcel #11-11-40-183-017. The parcel is 0.11 acres with an existing residence on site. The property is currently zoned C-Center. The property owner wishes to have the parcel rezoned to CN- Core Neighborhood in order to be able to utilize the structure as residential. The structure was built in 1900; prior to the existence of the City Zoning Ordinance. Previously the parcel was part of the 501 W. Cross parcel to the north and appears to have been split from that parcel at some point prior to mid-20<sup>th</sup> century. No variances or special uses have been approved for the property.

Figure 1: Subject Site Location & Zoning



Figure 2: Site Aerial (2015)

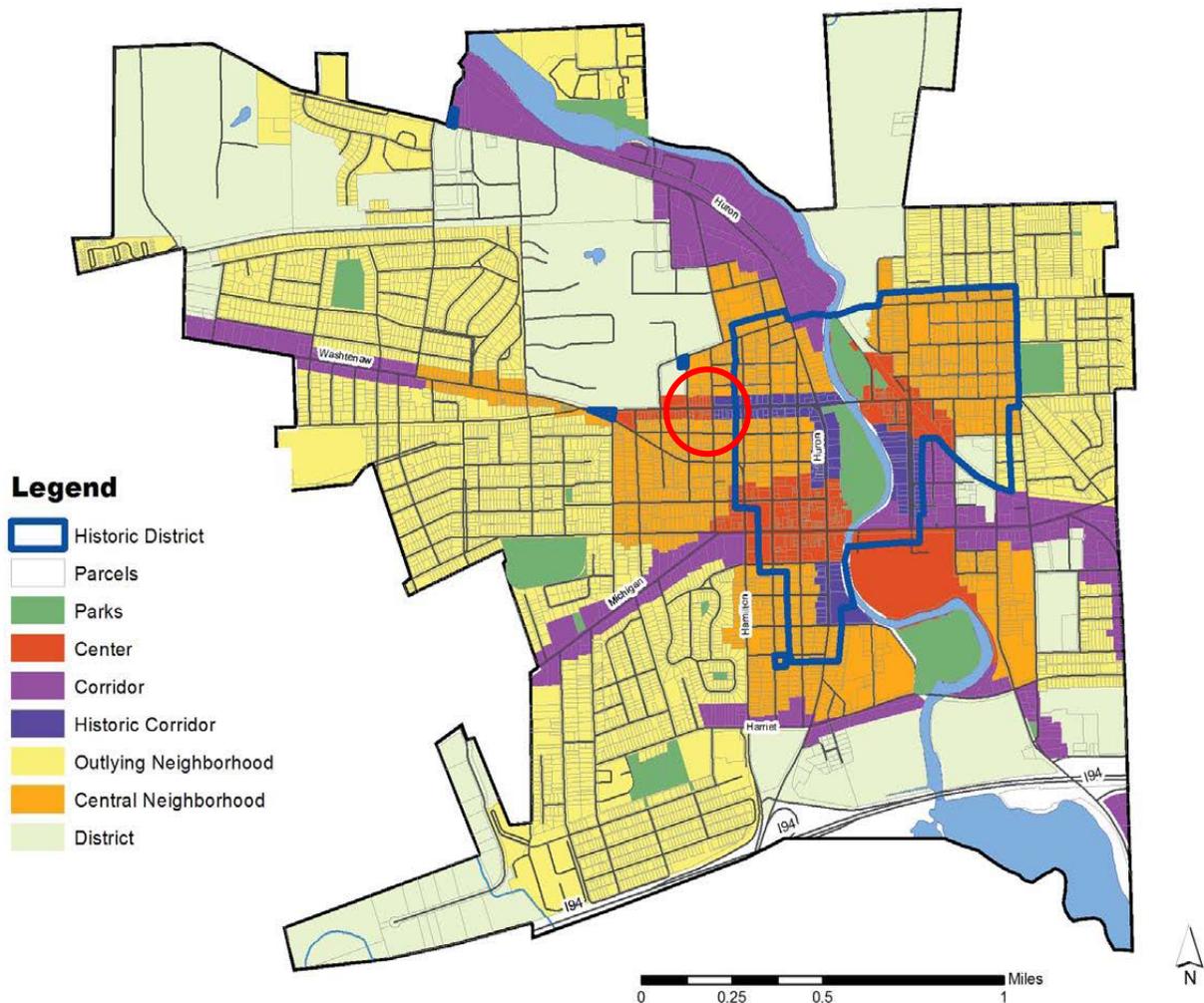


## MASTER PLAN

The subject property is within the "Center" future land use. These areas are the heartbeat of the City – downtown, Depot Town and Cross Street adjacent to the EMU campus. Each area has buildings built up to the sidewalk and a variety of uses - retail, restaurants, services, office, civic, and residential. They are places where people walk, gather, shop, exchange and meet.

The future land use map, below, shows the property as Center.

**Figure 3: Future Land Use Designations**



**EXISTING LAND USE AND ZONING**

The property is currently used as a single-family rental property. It is just south of W. Cross St on Ballard, one block from Eastern Michigan University.

**Figure 4: Surrounding Land Use and Zoning**

	<b>LAND USE</b>	<b>ZONING</b>
<b>NORTH</b>	Market and Restaurant	C-Center
<b>EAST</b>	Single Family and Restaurant	HC- Historic Corridor
<b>SOUTH</b>	Multi-family residential	CN-Core Neighborhood
<b>WEST</b>	Multi-family residential and mixed use	CN-Core Neighborhood

**REZONING IMPLICATIONS**

**INTENT**

C-Center district contains mixed-use areas with historic buildings. Center district includes the places where people shop, go to school, live, come to work, visit, drop by City Hall, eat, gather and have fun. They host events that bring thousands of visitors each year and bring the City together as a community. The intent of the zoning district is preserve the urban form, walkable nature and vibrant mix of uses in these areas.

CN-Core Neighborhood is intended to directly border center districts and have a variety of housing types, ranging from cottages to group living to apartment buildings. This district also affords opportunities for accessibly-placed walkable, neighborhood businesses.

**Figure 5: Permitted uses in existing and proposed zonings.**

*P=Principal, A=Accessory, S=Special Land Use*

<b>USES</b>	<b>C</b>	<b>CN</b>
<b>RESIDENTIAL</b>		
Single-Family Detached Dwelling	--	P
Accessory Dwelling Unit	--	A
Two-family dwelling units	--	P
Multiple Family Dwellings, maximum of 4 units per building	P*	P
Multiple Family Dwellings, more than 4 units per building	P*	S
Apartments located above ground floor of permitted nonresidential uses	P	P
Home Occupation	A	A
Family Child Care Home	--	A
Adult foster care family homes	--	A
Group Child Care Home	--	S
<b>GROUP LIVING</b>		
Group residence	--	S
Group living with support staff, not licensed by State of	--	S

*P=Principal, A=Accessory, S=Special Land Use*

<b>USES</b>	<b>C</b>	<b>CN</b>
Michigan		
Roominghouse	--	S
Adult foster care small & group homes, adult congregate facilities	--	S
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	--	S
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>		
Museums & libraries	P	--
Park	P	P
Public Art	A	A
Indoor recreation	P	--
Outdoor Recreation	--	A
Performance venues/theaters	P	--
Municipal, county, regional & state service uses	P	S
Primary & Secondary Schools (public & private)	--	S
Post-secondary educational institutions (public & private)	P	S
Religious institution	--	S
Private assembly, banquet hall allowed	--	S
<b>INFRASTRUCTURE</b>		
Essential Services	P	P
Communication Devices	A	A
Alternative Energy	A	A
Stormwater Control	A	A
Public & Private Transportation Passenger Terminals	S	--
<b>SERVICES</b>		
Bed & Breakfast or Inn	--	S
Funeral Homes	--	S
Nursing Homes	--	S
Business and professional offices and services	P	--
Financial services, including banks	P	--
Personal service establishments	P	--
Body Art Facilities	P	--
Printing services, including but not limited to: publishing,	S	--

*P=Principal, A=Accessory, S=Special Land Use*

<b>USES</b>	<b>C</b>	<b>CN</b>
engraving, photo development, lithographing, silk screening and three-dimensional printing		
Hotels & motels	P	--
Child Care Centers	P	--
Laundromats and dry cleaners	P	--
Medical or dental offices	P	S
Medical or dental clinics (5 or more practitioners)	P	--
Medical Marijuana Dispensary	P	--
Catering services	A	--
Self-storage	S	--
<b>COMMERCIAL</b>		
Retail stores	P	--
Resale stores	P	--
Arts & crafts studios	P	S
Food stores, excluding sale of alcohol, less than 15,000 square feet	P	S
Food stores, excluding sale of alcohol, greater than 15,000 square feet	P	--
Food stores less than 15,000 square feet, with sale of alcohol	S	--
Food stores greater than 15,000 square feet with sale of alcohol	P	--
Farmers' market	P	A
Auction houses	P	--
<b>RESTAURANTS</b>		
Carry-out and/or delivery restaurant	P	S
Café or coffee shop	P	S
Sit-down	P	--
Bar/Lounge	P	--
Tasting room and/or restaurant	A	--
Outdoor cafes	A	--
Fast Food	P	--
<b>AUTO-ORIENTED</b>		
Automobile Filling Station - no repair	--	S
Parking lot (as principal use)	S	--
Parking Garage	S	--
Automobile Share Parking	A	A
<b>PRODUCTION, MANUFACTURING &amp; DISTRIBUTION</b>		
Microbrewer/ small distiller /small wine maker	P	--
<b>TEMPORARY USES</b>		

*P=Principal, A=Accessory, S=Special Land Use*

USES	C	CN
Temporary permitted use in vacant storefront	P	--
Food concession sales	P	--
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE		
Operation between 2 a.m. and 6 a.m. during any 24-hour period	P	--
Sale of alcoholic beverages for consumption off the premises	S	--
GARDENS/COMMUNITY GARDENS		
Community gardens	--	P
Passive solar structure (hoophouse, greenhouse, etc.)	--	A
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	--	A

*\*Multi-family is only permitted in Center in specific building types or above the ground floor of permitted nonresidential uses.*

**Figure 6: Area Regulations**

BUILDING TYPE		CN	CN-MID	CN-SF	C	HHS	HC	NC	GC
MA	Mansion	L	L	L	--	--	L	--	--
ES	Estate	P	P	P	--	--	P	P	--
<b>HS</b>	<b>House</b>	<b>P</b>	P	P	<b>--</b>	P	P	P	--
CO	Cottage	P	P	P	--	--	--	--	--
TH	Townhouse	P	P	--	L	--	--	P	--
AH	Apartment House	P	P	--	P	P	P	P	--
CA	Courtyard Apartment	P	--	--	L	--	P	P	P
AB	Apartment Building	P	--	--	L	--	L	P	P
CS	Commercial/Mixed-Use Small	L	--	--	P	--	P	P	P
CM	Commercial/Mixed Use Medium	--	--	--	P	--	P	P	P
CL	Commercial/Mixed Use Large	--	--	--	P	P	--	--	P
SC	Single Story Commercial Building	L	L	L	--	--	L	P	P
LS	Large Single Story Commercial Building	--	--	--	--	P	--	--	P
MB	Multiple Story	--	--	--	P	P	--	--	P
IT	Institutional	P	P	P	P	P	P	P	P

**HS HOUSE**

Detached residential buildings built for a single dwelling unit. They are located on lots that accommodate a detached primary building with small side yards and relatively large rear or front yards. They generally have one primary entrance.

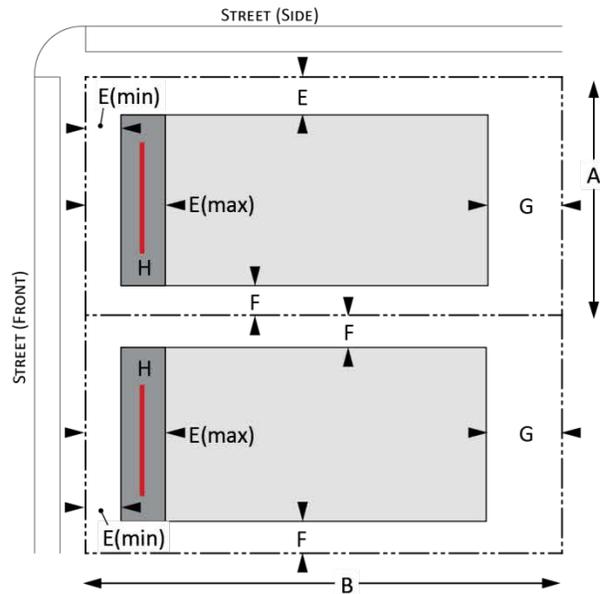
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	35	80
B - Lot Depth (ft)	100	--
C - Lot Size (sf)	4,000	12,000
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15 <sup>(1)</sup>	25
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	20	--
H - Frontage Buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	5	--
K - Rear Setback (ft)	5	--
L - Building Footprint (sf)	--	800
Note: There is a maximum of two accessory buildings		
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS	Location: Side, street-side yard, and rear yards	
PRIVATE FRONTAGES	Required: Porch or Stoop	

<sup>(1)</sup> The street setback will be determined by the average of the front yards of existing buildings on same street side and block in which the new building is being proposed in residential districts only.

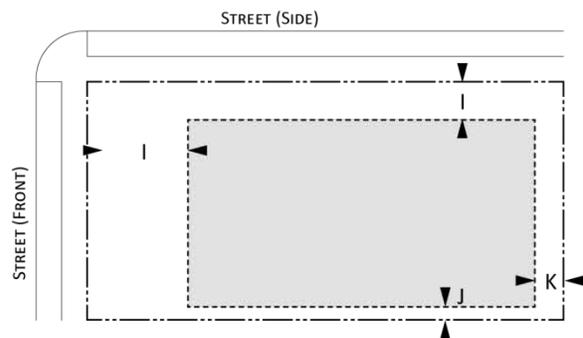


EXAMPLE

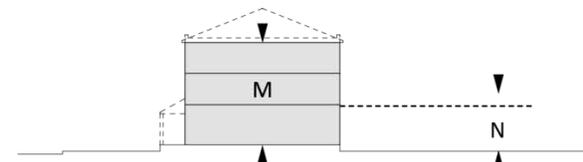
**LOT REQUIREMENTS AND BUILDING ENVELOPE**



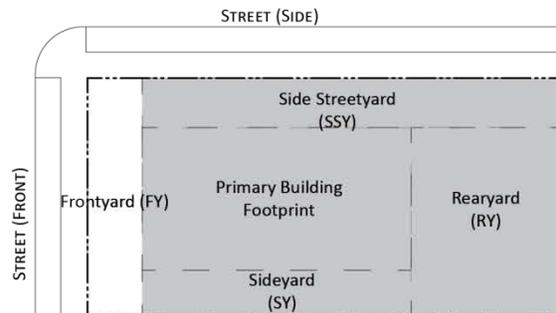
**ACCESSORY STRUCTURE ENVELOPE**



**BUILDING HEIGHT**



**PARKING LOCATION**



## REZONING CONSIDERATIONS

The following are generally accepted criteria for evaluating a rezoning request and staff responses to each:

- 1) *Is the rezoning consistent with the policies, guiding values and Future Land Use Map in the Master Plan, including any subarea or corridor studies?*

**Yes and No.** While the Master Plan recommends that the future use of this parcel be “center” which is what the parcel is currently zoned, this parcel has been a residential home since around 1900 and has consistently been lumped in with the business district to the north on W Cross due to the depth of the rest of the parcels on the south side of W. Cross.

The Shape Ypsilanti master plan states that “Anyone, no matter what age or income, can find a place to call home in Ypsilanti” (p 6). This rezoning will result in the continued maintenance and care of an existing residence and create housing that is always in demand in the EMU area. “Ypsilanti is an asset of Eastern Michigan University, and Eastern Michigan University is an asset of Ypsilanti” (p. 7) is also a goal of the Shape Ypsilanti master plan. As this rezoning is to accommodate an existing residence within a block of EMU, this action helps Ypsilanti be a home for the university and its students, faculty and staff. Form-based code calls for properties to match or relate to that of the surrounding area.

- 2) *Does the rezoning sustain the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district?*

**Yes.** The uses permitted in CN would not affect the physical, geological, hydrological and other environmental features of the property and residence.

- 3) *Can the property that is proposed to be re-zoned accommodate the requirements of the proposed zoning district?*

**Yes.** The existing structure is residential in use and building character thus rezoning the parcel from Center to Core Neighborhood will bring the property more into alignment with the neighborhood to the south.

- 4) *Are all of the potential uses and building types allowed in the proposed zoning district compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values?*

**Yes.** All potential uses and building types allowed in the proposed zoning district are more compatible with the surrounding uses to the south, east and west than those allowed within the current zoning.

- 5) *Is the capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City?*

**Yes.** There is little to no effect expected on the City infrastructure and services with this rezoning.

- 6) *Will the rezoning be detrimental to the financial stability and economic welfare of the City?*

**No.** This rezoning matches that of the properties to the south, east and west and is not expected to affect the financial stability and economic welfare of the City.

7) *Would the rezoning negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts?*

**Unlikely.** The potential uses of this structure, if rezoned to CN, closely match the current uses of the structures to the south, east and west.

8) *Is the rezoning consistent with the trend of development in the neighborhood or surrounding area?*

**Yes.** This area mainly consists of multi-family housing to support the needs EMU students and staff. This rezoning brings the parcel and residence more in line with the uses to the south, east and west.

9) *Was the property in question improperly zoned or classified when this Chapter was adopted or amended?*

**Yes.** The zoning classification of Center relies on the previous classification of B3-Central Business, which was inappropriate for the existing character and use.

10) *Where a rezoning is reasonable given the above criteria, is the map amendment or rezoning to the proposed zoning district more appropriate than another district or than amending the list of permitted or special land uses within a district?*

**Yes.** Core Neighborhood is more appropriate than any other district since it is the zoning for the property and neighborhood directly to the south. Core Neighborhood is meant to be a transitional area directly adjacent to the Center district. Amending the list of permitted uses for Center district to include lower density residential uses is not preferred.

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** of the rezoning for 311 Ballard to Core Neighborhood to City Council with the following findings:

1. The rezoning is consistent with the goals in the Shape Ypsilanti master plan of "Anyone, no matter what age or income, can find a place to call home in Ypsilanti" and "Ypsilanti is an asset of Eastern Michigan University, and Eastern Michigan University is an asset of Ypsilanti."
2. The proposed rezoning would not affect the physical, geological, hydrological and other environmental features of this parcel.
3. Rezoning the parcel to Core Neighborhood will bring the property and any potential uses into alignment with the existing neighborhood to the south.
4. This rezoning is consistent with the trend of development in the neighborhood to the south.
5. The current zoning is inappropriate for the existing character and use.

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Cynthia Kochanek  
Associate Planner, Community & Economic Development Division

c.c. File  
Applicant

**PLANNING COMMISSION  
MEETING MINUTES  
January 18, 2017  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

**Present:** H. Jugenitz, C. Zuellig, A. Bedogne, L. Dahl MacGregor, M. Dunwoodie, P. Hollifield, J. Talaga

**Absent:** T. Dennis (excused)

**Staff:** Bonnie Wessler, City Planner  
Cynthia Kochanek, Associate Planner

**III. APPROVAL OF MINUTES**

Commissioner Hollifield moved to approve the minutes of December 21, 2016 as amended (Support: C. Zuellig) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

**1002 Washtenaw**, Joseph Golder, owner- stated that he shares the main entrance with Eastern Michigan University. Stated that his property was taken by EMU and that he no longer has the ability to enjoy his property. He is frustrated with the situation and he is upset that under the current zoning his property would require a site plan review at the very least. He feels for the residents of the Bell-Kramer area and what they are going through.

**V. PRESENTATION AND PUBLIC HEARING ITEMS**

**1. Rezoning: 311 Ballard St.**

Cynthia Kochanek, Associate Planner, presented the staff review of the rezoning request for 311 Ballard. This is a rezoning request for parcel #11-11-40-183-017. The parcel is 0.11 acres with an existing residence on site. The property is currently zoned C-Center. The property owner wishes to have the parcel rezoned to CN- Core Neighborhood in order to be able to utilize the structure as residential. The structure was built in 1900; prior to the existence of the City Zoning Ordinance. Previously the parcel was part of the 501 W. Cross parcel to the north and appears to have been split from that parcel at some point prior to mid-20<sup>th</sup> century. No variances or special uses have been approved for the property.

Ms. Kochanek reviewed the criteria for a rezoning and findings.

Staff recommended that the Planning Commission recommend approval of the rezoning to City Council.

Chairperson Jugenitz inquired as to what the property can be used for currently and why this rezoning is needed.

Ms. Wessler stated that the house can only be utilized as a single family residential and that the house cannot be subdivided into multiple residential units under the current zoning.

Commissioner Bedogne clarified that if the rezoning was approved that the owner could utilize the structure as a multi-family up to four units by right in the proposed Core Neighborhood zoning but that if the owner want to utilize the structure as more than four units, the owner would need to request a special use approval.

Ms. Wessler confirmed that is the case. That if the owner wanted to utilize the structure as more than four residential units or a roominghouse, the owner would need to obtain a special use permit.

Commissioner Hollifield moved to open the public portion of the hearing (Support: L. Dahl MacGregor) and the motion carried unanimously.

There were no comments from the audience.

Commissioner Hollifield moved to close the public portion of the hearing (Support: L. Dahl MacGregor) and the motion carried unanimously.

Commissioner Hollifield moved that the Planning Commission recommend approval of the rezoning for 311 Ballard to Core Neighborhood to City Council with the following findings:

1. The rezoning is consistent with the goals in the Shape Ypsilanti master plan of "Anyone, no matter what age or income, can find a place to call home in Ypsilanti" and "Ypsilanti is an asset of Eastern Michigan University, and Eastern Michigan University is an asset of Ypsilanti."
2. The proposed rezoning would not affect the physical, geological, hydrological and other environmental features of this parcel.
3. Rezoning the parcel to Core Neighborhood will bring the property and any potential uses into alignment with the existing neighborhood to the south.
4. This rezoning is consistent with the trend of development in the neighborhood to the south.
5. The current zoning is inappropriate for the existing character and use.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried unanimously 7:0.

## **VI. NEW BUSINESS**

2. 2100 Washtenaw Ave



Resolution No. 2017- 042  
February 21, 2017

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

**That** the public hearing for an ordinance to rezone 311 Ballard from Center to Core Neighborhood be **officially closed**.

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

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

YES:                      NO:                      ABSENT:                      VOTE:



## REQUEST FOR LEGISLATION

13 February 2017

From: Bonnie Wessler, City Planner

Subject: Zoning Ordinance: 2015-17 Update

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### **SUMMARY & BACKGROUND:**

The zoning ordinance underwent a significant overhaul in 2014, and was enacted in January 2015. One of the major changes as part of this was a shift away from a wholly use-based zoning code to a code that contained form-based elements. The new code retained the structure of the old code, which itself had been added to and modified throughout the years, resulting in duplicate or missing definitions, incorrect code references, and out-of-date illustrations. Although a number of those errors were addressed in the 2014 update, the update contained a number of bugs itself, and the old structure was not conducive to understanding the new code. In addition, in late 2015 the Supreme Court made a decision in the case of *Reed vs Town of Gilbert, Arizona* that greatly affected our sign code; the content or intent of the sign can no longer be a basis for regulation.

The draft code before Council is a significant improvement in organization and clarity. A summary of the changes are as follows:

- All definitions are in one section for definitions, rather than being scattered throughout, which occasionally led to duplication and conflict.
- The sign code is reorganized, regulating by zoning district and use of the parcel, rather than by sign intent. Other types of district-specific requirements, such as fence heights, are now found in the zoning district section, rather than a separate section.
- Graphics have been updated or clarified as needed.
- Uses in the form-based districts that were intended to be linked to specific building types are now linked.
- Regulations where requirements were unclear have largely been clarified, such as when certain required elements could "stack" to satisfy two requirements, such as counting one tree for both screening requirements and parking lot landscaping requirements.
- Gendered language was removed, typos were corrected, and the numbering within the chapter has been made consistent.
- No changes to zoning district boundaries were made as part of this rezoning, and no additional nonconformities were created, with the possible exception of signs.
- This update includes the updated language for the one-and-two family rebuild clause in the PMD zoning district.

This update was reviewed by an outside zoning firm, Giffels-Webster (Clearzoning), enabled by technical grant assistance from MEDC as a result of our Redevelopment Ready status. Their feedback was incorporated into this update to the extent we were able; it did also include a strong recommendation to update our "communication devices" section, which is out of step with the current regulatory environment. Our legal team also reviewed the draft; their feedback was also incorporated. Both reviews took place in August through November. A Planning Commission subcommittee was formed to review and solicit input throughout the process. The

Planning Commission recommended that Council adopt this ordinance in August at public hearing, and again in December at public hearing, after the feedback from Giffels-Webster and legal was incorporated.

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:** Annotated Draft Zoning Ordinance (changes explained and all references highlighted)  
Non-annotated Draft Zoning Ordinance (as would be posted)  
Current Zoning Ordinance and Map  
Planning Commission Minutes (August and December, please see packets online for full staff reports and presentations)

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

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

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



Resolution No. 2017- 40A  
February 21, 2017

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

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

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

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

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

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

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

YES:

NO:

ABSENT:

VOTE:



Ordinance No. 1284

An Ordinance Entitled "Zoning Ordinance Revision"

THE CITY OF YPSILANTI ORDAINS:

(see attachment – ZOUupdate- 03- ZO\_BW20170215\_plain.pdf)

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

\_\_\_\_\_  
Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published in the Washtenaw Legal News on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Andrew Hellenga, Interim 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Andrew Hellenga, Interim City Clerk

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

First Reading: \_\_\_\_\_

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

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

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

**PLANNING COMMISSION  
MEETING MINUTES  
August 17, 2016  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

**Present:** C. Zuellig, A. Bedogne, H. Jugenitz, P. Hollifield, M. Dunwoodie

**Absent:** L. MacGregor (Excused), J. Talaga (Excused), T. Dennis (Excused)

**Staff:** Bonnie Wessler, City Planner  
Cynthia Kochanek, Planner I  
Nan Schuette, Executive Secretary

**III. APPROVAL OF MINUTES**

Commissioner Dunwoodie moved to approve the minutes of July 20, 2016 (Support: C. Zuellig) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

Chairperson Jugenitz reviewed the procedure on public comment on items not related to public hearing items. There were no members of the public who wanted to speak on items that did not have a public hearing.

**V. PRESENTATION AND PUBLIC HEARING ITEMS**

**1. Alley Vacation – 211 Woodward**

C. Kochanek, Planner I, did a presentation on the request for a portion of the alley to be vacated just - south of the owner's property at 211 Woodward. The owner cited safety concerns and issues with theft. The owner also stated that they already maintain that area of the alley. The alley in question is south of Woodward and north of Catherine, between S. Washington and S. Adams. The eastern portion of this alley, between 210 and 214 S.

Washington was vacated in 2005. The properties surrounding the alley are single and multi-family residential.

If approved, the City will give up ownership of the alley and the alley will be split up among the adjoining properties, and then becomes the responsibility of the neighbors to maintain and/or obstruct, as they so choose. The City will retain and reserve an easement for installation and maintenance of utilities within the entire former right-of-way unless such an easement, or any portion thereof, is specifically abandoned. Once the city has passed a resolution vacating its interest in the ally, the applicant must pursue the matter in district court for a full vacation.

Ms. Kochanek reviewed the standards on alley closures as noted in the staff review dated August 8, 2016, also indicating that the Department of Public Services and Fire Department had both reviewed the application and had no objections. The Master Plan does not address this alley specifically or other alleyways generally. The partial vacation of the alley would not alter the existing traditional form of the block nor alter traffic patterns. Staff is recommending Planning Commission recommend approval to City Council with findings. Under the City Code, the proposed vacation would require final approval by City Council.

Commissioner Zuellig asked if the property owner would have to come to some easement agreement in order to get their car back there and Ms. Wessler responded that this might not likely be necessary depending on the size of the car, as it would be 8' wide.

Commissioner Bedogne asked if the city has to maintain easement for utilities and if this would be on record and Ms. Wessler responded that the various utility companies were notified of this issue and we did not receive any response. This would be part of the ordinance which is recorded.

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

**Alice Boss, owner of 211 Woodward** – is new to the area and wanted to clarify the possibility of building a garage in the future and if any exceptions could be made since she would like to build a garage in the future. Commissioner Zuellig suggested that the owner contact the neighbor for the possibility of having them deed the required 8 ft. to Ms. Boss. Commissioner Zuellig also added that alleys were instituted to allow residents to have access to the back of their property. Ms. Boss added that she is not impeding access for any other neighbor's property.

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

After further discussion and questions to staff regarding the possibility of vacating the alley entirely in favor of the neighbor to the north, Commissioner Zuellig moved to table the requested alley vacation at 211 Woodward to give staff the opportunity to look at State law regarding alley vacations and to look at the potential presence of a utility easement within the current alley (Support: M. Dunwoodie). A roll call vote was taken and carried unanimously, 5:0.

## 2. Alley Closure – 2<sup>nd</sup> Alley West of Prospect between Maple and Oak

C. Kochanek, Planner I, stated that this is a request for an alley closure of the 2<sup>nd</sup> Alley west of Prospect, between Maple and Oak Streets. The owners of the properties surrounding the alley are citing concern for small children that stay in the area and the wishes of the neighborhood. The properties surrounding the alley are mainly single family residential, with one multi-family unit.

If approved, this alley will be closed to vehicle traffic travelling through the alley by a barrier placed in the center of the alleyway, with rights of access reserved by the City to maintain, repair, and construct any necessary utilities. Pedestrian and bicycle traffic will still be able to traverse the alleyway. The property owners adjacent to the alley will still be able to utilize the alley for access to parking, ingress and egress.

Ms. Kochanek reviewed the standards on alley closures also indicating that the Department of Public Services and Fire Department had both reviewed the application and had no objections. The Master Plan does not address this alley specifically or other alleyways generally. The alley will still be open to local traffic thus maintaining the traditional form of the neighborhood and would incur no undue burden to traffic. Staff is recommending approval to City Council of the closure of the second alley west of Prospect, between Maple and Oak Streets with findings. Under the City Code, the proposed closure would require final approval by City Council.

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

**Michael Kozura, owner of 323 Maple Street** – stated that he is the applicant requesting this closure. His only concern is if the barrier is moved to where the actual property line is, he would not have easement access. Ms. Wessler stated that she can have Department of Public Services go out there to review it at a pre-installation meeting.

**Wylie Massengill , 318 Oak Street** – he is happy with this request for closure and supports it.

**Becky Alliston, rents the property at 320 Oak Street** – has been at the location for six years. It is her opinion that it is dangerous because of speeding traffic. She supports this request.

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

None of the commissioners had questions and were in support of this request. Commissioner Bedogne moved that the Planning Commission recommend approval to City Council of the closure of the second alley west of Prospect, between Maple and Oak Streets with the following findings:

- a. The alley closure does not serve a primary role for traffic in the neighborhood and should not alter existing traffic patterns.
- b. The alley closure will not change the traditional form of the block.

- c. This closure will still allow for local usage while improving safety for the neighboring properties.
- d. Staff and residents to coordinate a meeting to determine the location of the barrier.

The motion was supported by Commissioner Hollifield. A roll call vote was taken and carried unanimously, 5:0.

### **3. Rezoning of 107 E. Cross/400 N. River**

B. Wessler, City Planner, stated that staff is requesting that the land formerly known as 107 E. Cross, now combined with the Thompson Block at 400 N. River, be rezoned from CN-SF to Center because this 0.2 acre area was overlooked during the Master Plan Update in 2013 and subsequent zoning update in 2014, as it was part of an active Planned Unit Development (PUD) project that was presumed to be progressing. The PUD has been inactive for some time and will soon expire.

Ms. Wessler continued by stating that after a review of the project, it revealed that although a new owner could re-use the Thompson Block in its existing envelope, they would be unable to use the eastern portion of the parcel for the uses customarily accessory to a commercial use, as the zoning code states that if a lot is zoned multiple districts, each portion must be treated as though it belongs to that district as noted in Sec 122-234(4). Therefore, a new developer would be unable to use the vacant portion for parking, outdoor seating, loading/unloading, dumpsters, etc. Under another PUD with the current code, we would face similar obstacles; PUDs are not permitted in CN-SF under Sec 122-572. To enable the vacant area of this lot to be able to serve the occupied area of this lot, it must be rezoned.

Ms. Wessler reviewed the Central Neighborhood designation from the Master Plan as well as the land use map as well as the existing surrounding land use and zoning. She also reviewed the rezoning considerations and found no issues. Staff is recommending that the Planning Commission recommend approval to City Council of the rezoning for the west 0.2 acres of 400 N. River, formerly known as 107 E. Cross, with findings.

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

Since there was no public comment, Commissioner Dunwoodie moved to close the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously.

Commissioner Bedogne moved that the Planning Commission recommend approval to City Council of the rezoning for the east 0.2 acres of 400 N. River, formerly known as 107 E. Cross, with the following findings:

- a. The rezoning is consistent with three of the guiding values of the Master Plan: "Anyone can easily walk, bike, drive, or take transit from anywhere in Ypsilanti and to anywhere else in Ypsilanti and beyond;" "Ypsilanti is a great place to do business, especially the green and creative kind;" and "Everyone in the region knows Ypsilanti has great things to do in great places that are in great shape!"

- b. The rezoning enables the remainder of the parcel to be used per its zoning classification.
- c. All of the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning.
- d. City infrastructure and services can accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
- e. The rezoning will aid the redevelopment of a significant vacant property in Depot Town, both directly adding to the City's tax base in the long-term, and helping to raise property values overall in the Depot Town/Historic Eastside neighborhood overall.
- f. The rezoning is consistent with development trends in the Depot Town area.
- g. This area's initial zoning classification of CN-SF was in oversight.
- h. Rezoning this area to Center is the most appropriate zoning amendment for this situation.

The motion was supported by Commissioner Hollifield. A roll call vote was taken and carried unanimously, 5:0.

Commissioner Zuellig moved to amend the agenda by switching the last two items (Support: P. Hollifield) and the motion carried unanimously.

A five-minute recess was called.

#### **4. Resolution – Support of I-94 pedestrian crossing and lane reduction on Huron/Hamilton**

B. Wessler, City Planner, stated that staff is requesting a renewal of support for the City's further investigation into the possibility of reducing the number of car travel lanes on Hamilton, Huron, and a small portion of Washtenaw and for the City's further partnership with WATS to develop a non-motorized crossing of I-94 at Huron. These projects have been supported in the past, but stalled in 2015. MDOT and WATS have recently come to the City to see if the City would be interested in resuming the project.

P Hollifield moved to open the public hearing (support: Dunwoodie) and the motion carried unanimously.

**Troy Grams, 324 Oak Street** – in support of the pedestrian crossing as he sees it to be a significant safety issue when he drives across it.

Since there was no further public comment, Commissioner Hollifield moved to close the public portion of the hearing (Support: Dunwoodie) and the motion carried unanimously.

Commissioner Dunwoodie moved that the Planning Commission adopt resolution 2016-1 in support of both the lane reduction and the non-motorized crossing, be they joint or separate (support: P. Hollifield). A roll call vote was taken and carried unanimously, 5:0.

#### **5. Zoning Ordinance Update**

B. Wessler, City Planner, gave a brief presentation on the zoning ordinance update. She first went over organizational changes, such as renumbering and reordering of

divisions and sections; then went over agreed-upon changes such as the drive-through signage, billboards, internally lit signs, and some exempt signs; a change to the size restrictions on PUD to permit PUDs of only 0.5 acre in the Walkable Urban Districts, and leave the PUD size at 1.0 acre in the Use-Based Districts; and asked Commissioners for their continuing feedback. The next steps of review, by legal, by staff, and by Clearzoning (courtesy of MEDC) were discussed.

Since there were no participants in the audience, no public hearing was held.

Commissioner Zuellig moved that the Planning Commission recommend adoption of the updated zoning code as discussed (support: A. Bedogne). A roll call vote was taken and carried unanimously, 5:0.

**VI. NEW BUSINESS**

None

**VII. OLD BUSINESS**

None

**VIII. FUTURE BUSINESS DISCUSSION/UPDATES**

670 Harriet, Nonconforming A application;  
309 N. Adams – Special Use for 5 dwelling units.

**IX. COMMITTEE REPORTS**

Non-motorized Advisory Committee – July Minutes. Commissioner Bedogne added that he was not present at the Non-Motorized Advisory Committee meeting in August therefore he could not provide a report.

**X. ADJOURNMENT**

Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously. The meeting adjourned at 8:45 pm.

**PLANNING COMMISSION  
MEETING MINUTES  
December 21, 2016  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order at 7:04 p.m.

**II. ROLL CALL**

**Present:** H. Jugenitz, A. Bedogne, J. Talaga, M. Dunwoodie,  
L. Dahl MacGregor, P. Hollifield

**Absent:** C. Zuellig (excused) T. Dennis (excused)

**Staff:** Beth Ernat, Economic Development Director  
Bonnie Wessler, City Planner  
Cynthia Kochanek, Associate Planner  
Nan Schuette, Executive Secretary

**III. APPROVAL OF MINUTES**

Commissioner Bedogne moved to approve the minutes of November 16, 2016 with recommended changes by Chairperson Jugenitz on pages 1 and 2 (Support: M. Dunwoodie) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

None

**V. PRESENTATION AND PUBLIC HEARING ITEMS**

1. Special Nonconforming Status - 928 Frederick

This is a request for a non-conforming status of 0.15 acres on Frederick St between First and Orchard St, one block north of Parkridge Park. The structure has frontage on the north side of Frederick St. It is a two unit structure in 1,083 sq. ft. with a front porch running the length of the house and a shed to the northwest of the house.

The structure is currently zoned R-1, Single-Family Residential and the two units are nonconforming under the current zoning ordinance. The house was built in 1926 and at that time, the property was Class "B" zoning which allowed for dwellings for one or more families. The property was zoned R-2, for one and two family residential until 2015, when the most recent zoning ordinance went into effect. After research, records indicate there have been two units since at least 1984 and that a Certificate of Compliance/Occupancy (C/O) was issued to the property as far back as 1999. The property has a C/O from the Building that is valid through January 1, 2017 and is currently scheduled for a rental re-inspection on January 5, 2017. No special use permits or variances have previously been approved for this property.

There are no proposed changes to the site, the applicant is only pursuing the special nonconforming status in order to rebuild as a duplex in the event of a casualty.

Ms. Kochanek reviewed the criteria for nonconforming uses and conditions of approval.

Staff is recommending approval for 928 Frederick with a finding and conditions.

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

**Patricia Horn-McGee, 925 Frederick** – directly across the street from this property – doesn't have particular problems at this time, however, if this property was to burn down, it could be rebuilt as a two family unit and it is a very small lot. She also has concerns about the use and parking is also a problem. Staff stated there had been no enforcement on this property and asked to have it checked.

**Lois Richardson, 1055 Jefferson** - for years she lived at 926 Frederick and during that time, there were issues with that house. It is very small and agrees right now that particular area should not be rebuilt as a duplex. The rest of the homes in that block are single family. She agrees that parking is a problem. Staff needs to re-check the use and it could create issues.

Commissioner Dahl MacGregor moved to close the public hearing (Support: A. Bedogne) and motion carried unanimously.

Chairperson Jugenitz explained to the audience that regarding the number of residents in the unit – the current use would not be different than now; that is part of code enforcement and the size of the building would have to remain the same.

Commissioner Bedogne noted that in looking at this particular lot layout, it has a longer driveway than others and could accommodate 2-3 cars.

Commissioner Bedogne moved that the Planning Commission approve the Special Nonconforming Use permit for the duplex at 928 Frederick Street with the following finding and conditions:

### Finding

1. The applicant substantially complies with Sec 122-206.

### Conditions

1. Applicant to maintain the property in accordance with the Ypsilanti Property Maintenance Code in regard to vegetation/weeds at the foundation and in the gutters.
2. When the exterior lights at the sides of the structure are replaced or upgraded, they need to be dark sky compliant and conform with Sec 122-641.
3. If the structure needs to be rebuilt, the yard setbacks cannot be more con-conforming than what is currently on the site.
4. Secure/store the windows that are at the rear of the property.
5. Applicant to create a dedicated, enclosed storage area for the garbage receptacles.
6. The rental Certificate of Compliance & Occupancy must be successfully renewed within 3 months of this approval and maintained as prescribed by law as long as the structure is utilized as a rental/duplex.

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

2. Special Nonconforming Status - 914 N. Congress

Parcel 11-11-40-432-020 is 0.19 acres on Congress St between Elm and Summit Streets in the Normal Park area of the city. The structure has frontage on the north side of Congress St. The structure contains five units in 2,845 square feet with a wrap-around porch at the southeast corner of the house. There is a ~457 square foot, two car garage at the northwest corner of the parcel.

Currently zoned R-1, Single-Family Residential, the five units are nonconforming under the current zoning ordinance. The house was built in the late 1800s, at that time there was no zoning ordinance in effect for the City. When the first zoning ordinance went into effect for the City in 1925, the property was zoned Class A, which allows for one and two family residences. Research into the property history indicates that by 1922 there were at least two different last names listed in directories for this property. The property was already divided into five apartments by 1945 with permits granted from the building department in 1954 for work on a rental unit. In 1988, the planning department sent a letter to the owner of the property that recognized it "as a non-conforming use of six apartments." A file note from the building department states that there are currently 5 units, the basement unit was abandoned in 2000. No special use permits or variances have previously been approved for this property. The property has a Certificate of Compliance & Occupancy from the building department that is valid through March 1, 2018.

There are no proposed changes to the site, the applicant is only pursuing the special nonconforming status in order to rebuild as 5 units in the event of a casualty.

Ms. Kochanek added that there had been one enforcement issues on the property, which had been resolved. A low fence was recently added but could be moved to block the receptacles

from the view on Congress Street. Staff is recommending approval to the Planning Commission for this request with one finding and conditions.

Chairperson Jugenitz asked if it had been confirmed that a shower had been added to the efficiency apartment. Beth Ernat, Economic Development Director responded that she had not been able to confirm this at this point and asked the applicant to supply this information.

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

**Michael Gelletly, representing his daughter Christine Gelletly, who is out of the country at the present time.** Stated that his only question is regarding the fence by the trash can – that fence is there because of raccoons – no problem screening front from view and asked if they could wait until spring to add it. The efficiency apartment does have a shower – hand sink is to be added.

Commissioner Dunwoodie moved to close the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Commissioner Dahl MacGregor moved that the Planning Commission approve the Special Nonconforming Use permit for the five unit multi-family use at 914 N. Congress St with the following finding and conditions:

Finding

1. The applicant substantially complies with Sec 122-206

Conditions

1. When the exterior lights at the rear are replaced or upgraded, they need to be replaced with fixtures that are dark sky compliant and conform to Sec 122-641.
2. The fence needs to be moved to the front of the garbage receptacle area to block the receptacles from view on Congress Street.
3. If the structure needs to be rebuilt, it cannot be more con-confirming in regards to the yard setbacks.
4. The rental Certificate of Compliance & Occupancy must be successfully renewed as prescribed by law and maintained as long as the structure is utilized as a rental property.

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

3. Special Nonconforming Status – 953 Sheridan

Parcel 11-11-40-137-004 is 0.16 acres on Sheridan St between Oakwood and Elm Streets in the Normal Park area of the city. The structure has frontage on the south side of Sheridan St. The structure contains two units in 1,512 square feet with an enclosed porch running the length of the front of the house. There are two accessory structures on the site. The one just to the southwest of the house is a 225 square foot, 1 ½ car garage and the other at the rear of the

property is a 2 ½ car garage in 452 square feet that is accessed by the public alley at the rear of the property.

Currently zoned R-1, Single-Family Residential, the two units are nonconforming under the current zoning ordinance. The house was built in 1932, at that time the property was Class "B" zoning which allowed for dwellings for one or more families. In 1975, the zoning for the property changed to R-1, Single Family Residential. It is unclear as to exactly when the property was converted to a duplex however it became part of the rental certification program for one and two-family units when the program started in 1997. No special use permits or variances have previously been approved for the property. The property has a Certificate of Compliance & Occupancy from the building department that is valid through September 1, 2017.

There are no proposed changes to the site, the applicant is only pursuing the special nonconforming status in order to rebuild as a duplex in the event of a casualty.

Ms. Kochanek reviewed the criteria and conditions for a nonconforming use. The property in question has been used as a duplex prior to the 1 and 2-family rental certification program 20 years ago. There are several other duplexes in the area and the proximity to EMU means that there are many multi-units in the area and there are no enforcement issues on the record. She added that staff is recommending approval with a finding and conditions.

Commissioner Bedogne asked about garbage cans and Ms. Kochanek responded that there is one garbage can on the west side but that it should be moved and hidden from view.

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

Since there were no public comments, Commissioner Dunwoodie moved to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Commissioner Talaga moved that the Planning Commission approve the Special Nonconforming Use permit for the duplex at 928 Sheridan Street with the following finding and conditions:

#### Finding

1. The application substantially complies with Sec 122-206.

#### Conditions

1. When the exterior lights on the structure are replaced or upgraded, they need to be dark sky compliant and conform with Sec 122-641.
2. If the structure needs to be rebuilt, the yard setbacks cannot be more non-conforming than what is currently on the site.
3. Applicant to create a dedicated, enclosed storage area for the garbage receptacles or store them in either accessory structure on site.
4. The rental Certificate of Compliance & Occupancy must be successfully renewed as prescribed by law and maintained as long as the structure is utilized as rental/duplex.

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

#### 4. Zoning Text Amendment – PMD Production, Manufacturing and Distribution

B. Wessler, City Planner, gave some background information on the Bell and Kramer neighborhood. She stated that it is located SE of the intersection of Huron/Spring, one of the oldest neighborhoods in the city. To the west are two former gas stations and on the northwest is another former gas station. To the south is the former city landfill and there are parcels 4 other parcels owned by the city. The landfill was used from 1949 – 1967 for the city. There was a Phase I and Phase II report done in 2013 for the landfill due to the interest in installing a solar array. Phase I and II studies are done to determine if and how a site might be contaminated, usually prior to a sale or construction.

Ms. Wessler listed the various meetings and notifications that were done to communicate the proposed zoning for the city for the update of the city Master Plan – approximately 1600 letters were mailed to notify residents of meetings, although they were mailed first-class, and not registered mail. In 2014, in response to new information about the potential environmental contamination in the area of the former landfill, the Bell-Kramer neighborhood was rezoned industrial as part of the comprehensive, City-wide rezoning. This halted new residential construction and made existing residences nonconforming. This nonconformity has presented significant roadblocks to property sales, as loans on such properties generally cannot be underwritten. Residents have expressed a desire to return to residential zoning. City Council has also expressed a desire to remove the nonconformity issue to lighten the economic burden on residents/property owners, but is not interested in permitting new residential construction.

The most recent zoning classification prior to PMD for the area was R2, One and Two family residential, and had been R2 since at least 1967. The most similar modern zoning classification is CN-Mid, which is not a good fit for the character of the neighborhood.

After discussions with Council, rezoning the area to Neighborhood Corridor was rejected in favor of adding a clause to the nonconformities section of the ordinance that would allow one- and two-family residences to be rebuilt in case of a casualty. It should be noted that the Bell-Kramer neighborhood will not be the only properties affected; it will also be applied to a single family home at 311 Babbitt, west of Marsh Plating.

Ms. Wessler reviewed the various rezoning considerations.

City Council has recently directed staff by resolution to apply to the Planning Commission to amend the text of the zoning ordinance to allow single and two family homes to be built in the event of a fire.

Commissioner Hollifield asked if the houses that were already knocked down can they be rebuilt on these lots. Ms. Wessler responded that they could not.

Chairperson Jugenitz asked for an update on the next step of the environmental review and what we can expect and Ms. Ernat responded that the city is planning to install air quality monitoring points to the homes which analyze vapor and check air quality. Chairperson

Jugenitz asked about the time frame for that and Ms. Ernat responded we are hoping for the second week in January – takes approximately 30 days to analyze and release results at a city council meeting and possibly a follow-up meeting with residents.

Ms. Ernat added that the biggest concern is right now there is nothing to prohibit a sale but mortgage underwriters want to know that properties can be re-built. What we are bringing to the commission this evening is to allow these homes to be rebuilt, so that they can be underwritten. However, there is no statute that allows us to do environmental testing before a single-family residence can be rebuilt; we can only require a Phase I and II on commercial properties. Since we can't require these environmental assessments for single-family homes, and we have reason to suspect some sort of contamination, but don't know for sure whether there is or not, we would be remiss to allow new single-family construction.

Commissioner Bedogne asked which properties along Spring Street are zoned PMD. Ms Wessler replied that there are none; those properties on Spring are zoned NC.

Commissioner Bedogne confirmed that new single family residential could not be built under PMD; however, a rebuild could be done in PMD.

Commissioner Dahl MacGregor moved to open the public portion of the hearing (Support: M. Dunwoodie) and the motion carried unanimously.

**Lee Tooson, 107 Middle Drive** – stated that this situation reminded him of Water Street. It is his opinion that the residents of the Bell/Kramer are owed restitution for contaminants that were known by the city for many years. He gave background information on the history of the neighborhood when there had been a fire in the area and it was checked at that time for contaminants. There were all kinds of contaminants thrown in the dump at the landfill.

**Erin Snyder, 129 Bell** – does have a tenant at this time. She has owned the property since 2004 and is unable to sell because of the contamination. She was never been informed that she was living next to an adjacent landfill. It is her opinion that this should be zoned residential in the future. Everyone's property is worth zero. This text amendment would allow people to have value in their real estate again. Glad the city is doing something about the contamination. She hopes that we get back to residential zoning if no contamination is found.

**Michael Simmons – 128 Bell** – his parents lived on that street for over 40 years. This landfill has always been under discussion. The city has never taken responsibility for the landfill. He is glad of necessary steps being taken to ensure residents living in a safe and healthy environment. He learned of the contaminants from the newspaper and residents relocated. He agrees with the text amendment since it protects the property right now.

**Cherissa LaMarr, 123 Bell** – stated her parents have lived in the area since the 1960's. They are hardworking taxpayers. She wants PMD zoning taken out and removed completely and wants the city to clean the lot. She built her house in 2004 and should have sovereign control of her property. City has failed to protect residents.

**Mr. Johnson, 132 Bell Street** – people have health problems from the landfill.

**Lee Tooson, 107 Middle** – contaminants affected animals in that area.

**Dan Carlson – renter – 129 Bell** – was completely ignorant of the problems when he rented and moved in. Doesn't understand why the owner should not have correct R2 zoning.

**Lois Richardson, 1055 Jefferson** – Council Member for Ward 1. This particular area is in her ward. She is asking the commission to put their selves in the same situation. – what could happen to one person could happen anyone. She is asking to make these people whole and put yourself in their position.

**Lee Tooson, 107 Middle** – gave some final comments.

Commissioners had questions for staff regarding various zoning, to which Ms. Wessler responded explaining the various code requirements regarding the various types of areas where the use might require environmental assessment. PMD would prevent new single family being built in the Bell/Kramer area. The text amendment would not allow expansion of the footprint of the existing building.

Chairperson Jugenitz stated for those in attendance that the proposal that is currently on the table is, that for the time being, residences can stay where they are, be rebuilt as they are in their current footprint, and sheds, garages could also be built on that property as long as they were not used for human beings.

Chairperson Jugenitz summarized her thoughts by stating that her own priorities on making this decision on how to proceed includes the health and wellbeing of residents on Bell/Kramer and future residents; protecting the economic interest to ensure their homes continue to have value and maintain the integrity of the neighborhood. The proposal on the table succeeds in a number of ways, although she is not sure it is a long term solution, but it is a solution based on the information we have right now. She would be reluctant to have new people come in and build new homes, and the proposal on the table does that. She is open to revisiting the zoning in the future once we have a firmer grasp of the situation on contamination.

Commissioner Bedogne stated that what he has heard tonight is that this is a core neighborhood with a long history. He does not feel he can support this since he doesn't like changing text in an ordinance to accommodate a current situation. We designed these districts a few years ago and we never discussed having residential in a commercial zone when we were re-doing the Master Plan and possibly this was a mistake at the time. We never discussed having residential in an industrial zone. He would like it rezoned in a creative way that fixes all the problems and changing the text is not a good idea. We could delay the process – but doing wrong way to do it the quick way is not the right answer.

Chairperson Jugenitz asked how staff arrived at the proposal, which Ms. Wessler explained in detail on the various options they explored, including rezoning to NC, a rezoning to residential with a moratorium on new construction, developing a new zoning district, and other options. Commissioner Jugenitz spoke about the rezoning process of 2014.

Commissioner Dunwoodie stated that based on the history of the area, it might be more appropriate to think about this as industrial zoning on a residential neighborhood, not as

residences that happen to be in an industrial zone. He asked staff about the possibility of rezoning the area to NC, and exploring a “Nonconforming A” status designation for the duplex in the neighborhood. Ms. Wessler said that duplexes in NC would not be eligible for Nonconforming A, and that there would have to be a number of other changes in the ordinance to accommodate this and prevent new builds.

Commissioner Hollifield has issues with building with contaminants in the ground. The more he looks at this, the more it makes sense. It is one way for us to right a wrong; these people are being punished through no fault of their own. He is still in support of this – going in a positive direction.

Commissioner Dahl MacGregor doesn't feel there isn't any way to ensure follow-up on this and we should come up with a temporary solution until we have more information. This would start things moving in the right direction but she would like to have some accountability included that we are definitely going to look at this when we have more information. Ms. Wessler responded that we could re-visit the Master Plan, which the Planning Commission has the authority to do. Commissioner Dahl MacGregor added that this could be added as a finding.

Staff had further discussion prior to a motion on some of their concerns agreeing that we should incorporate some language that the Planning Commission work with staff to ensure a safe community, re-visit the Master Plan, and ensure notification to all residents in the Bell and Kramer neighborhood.

Commissioner Dunwoodie moved that the Planning Commission recommend approval of a rezoning that grants a Special Nonconforming Use status for all residences in PMD - Production, Manufacturing, Distribution, to City Council with the following findings:

1. This rezoning is consistent with the policies and guiding values in the Master Plan.
2. The properties that are proposed to be re-zoned can accommodate the requirements of the proposed zoning.
3. This rezoning more appropriate than rezoning to another district as it allows for control of new development while permitting the single and two-family homes to be rebuilt or repaired in cases of casualty.

The motion was supported by Commissioner Hollifield. A roll call vote was taken with a vote of 5:1. Commissioner Bedogne opposed.

Commissioner Dahl MacGregor moved that the Planning Commission direct staff to propose a workplan to create a sub-area plan for Bell/Kramer within 180 days (Support: A. Bedogne) and carried unanimously.

## 5. Zoning Text Amendments – Citywide

Ms. Wessler presented her staff report and reviewed proposed changes, which had been submitted for review by Giffels-Webster, a planning firm retained by the MEDC on behalf of the City, due to our standing as a Redevelopment Ready Community.

This review noted several areas of improvement. Many proposed changes were either stylistic or easily resolved; others, such as RLUIPA issues, require feedback. Our practice, more or less has been to equate religious uses with schools and private assembly. Giffels-Webster noted that oftentimes, they are tied to schools and/or theaters and/or catering.

See the staff report dated December 16, 2016 included in the Planning Commission packet dated December 21, 2016 on the city website.

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

Since there were no comments, Commissioner Talaga moved to close the public portion of the hearing (Support: L. Dahl MacGregor) and the motion carried unanimously.

Commissioner Bedogne moved to recommend to City Council to accept the proposed changes as recommend by staff (Support: P. Hollifield) and the motion carried unanimously.

**VI. NEW BUSINESS**

None

**VII. OLD BUSINESS**

None

**VIII. FUTURE BUSINESS DISCUSSION/UPDATES**

Ms. Wessler stated that two applications have been received for the January meeting.

**IX. COMMITTEE REPORTS**

1. Non-motorized Advisory Committee – December minutes

**X. ADJOURNMENT**

Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: M. Dunwoodie) and the motion carried unanimously. The meeting adjourned at 9:30 p.m.



Resolution No. 2017-043  
February 21, 2017

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

That the following items be approved:

1. Resolution No. 2017 - 044, approving the minutes of January 10, 2017.
2. Resolution No. 2017 - 045, approving nominations to Boards and Commissions.

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

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

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2017-044  
February 21, 2017

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

THAT the minutes of January 10, 2017 be approved.

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

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

YES:

NO:

ABSENT:

VOTE:



**CITY OF YPSILANTI  
REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, JANUARY 10, 2017  
7:00 p.m.**

**I. CALL TO ORDER –**

The meeting was called to order at 7:04 p.m.

**II. ROLL CALL –**

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Edmonds	Present
Council Member 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. AGENDA APPROVAL –**

**VI. PRESENTATIONS –**

— Audit Presentation - Alan Panter, CPA Principal, Abraham & Gaffney, PC.

Finance Director Marilou Uy introduced Alan Panter, CPA Principal, Abraham & Gaffney.

Alan Panter provide a presentation regarding the City audit.

Council Member Robb stated in the past two years the Fire and Police Pension has gone from 70.5% funded to 58.3% funded. He asked if the City were to fund the Fires and Police millage at 80% how that would affect the summer tax bill. He also asked what the annual rate of return would need to be to keep the liability zero. Ms. Uy responded can provide that answer at a later date. Mr. Panter replied under the new financial standard the actuarial is required to examine the rate to see if it sustainable, meaning rates must be obtainable. Mr. Panter stated the calculated rate would be 7.5%.

Council Member Murdock stated the Police and Fire Pension investment for this year have lost money. Mr. Panter replied in the affirmative. Mr. Murdock assumed it caused a reduction in the City's percentage. Mr. Murdock stated the number of retirees included in that pension have increased from 114 to 121 and the number of active employees decreased from 47 to 41. He said it is problematic that the amount of retirees receiving their pension is increasing while those paying into the pension is decreasing. He said this is not a sustainable model and this is something the City should be focusing on in the near future. Mr. Murdock asked if Other Postemployment Benefit (OPEB) is mostly healthcare.

Mr. Panter responded in the affirmative. Mr. Murdock asked if that included all employees. Ms. Uy added is broken down by general employees and Police and Fire. Mr. Murdock stated the Police and Fire is paid for by millage. Ms. Uy responded in the affirmative. Mr. Murdock asked if the City is accumulating money to pay for future benefits. Ms. Uy responded there is a fund balance remaining in the Police and Fire Pension fund.

Council Member Robb asked what percentage of retiree healthcare is funded. Ms. Uy responded 23.1%. Mr. Robb stated the governor just signed a law requiring municipalities to be 60% funded, and asked what will that mean to the City. Mayor Edmonds asked if there is a timetable for that law to take effect. Mr. Robb responded he is uncertain of the date. Ms. Edmonds asked for the Attorney's Office to review the matter. Mr. Panter stated there are many communities in this state that will have difficulties getting to that threshold. Council Member Murdock added there was also an initiative in the State Legislature, that failed, that would have required states to be funded 80%. Mr. Panter responded that will be very difficult to enforce.

## **VII. INTRODUCTIONS –**

Mayor Edmonds introduced the following; Interim City Manager Frances McMullan, City Attorney John Barr, Interim City Clerk Andrew Hellenga, Economic Development Director Beth Ernat, Finance Director Marilou Uy, and Public Services Director Stan Kirton.

## **VIII. AUDIENCE PARTICIPATION –**

1. Margaret Harner, 218 N. Adams, stated she is a representative of the Ypsilanti First Congregational Church and a founder of the Washtenaw Interfaith Coalition for Immigrant Rights (WICIR). She applauded Council's interest in embracing the immigrant community in these troubling times. She said there is a large immigrant community in Ypsilanti and they are very much a part of this community. She said they are hard workers with wonderful families whose children are friends with our children. She said immigrants add a depth to this community through cultural and other contributions. She stated many of the families are torn apart when the parents are deported while their children stay in this country. She asked Council to think very seriously about that population when moving forward with a "don't ask" ordinance.
2. Joseph Golder, 1002 Washtenaw Rd, stated he has been a resident in Ypsilanti for 45 years and the proposed immigration ordinance and the immigrant population in this community are important to him and applaud the work the City is doing. What troubles him is some time ago he addressed the HRC about the illegal taking of his property and gave the HRC Chair documents that clearly show shady behavior by the City and Eastern Michigan University. A short time after he submitted a written complaint to the HRC and personally give it to Clerk's Office. He said his was never given a response if the HRC received the written complaint and is upset by the lack of action by the HRC regarding the civil rights violation against him. Crimes were committed and elected officials turned their backs and clearly demonstrated which side they were on. They did not do their due diligence to hold those responsible accountable. The ethics displayed by the County, City, and EMU in regards to the taking of his property, tampering of public records, and grant fraud is deplorable. A misused Michigan Institution Road Fund Grant used in 1999 with no public hearings, or impact studies destroyed the value of his property. He said he has been lied to, bullied, and intimidated for the past five years. During the last Master Plan process his property was given a Core Neighborhood designation. He spoke with then City Planner Teresa Gillotti and asked if a special use permit was needed, and he was informed it wasn't. After that discussion the possibility of a special use permit was added to appease residents on Fairview, allowing property owners to do things not previously allowed

under that designation. If someone is able to apply for a special use permit why was the zoning even changed, which has dissuaded potential buyers of his property.

3. Dominic Shoopman, 772 N. Wagner Rd., spoke in favor of the proposed Human Rights Ordinance. It is something that even at the best of times it is worth aggressively pursuing and aggressively defending. However, we do not live in the best of times and many people in our community live in profound danger, and what is proposed would do a lot to mitigate that danger. He encouraged Council to vote in favor for the passage of this ordinance.
4. Lucia Heinold, 1224 Wines, Ann Arbor, stated she is hear as an ally of WICIR. Overtime other groups are emerging the desperate need for the help these proposed ordinances would provide. She said she is happy that Ypsilanti is joining in the work of these groups. She said everyone is a person and should be treated with dignity and respect. She thanked Council Member Murdock for introducing this legislation and urged its passage.
5. Mary Seelhorst, 310 E. Cross, expressed her support for the passage of the Non-Discrimination Ordinance.
6. Lily Ellis, 760 Jenness St., stated she is very excited the Non-Discrimination Ordinance is adding gender identity and immigration status and is looking forward to the Don't Ask Ordinance to be proposed in a couple of weeks.
7. Ruth Cassidy, 2969 W. Clark #303, expressed support for adding immigration status to the Non-Discrimination Ordinance.
8. Katy Clark, 709 Dwight St., stated the Non-Discrimination Ordinance is very important to her, and she both supports adding immigration status and gender expression to the ordinance.
9. John Thiels, 943 Sheridan #2, thanked Council for introducing this amendment and said he moved here because he felt Ypsilanti embodied certain values that are important to him. Both immigration status and gender identity involve individuals that are subject to violence. He would like to live in a city where people are free to be themselves.
10. Sarah Shergren, 114 N. Hamilton, supported the passage of the Non-Discrimination Ordinance amendments. She has lived in Ypsilanti for 26 years and it is a City for everyone.
11. Maria Gavara, 2127 Golfside Rd, stated she recently moved to Ypsilanti because it is a progressive community. She stated she is undocumented and moved here when she was nine years old, and the passage of this ordinance would be very valuable to this community. She wants to live in a place where she feels safe, respected, and live in a community that appreciates what she can offer.

**IX. REMARKS BY THE MAYOR –**

- Stated the City has been working on two different ordinances; the first is adding gender identity and immigration status to the Non-Discrimination Ordinance and the second, the Non-solicitation of Immigration Status Ordinance will be heard during the January 24<sup>th</sup> meeting.

**X. ORDINANCE – FIRST READING –**

Ordinance No. 1279

1. An Ordinance amending Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code.

A. Resolution No. 2017-002, determination

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

**The certain ordinance entitled "An ordinance to amend the Discrimination Ordinance of the City of Ypsilanti" Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code be adopted on first reading.**

OFFERED BY: Council Member Murdock

SECONDED BY: Mayor Pro-Tem Brown

B. Open public hearing

1. Sam Jones-Darling, C104 Cornell Courts, stated he serves as one of the Human Relations Commissioners, and he never imagined that during the first year of his term he would have a chance to bring a Non-Discrimination Ordinance before City Council for approval. He said this was the kind of work that drew his interest in politics. This Ordinance adds gender identity and immigration status which will protect people in public accommodation, employment, and other such as housing. If Ypsilanti passes this Ordinance it will be one of the most progressive and forward thinking communities in the Country.
2. Hannah Bihlmeyer, 115 N. Adams St. #2, stated transgender people are murdered at higher rates and extremely difficult times with unaccepting family members. The transgender community has the highest suicide rate among all demographics. She said it is extremely important to put this ordinance into motion and ensure that those people are protected. She applauded Council Member Murdock for bringing this ordinance forward. This is a crucial time in American History and she will do all that she can to protect all members of her community.
3. Monica Morgan, 2210 Woodview Rd., stated she is a lifelong resident of this county and has been working with immigrants for around twenty years. Immigrants, over the last few years, have become terrorized because of the fear they have because of their immigration status. The immigration population is also highly susceptible to violence and criminal acts against them. Because of immigration status this population is unlikely to press charges for fear they might be deported as a result. Children are fearful that their parents might be deported. She thanked Council for considering this ordinance.
4. Quinn Philips, 414 Emmet #4, stated she is here support the passage of the Non-Discrimination Ordinance regarding immigration status and was happy to

find out it also includes gender identity. She understands what it is like to be discriminated against for gender identity in this community, and has been denied housing based on gender identity within the last for years. Supported increasing gender neutral bathrooms in the public sphere specifically in the library.

5. Margret Harner, 218 N. Adams, said the Human Rights Ordinance is very dear to her, and when it was passed twenty years ago. In 2008 there was a massive immigration raid and as a result WICIR was created. Working with people that are discriminated because of the way they look, sound, or dress she understands the work needs to continue making this community as inclusive as possible.
6. John Thiels, 943 Sheridan #2, stated there are compelling reasons in adding immigration status and gender identity to the Non-Discrimination Ordinance. There is a very strong symbolic reason for the approval of this amendment and will make a big difference in making people feel welcome. He said often the economic impact of the immigration is described as a negative, however, if individuals are discriminated against and leave a community that has more of a negative impact.
7. Dennis Endorsey, 1909 Crestland Dr, Ann Arbor, encouraged Council to approve the ordinance amendment.

C. Resolution No. 2017-003, close public hearing

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

**The Public Hearing for an ordinance entitled "An ordinance to amend the Discrimination Ordinance of the City of Ypsilanti" Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code be officially closed.**

OFFERED BY: Council Member Murdock

SECONDED BY: Mayor Pro-Tem Brown

Mayor Edmonds thanked all for their comments and overwhelming support. She has been working on an ordinance regarding gender neutral bathrooms for new construction. However, there is a barrier with the state plumbing code and the City is trying to navigate around that issue.

Council Member Vogt stated he has long supported these kind of measures because they are based on self-evident truths. There is no way to oppose these measures without running into the base principle of treat others the way you wish to be treated. Fear mongering and the trivial nuisances cannot justify the harm caused to those who would be effected by this ordinance. He supports all of these changes.

Council Member Bashert stated she was the Co-Chair of the champagne that originally pushed for the passage of this ordinance twenty years ago. She was struck by several differences between what happened then and what happened tonight. Twenty years ago people who did not believe in equality felt free to express their views in an open forum. She said the HRC at the time did not approve the ordinance and Council unanimously decided to move forward with the ordinance. She stated she was pleased to see how adaptable and strong the ordinance is even today. She said she supports the proposed ordinance and will vote to approve it.

City Council Meeting Minutes

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Mayor Pro-Tem Brown stated she is both excited and pleased with the amendments because she supports all people. It is important for Council as a body to approve this amendment for the community, and show that everyone is important in Ypsilanti.

Council Member Vogt stated there are certain immigrants that are deemed "illegal" and somehow in violation of the law. However, that attitude is fundamentally flawed because it fails to understand the reason for immigration law, which identifies people wanted as citizens and screen out those who are not appropriate to become citizens. Strict enforcement of the means do not always reach the ends that are appropriate.

Council Member Murdock stated the statements made by both the public and Council perfectly explain why these changes are necessary. He thanked the Human Relations Commission for their work on this ordinance, and specifically former HRC Commissioner Martha Valadez who introduced the issue while on the Commission. He said many have thanked him for his work on this ordinance, but it is not about him it is about the public. There are a lot of uncertainty in the Country after the last election, and Ypsilanti needs to say that is not this Community.

Mayor Edmonds asked City Attorney Barr to share consequences involved in violations of this ordinance. Mr. Barr responded the ordinance provides a provision that if it is violated a complaint can be filed resulting in an investigation. Depending on the findings the complaint would be forwarded to the appropriate authorities for settlement, or arbitration. Ms. Edmonds stated the ordinance reads that a violation could result in a \$500 fine plus costs of the action. Mr. Barr responded in the affirmative.

On a roll call, the vote to approve Resolution No. 2017-002 was as follows:

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

VOTE:

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

Ordinance No. 1280

2. An Ordinance amending Ypsilanti City Code by adding a new Division 5 Sustainability Commission, to Chapter 2 Administration, Article IV Boards and Commissions.
  - A. Resolution No. 2017-004, determination

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

**The Attached Ordinance entitled Sustainability Commission Ordinance be adopted on first reading.**

OFFERED BY: Council Member Bashert

SECONDED BY: Mayor Pro-Tem Brown

B. Open public hearing

1. Cicely Anderson, 306 Elm St., stated she was in attendance for the Immigration Ordinance and was unaware about the Sustainability Commission. However, she is excited to learn more about the Commission and because of the environmental concerns created by global warming this is important work.

C. Resolution No. 2017-005, close public hearing

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

**The Public Hearing for an Ordinance entitled Sustainability Commission be officially closed.**

OFFERED BY: Council Member Bashert  
SECONDED BY: Mayor Pro-Tem Brown

Mayor Edmonds stated Council approved a resolution creating a Sustainability Commission, however, creating a commission must be done through a creation of an ordinance. The Commission includes nine regular members, with staggered three year terms and two non-voting youth members serving one year terms. This Commission will allow three non-residents that possess skills helpful to the success of the Commission.

Council Member Robb stated Section E of the ordinance states the Commission shall create a sustainability plan. He reminded Council the City has already spent \$50,000 to develop a climate action plan, and to charge the Sustainability Commission with this task is out of its scope.

Council Member Bashert asked if there would be any overlap in duties with the Parks and Recreation Commission. Mayor Edmonds responded both Commission could be concerned with similar issues. Ms. Bashert stated if the Sustainability Commission recommended the installation of solar panels in a park they would work with the Parks and Recreation Commission. Ms. Edmonds responded the Parks and Recreation Commission does not have any decision making ability, it only makes recommendations to Council.

On a roll call, the vote to approve Resolution No. 2017-004 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

**XI. CONSENT AGENDA –** Resolution No.2017 - 006

1. Resolution No. 2017 - 007, approving the minutes of December 6, 2016.

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

**THAT the minutes of December 6, 2016 be approved.**

2. Resolution No. 2017 - 008, approving nominations 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>
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3. Resolution No. 2017 - 009, approving Contract with Orchard, Hiltz & McCliment, Inc. for Construction Engineering Services for the Signal Upgrade Project at Michigan Avenue and Prospect Road Intersection.

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

**WHEREAS, City Council has approved the contract MDOT to make safety improvements at the intersection of Prospect Road and Michigan Avenue; and**

**WHEREAS, it is necessary to secure construction engineering services to expedite this project for the 2017 construction season; and**

**WHEREAS, Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on numerous projects, and possesses a depth of experience with the infrastructure in the project area; and**

**NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the construction engineering services proposal with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a not to exceed cost of \$40,000.00; and**

**THAT the City Manager and City Clerk are authorized to sign this contract, subject to review and approval by the City Attorney; and**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Vogt

On a roll call, the vote to approve Resolution No. 2017-006 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Abstain	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

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

1. Resolution No. 2017 -010, approving the change order of the Marsh Plating contract, increasing the amount by \$25,730 to a total of \$196,730.

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

**WHEREAS, The City of Ypsilanti entered into an agreement with Marsh Plating on June 7, 2016, and the agreement requires City compensation for said construction project for the closure the at-grade railroad crossing at Grove Road; and**

**WHEREAS, the City is responsible to the construction costs associated with said road construction project per agreement; and**

**WHEREAS, additional work was necessary to complete the project in the amount of \$25,730.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the City Manager to pay the Change Order in the amount of \$25,730 to Marsh Plating.**

OFFERED BY: Council Member Robb  
SECONDED BY: Council Member Richardson

Marcus McNamara, OHM Engineering, stated the based on the contract March Plating would hire the contractor. There were additional items of work other than outlined but were necessary for the completion of the project. The most significant was related to the storm sewer connection. He said the initial costs quoted were higher, but through negotiations the amount was reduced. The contract the City held with Erie Construction came in at \$10,000 under budget, which does not cover the entire difference but does keep it closer to budget.

Council Member Robb stated the resolution states this money has already been spent. Interim City Manager McMullan stated she has not authorized payment. Mr. Robb responded the work has already been completed, and the City has already said it would pay for the work. Ms. McMullan responded in the affirmative. Mr. Robb stated staff did not request Council approval before the work was completed and circumvented the Charter. Now the City is forced to pay these funds. Mr. McNamara responded Marsh Plating did not request the City pay the additional amounts before work was complete. Marsh Plating was aware that per the agreement any costs occurred beyond the \$171,000 would be at their risk. Mr. McNamara added there was no agreement by OHM, or City staff that Marsh Plating would be entitled to these funds without following proper procedures.

Council Member Vogt asked what the initial amount was asked for work completed. Mr. McNamara responded \$3,000 more than what is being requested.

Council Member Murdock asked if all the work for the closures has been completed. Mr. McNamara responded in the affirmative. Mr. Murdock said Council was told that after this project was complete the City would have \$50,000 remaining for the train depot, now that was reduced to \$25,000. Council Member Robb asked if there were other change orders approved. Mr. McNamara responded he would provide a total tally of all costs. Mr. Murdock asked who would be responsible for the graffiti on the concrete barriers. Mr. Robb stated he believes the barriers would be the responsibility of the City. DPS Director Stan Kirton asked if that would be an ordinance issue. Mr. McNamara stated the barriers are on the rail right-of-way. Mr. Murdock stated railroad properties have always had a graffiti problem. Mr. McNamara responded Marsh Plating might be willing to help rectify that problem. Mayor Edmonds asked what legal recourse the City has to push the railroad to fix these issues. City Attorney Barr responded railroads are subject to City Ordinances. Mr. Murdock asked how successful the City has been in having the railroads address graffiti on their properties. Mr. Barr responded he has not yet had a case, but will look into the issue.

On a roll call, the vote to approve Resolution No. 2017-010 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

- Resolution No. 2017 -011, approving a Medical Marijuana Dispensary and Grow Facility License Denial and Revocation appeal fee.

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

**WHEREAS, in February of 2011 City Council approved the Ordinance 1145 allowing City Licensed Medical Marijuana Dispensaries and Grow Facilities to operate in the City; and**

**WHEREAS, Section 7-10 of Ordinance 1145 provides the appeal process for applicants and licensee to appeal a denial or revocation of a Medical Marijuana Dispensary or Grow Facility License; and**

**WHEREAS, an appeal, with fee, is to be submitted to the Clerk’s Office within 30 days of license denial or revocation; and**

**WHEREAS, currently the Fee Schedule does not include a fee for the appeal of license denial or revocation; and**

**WHEREAS, staff recommends a fee be set at \$1,100 for an appeal of a Medical Marijuana Dispensary or Grow Facility License denial or revocation**

**NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves a fee of \$1,100 for an appeal of a Medical Marijuana Dispensary or Grow Facility License denial or revocation and may the Fee Schedule reflect that change.**

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Bashert

Interim City Clerk Andrew Hellenga stated the current ordinance provides for an appeal process and states the City may charge a fee for an appeal. However, neither the ordinance nor the fee schedule have a fee listed. The Attorney’s Office suggested based this would be a similar process to license renewal the same fee of \$1,100 should be set.

Council Member Robb stated there was no supporting documentation as to why the City should charge \$1,100 for an appeal. Staff is asking Council to approve something without providing any information to why that amount is appropriate. He said he will not support the resolution for this reason.

Council Member Murdock asked if this would be post facto. Mr. Barr responded currently an appeal has not been filed. Mr. Murdock stated a license has been denied. Mr. Barr stated all this resolution would do is set a fee to file an appeal. Mr. Murdock stated his concern is that the City has already denied a renewal and now the City is going to pass a fee for

appeal. Council Member Richardson asked if there is a pending appeal. Mr. Barr responded no. Council Member Robb stated a renewal is going to be denied. Mayor Edmonds suggested this resolution be put into effect in 30 days. Mr. Murdock agreed to that possibility. Mr. Barr asked if it could be agreed the resolution take effect in 60 days. Mr. Robb stated Council could wait until July during the approval of the fee schedule to make this change. Mr. Murdock asked if this will be the only dispensary that will be denied. Economic Development Director Beth Ernat responded only one license was recommended for denial, however, three facilities were given conditional licenses.

Ms. McMullan stated in past renewals facilities with minor issues were issued licenses, but in this circumstance the violations were more substantial.

Council Member Robb restated the cleanest way to do this is to wait until the approval of the fee schedule, and add this to that approval. He agreed with Council Member Murdock that approving this now looks suspicious. Council Member Richardson suggested this resolution take effect in 60 days.

**Council Member Richardson moved, seconded by Council Member Bashert for the fee of an appeal to take effect on March 11, 2017.**

On a roll call, the vote to amend Resolution No. 2017-011 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

On a roll call, the vote to approve Resolution No. 2017-011 as amended was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

3. Resolution No. 2017 -012, approving the City Manager Contract with Darwin McClary.

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

**Mr. Darwin D. P. McClary is hereby hired as City Manager of the City of Ypsilanti and that the attached employment contract and its terms and conditions are hereby approved and the Mayor and City Clerk are authorized to sign said contract for and on behalf of the city, subject to satisfactory completion of all pre-employment conditions and approval by the City Attorney.**

OFFERED BY: Council Member Richardson  
 SECONDED BY: Mayor Pro-Tem Brown

Mr. Barr stated he has spoken with Mr. McClary and the main issues with the contract are the salary, resignation notice, severance pay, executive leave, housing incentive, moving expenses, and retirement. Council now must decide how it wishes to proceed with the contract.

Mayor Edmonds stated she has had correspondence with Ms. Grinzing from Michigan Municipal League who informed her that Mr. McClary's requests for contracts are in line with the current market, if not below. Ms. Edmonds asked for clarification on Mr. McClary's vehicle request. Mr. Barr responded at the beginning of negotiations the City offered Mr. McClary the use of a City vehicle, which was not acceptable. The perspective manager has environmental concerns and requested a \$600 a month stipend for costs of his own vehicle, however, the City was able to negotiate down to \$450 a month. Ms. Edmonds added that is an average benefit across the state.

Council Member Vogt asked for a review of the "Live Ypsi" terms for housing. Mr. Barr responded the terms of the program are the entity would loan the amount for five years. The loan would be forgivable at 20% per year. Mr. Vogt asked what the areas of the City are eligible for a \$5,000 and \$10,000 loans. Mr. Barr responded the College Heights area is eligible for \$5,000 and most of the remainder of the City is eligible for \$10,000.

Council Member Robb stated the proposed contract makes it more difficult to terminate the employee the longer he is employed. The "Live Ypsi" initiative provides for either a \$5,000 or \$10,000 loan but included in those amounts is moving expenses, and this contract provides both moving expenses and the loan. He added he is not particularly sold on incentivizing employees to live in the City, what is important is the City Manager knows the community. He said the contract does not spell out the detail of the program and he assumes the City will be funding this program, not EMU and the County. He said the contract is for four years and the program is for five years, and asked what happens to this program if the employee is terminated after three years. He would prefer that this be tied to the four years of the contract, or put language in the contract. He said providing the employee with 40 executive leave days would essentially provide them with all their sick days up front. Essentially the City is offering this person 31 days of vacation, which equates to six weeks. He stated these days also would not carry over, which guarantees that employee will take all allotted days. Also, he would prefer that rather than providing an employee with their vacation time at their hire anniversary it would be done on the beginning of the New Year. He said he is uncomfortable with the defined contribution plan because the MERS plan is fully funded, and is what every other non-union employee receives. The \$9,000 a year the candidate is asking for could be used for another City resource. He would like to add an exclusive employment clause requiring the Manager to request permission from Council before accepting a second job. He asked why this contract did not include an arbitration clause and a bar of action clause. He stated he would prefer to not provide the employee with a car allowance.

Mr. Barr responded he believes Mr. McClary would not object to a bar of action and arbitration clause being added to the contract. The candidate has already stated he would agree reducing the severance from six months to four months. He said Mr. McClary was very adamant that he would not accept anything below \$100,000 for a salary and the automobile allowance. Council Member Robb stated he would like clarification of the "Live Ypsi" program for housing. Mr. Barr stated this stipulation of the contract came late in the negotiation. He envisioned if the money was loaned to Mr. McClary for housing it he were to stay at the home for five years, if he still worked for the City of not, the loan would be forgiven. However, the program could be modified. Council Member Murdock stated this program is offered to employees of the university, and if that employee is no longer employed after three years. Council Member Bashert stated this contract is using the "Live Ypsi" program as a model, and essentially the City can structure it however it pleases. Mr. Barr said first Council needs to decide if it is willing to pay the candidate \$100,000 a year, if not there is no sense in discussing any other parameter of the contract.

Council Member Murdock stated if the stipend for the vehicle would not place all the liability on the candidate, if that vehicle were used for City business the liability would fall to the City. Mr. Barr responded the City's insurance will cover Mr. McClary when he is on City business, and if the City pays a vehicle allowance the candidate's insurance would also need to list the City. Mr. Barr reiterated if Council is not willing to pay a salary of \$100,000 the City will need to determine another plan. Council Member Richardson asked what the offered pay scale was. Mayor Edmonds responded

\$80,000 to \$100,000. Ms. Richardson offered a salary \$90,000. Ms. Edmonds responded it is her understanding that Mr. McClary will not accept anything below \$100,000.

Council Member Richardson agreed with the issues raised by Council Member Robb.

Mayor Pro-Tem Brown stated she is not in favor of an automobile allowance.

Council Member Bashert stated this feels like a "Cadillac" contract and we feel like a "Kia" town, but we are trying to hire a person in a certain market. She believes that when MML tells the City it is at the bottom range for this position. She is pleased to see Mr. McClary was willing to decrease the severance pay. The 40 days of executive leave makes her uncomfortable and would prefer the days be given after 90 days in the position. She said the "Live Ypsi" program needs to be cleaned up, and more detail included in the contract. She said the City could provide a match into his retirement.

Mayor Edmonds stated the market is different for when the City hired its past two City Managers, and the last City Manager was being paid \$97,000 when he left his position. Council Member Robb interjected the former City Manager pay included a housing allowance. Ms. Edmonds asked the amount of the housing allowance. Mr. Robb responded \$3,000. Ms. Edmonds replied the amount is still not far off the base. Council Member Robb stated the discussions should revolve around the facts regarding Ypsilanti.

Mr. Barr stated it seems Council is not yet ready to approve the contract as is. He has taken notes on Council's comments and asked what would be a package Council could be comfortable spending. Council Member Vogt responded he is happy with the amount being discussed, he is more interested in the terms of the contract. Mr. Vogt stated he does not believe this is a "Cadillac Plan", he believes the contract is below market based on what the expert has stated. Mr. Vogt said he has negotiated contracts and does not believe the contract is out of line. Mr. Barr asked Council would have an objection to a total contract amount of \$130,000. Mayor Edmonds replied she would need to add up all contract items, and is more interested in terms and "deal breakers" from Council. Council Member Bashert stated she does not have a deal breaker, however, she would like to see a 90 day clause added to the executive leave time, the severance pay reduced to 120 days, and to clean up the housing aspect. Mr. Barr asked if 40 days of executive leave time is acceptable. Council Member Robb asked if Council is comfortable with offering six weeks of vacation in the contract. Ms. Edmonds responded after speaking to Ms. Grininger she was informed 32 days is standard for executive leave, and through reference checks the City was informed that the candidate does not use inappropriately. Mr. Robb stated the candidate is a member of ICMA and signs that organizations code of ethics. Mr. Robb added the employee handbook allows for three personal days and six sick days a year, and if twenty days is standard for vacation that would allow for 29 executive leave days a year. Mr. Barr responded he would be happy to do that, but this contract does not provide for rollover of unused days. Mr. Robb replied that will guarantee this person will use all days allotted to him, and added he is fine with the concept of executive leave as long as it is reduced to 29 days. Ms. Edmonds stated she would support delaying providing the executive until after 90 days of employment. Council Member Richardson agreed that the contract should not provide 40 executive leave days, and said she would offer 30 days, and should have like to decrease the severance pay to 90 days.

Council Member Vogt stated he does not see an issue with the contract and sees it as in line with the current market. Mr. Vogt urged Council to kill the negotiations by small demands. Council Member Robb responded he could agree to \$100,000 a year for salary if other of his issues are met.

Mr. Barr stated if Council wants to hire this person the City will need to match what is common in the industry. He said he understands what the wishes of Council are, and he will return to negotiations with Mr. McClary.

Council Member Murdock stated if it is not that important for the City Manager to live in the City the housing allowance can be removed from the contract. Mr. Murdock added the candidate applied for this position because he wanted to be a part of Ypsilanti. Council Member Richardson stated part of the candidate wanting to work here is that his spouse is originally from Ypsilanti.

Council Member Robb stated the candidate has asked to hold positions outside of his City Manager duties, and asked that before accepting outside position the candidate is required to have Council approval. Mayor Edmonds agreed. Mr. Robb asked if Council can agree that executive leave days be based on the calendar year. Mayor Edmonds agreed.

Mayor Edmonds stated she has not heard objections to reduce the contract length to four years, in general the salary amount is agreeable, the time for notice of resignation seems to be agreeable, the candidate has agreed to four months for severance, there is still discussion regarding executive leave, and there is general consensus for housing. Council Member Murdock stated if it is not important to Council that the City Manager live in Ypsilanti the housing allowance can be removed from the contract. Ms. Edmonds responded the candidate came in requesting a housing allowance. Mr. Murdock asked if he would request a housing allowance if he were to live outside the City. Ms. Edmonds responded in the affirmative. Council Member Robb asked how important it is to Council that the City Manager live in the City. Council Member Bashert responded she thinks it is important for the City Manager to live in the City. Mr. Robb asked why. Ms. Bashert responded because then the City Manager would share the strengths and weaknesses of the City. Mr. Robb replied he feels that is demeaning to employees that live outside the City. Ms. Bashert stated she would not ask that of every other employee but sees it as important for the City Manager.

Council Member Robb stated the "Live Ypsi" program lists the amount can be used for a down payment, moving costs, or renovations to the home. He said the contract provides for moving costs plus this incentive. He said if this there are modifications to the program they should only change timeframe. Mayor Edmonds stated the candidate could use the moving expenses to move somewhere in the Township which would be more advantageous. Council Member Murdock responded he would not want to provide moving expenses if the candidates move was not to the City. Council Member Bashert stated the problem using the "Live Ypsi" program language is it is being stretched to the point that it no longer makes sense. She said it should be changed to fit the City. Mr. Barr stated the new version of the housing program will be included in detail.

Council Member Richardson asked how many leave days were provided to the previous City Manager. Mr. Barr responded fifteen vacation days, twelve sick days, and five personal days. Mayor Edmonds suggested negotiating down to 32 days allowing to roll days to the following year. Council Member Richardson replied to remove the rollover. Ms. Edmonds responded that would make it a much lower benefit. Ms. Richardson replied 32 days is more than the 29 offered to other employees. Council Member Vogt stated this is a higher quality City Manager. Council Member Robb responded this conversation is regarding a contract. Mr. Vogt replied it is a contract for a specific individual.

Council Member Murdock stated he would be okay with a \$100,000 in salary if the severance was reduced to 90 days. Mayor Edmonds responded the candidate might walk if the four months is not provided. Council Member Bashert added she is not comfortable with reducing the severance to 90 days. Council Member Richardson stated if the candidate wishes to be here he will be here. Mr. Murdock responded it amazes him that severances like these exist when most of the people he knows aren't even given notice when their employment is terminated. Ms. Edmonds replied Ms. Grininger informed her the industry is moving to six months for severance, and this is a reasonable request. Ms. Bashert stated asking the candidate to decrease his severance again to 90 days is not respectful. Mr. Barr asked Council who would accept a four month severance.

Mayor Edmonds asked what the recommended timeline would be. Mr. Barr responded the next Council meeting is in two weeks he could bring the renegotiated contract then, but would like to caucus with Council. Council Member Murdock suggested Council Member Robb and Mayor Edmonds work with the Attorney's Office.

Council Member Richardson asked what Council would like to do in terms of the car allowance. Council Member Vogt asked what the City Manager would drive in a month for business, and estimated 800 miles per month. Mr. Barr responded roughly 12,000 miles per year. Ms. Richardson asked why the City Manager could not use a City car for City business. Mr. Vogt responded if the candidate would use a City car the cost would be greater because of the wear and tear to the car. Mr. Vogt added Council should not create too many obstacles in the way of him agreeing to the contract. Ms. Richardson suggested if the City provides \$450 a month for a car allowance the salary should be decreased to \$95,000. Mayor Edmonds replied the City might save money by providing an allowance, opposed to the

candidate using the City car. Council Member Robb replied the only way the City would save money is if the City Manager would be driving the car 45 miles per day.

Mr. Barr stated it was his understanding Council wants to hire this candidate, but from what he is hearing it does not seem that is the case. Council Member Bashert responded she wants to hire him, and does not see anything from this contract that would change her mind. Mr. Vogt agreed. Ms. Bashert added the candidate that Council considered the second choice price would have been just as high if not higher. Ms. Bashert asked to be a part of the communication team.

Mayor Edmonds stated the majority of Council does not seem that far apart on contract negotiations. Mr. Barr responded he would be in contact with the candidate to begin renegotiations. Ms. Edmonds suggested a special meeting to finalize and approve the contract. Council Member Robb suggested January 17<sup>th</sup> at 7:00 p.m.

**Council Member Vogt moved, seconded by Council Member Bashert to postponed Resolution No. 2017-012 until January 17<sup>th</sup> at 7:00 p.m.**

On a voice vote, the motion carried, and Resolution No. 2017-012 was postponed.

**XIII. LIASON REPORTS –**

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study - None
- C. Urban County – Meeting tomorrow, January 11<sup>th</sup>.
- D. Freight House – Council Member Murdock stated the Freight House is receiving a temporary certificate of occupancy.
- E. Parks and Recreation - None
- F. Ypsilanti Downtown Development Authority - None
- G. Eastern Washtenaw Safety Alliance - None
- H. Police-Community Relations/Black Lives Matter Joint Task Force – Mayor Pro-Tem Brown stated a recommendation will be coming to Council.
- I. Friends of Rutherford Pool - None

**XIV. COUNCIL PROPOSED BUSINESS –**

Murdock

- Asked for an update on the Bell St. testing.

Council Member Richardson responded residents are not willing to proceed with testing because of the no suit clause in the agreement. Mayor Edmonds responded she was informed by staff there is a need for clarity, and the “no suit clause” was for the installation of testing materials.

- Asked for an update of the elevators in Towne Center.

Mayor Edmonds responded the elevators are still down, but a repair company has been there daily to rectify the situation, to date they have been unsuccessful. Other governmental entities have become involved to assist in rectifying the problem. Council Member Murdock stated the major issue is the parts for the elevators are not easily available. He said it seems the company that currently owns the Towne Center is trying to sell and is not interested in installing new elevators. Council Member Robb stated the City cannot install new elevators and bill the Towne Center, and he is not quite sure what litigation would do to solving the problem. Mayor Edmonds responded the installation of new elevators would be twelve to eighteen month process. Mr. Murdock asked if there was litigation what would be the outcome. Mr. Barr responded the building could be shut down and the residents would be displaced.

Council Member Richardson stated through her conversation with Congresswoman Dingell MSHDA would not pay for relocation. Ms. Edmonds responded HUD and MSHDA should force the current owners to pay for relocation with amount placed in escrow. Mr. Robb asked if MSHDA and HUD be the point for any possible litigation. Mr. Barr asked if Council would like him to look into possible litigation. Council Member Bashert responded in the affirmative. Mr. Robb stated the Congresswoman would have greater authority to get HUD and MSHDA to litigate.

- Stated he noticed several communities have begun requiring polyethylene for any board ups that way the structure would not appear boarded up, and was wondering if that would be possible.

#### Bashert

- Asked for clarification on how Council Liaisons are picked.
- Asked if there is a way to check into if there are any other fees missing from the Fee Schedule.

Mayor Edmonds responded each summer the fee schedule is reviewed. Council Member Bashert asked if a fee was not set would it show up in the Fee Schedule. Mr. Barr responded it has been an ongoing issue, and originally there was not a Fee Schedule and all fees were imbedded in the Code of Ordinances.

- Asked for an update on vehicles parking on lawns on Mansfield.

Interim City Manager McMullan responded the Code Enforcement Officer informed her the violators have been ticketed. However, much of the time the issue occurs on the weekend and in that case the police should be contacted. Council Member Robb stated he had a similar issue occurring on Cross and to stop the problem the police will need to write tickets.

#### Brown

- Asked for an update on staff being rude to residents on "Ypsi Connect".

#### Vogt

- Asked for an update about snow removal on Leforge north of the park and on Anna and Hewitt.

#### Robb

- Stated he would like to talk about processes during goal session. A lot of issues the City has are management related and he wants to understand what can be done to assist. He explained he would like work task instructions on how to complete job tasks.

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

- Asked what other useful Council Liaison could be added to the list.

Council Member Richardson stated if a Council Member attends another meeting is it necessary to have it as a Liaison Report. Council Member Robb stated that information can be shared during Council Proposed Business. Council Member Vogt stated he is currently sitting on the DTE Streetlight Coalition. Council Member Murdock stated there is not currently a liaison on CoPAC. Mayor Edmonds asked Council to email her their preference on Liaison Reports.

— Asked Council their preference on dates for Goal Setting.

Ms. McMullan responded the preference was for Tuesday, January 31<sup>st</sup>.

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

**XVI. AUDIENCE PARTICIPATION –**

**XVII. REMARKS FROM THE MAYOR –**

**XVIII. ADJOURNMENT -**

Resolution No. 2017 - 013, 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

SECONDED BY: Mayor Pro-Tem Brown

On a voice vote, the motion carried, and the meeting adjourned at 11:06 p.m.



Resolution No. 2017 - 045  
February 21, 2017

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

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

<b><u>NAME</u></b>	<b><u>BOARD</u></b>	<b><u>TERM EXPIRATION</u></b>
Christopher Madigan 223 N River St. Apt 6 Ypsilanti, MI 48198	Planning Commission	Exp: 1/2020

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

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

YES:            NO:            ABSENT:            VOTE:

**Print****Citizen Advisory Boards and Commissions Participation Resume - Submission #214****Date Submitted: 1/18/2017**

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

**Name\***

Christopher Madigan

**Email Address\***

cmadigan@emich.edu

**Address**

223 N River St. Apt 6

**City**

Ypsilanti

**State**

MI

**Zip Code**

48198

**Phone Number\***

630-947-6670

**Fax Number**

N/A

**Number of Years in the Community**

1

**Ward You Live In**

3

**Education**

Masters degree in progress

**Occupation**

Student

**Employer**

Eastern Michigan University

**I would like to be considered and could devote sufficient time to serve on the following board or commission:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Board of Review                          | <input type="checkbox"/> Economic Development Corporation/Brownfield Redevelopment Authority | <input type="checkbox"/> Property Maintenance Construction Board of Appeals |
| <input type="checkbox"/> Board of Ethics                          | <input type="checkbox"/> Historic District Commission  | <input type="checkbox"/> Parks and Recreation Commission                    |
| <input type="checkbox"/> Civil Service Commission                 | <input type="checkbox"/> Housing Commission  | <input type="checkbox"/> Ann Arbor Transit Authority                        |
| <input type="checkbox"/> YCUA                                     | <input type="checkbox"/> Human Relations Commission  | <input type="checkbox"/> Police and Fire Pension Board                      |
| <input type="checkbox"/> Ypsilanti Downtown Development Authority | <input checked="" type="checkbox"/> Planning Commission                                      | <input type="checkbox"/> Sustainability Commission                          |

**Why are you interested in serving on these boards/commissions?\***

As a current urban planning student at EMU, I am excited about the opportunity to get into the nitty-gritty of city planning from a unique perspective. I have greatly enjoyed my time in Ypsilanti and would be more than grateful for the opportunity to make it a better place to live.

**Work/volunteer experience related to the board or commission:**

[Empty text box for work/volunteer experience]

**I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.**

Yes

**I hereby certify that all of the information above is true.**

Yes



REQUEST FOR LEGISLATION  
February 21, 2017

To: Mayor and Council

From: Beth Ernat, Community and Economic Development Director

Subject: Thompson Block Project Tax abatement and other incentives:  
Revocation of previously approved OPRA tax exemption (2014)  
Termination of Brownfield Plan

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**SUMMARY & BACKGROUND:**

The Thompson Block redevelopment project has a long history of starts and stops. As of January 5, 2017, the property was purchased by a completely new development entity, 2Mission. The Thompson Block Partners sold the property and are no longer involved in any redevelopment. The subject property consists of the combined parcel, which includes 400-412 N. River St. (the buildings), the vacated alley to the east, and the land of the former 107 E. Cross St.

Development incentives are created and issued to a specific property, specific owner, and a specific development. 2Mission is in the process of preparing a financial pro-forma for the development of the property as a mixed-use commercial and residential project featuring a dining concept, similar to those that they have created in other communities, i.e. Grizzly Peak, Blue Tractor and Jolly Pumpkin located in Ann Arbor. It is expected the new development team will be making a request to utilize Brownfield TIF incentives for public improvements, an OPRA for maximization of historic tax credits and MEDC Community Revitalization Program funds.

In order to make application to these programs, the existing incentives should be revoked and cleared from the property. In 2013, Thompson Block Partners, LLC acquired and restarted the efforts to redevelop the property, including expanding the project scope by vacating a portion of the adjacent alley to the east, combining 400 N. River, the alley and 107 E. Cross into a single property.

**2014 OPRA:**

The Thompson Block Partners requested, and were approved, for an Obsolete Property Rehabilitation Act (OPRA) exemption for 12 years. The Certificate is filed with the State and the State needs the City to revoke the OPRA before any new request can be made.

**2014 Brownfield Plan:**

As mentioned, the previous owners created a Brownfield Plan to use Tax Increment Financing for certain -eligible expenses. These expenses are unique to the proposed development. The current plan would capture taxes according to the proposed schedule in the attached Brownfield Plan. The current plan proposed improvement to be repaid over 11 years, through 2025. The new owners have indicated that they will be proposing a different plan created from the existing

conditions and part of a complete request for project financing. Brownfield TIFs are required to be approved through the Washtenaw County Brownfield Authority and Washtenaw County Board of Commissioners, but the process to terminate the previously created TIF plan simply requires a Resolution by the Governing Body (in this case, the Washtenaw County Board of Commissioners) terminating the old Brownfield Plan.

RECOMMENDED ACTIONS: Regardless of anything proposed for a new development, it would be prudent for the City to dissolve incentives created for the Thompson Block Partners as they are no longer the owners of the property. Staff recommends resolutions to dissolve the OPRA and terminate the Brownfield Plan for 400-412 N. River.

ATTACHMENTS: Resolution 2017-\_\_\_\_, Revoke 2014 Thompson Block OPRA  
Resolution 2017-\_\_\_\_, Recommendation to Terminate 2014 Thompson  
Block Brownfield Plan

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

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

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



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

**WHEREAS**, The City of Ypsilanti considers requests for tax abatement to encourage further growth and development in the city; and

**WHEREAS**, the City previously granted an OPRA to Thompson Block Partners, LLC for the Thompson Block project in 2014 (Resolution Number 2014-060); and

**WHEREAS**, work was not completed during the time-frame allotted by the approval, and the Thompson Block Partners have since sold the Property on January 5, 2017) it is requested that the City revoke said 2014 OPRA tax abatement agreement.

**NOW THEREFORE BE IT RESOLVED** that the City of Ypsilanti revokes the 2014 OPRA tax abatement exemption for 400 North River Street issued to Thompson Block Partners, LLC by Resolution Number 2014-060.

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

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

YES:            NO:            ABSENT:        VOTE:



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

**WHEREAS**, The City of Ypsilanti considers requests for tax abatement to encourage further growth and development in the city; and

**WHEREAS**, the City previously recommended approval of a Brownfield Plan by Resolution Number 2017-069 to the Washtenaw County Brownfield Development Authority for a Brownfield Plan for the Historic Thompson Block created by Thompson Block Partners, LLC for the Thompson Block project in 2014; and

**WHEREAS**, the Brownfield Plan was approved by the City of Ypsilanti, the Washtenaw County Brownfield Redevelopment Authority, and the Washtenaw County Board of Commissioners based on a development plan by Thompson Block Partners, LLC;

**WHEREAS**, the Thompson Block project and any associated eligible activities have not occurred for more than two (2) years, and therefore may be terminated in accordance with Section 13a, (8) Act 381; and

**WHEREAS**, the property was sold to a new development entity on January 5, 2017 and the new entity does not wish to carry out the development plan; and

**WHEREAS**, the previous Brownfield Plan must be terminated by the Governing Body (Washtenaw County) before considering a new Brownfield Plan.

**NOW THEREFORE BE IT RESOLVED** that the City of Ypsilanti recommends to the Washtenaw County Board of Commissioners that the 2014 Brownfield Plan for the Historic Thompson Block be terminated.

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

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

YES:            NO:            ABSENT:        VOTE:



**AS AMENDED**  
Resolution No. 2014 - 069  
March 4, 2014

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

WHEREAS, Washtenaw County established the Washtenaw County Brownfield Development Authority (WCBRA) in accordance with the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act") to encourage redevelopment of contaminated, functionally obsolete or blighted property by providing economic incentives;

WHEREAS, the property located at 400 North River Street (the "Property") has been determined to be functionally obsolete by a Level III Assessor, deemed blighted by Council resolution, and located in a qualified local unit of government, thus the property is considered to be an eligible property as defined in the Act;

WHEREAS, The Brownfield Plan for the Historic Thompson Block (the "Plan") has been created to facilitate the redevelopment of the Property to include approximately 10,000 square feet of office/retail businesses on the ground floor and approximately 16 upper story residential units for an overall investment estimated at \$5.875 million;

WHEREAS, the Plan will allow application for a State of Michigan Brownfield Redevelopment Michigan Business Tax Credit valued at \$175, 578.31 to assist in the financing of the redevelopment;

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

WHEREAS, neither Washtenaw County nor the Washtenaw County Brownfield Redevelopment Authority will incur a financial note or bonded indebtedness for neither this project nor is any local tax increment financing capture proposed;

NOW THEREFORE BE IT RESOLVED, That the Ypsilanti City Council approve The Brownfield Plan for Historic Thompson Block for the property located at 400 North River Street as authorized by the Washtenaw County Brownfield Redevelopment Authority.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Robb

YES: 5      NO: 0      ABSENT: 2 (Jefferson, Richardson)      VOTE: CARRIED



Resolution No. 2014 - 060  
March 4, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Obsolete Property Rehabilitation Act, Public Act 146 of 2000 (the "Act"), provides for a tax incentive to encourage the redevelopment of obsolete buildings through the establishment of an Obsolete Property Rehabilitation District; and

WHEREAS, pursuant to PA 146 of 2000, the City of Ypsilanti is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, the Council of the City of Ypsilanti legally established an Obsolete Property Rehabilitation District that includes parcel #11-11-04-495-024 (400 N. River St.) as part of a broader district including the three DDA districts on June 5, 2012 after a public hearing held on the same date as provided by section 3 of Public Act 146 of 2000; and

WHEREAS, the combined parcel at 400 N. River Street has been certified functionally obsolete by the City Assessor per P.A. 146 in February 2014; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Ypsilanti eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the owners of the above referenced parcels, Thompson Block Partners, LLC have submitted an application for an obsolete property as defined in section 2(h) of Public Act 146 of 2000 requesting an exemption for a period of 12 years as a function of the Act; and

WHEREAS, the application included all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, Thompson Block Partners, LLC are not delinquent in any taxes related to the facility; and

WHEREAS, the owners of the above referenced parcel have proposed to rehabilitate currently vacant, fire-damaged, blighted, and functionally obsolete structure into first floor commercial space, and upper story residential lofts; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Ypsilanti; and

WHEREAS the rehabilitation includes improvements aggregating approximately 100% of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

WHEREAS, the review committee met on February 19, 2014 and recommends approval of the application for a period of twelve years (2015-2026); and

WHEREAS, the application is not recommended for an extension; and

WHEREAS the completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, increase commercial activity, revitalize urban areas, and increase number of residents in the community in which the facility is situated.

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on March 4, 2014; and

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council hereby grants an Obsolete Property Rehabilitation Exemption for a period of 12 years beginning December 31, 2014 and ending December 30, 2026 for the real property, excluding land, located in the Obsolete Property Rehabilitation District which include parcel #11-11-04-495-024 (400 N. River Street) pursuant to the provisions of PA 146 of 2000, as amended, subject to completion of the renovations by December 31, 2016, the final approval of exemption certificates by the State Tax Commission, and to the taxes on the property being paid on time.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Robb

YES: 4      NO: 1 (Moeller)      ABSENT: 2 (Jefferson, Richardson)      VOTE: CARRIED

Date: February 16, 2017

From: Councilmember Pete Murdock

To: Mayor and City Council

## ROAD FUNDING MEMO

Funds for maintaining our roads over the past years has failed to keep up with our normal maintenance needs. Our engineers estimate that we need \$1.2 to \$1.5 million annually to provide for the maintenance of our road infrastructure. In addition there is a growing need to address walkability, non-motorized and traffic calming issues.

After years of ignoring road funding needs the State Legislature in late 2015 finally adopted a road funding increase that, although inadequate to our needs, will generate significant dollars to the City of Ypsilanti – over \$750,000 annually when fully phased in.

This is an ideal time for the City to adopt a five year road funding plan that sets the parameters for road maintenance projects based upon asset management principles, non-motorized/traffic calming projects and ADA consent agreement. In addition consideration should be given to several road related grant projects in the works that will need some matching funds.

## SOURCES OF ROAD SPECIFIC FUNDING

- Federal Aid to Highways Funds distributed through WATS – These can only be used for Eligible Streets (see list) and construction must meet Federal requirements.
- Act 51 – Funds from the Gas Tax and other sources distributed by the state by a formula and can be used for any streets (see Attachment)
- County Road Millage – .5 mils of which the City receives .4 mils (\$122,000) the other .1 mils goes to Wash. Co. Parks and Rec. These funds can be used on any streets with the stipulation that 50% of the projects must have non-motorized element in them. (see attachment)
- CDBG – \$50,000 annually has been committed to ADA ramps required by consent Decree. Can only be used in CDBG eligible census tracks.
- METRO FUNDS – A fee charged to telecommunication providers by the state and remitted to the City by a formula. Can only be used for projects in the Right of Way (ROW) (see attachment)

-OTHER GRANTS – Transportation Alternative Program (TAP), Critical Bridge, Congestion Mitigation and Air Quality (CMAC) for example – They all have their specific eligibility requirements and require some local match

## RECOMMENDATIONS

Based upon a base budget of \$300,000 for road projects and \$50,000 for Non-motorized projects in FY 2016 and 2017 we budget the same amount for 2018 and then starting in FY 2019 we increase road funding by 80% of the projected increase in Act 51 funds and an \$10,000 additional each year for FY 2019, 2020 and 2021 for non-motorized/traffic calming projects. We would continue our ADA ramp consent projects using CDBG and Metro Funds.

This proposal commits us to utilizing increased funding for neglected road maintenance projects using asset management principles as well as increasing funding for non-motorized/traffic calming projects that are becoming more in demand. Funds designated – actual projects to be determined.

In addition there is flexibility to accommodate known TAP grant projects – Lane Reductions on Huron-Hamilton and the I-94 non-motorized crossing to be built in conjunction with MDOT’s resurfacing of parts of M-17 and Bus U.S. 12 in F2021-22. A critical bridge grant should be applied for and local match provided for replacement of the Cross St bridge in FY 2020-21.

	2017	2018	2019	2020	2021	
Federal Highway Funds	\$470,000		\$390,000		\$1,100,000	
County - Roads	\$122,000	\$122,000	\$122,000	\$122,000	??	
Act 51 - Roads	\$0	\$300,000	\$300,000	\$300,000	\$300,000	
ACT 51 - Additional - 80% of increase	\$0		\$84,000	\$182,000	\$286,000	
Act 51 - Non-Motorized/Traffic Calming	\$50,000	\$50,000	\$60,000	\$70,000	\$80,000	
ADA Consent - CDBG & Metro Funds	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	
Road Totals	\$592,000	\$422,000	\$812,000	\$422,000	\$1,400,000	
Increase in Act 51 Funds over 2018 (est)			\$105,000	\$228,000	\$358,000	
80% of Increase			\$84,000	\$182,400	\$286,400	

## Estimated Distribution Schedule for Michigan Transportation Funding by City/Village within County

	Actual MTF Revenues Fiscal Year 2015	Estimated Additional** Revenues in FY 2017 Above 2015 Actual	Estimated Additional** Revenues in FY 2018 Above 2015 Actual	Estimated Additional** Revenues in FY 2019 Above 2015 Actual	Estimated Additional** Revenues in FY 2020 Above 2015 Actual	Estimated Additional** Revenues in FY 2021 Above 2015 Actual	Total Revenues in FY 2021
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Washtenaw							
Ann Arbor	7,785,526.75	1,839,511.01	2,424,907.09	3,138,492.09	3,967,447.10	5,262,155.20	13,047,681.95
Barton Hills	12,641.25	2,982.80	3,932.03	5,089.12	6,433.28	8,532.68	21,173.93
Chelsea	332,628.63	78,820.67	103,904.13	134,480.33	169,999.98	225,476.54	558,105.17
Dexter	264,887.79	62,863.93	82,869.40	107,255.65	135,584.58	179,830.27	444,718.06
Manchester	173,049.56	40,815.31	53,804.17	69,637.28	88,030.24	116,757.41	289,806.97
Milan	393,621.97	92,848.60	122,396.24	158,414.16	200,255.34	265,605.23	659,227.20
Saline	567,707.12	133,915.07	176,531.50	228,479.96	288,827.30	383,081.11	950,788.23
Ypsilanti	1,152,027.26	271,761.21	358,245.04	463,666.91	586,133.06	777,407.48	1,929,434.74
<b>County-Wide Total</b>	<b>\$28,651,503.51</b>	<b>\$6,891,684.89</b>	<b>\$9,090,417.56</b>	<b>\$11,762,255.60</b>	<b>\$14,869,796.89</b>	<b>\$19,723,181.91</b>	<b>\$48,374,685.42</b>

FIVE YEAR ROAD FUNDING PLAN

	2017	2018	2019	2020	2021
Federal Highway Funds	\$470,000		\$390,000		\$1,100,000
County - Roads	\$122,000	\$122,000	\$122,000	\$122,000 ??	
Act 51 - Roads	\$0	\$300,000	\$300,000	\$300,000	\$300,000
ACT 51 - Additional - 80% of increase	\$0		\$84,000	\$182,000	\$286,000
Act 51 - Non-Motorized/Traffic Calming	\$50,000	\$50,000	\$60,000	\$70,000	\$80,000
ADA Consent - CDBG & Metro Funds	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Road Totals	\$592,000	\$422,000	\$812,000	\$422,000	\$1,400,000
Increase in Act 51 Funds over 2018 (est)			\$105,000	\$228,000	\$358,000
80% of Increase			\$84,000	\$182,400	\$286,400
			105	315	
			87	192	315
			\$84,000	\$182,400	\$286,400

## Estimated Distribution Schedule for Michigan Transportation Funding by City/Village within County

County with City/Village	Actual MTF Revenues Fiscal Year 2015	Estimated Additional** Revenues in FY 2017 Above 2015 Actual	Estimated Additional** Revenues in FY 2018 Above 2015 Actual	Estimated Additional** Revenues in FY 2019 Above 2015 Actual	Estimated Additional** Revenues in FY 2020 Above 2015 Actual	Estimated Additional** Revenues in FY 2021 Above 2015 Actual	Total Revenues in FY 2021
Bangor	163,280.99	38,071.22	50,186.81	64,955.44	82,111.81	108,907.60	272,188.59
Bloomington	53,960.30	12,284.51	16,193.86	20,959.28	26,495.15	35,141.40	89,101.70
Breedsville	31,525.03	7,185.33	9,471.96	12,259.30	15,497.29	20,554.56	52,079.59
Decatur	149,171.37	35,465.82	46,752.27	60,510.21	76,492.48	101,454.48	250,625.85
Gobles	70,529.39	16,633.93	21,927.43	28,380.08	35,875.98	47,583.48	118,112.87
Hartford	195,901.91	46,207.80	60,912.70	78,837.68	99,660.70	132,183.26	328,085.17
Lawrence	104,257.15	23,208.00	30,593.60	39,596.47	50,054.90	66,389.44	170,646.59
Lawton	165,417.88	39,014.04	51,429.65	66,564.03	84,145.26	111,604.61	277,022.49
Mattawan	196,253.13	46,379.89	61,139.57	79,131.30	100,031.88	132,675.56	328,928.69
Paw Paw	253,549.05	59,806.49	78,839.00	102,039.19	128,990.32	171,084.09	424,633.14
South Haven	395,631.64	93,307.94	123,001.75	159,197.87	201,246.05	266,919.23	662,550.87
<b>County-Wide Total</b>	<b>\$8,073,048.51</b>	<b>\$1,916,852.42</b>	<b>\$2,528,769.57</b>	<b>\$3,271,810.73</b>	<b>\$4,136,264.30</b>	<b>\$5,486,365.92</b>	<b>\$13,559,414.43</b>
Washtenaw	17,969,413.18	4,368,166.29	5,763,827.96	7,456,740.10	9,427,086.01	12,504,335.99	30,473,749.17
Ann Arbor	7,785,526.75	1,839,511.01	2,424,907.09	3,138,492.09	3,967,447.10	5,262,155.20	13,047,681.95
Barton Hills	12,641.25	2,982.80	3,932.03	5,089.12	6,433.28	8,532.68	21,173.93
Chelsea	332,628.63	78,820.67	103,904.13	134,480.33	169,999.98	225,476.54	558,105.17
Dexter	264,887.79	62,863.93	82,869.40	107,255.65	135,584.58	179,830.27	444,718.06
Manchester	173,049.56	40,815.31	53,804.17	69,637.28	88,030.24	116,757.41	289,806.97
Milan	393,621.97	92,848.60	122,396.24	158,414.16	200,255.34	265,605.23	659,227.20
Saline	567,707.12	133,915.07	176,531.50	228,479.96	288,827.30	383,081.11	950,788.23
Ypsilanti	1,152,027.26	271,761.21	358,245.04	463,666.91	586,133.06	777,407.48	1,929,434.74
<b>County-Wide Total</b>	<b>\$28,651,503.51</b>	<b>\$6,891,684.89</b>	<b>\$9,090,417.56</b>	<b>\$11,762,255.60</b>	<b>\$14,869,796.89</b>	<b>\$19,723,181.91</b>	<b>\$48,374,685.42</b>
Wayne	60,677,706.89	14,727,000.14	19,432,386.46	25,139,934.15	31,782,832.44	42,157,588.86	102,835,295.75
Allen Park	1,820,038.56	429,326.55	565,953.12	732,497.92	925,969.13	1,228,143.22	3,048,181.78
Belleville	226,436.49	53,417.82	70,417.19	91,139.09	115,211.22	152,808.42	379,244.91
Dearborn	6,737,738.41	1,589,240.04	2,094,991.24	2,711,490.85	3,427,664.07	4,546,223.28	11,283,961.69
Dearborn Heights	3,478,923.08	820,691.94	1,081,864.54	1,400,228.20	1,770,063.83	2,347,693.70	5,826,616.78
Detroit	56,018,315.17	13,198,683.20	17,398,961.00	22,519,007.69	28,466,846.34	37,756,511.87	93,774,827.04
Ecorse	568,432.95	134,094.91	176,768.55	228,786.80	289,215.15	383,595.55	952,028.50
Flat Rock	562,571.39	132,716.79	174,951.86	226,435.49	286,242.83	379,653.25	942,224.64
Garden City	1,713,285.30	404,163.95	532,782.91	689,566.60	871,698.56	1,156,162.40	2,869,447.70
Gibraltar	292,208.43	68,928.59	90,864.05	117,602.88	148,664.79	197,179.00	489,387.43
Grosse Pointe	333,332.44	78,631.29	103,654.49	134,157.21	169,591.53	224,934.81	558,267.25
Grosse Pointe Farms	588,277.05	138,773.99	182,936.68	236,770.02	299,306.96	396,980.63	985,257.68
Grosse Pointe Park	688,486.35	162,415.08	214,101.17	277,105.41	350,295.94	464,608.99	1,153,095.34
Grosse Pointe Shores	189,233.97	44,640.44	58,846.59	76,163.55	96,280.27	127,699.69	316,933.66
Grosse Pointe Woods	948,274.97	223,706.23	294,897.28	381,677.63	482,488.33	639,940.59	1,588,215.06
Hamtramck	1,224,464.90	288,861.56	380,787.32	492,842.79	623,015.00	826,325.23	2,050,790.13
Harper Woods	807,518.19	190,506.04	251,131.66	325,032.97	410,882.39	544,966.78	1,352,484.97
Highland Park	832,795.11	196,427.22	258,937.17	335,135.41	423,653.15	561,905.05	1,394,700.16

A RESOLUTION PLACING A 0.5-MILL ROAD LEVY ON THE  
NOVEMBER 8, 2016 BALLOT AND CERTIFYING THE BALLOT QUESTION  
FOR THIS PROPOSITION

WASHTENAW COUNTY BOARD OF COMMISSIONERS  
July 6, 2016

WHEREAS, under Michigan law (Public Act 283 of 1909; MCLA 224.20), it is the duty of the Board of Commissioners (board) to raise a sufficient tax to keep any county roads or bridges already built in reasonable repair, and in condition reasonably safe and fit for public travel; and

WHEREAS, on October 1, 2014 and on September 16, 2015, pursuant to MCLA 224.20, the board levied an annual non-voter approved tax of 0.5 mills to keep public roads, streets, bridges and culverts already built in reasonable repair, and in condition reasonably safe and fit for public travel in the county's cities, villages and townships; and

WHEREAS, while those special levies yielded the improvement of over 120 miles of county roadways, their enactment must be approved by the board on an annual basis which inhibits longer-term planning; and

WHEREAS, in June, 2014, the Board of Commissioners approved Resolution #14-100 which created the "Roads Funding Committee" which was asked to explore immediate and long term road funding options; and

WHEREAS, in November, 2015, the Michigan Legislature enacted and the Governor signed, new road funding legislation which will not go into full effect until 2021; and

WHEREAS, the Washtenaw County Road Commission and the Roads Funding Committee has each reviewed a number of road funding options to fill the gap until such time as the new road funding legislation becomes fully effective; and

WHEREAS, on March 1, 2016 the Washtenaw County Road Commission formally requested that the Board of Commissioners place a 4-year, 0.5 mill road levy before the voters at the August 2016 primary election; and

WHEREAS, on March 31, 2016, the Road Funding Committee, rather than continue the process of an annual non-voter approved road levy enacted by the Board of Commissioners pursuant to MCLA 224.20, also recommended that a four-year 0.5 mill tax levy be presented to the electors of Washtenaw County at the August 2, 2016 primary election and that the Board of Commissioners approve the ballot language and certify it to the Washtenaw County Clerk; and

WHEREAS, poor roads can create unsafe conditions for motorists, cyclists, and pedestrians, hamper economic development, depress property values, and burden residents with unexpected vehicle repairs; and

WHEREAS, continued neglect of the county's road infrastructure increases the eventual cost of repair; and

WHEREAS, the Board of Commissioners agrees that the proper course of action is to request the voters of the county to levy 0.50 mills for maintenance, reconstruction, resurfacing, construction, or preservation of roads, streets, and paths, for four (4) years; and

WHEREAS, this matter has been reviewed by Corporation Counsel, the County Administrator's Office, and the Ways and Means Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE WASHTENAW COUNTY BOARD OF COMMISSIONERS, State of Michigan, as follows:

1. There shall be submitted to the electors of the County of Washtenaw at the GENERAL ELECTION to be held on November 8, 2016 from 7:00 a.m. to 8:00 p.m. Eastern time, the following proposition:

"Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Washtenaw County, Michigan be increased as provided in Section 6, Article IX of the Michigan Constitution and the Board of Commissioners of the County be authorized to levy a tax not to exceed one half of one mill (\$0.50 per \$1,000 of state taxable valuation) for a period of four (4) years, beginning with the December 1, 2016 tax levy (which will generate estimate revenues of \$7,302,408 in the first year), to provide funding to the Washtenaw County Road Commission, Washtenaw County Parks and Recreation Commission, and the various cities, villages, and townships of Washtenaw County to maintain, construct, resurface, reconstruct, or preserve roads, bike lanes, streets, and paths in Washtenaw County?"

2. The election shall be held in accordance with Chapter XXVII of the general election laws of the State of Michigan
3. The Washtenaw County Clerk is hereby instructed to carry out all appropriate statutory duties as set forth in this Resolution and the general election laws of the State of Michigan so that the question of adoption may be submitted to the voters on November 8, 2016.
4. The Washtenaw County Board of Commissioners certifies to the County Clerk the following question as the appropriate ballot wording to be submitted to the voters in Washtenaw County at the primary election to be held on November 8, 2016 for the above-referenced proposition:

PROPOSITION TO AUTHORIZE THE LEVYING OF .50 MILLS TO PROVIDE FUNDING TO MAINTAIN, RECONSTRUCT, RESURFACE, OR PRESERVE ROADS, BIKE LANES, STREETS, AND PATHS.

"Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Washtenaw County, Michigan be increased as provided in Section 6, Article IX of the Michigan Constitution and the Board of Commissioners of the County be authorized to levy a tax not to exceed one half of one mill (\$.50 per \$1,000 of state taxable valuation) for a period of four (4) years, beginning with the December 1, 2016 tax levy (which will generate estimated revenues of \$7,302,408 in the first year), to provide funding to the Washtenaw County Road Commission, Washtenaw County Parks and Recreation Commission, and the various cities, villages, and townships of Washtenaw County to maintain, construct, resurface, reconstruct, or preserve roads, bike lanes, streets, and paths in Washtenaw County?"

YES ( )

NO ( )

BE IT FURTHER RESOLVED that this levy be exempt from capture by TIF Districts or TIFAs to the greatest extent allowed by law.

BE IT FURTHER RESOLVED that 20% of the revenue in any year shall be used for non-motorized transportation throughout the county, and the non-motorized transportation funds shall be administered by the Washtenaw County Parks and Recreation Commission.

BE IT FURTHER RESOLVED that the portion of the remaining revenue, after the dedicated 20% allocations toward non-motorized transportation, shall be used for projects throughout the county's cities and villages in proportion to the revenue raised from those municipalities and shall be used as directed by the respective governing bodies with the requirement that no less than 50% of all projects funded by this millage within each municipality shall include a non-motorized component including but not limited to bike lanes, widened shoulders, lighted crosswalks and sidewalks.

BE IT FURTHER RESOLVED that the remaining revenue, after the dedicated 20% allocations toward non-motorized and city and village allocations, shall be used for projects throughout the county's townships based on use, need, and impact to the traveling public, as recommended by the Washtenaw County Road Commission upon consultation with the respective townships and with the requirement that no less than 25% of all projects funded by this millage shall include a non-motorized component including but not limited to bike lanes, widened shoulders, lighted crosswalks and sidewalks.

BE IT FURTHER RESOLVED that the Washtenaw County Road Commission shall compile and present a full four-year plan in consultation with the Washtenaw County Parks and Recreation Commission and the county's cities, villages, and townships at the September 7, 2016 Board of Commissioners meeting regarding expenditures of the money levied with this millage, should it pass.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Brabec		X		Ping	X			Dan Smith	X		
LaBarre		X		Rabhi	X						
Martinez-Kratz	X			Jamnick			X				
Peterson		X		Conan Smith	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE:

5 3 1

STATE OF MICHIGAN )

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on July 6<sup>th</sup>, 2016, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>SS</sup>.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 7<sup>th</sup> day of July, 2016.

LAWRENCE KESTENBAUM, Clerk/Register

BY: \_\_\_\_\_  
Deputy Clerk



Res. No. 16-103

## Introduction

With the passage of the Metropolitan Extension Telecommunication Rights-of-Way Oversight (METRO) Act (2002 PA 48), Michigan entered a new era in regard to deployment of telecommunications services, management of public rights-of-way, and compensation to local units of government.

The act is designed to bring substantial funds to assist in managing and maintaining your public rights-of-way and reduce conflicts with telecommunications providers. All providers will be subject to the fee. When fully implemented, providers will pay an annual maintenance fee of five cents per linear foot. These funds – estimated at between \$25 and \$30 million per year – will be distributed to local governments on a formula basis.

The METRO Act went into effect November 1, 2002. The deadline for cities and villages to opt in – and thereby receive funding – is December 31, 2003. However, the changes it will bring need to be understood much sooner. City and village officials will have the opportunity to learn more about the new act and what they need to do to implement it through the League's web site ([www.mml.org](http://www.mml.org)) and Michigan Municipal League seminars.

## Essential elements include:

- An annual maintenance fee will be assessed each year on all telecommunications providers. The fee will be two cents per linear foot of public right-of-way used for the first five months and five cents thereafter.
- Municipalities may decide to either “opt in” or “opt out” of the distribution provisions. A municipality that chooses to opt out may be able to continue to enforce its existing permit agreements with telecom providers. The choice to opt out, however, may be permanent. Those that elect to opt in must amend their existing permits/franchise agreements by December 31, 2003.
- Municipalities may use fees generated under the provisions of the act only for right-of-way purposes.
- Traditional cable franchise fees remain in place. (The Federal Communications Commission (FCC) recently ruled that cable modem service revenue should not be subject to a municipal cable franchise fee.)
- Standardized “safe harbor” permit and application forms must be used. Municipalities must act on a permit application within 45 days of application, as opposed to the previous 90-day limit. There is a one-time \$500 application fee that telecom providers who apply for a permit must pay. (This does not apply to SBC/Ameritech and some other phone companies.)
- Of the first \$30 million in fee revenue collected annually, 75 percent will be distributed to cities and villages using a distribution formula based on the same formula used for state trunk line highway funds (Act 51). The other 25 percent will be distributed to townships based on linear feet of public rights-of-way in each township. Revenues in excess of \$30 million per year, including as a result of construction of new facilities, will be distributed to local governments on the basis of new linear feet of rights-of-way used, but weighted to recognize underground lines and lines in population centers.
- Municipalities will have to implement financial systems to track the use and application of funds received from the METRO Authority, and be prepared to file an annual report.



ARCHITECTS. ENGINEERS. PLANNERS.

January 31, 2017

City of Ypsilanti  
 One South Huron St.  
 Ypsilanti, Michigan 48197

Attention: Mr. Stan Kirton  
 Department of Public Services Director

Regarding: **2017 Road Program**

Dear Mr. Kirton:

As you are aware, there is \$470,000 of Federal Aid programmed for the City of Ypsilanti in the 2017 FY Transportation Improvement Program (TIP). The use of this allocation requires a 20% local match. Therefore, in order to fully utilize the Federal Aid, the City will need to complete a \$590,000 construction project. The funding is programmed in the TIP as Preventative Maintenance / 3R, which allows the City to utilize the funds on any Federal Aid eligible streets that are appropriate candidates for rehabilitation techniques that utilize the asset management principles.

OHM has estimated the costs of the repairs that were identified as priorities by your office. The following work will fully utilize the Federal Aid, will impact over one mile of City Streets and will bring approximately 84 corner ramps into ADA compliance. Upon City approval, OHM can prepare the bid documents for submittal to MDOT in mid-March. This will put the City on track for an August bid opening and fall 2017 construction.

Proposed Projects					
Street	From	To	Work	Length (Ft)	Ramps
Congress	Elm	Ballard	Mill and Overlay	2,200	26
Summit	Washtenaw	Michigan Avenue	Mill and Overlay	2,650	40
Hamilton	Cross Street	Washtenaw Avenue	Mill and Overlay East Lane	800	16
Michigan Avenue (EB)	Fire Station	Senior Tower	Base Repair and Mill and Overlay	250	2
		Total		5,900	84

A detailed proposal for design services will be provided following the confirmation of the program.

Sincerely,

**OHM Advisors**  
 Marcus J McNamara

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MEMO

February 17, 2017

From: Councilmember Pete Murdock

West Cross – M-17 Safety Issues

West Cross (M-17) from Huron to Oakwood is an extremely busy street that bisects a primarily residential neighborhood that includes a senior housing complex and EMU. Pedestrian traffic is high with downtown business and EMU destinations. West Cross is also the primary route that vehicle traffic from NE Ypsilanti and Depot Town get to Downtown.

The traffic speed and the Huron/Cross St intersection signalization and configuration make it dangerous for pedestrians to traverse the street and for vehicles to navigate to downtown from the Eastside.

A few years ago, when we placed the “Stop for Pedestrians in Crosswalk” signs in Depot town, the original plan was to place them on W Cross also. But that section of W. Cross is a state trunk line (M-17) under the jurisdiction of MDOT so they didn’t get installed.

Since that time I have been in contact with MDOT officials to see what we can do address some of the concerns. Last November, I received an email (attached) that MDOT was open to posting the signs even possibly on the centerline. but wanted some specifics. I was told by our staff that it had to the traffic committee and now I am told that the traffic committee has already met and rejected the idea.

My request is to have the City propose to MDOT that they install or allow us to install “Yield for Pedestrians in Crosswalk” signs that meet their specifications per MDOT’s email on the centerline of West Cross at the non-signalized intersections – Washington, Adams, Perrin and Normal. In addition to place flexible bumpers between the two merging lanes at N Huron to keep vehicles in their respective lanes until they are through the intersection.

In addition, I would like MDOT and the City to review the signalization, configuration and markings of the Huron-Cross intersection to see if there are possibilities to make it safer for pedestrians and drivers.

I realize these may be short term solutions, but they are inexpensive and doable while larger long term options are developed.





RESOLUTION NO. 2017-049  
February 21, 2017

Whereas the City of Ypsilanti strives to be a walkable community, and

Whereas W. Cross Street (M17) between Huron and Oakwood bisects a mostly residential neighborhood containing EMU, several churches and a senior housing facility, and

Whereas W. Cross is the main access to EMU, and

Whereas W. Cross is the main vehicle connection from NE Ypsilanti and Depot Town to downtown, EMU and Ann Arbor, and

Whereas there are significant conflicts and impediments to pedestrian crossings and vehicle operation

Now therefore be it resolved that the City Council direct staff to put a plan together per Kari Martin's email of November 10, 2016 to install "Yield for Pedestrians in Crosswalk" signs that meet MDOT's specifications on the centerline of West Cross at the non-signalized intersections – Washington, Adams, Perrin and Normal. And in addition to place flexible bumpers between the two merging lanes at N Huron to keep vehicles in their respective lanes until they are through the intersection.

And further be it resolved that the City and MDOT review the signalization, configuration and markings of the Huron-Cross intersection to see if there are possibilities to make it safer for pedestrians and drivers.

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

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

YES:

NO:

ABSENT:

VOTE:

Hi Pete.

Attached is our approved pedestrian in crosswalk sign. In talking with the MDOT Brighton TSC, we need some additional information...

Would you please submit a plan of what the city would like to do as far as sign placement? Also, are you talking about permanent or temporary installation?

Some other questions that would need to be address are:

1. If temporary placement, we may permit the signs if the city/schools would agree to set them out and take them back in (same day).
2. If permanent installation, MDOT would need a formal agreement that the city would replace and maintain the signs if the signs are damaged.
3. We would also recommend the type of product where the signs can detach and the installation point can be covered by a cap. We recommend this due to snowplowing concerns during the winter months.

Thanks.

Kari

 Please consider the environment before printing this email. Thanks!

**From:** Pete Murdock [<mailto:murdock.sweeney@comcast.net>]

**Sent:** Monday, October 10, 2016 4:59 PM

**To:** Martin, Kari (MDOT) <[MartinK5@michigan.gov](mailto:MartinK5@michigan.gov)>

**Cc:** Bonnie Wessler <[wesslerb@cityofypsilanti.com](mailto:wesslerb@cityofypsilanti.com)>

**Subject:** M-17 Questions

Hi Kari –

These were the signs I mentioned that could be placed on West Cross St (M-17) at N. Washington, N. Adams, Perrin and N. Normal

Because of the campus there is a lot of foot traffic in the neighborhood.

Did we get any info back on what Jackson had to do and costs for their conversion to two-way streets.

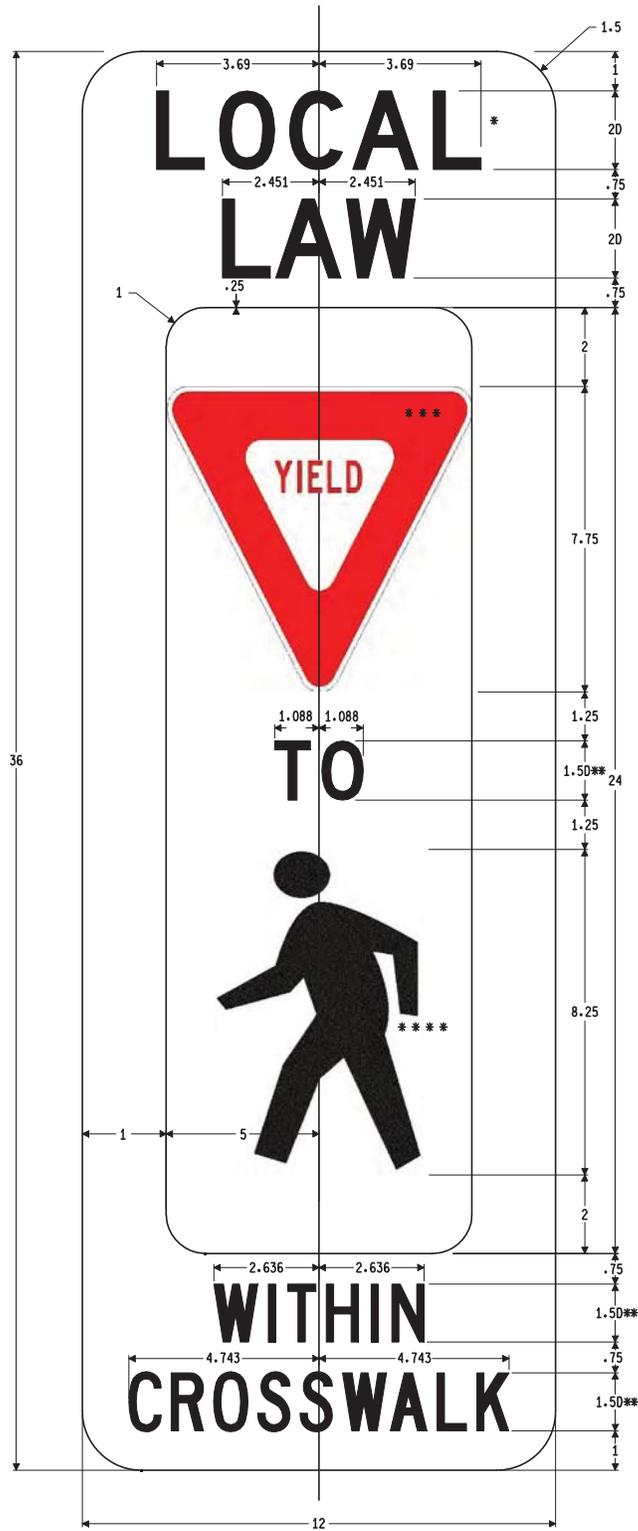
Also, the resurfacing of M-17 in Ypsilanti for 2022 is from where to where?



Thanks

Pete

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



R1-6  
IN-STREET PEDESTRIAN CROSSING

\*Legend is optional.  
 \*\*Series 2000 Standard Alphabets.  
 \*\*\*Insert R1-2 and size to fit.  
 \*\*\*\*See 6-10 for design detail.

- COLORS: LEGEND -BLACK  
 BACKGROUND -FLUORECENT YELLOW-GREEN, OR YELLOW  
 YIELD SYMBOL -RED (RETROREFLECTIVE) ON WHITE (RETROREFLECTIVE)  
 PED SYMBOL -BLACK ON WHITE (RETROREFLECTIVE)



**2016 Annual Report  
Planning Commission  
Ypsilanti, Michigan**

**INTRODUCTION**

The Planning Commission of the City of Ypsilanti is governed by the Michigan Planning Enabling Act, State of Michigan Public Act 33 of 2008, and by the City of Ypsilanti's Zoning Ordinance.

In 2016, the Planning Commission's membership was as follows:

- |                             |                                   |
|-----------------------------|-----------------------------------|
| Heidi Jugenitz (chair)      | Jared Talaga (appointed March)    |
| Cheryl Zuellig (vice-chair) | Matt Dunwoodie (appointed April)  |
| Anthony Bedogne             | Toi Dennis (appointed June)       |
| Phil Hollifield             | Briana A. Mason (resigned August) |
| Liz Dahl MacGregor          | Roderick Johnson (retired June)   |

Under the Planning Enabling Act, the Commission must provide an annual report to City Council, as the legislative body of the City. This report discusses,

1. The operations of the Commission during the past year
2. The status of any on-going planning activities
3. Recommendations to the legislative body related to planning and development

**PLANNING COMMISSION OPERATIONS**

The Planning Commission held regular monthly meetings during 2016, as well as two special meetings. One joint meeting with the Zoning Board of Appeals was held in January for the purposes of training. The Commission took slightly fewer applications in 2016 than in 2015; as a reminder, 2015 saw nearly twice as many actions in 2015 as in 2014; likely due to deferred applications due to the "in-progress" zoning ordinance. The number of site plan reviews continues to trend downward from 2013. The Nonmotorized Committee regularly met and continues to meet; other subcommittees did not meet in 2016. The Planning Commission currently has one vacant seat, having been at full capacity in June and July.

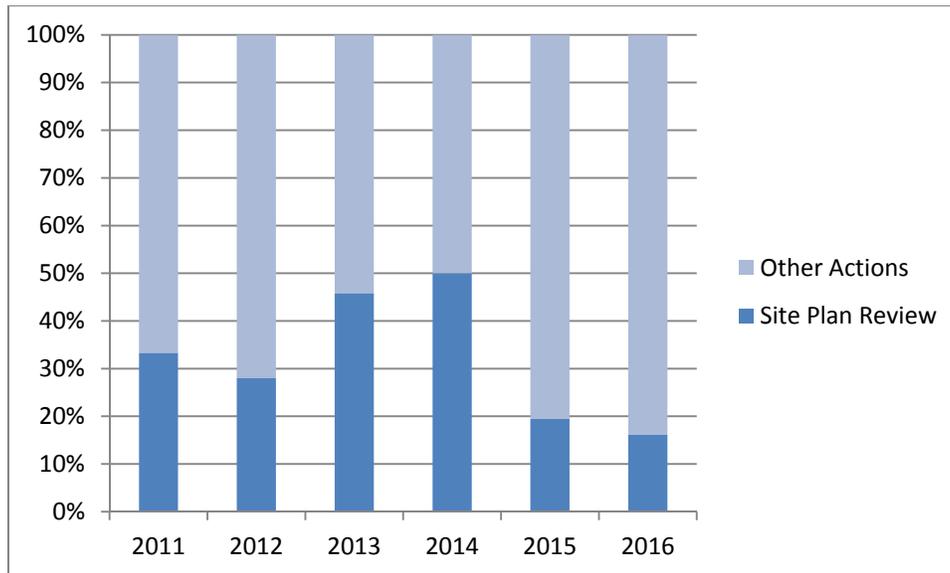
The Commission considered 30 actions, including 5 site/sketch plans, 5 special use permits, 1 Planned Unit Development (PUD); it also reviewed three standalone Capital Improvement Project requests; processed six designations of special nonconforming status ("Nonconforming A"); and held three public hearings on a significant "bugfix" of the zoning code, in addition to two standalone text amendments. The Planning Commission recommended that the Bell/Kramer area be a specific area of study in the coming five-year Master Plan update due to the unique interaction of current uses, past uses, environmental issues, and transportation resources.

Included in this year's annual report is the implementation matrix from the Master Plan, with topics not involving the Planning Commission removed. Although these topics are not included, they remain important to the overall success of the City.

**Figure 1: Planning Commission Applications by Type (past five years)**

Planning Commission Application / Deliberation	2011	2012	2013	2014	2015	2016
Site plan review	11	7	11	9	7	5
Amend approved site plan	2	1	--	1	--	--
Special use permit	7	2	5	2	6	5
Zoning map amendment	2	3	1	1	1	2
Zoning text amendment	6	2	--	1	2	5
Master plan amendment	--	--	1	--	--	--
Planned unit development	1	2	2	--	2	1
Amend approved PUD	--	--	--	--	--	--
Alley/Street closure/Vacation	2	1	1	2	--	2
Change in non-conforming use	--	--	--	--	--	1
Capital improvements reviews	2	1	1	2	3	3
Special topic planning	--	1	2	--	--	--
Study item	--	4	--	--	7	1
Conditional rezoning	--	1	--	--	--	--
Modification of Sign Standards (begins 2012)	--	0	--	--	1	--
Special Use Revocation (begins 2015)	--	--	--	--	1	--
Designation of Special Nonconforming Status (begins 2015)	--	--	--	--	6	6
<b>Total Applications / Deliberations</b>	<b>33</b>	<b>25</b>	<b>24</b>	<b>18</b>	<b>36</b>	<b>31</b>

**Figure 2: Planning Commission Actions by Year (percent)**



**Master Plan Implementation Matrix**

These goals and their matrices are taken directly from the Master Plan, adopted Oct 2013.

*Capital Improvements Plan = CIP; Zoning Ordinance = ZO*

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
<b>Center</b>	C1	Building standards for centers that preserve the architecture	2014-2015	All Centers					Zoning Ordinance	Ordinance passed 2014	Completed
	C2	Allow renewable energy facilities on all buildings	2014-2015	All Centers					Zoning Ordinance	Ordinance passed 2014	Completed
	C4	Finish upper stories	Ongoing	All Centers					Zoning Ordinance (enable private investment)	Ordinance passed 2014	Ordinance update underway, recommended to Council
	C5	Maintain and expand transportation options	Ongoing	Downtown					Zoning Ordinance, Capital Improvements Plan	Capital Improvements Plan adopted 2015	Ordinance update underway, recommended to Council; CIP annual update/review
	C7	Encourage business and event activity during the day and evening	2014-2019	All Centers					Zoning Ordinance (encourage mix of uses)	Ordinance passed 2014	Ordinance update underway, recommended to Council

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
C9	Curbless "festival" street on Washington	2014-2019	Downtown						Capital Improvements Plan	Capital Improvements Plan adopted 2015	CIP annual update/review
C10	Use vacant storefronts for temporary retail uses	2014-2019	Downtown						Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
C14	Increase walkability (2-way streets & raised intersections)	2014-2024	Downtown						Capital Improvements Plan/ Transportation Plan	Capital Improvements Plan adopted 2015	CIP annual update/review
C15	Curbless "festival" street on River and Cross Street	2014-2024	Depot Town						Capital Improvements Plan	Capital Improvements Plan adopted 2015	CIP annual update/review
C16	Create a public space at new train station	2014-2024	Depot Town						Capital Improvements Plan	Capital Improvements Plan adopted 2015	CIP annual update/review
C17	Separate Cross and Washtenaw	2014-2024	Cross Street						Capital Improvements Plan	Capital Improvements Plan adopted 2015	CIP annual update/review

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
	C18	Create a "front door" for EMU with reconfiguration of Cross and Washtenaw	2014-2024	Cross Street					Capital Improvements Plan	Capital Improvements Plan adopted 2015	CIP annual update/review
Neighborhood	N3	Plan and zone for range of housing typologies for the needs of all ages and abilities	Ongoing	All neighborhoods					Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
	N4	Streamline multiple-family living arrangements into categories based on number of units and form, instead of use	2014-2015	All neighborhoods					Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
	N5	Continue home-based entrepreneurship	2014-2015	All neighborhoods					Zoning Ordinance (enable)	Ordinance passed 2014	Ordinance update underway, recommended to Council

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
	N6	Regulate the form of buildings to preserve the character of neighborhoods	2014-2015	All neighborhoods					Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
	N7	Preserve the character of the area by using regulations on street type, building type as well as use	2014-2015	Central neighborhoods					Zoning Ordinance, Engineering Standards	Ordinance passed 2014	Ordinance update underway, recommended to Council
	N8	Regulations of the variety of housing types, uses and lot sizes will be calibrated to the existing patterns	2014-2015	Central neighborhoods					Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
	N9	Limit uses to predominantly single-family residential uses in areas with small houses, suited for only single-family use	2014-2015	Outlying neighborhoods					Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
Corridor	Co 1	Designate the appropriate building form for each corridor based on existing patterns and vision for that corridor	2014-2015	All corridors					Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
	Co 2	Retain the mix of uses within each corridor but allow them throughout the area	2014-2015	All corridors					Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
	Co 3	Reinforce the preservation of historic buildings	2014-2015	Historic corridors					Zoning Ordinance; Historic District ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
Co 4	Maintain River Street as a historic boulevard	2014-2015	Historic corridors						Zoning Ordinance, Capital Improvements Plan	Ordinance passed 2014	Ordinance update underway, recommended to Council
Co 5	Require a pedestrian-friendly building form while allowing a mix of uses for both students and residents along Huron River Dr, LeForge & Railroad corridors	2014-2015	General corridors						Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
Co 6	Coordinate regulations for Washtenaw with the County Re-Imagine Washtenaw Ave Plan	2014-2015	General corridors						Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
	Co 7	Restore Harriet St as the Main St of adjacent neighborhoods	2014-2015 for ZO / 2014-2024 years for street improvements						Zoning Ordinance, Capital Improvements Plan	Ordinance passed 2014, Capital Improvements Plan 2015	Ordinance review underway; CIP annual update/review
	Co 8	Restore two-way function to Cross, Huron and Hamilton Streets	2014-2024						Capital Improvements Plan	Capital Improvements Plan adopted 2015	CIP annual update/review
District Areas	D1	Update regulations to create walkable areas at the border of the City and EMU campus	2014-2015						Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
	D2	Create regulations that support the existing building form but assure access by all modes of transportation	2014-2015						Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council

Key	Action	Timeframe	Location	Safety	Diversity	Equity	Enviro	Economy	Primary Mechanism	Completion or Benchmark Date	Next Steps
D3	Allow renewable energy facilities, such as solar panels, on industrial land	2014-2015	Job Districts						Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
D4	Reduce the minimum lot size and width in the industrial park to create more opportunity	2014-2015	Job Districts						Zoning Ordinance	Ordinance passed 2014	Ordinance update underway, recommended to Council
D7	Encourage use or redevelopment of unused parking lots	2014-2019	HHS & Job Districts						Zoning Ordinance (enable)	Ordinance passed 2014	Ordinance update underway, recommended to Council
D8	Create a 'front door' for EMU in the area created by the reconfiguration of Cross and Washtenaw	2014-2024	EMU						Capital Improvements Plan	Capital Improvements Plan adopted 2015	CIP annual update/review

## **LOOKING FORWARD**

At the end of 2016, these planning projects remain in progress.

- The zoning ordinance update has passed Planning Commission and been recommended to Council. It is tentatively scheduled for Council's second February meeting.
- An update to the Master Plan will be planned, specifically focusing on the Bell-Kramer neighborhood.

## **ACTION**

The Planning Commission adopted this report at its regular January 2017 meeting and approved transmittal to City Council.



**2016 Annual Report  
Historic District Commission  
Ypsilanti, Michigan**

**INTRODUCTION**

The Historic District Commission of the City of Ypsilanti is governed by the Michigan Local Historic Districts Act, State of Michigan Public Act 169 of 1970, and by Chapter 54 of the City of Ypsilanti Code of Ordinances.

**MEMBERSHIP**

Anne Stevenson, Chair  
Hank Prebys, Vice-Chair  
Mike Davis  
Erika Lindsay

Alex Pettit  
Ronald Rupert  
Jane Schmiedeke

**COMMISSION AND STAFF**

Throughout 2016, the Historic District Commission (HDC) continued meeting on the second and fourth Tuesday of each month at 7:00 p.m. in the City Council Chambers.

The HDC was staffed by interns Haley McApline, through August, and Yasmin Ruiz, beginning in September, and by Associate Planner Cynthia Kochanek. In the HDC Assistant role, they worked 15-20 hours per week performing various administrative tasks to enable the Historic District Commission to fulfill its responsibilities under the Historic District Ordinance. Staff responsibilities included reviewing Historic District Work Permit Applications prior to meetings; corresponding with applicants; preparing meeting agendas, commission packets, and minutes; property monitoring; and preparing reports, as needed.

The Commission continued to provide prompt review of applications. Applications are collected from the Building Department and reviewed by staff for completeness. Incomplete applications are addressed through email or phone correspondence with the applicant, requesting additional information be provided prior to the meeting. If that information is not provided, the application is returned to the applicant. Staff reviews are written for each application and are designed to address issues and to fill in gaps with the applications. These staff reviews are included in the meeting packets. Meeting packets are then posted on the City of Ypsilanti's website and emailed to the Commission by the Friday prior to each meeting.

The HDC Assistant attends each HDC meeting in order to take minutes. After the meeting, the HDC Assistant writes decision letters and drafts the official minutes. The draft is then forwarded to the HDC Chair for review. The turnaround time for this process, from application submittal to mailing of decision letters, generally takes about

two weeks; however, the approvals are provided to the building department the day after the meeting to expedite the work.

Potential applicants are encouraged to bring projects to the Commission as study items before the formal submission of a Work Permit Application. This allows the Commission to provide feedback to property owners at a conceptual stage, clarifying expectations and allowing for a more predictable final review.

## **INITIATIVES**

### **HDC Application Revisions**

A new application format and application checklist to help applicants understand what is expected of them when applying was implemented in early 2016 to streamline the application process.

### **New Owner Outreach**

“New Owner” mailings occurred quarterly in March, June, September, and December.

### **This Place Matters / Michigan Places Matters**

Photos were taken at the Towner House in Ypsilanti featuring members of the HDC, City staff and members of the local historic foundations as part of the National Trust for Historic Preservation’s “This Place Matters” campaign. The photos were placed in circulation on social media and sent to MHPN to be included in their “Michigan Places Matter” campaign.

### **Vinyl Resolution**

The HDC updated the vinyl resolution making it clearer to homeowners that vinyl windows will only be allowed in the Historic District in very rare instances.

### **Photo Survey**

An update to the district-wide photo survey began at the end of 2016 and is expected to be completed in 2017. All properties in the Historic District will be included.

### **Realtor Outreach**

A new realtor outreach program was initiated in which postcards were sent to the realtor of any property that was listed for sale in the historic district advising that the listed property is in the district and what that involves for potential owners.

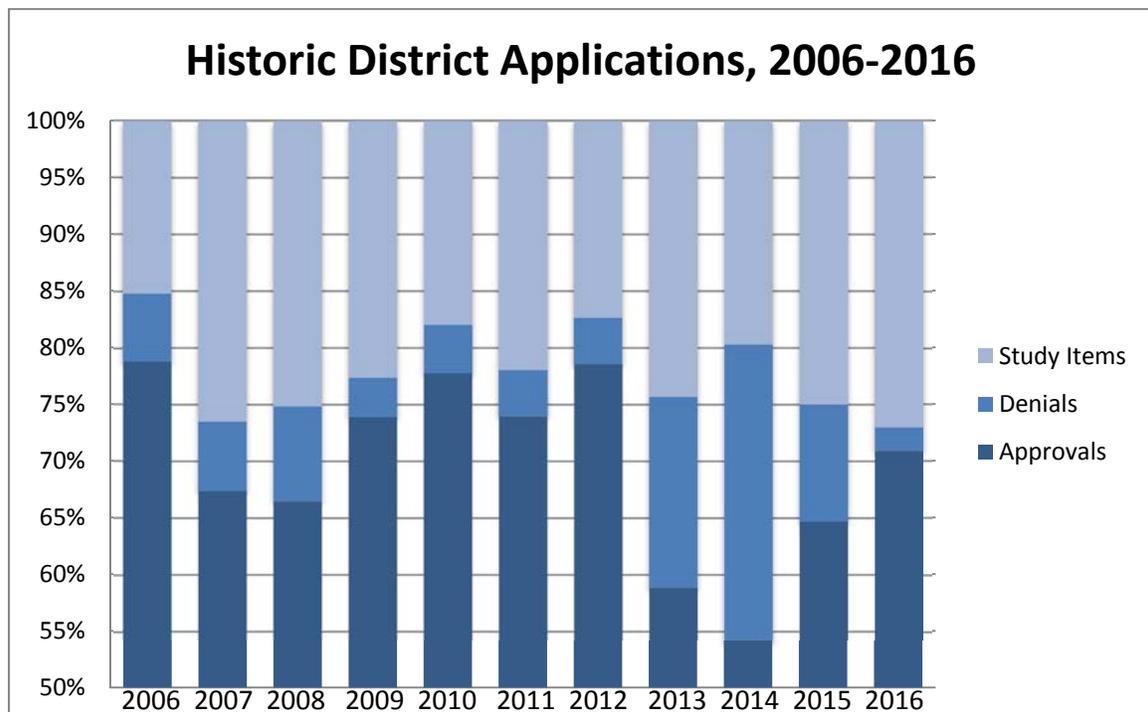
## **APPLICATIONS**

The number of applications received this year closely matched the amount received in 2015, which was the highest amount received since 2007. The number of study items was also the highest it has been since. The lower amounts of applications in recent years reflect the impact of economic issues. The ambitious scope of many of the approved projects reflects the commitment of residents and businesses to the improvement of the local community. The number of applications and actions taken is depicted in the table below.

### Historic District Commission Actions, 2011-2016

	2011	2012	2013	2014	2015	2016
Approved as submitted	51	44	62	54	79	69
Approved with modifications	15	10	6	25	15	14
Approved administratively	11	9	9	9	11	13
Amended approvals	5	2	2	3	1	4
Denied: lack of information	1	2	0	0	3	1
Denied: inappropriate	3	3	5	5	0	5
<b>Total Action Items</b>	<b>103</b>	<b>70</b>	<b>84</b>	<b>96</b>	<b>109</b>	<b>106</b>
Study Items	17	26	28	34	40	42

To illustrate the number of projects within the Historic District this year as compared to the past ten years, the chart below depicts HDC Work Permit application activity from 2006 through 2016.



## MAJOR PROJECTS

The Historic District continued to benefit from investment over the past year. Some of the significant projects are summarized here:

- Ypsilanti Freighthouse- Major interior work was completed in order for the building to move toward obtaining a temporary certificate of occupancy and opening to the public. Bathrooms were added to the interior, the floors were finished and heating and plumbing were installed. New signs and solar panels were also installed on the property.
- 106 Michigan Ave- The existing storefront was demolished and replaced with a new, aluminum storefront brought flush with the sidewalk.
- 539 Maple Court- The HDC approved a solar panel installation for the south side of the roof on the main structure.
- 600 N. River – The main entry stair to the building was repaired and replaced. Work was approved in such a way to save the owners an estimated \$12,000.

### Demolitions

In August of 2016, the HDC approved the demolition of an accessory structure (a garage) at 111 Maple St. The HDC agreed that the garage was of no historical significance, and was deemed a safety hazard by the City of Ypsilanti. The garage was ultimately demolished in the fall of 2016.

### Appeals

An appeal was filed with the State Historic Preservation Review Board in 2016 by Barnes and Barnes for a denial by the HDC. The appeal was settled with the City prior to the court date and the appeal was subsequently withdrawn.

### Looking Forward

2017 should be an exciting and eventful year for the historic district and the commission. The temporary Certificate of Occupancy should be issued in mid-January for the Ypsilanti Freighthouse and the building should be open to the public by late January 2017. Construction will continue in the summer to finalize the outstanding construction needed prior to a permanent Certificate of Occupancy being issued. Once open, the Ypsilanti Freighthouse will offer a unique event venue in the heart of Ypsilanti.

Staff will also be making necessary updates and revisions to current HDC Fact Sheets, as well as producing new Fact Sheets to better inform the public of the HDC's design guidelines. Minor modifications will be made to the HDC Work Permit Application to streamline the application process.

## SUMMARY

Although of varied scope and scale, the projects completed throughout 2016 are excellent examples of the continued preservation efforts of property owners within the Ypsilanti Historic District. Commendation by the City is due to these owners for their substantial contribution to the community as they continue to support the efforts of the Historic District to beautify the district and preserve the heritage of Ypsilanti's built environment.

This report adopted at the January 10, 2017 regular meeting of the Historic District Commission and respectfully submitted to the Ypsilanti City Council.

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Anne Stevenson, Chair  
Historic District Commission

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Date

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Yasmin Ruiz, Historic District Assistant  
Community & Economic Development Department

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Date



Resolution No. 2017-048  
February 21, 2017

**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: