



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

I. CALL TO ORDER –

The meeting was called to order at 7:06 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	Absent		

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

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

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 –

Mayor Pro-Tem Brown moved, seconded by Council Member Vogt to approve the agenda.

Mayor Edmonds added the nomination of Economic Development Director Beth Ernat to the Smartzone Local Development Financing Authority (LDFA).

Council Member Murdock moved, seconded by Council Member Bashert to remove Resolution No. 2017-063 from the Consent Agenda and add it to Resolutions/Motions/Discussions.

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

Mayor Edmonds asked for the first Audience Participation be heard prior to presentations.

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

VI. INTRODUCTIONS –

Mayor Edmonds introduced the following individuals; City Manager Darwin McClary, City Clerk Frances McMullan, Assistant City Attorney Dan DuChene, Economic Development Director Beth Ernat, City Planner Bonnie Wessler, and Fiscal Services Director Marilou Uy.

VII. AUDIENCE PARTICIPATION –

1. Michael Anthony, 1360 E. Clark, stated he is an Ypsilanti resident and a graduate of Eastern Michigan University. He said he is a proud transgender man and currently runs a support group for transgender men and a social group for all transgender identities. He said there is a large transgender population in and around the City who are hardworking members of this community. The display of the Transgender Pride Flag is an important symbolic decision that Council now has the power to make. Transgender visibility day is something that is celebrated throughout this country and across the globe. He said he feels members of this community are in support of transgender individuals, and a display of support from City would mean a great deal to transgender people.
2. Shoshanna Wechter, 310 Maple St., stated she has been living in Ypsilanti since 2001 and is a transgender woman. She has always found Ypsilanti to be a truly welcoming place, but when she begin to legally and medically transition she felt the support of the community. She said the Ypsilanti District Library has been very accepting and has amended its harassment policy to include transgender. Institutional support really does make a difference to transgender people, and flying the Transgender Flag on Transgender Day of Visibility shows strong solidarity with the transgender community.

VIII. PRESENTATIONS -

Medical Marijuana – City Planner Bonnie Wessler and Assistant City Attorney Dan DuChene

City Planner Bonnie Wessler and Assistant City Attorney Dan DuChene provided a presentation regarding medical marijuana.

Mayor Edmonds asked why Assistant City Attorney DuChene was not using the word “business”. Mr. DuChene responded in the Act they are referred to as “enterprises”.

Mayor Edmonds asked if a provisioning center can also be another business classification. Mr. DuChene responded there are certain licenses that would allow for a second license, however, and applicant would not be allowed to have a transport or testing license if they have an additional license.

Council Member Murdock asked if the new law would eliminate the need for a caregiver. Mr. DuChene responded no, but if a person wants to operate a larger facility it would need a license from the state.

Mayor Edmonds asked if the 3% excise tax is only for the end user, and not on what a grower is selling. Mr. DuChene responded in the affirmative. Council Member Bashert asked if the sale would also include 6% sales tax. Mr. DuChene responded he has been looking into it, but he does not think so.

Council Member Murdock asked if the County would be responsible for distributing the 3% tax. Mr. DuChene responded in the affirmative. Mr. Murdock asked if the City amount would be based off of the

number of enterprises operating in the City. Mr. DuChene responded in the affirmative. Council Member Bashert interjected the state distributes the revenue.

Council Member Murdock asked if the current relationship caregivers have with dispensaries will be eliminated. Mr. DuChene responded if a caregiver becomes a grower and receives a state license it may maintain its relationship with dispensaries/provision centers. Mr. Murdock asked if caregivers would essentially be eliminated if they are not licensed as growers. Mr. DuChene explained the tracking act, which will be administered by LARA, to establish a statewide tracking system from "seed to sale" and a way to check registry ID cards.

Mayor Edmonds asked medibles will interact with Food Safety Monitoring Act, which is a federal guideline regulating all food stuff. Mr. DuChene responded he has not yet examined this issue. Ms. Wessler replied at the process level there would be, but it would not apply to marijuana because you cannot apply a federal standard to something that is federally illegal.

Mayor Edmonds asked if there is a cap on grow facilities. Ms. Wessler responded in the affirmative, and stated the cap is three, and six for dispensaries, although there are seven operating in the City. Council Member Bashert asked where the caps originated. Ms. Edmonds replied an act of Council. Council Member Robb explained the cap was a result of Ward 1 not wanting a dispensary on Harriet, however, that business already began the process and was allowed to establish.

Council Member Robb stated the City should not take any action because it will not need to expand into the other enterprise categories. He said a transport system should be treated like any business and be required to get a business license. He said testing labs are very technical and there are not very many, and the odds of getting a lab in this community are very low, and if it is allowed where would it be located. Ms. Wessler responded in laboratories can currently operate in a PMD designation. He said County Healthcare should be more concerned with processing facilities, and medibles. He said there are grow facilities currently operating in the City, and there is not a big difference between 500 and 1,500 plants. He said dispensaries, or provisioning centers should be kept the same, and the cap should be removed because it would only allow one more dispensary in the City. He suggested making this transition as easy as possible. Mr. DuChene asked there was a consensus on removing the current cap limits and removing zoning requirements that prevent clustering, other than dispensaries. Ms. Wessler stated Council Member Robb stated he doesn't care about the other facilities, and asked if he wanted to enact on ordinance enabling them, or enact an ordinance prohibiting them. Mr. Robb responded he would not enact an ordinance prohibiting because the likelihood of getting a lab is very low. He explained the other two enterprises should be treated like a home business.

Mayor Edmonds stated she feels a processing business might become an issue, especially if individuals use a shared kitchen.

Council Member Bashert agreed the cap could be removed, at least grow facilities. She said language regarding the other business types will need to be included in the ordinance because if a transporter is pulled over by the police it could cause a problem. Mr. DuChene replied the transporter would be licensed by the state, and explained if a transporter is not allowed in the City it would only mean they cannot locate a business in the City. Ms. Bashert replied it still does not harm to have language in the ordinance permitting transportation in the City. She suggested waiting to see what will happen with rule promulgation before making an ordinance amendments for the other enterprises.

Council Member Vogt stated he generally favors decriminalization with in certain limits. He does not believe Council is informed enough to make decisions on an ordinance amendment at this point. This is a potential high growth industry but there are certain aspects that need to be controlled at all levels. He said he is not ready to make these decisions, however, why not allow for processing, transportation, or a

laboratory if a business wishes to locate here. He suggested careful consideration before Council begins to make decisions. Mayor Edmonds asked for any direction Council Member Vogt would have for staff. Mr. Vogt stated anything that would help Council understand where the market is heading, anything from an economic development perspective.

Mayor Pro-Tem Brown echoed the remarks of Council Member Vogt.

Council Member Murdock stated he believes there are pieces that need to be flushed out before making a final decision. He does not have an issue with the cap limits in the current system. He stated in November of 2018 recreational marijuana is more than likely going to be approved. When he and staff met with Kirk Profit there was discussion of how the 3% tax would be distributed. He said if the distribution is based on number of facilities in a jurisdiction, that metric should also consider the size of the jurisdiction. He suggested leaning on the state representative who is also on the Appropriations Committee to make that consideration.

Mayor Edmonds asked if City Manager McClary if he had insight on the topic. Mr. McClary responded he would tend to agree the City should take a cautious approach and gather more information. However, he would recommend limiting the number of businesses that can operate in the City. Economic Development Director Beth Ernat stated staff reached out to EMU to have research students to evaluate the proposal related to the 3% and how it should be divided. She agreed with Council Member Murdock that six retail sale facilities and three grow facilities in 4.4 square miles versus 35 miles should garner greater distribution of the 3%. She stated Ms. Wessler can attest to the number of phone calls the City has received regarding those facility types locating to the City. She does believe the City will be approached by all facility types to locate in Ypsilanti. Staff is asking for policy direction from Council and if they wish to maintain the City's progressive stance on this issue.

Mayor Edmonds asked if there was anything in the Act that regulated the location of the other business types. Mr. DuChene replied there has been hypothetical discussion of business stacking but the City has not received formal guidance. Ms. Edmonds stated considering economic development the colocation of businesses could be an asset.

Mayor Edmonds stated she agrees with expanding the ordinance while looking at where caps might be appropriate.

Resolution No. 2017-055, supporting the display of the Transgender Pride flag.

A RESOLUTION SUPPORTING THE DISPLAY OF THE TRANSGENDER PRIDE FLAG

WHEREAS, no federal or state of Michigan law currently prohibits discrimination based on gender identity in employment, housing, or public accommodations; and,

WHEREAS, the state of Michigan's own Department of Civil Rights has concluded that anti-LGBT discrimination "exists and is significant" and that such discrimination has "direct negative economic effects on Michigan"; and,

WHEREAS, discrimination impedes the city of Ypsilanti and the state of Michigan's ability to attract and retain talented, hard-working, determined people and by extension economic growth and prosperity; and,

WHEREAS, in the absence of state action by Michigan’s legislature forty-two Michigan communities, including the city of Ypsilanti, have enacted local, comprehensive nondiscrimination ordinances; and,

WHEREAS, March 31 has been recognized annually as “Transgender Day of Visibility” since 2009 when Michigan transgender activist Rachel Crandall founded the observance; and,

WHEREAS, recent action by the Trump administration withdrawing federal guidance on the rights of transgender students at school make it more important than ever for communities to speak out in support of these students,

NOW, THEREFORE, BE IT RESOLVED, that in recognition of “Transgender Day of Visibility” and in solidarity with and support of transgender people across the United States, the city of Ypsilanti shall fly the transgender pride flag on Friday, March 31, 2017.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Murdock

Mayor Edmonds thanked those who spoke during audience participation, and as most are aware the mental health weight caused by discrimination of the transgender community is great. She said the Transgender Flag will be flown underneath the American Flag at the Police Station.

Council Member Bashert stated she had the pleasure of working with Rachel Crandall around fifteen years ago, and most recently during the 20th anniversary of the Non-Discrimination Ordinance seeing the participation of the transgender community. She is proud to see the City taking the initiative to pass this resolution.

Mayor Edmonds stated this resolution was also sent to the Ypsilanti Community Schools to consider being approved by the school district. YCS Policy Committee is also working toward approving a policy protecting transgender students in its schools. She added this will also be introduced to the Washtenaw County Board of Commissioners.

Council Member Vogt stated not only is this the rational and human thing to do, it is important for governments to take this formal action because most negativity comes from lack of familiarity. Anything that can be done to help spread knowledge helps to break down those problems.

On a roll call, the vote to approve Resolution No. 2017-055 was as follows:

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

VOTE:

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

IX. REMARKS BY THE MAYOR –

None

X. ORDINANCES – FIRST READING –

Ordinance No. 1285

1. An ordinance to amend Section 58-32 of the Ypsilanti City Code to add two youth non-voting members to the Human Relations Commission.

- A. Resolution No. 2017-060, determination

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:
The ordinance entitled: "An ordinance to amend section 58-32 of the Ypsilanti City Code to add two youth non-voting for one year terms to the Human Relations Commission" be adopted on First Reading.**

OFFERED BY: Council Member Murdock

SECONDED BY: Mayor Pro-Tem Brown

Mayor Edmonds stated in speaking with some of the youth organizations in the City to nominate youth membership. She stated Erica Mooney will be playing a role in recruitment and as a mentor.

- B. Open public hearing

None

- C. Resolution No. 2017-061, close public hearing

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:
That the Public Hearing for an ordinance entitled: "An ordinance to amend section 58-32 of the Ypsilanti City Code to add two youth non-voting members to the Human Relations Commission" be officially closed.**

OFFERED BY: Council Member Murdock

SECONDED BY: Mayor Pro-Tem Brown

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

Council Member Robb stated if a youth member is appointed at seventeen for a three year term at eighteen the person would be off the Commission. Mr. DuChene replied if a person is appointed to a non-voting seat for three years they would maintain that seat for three years. Mayor Edmonds suggested the youth member's term be shortened to one year. Mr. Robb stated the way the ordinance is written person would not grow into a voting member but would maintain their non-voting status past youth status. Mr. DuChene responded in the affirmative.

Council Member Vogt moved, seconded by Council Member Brown to amend the ordinance to provide for a one year term for youth members.

Council Member Robb stated a cleaner way of doing this is once a person is eighteen they would no longer be eligible to serve as a youth, and could be transitioned into a full member. He said most of the City's Boards and Commission do not have full membership, and he sees it as being a reward.

Mayor Pro-Tem Brown stated she understands the basis of Council Member Robb's argument, but does not necessarily agree with it. She feels if a person turns eighteen during their term they should be permitted to finish their term. If the youth member wishes to apply they can do so through the set practice, however, being given preference because of their youth membership. Council Member Robb stated realistically the City should appoint people that are not going to graduate high school soon because of the transient nature of being a high school graduate. Ms. Brown stated she agrees

with Council Member Robb but if a seventeen year old wishes to be on the commission they can be groomed to serve as a full member at the expiration of their term. Mayor Edmonds agreed.

Council Member Bashert agreed there is a transient nature to juniors and seniors in high school. She said having worked with youth in mentorship roles it is very different than working with an adult. She believes this question is minor.

On a roll call, the vote to amend Resolution No. 2017-055 was as follows:

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

VOTE:

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

Council Member Robb asked if the youth members would be part of the quorum. Mr. DuChene responded he would need to check Robert's Rules, but quorum is applied to voting members.

Mayor Pro-Tem Brown stated she served on both the 2020 Task Force and the Parks and Recreation Commission. Because of her activity she stayed in the community and attended EMU and now she is Mayor Pro-Tem of the City Council.

Mayor Edmonds stated she was on her school board at age sixteen and seventeen and it was important to have a seat at the table.

On a roll call, the vote to approve Resolution No. 2017-060 was as follows:

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

VOTE:

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

XI. CONSENT AGENDA –

Resolution No. 2017 – 062

- ~~1. Resolution No. 2017-063, opposing elimination and reduction of US Department of Housing and Urban Development programs which are vital to Washtenaw County residents.~~

(Moved and heard during Section XII, Resolutions/Motions/Discussions)

2. Resolution No. 2017-064, approving appointments to Boards and Commissions.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:
THAT, the following individuals be appointed to the City of Ypsilanti Boards
and Commissions as indicated below:**

<u>NAME</u>	<u>BOARD</u>	<u>TERM EXPIRATION</u>
Kurt Kohlmann 326 Maple Ypsilanti, MI 48198	Parks & Recreation Commission	July 1, 2020
Ashanti Harris 305 E. Cross Ypsilanti, MI 48198	Parks & Recreation Commission	July 1, 2020
Ben Connor Barrie 1111 Westmoorland Ypsilanti, MI 48197	Parks & Recreation Commission	July 1, 2020
Emily Drennan 309 Middle Dr. Ypsilanti, MI 48197	Sustainability Commission	May 1, 2020
Nancy Heine 214 S. Washington St. Ypsilanti, MI 48197	Sustainability Commission	May 1, 2020
Natalie Sampson 703 Hemphill St. Ypsilanti, MI 48198	Sustainability Commission	May 1, 2020
Thomas McKee 408 N. Huron St. Ypsilanti, MI 48197	Sustainability Commission	May 1, 2019
Leah VanLandingham 113 Downing Ypsilanti, MI 48197	Sustainability Commission	May 1, 2019
Brett Zeuner 318 Oak St., #1 Ypsilanti, MI 48198	Sustainability Commission	May 1, 2019
Julie Bayha 401 W. Michigan Ave., #614 Ypsilanti, MI 48197	Sustainability Commission	May 1, 2018
Keith Michalowski 410 Maple Ypsilanti, MI 48198(1 year term)	Sustainability Commission	May 1, 2018

3. Resolution No. 2017-065, approving appointments to Boards and Commissions (non-residents).

**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:**

**Thomas Kovacz
4647 Nutmeg Dr.
Ypsilanti, MI 48197**

Sustainability Commission

May 1, 2018

**Deiter Otto, EMU Representatives
EMU Director of Grounds and Custodial
200 Boone Hall
Ypsilanti, MI 48197**

DDA

N/A

4. Resolution No. 2017-066, approving minutes of January 24 and January 31, 2017.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:
THAT the minutes of January 24 and January 31, 2017 be approved.**

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

On a roll call, the vote to approve Resolution No. 2017-062 was as follows:

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

VOTE:

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

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2017-067, approving budget amendments changing loan to a fund transfer for the uncollected reimbursement from MNRTF of \$328,490.00.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:
WHEREAS The City requested reimbursement from the Michigan
Department Natural Resources - Grants Management on August 17,
2016 for the River’s Edge Linear Park & Trail and Ypsilanti Heritage
Bridge expenditures amounting \$300,000 and \$28,490 respectively;
and**

**WHEREAS To support the Capital Improvement fund’s cash shortage,
the General Fund last year loaned \$328,490 with the expectation that
the request for reimbursements will be collected within a reasonable
amount of time; and**

WHEREAS As of this date, the City has not collected these reimbursements. Therefore, I recommend to amend the budget to change the loan to a fund transfer; and

WHEREAS the revenue will be recorded in the General Fund instead of the Capital Improvement Fund; and

NOW BE IT HEREBY RESOLVED that the Ypsilanti City Council approve the recommended budget amendments as follows:

Transfer Out to Capital Imp Fund	101-7-9670-999-13	\$328,490
Transfer in from General Fund	414-4-0000-699-01	\$328,490

Upon receipt of payment from MNRTF, the general Fund will record:

CASH	101-001-01	\$328,490
MNRTF Grant REIMBURSEMENT	101-4-0000-539-00	\$328,490

OFFERED BY: Council Member Robb
 SECONDED BY: Council Member Vogt

Fiscal Services Director Marilou Uy stated during the audit in October it was noticed there was a negative in the cash balance sheet resulting from the Heritage Bridge and the Border to Border Trail. The reimbursement from MNRTF has not been received because of the issues the City is having with the trail. Staff recommends this transfer from the General Fund until the reimbursement is received.

Council Member Robb asked if the City was penalized on the audit because of the cash shortage. Ms. Uy responded it is not advisable to have a negative cash balance. Mr. Robb asked why this was not mentioned at the time of the audit. Ms. Uy replied this situation is not out of the ordinary, and to correct the issue the City needs to create a loan from the General Fund until it receives the reimbursement.

Council Member Bashert asked for an estimated time of reimbursement. Ms. Ernat responded hopefully within the next three months. She explained the payment has been delayed because the engineering firm used by the City has failed to provide the proper documents to be reimbursed. Ms. Bashert asked that this be considered the next time this particular engineering firm submits a bid.

Council Member Murdock asked if the City received funding due from the County for those projects. Ms. Ernat responded based on the County accounting yes. Ms. Ernat clarified she understands early on in the process the County's contribution was higher, but since she has been involved what was promised has been delivered. Ms. Uy interjected the County Parks and Recreation still owe the City 10% of the invoice amount.

Council Member Robb asked why Council is not making a budget amendment for what is still owed by the County. Ms. Uy responded this was already recorded as a revenue last year, but the City has not yet received the funds.

On a roll call, the vote to approve Resolution No. 2017-067 was as follows:

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

VOTE:

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

2. Resolution No. 2017-068, approving Ordinance 1284, to amend Chapter 122 (Zoning Ordinance) of the City's Code of Ordinances. *(Second Reading)*

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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

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

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

OFFERED BY: Council Member Vogt

SECONDED BY: Mayor Pro-Tem Brown

Ms. Wessler stated during first reading more information was requested specifically on the sign ordinance and changes made in the zoning ordinance over the past year. Included in the packet was a log of the changes with six highlighted items, which are errors discovered while logging the changes.

Council Member Robb asked why it would be difficult to enforce neon lighting around the perimeter of a window. Ms. Wessler responded that is based on information received by the Building Department and she does not have additional information. Mr. Robb asked if anyone has ever been cited for that violation. Ms. Ernat responded staff pursued citing Vivid Inks for their neon sign, who in response pointed out neon in five other locations in the downtown. This was at the time the Planning Commission was reviewing the changes and staff decided not to pursue that item. She explained the difficulty in enforcement is based on the existing neon signs in the downtown. Mr. Robb responded staff is confusing the difference between neon and LED, and explained the ordinance states neon cannot be around a window not LED lighting. He said the City prides itself on having the second largest Historic District state, and his concern is that type of signage taking away from that. Council Member Murdock stated the strip LED lighting is not much better than neon. Mr. Robb agreed. Ms. Wessler replied this could be sent back to the Planning Commission, and she would ask that it be divorced from the sign ordinance and be listed under lighting.

Council Member Robb moved, seconded by Council Member Murdock to add the phrase "however neon tubing outlined window or other architectural features is prohibited" back into Section 665 B3iv of the Zoning Ordinance.

Council Member Vogt asked if LED lighting should be prohibited in the Zoning Ordinance. Council Member Robb responded staff can examine that possibility.

Ms. Ernat stated there are two businesses are outlined in LED and one business has neon outline along Michigan Ave. She asked if this would create a non-conforming use, or is the City to enforce no neon. Mr. Robb stated if the city does nothing it could create an environment that is unappealing downtown, and if there is an ordinance it should be enforced. He added to allow the Planning Commission to weigh in on what is non-conforming.

On a roll call, the vote to amend Resolution No. 2017-068 was as follows:

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

VOTE:

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

On a roll call, the vote to approve Resolution No. 2017-068 was as follows:

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

VOTE:

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

3. Resolution No, 2017-069, adopting a five-year road funding plan.

WHEREAS, Maintaining the City’s Infrastructure has long suffered from a lack of funding, AND

WHEREAS, Road funding has been particularly hard hit, AND

WHEREAS, the State finally increased road funding in December 2015, AND

WHEREAS, the increased road funding is phased in over five years. AND

WHEREAS, the City has adopted an Asset Management Approach to maintaining our roads and infrastructure, AND

WHEREAS, the City of Ypsilanti is committed to a creating a Walkable community through a Complete Streets approach.

NOW THEREFORE BE IT RESOLVED that the City of Ypsilanti adopt the attached framework for utilizing funding designated for roads including Federal Highway Funds, County Road Millage Funds, existing Act 51 Funds and increased state funding.

AND FURTHER RESOLVED that this framework includes the City’s commitment to the I-94 Non-Motorized Crossing, the lane reductions of Huron/Hamilton, the redesign of the Huron/Cross Street intersection, and the replacement of the Cross Street Bridge.

OFFERED BY: Council Member Murdock

SECONDED BY: Mayor Pro-Tem Brown

Council Member Murdock stated this plan is not etched in stone but it does show the City's commitment to do infrastructure in a manner Council thinks is important. This plan suggests \$4 million worth of road projects over the next five years, depending if the State Legislature releases the funds.

City Manager McClary stated he and Council Member Murdock discussed this and it is understood that these numbers are preliminary. The plan must be flexible to change with funding levels, and that this is one piece of the road capital improvement plan. There also must be a comprehensive plan that involves all wards in the City must be developed beyond what is being presented tonight.

On a roll call, the vote to approve Resolution No. 2017-069 was as follows:

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

VOTE:

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

4. Resolution No. 2017-070, approving City Manager MERS Defined Compensation Plan.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City Council at its meeting of January 17, 2017, approved an Employment Agreement ("the Agreement") between the City and Mr. Darwin D. P. McClary to serve as City Manager; and

WHEREAS, the Agreement included a provision that requires the City to execute all necessary documents to provide for participation by Mr. McClary in a Defined Contribution Plan ("the Plan") of the Municipal Employees' Retirement System ("MERS") of Michigan; and

WHEREAS, in order to create the subject Plan for Mr. McClary, the City Council must adopt the attached MERS Resolution.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council does hereby approve and adopt the MERS Resolution for Adopting Municipal Employees' Retirement System of Michigan Defined Contribution Program, attached hereto and made a part hereof, and does further authorize and direct the Mayor and City Clerk to execute the subject MERS Resolution on behalf of the City.

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

Mr. DuChene this change would create a permanent change for the position, however it can be changed back if Council wishes.

On a roll call, the vote to approve Resolution No. 2017-070 was as follows:

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

VOTE:

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

5. Resolution No. 2017-071, scheduling a work session for the purpose of discussing and approving a list of priorities and expectations for the City Manager.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti's new City Manager, Darwin McClary, joined the city's management team on February 27, 2017; and

WHEREAS, the City Manager is requesting that the City Council schedule a work session to discuss and establish a list of priorities and expectations for the City Manager for the next several months to ensure that immediate legislative priorities of the council are addressed by administration; and

WHEREAS, the City Council desires to provide clear direction to the City Manager on its immediate legislative priorities;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the City Council does hereby schedule a work session of the council for _____, 2017, at _____ p.m. for the purpose of discussing and approving a list of legislative priorities and expectations for the City Manager for the next several months to ensure that immediate legislative priorities are addressed by administration; and

BE IT FURTHER RESOLVED BY THE CITY OF YPSILANTI that the City Council does hereby request that each council member prepare a list of 3 to 5 legislative priorities or expectations for the council to consider at the work session, with the lists to be submitted to the City Clerk on or before _____, 2017, for inclusion in the agenda packet in advance of the meeting.

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

Mayor Edmonds stated she and the City Manager feel the best opportunity to do this would be during the budget sessions. Mr. McClary stated this would also provide an opportunity for individual Council Members to meet with him to discuss individual priorities.

Mayor Edmonds suggested tabling this meeting until the budget sessions have been scheduled.

Council Member Robb stated Council has already set goals for this year, now they just need to be prioritized. He said the City now is two months into those goals without action, and if action does not happen for two months the set goals might

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not get accomplished. Mayor Edmonds responded what Mr. McClary is requesting are goals specific to the City Manager that would be set through a performance review. Ms. Edmonds asked for a table, or memo, that lists the set goals and outlines who is working toward its completion and what its progress is. Mr. Robb responded two people work for Council; the Clerk and the City Manager and they are the people who would deliver on those goals. The tasks that go into the completion of those goals is delegated by those two individuals and takes issue if they are not being completed. Mayor Edmonds agreed, however she said Council Member Robb's comments are not synonymous with what is being requested by the City Manager.

Council Member Murdock stated he does not disagree that staff should be working toward achieving those goals, but they are goals for FY 2017-2018. Council Member Robb stated that is not how Council goals have been established. He referenced contract negotiations which take place prior to FY 2017-2018. Mr. Murdock stated Council received a memo from the City Manager that he would be requesting Closed Sessions to begin that discussions.

Mr. McClary stated he will go through the set goals for the next meeting providing information with the work staff is currently doing to achieve those goals. He agreed with Council Member Robb, and informed Council work is being done to achieve those goals.

Mayor Pro-Tem Brown moved, seconded by Council Member Vogt to table Resolution No. 2017-071.

On a voice vote, the motion carried, and Resolution No. 2017-071 was tabled.

6. Resolution No. 2017-073, opposing oil transport through the Enbridge Energy Line 5 pipeline.
(added 3/20/17)

WHEREAS, Line 5 is a set of twin, 64-year-old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

WHEREAS, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the "worst possible place" for an oil spill in the Great Lakes; and

WHEREAS, the Great Lakes contain 20 percent of the world's fresh, available, surface water and are a drinking water source for over 35 million people; and

WHEREAS, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

WHEREAS, tourism is one of Michigan's largest income industries bringing in billions of travelers dollars spent each year; and

WHEREAS, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

WHEREAS, in 2009 the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and

WHEREAS, Enbridge has a shaky track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

WHEREAS, Enbridge was in violation for their spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

WHEREAS, Enbridge was responsible for one of the worst and most expensive oils spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

WHEREAS, corrosion is the number one reason that pipelines fail; and

WHEREAS, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn't have to obtain a permit and ensure that the pipeline wouldn't pose a threat to the waters or the public's use of the waters; and

WHEREAS, Michigan's Attorney General Bill Schuette has stated (in regards to Line 5) that the "pipeline wouldn't be built today" and that "the pipeline's days are numbered"; and

WHEREAS, the Coast Guard Commandant testified before congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

WHEREAS, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

WHEREAS, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

WHEREAS, protection of Michigan's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 21st day of March 2017, the City of Ypsilanti supports stopping the transportation of oil under the Great Lakes; and

BE IT FURTHER RESOLVED, that the City of Ypsilanti supports shutting down Line 5 and the flow of oil under the Great Lakes, and

RESOLVED FURTHER That the Ypsilanti City Council support H.R. 182 and C.R. 15 calling on Governor Snyder and Attorney General Schuette to shut down Line 5's transport of oil through the Straits of Mackinac; and

That the City Council send a letter to Governor Snyder, Attorney General Schutte, State Representative Irwin and Zemke, State Senator Warren and U.S. Senators Peters and Stabenow calling them to take swift action to shut down Line 5.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Murdock

Council Member Robb offered a friendly amendment to replace Representative Irwin with Representative Peterson.

Council Member Bashert accepted the amendment.

On a roll call, the vote to approve Resolution No. 2017-073 was as follows:

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

VOTE:

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

7. Resolution No. 2017-063, opposing elimination and reduction of US Department of Housing and Urban Development programs which are vital to Washtenaw County residents.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:
WHEREAS, On March 8, 2017, the Washington Post reported on proposed budget cuts to the U.S. Department of Housing and Urban Development (HUD); and**

WHEREAS, among other significant cuts, the proposed HUD budget:

- **Cuts funding for public housing repairs by \$1.3 billion or 68%.**
- **Cuts funding for Housing Choice Vouchers by \$300 million, not including the additional resources that would be needed to cover inflationary costs. This is equal to 200,000 vouchers being lost.**
- **Cuts funding that would result in about 12,000 homes for seniors and 6,000 homes for people with disabilities being lost.**
- **Eliminates Community Development Block Grant (CDBG).**
- **Eliminates HOME Investment Partnership Program.**

WHEREAS, The Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs are operated in Washtenaw County by the Washtenaw County Office of Community and Economic Development; and

WHEREAS, Other programs such as the Emergency Solutions Grant (ESG) program could be at risk of elimination or significant cuts; and

WHEREAS, For FY 2017 alone, Washtenaw County received nearly \$3,000,000 in CDBG, HOME and ESG funding; and

WHEREAS, These federal programs allow Washtenaw County to leverage \$20 million or more annually in additional funds for community projects and programs; and

WHEREAS, CDBG, HOME and ESG programs provide critical community infrastructure, neighborhood stabilization, human services, homelessness prevention, and affordable housing resources for Washtenaw County residents; and their elimination would have disastrous impacts on quality of life for our neighborhoods and residents; and

WHEREAS, The Ypsilanti Public Housing Commission applied for and received approximately \$1 million in Home funds for the Parkridge redevelopment project and the Hamilton Crossing project; and

WHEREAS, The Parkridge redevelopment project and Hamilton Crossing redevelopment would not have happened but for County HOME funds; and

WHEREAS, The loss of public housing capital and operating funds will hasten the deterioration of existing public housing properties and potentially displace residents; and

WHEREAS, These reductions in funding will hurt local businesses, destabilize neighborhoods and limit access to critical human services for residents in need;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the Washtenaw County delegation to the United States Senate and United States House of Representatives should actively oppose this HUD budget unless funding for these vital programs is protected; and

BE IT FURTHER RESOLVED, Copies of this resolution shall be provided to U.S. Senators Debbie Stabenow and Gary Peters, U.S. Representatives Debbie Dingell and Tim Walberg, and Governor Rick Snyder.

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

Council Member Murdock stated these budget cuts would be incredibly detrimental to City beyond what is outlined in the resolution.

Ms. Ernat stated these funds are vital to the state, to Washtenaw County, and to this community. The City needs to protect its community and to lose these funds would be very detrimental to many programs in the City.

On a roll call, the vote to approve Resolution No. 2017-063 was as follows:

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

VOTE:

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

XIII. LIASON REPORTS –

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study – Council Member Murdock stated two representative for the Regional Transportation who talked about the firing of Michael Ford. From the discussions it appears something would not be put on a ballot until November 2020, because the AAATA will also have a transportation millage on the ballot in 2018. The Federal Government is also eliminating funding mechanisms to use for rail.
- C. Urban County - None
- D. Ypsilanti Downtown Development Authority – Ms. Ernat stated there was discussion on the budget. Mayor Edmonds stated DDA Director Joe Meyers has made some great strides in stabilizing the Downtown DDA Budget. There has also been some great discussion on grants
- E. Eastern Washtenaw Safety Alliance - None
- F. Police-Community Relations/Black Lives Matter Joint Task Force – Mayor Pro-Tem Brown stated a recommendation for a Police Advisory Committee Ordinance will be on the April 4th meeting.
- G. Friends of Rutherford Pool - None
- H. Housing Equity Leadership Team - None
- I. Economic Development Coordinating Committee – Mayor Edmonds stated the committee is going through the process of developing goals.

XIV. COUNCIL PROPOSED BUSINESS –

Robb

- Stated there are eight to ten credible medicinal marijuana labs in the state of Michigan, and his connection is a little suspect of possible labs calling to open in the City. His connection also stated corporate grow facilities also want to get into secure transport. He said both those comments should be taken into consideration when the ordinance is drafted.

Bashert

- Stated she will be absent from the April 4th Council Meeting.
- Asked for an update on the issue with 1002 Washtenaw.

Mr. DuChene responded there is a Closed Session at the end of this meeting to discuss this issue.

Murdock

- Asked for an update on the police shooting on Lowell.
- Asked if a change has been made to the Police Profiling policy based on the recent ordinance amendments.
- Stated he would like to see additional fencing put on Park Street at the rail crossing closure.

XIV. COMMUNICATIONS FROM THE MAYOR –

- Stated the Attorney’s Office drafted a Facts sheet for the Non-solicitation Ordinance that she needs to review.
- At recent meeting there was discussion about driving if you are not a citizen. She explained a license issued by Mexico allows you to drive in the US.
- A number of local law enforcement agencies, including Ypsilanti, have agreed they will not participate in immigration enforcement.
- Strong recommendation for people to get a Washtenaw County ID and use it wherever you can to raise awareness of its existence.

Council Member Murdock stated Trump Administration released a list of sanctuary cities and not one Michigan City was included. Mr. Murdock stated he was approached about what the County ID could be used for at the City. Council Member Bashert stated business are also being asked to provide incentives for patrons who use the Washtenaw County ID.

XV. COMMUNICATIONS FROM THE CITY MANAGER –

- He submitted a City Manager’s report and is addressing the need for additional fencing.
- City interns are currently working on an electronic newsletter to post on the website. Working on how to distribute it to those who do not have access to the internet.
- Information has been provided regarding special events and peak times in the City for rubbish accumulation enforcement.
- The 2017 Economic Outlook is scheduled for March 29th.
- The Washtenaw County Chief Elected Officials Meeting is scheduled for March 31st.

XVI. COMMUNICATIONS –

- American Red Cross has received a grant from DTE to install smoke alarms to any resident that either doesn’t have one or needs one replaced.

Council Member Bashert added the Red Cross will find the best spot in the home to install the alarm and include a ten year battery.

XVII. AUDIENCE PARTICIPATION –

1. Dave Calkin, 302 Elm, stated he and his wife are both healthcare workers and has been talking to investors about possibly getting into the medical marijuana industry. He and his investors are looking for a place to establish this business and hoping Ypsilanti would be the location.

XVIII. REMARKS FROM THE MAYOR –

None

XIX. CLOSED SESSION –

Closed Session to discuss attorney-client privileged communication - OMA 15.267, Section 8(h)

Council Member Vogt moved, seconded by Mayor Pro-Tem Brown to adjourn to Closed Session.

On a roll call, the vote to adjourn to Closed Session was as follows:

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

VOTE:

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

The meeting adjourned to Closed Session at 9:38 p.m.

Council Member Bashert moved, seconded by Council Member requesting Joseph Golder submit a claim to the City requesting the City Insurer make a determination and that determination will be the final determination of the City.

On a roll call, the vote to approve the motion was as follows:

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

VOTE:

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

XX. ADJOURNMENT -

Resolution No. 2017-072, 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: Mayor Pro-Tem Brown
SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the meeting adjourned at 10:11 p.m.