



CITY OF YPSILANTI
CITY COUNCIL REGULAR SPECIAL MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, AUGUST 29, 2018
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 –

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

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

VI. INTRODUCTIONS

Mayor Edmonds introduced the following individuals; City Clerk Frances McMullan, Interim Economic Development Director Joe Meyers, and DDA Coordinator Elise Dickerson.

VII. PRESENTATIONS –

VIII. AUDIENCE PARTICIPATION –

None

IX. REMARKS BY THE MAYOR –

X. PUBLIC HEARING –

Ordinance 1325

1. An ordinance to amend Chapter 30 "Community Development" of the Ypsilanti City Code to add a new Article VII, entitled "Community Benefits."

A. Resolution No. 2018-226, determination

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI
THAT An ordinance to amend Chapter 30 “Community Development” of the
Ypsilanti City Code to add a new Article VII, entitled “Community Benefits.”
be approved on First Reading.**

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

Council Member Richardson stated she brought the concept of a community benefits ordinance to Council roughly a year ago. She stated she worked very hard and was disappointed she was not selected to introduce the resolution. Council has been working quite diligently since, and a core group has been working with Council to achieve that goal. That group began reaching out to community members and eventually formed into the group known as REDY. She appreciates REDY is here at this meeting and any other members of the community that worked toward the development of this ordinance. She appreciates Council for holding this meeting to approve this ordinance because this is an important ordinance. The Assistant City Attorney and she met with representation from Detroit to discuss the CBO approved by the voters of that city to base this ordinance. She thanked everyone who has diligently worked on this ordinance.

B. Public Hearing

1. David Reynolds, 229 Miles, supported the ordinance that has been submitted, and supports the community engagement process. The CBO movement began around twenty years ago because of the failure of city councils across the country to monitor development processes. This is not a confrontational process, and is a Council driven ordinance. What the ordinance does do is allow a place for the community to be involved early on in the process to constructively engage developers. However, ultimately the decision still falls on City Council. He hopes Council will maintain the spirit of the ordinance as it is written.
2. John Hollingsworth, 4463 Hunt Club Dr., member of WROC, stated his organization stands behind the work of REDY.
3. Desirae Simmons, 407 Charles, stated she looks forward to the conversation regarding this ordinance. She is very glad this was turned into a special session because she does not want to participate in a process built against her. During the last working session everything was managed so poorly she feels it was intentionally done so. If it was not intentional it was pure incompetence, but perhaps Council wants fewer community members engaged. How can Council stand in a way of a community process, and understands why people would not want to participate.
4. Mike Auerbach, 507 N Hamilton, stated he is glad to see Council moving forward with this ordinance. He emphasizes this ordinance creates a framework for more robust community involvement. He doesn't believe it would be a major deviation from the current development process. If a developer is asking for more than \$250,000 and does not want to participate in a community meeting it should raise red flags about that developer.
5. Prestyn Ciardhubh, 409 Olive, stated one of the reasons she supports this ordinance because of what occurred in Seattle over the summer concerning Amazon. A CBO would list what the expectations are for development in the city. If a developer is looking for tax incentives there she be a benefit for the community.

6. Brian Geiringer, 415 Pearl, supported the adoption of the CBO. Much of the concerns of this ordinance is the potential to scare off development. However, a developer in Detroit is quoting stating the CBO has provided an opportunity to hear feedback, concerns, and ideas from the residents surrounding developments. While informing the public of this meeting those he spoke with were very receptive of the creation of this ordinance.
 7. Celeste McClellan, 314 Maple, stated residents of this city, either directly or indirectly, affected by development should have the opportunity for their concerns to be heard. Especially when public funds are to be used for the development.
 8. Sam Jones-Darling, 210 Brown Hall, stated the definition of public support should include land seized through eminent domain in the previous twelve years. The noticing requirement should be expanded from 300 ft. to 800 ft. of a proposed development. He recommended a developers application should be filed with a statement that they have acted in good faith to comply with the CBO, supply concrete examples of community benefits they are willing to offer, and explain why a CBO process would provide harm to financial or personal state. The application should be published at least fifteen days prior to being considered by Council. The application should be forwarded to the Planning, Sustainability, and Human Relations Commissions. An override of a CBO should require five affirmative votes and must include the Council members from the Ward of the proposed development.
 9. Amber Fellows, Ward 3, thanked Council for passing the Tenants' Rights Ordinance. The people she has spoken with are in favor of this ordinance. She supported an HRC member being appointed to the ad hoc group required in this ordinance.
- A. Resolution No. 2018-227, close public hearing

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:
THAT a public hearing for an ordinance to amend Chapter 30 "Community Development" of the Ypsilanti City Code to add a new Article VII, entitled "Community Benefits." be officially closed.**

OFFERED BY: Council Member Bashert
SECOND BY: Council Member Murdock

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

Council Member Murdock provided an overview to the drafting of the ordinance.

Council Member Murdock offered two friendly amendment under Section 30-501, under definitions; one add 'voluntary' prior to contract in the Community Benefits Agreement, and throughout the ordinance remove 'publically owned land' as it is redundant.

Council Member Bashert accepts the friendly amendment.

Assistant City Attorney Dan DuChene discussed legal concerns regarding the ordinance.

Council Member Bashert asked for clarification regarding how the ad hoc committee is chosen. Mr. DuChene responded those in attendance at the first meeting do not have the authority to nominate members of the ad hoc committee. That

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authority falls to the Mayor to nominate and Council to approve. Those decided to serve on the committee at the meeting would be suggestions for nominations. Council Member Murdock stated this community meeting is selecting community members for the Mayor to nominate and Council to appoint. Mr. DuChene responded in the affirmative. He explained he envisions the community meeting involving creating a list of what it would like the community benefits agreement to contain, and to select members of the committee to suggest for nomination.

Mayor Edmonds asked if there are any other legal implications that should be brought to Council's attention prior to discussing the ordinance. Mr. DuChene replied the ordinance references 'sale and lease of public property', there are a fair amount of leases the city awarded to organizations such as the AAATA and EMU for a dollar. He asked if it is Council's intention to include these lease agreements in the process. Council Member Murdock stated the intent is to avoid the leasing of thirty-eight acres of Water Street for a marijuana farm. Mr. DuChene responded when considering unintended consequences, he is not certain Council wants to include the other leases in the CBO process. Mr. Murdock replied the intent is not to redo everything that has been done in the past. Mr. DuChene agreed, but interjected a scenario that one of the mentioned organizations returned to renew the lease would that trigger a CBO process. Council Member Bashert asked if the quadruple bottom line address the concerns about the lease. She explained the quadruple bottom line includes the qualities of the project, such as profitability and longevity. Mr. DuChene asked if the quadruple bottom line the lease would not need a CBO. Council Member Richardson stated she does not have issue with the term lease being included. She explained the city fails to value its resources, and because of that failure the city is often taken advantage. The city should not give its resources away, and value what the city has.

Mayor Edmonds asked if there was anything in the first section that Council takes issue. Her only concern is regarding the term lease and what that would trigger. Council Member Murdock stated there is a way to navigate around the issue of lease. Ms. Edmonds asked if Downtown Development Authority (DDA) property would by default be considered city property. Mr. DuChene responded no, the DDA is a separate corporate entity, likewise the Ypsilanti Housing Commission (YHC), and the Economic Development Corporation (EDC). Council Member Robb asked how lease differs from an operating agreement, such as the Friends group operating the Freight House. Mr. DuChene responded a managing or operating agreement for a city owned property would be consider a lease. Council Member Bashert responded the managing organizations are non-profits which are not developers. Ms. Edmonds replied a non-profit is a type of corporation. Mr. DuChene stated a way to navigate around the issue is to exclude non-profit organizations. Council Member Murdock stated the Town Center, Chidester Place, and the Cross Street Village all had PILOTs and are privately owned. Mr. DuChene responded there is a difference between a non-profit and mutually exclusive. Ms. Bashert responded they are also providing affordable housing which is a service to the community. Ms. Edmonds stated she is not certain non-profits should be excluded from the ordinance.

Interim Economic Development Director Joe Meyers provided an overview of staff's recommendation for the ordinance, and what is being done to improve public participation. He recommended not to adopt the CBO as written, because the only two incentives the city provides are Obsolete Property Rehabilitation Act (OPRAs), which are used to incentivize the rehabilitation of obsolete properties and Brownfield Tax Credits that assist in cleaning of contaminated lands. So the city is receiving the benefits of rehabilitating blighted property and cleaning of contamination.

Council Member Bashert asked about alternative idea are, she did appreciate what Norfolk provided in their proposal, but the public engagement process was missing. Without that engagement piece will only add to the lack of trust the community feels toward its government. Mr. Meyers replied when a developer applies for an incentive it must first fill out an application, and that application can be amended to require greater community engagement. Council Member Richardson stated the community wants to be involved, and it is said the city wants the community involved, but is that actually so. Mayor Edmonds asked if the recommendation is to change the incentive policy. Mr. Meyers responded in the affirmative, and to change the public participation policy. Ms. Bashert asked why Mr. Meyers's preference is to change existing policy rather than to implement this ordinance. Mr. Meyers responded implementing a CBO has not been tested and the implications are not known, and he is not certain the city wants to be a test case. Ms. Richardson stated there have been projects across the country that CBOs have been effective. Ms. Bashert interjected they were community benefits agreements not ordinances. Ms. Richardson disagreed, and explained if the city wants the public involved it needs a policy.

Council Member Robb stated he has issue with how the amount of incentive is calculated. He believes it should be on an annualized basis because that is how the incentive is based. The value of an OPRA is based on what the applicant tells the city the building is worth, which is based on what they need to tell their financier. He is uncomfortable codifying a number that cannot be accurately predicted. Mayor Edmonds asked how Council Member Robb would recommend the incentive be calculated. Mr. Robb responded he is not entirely sure other than an annualized basis in order to be consistent with other city ordinances.

Council Member Robb asked if it would make more sense to have an exhaustive list, or to have Council determine what incentives would trigger a CBA. Mr. DuChene responded there are issues with either scenario.

Mayor Edmonds asked if redevelopment liquor licenses and PILOTs should be included as incentives. Mr. Meyers responded redevelopment liquor licenses are provided a non-market rate license but the city receives the same application fee. An argument could be made for either side; they are a great tool to encourage funds to be put into a buildings rehabilitation. Council Member Murdock asked if in order to be eligible for a redevelopment liquor licenses it must be open a certain amount of hours. Mr. Meyers responded in the affirmative, it guarantees a store front will be open or it would lose its license. Ms. Edmonds suggested not included redevelopment liquor licenses because the city is not losing money. Council Member Robb interjected this is an asset the city has that can be used to incentivize people to do things it wants. If incentives are removed prior to the CBO process why even have a CBO, and only have a development process. This is an asset the city has and should not be given away regardless of whether or not the city receives additional funds.

Council Member Bashert asked why a non-exhaustive list even needs to be included. Mr. Meyers responded having this list is helpful to staff in order to have on outline of what incentives would initiate a CBA. Mr. DuChene added Council is creating a document for any future reader will have a clear representation of what is included and what isn't. Mayor Edmonds suggested making the list exhaustive and if needed Council could amend the ordinance. Council Member Richardson is in favor of the non-exhaustive list because of ease to add to the list. Ms. Bashert stated the word "may" in "may derive" in the ordinance has the potential to allow anything to be included in the list.

Mayor Edmonds asked if there is a consensus on Council to add PILOTs to the list. Council Member Murdock responded PIOLTS are used to provide affordable housing. If there is a facility not providing services there is a way to address that, and does not see the need for it to follow this process. Ms. Edmonds replied many times over the past few years Council has need to address potential life threatening issues at facilities with PILOTs. Council has had difficulty finding legal authority to remedy those issues. Mr. Murdock asked how included PILOTs in the CBO process would change that. Ms. Edmonds replied when the facility applies to renew its PILOT it would initiate a CBA. Mr. DuChene added essentially this would initiate an agreement procedure, which could provide a remedy for issues rather than revoking a PILOT. However, Council could also amend its current ordinance regarding PILOTs to include that provision.

Mayor Edmonds asked the legal ability to require offsite infrastructure. Mr. DuChene responded the city cannot require offsite infrastructure but it can be contracted. Ms. Edmonds added some neighboring communities have strongly encouraged funding offsite infrastructure rather than making it a requirement.

Council Member Robb stated Section 517 states "tier 2 projects must comply with all requirements of tier 1 projects and provide two community benefits". One of the community benefits listed in the section is meaningless, it provides for the cleanup contamination of site as required by the MDEQ. If the MDEQ does not require clean-up an applicant could chose that and not supply any real benefit. Mr. DuChene replied it would depend on what is in the agreement, but Council Member Robb is correct if that is an option he would pick it if the benefit was not needed. Mayor Pro-Tem Brown asked if there is language that could be added indicating that could only be chosen if the proposed site was in need of environmental cleanup. Mr. Robb replied if the site is contaminated they would need to clean it up regardless to use the site. Mr. DuChene suggested environmental clean-up be added to the minimum standards.

Council Member Murdock moved a friendly amendment to add environmental cleanup, as required, to the list of minimum standards.

Council Member Bashert accepted the friendly amendment.

Mayor Edmonds asked what would happen if a development occurs that is subject to the CBO and the property is sold. Mr. DuChene responded it would depend on the agreement, but Council might what the CBA to run with the land.

Council Member Richardson moved, seconded by Council Member Vogt to include language requiring that community benefits agreements run with the land, be added for Second Reading of this ordinance.

Council Member Robb interjected he is not certain how that would hold value, because he is not certain what obligations would go with the land. Mr. DuChene responded if the agreement runs with the land it establishes a contractual relationship between two parties. Mr. Robb asked what specific incentives would be able to travel with the land. Mr. DuChene responded it would be dependent on what is included in the community benefits agreement. Mayor Edmonds added if an entity purchased property, and entered into a CBA and sold it prior to development. The future owner would not have to abide by a CBA. Council Member Vogt stated it would be a preventative measure not just a legal enforcement measure.

On a roll call, the vote to amend Resolution No. 2018-226 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

Council Member Robb stated there needs to be an expectation on what the benefit will be based on the incentives. Mayor Edmonds responded she believes it should be kept more open and look at both community input and staff expertise. Council Member Vogt stated this connects to his core concern regarding the development of this ordinance. There might not always be expertise even among staff to make that determination. He stated for very large developments the city would need to hire its own developer to review a proposed development plan. That is how the city can understand what is available in terms of market rate and construction cost, a professional would more accurately be able to determine what is reasonable. A community group, or city officials would not possess the expertise to make these determinations. Mayor Edmonds stated she is not sure there is need for additional contracted expertise. Mr. Vogt replied the city might not have the funds to hire an employee, but for large projects, especially, Water Street an expert would be needed to provide information. Ms. Edmonds stated that is important however, it might not need to be included in the ordinance. Mr. Vogt believes it should be included in the ordinance. Council Member Murdock stated he doesn't disagree, but agreed with Mayor Edmonds he is not certain it belongs in this ordinance. This ordinance will not go into effect for at least two months, and the approval of this ordinance will assist in the development of Water Street.

Council Member Bashert moved a friendly amendment to change the word "nominate" to "recommend" under Section 30-575a.

Council Member Murdock accepted the friendly amendment.

Council Member Bashert three to five residents be included in the committee. Council Member Vogt suggested one member of the committee come from each Ward. Mayor Edmonds disagreed, and explained she would like appropriate representation from community stakeholders. Mr. Vogt responded if the committee included five members it could allow

at least one from each Ward and two nominated at large. Ms. Edmonds stated her concern is the participation of key stakeholders, the spirit of the CBO is for those with the greatest impact have a voice. Council Member Bashert agreed. Mr. Vogt agreed in general, but all residents will be affected in some way by a development that would initiate a CBA. He does not disagree that those most affected should have greater representation on the committee. It is most important to ensure those the correct people are selected for the committee. The city needs to be aware there will be more at stake than a few issues. Council Member Murdock this committee, not including those from various commissions, is the key to community involvement in the development process. Ms. Edmonds agreed, but this discussion is what requirements are in place for those individuals to be selected. Her concern is that the neighborhood most affected by a development have representation on the committee. Mr. Vogt stated if a person's ideas have merit the committee will listen, and does not feel the majority of the committee needs to represent that specific neighborhood. If the nominations are spread out through the community will have a greater ability to represent all interests. If the ideas have merit they should prevail, if they do not they should not have the ability to outvote the majority of the city.

Mayor Edmonds asked if community nominations should be increased and decrease the amount of commission liaisons. Council Member Richardson agreed, it is not necessary to include liaisons from the various commissions. She would like to see greater representation from the broader community. Ms. Edmonds stated the proposed ordinance includes five residents, three members of commissions, and one Council Member. If the commission liaisons are eliminated it might be wise to provide the selection meeting with recommendations for skills the committee should possess. Council Member Bashert stated there are reasons to have a member of the Sustainability Commission because development should be sustainable. She also understands why a Planning Commissioner would need to be on the committee. However, she does not see a need for a Human Relations Commissioner to be a member, and would like to strike that from the proposed ordinance. She sees an issue for having a fixed number of community members as a part of the committee. Her concern is if the committee is formed for a relatively small project and the city only receives a small number of applications. The commissions are helpful because they bring expertise and they bring a middle tier of city involvement. Mayor Pro-Tem Brown asked why the HRC should not be a part of the committee. Ms. Bashert stated the HRC brings a specific, but limited lens to the table. The HRC is a commission that is more in the moment, and not necessarily related to the big picture or extended life of the city. The HRC is related to the people of the city, and the people of the city will already be at the table. Ms. Edmonds stated the HRC's mission is to respond to the city's Non-discrimination Ordinance. Ms. Bashert responded it is limited and not related to construction, or development.

Mayor Edmonds stated she would like to eliminate the list all together and suggest areas and values. If the list of commissions is maintained in the ordinance she suggests adding the Ypsilanti Housing Commission (YHC). Council Member Richardson responded it depends on what the project is. She does not feel a member of the YHC is necessary for developments that do not involve housing. Council Member Robb stated he feels the commission liaisons should be removed from the list. Council Member Bashert suggested the ordinance read commissioners can act as liaisons when appropriate. Ms. Edmonds responded any commissioner would be eligible to apply to serve on the committee.

Council Member Murdock stated Council needs to determine how many committee members there will be, and how they will be selected. Council Member Bashert suggested a range from three to eight members of the community to be impacted by the development. The application should include statements of support from residents and people of the community to demonstrate support. Mayor Edmonds responded that is lobbying which can be done individually, and would make the process more complicated. Ms. Bashert stated her intent is to increase community involvement, but the list could simply state three to eight people. Ms. Edmonds agreed for smaller projects a smaller committee might be necessary in order to avoid hampering a project. The size of the committee could be tied to the project tier system. Council Member Robb disagreed, and explained regardless of the size of the project it will be important to the neighborhood surrounding it. Council Member Richardson agreed. Ms. Edmonds suggested the range be from five to eight.

Council Member Richardson moved, seconded by Mayor Pro-Tem Brown to set the committee member range at five to eight members, with at least one member from each Ward, one Council Member, and delete Commission liaisons.

Council Member Bashert interject she would not accept that as a friendly amendment. Her concern is five is too high an amount and the committee will have difficulty filling membership for smaller projects. Council needs to allow flexibility in the ordinance to address smaller projects. Mayor Pro-Tem Brown stated she does not believe it would be difficult to recruit, especially if membership does not need to all be from the neighborhood most affected. Ms. Bashert stated a person could have direct impact on a neighborhood they do not live in if that is the process. Council Member Robb responded a vote last night affected his neighborhood by Council Members that do not live in has Ward. He added that is what representative democracy is. Ms. Bashert believes if that is the procedure the public will feel the committee is not representative of that neighborhood. She stated it is important the committee represent that neighborhood. Council Member Vogt interjected if the committee is comprised by only members of the affected neighborhood the community at large will claim the committee is not representative of the city. Council Member Richardson stated no matter the determination of the committee ultimately Council will make the decision. Ms. Bashert replied this is not about protecting the city from mistakes, this is about being sure the neighborhood of the development feels they have the opportunity to be heard. She is happy to go along with Council and expand the committee to the city at large, but Council will hear from the neighbors of developments. Ms. Richardson stated the neighbors of development are not being denied the opportunity to serve on the committee. Mayor Edmonds stated language could be added stating the majority of the committee needs to be from the affected neighborhood. Mr. Vogt stated if committees are made up of five to eight people it could include one representative of each Ward. Council Member Murdock asked if the amendment would take away community involvement in the selection of the committee. Ms. Richardson responded the five to eight members would be recommended by the community. Mr. Vogt stated he opposes the removal of the commission liaisons, because it would be a loss of expertise.

Council Member Bashert accepted the friendly amendment.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Mayor Pro-Tem Brown moved, seconded by Council Member Vogt to extend the meeting until 11:00 p.m.

On a voice vote, the motion carried, and the meeting was extended until 11:00 p.m.

Mr. DuChene stated the charter provides the Mayor makes nominations to boards and commissions subject to the approval of Council. He is concerned that sense the committee will be comprised of all members of the community it would lose its ad hoc classification, which raises concern about the Council Member. He explained Council Members are not permitted to serve on boards and commissions. Mayor Edmonds asked why this would no longer be considered an ad hoc committee. Mr. DuChene responded because ad hoc committees are created with membership of other governmental agencies. Ms. Edmonds asked if that is a requirement. Mr. DuChene replied he is not certain, but can provide that information to Council.

Council Member Murdock asked if Section 35.27b be discussed.

Mayor Edmonds stated she has an issue that three of the five members of the committee be selected during the first community meeting. Council Member Bashert agreed, and explained there are too many risks with selecting members from a small pool.

Council Member Bashert moved, seconded by Mayor Pro-Tem Brown to amend the ordinance to read the Mayor subject to the approval of City Council, shall appoint the remaining five to eight member of the committee with at least three attendees of the meeting having stronger consideration.

Council Member Richardson stated she would not be able to agree to that amendment. She explained it would limit the kickoff community meetings power to provide recommendations. She added it would defeat the purpose of the meeting. Mayor Edmonds disagreed, and explained if the main stakeholders of the meeting are not present at that meeting they would not be able to be appointed. Council Member Vogt added it would also create a scenario in which a group at that meeting could control those nominations. Council Member Robb stated the people that will attend the community meeting will be the people the development most affects. He does have a concern to limit nominations to those who attended the meeting because if you are unable to attend it eliminates you from consideration. He added the phrase "strongly recommends" is meaningless and he is not in favor of adding it to the ordinance. Mayor Pro-Tem Brown asked if there is another way to phrase that. Council Member Bashert disagreed with the assessment of the phrase "strongly recommends". If Council does not appoint anyone from that meeting the community will make their dissatisfaction known. Council Member Murdock stated people do not necessarily need to be physically present at the meeting to be recommended.

Council Member Vogt suggested the wording "with strong consideration given for at least three member based upon the recommendation of those who participated at the community participation meeting".

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

YES: 3 NO: 4 (Murdock, Robb, Vogt, Murdock) ABSENT: 0 VOTE: Failed

Council Member Vogt disagreed with the strong consideration of appointment of the kickoff meeting because it is too narrow of a group. However, he believes the language should be amended, but isn't sure how to do that. Council Member Bashert stated as written there is still a requirement for the appointment of participates of the kickoff meeting.

Council Member Bashert moved, seconded by Council Member Vogt to amend section D by changing sixty to thirty days to hold two public meetings.

Council Member Murdock stated thirty days is not enough time to hold two public meetings, and does not foresee it would hold up the process. Council Member Richardson agreed with maintaining the sixty day deadline. Mayor Edmonds interjected she doesn't necessarily disagree, but it would add another month to the development process. Mr. Murdock responded the development approved at the last meeting will not be construction ready for forty months. He added some of the requirements of a development would be able to run concurrently. Council Member Bashert stated her intent is to keep the process as brief as possible for both the city and the developer. Ms. Richardson replied the ordinance provides an opportunity for an extension. However, a sixty day deadline is more reasonable. Council Member Robb stated the time limit is meaningless because it runs concurrently with the project. This would allow the city to grant incentives during the development process. Ms. Edmonds stated she does not want to delay the process, but agrees thirty days is too short. Mr. Meyers stated a developer might not want to begin further processes until the CBA is finalized, especially if that negotiation could make or break the deal.

Council Member Bashert stated the intent of her motion was based on the timeline Mr. Meyers provided during the last meeting. Council Member Richardson stated if Council examines its own processes it should be clear that thirty days is not enough time.

Mayor Edmonds asked what staff's recommendation would be for when to begin the CBO process. Mr. Meyers responded staff wants to ensure the developer is solid prior to bringing it to Council. Staff can start the process as soon as possible, but there are other factors that can delay a development.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

YES: 2 NO: 5 (Murdock, Robb, Edmonds, Murdock, Brown) ABSENT: 0 VOTE: Failed

Council Member Vogt moved, seconded by Council Member Richardson to remove the language "in his or her sole discretion" from Section D.

Council Member Robb asked if the language is more based in legal terminology. Mr. DuChene responded the Attorney's Office does not have an opinion either way on that language. Mayor Edmonds asked if by striking the sentence there would be a substantial change. Mr. DuChene responded in the affirmative.

On a roll call, the vote to amend Resolution No. 2018-226 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

Council Member Bashert asked how a developments timeline is going to be effected by what is proposed thus far in this ordinance. Mr. Meyers responded it depends on the incentive, and if it needs to go before another public body. It is almost impossible to estimate the timeline, without knowing all the variables of the development. Ms. Bashert stated what has been discussed so far it would appear at least ninety days have been added to the process. Mr. Meyers responded in the affirmative. Council Member Murdock stated the entire reason for this ordinance is to provide a community benefit, and that is what would be completed during that time. He asked what Council Member Bashert proposes to shorten that timeframe. Ms. Bashert responded she would decrease the time to hold the two public meetings to thirty days and decrease the fifteen days to fourteen. That would decrease the time to forty-five days opposed to ninety.

Mayor Edmonds asked if it is feasible to develop a CBA prior to the creation of a site plan. Mr. Meyers responded he is not certain, it would be dependent on what is required in the agreement. Council Member Robb stated Council is over-romanticizing the impact the CBO process will have on a development. Council Member Murdock stated this is an agreement with the developer, who will be onboard with what is determined. The benefits are generalized and should not have an effect on the site plan. Ms. Edmonds agreed, but the only challenge is the details of enforceability if the

requirement was met. There needs to be a level of specificity in order to provide enforcement of the agreement. Mr. Robb responded what could bog down the process is asking for benefits that are not in line with the size of the project.

Council Member Vogt moved, seconded by Council Member Robb to amend Section 528 to include an expressed provision that City Council can accept, amend, or reject the proposed CBA by resolution.

Council Member Robb asked if amendment is being added for a legal requirement. Mr. DuChene recommended adding the language.

On a roll call, the vote to amend Resolution No. 2018-226 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

Mayor Edmonds asked to examine the possibility of amending the noticing requirements stated during Audience Participation. Mr. DuChene responded the suggestion was to provide clear language for the reason of the request. An application for an exemption should be published and forwarded to various commissions. That application would then require five affirmative votes of Council to grant the exemption, including both members of the Ward. Mr. DuChene stated he would take issue with the last proposal because it would essentially provide a Council Member veto power. Ms. Edmonds replied the five affirmative votes to approve an exemption makes sense, and is appropriate.

Council Member Richardson moved a friendly amendment, seconded by Mayor Pro-Tem Brown to amend the section to include five affirmative votes and that published on the city’s website within seven days prior to the meeting for Council to hear the exemption.

Council Member Bashert accepted the friendly amendment.

Council Member Murdock accepted the friendly amendment.

Council Member Bashert moved a friendly amendment to expand the noticing requirements from 300 ft. to 1,000 ft.

Council Member Robb stated if that is the will of Council then perhaps it would make sense to expand all noticing requirements to 1,000 ft. Council needs to be consistent in policy. Mayor Edmonds responded that might become a part of the broader public participation plan.

Council Member Murdock accepted the friendly amendment.

Council Member Vogt stated it is an absolute requirement to include a sunset clause in this ordinance. Council Member Bashert agreed. Mr. Vogt explained there are too many unknowns, unintended consequences, and ways to be improved that it should be reviewed. Council Member Richardson stated she would agree to three years. Mr. Vogt suggested a one year sunset clause. Council Member Murdock responded there will not be enough data to evaluate the ordinance properly after one year. Ms. Bashert stated she is okay with a three year sunset clause. Mr. Vogt stated he does not feel reviewing it each year is that large a burden.

Council Member Vogt moved a friendly amendment to terminate the ordinance after two years if not readopted.

Council Member Bashert accepted the friendly amendment.

Council Member Murdock did not accept the friendly amendment.

Council Member Vogt moved, seconded by Mayor Pro-Tem Brown to terminate the ordinance after three years if not readopted.

Mayor Edmonds stated it might be valuable to review the ordinance to provide a chance for public input to the effectiveness of the ordinance. Council Member Richardson responded there can be a review without it being stated within the ordinance.

Council Member Bashert moved, seconded by Council Member Vogt to extend the meeting until 11:15 p.m.

On a voice vote, the motion carried, and the meeting was extended until 11:15 p.m.

Council Member Bashert, seconded by Council Member Vogt to Call the Question.

Council Member Vogt withdrew his second to Call the Question.

With no second the motion fails.

On a roll call, the vote to amend Resolution No. 2018-226 was as follows:

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

VOTE:

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

Mayor Edmonds stated she would like a legal opinion regarding operating agreements or memorandum of understanding (MOU) and if they would be subject to this ordinance.

Council Member Bashert asked if this ordinance fails tonight would it come back to Council. Mr. DuChene responded no, without reconsideration.

Council Member Bashert stated a lot of difficult work has been completed towards the development of this ordinance. She is going to vote yes tonight, but if the requirement of three members of the committee must come from the kickoff meeting she will vote no on second reading.

Council Member Richardson thanked Council for persevering through this process.

Mayor Edmonds stated she shares concern regarding committee membership.

Council Member Murdock asked when this would be heard for Second Reading. Mr. DuChene responded during the September 11th meeting. Mr. Murdock stated he would like the amendments to the ordinance to be written out so the

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public will know what changes made were. Mr. DuChene stated if the second reading is on September 11th Council will not see that memo until the packet is distributed.

On a roll call, the vote to approve Resolution No. 2018-226 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	No
Council Member Bashert	Yes		

VOTE:

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

Council Member Vogt moved, seconded by Mayor Pro-Tem Brown to extend the meeting until 11:30 p.m.

On a voice vote, the motion carried, and the meeting was extended until 11:30 p.m. Council Member Bashert dissented.

XX. AUDIENCE PARTICIPATION –

1. Will Teepen, 718 Lowell St., thanked Council and stated his concerns for the different requirements for benefits. He asked where the money would be coming from and how it would be distributed.

Council Member Bashert responded it would be a part of the negotiation process.
2. Sam Jones-Darling, 210 Brown, thanked Council and understands this process is frustrating. He agreed with Council Member Vogt that the sunset for the ordinance should have been two years. The reason is because of how experimental the ordinance is, and how it could effect a city of this size. He agreed a review needs to be included in the ordinance because the city needs to engage the public.
3. Brian Geiringer, 415 Pearl, stated he is glad the ordinance passed. He supported keeping the list non-exhaustive list because anything outside the list would seem like it is not included in the benefit. Without the kickoff committee ability to make recommendations for the CBA Committee the CBO would be ineffective. People at the meeting can make nominations for people unable to attend.
4. Desirae Simmons, 407 Charles, stated it is important to have as much flexibility as possibility when deciding the committee. The level of expertise is going to be the same the current process. Impacted groups should be considered when forming the ad hoc committee, not just location.
5. Finn Bell, 1123 Pearl St., stated she is glad this passed on first reading. There is a good amount of research on community benefits and is very helpful to how this could look in Ypsilanti. The CBO movement is pro-development, but ensures the development will be sustainable.

XXI. REMARKS FROM THE MAYOR –

XXII. ADJOURNMENT –

Council Member Richardson moved, seconded by Mayor Pro-Tem Brown to adjourn the meeting.

On a voice vote, the motion carried, and the meeting adjourned at 11:24 p.m.