



**CITY OF YPSILANTI  
CITY COUNCIL REGULAR MEETING  
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, FEBRUARY 5, 2019  
7:00 p.m.**

**I. CALL TO ORDER –**

The meeting was called to order at 7:01 p.m.

**II. ROLL CALL –**

Council Member Brown (7:05)	Present	Council Member Symanns	Present
Council Member Morgan	Present	Council Member Wilcoxon	Absent
Council Member Murdock	Present	Mayor Bashert	Present
Mayor Pro-Tem Richardson	Present		

**III. INVOCATION –**

Mayor Bashert 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 Murdock moved, seconded by Council Member Symanns to approve the agenda.**

**Council Member Morgan moved to remove the OPEB presentation from Section VI, Presentations.**

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

**VI. INTRODUCTIONS –**

Mayor Bashert introduced the following individuals; Council Member Murdock, Economic Development Director Joe Meyers, City Planner Bonnie Wessler, Community Development/DDA Director, City Attorney John Barr, City Clerk/Acting City Manager Frances McMullan, Brian Steglitz, Rutherford Pool Representative John Weiss, and Sustainability Commissioner Christian Cannon.

**VII. PRESENTATIONS –**

- ~~OPEB Presentation – Kathleen Manning and Dan Colby. (removed)~~
- City of Ann Arbor Hydroelectric Operations Presentation – Brian Steglitz

Water Treatment Services Manager Brian Steglitz provided a presentation regarding Ann Arbor's Hydroelectric Operations.

Mayor Bashert stated the revenue covers the cost of the equipment, but not total operations. Mr. Steglitz responded it is the case for Ann Arbor.

Council Member Morgan thanked Mr. Steglitz for the presentation. He asked if there is a projection to consider what the effect would be if one of the four dams were removed. Mr. Steglitz responded Ann Arbor is asking a similar question as Ypsilanti, if it makes sense to continue to make power through the Superior Dam. If the dam is removed there would be significant impact to those properties near the dam. There is a significant cost in the removal of a dam, including sediment management. Mr. Morgan stated there must be a difference in cost if a dam provides hydroelectric opposed to not. Mr. Steglitz responded in the affirmative. Mr. Morgan asked if the Penn Dam is more comparable to a deep drop, or is it shallower. Mr. Steglitz responded he believes the Penn Dam is lower profile, decreasing the amount of power it could produce. Mr. Morgan asked if the dams benefit is purely historical, or would there be an ecological impact if removed. Mr. Steglitz responded those are community decisions; dams can provide sustainable energy, but there is an ecological benefit to returning a river to its natural course. He added the removal of Penn Dam would not alter the course of the Huron because of other dams up stream, which would create problems generating grant funding for its removal.

Council Member Murdock asked if there is a possibility of receiving a small dam exemption for adding hydropower. Mr. Steglitz responded it is called license exempt, which was developed during an energy crisis to incentivize hydropower. He explained it is a possibility, but it is not probable.

Mayor Bashert stated she uses solar power for her home, and DTE is moving away from the exchange. It appears DTE is fighting against renewable energy sources. She asked if that is something Ann Arbor is experiencing. Mr. Steglitz responded DTE is a large entity with a great deal of legal support, and it is not lucrative to be involved with smaller projects.

- Rutherford Pool Bath House Renovation Update – John Weiss

Friends of Rutherford Pool Board Chair John Weiss provided a presentation regarding the bath house renovations.

Mayor Pro-Tem Richardson asked if the entrance will only be located from the parking lot. Mr. Weiss responded no, there will be an entrance at the middle of the building.

Council Member Murdock asked if the city's contribution could be a match for the Patronicity Grant. Mr. Weiss responded he believes it is a possibility, but there is a maximum contribution of any one source.

Mayor Bashert congratulated Mr. Weiss on the work he and the Friends of Rutherford Pool have accomplished.

Council Member Morgan asked if there are specific projects that need to be completed as a requirement of the grant. Mr. Weiss responded not specifically for the grant, however, there is the potential for a \$10,000 donation if the renovations include solar power.

- Historic District Commission Annual Report – Joe Meyers

Economic Development Director Joe Meyers provided the Historic District Commission's Annual Report.

Council Member Morgan stated there were 579 action items over the past five years. He asked if there are historic homes in each ward. Mr. Meyers responded in the affirmative, but the bulk are located in Ward 3. Mr. Morgan stated most of the grant funding go to Ward 3. Mr. Meyers responded the city has not received a renovation grant in some time, the last time the city received a grant the property was located in Ward 1. The attempt is to spread grant funding throughout the Wards, but the location of properties can prevent that. Mr. Morgan asked if there is anything within the Historic Preservation Act that requires funds be distributed equitably. Mr. Meyers responded not that he is aware.

Mayor Bashert stated the Historic District is a big part of this city, and thanked Mr. Meyers for the work his department does toward the success of that district.

- Downtown Development Authority Annual Report – Christopher Jacobs

Community Development/DDA Director Christopher Jacobs provided the Downtown Development Authority's Annual Report.

Council Member Brown stated whoever wrote the introductions for the Depot Town, Downtown, and West Cross Districts did an amazing job. Mr. Meyers stated a local Ypsilanti Copywriter wrote the introductions.

Council Member Murdock stated the DDA has not taken on many public projects. He said there is interest in constructing public kiosks and recycling services, which the DDA could fund. He asked if the DDA has any plans to begin funding public projects. Mr. Jacobs responded funding is being allocated for BigBelly Recycling Receptacles. This will begin as a Pilot project, and he is not aware of a request to fund kiosks. He understands sidewalks are an issue, and perhaps the DDA could play an active role in finding a solution. However, he is curious how that is specially assessed in some communities, and what that relationship would look like. He has not had any specific requests but he is very much open to that idea. Mr. Murdock stated the kiosks issue has come up in various places, and he was not aware it had not been proposed to that DDA. Mr. Jacobs responded DDAs play various roles in infrastructure improvements, and he is supportive of the DDA playing that role.

Council Member Morgan stated the DDA has not provided anything for the youth in this community. He asked what the DDAs role would be to making those structures in the districts more viable to the youth of this community. Mr. Jacobs responded the DDA is open to be a part of the solutions, and wonders what role the DDA could play to reduce violence and increase opportunity. However, he has not received requests for projects of that type. Mr. Morgan stated twenty new businesses opened, but how many closed. Mr. Jacobs responded he does not have that information with him, but he will forward the answer to Council.

- Traffic Safety and Speed Control Policy – Bonnie Wessler

City Planner Bonnie Wessler provided a presentation regarding the city's Traffic Safety and Speed Control Policy.

Mayor Bashert asked does the city want to have a policy, in lieu of the current process of receiving complaints and informing complainants to submit a petition. Council Member Murdock responded the policy has been rejected a few times, mainly because there was no clear way to achieve satisfaction. Since that time \$50,000 a year has been allocated to non-motorized issues. His opinion is if there is interest in traffic calming streets should be designed in a way that reduces speeds. There is much more to this process than just installing speed bumps. Council Member Symanns stated staff is asking for guidance in order to develop a policy. She is not a huge fan of speed bumps, and there are other ways that are more effective.

Mayor Pro-Tem Richardson asked what other calming methods are preferred. Ms. Symanns responded narrow streets, street design, and permanent signs indicating a driver's speed. Ms. Richardson explained she is interested in calming methods the city has the capability to finance. Ms. Wessler added raised intersections, bumpouts, additional sidewalks and curb ramps, bike lane protection, speed humps, added bike lanes, and anything that introduces fear to a driver tends to slow traffic.

Council Member Murdock stated anything beyond temporary speed bumps will be expensive.

Council Member Symanns stated a policy seems to make sense, to provide staff guidance. However, she does not want to offer only one solution.

Council Member Morgan asked what would be the cost of the preliminary investigation. Ms. Wessler responded a speed sign would be installed that tracks the number of drivers and their speed. Generally, the Police Department performs the investigation, and provides crash data.

Mayor Bashert asked if in general Council is open to the idea of a policy. Council Member Morgan asked what has caused this to be brought before Council. Ms. Bashert responded there is a highly active neighborhood association in Ypsilanti, and they are almost formed because of speeding in that specific neighborhood. Council Member Murdock stated when he

receives complaints regarding speeding he informs them they need to petition their neighbors for a calming method. He is not certain how many people follow through with that, but Council never sees a petition. Ms. Wessler responded staff received one from residents of Douglas St, but there wasn't a documented speeding problem on that street. Ms. Bashert stated she is a fan of the other traffic calming procedures, such as bumpouts. She likes the idea of a raised intersections because it also helps those with mobility issues.

Council Member Brown stated she is unsure of developing a policy because there is no certainty, calming methods will have an effect. Council Member Symanns responded she does not know the history but it seems strange there is not a codified policy. The policy can always be amended if it seems off base. Ms. Brown stated there is a Traffic Review Committee to address these issues, but it is not having an effect on the issue. Council Member Murdock agreed, and the process the city was following the data collected would not show a need for the installation of a calming method. The problem is people see speeding on their streets and they want it to stop.

Council Member Morgan asked if the city does not have a policy and there is an accident would the city be liable. City Attorney John Barr replied generally a policy can protect the city, but it is not all inclusive.

Ms. Wessler stated the problem with the previous process was the perceptions complaints were going nowhere, and the lack of feedback to Council. Mayor Bashert responded it appears staff is recommending improving the current process rather than adopting a policy. She is in favor the criterion stated in the proposal, which would provide measurable data for a rejection of a request.

Council Member Murdock stated the city has a complete streets program, which doesn't deal with traffic calming methods. He suggested traffic calming methods be merged into that program.

#### **VIII. AUDIENCE PARTICIPATION –**

1. Reza Rajabi, 110 N. Summit, stated when an ordinance is violated it can be contested, but it is done so in City Hall. The attorney is the city attorney, and the city is paying for the judge it is a very uneven equation. His second issue is he cannot afford to pay his heat or his water bill. He called to shut of his water and was informed a city ordinance would not allow him to live in the home. He spoke with the City Manager who did not provide him with a resolution.
2. Sue Melke, 330 Chidester #409, presented an award to Steve Pierce, Mayor Bashert, and a professor of Social Work from EMU for getting internet at Chidester Place.
3. Brian Geiringer, 415 Pearl, stated he appreciated Council Member Morgan for addressing the issue of youth with the DDA. He appreciated Council Member Murdock for addressing the issue of kiosks. Thanked Council for considering him for the Ethics Board, and he would like to see the Ethics Board have more activity.
4. Ben Joffee, Attorney, stated he appreciates Council and staff for addressing the application process for medical marijuana facilities. He asked for the process to not be voted on tonight. The process states permits are non-transferrable, which he supports, but it should be more clearly defined in ordinance. He asked for more clarification regarding what the appeals process entails.
5. Allison Ayerton, attorney, agreed with Mr. Joffee and appreciates the city is resolving the process for application. It would be helpful to know when a site plan would be required. She also asked for clarification on what transferrable means, and what is meant by the appeal process.

#### **IX. REMARKS BY THE MAYOR –**

- Thanked Ms. Melke for the acknowledgment and congratulated Chidester Place.

- Stated the city does not pay the Administrative Hearings Bureau.
- Thanked Mr. Joffe and Ms. Ayerton for the comments regarding legislation Council is considering today.

**XI. ORDINANCES – FIRST READING –**

Ordinance No. 1332

1. An ordinance to amend Chapter 114 of the Ypsilanti City Code, entitled "Vehicles for Hire", by adding a new Article IV, entitled "Shared Mobility Devices", to require a franchise permit to offer shared mobility devices for public use in the City of Ypsilanti, to set forth procedures, regulations, and rules, and to provide for penalties.
  - A. Resolution No. 2019-018, determination

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

**An ordinance to amend Chapter 114 of the Ypsilanti City Code, entitled "Vehicles for Hire", by adding a new Article IV, entitled "Shared Mobility Devices", to require a franchise permit to offer shared mobility devices for public use in the City of Ypsilanti, to set forth procedures, regulations, and rules, and to provide for penalties, Be approved on first reading.**

OFFERED BY: Council Member Morgan  
 SECONDED BY: Council Member Brown

Council Member Symanns asked if this ordinance is a result of Bird Scooters moving to the region. Mr. Barr responded in the affirmative.

Mayor Bashert asked to define what a franchise permit is. Mr. Barr responded this ordinance is designed in the franchise model because anyone who uses public streets must be given permission from the city and must pay a franchise fee. Ms. Bashert asked why the word bicycle is being used in the ordinance. Mr. Barr responded the language came directly from the state statute. Shared mobility device can include a number of different items, could be a scooter, bicycle, etc...

B. Open public hearing

1. Jim Summons, 28 S. Huron, stated he understands the need for this ordinance. If a company profits by dropping a bunch of scooters in the city for public use, the city should be compensated. There is a safety issue when the user is traveling down a sidewalk at fifteen miles per hour. He rents electronic bicycles and they are not meant to be left in the city right-of-way. He believes the franchise fee is probably cost prohibitive to even large companies.
2. An Audience Member stated the penal code states an ordinance can be put in place based on health, safety, and welfare of citizens. It also specifies sidewalks, highways, streets, and crosswalks. This ordinance doesn't exclude anything other than sidewalks, highways, streets, and sidewalks, so it would pertain to shopping centers. It appears the only aspect of the ordinance dealing with the health, safety, and welfare is number sixteen. The rest appears designed to make money.

C. Resolution No. 2019-019, close public hearing

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

**That the Public Hearing for An ordinance to amend Chapter 114 of the Ypsilanti City Code, entitled "Vehicles for Hire", by adding a new Article IV, entitled "Shared Mobility Devices", to require a franchise permit to offer shared mobility devices for public use in**

**the City of Ypsilanti, to set forth procedures, regulations, and rules, and to provide for penalties, Be Officially Closed.**

OFFERED BY: Council Member Morgan  
SECONDED BY: Council Member Symanns

On a voice vote, the motion carried, and the public hearing was closed. Council Member Murdock asked for the City Attorney to respond to those comments made during Audience Participation. Mr. Barr responded this ordinance was drafted for the public right-of-way, which covers streets, sidewalks, etc... does not cover private property.

Mayor Bashert stated there are not a lot of scooters in Ypsilanti at this point in time. She stated she does not want this ordinance to have the unintended consequence of effecting a local business. Mr. Barr suggested an exception for a certain number of scooters be added to the ordinance. If Council wishes to make that amendment he would propose changing the fee structure.

Council Member Murdock stated the issue with H&H is their business is not doing the same type of business as outlined in this ordinance. He asked how H&H can be excluded from this ordinance. Mr. Barr responded he can write an exemption into the ordinance. Mr. Murdock asked for clarification on the fee structure and permits. Mr. Barr responded the restriction was to limit three permits to include a hundred units, which is subject to Council.

Council Member Morgan asked if there would be a charging station for the scooters. Mr. Barr responded the companies hire people to collect the scooters, charge them, and return them.

Mayor Pro-Tem Richardson stated the fee should be set by approval of the Fee Schedule so an ordinance amendment would not be required.

Council Member Murdock stated the current bike shops such as H&H are a different type of business. Mayor Pro-Tem Richardson asked if businesses such as H&H be exempt from this ordinance. Mr. Murdock responded if the business require bikes to be returned to a brick and mortar business, not being left on the city public right-of-way should not be effected by this ordinance. Mr. Barr stated he would work on that amendment.

**Council Member Murdock moved, seconded by Council Member Morgan to postpone Resolution No. 2019-012 to March 5<sup>th</sup>.**

On a roll call, the vote to postpone Resolution No. 2019-018 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxen	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

**XII. CONSENT AGENDA – Resolution No. 2019-020**

1. Resolution No. 2019-021, approving minutes January 22, 2019.

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

**THAT the minutes of January 22, 2019 be approved.**

2. Resolution No. 2019-022, approving appointment 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:**

<b><u>NAME</u></b>	<b><u>BOARD</u></b>	<b><u>EXPIRATION</u></b>
<b>Brian Geiringer (new appointment) 415 Pearl Street Ypsilanti, MI 48197</b>	<b>Board of Ethics</b>	<b>2/1/2024</b>
<b>Jane Schmiedeke (reappointment) 313 High Street Ypsilanti, MI 48198</b>	<b>HDC</b>	<b>12/31/2022</b>

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

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

**XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2019-023, approving policy and federal guidelines in granting or denying a property tax exemptions.

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

***WHEREAS*, the adoption of guidelines for poverty exemptions is required of the City Council; and**

***WHEREAS*, the principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and**

***WHEREAS*, pursuant to PA 390 of 1994, the City of Ypsilanti, Washtenaw County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;**

**To be eligible under this section, a person shall do all of the following on an annual basis”:**

- **Be an owner of and occupy as a principal residence the property for which an exemption is requested.**
- **P.A. 390 of 1994 requires that *all persons residing in the household* MUST submit copies of the following SIGNED documents:**

***City of Ypsilanti Poverty Exemption Application  
Federal Income Tax Returns  
State Income Tax Returns  
Homestead Property Tax Credit Claim Form (MI-1040CR)***

Also include copies of ALL supporting documentation (i.e. W-2 forms, 1099's, schedules, etc.). The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an applicant meets poverty exemption requirements as adopted by the City Council.

A Poverty Exemption Affidavit (Department of Treasury Form 4988) must be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year.

- The combined assets of all person residing the household (minus the value of the principal residence) **MUST NOT** exceed \$20,000. Assets include but are not limited to: real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- Produce a valid driver's license or other form of identification if requested.
- Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services.
- The following are the 2019 federal poverty income guidelines with are updated annually by the United States Department of Health and Human Services. The annual income includes income for all person residing in the household. The total household income *must be less than or equal* to the guidelines below in order to be considered for this type of exemption.

Family of 1.....	\$ 12,140
Family of 2.....	\$ 16,460
Family of 3.....	\$ 20,780
Family of 4.....	\$ 25,100
Family of 5.....	\$ 29,420
Family of 6.....	\$ 33,740
Family of 7.....	\$ 38,060
Family of 8.....	\$ 42,380
For each add'l person.....	\$ 4,320

- The applicant(s) **MAY NOT** have ownership interest in any other real estate other than the homestead property.
- If home has been purchased within the previous 2 years, all closing documentation must be included.

The Board of Review may require a home audit and inspection done by the Department of Assessment as part of the application process.

The City of Ypsilanti allows for partial poverty exemptions to be granted. A partial poverty exemption is an exemption of a percentage of the taxable value of the principal residence rather than the entire taxable value. The formula for calculating partial exemptions is as follows: in cases where household income of a property as herein defined exceeds \$10,000 but meets the federal standard, the assessment shall be adjusted so the out-of-pocket property tax, as best estimated based on the previous year's millage rate and after deducting state property tax refunds, equals no more than five percent (5%) of the household income.

**It should be recognized that the poverty exemption reduction is a form of *temporary assistance* for those who are undergoing a difficult financial time. Any relief granted is for the current year only.**

**The Board of Review may reject any application where the information contained in it appears fraudulent, misleading, inaccurate, or incomplete. Failure to complete all sections of the application and/or failure to submit signed copies of all tax forms or other required documentation will result in the poverty exemption application being denied. The board of review must have complete, accurate data in order to review this appeal.**

**In certain instances, the Board of Review may consider extenuating circumstances as a basis of a poverty exemption where the total household income exceeds the established income guidelines.**

**Due Dates: The application for exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review during the year in which the exemption is requested. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.**

***NOW, THEREFORE, BE IT HEREBY RESOLVED* that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines that there are substantial and compelling reasons why there should be deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.**

OFFERED BY: Council Member Symanns

SECONDED BY: Council Member Brown

On a roll call, the vote to approve Resolution No. 2019-023 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxon	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

2. Resolution No. 2019-024, approving the 2019 Medical Marihuana Facilities application review process for new facilities.

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

**WHEREAS, the City of Ypsilanti allows for seven provisioning centers and three cultivation medical marihuana facilities to operate within its borders; and**

**WHEREAS, the city has issued only two permits for cultivation; and**

**WHEREAS, the city has issued all seven provisioning center permits with the potential for a permit to become available by action of the state; and**

**WHEREAS, it is important to have a clear process in place prior to reviewing any application on the waitlist for a 2019 permit; and**

**WHEREAS, a written application process will ensure fairness in the review of applications on the 2019 waitlist.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the 2019 Medical Marihuana Facilities process.**

OFFERED BY: Council Member Brown  
SECONDED BY: Council Member Symanns

Council Member Symanns asked for a response to the questions posed during public comment. Ms. Wessler responded a site plan and special use permit would be required where the zoning ordinance requires them. Mr. Barr stated permits are non-transferrable, but the issue is if the permit is held by an LLC, there might be a change to the membership of the LLC. Mayor Bashert stated at one point if 50% of the membership changed it would void the permit. She asked if that would be possible to enforce that with an LLC. Mr. Barr responded language can be drafted, and asked the attorneys that spoke tonight to send proposed language. Ms. Symanns asked for clarification on the appeals process. Mr. Barr responded he is going to suggest the ordinance be for administrative appeals. Mr. Meyers added this is being submitted for approval because of the request from several attorney's asking for the process to be put into writing and adopted. The question raised during public comment is based off of a note included with the process. The note is not part of the process, however, staff has been operating with the assumption that if the state allows a facility to operate the city will allow them to operate.

Mayor Bashert stated she feels this should be delayed for approval and allow staff to make amendments based on Council direction. Mr. Meyers stated there is an available permit and this would delay the awarding of that permit. Mayor Pro-Tem Richardson responded she would rather delay the award of that permit until the process is fully developed. She would like the City Attorney to make the necessary adjustments. Ms. Bashert stated anything over a change of 50% in ownership should be disallowed.

Mr. Meyers stated the proposed process for 2020 was developed to stop applicants from lining up outside of City Hall to submit their applications. Staff felt a lottery would help cease that practice. He added that is the only additional change between the 2019 and 2020 processes. He asked if Council is in favor of the lottery. Mayor Bashert believes a lottery makes more sense.

Council Member Morgan stated he is fundamentally opposed to the criminalization of marijuana, but it appears the facilities operating in the city make a substantial amount of money. He understands these businesses are providing medicine for their customers, but it creates an economic disparity. He believes a lottery would be a more fair selection process.

Council Member Symanns stated she is less concerned with the amount of capital investment made by an individual. Her concern is if there is over a 50% change in owners of an LLC. Mayor Bashert responded in the affirmative.

**Mayor Pro-Tem Richardson moved, seconded by Council Member Symanns to table Resolutions No. 2019-024 and 2019-025.**

On a roll call, the vote to table Resolutions No. 2019-024 and 2019-025 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxon	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

3. Resolution No. 2019-025, approving the 2020 Medical Marihuana Facilities application submission and review process.

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

**WHEREAS, the state begin licensing Medical Marihuana Facilities as a part of the Medical Marihuana Facilities Act; and**

**WHEREAS, staff has been addressing any issues with the current procedures as set forth by state legislation; and**

**WHEREAS, fairness and impartiality are of extreme importance to this city, its elected officials, and the staff; and**

**WHEREAS, a written application process will remove any ambiguity for facility permit renewal and any potential new applicants.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the 2020 Medical Marihuana Facilities process.**

**Tabled**

4. Resolution No. 2019-026, approving a member of Council's access to meetings electronically, without the ability to cast a vote.

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

**That the Ypsilanti City Council adopts "ROBERT'S RULES OF ORDER, 10<sup>TH</sup> EDITION" as the official rules of order for procedures of the Ypsilanti City Council meetings.**

**For the purpose of Council rules, each separate meeting of City Council shall constitute a "session" as that term is used in Robert's Rules of Order.**

**A motion for reconsideration of a motion may be made and considered at the same session or in the next immediate session.**

**A motion may be amended by a "friendly amendment" if both the member making the motion and the member supporting (seconding) the motion agree.**

**When unavailable because of illness or absence from the city, a Council Member may access a City Council meeting by electronic means of telephone, conference television or similar means, and may participate in debate, but will not be allowed to vote at the meeting. The Council Member should give notice to the City Clerk of intent to access by electronic means and the notice of the meeting must include information of the intention of electronic access of the Council Member.**

OFFERED BY: Mayor Pro-Tem Richardson

SECONDED BY: Council Member Murdock

Council Member Brown asked if "electronic means of telephone, conference television or similar means", includes Facetime. Mayor Bashert responded in the affirmative.

Council Member Murdock asked if the approval of this resolution would change any Council rules. Mr. Barr responded no, the only difference is the addition of a notice provision.

Council Member Brown suggested amending the resolution to state "if possible to give notice". Mr. Barr suggested the amendment read "the Council Member should give notice..." Mayor Bashert responded that change should be adequate.

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She hopes not having the ability to vote will deter this from becoming a normal practice. She does like that this will allow a Council Member to have the ability to stay aware of what occurs in a meeting.

Council Member Murdock stated having needed to attend a meeting telephonically recently, it was a benefit to having the ability to hear and participate in the meeting. However, it was difficult to hear everyone, but ultimately it was useful to him. In terms of a requirement of noticing, sometimes a Council Member might not know they are unable to be present until it is too late to notice.

On a roll call, the vote to approve as amended Resolution No. 2019-026 was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxon	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

5. Discussion regarding the employee review of the City Manager and City Clerk.

Mayor Bashert asked for this to be placed on the next meeting with additional information.

Council Member Brown agreed additional information is needed, but both resolutions addressing medical marijuana facilities have been tabled until that meeting. Also, goal setting has been scheduled for that meeting. Council Member Symanns stated the resolution would only be to approve a timeline for the evaluations. Ms. Brown asked if the resolution would be more informational. Ms. Symanns responded in the affirmative. Mayor Bashert confirmed the resolution would include only a timeline and structure of the process, it should not take long.

**Council Member Symanns moved, seconded by Council Member Morgan to move this item to the February 19<sup>th</sup> meeting.**

On a roll call, the vote to postpone this item to the February 19<sup>th</sup> Meeting was as follows:

Council Member Brown	Yes	Council Member Symanns	Yes
Council Member Morgan	Yes	Mayor Bashert	Yes
Council Member Murdock	Yes	Council Member Wilcoxon	Absent
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

#### **XIV. LIAISON REPORTS –**

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study – Council Member Murdock stated the 2045 year plan has been published for comment.
- C. Urban County – None
- D. Ypsilanti Downtown Development Authority – None
- E. Ypsilanti Youth Safety Collaboration – Council Member Morgan stated he had a meeting with a representative for the Ypsilanti District Library who will be attending a Council meeting to present their findings.
- F. Friends of Rutherford Pool - None
- G. Housing Equity Leadership Team - None

## **XV. COUNCIL PROPOSED BUSINESS –**

### Murdock

- Republic waste management has been confusing residents by canceling service due to weather last week. Republic was randomly picking up garbage this past weekend, after telling the city they would provide pick-up for double the amount this week. Republic needs to perform the service they informed the city they would do. He suggested not to come down hard residents that have left out their garbage.
- He asked the status for 220 N. Park.

Mayor Bashert stated the developer has walked away from the project.

- He asked the status of the Hamilton/Huron road diet project.

Ms. Wessler stated staff has met with MDOT to ensure HRC has all the needed information. She will relay the next benchmark once it becomes available. Council Member Murdock asked what the expected date of completion is. Ms. Wessler responded she believes it was a six month project, so potentially May or June.

- He asked how much funding is available for the DDA to bond, and the duration of the potential bond.

Mr. Jacobs responded he has been working to gather that information, and will inform Council as soon as it becomes available.

- He asked about the potential of adding radon testing to the property maintenance code.

Mr. Barr responded the ordinance has been drafted, and it is being reviewed by his office. Council Member Murdock asked if the draft ordinance is available for Council to view. Mr. Barr responded in the affirmative, but he is working with MSHDA on the approval of the ordinance.

### Morgan

- He attended the EMU basketball game with representatives for the Ypsilanti School District, and spoke about improving the relationships between the school district, EMU and the city.

### Symanns

- She will attend the Strong Hall Rededication to assist in improving relationships between the city and EMU.
- She and Council Member Wilcoxon held office hours this past weekend, and there was a good turnout. One of the topics of concern was city sidewalks. In the past the city would provide warnings to residents in violation of the ordinance, but that is no longer the case. She was asked why that is so she can explain it to the public.

Mayor Bashert stated warnings do not help people to be able to use the sidewalks. If residents know they will be provided a warning there is potential for sidewalks will not be cleared. She is upset about the complaints on social media regarding citations. Council Member Murdock added the city does not provide warnings is because of scofflaws. If warnings are provided it would take a week before the sidewalks are cleared. Council Member Symanns stated it has been pointed out to her that one of the city owned properties did not have the walks cleared. Mr. Meyers responded the city only owns two residential properties, and we will make sure the walks

are cleared. Ms. Bashert added sidewalks are the lowest priorities, but there are repercussions to staff when sidewalks not being cleared.

**Council Member Brown moved, seconded by Council Member Symanns to extend the meeting until 10:10 p.m.**

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

Richardson

— Asked that Mr. Rajabi be contacted with information regarding where he can access financial help.

**XVI. COMMUNICATIONS FROM THE MAYOR –**

— The Penn Dam Town Hall will be rescheduled from the original date of February 13<sup>th</sup>. She will provide the rescheduled date once it becomes available.

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

None

**XVIII. COMMUNICATIONS –**

**XIX. AUDIENCE PARTICIPATION –**

1. Sue Melke, 330 Chidester, stated the penalty should increase for habitual offenders of the snow ordinance. She doesn't understand why city owned sidewalks are the last priority.

Council Member Murdock stated fines do increase.

**XX. REMARKS FROM THE MAYOR –**

Nominations:

**Historic District Commission:**

Alex Petitt (reappointment)  
945 Sheridan  
Ypsilanti, MI 48197

**Historic District Commission:**

Michael Davis Jr. (reappointment)  
905 Grant St.  
Ypsilanti, MI 48197

**XXI. ADJOURNMENT –**

Resolution No. 2019-027, 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 three (3) members of Council.**

OFFERED BY: Council Member Morgan

City Council Meeting  
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SECONDED BY: Council Member Symanns

On a voice vote, the motion carried, and the meeting adjourned at 9:59 p.m.