



Approved

**CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 25, 2018
6:30 p.m.**

I. CALL TO ORDER –

The meeting was called to order at 6:30 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	Absent
Council Member Richardson	(6:37) Present		

Council Member Vogt moved, seconded by Council Member Murdock to excuse the absence of Mayor Edmonds.

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

III. INVOCATION –

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

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

VI. CLOSED SESSION – 6:30-7:00 p.m.

Closed session to discuss collective bargaining, Tentative Agreement from AFSCME, pursuant to OMA 15.268, Section (8)(c)

Council Member Vogt moved, seconded by Council Member Bashert 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	Yes	Mayor Edmonds	Absent
Council Member Richardson	Absent	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

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

The meeting adjourned to Closed Session at 6:35 p.m.

The meeting reconvened to Open Session at 7:00 p.m.

VII. INTRODUCTIONS

None

VIII. PRESENTATIONS –

None

IX. AUDIENCE PARTICIPATION –

1. Sue Melke, 330 Chidester, stated a month ago she asked the status of constructing picnic tables for city parks.
2. Ashton Marr, EMU, stated she is in attendance for a class and asked for contact information to provide her professor.

X. REMARKS BY THE MAYOR –

XI. ORDINANCE – FIRST READING –

Ordinance No. 1326

Ordinance to amend the Ypsilanti City Code as necessary to adopt the 2018 edition of the International Property Maintenance Code, to make additions, insertions, and changes to the 2018 Edition of that Code, and to set forth the penalties.

A. Resolution No. 2018-241, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY AMENDING ARTICLE V, "PROPERTY MAINTENANCE CODE," SECTION 18-91 "ADOPTION," TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 "ADDITIONS, INSERTIONS AND CHANGES," BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES" be approved on First Reading.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

Assistant City Attorney Dan DuChene provided an overview to why this has been submitted for approval.

Council Member Robb stated additions have been made and asked for clarification of those additions to the code. He provided an example that every day a person is in violation of the code they can be written a ticket. He asked if every day a resident does not mow their lawn would they be written a ticket each day. Mr. DuChene responded he would need to research that possibility, but he believes that is the current process. Mr. Robb asked why this would be added if that is the current process. Mr. DuChene responded this update is concerning the Property Maintenance Code, which is included in City Code. Mr. Robb asked if it is possible all of this additions are in the code. Mr. DuChene responded that is possible, but indicated he did not provide substantive input so it may include new updates. Mr. Robb asked if anything new is being added to the code. City Attorney John Barr clarified state law allows a city to adopt standard codes such as the Motor Vehicle Code, Property Maintenance Code (PMC), and Building Maintenance Code. Assistant City Attorney Jesse O'Jack monitors the PMC carefully to ensure City Code is in line with that code. He offered to have Mr. O'Jack present to provide information on the update, but assured Council Mr. O'Jack has completed updates such as these a number of times. Mr. Robb responded he does not believe Mr. O'Jack would need to be present, but if he could draft a memo indicating what is new in the code. Mr. Barr responded in the affirmative.

Council Member Murdock stated Council received a memo regarding Radon and asked for clarification. Mr. DuChene responded there have been previous suggestions that a regulation could be codified requiring Radon testing and radiation testing for certain parts of the city. His thought at the time is the PMC would be where to include this regulation. After discussion with Mr. O'Jack and Building Department Manager Frank Daniels he now believes it should be included in the tenant's rights section of the code, or the Certificate of Compliance section. Mr. O'Jack and Mr. Daniels suggested the tenant test for Radon and provide the Building Department with results for further action. Mr. Murdock responded that would place the responsibility with the tenants. Mr. DuChene replied the other possibility would be to require the property owner complete the testing, but it is uncertain that would produce reliable results. Council Member Richardson stated the city should require a landlord to complete Radon tests. Mr. DuChene replied there are ways to skew the tests, and he is not certain requiring the landlord complete the test would have the intended affect. Ms. Richardson stated if the tenant completes the test the landlord should be required to pay for the test. Mr. Murdock stated Ann Arbor requires basement apartments be tested because they are most at risk for Radon.

B. Open public hearing

None

C. Resolution No. 2018-242, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a public hearing on an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY AMENDING ARTICLE V, "PROPERTY MAINTENANCE CODE," SECTION 18-91 "ADOPTION," TO REPLACE THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 18-92 "ADDITIONS, INSERTIONS AND CHANGES," BY DELETING THE PREVIOUS ADDITIONS, INSERTIONS AND CHANGES AS NECESSARY AND MAKING ADDITIONS, INSERTIONS AND CHANGES TO THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO SET FORTH THE PENALTIES" be officially closed.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Murdock

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

On a roll call, the vote to approved Resolution No. 2018-241 was as follows:

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

VOTE:

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

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-243, approving minutes of August 28 and August 29, 2018 meetings.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of August 28th and August 29th 2018 be approved.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Richardson

Council Member Richardson stated she has some edits and will supply them to the City Clerk.

On a roll call, the vote to approved Resolution No. 2018-241 was as follows:

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

VOTE:

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

2. Resolution No. 2018-244, approving service agreement with iCompass for agenda management and video streaming software solutions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council adopted Resolution No. 2018-237 on September 11, 2018, which authorized City staff to negotiate an agreement with iCompass Technologies, Inc. for the purchase of an agenda management and video streaming software solution and to present City Council with such an agreement for approval; and

WHEREAS, accordingly, staff has negotiated the attached agreement pursuant to this authorization and direction;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Clerk are authorized to sign and execute the attached agreement with iCompass on behalf of the City of Ypsilanti, subject to review and approval of the City Attorney.

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

City Clerk Frances McMullan provided an overview to why this resolution has been submitted for approval.

On a roll call, the vote to approved Resolution No. 2018-241 was as follows:

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

VOTE:

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

3. Resolution No. 2018-246, approving fireworks display permit to allow the display of fireworks on September 29, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department has applied for a fireworks permit to allow a fireworks display at Eastern Michigan University on the baseball field parking lot located East of the Rynerson Stadium. The fireworks is scheduled on September 29, 2018 at approximately 9:00pm just after the football game; and

WHEREAS, ACE Pyro, LLC will operate the display and has obtained public liability insurance in the amount of \$10,000,000 and has added the City of Ypsilanti as an additional insured.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the Fireworks Display Permit to allow the requested display of fireworks on, September 29, 2018, subject to the inspection and approval of the Ypsilanti Fire Department.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Richardson

Fire Chief Max Anthouard provided an overview to why this resolution is being submitted for approval.

Council Member Vogt asked if any complaints were submitted from previous fireworks displays. Chief Anthouard responded no. Council Member Bashert responded she has received a couple, and explained some people like fireworks and some do not. Mr. Vogt stated he enjoys fireworks, but has received several complaints and as a result will be voting against this resolution.

On a roll call, the vote to approved Resolution No. 2018-246 was as follows:

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

VOTE:

YES: 4 NO: 2 (Vogt, Murdock) ABSENT: 1 (Edmonds) VOTE: Carried

4. Resolution No. 2018-248, approving Bell-Kramer Budget Adjustment

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti desired to provide a 12 month vapor intrusion assessment of the residential properties located in the Bell Kramer neighborhood north of the former City-owned landfill as recommended by the Michigan Department of Environmental Quality; and

WHEREAS, The City of Ypsilanti desires to have subsurface soil gas sampling and indoor air quality monitored for a year as recommended by DEQ to determine what, if any, mitigation may be required; and

WHEREAS, it is the desire of the City of Ypsilanti to complete this study.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council appropriates funding in the amount of \$15,500 to complete the Bell Kramer Neighborhood Environmental Testing Study.

OFFERED BY: Council Member Richardson

SECONDED BY: Council Member Murdock

Economic Development Director Joe Meyers provided an overview to why this resolution has been submitted for approval.

Council Member Robb stated if these funds were not appropriated this year it does not matter what was appropriated last year. Mr. Meyers responded he understands. Mr. Robb stated this is not in the budget and the funds will come from the General Fund. Mr. Meyers responded in the affirmative. Mr. Robb stated the city is in a deficit and asked if there are any offsets for these funds. Mr. Meyers responded it could come from contractual services, but that would decrease funding to the parking strategy and implementation. Council Member Richardson asked what account staff proposes the funds be allocated. Mr. Meyers responded he is not certain. Mr. Robb stated the city had a surplus and it whittled that money away, and he cannot support this unless there are offsets. He explained this is the first time during his tenure on Council the city had a surplus and now it is in a deficit. He would like to stop that practice prior to his leaving Council, and this should be paid with funds the city has currently budgeted.

Council Member Robb moved, seconded by Council Member Richardson to use the funds previously budgeted for the Ypsilanti Parking strategy to fund the \$15, 500 for the Bell Kramer Neighborhood Environmental Testing Study.

Council Member Bashert interjected Council budgeted for a parking strategy not a parking study.

Council Member Robb moved a friendly amendment to amend the motion to parking strategy.

Council Member Richardson accepted the friendly amendment.

Council Member Vogt agreed with the sentiment, but would prefer the offset come from elsewhere in the budget. Mayor Pro-Tem Brown asked where he suggests these funds should come.

Mr. Meyers stated Council increased the contractual services budget from \$30,000 to \$60,000 to ensure the parking strategy is completed.

Council Member Bashert prefers the funds not come from the parking strategy. Mr. Meyers stated there is a Council meeting next week and he can provide offsets for these funds. Ms. Bashert stated Council recently created a Housing Fund, and that could be used for this. She explained the test promoted housing ownership, and there can be an argument to use that fund.

Council Member Robb withdrew his motion.

Council Member Robb moved, seconded by Council Member Vogt to allocate the \$15,500 from the Housing Trust Fund.

Council Member Murdock suggested the funds be allocated from what was budgeted for the Penn Dam Study. Council Member Bashert responded the Penn Dam has nothing to do with supporting home ownership. Council Member Vogt interjected any funding set aside for the dam is a necessity. It might not be imminent but it is a necessity. Mr. Murdock withdrew his suggestion, and stated Council Member Robb and other members of Council have requested a synopsis of the allocations made since the approval of the budget. He suggested using fund balance to cover the cost for the Bell-Kramer study until Council is provided updated budget information. He stated it is unwise to try to balance the budget prior to having that knowledge. Council Member Robb interjected there is a budget deficit of \$12,934. Mr. Murdock responded it would be nice if those numbers were shared with Council.

Council Member Richardson stated she would like this sent back to staff to determine where the funds would be allocated from and bring it to Council for approval.

Council Member Richardson moved, Seconded by Council Member Murdock to send Resolution No. 2018-248 back to staff to select budget offsets for the \$15,500.

On a roll call, the vote to send Resolution No. 2018-241 back to staff for review was as follows:

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

VOTE:

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

Mr. Barr requested a resolution be approved to remove Resolution No. 2018-247 from the agenda and place it on the next Council Agenda.

Council Member Richardson moved, seconded by Council Member Bashert to remove Resolution No. 2018-247 from the agenda and place it on the October 2, 2018 Council Agenda

On a roll call, the vote to remove Resolution No. 2018-247 from the agenda and place it on the October 2, 2018 Council Agenda was as follows:

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

VOTE:

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

~~5.—Resolution No. 2018-247, approving AFSCME 2017-2022 Collective Bargaining Agreement~~

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

~~**WHEREAS, the Local 623, AFSCME Council 25, collective bargaining agreement with the city expired on June 30, 2017; and**~~

~~**WHEREAS, the city and the union have been engaged in contract negotiations for more than 16 months on a successor contract; and**~~

~~**WHEREAS, the city and the union have reached a tentative agreement on a new collective bargaining agreement for the term commencing on July 1, 2017, and terminating on June 30, 2022; and**~~

~~**WHEREAS, the city desires to approve the new contract as presented.**~~

~~**NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the new collective bargaining agreement between the City of Ypsilanti and the Local 623 of the American Federation of State, County, and Municipal Employees (AFSCME) Council 25, for the term commencing on July 1, 2017, and terminating on June 30, 2022, as presented and authorize the Mayor, City Manager, and City Clerk to execute the agreement on behalf of the city after approval by the City Attorney as to form.**~~

~~(Removed from the agenda)~~

XX. LIAISON REPORTS –

- A. SEMCOG Update – The next meeting is scheduled for Friday, September 25, 2018
- B. Washtenaw Area Transportation Study – Council Member Murdock stated as a result of equity issues the city might be receiving more Federal Highway Funds starting in 2023.
- C. Urban County - None
- D. Ypsilanti Downtown Development Authority – Mr. Meyers stated Council received an email that E. Cross Street received a huge honor being names one of the top streets in the United States. There will be an event on October 20th to celebrate the honor in Depot Town. Mayor Pro-Tem Brown stated it is amazing for the city to receive such an honor. Mr. Meyers stated only two cities in Michigan have received this award, both in 2009, Main Street in Ann Arbor and Front Street in Traverse City. The best part is E. Cross was nominated by an individual not known by staff because of their own opinion of the street.
- E. Ypsilanti Youth Safety Collaboration - None

- F. Friends of Rutherford Pool – Council Member Bashert stated there seems to be an issue with the Department of Natural Resources (DNR) Grant, and asked if staff is aware of the problem. Mr. Meyers responded staff is aware of the problem and is working toward a resolution. He explained a timeline needs to be submitted regarding the demolition of the former Recycling Center. Ms. Bashert interjected there seems to be a conflict between what the DNR asked for in June and what is being asked currently. She explained more information than previously requested is now needed for approval. Mr. Meyers replied that is a fair assessment, but staff will provide that information.
- G. Housing Equity Leadership Team - None

XXI. COUNCIL PROPOSED BUSINESS –

Richardson

- The city has always promoted its Fire Chief internally. However, Council was informed the by the City Manager recruitment would occur externally. She would like to see the practice of internal promotion continue at the Fire Department. She is certain there is viable candidate among the ranks of the Fire Department and they should be promoted now in order to shadow the current Chief until his retirement. That practice is good for the morale of the Fire Department and the city as a whole.
- While attending the Michigan Municipal League Conference she learned a number of things. She suggested taking a trip to Grand Rapids because of its progress in the past six years. She commented on the amazing public art in the city. MML adopted new inclusive and diversity strategies during its June meeting and are working toward that goal. The first black female was elected as Vice-President who will be President next year. The conference had over 1,000 attendees between the Michigan Association of Planners and MML.
- It is bittersweet that Assistant City Attorney Dan DuChene is leaving the City Attorney's Office. She thanked him for all the work he has done for the city, even as a reporter prior to being with the Attorney's Office. She wished him all the best in future endeavors.

Robb

- Asked for an update regarding the gas station at Cross and Prospect opening prior to allowed business hours. Mr. Meyers responded the Building Manager has spoken with the business, but will send him a second time.
- There are three active redevelopment liquor licenses that exist in the city, Bona Sera, Red Rock, and Ziggy's. Mr. Meyers replied there is an additional license tied to Dalat, and two more in the works. Mr. Robb stated the businesses are supposed to open five days a week for fifty hours and not all three businesses are following that guideline. He asked if that is a city or state requirement. Mr. Meyers replied that is a state requirement.

Vogt

- Asked Council to begin considering to do something to improve pedestrian and non-motorized access to the west end of the Border to Border Trail.

Murdock

- Asked for the status of the demolition of the former recycling center. He is curious of what the city is thinking of doing in the future for that location. He stated there has been discussion regarding holding public hearings to discuss that, and asked if that is still the plan. Mr. Meyers responded the estimated \$700,000 to construct the parking lot was a shock to staff and a hard look needs to be taken on how best to proceed. Mr. Murdock stated once the center is removed will the site be graded or signage installed. Mr. Meyers replied at this point the plan is to remove the building and then examine what the next steps are. Council Member Robb asked staff to provide Council what it will cost to bond that project out for eight years. Mr. Murdock stated the DDA has bonding capacity too.

- He sent out memo regarding the Planning and Parks and Recreation Commission to priorities park improvement projects with hopes to complete some of the projects prior to the end of the Fiscal Years. Council Member Bashert and Mayor Pro-Tem Brown supported the idea.
- There are a lot of issues with the city sidewalks, particularly in some of the commercial areas. He asked that a priority list be completed in order to fix that issue, including those owned by the city.
- A meeting was held regarding the notification of affordable housing and dislocation fee. He asked the Attorney's Office to review the possibilities. He suggested including that in PILOT agreements.
- The road safety audit MDOT is completing for M-17 and US-12 is being completed and a meeting will be held on Thursday, September 27th to inform the public of their ideas.

Bashert

- Asked what is happening with the signage in the South Huron Parking Lot, and why is it taking so long. Mr. Meyers replied he would look into it. Ms. Bashert responded it is taking way to long, and the signage should have been planned in with the restriping.

XXII. COMMUNICATIONS FROM THE MAYOR PRO-TEM—

- Stated she is excited MDOT is here performing the audit of those roadways. She hopes there will be positive feedback on how to increase safety.
- Echoed the comments of Council Member Richardson regarding Assistant City Attorney Dan DuChene.

XXIII. COMMUNICATIONS FROM THE CITY MANAGER –

None

XXIV. COMMUNICATIONS –

September 18, 2018 Traffic Review Commission Minutes

XX. AUDIENCE PARTICIPATION –

1. John Barr, 105 Pearl, stated he received a number of complaints from the Riverside Arts Center regarding the crossing at Pearl and Huron. He asked that MDOT be asked about that issue.

XXI. REMARKS FROM THE MAYOR –

XXII. ADJOURNMENT –

Resolution No. 2018-249, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Bashert

On a voice vote, the motion carried and the meeting adjourned at 8:02 p.m.

