

CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE MAY 7, 2019 REGULAR BOARD MEETING

Supervisor Stumbo called the meeting to order at approximately 7:00 p.m. in the Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township. The Pledge of Allegiance was recited followed by a moment of silent prayer.

Supervisor Stumbo asked to remember Pete Murdock's family in your prayers.

Members Present: Supervisor Brenda L. Stumbo, Clerk Lovejoy Roe,
Trustees: Stan Eldridge, Heather Jarrell Roe
Jimmie Wilson, Jr., and Monica Ross-Williams

Members Absent: None

Legal Counsel: Wm. Douglas Winters

PUBLIC COMMENTS

Arloa Kaiser, Township Resident requested that the organized runs that roads are closed for in the Township should have to designate what charity they are raising funds for.

Norman Andreson, Township Resident stated he has been representing Ypsilanti Township on the Huron River Watershed Counsel since 2008. He said he is moving out of Ypsilanti Township next year and the Township would need someone to replace him.

Supervisor Stumbo thanked Mr. Andreson for his service.

JoAnn McCollum, Township Resident stated she felt offended by Trustee Jarrell Roe's comment when she said that people needed to be educated about the marijuana ordinance. Ms. McCollum said she was African American and lives in a predominate African American community and she said she deals with marijuana every day. She says they have struggles with drugs and teens and she feels no matter how much education she gets it will not change that. Ms. McCollum read an article regarding not having dispensaries near schools stating it would be hard to keep it away from children no matter where the dispensary was located. She said she does not want marijuana dispensaries in Ypsilanti Township. She said if it was medical marijuana it should be dispensed from physicians. Ms. McCollum thanked the board for taking time to look at this and find the best way possible to protect the community.

Jeffrey Tate, Township Resident stated he went to high school in the 60's and marijuana was not prevalent. He said he was shocked when he found out how young people were when they began to smoke marijuana. He said he does not condone it. He said medical marijuana facilities are highly regulated but people will still get it on the streets. He said he agrees that marijuana facilities should not be near schools.

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Robert Harrison, Township Resident stated that marijuana was not good for children and he was concerned that if anyone could get it he feared that it would be easier for children to get it. He said he would like to keep it out of his neighborhood.

Tyrone Bridges, Township Resident stated that 68% of the residents in Washtenaw County supported the Marijuana Act. He said he felt we should be siding with the voters and not with the opposition. He said he would prefer to come up with options with regulations and not with the ban. He said yesterday a 15-year-old child was killed in broad daylight at a liquor store, not at a marijuana dispensary. He said when medical marijuana dispensaries were allowed to open the black market expanded. Mr. Bridges said why should we ban dispensaries that are regulated by the State but let these corner stores sell synthetic marijuana to kids on their way to school. He said that if you had residents that had property where they could grow marijuana and they were a minority, it would help their income tremendously. He said we need to think out of the box. He said medical marijuana has great benefits for people. He said if something big happens with marijuana like what happened with automation you would hate to miss out on it because you banned it. Mr. Bridges said you don't have to listen to hear, just listen to 68% of the voters.

Denise Kirchoff, Township Resident stated that the board was elected to do a job. She said she didn't care what your personal beliefs are. She said she believes in medical marijuana and recreational marijuana. Ms. Kirchoff stated the voters have spoken, do your job. She said she does not know why the Board wasn't able to do this but she was part of a group that were able to talk with a coalition from Colorado and Washington. She said she had sent an email to them stating when they were around she would like to listen to them. She said they sent her an email and told her when and where they would be so she could attend. Ms. Kirchoff said she is just a resident and she found out how to speak with the Zoning Director for Colorado regarding the process for zoning marijuana in small communities like ours. She said the homeless population did increase but only because they could not keep up with the demand for housing since people were moving there for the jobs. She said welfare rolls dropped 75%. She said there would always be that kid that will smoke, drink, and will do bad things but you cannot say because we have marijuana that every kid in Washtenaw County will be stealing and they will get an adult to buy their marijuana. She said it should not matter whether she agrees with recreational marijuana or not but there is one thing that does matter, when a person in this country votes and they make a decision you do not have the right to say we know what is best for you. She said there was a solid message, do what your community voted you to do.

Jeff Tate, Township Resident stated we have a problem in this community with cigarettes and liquor.

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CONSENT AGENDA

A. MINUTES OF THE APRIL 16, 2019 WORK SESSION, CLOSED SESSION AND REGULAR MEETING.

B. STATEMENTS AND CHECKS

1. STATEMENTS AND CHECKS FOR MAY 7, 2019 IN THE AMOUNT OF \$764,608.57

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve the Consent Agenda.

The motion carried unanimously.

ATTORNEY REPORT

A. GENERAL LEGAL UPDATE

OLD BUSINESS

1. 2ND READING OF RESOLUTION 2019-20, PROPOSED ORDINANCE 2019-484 PROHIBITION OF RECREATIONAL MARIJUANA ESTABLISHMENT (1ST READING HELD AT THE APRIL 2, 2019 REGULAR MEETING)

A motion was made by Clerk Lovejoy Roe, supported by Trustee Ross-Williams to Approve the 2nd Reading of Resolution 2019-20, Proposed Ordinance 2019-484 Prohibition of Recreational Marijuana Establishment (see attached).

Trustee Wilson stated that he agreed with Trustee Jarrell Roe to look into what she said Grand Rapids was doing, by being progressive and suggesting that licensees would get preferential treatment in obtaining a license if they were also vested in our community.

Trustee Wilson stated that those who were interested in Recreational Marijuana need to be aware that there was more than just retail sales. He said there were growers, transporters, safety compliance, and processors. He said showing support was not just for dispensaries. He said he voted in favor of this for the criminal justice reform aspect of the proposal.

Trustee Wilson stated for those who are against recreational marijuana to put it into prospective; think of medical marijuana as a CVS where you go to get your prescriptions and think of recreational as your over the counter medicine. He said he would like residents to be open minded when they think of those two.

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Trustee Wilson stated he knew some voters who voted for it but they would not use marijuana but they knew there were financial benefits from this law.

Trustee Eldridge stated that he has been on the planning commission for 14 years and they regulate and zone every type of business. He said there were zoning requirements for every business. He said someone would be wrong if they thought he was for or against a particular issue just because he was asking for it to be zoned like every other business in the Township. He said all he is voting for is an ordinance that says we are going to zone this type of business as we zone every other type of business. He said we were doing the job we were elected to do by taking our time to make sure we zone correctly just as the state is doing in Lansing.

Trustee Ross-Williams referenced an article from Andrew Bresli, Executive Director of The Michigan Marijuana Regulatory Agency. She said it states they are working on the rules and regulations. She said Mr. Bresli states that they have a year to take applications for those facilities. She said that he said they expect to release the first round of emergency rules by June 2019 and would begin taking applications about three months later. She said that he said the purpose for the delay was they would want communities to have time to determine their approaches to their ordinances. She said the Proposal that was passed stated it would create a state licensing system for marijuana businesses and allow municipalities to ban or restrict them.

Jo Ann McCollum, Township Resident stated the dispensaries do not belong in Ypsilanti Township. She thanked the Board for making decisions based on what you believe is best for our community.

Arloa Kaiser, Township Resident stated that you cannot please everyone but she was thankful the Board was considering all avenues before making a final decision.

Clerk Lovejoy Roe stated that some of the discussion was that people who voted no were not educated. She said she does not believe that to be true. She said people have their own value system and being judgmental about why people voted one way or another is a path we should not go down. She said the one thing we do not know is how the State of Michigan is going to regulate it so that is why the board may choose to delay decisions until those rules were made public. She said zoning is a big issue especially with growing facilities. She said she feels these facilities will have a bigger impact on a community than retail.

Christina Reeves, Township Resident stated that when the board decides to process applications for these businesses you should consider residents of the township especially minority residents who apply before applicants from communities outside the township.

Trustee Ross-Williams stated that voters have been called ignorant and she wanted it on the record that there were no ignorant voters no matter how they voted.

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Clerk Lovejoy Roe read emails she had received on the issue and said she would include them in the minutes (see attached).

Jarrell Roe	Yes	Eldridge	Yes	Ross-Williams	Yes
Lovejoy Roe	Yes	Stumbo	Yes	Doe	Yes
Wilson	No				

The motion carried.

NEW BUSINESS

- 1. 1st READING OF RESOLUTION 2019-06, PROPOSED ORDINANCE 2019-486, AN ORDINANCE AMENDING ARTICLE XXVII OF THE ZONING ORDINANCE TO ADD THE CONDITIONAL REZONING TEXT AMENDMENTS**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Wilson to Approve 1ST Reading of Resolution 2019-06, Proposed Ordinance 2019-486, an Ordinance Amending Article XXVII of the Zoning Ordinance to add the Conditional Rezoning Text Amendments (see attached).

Jarrell Roe	Yes	Eldridge	Yes	Ross-Williams	Yes
Lovejoy Roe	Yes	Stumbo	Yes	Doe	Yes
Wilson	Yes				

The motion carried unanimously.

- 2. REQUEST OF LIGHTSPEED COMMUNICATIONS, LLC TO ASSIGN AND TRANSFER THEIR METRO ACT PERMIT TO METRO FIBERNET, LLC**

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve Request of Lightspeed Communications, LLC to Assign and Transfer Their Metro Act permit to Metro Fibernet, LLC.

Supervisor Stumbo stated in the future she would like them to attend the meeting and would like the issues with the work sites be included in a letter to them.

The motion carried unanimously.

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- 3. REQUEST TO APPROVE SECOND AGREEMENT WITH THE WASHTENAW COUNTY ROAD COMMISSION FOR LOCAL ROAD IMPROVEMENTS IN THE AMOUNT OF \$304,356.93 TO BE BUDGETED IN LINE ITEM #101-466-000-818-022 CONTINGENT UPON APPROVAL OF THE BUDGET AMENDMENT**

A motion was made by Treasurer Doe, supported by Trustee Ross-Williams to Approve Second Agreement with the Washtenaw County Road Commission for Local Road Improvements in the Amount of \$304,356.93 to be Budgeted in Line Item #101-466-000-818-022 Contingent Upon Approval of the Budget Amendment (see attached).

The motion carried unanimously.

- 4. REQUEST OF MIKE RADZIK, OCS DIRECTOR FOR AUTHORIZATION TO SEEK LEGAL ACTION IF NECESSARY TO ABATE PUBLIC NUISANCE FOR PROPERTY LOCATED AT 1594 ANDREA ST. AND 1499 GROVE RD. IN THE AMOUNT OF \$20,000.00 BUDGETED IN LINE ITEM #101-950-000-801-023**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Wilson to Approve Request of Mike Radzik, OCS Director for Authorization to Seek Legal Action if Necessary to Abate Public Nuisance for Property Located at 1594 Andrea St. and 1499 Grove Rd. in the Amount of \$20,000.00 Budgeted in Line Item #101-950-000-801-023.

The motion carried unanimously.

- 5. REQUEST OF MIKE RADZIK, OCS DIRECTOR FOR AUTHORIZATION TO SEEK LEGAL ACTION TO ABATE PUBLIC NUISANCE DRUG HOUSES BY PADLOCKING LOCATED AT 5900 BRIDGE RD. #408 AND 418 VILLA DR. IN THE AMOUNT OF \$20,000.00 BUDGETED IN LINE ITEM #101-950-000-801-023**

A motion was made by Trustee Ross-Williams, supported by Trustee Jarrell Roe to Approve Request of Mike Radzik, OCS Director to Seek Legal Action to Abate Public Nuisance Drug Houses by Padlocking Located at 5900 Bridge Rd. #408 and 418 Villa Drive in the Amount of \$20,000.00 Budgeted in Line Item #101-950-000-801-023.

The motion carried unanimously.

- 6. REQUEST TO ADOPT A RECOMMENDED NATIVE PLANT SPECIES LIST**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Jarrell Roe to Approve Request to Adopt a Recommended Native Plant Species List.

The motion carried unanimously.

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**7. RESOLUTION 2019-21, TEMPORARY ROAD CLOSURE REQUEST FOR OBERUN
5K ON JUNE 21, 2019**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Jarrell Roe to Approve Resolution 2019-21, Temporary Road Closure Request for Oberun 5K on June 21, 2019 (see attached).

The motion carried unanimously.

**8. RESOLUTION 2019-22, TEMPORARY ROAD CLOSURE REQUEST FOR "RUN
SCREAM RUN" 5k, 10k, AND KID'S MILE RUN ON OCTOBER 12, 2019**

A motion was made by Treasurer Doe, supported by Trustee Jarrell Roe to Approve Resolution 2019-22, Temporary Road Closure Request for "Run Scream Run" 5k, 10k, and Kid's Mile Run on October 12, 2019 (see attached).

Trustee Jarrell Roe asked if we could find out what Charity was the recipient for this "Run".

The motion carried unanimously.

**9. REQUEST TO APPROVE AMENDMENT TO THE WASHTENAW COUNTY
BROWNFIELD REDEVELOPMENT AUTHORITY ENVIRONMENTAL
ASSESSMENT GRANT AGREEMENT DATED FEBRUARY 19, 2019 CR #51312
FOR 1150 MIDWAY**

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve Amendment to the Washtenaw County Brownfield Redevelopment Authority Environmental Assessment Grant Agreement dated February 19, 2019 CR #51312 for 1150 Midway (see attached).

The motion carried unanimously.

10. BUDGET AMENDMENT #8

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve Budget Amendment #8 (see attached).

The motion carried unanimously.

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AUTHORIZATION AND BIDS

- 1. REQUEST OF MIKE SARANEN, HYDRO OPERATIONS FOR APPROVAL TO WAIVE THE FINANCIAL POLICY AND PURCHASE A NEW RAM 1500 PICK UP FROM VANDYKE DODGE RAM IN THE AMOUNT OF \$20,754.00 TO BE BUDGETED IN LINE ITEM #595-595-000-985-000 CONTINGENT UPON APPROVAL OF THE BUDGET AMENDMENT**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Wilson to Approve Request of Mike Saranen, Hydro Operations for Approval to Waive the Financial Policy and Purchase a New Ram 1500 Pick Up from Vandyke Dodge Ram in the Amount of \$20,754.00 to be Budgeted in Line Item #595-595-000-985-000 Contingent upon Approval of the Budget Amendment.

The motion carried unanimously.

A motion was made by Treasurer Doe, supported by Trustee Jarrell Roe to Adjourn.

The meeting was adjourned at approximately 8:12PM.

Respectfully Submitted,

Brenda L. Stumbo, Supervisor
Charter Township of Ypsilanti

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

RESOLUTION 2019-20
(In Reference to Ordinance 2019-484)

Prohibition
Of Recreational Marihuana Establishments

Whereas, in November of 2018, Michigan voters approved the legalization of recreational marihuana hereinafter referred to as the **2018 Michigan Regulation and Taxation of Marihuana Act**, and

Whereas, prior to the approval of the **2018 Michigan Regulation and Taxation of Marihuana Act** Michigan voters and the Michigan legislature approved two (2) separate and independent statutes which govern medical marihuana only, to-wit: the **Michigan Medical Marihuana Act, Initiated Law 1 of 2008** legalizing medical marihuana and the **Michigan Medical Marihuana Facilities Licensing Act of 2016**; and

Whereas, proposed Township Ordinance 2019-484 entitled **Prohibition of Recreational Marihuana Establishments** applies only to commercial recreational marihuana businesses authorized by the **2018 Michigan Regulation and Taxation of Marihuana Act**, and

Whereas, proposed Township Ordinance 2019-484 does not affect medical marihuana patients' rights or medical marihuana caregivers' rights under the **2008 Medical Marihuana Ballot Initiative**, including an individual medical marihuana patient's right to grow up to twelve (12) marihuana plants for personal use or a medical marihuana caregivers right to grow up to seventy-two (72) plants for their patients and themselves, and;

Whereas, the focal point of proposed Township Ordinance 2019-484 concerns potential recreational marihuana businesses that could be located within the boundaries of the Charter Township of Ypsilanti ; and

Whereas, under the **2018 Michigan Regulation and Taxation of Marihuana Act**, a recreational marihuana business includes a number of different types of commercial enterprises which are as follows:

CHARTER TOWNSHIP OF YPSILANTI
COUNTY OF WASHTENAW, STATE OF MICHIGAN
ORDINANCE 2019-484

***Prohibition of Recreational Marihuana
Establishments Ordinance***

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of the Charter Township of Ypsilanti pursuant to ***Initiated Law 1 of 2018, MCL 333.27951 et seq*** as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

CHARTER TOWNSHIP OF YPSILANTI
COUNTY OF WASHTENAW, STATE OF MICHIGAN

ORDAINS:

Section I
Title

This ordinance shall be known as and be cited as the Charter Township of Ypsilanti Prohibition of Marihuana Establishments Ordinance.

Section II
Definitions

Words used herein shall have the definitions as provided for in ***Initiated Law 1 of 2018, MCL 333.27951 et seq***, as may be amended.

Section III
No Marihuana Establishments

The Charter Township of Ypsilanti hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to ***Initiated Law 1 of 2018, MCL 333.27951 et seq*** as may be amended.

Section IV
Violations and Penalties

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than One Hundred and No/100 (\$100.00) Dollars nor more than Five Hundred and No/100 (\$500.00) Dollars, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or such other person(s) as designated by the Township Board from time to time.

Section V
Severability

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a Court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

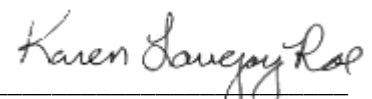
Section VI
Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section VII
Effective Date

This ordinance shall become effective upon publication in a newspaper of general circulation as required by law. This ordinance shall cease effect on June 30, 2020.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2018-484 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on May 7, 2019 after first being introduced at a Regular Meeting held on April 2, 2019. The motion to approve was made by member Roe and seconded by Ross Williams YES: Stumbo, Roe, Doe, Eldridge, Jarrell Roe, Ross Williams ABSENT: Wilson NO: None ABSTAIN: None.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

Published: Thursday, May 16, 2019

- (1) Recreational marihuana growers and sellers of up to 2,000 marihuana plants;
- (2) Recreational marihuana safety compliance facilities (defined as testing facilities for potency and presence of contaminants);
- (3) Recreational marihuana processors (preparation of marihuana plants by compounding, blending, extracting, and infusing marihuana);
- (4) Recreational marihuana microbusinesses (cultivates, processes, and packages up to 150 marihuana plants);
and
- (5) Recreational marihuana retailer (retail sale of marihuana)
- (6) Recreational marihuana transporters (transports marihuana to and from other marihuana establishments); and

Whereas, under the **2018 Michigan Regulation and Taxation of Marihuana Act** the Michigan Department of Licensing and Regulatory Affairs (LARA) is responsible for adopting rules and regulations applicable to commercial recreational marihuana businesses; and

Whereas, LARA's initial meeting regarding the drafting of rules and regulations to govern recreational marihuana businesses pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act** was scheduled to convene during the week of **March 25, 2019**; and

Whereas, under Governor Gretchen Whitmer's recent executive order, a new State agency is expected to oversee the licensing of recreational marihuana businesses pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act** once the governing the rules and regulations have been properly promulgated and approved as required by the Act; and

Whereas, Municipalities have the right, under the **2018 Michigan Regulation and Taxation of Marihuana Act**, to decide whether commercial

recreational marihuana businesses are permitted within their communities and if they are permitted, the type or types of businesses so allowed, the zoning districts in which said businesses would be permitted as well as the enactment of other local regulations and requirements that would be deemed to be in the best interests of the community; and

Whereas, before the Ypsilanti Township Board of Trustees can consider the salient issues of whether commercial recreational marihuana businesses are in the best interests of the Township, and if so, the types of businesses that may be suited to the Township based upon the zoning district(s) for such businesses and whether other local regulations and requirements should be adopted, the Township Board needs to be fully apprised prior thereto of all of the rules and regulations that will be promulgated and adopted by LARA governing commercial recreational marihuana businesses pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act**; and

Whereas, pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act**, if the Township does not adopt an Ordinance prohibiting commercial recreational marihuana businesses, any commercial recreational marihuana business licensed by the State, is automatically allowed to operate within Ypsilanti Township; and

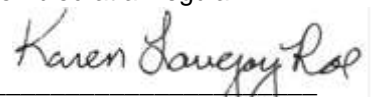
Whereas, in order to avoid a situation where a commercial recreational marihuana business is licensed by the State to operate within the Township, before the Township Board has carefully considered whether to allow the businesses to operate within the Township, the Township Board hereby determines that it is in the best interest of the Township to maintain the status quo until the State of Michigan by and through LARA adopts the required rules and regulations applicable to commercial recreational marihuana businesses so as to allow the Township Board an opportunity to carefully review the same;

Now Therefore,

Be it resolved, that Ordinance No. 2019- 484 prohibiting recreational marihuana establishments (businesses) within Ypsilanti Township as set forth in

the **2018 Michigan Regulation and Taxation of Marihuana Act** is hereby adopted by reference.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2019-20 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on May 7, 2019.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION 2019-06 (In Reference to Ordinance 2019-486)

AMENDING ARTICLE XXVII OF THE ZONING ORDINANCE TO ADD THE CONDITIONAL REZONING TEXT AMENDMENTS

Whereas, Section 3405 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, authorizes a property owner, or their authorized representative, to voluntarily offer conditions to the rezoning of their property as a means to provide a voluntary mechanism for an applicant to self-limit their request; and

Whereas, the Township Planning Consultants recommended updates to the zoning ordinance to specify the process and circumstances for conditional rezonings under the Michigan Zoning Enabling Act; and

Whereas, the Township Planning Consultants have recommended amendments to the Charter Township of Ypsilanti's (Township) Planning Commission (Commission) to the Township's Zoning Code; and

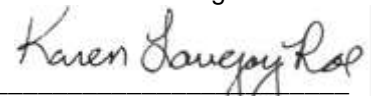
Whereas, at its regularly scheduled meeting held April 9, 2019, the Commission recommended approval of the Planning Consultant's proposed amendments to the Township's Zoning Code to the Township Board to update Article XXVII – Changes and Amendments to specify the process and circumstances for conditional rezonings,

Whereas, proposed Ordinance No. 2019-486 has revised the current existing Ordinance in such a fashion as to incorporate the above changes recommended; and

Whereas, the Charter Township of Ypsilanti Board of Trustees (Board) agrees with the request of the Planning Commission;

Now Therefore, Be it resolved, that the Charter Township of Ypsilanti Board of Trustees does hereby approve Ordinance No. 2019-486 as attached, by amending Article XXVII of the Township's Zoning Code as noted, replacing it with proposed Ordinance No. 2019-486, which ordinance reflects the suggestions and input of the Township's Planning Consultant as recommended by the Commission.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2019-06 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on May 7, 2019.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

PROPOSED ORDINANCE 2019-486

AN ORDINANCE AMENDING ARTICLE XXVII OF THE ZONING ORDINANCE TO ADD THE CONDITIONAL REZONING TEXT AMENDMENTS

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti Township Zoning Code, adopted May 18, 1994, shall be amended as follows:

SECTION 1. AMENDMENT TO TOWNSHIP ZONING ORDINANCE ARTICLE XXVII:

Township Zoning Ordinance Article XXVII, "Changes and Amendments" by amending Section 2701 "Initiation of amendments", and adding Section 2705 "Conditional amendment of the official zoning map", as follows:

Sec. 2701. - Sec. 2701. - Initiation of amendments:

The township board may from time to time, on recommendation from the planning commission, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein. Amendments to the provisions of this ordinance (i.e. ordinance text amendment) may be initiated by the township board, the planning commission or by petition from one or more residents or property owners of the township. An amendment to the official zoning map (i.e. rezoning) may be initiated by the township board, the planning commission or by the owner or owners of the property that is the subject of the proposed amendment. All proposed amendments to the provisions of this ordinance or the official zoning map shall be referred to the planning commission for public hearing and recommendation to the township board, prior to consideration thereof by the township board pursuant to the authority and procedure established in Act. No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq.) Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended.

Sec. 2705. – Conditional amendment of the official zoning map:

The Township Board shall have the authority to place conditions on an amendment to the official zoning map, commonly referred to as a conditional rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the Township Board. In exercising its authority to consider a conditional rezoning, the Township is also authorized to impose the following limitations:

- (a) An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
 - (1) The owner's offer of conditions may not authorize uses or developments not permitted in the requested zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
 - (2) A conditional rezoning that would also require approval of a conditional use, variance or site plan under the terms of this ordinance shall not be effective until approval for a conditional use, variance or site plan is ultimately granted in accordance with the provisions of this ordinance.
- (b) The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the

rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- (c) The procedure for consideration of Conditional Rezoning request by the Planning Commission and Township Board shall be the same as provided in Section 2702 for all other requests for amendments to the official zoning map. The following additional information shall also be required:
 - (1) A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
 - a. A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
 - b. A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
 - c. A list of conditions proposed by the applicant.
 - d. A time frame for completing the proposed improvements.
 - e. A legal description of the land.
 - f. A Sketch Plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
 - (2) The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
 - (3) A Conditional Rezoning may be approved upon the criteria set forth in Sec. 2704 and a finding and determination that all of the following are satisfied:
 - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
 - b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - i. A change in Township policy since the Master Plan was adopted.
 - ii. A change in conditions since the Master Plan was adopted.
 - iii. An error in the Master Plan.
 - c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
 - d. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- (d) Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

- (e) A Conditional Rezoning Approval shall expire following a period of time from the effective date of the rezoning established by the Township Board, unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.
 - (1) In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
 - (2) If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
 - a. The property owner seeks a new rezoning classification for the property; and/or
 - b. The Township initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- (f) Recording. A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Washtenaw County Register of Deeds and a certified copy of the Agreement is filed with the Township Clerk.
- (g) Violation of Conditional Rezoning Agreement. If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this ordinance and deemed a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

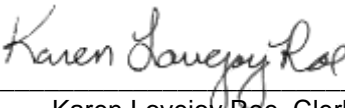
SECTION 3. SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a Court of competent jurisdiction, such holding shall not affect the validity nor the enforceability of the remaining sections, provisions, phrases or words of this Ordinance unless expressly so determined by a Court of competent jurisdiction.

SECTION 4. PUBLICATION. This ordinance shall be published in a newspaper of general circulation as required by law.

SECTION 5. EFFECTIVE DATE: This ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

SECTION 6. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify approval of the first reading of Proposed Ordinance No. 2019-486 by the Charter Township of Ypsilanti Board of Trustees assembled at a regular meeting held on May 7, 2019. The second reading is scheduled to be heard on June 18, 2019.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

2019 YPSILANTI TOWNSHIP SECOND AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2019, by and between the Township Board of Ypsilanti Township, Washtenaw County, parties of the first part and the Board of Washtenaw County Road Commissioners, parties of the second part.

WHEREAS, the parties of the first part desire that certain improvements be made upon the local roads in the Township of Ypsilanti, and

WHEREAS, proper authority is provided to the parties of the agreement under the provisions in Act 51 of Public Acts of 1951 as amended,

WHEREAS, it is understood that the Charter Township of Ypsilanti will be a named insured on the Washtenaw County Road Commission's coverages for liability for the activities described herein. The Road Commission will submit a certificate of insurance evidencing such coverages to the Township Clerk prior to implementation of services under the contract. Each party to this contract shall be responsible for the acts and omissions of its employees and agents.

IT IS NOW THEREFORE AGREED, the parties of the second part will accomplish the improvements as specified herein, all in accordance with the standards of the parties of the second part.

1. Gault Farms, Nancy Park & Shady Knolls Subdivisions:

Work to include crack sealing. Roads to include: Coleman Street, Georgina Street, Jay Avenue, Jeffery Street, Juneau Road, Molner Street, Borgstrom Avenue, Levona Street, Janet Avenue, Arthur Street, Shirley Drive, Marcus Avenue, Clarita Street, Evelyn Avenue, Share Avenue, Lester Avenue, Hull Avenue, Gault Drive, and Ruth Avenue.

Estimated project cost: **\$ 76,300.00**

2. West Willow & Turtle Creek Subdivisions:

Work to include crack sealing. Roads to include: Mary Catherine Avenue, Chevrolet Avenue, Eileen Street, Carol Ann Avenue, Lori Avenue, Zephyr Street, Studebaker Avenue, Buick Avenue, Jeff Avenue, Desoto Avenue, Nash Avenue, Ravinewood Avenue, Sunnyglen Avenue, Glengrove Avenue, Cedarcliff Avenue, Brooktree Court, Briardale Court, Pineridge Court, and Ponderosa Court.

Estimated project cost: **\$ 43,200.00**

3. Paint Creek Farms Subdivision:

Work to include crack sealing. Roads to include: Mapleview Lane, Hickory Ridge Drive, Hickory Ridge Court, Maplehurst Drive, Creekside Circle, Oakridge Drive, Oakbrook Drive, Cottonwood Drive, Oakbrook Court, and Oakhurst Drive.

Estimated project cost: **\$ 36,600.00**

4. Deauville Parish Subdivision:

Work to include crack sealing. Roads to include: Rue Deauville, Rue Willette and Rue Vendome.

Estimated project cost: **\$ 18,100.00**

5. Lay Garden Subdivision:

Work to include crack sealing. Roads to include: Allen Avenue, Jerome Avenue, Lamay Avenue and Whitman Avenue.

Estimated project cost: **\$ 20,800.00**

6. **Creekside Village West Subdivision:**
Work to include crack sealing. Roads to include: Indigo Lane, Indigo Court, Burdock Street, Amaranth Lane, Loon Hollow Drive, Prairie Street, Lakeway Street, Lakeway Court, Plainview Street, Ringneck Drive, and Wing Street.
Estimated project cost: **\$ 33,200.00**

 7. **Whispering Meadows Subdivision:**
Work to include crack sealing. Roads to include: Trillium Drive, Jonquil Lane, Tamarack Lane, Lily Drive, Lupin Court, and Dogwood Street.
Estimated project cost: **\$ 10,500.00**

 8. **Partridge Creek North Subdivision:**
Work to include crack sealing. Roads to include: Eagle Trace Court, Eagle Trace Drive, Creek Bend Drive, Breezewood Court, Pebblestone Drive, Eden Court, Reflection Court, Mapledale Drive, Hummingbird Court, Hummingbird Drive, Blue Jay Drive, Woodpecker Court, Sofia Drive and Thornhill Drive.
Estimated project cost: **\$ 38,500.00**

 9. **Edison Avenue, Packard Road to Burns Avenue:**
Work to include milling the existing pavement, the placement of 2" HMA resurfacing and HMA wing curbing, structure adjustments, and associated project restoration.
Estimated project cost: **\$ 83,900.00**
-

AGREEMENT SUMMARY

2019 LOCAL ROAD PROGRAM

Gault Farms, Nancy Park & Shady Knolls Subdivisions	\$ 76,300.00
West Willow & Turtle Creek Subdivisions	\$ 43,200.00
Paint Creek Farms Subdivision	\$ 36,600.00
Deauville Parish Subdivision	\$ 18,100.00
Lay Garden Subdivision	\$ 20,800.00
Creekside Village West Subdivision	\$ 33,200.00
Whispering Meadows Subidvision	\$ 10,500.00
Partridge Creek North Subdivision	\$ 38,500.00
Edison Avenue	<u>\$ 83,900.00</u>
Subtotal	\$361,100.00
Less WCRC 2019 Conventional Matching Funds	\$ 56,743.07

ESTIMATED AMOUNT TO BE PAID BY YPSILANTI TOWNSHIP
UNDER THIS AGREEMENT DURING 2019: **\$304,356.93**

FOR YPSILANTI TOWNSHIP:

Brenda L. Stumbo
Brenda L. Stumbo, Supervisor *May 8, 2019*

Lisa K Starfield
Witness

Karen Lovejoy Roe
Karen Lovejoy Roe, Clerk *May 8, 2019*

Lisa K Starfield
Witness

FOR WASHTENAW COUNTY ROAD COMMISSION:

Douglas E. Fuller, Chair

Witness

Sheryl Soderholm Siddall, Managing Director

Witness

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION NO. 2019-21

RESOLUTION REGARDING TEMPORARY ROAD CLOSURE

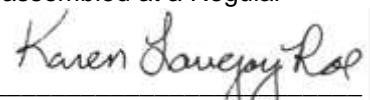
Resolution authorizing the temporary road closure of Merritt Road between Munger and Stoney Creek for runners to cross Merritt Road at Wiard's Orchard to enter Rolling Hills on Friday, June 21, 2019 from 6:30 p.m. to 7:15 p.m. for the Oberun 5K to benefit Karen's Trail/Friends of the Border to Border Trail.

WHEREAS, the Charter Township of Ypsilanti Board of Trustees has approved the temporary closure of Ypsilanti Township roads as indicated above; and

WHEREAS, the Driveways, Banners, and Parades Act 200 of 1969 requires the Township to authorize an official designated by resolution to make such request from the Road Commission.

NOW THEREFORE, BE IT RESOLVED that the Township of Ypsilanti Board of Trustees designates and agrees that Randal Step, owner R.F. Events be the authorized official designee in this instance, when application is made to the Washtenaw County Road Commission for this temporary road closure.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2019-21 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on May 7, 2019.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION NO. 2019-22

RESOLUTION REGARDING TEMPORARY ROAD CLOSURE


Resolution authorizing the temporary road closure of Merritt Road between Munger and Stoney Creek for runners to cross Merritt Road at Wiard's Orchard on Saturday, October 12, 2019 from 8:30a.m. to 10:30a.m. for the Run Scream Run 5K, 10K and Kid's Mile.

WHEREAS, the Charter Township of Ypsilanti Board of Trustees has approved the temporary closure of Ypsilanti Township roads as indicated above; and

WHEREAS, the Driveways, Banners, and Parades Act 200 of 1969 requires the Township to authorize an official designated by resolution to make such request from the Road Commission.

NOW THEREFORE, BE IT RESOLVED that the Township of Ypsilanti Board of Trustees designates and agrees that Randal Step, owner R.F. Events be the authorized official designee in this instance, when application is made to the Washtenaw County Road Commission for this temporary road closure.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2019-22 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on May 7, 2019.


Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti



OFFICE OF COMMUNITY &
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415 W. Michigan Avenue
Ypsilanti, MI 48197

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facebook.com/washtenawoced
www.opportunitywashtenaw.org

May 2, 2019

CR # 51312-1

Brenda Stumbo
Charter Township of Ypsilanti
7200 S. Huron River Drive
Ypsilanti, MI 48197

Dear Ms. Stumbo,

Washtenaw County wishes to amend the contract with your agency. Corporation Counsel has indicated that this amendment could be accomplished by a letter signed by both of us. If this amendment is agreeable to you, please sign and return all copies of this letter. You will receive an executed copy of this letter upon completion.

Accordingly, I hereby amend the Service Contract between Washtenaw County Brownfield Authority and the Charter Township of Ypsilanti dated February 19, 2019 and CR # 51312 as follows:

Amend Recitals, D. as follows:

- D. At the March 7, 2019 meeting, the Authority approved \$2,150 grant to conduct eligible Department Specific Activities, and subsequently increased that award to \$8,435 at the May 2, 2019 meeting, for the property known as 1150 Midway Road, Tax ID# K-11-02-285-001, Ypsilanti, MI 48197 (the "Property").

Amend TERMS AND CONDITIONS, 1. as follows:

1. Grant – The Authority hereby agrees to grant to the Grantee 100% of the costs, up to \$8,435, to conduct Department Specific Activities within the Property. The work to be conducted will be in accordance with the AKT Peerless proposal No. PF-23909 dated February 5, 2019, and April 22, 2019, both sent to Sara Jo Shipley. Any costs above the approved amounts will not be reimbursed.

Amend TERMS AND CONDITIONS, 6. as follows:

6. Disbursement – The Grant funds will be disbursed to the Grantee as approved Department Specific Activities are or have been completed, upon submittal by Grantee of a statement of costs of such activities paid or incurred from time to time, and receipt of reports, investigations, testing and information in accordance with Section 5 above, but not more frequently than monthly. Such a statement shall include a description of eligible work performed, and a copy of invoices for the work described in such statement. Within forty (40) days of a receipt of a complete statement and supporting invoices, brownfield staff shall review the statement, confirm that the work done is eligible, and disburse to Grantee the amount set forth in the statement, up to a cumulative disbursement not to exceed the amount approved by the Authority, which is 100% of all eligible costs, up to \$8,435.



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All other terms and conditions remain the same as in the original contract.

ATTEST:

Lawrence Kestenbaum (DATE)
County Clerk/Register

WASHTENAW COUNTY BROWNFIELD AUTHORITY

Trevor Woollatt 05/22/2019
Trevor Woollatt (DATE)
Brownfield Authority Vice-Chair

APPROVED AS TO FORM:

Curtis Hedger (DATE)
Corporation Counsel

Charter Township of Ypsilanti

Brenda Stumbo May 8, 2019
Brenda Stumbo, Supervisor (DATE)

Charter Township of Ypsilanti

Karen Lovejoy Roe May 8, 2019
Karen Lovejoy Roe, Clerk (DATE)

cc: File

**CHARTER TOWNSHIP OF YPSILANTI
2019 BUDGET AMENDMENT #8**

May 7, 2019

AMOUNTS ROUNDED UP TO THE NEAREST DOLLAR

101 - GENERAL OPERATIONS FUND

Total Increase \$304,357.00

Request to increase the budget for Washtenaw County Road 2nd Agreement for road improvement at; Gault Farms, Nancy Park & Shady Knolls subs; West Willow & Turtle Creek Subs; Paint Creek Farms Sub; Deauville Parish Sub; Lay Garden Sub; Creekside Village West Sub; Whispering Meadows Sub; Partridge Creek North Sub; and Edison Ave, Packard Road to Burns Avenue. The total road improvement project is \$361,100 with outside matching funds of \$56,743.07 making the estimated Township expense of \$304,356.93. This will be funded by an Appropriation of Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	101-000-000-699.000	\$304,357.00
		Net Revenues	<u>\$304,357.00</u>
Expenditures:	Highway & ST-Road Construction	101-446-000-818.022	\$304,357.00
		Net Expenditures	<u>\$304,357.00</u>

595 - MOTOR POOL FUND

Total Increase \$20,745.00

Request to increase the budget for the purchase of a new 2019 Dodge Ram pick up truck for the Hydro Department from the Motor Pool Fund. The lowest quote for a pick up truck came from VanDyke Ram in the amount of \$20,745. The Hydro Fund will be paying the motor pool back over a 5 year period. The purchase will be funded by an Appropriation of Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	595-000-000-699.000	\$20,745.00
		Net Revenues	<u>\$20,745.00</u>
Expenditures:	Capital Outlay/Vehicles	595-595-000-985.000	\$20,745.00
		Net Expenditures	<u>\$20,745.00</u>

Motion to Amend the 2019 Budget (#8)

Move to increase the General Fund budget by \$304,357 to \$10,038,146 and approve the department line item changes as outlined.

Move to increase the Motor Pool Fund budget by \$20,745 to \$284,642 and approve the department line item changes as outlined.