



INKSTER CITY COUNCIL
August 17, 2020 (Virtual Meeting)
26215 Trowbridge, Inkster, MI 48141
(313) 563-4232 www.cityofinkster.com

Mayor – Patrick Wimberly
Mayor Pro Tem – Kim Howard, District V

Council Members:

George Williams, District I
La’Gina Washington, District II
Sandra K. Watley., District III
Steven Chisholm, District IV
Dennard Shaw, District VI

FELICIA RUTLEDGE
CITY CLERK

PATRICK WIMBERLY
MAYOR

TREASURER
DARIN CARRINGTON

DAVID JONES
CITY ATTORNEY

Council may be addressed during the Regular Meeting by filling out the Public Participation Form. Address Council as a whole through the Mayor. Email your comment to be read for one (1) minute into the record. frutledge@cityofinkster.com (for virtual meeting)

August 17, 2020

Regular City Council Agenda – 7:00 PM (Virtual Meeting)

1. Call Meeting to Order
 - A. Pledge of Allegiance
 - B. Roll Call
 - C. Closed Session

Council may enter into Closed Session to discuss contract negotiations, purchase or lease of real property and/or pending litigation in accordance with MCL 15.268 (a), (c), (d), (e) and/or (f).
2. Approval of Agenda
3. Presentations/Discussion

4. Public Hearing

- A. A public hearing on amendments to Section 124 Marijuana Business License. **Pg. 1**

5. Consent Agenda

- A. August 3, 2020 Regular (Virtual) City Council Meeting Minutes. **Pg. 13**
B. Allen Brother's and Attorney's PLLC Invoice 37,987.50 **Pg. 19**

6. Boards and Commissions

- A. Update of current list of appointments to Boards & Commissions. **Pg. 20**

7. Previous Business

- A. Discussion/Action: (Special Projects Director) Consideration and approval of an offer to purchase (Case # LD 20-03) one (1) residential house, which is located on the west side of Spruce St. between Beech St. and Carlisle St. and is legally described as 25R82 83 LOTS 82 AND 83 WESTWOOD HEIGHTS SUB T2S R9E L63 P2 WCR (Property I.D. 44 010 03 0082 000), or 3544 Spruce, in the amount of \$4000.00 to Platinum with a cut Off to submit dollar amount as of August 12, 2020 12:00PM. **Pg. 27**
(REMOVE FROM THE TABLE)

- B. Discussion/Action: (Kaitlyn Hines) Consideration and approval **second reading** and **approval** of text amendments (TA 20-04) to the City's Zoning Ordinance pertaining to provisions for adult foster care homes per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information." Per the research of each council member regarding information from other cities on adult foster care homes.
(REMOVE FROM THE TABLE) **Pg. 31**

- C. Discussion/Action: (Mayor Wimberly) Consideration and approval of the implementation of a Residential Target Market Analysis including a commercial Target Market Analysis with the documentation from the state for the full reimbursement amount of \$45,000.00.
(REMOVE FROM THE TABLE) **Pg. 51**

8. Ordinance(s)

A. First Reading(s)

1. A first reading to consider proposed amendments to Section 124 Marijuana Business License. **(See Pg. 1)**

B. Second Reading(s)

1. A **second reading** and **approval** to consider Amendments to amend the City of Inkster Code of Ordinance, being Sections 97.001 thru 97.999 pertaining to Streets and

Sidewalks; to hold a public hearing and offer a first reading of the proposed amended sidewalk ordinance.

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9. New Business

A. Discussion/Action: (William Riley) Consideration and approval to accept a grant award in the amount of \$145,218.00 from the State of Michigan Department of Treasury Financially Distressed Cities, Villages, and Townships Grant Program for Inkster Police Department Public Private Video Camera System Program.

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10. Public Participation (limit to 1 minutes)

11. City Clerk

12. City Treasurer

13. Mayor and Council Communication

14. Closed Session

Council may enter into Closed Session to discuss contract negotiations, purchase or lease of real property and/or pending litigation in accordance with MCL 15.268 (a), (c), (d), (e) and/or (f).

15. Adjournment

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: August 10, 2020

From: Felicia Rutledge, City Clerk

Date for Council Consideration: August 17, 2020

ACTION REQUESTED: Consideration and approval of public hearing and first reading to amend the City of Inkster Code of Ordinance Chapter 124 pertaining to Marijuana Medical and Adult Use Business License.

Current Action X Emergency Future

Funds Budgeted: If Yes Account # No N/A X

Mayor's Approval

BACKGROUND INFORMATION

In 2008, the Michigan Medical Marihuana Act ("MMMA") established the legal the use of marijuana to treat various medical conditions in the State of Michigan. The MMMA also creates the designation "caregiver" to authorize individuals to provide medical marijuana to approved patients to treat their conditions.

On September 21, 2016 Governor Snyder signed a package of bills (2016 PA 281-283) that significantly expanded the types of Medical Marijuana facilities permitted under state law, and establishes a licensing factor thru the State of Michigan. Under the new ACT, the requirements legalize the use of Medical Marijuana and required licenses for growers, processors, provisioning centers, secure transporter, safety compliance centers and infused products, commonly known as edibles.

Voters in Michigan approved with 57% support legalizing Adult Use "recreational" marijuana in November 2018. On December 6, 2018, after the election was certified, the law went into effect, ending marijuana's criminalization in the State of Michigan. Out of this legalization for Adult Use (Recreational) come the following licenses;

- Cultivation Grower
 1. Class A – 500 Plants
 2. Class B – 1000 Plants
 3. Class C – 1500 Plants
- Marijuana Retailer (Provisioning Center)
- Marijuana Microbusiness
- Marijuana Processor
- Marijuana Secure Transporter
- Marijuana Designated Consumption
- Marijuana Event Organizer

The city of Inkster has opted into the Medical and Adult Use “recreational” Marijuana process with the State of Michigan. This amendment to the City of Inkster Medical and Adult Use Business license corresponds with the state licenses and brings the city in line to reflect the state changes.

The city also passed Zoning Ordinance amendments to incorporate for Adult Use. All Adult use has been designated within the zoning Ordinance except for Marijuana Designated Consumption, parameters regarding Marijuana Retail with regards to Microbusiness and it’s allowances per state guidelines, and Event Organizer. Future amended Zoning Ordinance will be brought forth with.

SCOPE OF SERVICES

Applicants shall apply for Medical and Adult Use Marijuana Business Licenses with the City Clerk and go thru the appropriate approvals with the Planning, Building and Police Departments, prior to being issued a business license. Applicants must further have State of Michigan approval prior to being issued a Medical or Adult Use Marijuana Business License.

JUSTIFICATION

To bring the Marijuana Business License application process in line with the new state guidelines with regards to Medical and Adult Use Marijuana Licenses. Diversified revenue stream to the city of Inkster.

PROJECT OR IMPROVEMENT TASKS

N/A

COSTS

A \$5,000 amount will be for each license medical or adult use. Example, if a grow facility has a medical license and wish to grow for adult use, that would be a total of \$10,000.00. for medical and adult use.

PROJECT TIME TABLE

Upon thirty (30) days for the Ordinance to take effect.

RESOLUTION

Authorization is hereby of for a public hearing and a first reading to amend the Inkster Code of Ordinances pertaining to Medical and Adult Use Marijuana Business License; Chapter 124.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

AN ORDINANCE TO AMEND TITLE XI OF THE INKSTER CITY CODE, CHAPTER 124, MEDICAL MARIJUANA BUSINESSES LICENSES, PROVIDING FOR THE LICENSING OF BOTH MEDICAL AND ADULT USE MARIJUANA ESTABLISHMENTS, TO THE CODE OF ORDINANCES FOR THE CITY OF INKSTER, WAYNE COUNTY, MICHIGAN.

NOW THEREFORE, THE CITY OF INKSTER ORDAINS:

Chapter 124 of Title XI of the Code of Ordinances of the City of Inkster shall be amended as follows:

CHAPTER 124: ~~MEDICAL~~ MARIJUANA BUSINESS LICENSE

§ 124.01 PURPOSE.

(A) The purpose of this chapter is to establish standards and procedures for the issuance, renewal and/or revocation of licenses for ~~medical~~-marijuana ~~facilities~~related businesses in order to:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Establish a set of rules and regulations which are fair and equitable for those interested in operating a ~~medical~~-marijuana ~~facility~~related business in compliance with the Michigan Medical Marihuana Act (MMMA) MCL 333.26421 et seq., Medical Marihuana Facilities Licensing Act (MMFLA) MCL 333.27101 et seq., the Michigan Regulation and Taxation of Marihuana Act (MRTMA) MCL 333.27951 et seq. and State of Michigan regulations;
- (3) To provide reasonable regulation pursuant to the city's general police power granted to cities by the Michigan Constitution of 1963 and the Home Rule City Act, MCL § 117.1 et seq., as amended.

(B) Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of the Code of Inkster, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Code of Inkster and state and federal laws. The provisions provided herein do not protect users, caregivers or the owners/operators of a ~~medical~~-marijuana ~~facility~~related business where the ~~medical~~ use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Control Substances Act.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§

124.02 ADOPTION OF STATE RULES AND REGULATIONS.

—All activities related to ~~medical~~-marijuana related businesses shall be in compliance with the General Rules of the Michigan Department of Community Health ~~and, the Michigan Marijuana Regulatory Agency,~~ the Michigan Medical Marihuana Act, Initiated Law 1 of 2008: (MMMA).

~~MCL § 333.26421 et seq., the Medical Marijuana Facilities Licensing Act (MMFLA) MCL 333.27101 et seq. and the Michigan Regulation and Taxation of Marijuana Act (MRTMA) MCL 333.27951 et seq. (Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.03 LICENSE REQUIRED FOR THE OPERATION OF A ~~MEDICAL~~ MARIJUANA FACILITY-RELATED BUSINESS.

(A) Each operator of a ~~medical~~-marijuana ~~facility-related business~~ shall apply for a license with the Inkster City Clerk ("Clerk"). An annual fee schedule for the initial license and annual renewal fees shall be set by City Council and such fees shall be reasonably calculated to reimburse the city for the costs associated with the enforcement of this chapter and the continued regulation of establishments licensed hereunder.

(B) Licenses are non-transferrable and shall only apply to the person/entity listed on the license at the address listed on the application. Licensees in good standing with the city, have no code violations and/or unpaid taxes or fees, are permitted to transfer licenses to new addresses or locations provided all necessary city approvals are obtained prior to requesting the transfer.

(C) Licenses shall expire at the end of each calendar year from the date of issuance.

(D) Applications to renew a license to operate a ~~medical~~-marijuana ~~facility-related business~~ shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee and any other fee(s) required under this chapter. All provisions and requirements of this chapter apply to renewals in the same manner as the original application.

(E) The license requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.

(F) The issuance of any license pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for production, distribution or possession of marijuana, possession of drug paraphernalia or presence in a place where drugs are being used, stored or kept.

(G) Applications for a license required by this chapter shall be made with forms provided by the Clerk, which shall be signed and verified under oath by the applicant, if an individual, or by the authorized agent for any firm, partnership, association, corporation, company or organization and shall set forth and/or provide at a minimum, the following information and documentation:

(1) If the applicant is an individual he/she must provide their: name, address and telephone number, master driving record and criminal complaint history (CCH). If the individual intends to operate an unincorporated individual proprietorship, they must also obtain a general business license as provided for under the Inkster City Code;

(2) If the applicant is a partnership, or an employee, it must provide: the name of the organization and each partner, residential and business address and telephone number of each partner and the business, and each partner's CCH and master driving record, along with a copy of the partnership's city of Inkster business license;

(3) If the applicant is a corporation, it must provide: the name of the organization, date of organization and certificate of good standing from the state under which the corporation was organized, a copy of the corporation's City of Inkster business license, the names of the principal officers, directors and local representatives of their organization, their residential and business addresses, telephone numbers, their CCH and master driving record;

(4) The length of time for which the right to do business as a ~~medical~~-marijuana ~~facility-related business~~ is sought;

(5) A recent color photograph of the applicant or the agent for the applicant who is to do the actual assessments and/or certification for the ~~medical~~-marijuana ~~facility-related business~~. The photograph shall be two inches by two inches showing head and shoulders of applicant or agent and shall be supplied by the applicant or agent;

(6) A brief description of the product, products or services involved at the medical marijuana facility;

(7) The name, address and telephone number of the organization's registered agent or the party that has the full power and authority to accept service of process for and on behalf of applicant in respect to any matters connected with or arising out of the business transacted under said license with full acknowledgment that service on said agent shall be valid when personally served on him/her.

(8) The location and mailing address and all telephone numbers where the ~~medical~~ marijuana ~~facility-related business~~ will be located.

(9) The operator of the ~~medical~~-marijuana ~~facility-related business~~ shall be required to submit proof, in a form acceptable to the Clerk, of ownership of the property where the ~~medical~~ marijuana ~~facility-related business~~ is to be operated. If the location/property/premises of the ~~medical~~-marijuana ~~facility-related business~~ to be licensed hereunder is not owned by the operator of the ~~medical~~-marijuana ~~facility-related business~~, the operator shall submit alternate written proof in a form acceptable to the Clerk that the titled owner of the location/property/premises to be licensed has given notarized written consent to the operator to use the premises for the licensed use.

(10) A copy of approvals from the City Planning and Building Department including: special ~~conditions~~and use, site plan and building permits.

(11) A copy of the certificate of ~~occupancy~~compliance from the city for the location of the ~~medical~~-marijuana ~~facility-related business~~.

(12) Proof that all fees imposed hereunder have been paid in full and that the applicant is not otherwise indebted to the City or in default of any other provision of the Inkster City Code.

(13) A signed release from the applicant permitting the police department to perform a criminal background check to ascertain whether the applicant and operator named on the application have been convicted of a felony.

(14) A binding release of liability and agreement to hold harmless the City of Inkster from any liability arising out of the operation of the ~~medical~~-marijuana ~~facility-related business~~.

(15) Proof of insurance providing coverage for fire and loss liability and claims arising out of conditions, activities, structures and facilities maintained in relation to the ~~medical-marijuana facility-related business~~, in an amount of no less than one million dollars umbrella coverage.

(16) A copy of the applicant's computerized criminal history (CCH).

(17) A history of the applicant's ordinance and state law license and permit revocation and ordinance violations.

(H) The Clerk may not issue a license under this chapter until the applicant has completed the application, provided all the information and documentation required herein and paid all fees.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.04 DEFINITIONS AND LEGISLATIVE FINDINGS AND INTENT.

(A) Any term set forth herein shall have the meaning assigned to it by § 10.05 of the Inkster City Code. The legislative findings and intent of this chapter shall be identical to those set forth in § 10.02 of the Inkster City Code.

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~~(B) An annual license is required for any of the following entities to operate a marijuana facility:~~

~~— (1) Growers—licensees that cultivate, dry, trim, or cure and package marijuana for sale to a processor or provisioning center. Registered patients and primary caregivers who lawfully cultivate marijuana in the quantities and for the purposes permitted under the Michigan Marijuana Act are not considered "growers" under the new legislation.~~

~~— (2) Processors—licensees that purchase marijuana from a grower and extract resin from the marijuana or create a marijuana-infused product for sale and transfer in packaged form to a provisioning center.~~

~~— (3) Provisioning centers—licensees that purchase marijuana from a grower or processor and sell, supply, or provide marijuana to patients, directly or through the patient's caregiver.~~

~~— (4) Secure transporters—licensees that store marijuana and transport it between marijuana facilities for a fee.~~

~~— (5) Safety propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means.~~

~~(B) "Department" means the department of licensing and regulatory affairs.~~

~~(C) "Marijuana" or "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana-infused products. For purposes of this act, marijuana does not include:~~

~~(1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of~~

the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

(2) industrial hemp; or

(3) any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(D) "Marijuana establishment" means a marijuana grower, marijuana safety compliance facilities—licensees that receive facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana from a secure transporter, or any other type of marijuana-related business licensed by the department as defined in the MRTMA, MCL 333.27951 et seq.

(E) "Marijuana facility or primary" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the MRTMA, MCL 333.27951 et seq.

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(F) "Marijuana grower" means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.

(G) "Marijuana event organizer" means a person licensed to apply for a temporary marijuana event under these rules.

(H) "Marijuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.

(I) "Marijuana microbusiness" means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.

(J) "Marijuana processor" means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.

(K) "Marijuana related business" means a "marijuana facility" licensed pursuant to the Medical Marijuana Facilities Licensing Act, MCL 333.270101, et. seq., or a "marijuana

establishment" licensed pursuant to the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et. seq.

(L) "Marijuana retailer" means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

(M) "Marijuana secure transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

(N) "Marijuana safety compliance facility" means a person licensed to test it for marijuana, including certification for potency and the presence of contaminants and other substances. (Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)

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(O) "Process" or "Processing" means to separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana -infused products.

(P) "Social Equity Program" means all programs established by the Marijuana Regulatory Agency, or other agency of the Department of Licensing and Regulatory Affairs, pursuant to Section 8 of the MRTMA.

(Q) "State license" means a license issued by the department that allows a person to operate a marijuana establishment.

(R) "MMFLA" means the Medical Marijuana Facilities Licensing Act, MCL 333.2701, et seq.

(S) "MRTMA" means the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.

(T) "Marijuana" has the same meaning as "marihuana" under the MMFLA and MRTMA.

§ 124.05 ISSUANCE OF LICENSE.

~~-(A)-~~ (A) An annual license is required to operate any of the following marijuana related businesses:

Establishment Type

Grower

Class A. (maximum of 500 plants under MMFLA or 100 plants under MRTMA)

Class B. (maximum of 1,000 plants under MMFLA or 500 plants under MRTMA)

Class C. (maximum of 1,500 plants under MMFLA or 2,000 plants under MRTMA)

Marijuana retailer

Marijuana Microbusiness

Processor

Secure transporter

Safety compliance facility

Designated Consumption Establishment

Excess marijuana grower

Marijuana event organizers

(B) The Clerk shall issue a license hereunder to the applicant unless the Clerk finds a reason for denial, as stated in division (6D), below. The license shall be for no more than one year in length.

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~~-(B)(C)~~ In the event a licensee does not commence operations within 180 days after being issued a license, the license shall be deemed forfeited and the business may not commence operations.

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~~-(C) There shall not be more than three provisioning center licenses issued by the city at any given time.~~

~~-(D)~~ The standards for denial of a license are as follows:

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~~-(1)~~ (1) The applicant has not been granted the appropriate license by the Marijuana Regulatory Agency or the Department.

(2) The application is not completely filled out or information is not provided as required by the prior sections herein.

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(23) The applicant's CCH shows a conviction or convictions for activities that pose a threat or a danger to the residents of the city should a license be granted including, but not limited to: drunk driving, disturbing the peace, assault and battery, domestic violence, theft, dishonesty or deception, fraud, criminal sexual conduct, felonious assault, murder, and violations of the Controlled Substance Act.

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(34) Verification of any of the information required by § 124.03 shows the information provided by the applicant to be fraudulent, a misrepresentation, or a false statement.

(45) An investigation through the City Police Department or any other law enforcement agency that shows a pattern and history of conduct which would justify a revocation of the applicant's permit under § 124.08.

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(56) The applicant or any of the proposed employees/partners/members of the applicant have a habitual history of business license/permit violations, revocations, or a habitual history of ordinance violations.

(67) Failure to pay the nonrefundable licensing application fee herein or the application fee.

(78) No license shall be issued to any applicant until such applicant shall have obtained the age of 21 years.

(89) The applicant's ~~medical~~-marijuana ~~facility~~related business license has previously been revoked.

(910) The building/premises where the ~~medical~~-marijuana ~~facility~~related business is to be located is in violation of any city building, fire, electrical or health codes.

(4011) The applicant and/or business has outstanding taxes, fines, fees or liens owed to the city.

(412) Failure to comply with the Inkster Zoning Ordinance or any other Inkster City Codes.

(1213) Any other competent, material and substantial evidence indicating the applicant or any of the applicant's proposed employees/partners/members pose an apparent danger to the health, safety and welfare of the people of the city and/or the activity proposed to be permitted constitutes an apparent danger to the health, safety and welfare of the people of the city.

(1314) The designated maximum number of licenses have already been granted by the city.

(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)

§ 124.06 APPEAL OF CLERK'S DENIAL.

—(A) Any applicant for a license to operate a ~~medical~~-marijuana ~~facility~~related business under this chapter may appeal the clerk's denial of the license to the Mayor, provided however that:

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(1) The applicant has paid all permitting, licensing and application fees related to the operation of a ~~medical~~-marijuana ~~facility~~related business pursuant to § 124.07, below;

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(2) Within seven days of the applicant's receipt of the Clerk's denial, the applicant made a written objection of the Clerk's denial to the Mayor that;

- (a) Has a valid and verifiable date of service of process;
- (b) Sets forth with particularity the grounds on which the objection is based;
- (c) Seeks consideration of the appeal to the Mayor.

—(B) Should the Mayor deny the applicant's appeal, the applicant may appeal to the City Council and the Council shall:

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(1) Allow the applicant or its representative an opportunity to speak and present any affidavits and documentary evidence in support of the appeal so long as the presentation shall be reasonably limited in time;

(2) Sustain the Clerk's determination unless it finds the Clerk's denial of the license to have been an abuse of discretion hereunder;

(3) Issue a formal written Resolution deciding the appeal within 30 days of the hearing set forth herein;

—(C) The Mayor shall preside over any appellate hearing and employ a relaxed evidentiary standard for the admission of evidence.

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(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)

§ 124.06a GOOD-FAITH EFFORT FOR EQUITY IN EMPLOYMENT.

(A) Each licensee shall undertake good-faith efforts to ensure that at least 15% of the Licensee's employees and/or contractors are individuals who:

1. Have a Prior Controlled Substance Conviction;
2. Is Low Income;
3. Is a Resident of Inkster; or
4. Is a former Resident of Inkster.

(B) Annually, each licensee shall send to the City of Inkster a certification, stating either:

1. that at least 15% of the Licensee's employees and/or contractors meet one of the five criteria above, or

2. (a) that the Licensee has hired such employees and/or contractors to the extent feasible, and describing the Licensee's employment outreach and recruitment strategies, including providing employment opportunities to persons meet one of the five criteria above and (b) that the Licensee transmitted all job openings, to the City of Inkster agency responsible for workforce development, for public posting.

§ 124.07- FEES.

The city shall assess fees as follows:

(A) Each applicant for a license to operate a ~~medical~~-marijuana ~~facility-related business~~ shall pay an application fee which shall be fixed annually by resolution of the Inkster City Council as part of its statutory budgeting process and at such other times as the City Council, in its discretion and by resolution, believes is necessary to defray the costs associated with the licensing regulation and enforcement activities contemplated hereunder.

(B) In addition, and the same manner, Inkster City Council shall impose an annual licensing fee by resolution as part of its statutory budgeting process and at such other times as the City Council, in its discretion and by resolution, believes is necessary to defray the costs associated with the licensing regulation and enforcement activities contemplated hereunder.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.08 NON-RENEWAL OR REVOCATION.

The operation of a ~~medical~~-marijuana ~~facility-related business~~ shall be a revocable privilege and not a right in the city; the city may choose not to renew or to revoke a license based on any of the following:

~~-(A)- (A) The revocation or non-renewal of any necessary licenses or permits by the Marijuana Regulatory Agency or Department;~~

~~(B) Failure to meet or maintain the conditions and requirements established by this chapter~~ or any related provisions of Inkster City Code or state, federal or local laws;

~~-(B)(C) One or more violations of any city ordinance on the premises;~~

~~-(C)(D) Nuisance or blight violations on the premises;~~

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- ~~-(D)(E)~~ A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or
- ~~-(E)(F)~~ Nonpayment of real or personal property taxes, fines, fees or liens owed to the city;
- ~~-(F)(G)~~ Any fraud, misrepresentation, or false statement contained in the application for a license;
- ~~-(G)(H)~~ Any fraud misrepresentation, or false statement made in connection with services and/or merchandise;
- ~~-(H)(I)~~ Conviction of the licensee of a felony;
- ~~-(I)(J)~~ Conducting business in an unlawful manner or in such a manner as to constitute a breach of peace.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.09 CIVIL FORFEITURE.

Any marijuana or drug paraphernalia used, sold or possessed with intent to sell in violation of this chapter shall be seized and forfeited to the City of Inkster along with any proceeds received from any such illegal sales.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.10 LICENSE NOT TRANSFERABLE.

Any license granted hereunder may not be sold or otherwise transferred from the person or entity that made the application to any other person or entity.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.11 HOURS OF OPERATION.

Permissible hours of operation for a ~~medical~~-marijuana ~~facility~~retailer shall be:

- (A) Monday - Friday: 9:00 a.m. through 9:00 p.m.
- (B) Saturdays: 9:00 a.m. through 6:00 p.m.
- (C) Sundays: 10:00 a.m. through 6:00 p.m.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.99 PENALTY.

Any violations of this chapter shall be punishable in accordance with § 10.99 of the Inkster Code of Ordinances.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

August 3, 2020

Regular (Virtual) City Council Meeting – 7:00 PM

The regular meeting of the Council of the City of Inkster, Wayne County, Michigan was a virtual meeting held on the Zoom platform in compliance with the State of Michigan Open Meetings Act and Governor Gretchen Whitmer's Executive Order on Monday, August 3, 2020

Prior to the Regular Council Meeting: City Council members discussed:

Call Meeting to Order

Mayor Wimberly called the meeting to order at 7:03 p.m.

Pledge of Allegiance

City Council and the public in attendance pledged allegiance to the flag of the United States of America.

Prayer**Roll Call**

Mayor Wimberly	Present	Councilwoman Howard	Present
Councilwoman Watley	Present	Councilman Williams	Present
Councilwoman Washington	Present	Councilman Chisholm	Present
Councilman Shaw	Absent		

Approval of Agenda

Moved by Councilmember Williams, Seconded by Mayor Pro-Tem Howard to approve the agenda with added Item "A" under Presentations. Resolution 08-20- 103COV - Motion carried.

ROLL CALL VOTE:

Councilmember Chisholm	Yea	Councilmember Washington	Yea
Councilmember Watley	Yea	Councilmember Williams	Yea
Councilmember Howard	Yea		

Presentations/Discussion

A. Inkster Housing Commission – William Miller, Chair

Public Hearings

A. A public hearing to consider an Amendment to the Inkster Code of Ordinance, being section 97.001 thru 97.999 pertaining to Streets and Sidewalks.

Moved by Councilmember Chisholm, Seconded by Councilmember Williams to OPEN the public hearing to the amendment to the Inkster Code of Ordinance, being section 97.001 thru 97.999 pertaining to Streets and Sidewalks. Resolution 08-20- 104COV - Motion carried.

ROLL CALL VOTE:

Councilmember Chisholm	Yea	Councilmember Howard	Yea
Councilmember Washington	Yea	Councilmember Williams	Yea
Councilmember Watley	Yea		

Moved by Councilmember Chisholm, Seconded by Councilmember Washington to CLOSE the public hearing for amendment to the Inkster Code of Ordinance, being section 97.001 thru 97.999 pertaining to Streets and Sidewalks.
Resolution 08-20- 105COV - Motion carried.

ROLL CALL VOTE:

Councilmember Washington	Yea	Councilmember Chisholm	Yea
Councilmember Watley	Yea	Councilmember Williams	Yea
Councilmember Howard	Yea		

Consent Agenda

A. August 3, 2020 Regular (Virtual) City Council Meeting Minutes.

Moved by Mayor Pro-Tem Howard, Seconded by Councilmember Washington to approve the Consent Agenda.
Resolution 08-20- 106COV - Motion carried.

ROLL CALL VOTE:

Councilmember Williams	Yea	Councilmember Watley	Yea
Councilmember Howard	Yea	Councilmember Chisholm	Yea
Councilmember Washington	Yea		

Boards and Commission

A. Update of current list of appointments to Boards & Commissions.

Moved by Councilmember Washington, Seconded by Mayor Pro-Tem Howard to appoint Clarence Oden, Jr. to the Zoning Board of Appeals.
Resolution 08-20- 107COV - Motion carried.

ROLL CALL VOTE:

Councilmember Watley	Yea	Councilmember Williams	Yea
Councilmember Washington	Yea	Councilmember Howard	Yea
Councilmember Chisholm	Yea		

Previous Business

A. Discussion/Action: (Special Projects Director) Consideration and approval of offer to purchase (Case # LD 20-03) one (1) residential house, which is located on the west side of Spruce St. between Beech St. and Carlyle St. and is legally described as 25R82 83 LOTS 82 AND 83 WESTWOOD HEIGHTS SUB T2S R9E L63 P2 WCR (Property I.D. 44 010 03 0082 000), or 3544 Spruce, in the amount of \$4000.00 to Platinum Acquisitions.

Moved by Councilmember Williams, Seconded by Councilmember Watley

to **REMOVE FROM THE TABLE** an offer to purchase (Case # LD 20-03) one (1) residential house, which is located on the west side of Spruce St. between Beech St. and Carlisle St. and is legally described as 25R82 83 LOTS 82 AND 83 WESTWOOD HEIGHTS SUB T2S R9E L63 P2 WCR (Property I.D. 44 010 03 0082 000), or 3544 Spruce, in the amount of \$4000.00 to Platinum Acquisitions.

Resolution 08-20- 108COV - Motion carried

ROLL CALL VOTE:

Councilmember Howard	Yea	Councilmember Williams	Yea
Councilmember Chisholm	Yea	Councilmember Watley	Yea
Councilmember Washington	Yea		

Moved by Councilmember Williams, Seconded by Councilmember Watley to **TABLE** until next meeting with a cut off time of August 12, 2020 at 12:00pm of an offer to purchase (Case # LD 20-03) one (1) residential house, which is located on the west side of Spruce St. between Beech St. and Carlisle St. and is legally described as 25R82 83 LOTS 82 AND 83 WESTWOOD HEIGHTS SUB T2S R9E L63 P2 WCR (Property I.D. 44 010 03 0082 000), or 3544 Spruce, in the amount of \$4000.00 to Platinum Acquisitions.

Resolution 08-20- 109COV - Motion carried

ROLL CALL VOTE:

Councilmember Washington	Yea	Councilmember Watley	Yea
Councilmember Howard	Yea	Councilmember Williams	Yea
Councilmember Chisholm	Yea		

Ordinance(s)

A. First Reading(s)

1. A first reading to consider an Amendment the Inkster Code of Ordinance, being section 97.001 thru 97.999 pertaining to Streets and Sidewalks.

B. Second Reading(s)

1. A **second reading** and **approval** to consider Amendments to Senior Citizen Housing PILOT Ordinance #531 in connection with Cherry Hill Senior Citizen Housing Development/Cherry Hill Place Apartments.

Moved by Mayor Pro-Tem Howard, Seconded by Councilmember Washington to approve Amendments to Senior Citizen Housing PILOT Ordinance #531 in connection with Cherry Hill Senior Citizen Housing Development/Cherry Hill Place Apartments.

Resolution 08-20-110COV – Motion carried

ROLL CALL VOTE:

Councilmember Chisholm	Yea	Councilmember Williams	Yea
Councilmember Watley	Nay	Councilmember Washington	Yea
Councilmember Howard	Yea		

2. A **second reading** and **approval** of text amendments (TA 20-04) to the City's Zoning Ordinance pertaining to provisions for adult foster care homes per the recommendations of the

Planning Commission. For a list of affected ordinance sections please see "background information."

Moved by Mayor Pro-Tem Howard, Seconded by Councilmember Chisholm to TABLE text amendments (TA 20-04) to the City's Zoning Ordinance pertaining to provisions for adult foster care homes per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information." With each Councilperson contacting a city regarding how there zoning Ordinance reads.
Resolution 08-20-111COV – Motion carried

ROLL CALL VOTE:

Councilmember Howard	Yea	Councilmember Williams	Yea
Councilmember Washington	Yea	Councilmember Watley	Yea
Councilmember Chisholm	Yea		

New Business

- A. Discussion/Action: (Mayor Wimberly) Consideration and approval of the Implementation of a Residential Target Market Analysis Including a commercial Target Market Analysis.

Moved by Councilmember Chisholm, Seconded by Mayor Pro-Tem Howard to TABLE the Implementation of a Residential Target Market Analysis including a commercial Target Market Analysis.
Resolution 07-20-112COV – Motion carried

ROLL CALL VOTE:

Councilmember Howard	Yea	Councilmember Williams	Yea
Councilmember Washington	Yea	Councilmember Watley	Yea
Councilmember Chisholm	Yea		

- B. Discussion/Action: (Kaitlyn Hines) Consideration and approval of an offer to purchase (Case # LD 20-04) one (1) vacant residential lot which is located on the north side of Riverview St. between Harrison Ave. and Harriet Ave. and is legally described as 25G166A VAC ST LOT 166 EXC THE NLY 40 FT THEREOF ALSO THE W 1/2 OF VAC HARRISON AVE ADJ TO LOT 166 SONK SUB T2S R9E L53 P70 WCR (Property I.D. 44 007 07 0166 302) in the amount of \$500.00 to Jordan Sidney.

Moved by Councilmember Williams, Seconded by Councilmember Chisholm to approve of an offer to purchase (Case # LD 20-04) one (1) vacant residential lot which is located on the north side of Riverview St. between Harrison Ave. and Harriet Ave. and is legally described as 25G166A VAC ST LOT 166 EXC THE NLY 40 FT THEREOF ALSO THE W 1/2 OF VAC HARRISON AVE ADJ TO LOT 166 SONK SUB T2S R9E L53 P70 WCR (Property I.D. 44 007 07 0166 302) in the amount of \$500.00 to Jordan Sidney.
Resolution 07-20-113COV – Motion carried

ROLL CALL VOTE:

Councilmember Williams	Yea	Councilmember Washington	Yea
Councilmember Howard	Yea	Councilmember Chisholm	Yea
Councilmember Watley	Yea		

- C. Discussion/Action: (Kaitlyn Hines) Consideration and approval of an offer to purchase (Case # LD 20-08) one (1) residential garage, attached to currently owned 3280 Ludington, which is located on the west side of Ludington St. between Cherry St. and Beech St. and is legally described as 25V49 LOT 49 CARVER HOMES SUB T2S R9E L75 P17 TO 19 WCR (Property I.D 44 009 03 0049 000.), in the amount of \$250.00 to Platinum Acquisitions.

Moved by Councilmember Chisholm Seconded by Mayor Pro-Tem Howard to approve of an offer to purchase (Case # LD 20-08) one (1) residential garage, attached to currently owned 3280 Ludington, which is located on the west side of Ludington St. between Cherry St. and Beech St. and is legally described as 25V49 LOT 49 CARVER HOMES SUB T2S R9E L75 P17 TO 19 WCR (Property I.D 44 009 03 0049 000.), in the amount of \$250.00 to Platinum Acquisitions.

Resolution 07-20-114COV – Motion carried

ROLL CALL VOTE:

Councilmember Watley	Yea	Councilmember Chisholm	Yea
Councilmember Williams	Yea	Councilmember Washington	Yea
Councilmember Howard	Yea		

Public Participation

- **Bonnie Kilgore** - Mini bike and speed bump concerns. Also versed with postal office and wanted to speak to the mayor about that and just give some more insight as the discussion came up about people not receiving their tax statements.
- **Yolanda Lockett** - Will transportation be provided for the seniors living in twin towers since their voting location has moved?

City Clerk

- Stated to residents that August 4, 2020 is the State Primary and polls are open from 7am until 8pm.

City Treasurer

- Stated that the city is collecting for summer taxes and the due date is August 31, 2020 to pay without penalty.

Mayor and Council

- **Councilwoman Washington** – Stated there is excessive speeding on Meadowlane. She stated one car ran into a tree and there is gang activity in that area. She announced to residents that DTE has twenty three million to help provide for bills and a SER determination letter is needed.
- **Mayor Pro-Tem Howard** – Stated that mail from the Postal Service is getting to residents late. She said the postal service stated they had a lot of workers that are sick and not showing up. She asked residents to complete their 2020 Census.
- **Mayor Wimberly** – Stated the Census 2020 Motorcade was a huge success. He stated everyone showed up even in the rain. Ms. Curtisene Barge spoke and stated they are hosting an event on August 14, 2020, a jazz series. Mayor Wimberly stated that residents can go to the city website and request if they think their street needs speed bump and put on speed bump. He further stated that Ms. Jordan the city Planner has moved on from the city and but is working as a consultant with the city. He further stated that Kaitlyn Hines has accepted the position of city Planner. He lastly stated that the city is working on accepting a grant in the amount of \$145,000.00 for cameras.

CLOSED SESSION

Moved by Councilmember Williams, Seconded by Councilmember Washington to go into closed session at 9:15p.m. to discuss litigation.

ROLL CALL VOTE:

Councilmember Chisholm	Yea	Councilmember Washington	Yea
Councilmember Williams	Yea	Councilmember Watley	Yea
Councilmember Howard	Yea		

Adjournment

There being no further business to come before Council, on a motion duly made
By Councilmember Williams Seconded by Councilmember Chisholm carried, to conclude
the Regular Virtual City Council meeting of August 3, 2020 was adjourned at 9:25PM.



Felicia Rutledge, City Clerk
City of Inkster

**Allen Brothers
Attorneys & Counselors, PLLC
400 Monroe Street, Suite 620
Detroit, MI 48226-2963**

**Inkster, City of
26215 Trowbridge Street
Inkster, MI 48141**

Attn: Darin Carrington

**Page: 1
7/15/2020
Account No: 1897M**

BREAKDOWN OF FEES/EXPENSES BY CATEGORY

Category	Fees/Costs
Flat fee/City Attorney work	\$6,000.00
Municipal Legal Services	2800.00
Labor	1750.00
Litigation	27437.50
Total Invoice for July 2020	37987.50

August 17, 2020 (Virtual Meeting)

BUILDING AUTHORITY COMMISSION - *INACTIVE*

[MEETINGS: Second Monday in January]

3 Year Term

5 Members

State Law and Resolution 74-1-39

Nathaniel Elcock
Hersey Bryant, (C)
Horace Wells

Exp. 12/31/05
Exp. 12/31/00
Exp. 12/31/01

CABLE TELEVISION COMMISSION

[MEETINGS: Second Tuesday of each month at 6:00 p.m., Recreation Center]

3 Year Term

9 Members

Ordinances 593 and 609

Vacant

Troy Seaton Dist. 1
Phineas Cody Dist. 3
Octavia Smith Dist. 4
Thelma Jean Overman Dist. 5
Connie R. Mitchell Dist. 6
Sandra Watley **Mayoral**
Steven Chisholm At-Large

Ex. Officio

Exp. 07/06/23
Exp. 10/07/22
Exp. 07/03/20-Expired
Exp. 02/06/20-Expired
Exp. 02/04/22
Exp. 01/06/23
Exp. 07/06/23

CIVIL SERVICE COMMISSION AND BOARD OF ETHICS

[MEETINGS: Monthly]

3 Year Term

3 Members

Ordinances 237 & 559

Vacant

Vacant - (Employee Representative)
Vacant (Commission Appointment)

CONDEMNATION BOARD

[MEETINGS: AS NEEDED]

5 Members

Ordinance 150.140 thru 150.145

Mark Minch (Building Contractor)
Deborah Owens (General Member)
Guy Borrusch (General Member)
Tom Michelini (Contractor)
James Garrett (Engineer)
Charles Rizzo (Alternate)

Exp. Tenure

Exp. 01/22 (2 Year Term)
Exp. 9/19 (2 Year Term)-Expired
Exp. 01/23 (3 Year Term)
Exp. 9/20 (3 Year Term)-RESIGNED
Exp. 01/21

August 17, 2020 (Virtual Meeting)

CONSTRUCTION BOARD OF APPEALS/PROPERTY MAINTENANCE BOARD

[MEETINGS: As required]

3 Year Term	3 Members	Ordinance
Shirley Hankerson		Exp. 12/21
Yvette Brock		Exp. 12/21
Charles Rizzo		Exp. 12/21
Rebecca Daniels		Exp. 02/22
Tom Michelini		Exp. 04/19-Expired
- Building Inspector		

DOWNTOWN DEVELOPMENT AUTHORITY

[MEETINGS: Third Tuesday of each month, 6:00 p.m. City Hall Council Chambers]

4 Year Term	12 Members	State Law and Ordinances 687 and 741
Connie R. Mitchell		Exp. 07/17/21
Martha Theis		Exp. 12/17/22
Angela Dodson		Exp. 02/19/22
Barbara Cooper		Exp. 10/7/23
Octavia Smith		Exp. 10/21/23
Sonja Jennings		Exp. 11/4/23
Randa Davis		Exp. 11/4/23
Val Ogbonaya		Exp. 07/20/19-RESIGNED
Winston Wade		Exp. 07/17/21
Rerhi Onomake (Treasurer)		Exp. 3/16/19-Expired
Uche Ndubuisi		Exp. 7/20/19-Expired
Clarence Oden		Exp. 7/1/23

ECONOMIC DEVELOPMENT CORPORATION (BOARD OF DIRECTORS)

[MEETINGS: Second Thursday each month, held in the Conference Room, City Hall]

6 Year Term	11 Members	State Law and Ordinances 517 and 570
Bishop Walter Starghill, Jr.		Exp. 06/07/16-Expired
Octavia Smith		Exp. 10/21/25
Angela Dotson		Exp. 10/21/25
Deborah Walker		Exp. 06/07/16-Expired
Mary Weislo		Exp. 03/07/17-Expired
Cassandra Leonard		Exp. 06/07/16-Expired
Herbert Johnson		Exp. 06/07/16-Expired
Dennis Weislo		Exp. 06/07/19-Expired
Charmaine Kennedy		Exp. 01/17/23
Connie R. Mitchell		Exp. 02/06/23

ELECTRICAL EXAMINING BOARD-INACTIVE

Indefinite Terms 4 Members State Law and Ordinance 616

Walter Bays (Elec. Cont.)
 Andrew Hughes (Adm. Official)
 Carlton Trouteaud (Rep. of Detroit Edison)

August 17, 2020 (Virtual Meeting)

BROWNFIELD REDEVELOPMENT AUTHORITY

[MEETINGS: Second Tuesday of each month at 5:00 P.M., City Hall Council Chambers]

Terms 1, 2 and 3 years Up to 9 members

Resolution 02-9-458

Timothy Williams, City Council Representative	Tenure (Tenure is up)
Darin Carrington, Treasurer	Tenure
Vacant: Community	Tenure
Tonia C. Williams	Exp. 02/20/19
Vacant	Exp. 11/6/20

NOTES:

Vacancies and/or Expired terms

*Has not taken the oath

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: July 1, 2020

From: Special Projects, Director

Date for Council Consideration: July 6, 2020

July 20, 2020

August 3, 2020

ACTION REQUESTED: Consider approval of offer to purchase (Case # LD 20-03) one (1) residential house, which is located on the west side of Spruce St. between Beech St. and Carlisle St. and is legally described as 25R82 83 LOTS 82 AND 83 WESTWOOD HEIGHTS SUB T2S R9E L63 P2 WCR (Property I.D. 44 010 03 0082 000), or 3544 Spruce, in the amount of \$4000.00 to Platinum Acquisitions.

Current Action ☒ Emergency ☐ Future ☐

Funds Budgeted: If Yes ☒ Account # 101.721.673.130 No ☐ N/A ☐

Mayor's Approval 

BACKGROUND INFORMATION

Platinum has made the application to purchase (Case # LD 20-03) one (1) residential house, which is located on the west side of Spruce St. between Beech St. and Carlisle St. and is legally described as 25R82 83 LOTS 82 AND 83 WESTWOOD HEIGHTS SUB T2S R9E L63 P2 WCR (Property I.D. 44 010 03 0082 000), or 3544 Spruce. The house was foreclosed in 2018 and was acquired by the City through the NSP program, it was recommended for demolition. Platinum has offered to purchase the house to either rehab or demolish it.

SCOPE OF SERVICES

Preparation and execution of purchase agreement, quit claim deed, property transfer affidavit, and recording the deed. It is highly recommended by the Planning Division that the applicant complete a title search of the property.

JUSTIFICATION

The parcel is located in the R-1B zoning district. The house is in bad shape and needs major renovations. There have been many complaints from residents about the state of the house. Platinum has a proven track record of salvaging properties.

PROJECT OR IMPROVEMENT TASK

1. Develop a plan to address the City's current debt and legacy costs.
2. Improve and promote the image of Inkster.

COST

The applicant is offering the total purchase price of \$4000.00

RESOLUTION

Authorization is hereby given for the sale of (Case # LD 20-03) one (1) residential house, which is located on the west side of Spruce St. between Beech St. and Carlisle St. and is legally described as 25R82 83 LOTS 82 AND 83 WESTWOOD HEIGHTS SUB T2S R9E L63 P2 WCR

(Property I.D. 44 010 03 0082 000), or 3544 Spruce, to Platinum subject to the following conditions:

Complete closing on the property within thirty (30) days by paying the balance of the price of the sale (\$4000.00), paying the cost of recording the deed (\$18.00), entering into a purchase agreement and executing a property transfer affidavit.

Finally, it is highly recommended that the applicant complete a title search of the property.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:



3541 Spruce St
44 010 03 0082 000



Image capture: Aug 2018 © 2020 Google

Inkster, Michigan



Street View





S.E. 1/4 SECTION 25
 CITY OF INKSTER
 T. 2 S. R. 9 E.
 WAYNE COUNTY, MICHIGAN
 BOOK 1, PAGE 1, 1971

DEPARTMENT OF MANAGEMENT AND BUDGET
 ASSESSMENT AND EVALUATION DIVISION
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REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: July 14, 2020

From: Adrianna Jordan
Planning Director

Date for Council Consideration: August 3, 2020

ACTION REQUESTED: Consideration and approval of the second reading/approval of the text amendments (TA 20-04) to the City's Zoning Ordinance pertaining to provisions for adult foster care homes per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information".

Current Action X Emergency Future

Funds Budgeted: If Yes _____ Account # 44 No _____ N/A X

Mayor's Approval _____

BACKGROUND INFORMATION

A public hearing was held by the Planning Commission for the proposed text amendments, and the amendments were also recommended for approval by the Planning Commission on Monday, July 13, 2020. Public comments were received on the amendments at the public hearing. Draft meeting minutes are attached.

Proposed modifications include in § 155.029 "Definitions", modify definitions for Foster Care Facilities and add definitions for "Adult Foster Care Small Group Home", and "Adult Foster Care Large Group Home"; in § 155.036 "Schedule Of Land Uses", modify Child/Adult Foster Care Facilities; in § 155.041 (B and C) "R-1A Through R-1C One-Family Residential District", modify Child/Adult Foster Care Facilities; in § 155.042 (B and C) "RM Restricted Multiple-Family Dwelling District", modify Child/Adult Foster Care Facilities; in § 155.043 (B and C) "RM-1 Multiple-Family Residential District", modify Child/Adult Foster Care Facilities; in § 155.046 (B) "B-2 Thoroughfare Mixed-Use District", add Adult Foster Care Large Group Home (Three Stories or Less); in § 155.049 (B) "TCD Town Center District", add Adult Foster Care Large Group Home (Three Stories or Less); delete § 155.112 "Child and Adult Foster Care Facilities"; modify § 155.122 "Multiple-Family Dwelling (Three Stories or Less)".

A 2nd reading and request for approval of the proposed text amendments will occur at the Council meeting scheduled on Monday, August 3, 2020.

SCOPE OF SERVICES

N/A

JUSTIFICATION

The proposed zoning text amendments are being initiated by the City of Inkster in order to bring the City's Zoning Ordinance into compliance with state law (Act 218 of 1979: the *Adult Foster Care Facility Licensing Act (AFCLA)*), the 1993 Michigan Attorney

General's Opinion No. 6778, and the 1985 Michigan Supreme Court ruling in the case of *Livonia v. Department of Social Services*.

Per state regulations and established case law, AFC homes must receive similar treatment under the zoning ordinance to equivalent residential uses that are similar densities. Therefore, AFC family homes and small AFC homes shall be treated similar to single-family residential homes under the Zoning Ordinance, and large AFC homes shall be treated similar to multi-family residential homes. Specifically, our City Attorney cited the following language in the Livonia ruling: "Local ordinances, regulations, or construction codes regulating institutions shall not be applied to adult foster care large group homes, adult foster care small group homes, or adult foster care family homes. This section shall not be construed to exempt adult foster care facilities from local construction codes which are applicable to private residences."

The text amendment language is attached for review.

PROJECT OR IMPROVEMENT TASKS

1. Develop a plan to diversify the tax base to ensure a sustainable budget for Inkster.

COSTS

There are no associated costs.

PROJECT TIME TABLE

A second reading and request for approval of the proposed text amendments is scheduled during the Council meeting on Monday, August 3, 2020. If the request is approved by Council, the amendment will be published and posted and become effective after 30 days.

RESOLUTION

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

TA 20-04

Redline Draft Zoning Text Amendments for Child and Adult Foster Care Facilities

City of Inkster

6/5/2020

- In § 155.029 “Definitions”, modify definitions for Foster Care Facilities.
- In § 155.036 “Schedule Of Land Uses”, modify Child/Adult Foster Care Facilities.
- In § 155.041 (B and C) “R-1A Through R-1C One-Family Residential District”, modify Child/Adult Foster Care Facilities.
- In § 155.042 (B and C) “RM Restricted Multiple-Family Dwelling District”, modify Child/Adult Foster Care Facilities.
- In § 155.043 (B and C) “RM-1 Multiple-Family Residential District”, modify Child/Adult Foster Care Facilities.
- In § 155.046 (B) “B-2 Thoroughfare Mixed-Use District”, add Adult Foster Care Large Group Home (Three Stories or Less)
- In § 155.049 (B) “TCD Town Center District”, add Adult Foster Care Large Group Home (Three Stories or Less)
- Delete § 155.112 “Child and Adult Foster Care Facilities”.
- Modify § 155.122 “Multiple-Family Dwelling (Three Stories or Less)”.

All edits are **highlighted in red** with new text **underlined** and deleted text marked with a **~~strikethrough~~**.

General Provisions

- 155.011 Title
- 155.012 Enactment
- 155.013 Applicability and jurisdiction
- 155.014 Intent
- 155.015 Rules of interpretation and application
- 155.016 Conflicting provisions
- 155.017 Transitional provisions
- 155.018 Construction of language
- 155.019 Reconstruction of damaged properties
- 155.020 Vested rights prohibited
- 155.021 Conflict of laws and prohibited land uses
- 155.022 Reserved through § 155.028
- 155.029 Definitions

Districts and Boundaries; Maps; Schedule of Land Uses

- 155.031 Districts established
- 155.032 Zoning map
- 155.033 Interpretation of district boundaries
- 155.034 Zoning of vacated areas
- 155.035 Zoning of annexed areas
- 155.036 Schedule of land uses
- 155.037 Reserved through § 155.039

Zoning District Regulations

- 155.041 R-1A through R-1C One-Family Residential Districts
- 155.042 RM Restricted Multiple-Family Dwelling District
- 155.043 RM-1 Multiple-Family Dwelling District
- 155.044 O-1 Office Building District
- 155.045 B-1 Local Business District
- 155.046 B-2 Thoroughfare Mixed-Use District
- 155.047 B-3 General Business District
- 155.048 M-1 Light Industrial District
- 155.049 TCD Town Center District
- 155.050 Reserved through § 155.059

Schedule of Regulations

- 155.061 Schedule of regulations
- 155.062 Reserved through § 155.069

General Development Standards

- 155.071 Intent
- 155.072 Architectural features
- 155.073 Site design features
- 155.074 Walls
- 155.075 Waste receptacle (dumpster), storage screening, or collection bins

- 155.076 Exterior lighting and security cameras
- 155.077 Off-street parking
- 155.078 Accessible parking for physically disabled persons
- 155.079 Off-street loading and unloading
- 155.080 Parking lot landscaping
- 155.081 Use restriction
- 155.082 Height, area and use exceptions
- 155.083 Required site development

Special Land Use Standards

- 155.111 Intent
- 155.112 ~~Child and adult foster care facilities~~ Reserved
- 155.113 Nursery schools, day nurseries and child care centers (not including dormitories)
- 155.114 Nursing and convalescent homes
- 155.115 Religious institutions
- 155.116 Senior housing, assisted living facility and similar types of housing for the elderly
- 155.117 Private noncommercial recreation area; institutional or community recreation centers
- 155.118 Golf courses
- 155.119 Colleges, universities and other institutions of higher learning
- 155.120 Business, trade, vocational and similar learning institutions
- 155.121 Townhomes and duplexes
- 155.122 Multiple-family dwellings and adult foster care large group home

(three stories or less)

- 155.123 Multiple-family dwellings (four stories or greater)
- 155.124 Mixed-use business and residential buildings
- 155.125 General hospitals
- 155.126 Automobile service stations
- 155.127 Vehicle washing facilities
- 155.128 Minor vehicle repair facilities
- 155.129 Major vehicle repair facilities
- 155.130 Carry-out, fast food, drive-through or drive-in restaurants
- 155.131 Motels or hotels
- 155.132 Self-storage facilities
- 155.133 Outdoor sales space for exclusive sale of new or pre-owned vehicles or house trailers
- 155.134 Outdoor sales of automobiles and other vehicles
- 155.135 Greenhouse and florist operations involving the growing, wholesaling, and/or retailing of plant materials
- 155.136 Open air business
- 155.137 Research and development facilities
- 155.138 Junk yards
- 155.139 Contractors' offices and yards
- 155.140 Manufactured housing communities
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§ 155.029. DEFINITIONS. (Modify the following definitions)
FOSTER CARE FACILITIES.

(1) ADULT FOSTER CARE HOME. A licensed residential setting that provides 24-hour personal care, protection, and supervision for individuals who are developmentally disabled, mentally ill, physically handicapped or aged who cannot live alone but who do not need continuous nursing care. Adult Foster Care Homes are restricted to providing care to no more than 20 adults. There are three types of "Adult Foster Care Homes" including Adult Foster Care Family Homes, Adult Foster Care Small Group Homes, and Adult Foster Care Large Group Homes.

(2) ADULT FOSTER CARE FAMILY HOME. ~~An establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to seven or more adults. An adult foster care facility is other than a home for the aged or a nursing home or a mental hospital for mental patients or a pre-release adjustment center. The state shall license these facilities. A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for 5 or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.~~

~~(3)~~ **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

~~(4)~~ **ADULT FOSTER CARE LARGE GROUP HOME.** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

~~(2)~~ **(5) FOSTER FAMILY GROUP HOME.** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

~~(3)~~ **(6) FOSTER FAMILY HOME.** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are given care and supervision for 24 hours a day, or four or more days a week, of two or more consecutive weeks, unattended by a parent or legal guardian.

§ 155.036. SCHEDULE OF LAND USES

Table 2-1. Schedule of Land Uses displays specific land uses in reference to their respective zoning districts. The schedule is general and intended to provide initial guidance for users. A complete list with land use conditions is set forth in §§ 155.041 through 155.049. Regulations in §§ 155.041 through 155.049 take precedent over Table 2-1 below.

Table 2-1 Schedule of Land Uses by Zoning District

	Zoning Districts								
	R-1	RM	RM-1	O-1	B-1	B-2	B-3	M-1	TCD
	A, B, C								
Residential Land Use Types									
<u>Adult Foster Care Family Home</u>	<u>P</u>	<u>P</u>	<u>P</u>						
<u>Adult Foster Care Small Group Home</u>	<u>P</u>	<u>P</u>	<u>P</u>						
<u>Adult Foster Care Large Group Home (2 story max.)</u>		<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>		<u>P</u>
<u>Adult Foster Care Large Group Home (3 story max.)</u>		<u>SLU</u>	<u>P</u>			<u>P</u>	<u>P</u>		<u>P</u>
<u>Foster Family Group Home</u>	<u>P</u>	<u>P</u>	<u>P</u>						
<u>Foster Family Home</u>	<u>P</u>	<u>P</u>	<u>P</u>						
One-Family Detached Dwelling	P	P	P						P
Two-Family Dwellings/Duplexes		P	P						
Townhomes (2 story max.)		P	P			P			
Townhomes (3 story max.)		SLU							
Multiple-Family Dwellings (2 story max.)		P	P			<u>P</u>	<u>P</u>		P
Multiple-Family Dwellings (3 story max.)		SLU	P			P	<u>P</u>		P
Multiple-Family Dwellings (4+ stories)			SLU						P

Mixed-Use Residential and Business (Lofts)					SLU	SLU			SLU
Manufactured Housing Community							SLU	SLU	
Public/Quasi-Public Land Use Types									
Charitable Gaming Room						SLU	SLU	SLU	P
Child/Adult Foster Care (6 or less persons)	P	P	P	-	-	-	-	-	P
Child/Adult Foster Care (7, but fewer than twelve persons)	SLU	SLU	SLU	-	-	-	-	-	-
Assisted Living Facilities/Elderly Housing		SLU	SLU			SLU	SLU		
Nursing and Convalescent Homes		SLU	SLU	SLU		SLU			
Transient Residential and Rooming Houses						SLU	SLU		
Publicly Owned Libraries	P	P	P	P					P
Publicly Owned Parks and Parkways	P	P	P	P					P
Publicly Owned Recreation Facilities	P	P	P	P					P
Post Offices and Similar Government Offices				P		P	P		P
Utility and Public Owned Buildings w/o storage yards	SLU	SLU	SLU	SLU	SLU	P/SLU	P	P	P
General Hospitals			SLU				SLU		
Religious institutions and Incidental Facilities	SLU	SLU	SLU		SLU	SLU	SLU		SLU
Cemeteries	P	P	P						

Private Noncommercial Recreational Areas	SLU	SLU	SLU						
Institutional or Community Recreation Centers	SLU	SLU	SLU						P
Golf Courses	SLU								
Non-Profit Public, Parochial and Private Elementary, Intermediate or High Schools	SLU	SLU	SLU			SLU	SLU		
Colleges, Universities and Institutions of Higher Learning, Public and Private	SLU	SLU	SLU				SLU		
Business Schools and Colleges							SLU		
Vocational Training Centers and Schools						SLU	SLU		
Private For-Profit Schools, Business Schools and Colleges						SLU	SLU		
Theaters						SLU	SLU		P
Assembly Halls						SLU	SLU		P
Concert Halls						SLU	SLU		P
Private Clubs						P	P	P/SLU	
Fraternal Organizations						P	P	P/SLU	
Lodge Halls						P	P	P/SLU	
Notes: P = Permitted Use, SLU = Special Land Use									

§ 155.041 (B and C). R-1A THROUGH R-1C ONE-FAMILY RESIDENTIAL DISTRICT

(B) Principal uses permitted. In a One-Family Residential District (R-1A through R-1C) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

(1) One-family detached dwellings.

(2) Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five acres, all subject to the health and sanitation provisions of the city code. It shall be unlawful for any person, firm or corporation to grow or to permit the growing of household food products in residential areas between the front lot line and the setback line.

(3) Publicly owned and operated libraries, parks, parkways and recreational facilities.

(4) Instructions in crafts or fine arts when conducted within the confines of a principal use and provided all requirements of the city's ordinances are met.

~~(5) Child or adult foster care for six or less persons as licensed by the state.~~ Adult Foster Care Family Homes, Adult Foster Care Small Group Homes, Foster Family Group Homes, and Foster Group Homes.

(6) Cemeteries, which lawfully occupied land at the time of adoption of this chapter.

(7) Temporary buildings and uses for construction purposes for a period not to exceed one year. Land in R-1A through R-1C districts shall not be used as a construction staging area for any project other than a project on the parcel of land where construction is taking place.

(8) Accessory buildings provided that they shall be designed and located as provided in §§ 155.071 through 155.081.

(9) Nameplates and signs as provided in §§ 155.231 through 155.252.

(10) Automobile parking space to be provided as required in §§ 155.071 through 155.081.

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.071 through 155.081, all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are further subject to the review and approval of the Planning Commission:

(1) Religious Institutions and other facilities normally incidental thereto.

(2) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.

~~(3) Child and adult foster care serving more than seven but fewer than twelve persons.~~

~~(4)~~ (3) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.

~~(5)~~ (4) Nursery schools, day nurseries and child care centers (not including dormitories).

~~(6)~~ (5) Private noncommercial recreational areas or institutional or community recreation centers.

~~(7)~~ (6) Golf courses, which may or may not be operated for profit.

~~(8)~~ (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit.

~~(9)~~ (8) Amateur radio antenna, §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

~~(10)~~ (9) Utility and public service buildings without storage yards.

§ 155.042 (B and C). RM RESTRICTED MULTIPLE-FAMILY DWELLING DISTRICT

(B) Principal uses permitted. In the RM District no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes and shall be permitted subject to the review and approval of the site plan by the Planning Commission. Such review of the site plan is required to find proper relationships between the following development features as they relate to traffic safety and, further, to minimize the possibility of any adverse effects upon adjacent properties, driveways, parking areas, accessory buildings and uses and open space. No site plan review is necessary on single family homes.

- (1) All principal uses permitted in the R-1 One-Family Residential Districts subject to the lot area, yard and floor area requirements as specified therein.
 - (2) Townhomes and duplexes (two stories or less) subject to the conditions imposed in §§ ~~155.121, 155.111 through 155.142.~~
 - (3) Multiple-family dwellings (two stories or less) subject to the conditions imposed in §§ ~~155.122, 155.111 through 155.142.~~
 - (4) Instruction in crafts or fine arts when conducted within the confines of a principal use and provided all requirements of the city's ordinances are met.
 - (5) Accessory buildings, provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.
 - (6) Adult Foster Care Large Group Home (two stories maximum) subject to the conditions imposed in § 155.122.
 - (7) Nameplates and signs as provided in §§ 155.231 through 155.252, Signs.
 - (8) Automobile parking spaces to be provided as required in §§ 155.071 through 155.081, General Development Standards.
- (C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:
- (1) Religious Institutions and other facilities normally incidental thereto.
 - (2) Adult Foster Care Large Group Home (three stories maximum) subject to the conditions imposed in § 155.122.
 - (3) Townhomes of three stories subject to the conditions imposed in § 155.121.
 - (4) Multiple-family dwellings of three stories subject to the conditions imposed in § 155.122.
 - (5) Nursery schools, day nurseries, and child care centers (not including dormitories).
 - (6) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
 - (7) Nursing and convalescent homes.
 - (8) Utility and public service buildings without storage yards.
 - (9) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.

§ 155.043 (B and C). RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

(B) Principal uses permitted. In the RM-1 District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes and shall be permitted subject to the review and approval of the site plan by the Planning Commission. Such review of the site plan is required to find proper relationships between development features, traffic safety, adverse effects upon adjacent properties, service roads, driveways, pedestrian sidewalk system, parking areas, accessory buildings and uses and open space.

- (1) All principal uses permitted in the RM Restricted Multiple-Family Residential Districts with the lot area, yards and floor area requirements equal to at least the requirements of the immediately abutting residential district.
- (2) Multiple-family dwellings and townhomes (three stories or less) subject to the conditions imposed in §§ 155. ~~111~~121 through 155. ~~142~~122, Special ~~Conditions and~~ Land Use Standards.
- (3) Accessory buildings and uses customarily incident to any of the above uses provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.

~~(4) Adult Foster Care Large Group Home (three stories maximum) subject to the conditions imposed in § 155.122.~~

(5) Nameplates and signs as provided in §§ 155.231 through 155.252, Signs.

(6) Automobile parking space to be provided as required in §§ 155.071 through 155.081, General Development Standards.

(7) Businesses offering instruction in crafts and the fine arts.

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

~~(1) Child and adult foster care serving more than seven but fewer than twelve persons.~~

~~(2)~~ (1) Nursery schools, day nurseries and child care centers (not including dormitories).

~~(3)~~ (2) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height restrictions.

~~(4)~~ (3) Senior housing, assisted living and other similar types of housing for the elderly.

~~(5)~~ (4) Religious institutions Religious Institutions and other facilities normally incidental thereto.

~~(6)~~ (5) Multiple-family dwelling units in high rise structures (four stories or greater) subject to the conditions imposed in § 155.123.

~~(7)~~ (6) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

~~(8)~~ (7) Nursing and convalescent homes.

~~(9)~~ (8) Utility and public service buildings without storage yards.

~~(10)~~ (9) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.

§ 155.043(B). B-2 THROUGHFARE MIXED-USE DISTRICT

(B) Principal uses permitted. The following regulations shall apply in all B-2 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following specified uses:

(1) Any retail business or service establishment permitted in B-1 Districts as principally permitted.

(2) All retail business, service establishments or processing uses as follows:

(a) Any retail business whose principal activity is the sale of merchandise in an enclosed building.

(b) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.

(3) Private clubs, fraternal organizations and lodge halls, subject to the requirements of § 155.218.

(4) Standard restaurants.

(5) Business establishments that perform services on the premises, such as but not limited to banks, loan companies, insurance offices, and real estate offices.

(6) Professional services, including the following: medical clinics (outpatient only), and offices of doctors, dentists, osteopaths, and similar or allied professions.

(7) Post office and similar governmental office buildings, serving persons living in the adjacent residential area.

- (8) Office buildings for any of the following occupations: executive, administrative and professional, writing, clerical, stenographic, drafting and sales, subject to the limitations contained below in division (C) of this section.
- (9) Medical and dental offices, including clinics and laboratories, but excluding substance abuse centers.
- (10) Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations, subject to the limitations contained below in division (D) of this section.
- (11) Veterinary hospitals and clinics.
- (12) Dance schools, music and voice schools, and art studios.
- (13) Art shops, photographic studios design studios and other similar uses.
- (14) Office equipment and sales.
- (15) Reproduction services where the primary use is serving walk-in customers with small volume copying or word processing services, not including blueprinting and similar industrial type operations.
- (16) Personal service establishments, including barber shops, beauty shops, health salons and similar uses.
- (17) Town homes (three stories or less).
- (18) Multiple-family dwellings (three stories or less) subject to the conditions imposed in § 155.122.
- (19) Other uses similar to the above uses.
- (20) Accessory structures and uses customarily incident to the above permitted uses provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.
- (21) Mortuaries.
- (22) Automobile parking space to be provided as required in §§ 155.071 through 155.081.
- (23) Temporary Pop-Up Commercial Use.
- (24) Passenger Bus Stations
- (25) Mobile Food Vending Unit
- (26) Mobile Food Court/Park
- (27) Mixed-use business and residential buildings (unless one or more of the individual uses is a special land use).
- (28) Adult Foster Care Large Group Home (Three Stories or Less) subject to the conditions imposed in § 155.122.

§ 155.049(B). TCD TOWN CENTER DISTRICT

(B) Principal uses permitted. In the TCD District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specific purposes. Review of site architectural and landscape plans is required for change in use of existing tenant space greater than 5,000 square feet and new construction to find proper relationships between architectural scale and character; vehicular and pedestrian traffic safety; interconnected open space and recreation areas; interconnected pedestrian and non-motorized walks and paths; and appropriate mixture of land uses. Change in use of existing tenant space 5,000 square feet and under may be approved administratively by the City Planner.

- (1) Multiple-family residential buildings subject to the conditions imposed in § 155.122 and § 155.123.
- (2) Retail businesses that are consistent with the vision of the district.
- (3) Personal service establishments.

- (4) Hotels.
- (5) Professional offices.
- (6) Financial institutions.
- (7) Restaurants (carry-out and standard); delivery services shall be accessory to the primary use only.
- (8) Public parks and parkways.
- (9) Public and civic buildings.
- (10) Child and adult day care center as a limited accessory use.
- (11) Uses similar to the above that are consistent with the vision of the district.
- (12) Uses and structures accessory to the above.
- (13) Theaters, assembly halls, and concert halls, subject to the requirements of § 155.218.
- (14) Automobile parking space to be provided as required in §§ 155.071 through 155.081, General Development Standards.
- (15) Charitable gaming room subject to the regulations of § 155.145.
- (16) Religious Institutions
- (17) Temporary Pop-Up Commercial Use.
- (18) Bus Passenger Stations
- (19) Mobile Food Vending Unit
- (20) Murals
- (21) Mixed-use business and residential buildings (unless one or more of the individual uses is a special land use).
- (22) Adult Foster Care Large Group Home (Three Stories or Less) subject to the conditions imposed in § 155.122.

§ 155.112 ~~RESERVED. CHILD AND ADULT FOSTER CARE FACILITIES.~~

- ~~(A) Site plan shall be required to be submitted.~~
 - ~~(B) The facility shall not be attached to a multiple family structure.~~
 - ~~(C) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,000 square feet per person, excluding employees and/or caregivers.~~
 - ~~(D) The property is maintained in a manner that is consistent with the character of the neighborhood.~~
 - ~~(E) In its sole discretion, the city may determine that landscape screening is required.~~
 - ~~(F) Appropriate licenses with the state shall be maintained.~~
- ~~{Ord. 792, passed 12-3-01}~~

§ 155.122 MULTIPLE-FAMILY DWELLING AND ADULT FOSTER CARE LARGE GROUP HOME (THREE STORIES ~~OF OR~~ LESS).

- (A) The entire area of the site shall be treated to service the residents of the dwelling units located thereon, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include: swimming pools, cabanas, pavilions, recreation areas, and other similar uses.
- (B) The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.
- (C) The site plan shall be so planned as to provide ingress and egress directly onto a major or secondary thoroughfare, except when the Planning Commission finds, upon review of the site plan,

that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.

(D) Access drives, parking areas and maneuvering lanes shall be so located as to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience. The following requirements shall be considered by the Planning Commission in reviewing the site plan:

(1) Drives, maneuvering lanes and open parking spaces shall be a distance of at least 15 feet from any residential building wall with a window and/or door penetration at the ground floor level.

(2) The required parking spaces shall be well related to the building they are intended to serve.

(E) In order to provide continuity with abutting and/or adjacent public thoroughfares, the Planning Commission may recommend, and the City AV Council may require, dedication of a public right-of-way through the site area prior to site plan approval.

(F) Front building lines found on the balance of the block face shall be respected, except upon discretion



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July 6, 2020

Planning Commission
City of Inkster
26215 Trowbridge
Inkster, MI 48141

Subject: TA 20-04 Adult Foster Care Text Amendments

The City of Inkster Planning Department is submitting the above-referenced draft zoning text amendments for the Planning Commission's review and consideration.

DESCRIPTION

The proposed zoning text amendments are being initiated by the City of Inkster in order to bring the City's Zoning Ordinance into compliance with state law (Act 218 of 1979: the *Adult Foster Care Facility Licensing Act (AFCLA)*), the 1993 Michigan Attorney General's Opinion No. 6778, and the 1985 Michigan Supreme Court ruling in the case of *Livonia v. Department of Social Services*.

Per state regulations and established case law, AFC homes must receive similar treatment under the zoning ordinance to equivalent residential uses that are similar densities. Therefore, AFC family homes and small AFC homes shall be treated similar to single-family residential homes under the Zoning Ordinance, and large AFC homes shall be treated similar to multi-family residential homes. Specifically, our City Attorney cited the following language in the *Livonia* ruling: "Local ordinances, regulations, or construction codes regulating institutions shall not be applied to adult foster care large group homes, adult foster care small group homes, or adult foster care family homes. This section shall not be construed to exempt adult foster care facilities from local construction codes which are applicable to private residences."

The proposed revised definitions for AFC homes mirror definitions used by the State of Michigan, and include the following:

(1) **ADULT FOSTER CARE HOME.** A licensed residential setting that provides 24-hour personal care, protection, and supervision for individuals who are developmentally disabled, mentally ill, physically handicapped or aged who cannot live alone but who do not need continuous nursing care. Adult Foster Care Homes are restricted to providing care to no more than 20 adults. There are three types of "Adult Foster Care Homes" including Adult Foster Care Family Homes, Adult Foster Care Small Group Homes, and Adult Foster Care Large Group Homes.

(2) **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for 5 or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

(3) **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

(4) **ADULT FOSTER CARE LARGE GROUP HOME.** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

As you may notice from the above definitions, AFC homes are limited to a maximum of 20 adults under state law, with foster care family homes having up to 6 adults, small AFCs having up to 12 adults, and large AFCs having 13-20 adults.

Proposed changes to the Zoning Ordinance include rewriting the definitions of the different types of AFCs; updating the zoning districts where AFCs are permitted; listing large AFC homes according to the zoning districts where they are permitted; and deleting the "Child and Adult Foster Care" zoning standards which create extra regulations that similar residential land uses do not need to meet. The omission of language related to zoning for large AFC homes in the ordinance has been particularly problematic in light of recent petitions for large AFC facilities by applicants, and staff's consequent inability to properly classify such a land use.

Planning Staff strongly believes that amending the zoning ordinance to bring it into compliance with the state law and case law on AFCs will clarify application of the zoning ordinance for both staff and applicants.

Thank you for your consideration,



Adrianna Jordan, AICP
City Planner

REQUEST FOR COUNCIL ACTION

To: City Council

Date: July 29, 2020

From: Mayor Patrick Wimberly

Date for Council's Consideration: August 3, 2020

ACTION REQUESTED: Implementation of a Residential Target Market Analysis Including a commercial Target Market Analysis

Current Action X Emergency _____ Future _____

Funds Budgeted: If Yes _____ Account # _____ N/A _____ No _____ N/A _____

Mayor's Approval _____

BACKGROUND:

Residential Target Market Analysis was completed on July 27, 2020 and presented by Community Image Builders (CIB) for planning development and technical assistance. It is much more difficult to redevelop properties in urban areas due to increased costs, primarily from potential infrastructure replacement and underground contamination costs. The increased costs leave developers searching for ways to close the financial "gap" for a proposed project.

SCOPE OF SERVICES:

Prepare targeted marketing materials for prime redevelopment opportunities

JUSTIFICATION:

Efforts to take and repurpose city-owned properties and plan for new development in the City of Inkster

PROJECT IMPROVEMENTS:

To improve and promote the image of the city of Inkster

COSTS:

CIB Planning offers this proposal for consulting services to the City of Inkster for a fee not to exceed \$30,000 for the first phase of work identified in this proposal. Funds are to be reimbursed.

PROJECTED TIME TABLE:

Our proposed project timeline will kick off in August and be completed in December 2020.

RESOLUTION:

Approval is hereby given to the Implementation of a Residential Target Market Analysis including a commercial Target Market Analysis

Resolved by _____

Seconded by _____

Yes:

No:

Absent:



July 27, 2020

Mayor Patrick Wimberly
City of Inkster
26215 Trowbridge
Inkster, Michigan 48141

Subject: Development Implementation Technical Assistance Program

Dear Mayor,

It was great speaking with you and learning about efforts you are taking to repurpose city-owned properties and plan for new development in the City of Inkster. It is clear that you are taking the necessary steps to position the City of Inkster for redevelopment by completing a residential Target Market Analysis (TMA) and utilizing data to identify prime redevelopment sites throughout the city.

As you may know, it is much more difficult to redevelop properties in urban areas due to increased costs, primarily from potential infrastructure replacement and underground contamination costs. The increased costs leave developers searching for ways to close the financial "gap" for a proposed project. Combined with a limited number of developers undertaking housing and mixed-use projects in Michigan, the task of attracting new projects can be daunting. This requires a high level of redevelopment expertise and creative financing tools on the part of the City.

Our team at CIB can provide the city with this additional assistance including, but not limited to, the following tasks:

- Prioritize prime redevelopment areas utilizing your existing TMA, including initiating the pilot projects identified in the TMA;
- Complete a Retail Target Market Analysis, to be prepared by LandUseUSA. See Addendum A for the complete TMA scope of work and fees for professional time;
- Prepare an RFQ to establish a pool of local, qualified builders that have the financial ability, capacity and willingness to take on potentially complex real estate and construction projects;
- Assist with the developer selection process;
- Prepare targeted marketing materials for prime redevelopment opportunities
 - Info needed from Inkster to complete marketing materials: county, address, zoning, lot dimensions, acreage, most current SEV, parcel ID number, price if applicable, infrastructure specifications: sanitary, water and storm including main sizes for sanitary and water if available/applicable, school district, broker details if applicable, neighborhood name if applicable

17195 Silver Parkway, #309
Fenton, MI 48430

Phone: 810-734-0000
Email: avantini@cibplanning.com

- Host a developer forum for qualified developers to present and discuss the cities ideal redevelopment vision for prime redevelopment sites;
- Preparation and execution of development agreements in partnership with the city's legal counsel;
- Identify additional financing incentives, including those available locally through the DDA;
- Assist with State funding applications, including the popular Community Revitalization Program (CRP), which provides specific project funding assistance through the Michigan Economic Development Corporation (MEDC);
- Recruit developers, both ones we have worked with and those we know, and assist with securing new local investors when necessary; and
- We can also help coordinate the efforts of the developer and City officials to ensure that projects are truly public-private partnerships.

CIB understands that the scope of services is flexible and a kickoff meeting with staff and stakeholders would be needed to further define expectations and scope items as well as identification of individuals responsible for executing each task item. Given this, CIB Planning offers this proposal for consulting services to the City of Inkster for a fee not to exceed \$30,000 for the first phase of work identified in this proposal.

Additional services beyond this provided scope would need to be agreed upon between the City of Inkster and CIB Planning and would be billed at our hourly rates noted in the fee schedule for 2020 below.

Fee Schedule for Professional Consultants

President	\$142.00
Vice President	\$128.00
Director	\$124.00
Senior Planner	\$101.00
Project Planner II	\$77.00
Project Planner I	\$71.00
Assistant Planner	\$64.00
Administrative	\$42.00

Professional Classification

Carmin P. Avantini, AICP, President

Justin Sprague, Vice President

Elena Moeller-Younger, Director of Marketing & Strategic Planning

Kelly McIntyre, Director of Planning

Sharon Woods, LandUseUSA

** Hourly rates are subject to increase on an annual basis*

We look forward to discussing this proposal in more detail and if you have any questions, please contact me at 810-919-2901.

Sincerely,

CIB PLANNING



Carmine P. Avantini, AICP
President



Justin Sprague
Vice President

Schedule for Delivery

Our proposed project timeline as depicted below is our anticipated timeline for key steps necessary to implement this project in an expedited manner to meet the needs of the City of Inkster. It should be noted that the schedule is somewhat flexible given our current public health conditions and required responses at the local, state and federal level.

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
1. Kickoff		✓							
2. Property prioritization and implementation of TMA Pilot Phase I		✓	✓						
3. Prepare and Issue RFQ for qualified builders and developers		✓	✓						
4. Developer/Builder selection and planning of developer forum			✓	✓					
5. Development of marketing materials for targeted outreach and developer forum		✓	✓	✓					
6. Internal policy development for property disposition, development agreements and incentive policy		✓	✓	✓					
7. Project management assistance and staff capacity for development projects			✓	✓	✓	✓			

Addendum A

The City of Inkster Michigan

Retail Target Market Analysis Agreed Scope of Work

July 23, 2020

Prepared by



Prepared for



Introduction

On behalf of LandUseUSA | Urban Strategies as subcontractor to CIB Planning, our team would like to thank you for the opportunity to present our agreed upon scope of work for development of a Retail Target Market Analysis. This study will focus on the City of Inkster, the Michigan Avenue Corridor, its downtown or civic district, and other key retail nodes that could serve as shopping destinations.

LandUseUSA will coordinate the work, administrative tasks, the virtual meetings, phone conferences, and related tasks directly with Community Image Builders (CIB Planning) and their team. To that end, this document represents an Addendum A to the CIB agreed scope of work for the *Development Implementation Technical Assistance Program (DITAP)*.

Project Objectives

We understand that the purpose of this proposed retail market analysis for the City of Inkster will be to provide retail information and strategies for your downtown, enhanced with optional analyses of market economics and non-retail commercial space. If you authorize LandUseUSA to complete this study, we will also help you work toward these core objective:

- **Market Potential** – The market analysis will identify the market potential for missing retail categories in the downtown, its civic center district, and other shopping districts along the Michigan Avenue corridor. Depending on the approved scope of work, we will identify strategies for the adaptive reuse of vacant buildings and new tenants for quality retail vacancies.
- **Planning Support** – The market analysis will provide a foundation for your planning consultants to prepare detailed downtown plans as needed, and perhaps even some corridor or subarea plans for other cameo projects within the city. The work will also serve as a platform for stakeholders to work toward mutual goals that align with Michigan's Placemaking principles.

➤

- **Due Diligence for State Agencies** – Our work will serve as a platform market analysis that will meet the high standards and expectations of our state's agencies. For example, the study could help you partially or fully meet the requirements of market analysis as outlined the MEDC's Redevelopment Ready Communities program; or related programs through the MSHDA Place-Based Planning Program; Michigan Main Street Program; MML Civic Innovations and PlacePlans initiatives; and/or initiatives underway by the Michigan Department of Treasury and Michigan Land Bank Fast Track Authority.
- **Developer Recruitment** – The market analysis can also serve as a platform for future public/private collaborative ventures, leading to focused community investment and sustainable development throughout the City of Inkster. This includes a special focus on vacant buildings and adjacent land that represents ideal locations for reinvestment into the city and community. Property owners and developers will be able to use the study as a foundation for site-specific feasibility analyses needed to qualify for gap financing.

Retail Target Market Analysis

Agreed Scope of Work

The Retail Target Market Analysis will be founded on empirical, quantitative data, including primary and secondary sources. We will conduct inventories of supply and demand, gap models, demographic forecasting, real estate analysis, market share analyses, and a study of lifestyle preferences. The following pages provide additional detail on the agreed scope of work.

- A. **Geographic Delineations** – We will focus our work on the City of Inkster, downtown and civic center, the Michigan Avenue Corridor, and complementary shopping nodes. We will also provide some demographic comparisons to a few of the neighboring jurisdictions. If local level data is not available, then Wayne County will be used as a general barometer.

We will also use a drive-time analysis and radii data to estimate an effective trade area. The effective trade area will represent the origins of 60% of retail sales for Inkster's largest retailers; and 70% to 80% of retail sales for the smaller merchants. The balance of retail sales will be generated by shoppers arriving from beyond that trade area.

- B. Demographic Analysis and Forecasts – A detailed demographic analysis will be a necessary first step to completing the retail market analysis and gap model. This will include a study of population, per capita income, and related variables that demonstrate the expenditure potential of resident shoppers.

We will also include a study of the lifestyle clusters currently living within the City of Inkster, and their preferences for shopping, entertainment, and recreational venues. We will rely on Experian Mosaic data (with 71 lifestyle clusters) to identify the likely wants and needs of existing households when seeking places to live within the local market. We will also compare the lifestyle preferences of neighboring jurisdictions that might contribute to Inkster's retail market potential.

- C. Real Estate Analysis – Field observations and internet resources will be used to gather an inventory of for-sale and for-lease commercial land and buildings throughout the City of Inkster. The data will be organized by traditional retail space and other commercial properties (including office space). Within the retail and commercial categories, we will also conduct one analysis for vacant land and another for existing buildings and structures.

A number of important variables will be studied in the Real Estate Analysis, including asking price (value and/or rent), price per square foot, and/or price per acre. Results will be graphed with scatter plots and can be used to gauge market trends and patterns. Results can be particularly valuable for prospective real estate investors, developers, property owners, brokers, and lenders. They can also be used to gauge the general value of publicly-owned properties.

- D. Analysis of the Economic Census – The City of Inkster will also be compared to all other cities and villages across the state on the basis of average revenues per establishment; average revenues per employee; and market share. Data results will be used to identify market share gaps in the retail industry, which could point to opportunities for economic diversification and job growth. Results will also be used to complete an import-export analysis and measure leakage out of the market.
- E. Retail Cluster Analysis – The retail cluster analysis will rely on a detailed field analysis supported by photos during market tours and site visits, plus extensive internet research to gather an accurate list of existing retailers. Results are clustered into retail categories and used to identify gaps and possible opportunities. Some phone calls might be made to verify new store openings and/or closings.
- F. Gap Modeling, Market Potential – Each of the tasks listed above will be used to gauge the magnitude of markets supply, demand, gap, saturation, and/or opportunity for the City of Inkster. We will summarize the results in a series of Infographics that are easy to understand and translate into the city planning initiatives. We will focus on the market gaps and opportunities to identify economic growth and land use strategies.
- G. Site and Locational Strategies – Based on the market study results, gaps, and opportunities, we will work with the CIB Planning project team to translate the results into actionable land use strategies for a few publicly-owned parcels. We will collaborate with CIB Planning to review the sizes, clusters, and locations of publicly owned parcels. We will then identify a few of the parcels that could serve as economic catalysts; infill opportunities for missing retail choices; or anchor stores to fill vacant retail space.
- H. Phone Conferences, Virtual Session – Upon completion of the draft work products, we will request a phone conference with the project team and city leadership to discuss the results. After the phone conference, the team members should also be prepared to spend at least 4 hours reviewing the study results. At that stage, we will also ask to share the report with the leaders and any steering committee members.

We will also coordinate with CIB Planning on their facilitation of one virtual Retail Market Study session as part of a larger community meeting, workshop, or developer forum. This session will include a review of the market study report and document, but will not include a formal slide presentation.

We will ask that CIB Planning coordinate with the city's leadership team make the necessary arrangements and invite the participants. Attendees may include city staff; city council and planning commission; EDC and DDA directors and volunteers; state agency staff; private sector developers, property owners, and builders; real estate brokers; lenders; and any other stakeholders that you choose to invite.

- I. Draft and Final Reports – We anticipate that the final Retail Target Market Analysis report will be about 60 pages, including a cover page, table of contents, short narrative, and Infographics and other supporting materials assembled into an appendix with about six (6) chapters.

The narrative report will be succinct and will include an Executive Summary that focuses on the retail market potential and optimal land use strategies. To keep this project within moderate budget, the narrative will not include a detailed explanation of the data sources, methodology, work approach, demographics, or other relatively mundane topics.

Exclusions

The Retail Target Market Analysis and agreed scope of work documented in this Addendum A will explicitly **exclude** the tasks listed below. However, at CIB Planning's discretion, these tasks may be assigned to LandUseUSA (along with allocated fees for professional time) as part of the CIB Planning's proposed *Development Implementation and Technical Assistance Program (DITAP)* for the City of Inkster.

1. Formal presentations with slide shows (either virtually or in-person); in-person meetings before city council and/or planning commission; and/or facilitation of in-person work sessions, community meetings, charrettes, or other public events.
2. Consumer research, including contributions to surveys, focus group sessions, and phone interviews.
3. Interpretations of the prior Residential Target Market Analysis or the Retail Market Analysis for property cut-sheets, or other marketing materials; and contributions to those materials.
4. Evaluations and contributions to site-specific plans, sub-area plans, designs, renderings, or similar types of planning documents.
5. Assistance with the developer pre-qualification process; and with the development of requests for qualifications (RFQs), requests for proposals (RFPs), and development agreements.
6. Consultation services for private-sector land owners or developers to qualify the market potential for their site-specific projects; and developer recruitment.
7. Business plans, marketing plans, financial models and scenarios, cost-benefit analyses, fiscal impact analyses, and related types of studies.
8. Contributions to site-specific implementation with development projects, including developer recruitment, negotiations for development agreements, ground-breaking, brick-and-mortar construction, and grand openings.

Fees for Professional Time

Completing a Retail Target Market Analysis involves an intense process of gathering and analyzing data; setting-up and running models; studying the results; developing place-based recommendations; sharing ideas through feedback loops; formulating optimal development strategies; facilitating online virtual meetings; and collaborating with CIB Planning on their work. Our budget is allocated based on estimates of the professional time required to complete all of the tasks within the agreed scope of work.

Schedule of Fees for Professional Time
Retail Target Market Analysis

	Professional Time Fees
A. Geographic Delineations	\$1,000.
B. Demographic Analysis and Forecasts	\$2,000.
C. Commercial Real Estate Analysis	\$2,000.
C. Analysis of the Economic Census	\$2,000.
D. Retail Inventory and Cluster Analysis	\$2,000.
E. Gap Modeling, Market Potential	\$2,000.
F. Site and Locational Strategies	\$1,000.
G. Phone Conferences, Virtual Sessions	\$1,000.
H. Draft and Final Reports (Included)	<u>\$2,000.</u>
Not-To-Exceed Fees for Professional Time	\$15,000.

The not-to-exceed fees for all professional time are summarized in the table above. We believe in applying 100% of the budget to professional time so we can do the very best job possible. Since we are already located in Michigan, we will waive our direct costs and travel expenses, and release you from the burden of reviewing travel receipts. All of the budget will be allocated to professional time; and any related direct costs will be waived.

Project Timeline

We typically ask for three (3) months to complete a market analysis for any given city or community. Completing a comprehensive market analysis is similar in scope to the undertaking of a city-wide master planning project. Considerable time is needed to gather, process, study, analyze, and report data results. Additional time is needed to distill the findings into Infographics; schedule and facilitate a virtual working session for the public; and for city staff to review and comment on the draft and final reports.

With this in mind, we respectfully ask for three (3) months to complete all items listed in this agreed scope of work for completion of a Retail Target Market Analysis for the City of Inkster. We can commence as soon you like, and will work diligently and efficiently to complete the work within that timeline.

~ End of Addendum A and Agreed Scope of Work ~

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: August 7, 2020

From: Jerome Blvins, DPS Director Date for Council's Consideration: August 17, 2020

ACTION REQUESTED: Council to offer a second reading and consider approval to amend the City of Inkster Code of Ordinance, being Sections 97.001 thru 97.999 pertaining to Streets and Sidewalk.

Current Action ☒ Emergency ☐ Future ☐

Funds Budgeted: If Yes ☐ Account # _____ No ☐ N/A ☐

Mayor's Approval _____

BACKGROUND:

Amend the existing ordinance to adopt by reference the Streets and Sidewalks Code of Ordinances.

SCOPE OF SERVICES:

The proposed amended ordinance will allow the City to go out and do an assessment of every sidewalk with in the City boundaries.

JUSTIFICATION:

To develop a sidewalk replacement program, using the Adopted Ordinance as a guide.

PROJECT IMPROVEMENTS:

Improve and promote the image of Inkster

COSTS:

N/A

PROJECTED TIME TABLE:

Second reading of the text amendment will be held during the Council meeting August 17, 2020, and presented for council approval at August 17, 2020 council meeting. If approved by Council, the amendment will be published and posted and become effective after thirty (30) DAYS.

RESOLUTION:

Authorization is hereby given to amend the City of Inkster Code of Ordinance, being Sections 97.001 thru 97.999 pertaining to Streets and Sidewalk.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

Inkster, MI Code of Ordinances
CHAPTER 97: STREETS AND SIDEWALKS

Section

General Provisions

- 97.001 Definition
- 97.002 Operation of unlicensed power-driven implements prohibited; exception
- 97.003 Repair of motor vehicles on public ways prohibited; exceptions
- 97.004 Encumbering and obstructing streets prohibited; exception
- 97.005 Building materials remaining on sidewalks

Street Construction and Repair

- 97.015 Permit required
- 97.016 Authority to supervise and control; inspections
- 97.017 Conformance with lines and grades; specifications

Curb Cuts

- 97.030 Permit required
- 97.031 Issuance of permit; agreement to pave

Excavations

- 97.045 Proper control of work; essential conditions
- 97.046 Permit required
- 97.047 Application; bond required
- 97.048 Approval of permits for work; notice to police and fire departments
- 97.049 Lights and barricades required
- 97.050 Authority to enforce
- 97.051 Completion of work; delays

Sidewalks and Driveways

- 97.060 Conformance with provisions
- 97.060a Purpose
- 97.061 Violations
- 97.062 Notice to build or repair; costs; liens on property; contents of notice
- 97.063 Responsibility of abutting property owner for sidewalk repair; conditions requiring replacement
- 97.064 Inspections; finding of necessity; assessment against property owners
- 97.064a Complaints regarding defects; notifications of alleged injury
- 97.065 Authority of council to receive proposals or enter into contracts; surety bond
- 97.066 Supervision and control over sidewalks and driveway; inspection
- 97.067 Conformance with line and grade specifications
- 97.068 Permit required; application; permit fee; bond
- 97.069 Construction and repair specifications
- 97.070 Asphalt construction and repair specifications

Snow and Ice Removal

- 97.080 Definitions
- 97.081 Snow and ice to be removed from sidewalks by private persons

- 97.082 Removal and Ice from public transportation systems
- 97.083 Snow and Ice to be removed from roofs
- 97.084 Depositing of snow and Ice restricted
- 97.085 Failure to remove; work to be done by city; costs; penalty

Moving of Buildings

- 97.095 Permit required; application
- 97.096 Conditions for issuance
- 97.097 Compliance with regulations
- 97.098 Blocking streets or other public property; placement of lights
- 97.099 Changes in moving schedule; police approval
- 97.100 Notification of damage
- 97.101 Bond; refund
- 97.102 Refusal to issue permit

Administration and Enforcement

- 97.115 Violation notices

- 97.999 Penalty

GENERAL PROVISIONS

§ 97.001 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADJACENT/ABUTTING PROPERTY means any lot or parcel of land adjoining, bordering or touching the street.

ADJACENT SIDEWALK means that portion of the sidewalk located within the street next to an abutting or adjacent property.

COMMUNITY means a county, township, city or village.

DEPARTMENT means the Department of Public Services.

DIRECTOR means the department head of the Department of Public Services.

DRIVEWAY means an area of private property above the sidewalk for the purpose of parking vehicles and gaining access to the property.

DRIVEWAY APPROACH means an area within the right-of-way located between the sidewalk and the edge of the improved roadway, for the purpose of gaining access to the driveway and access to the property.

FLAG means a section of sidewalk the length of which usually equals the width of the sidewalk.

HIGHWAY means every public highway, road and street which is open for public travel, and shall include bridges, sidewalks, crosswalks and culverts on any highway. The term "highway" does not include alleys, trees, utility poles, or private roads and streets.

INSPECTOR means any representative of the department designated to perform sidewalk inspections.

MDOT means the Michigan Department of Transportation.

OWNER means the individuals holding title to the property adjacent to sidewalk along a street.

PRIVATE PROPERTY means any property not belonging to a governmental agency.

PRIVATELY OWNED SIDEWALK means a sidewalk, either asphalt or concrete, located on private property outside of a public right-of-way or easement.

PUBLIC PROPERTY means the dedicated right-of-way or right-of-way easement, which may include public highways, streets and alleys.

REPAIR/REPLACEMENT means the adjustment, removal, realignment, mudjacking, patching or installation of any sidewalk in accordance with adopted department repair/replacement standards.

SIDEWALK means any improved portion of the public right-of-way lying between the edge of the improved roadway and the adjacent property line intended for the use of pedestrians. The sidewalk materials shall consist of concrete with widths generally ranging between three to five feet or asphalt ranging from five to eight feet in width.

SIDEWALK SPACE. The space between the lot line and the curb line of the street or any space outside the lot line and the space under and over any such sidewalk space.

STREET means a dedicated thoroughfare in the city that is designated for public travel and transportation, affording the principal means of access to abutting property. This does not include any privately owned roads, streets or other means of access.

('68 Code, § 7-505) (Ord. 32, passed 7-2-40)

[§ 97.002 through § 97.051 unchanged]

SIDEWALKS AND DRIVEWAYS

§ 97.060 CONFORMANCE WITH PROVISIONS.

All sidewalks and driveways hereafter laid, constructed, maintained and repaired in the city shall conform to the provisions of this subchapter.

('68 Code, § 7-525) (Ord. 146, passed 9-24-57) Penalty, see § 97.999

§ 97.060a PURPOSE.

This subchapter is designed to protect the public health, safety and welfare of the citizens of the city, by the adoption of regulations concerning the construction and maintenance of sidewalks within the city.

§ 97.061 . VIOLATIONS

(A) Whenever the department shall determine that a sidewalk is in a condition that fails to meet the sidewalk criteria provided for in this subchapter, a notice shall be sent to the owner of the adjacent lot or parcel to repair the sidewalk. The notice shall specify the time period in which the person shall achieve compliance with the provisions of this subchapter. In no case shall the time period specified exceed 90 days, except during inclement or unseasonable weather, in which case the party responsible for the repair shall post a financial guarantee in lieu of the repair. The guarantee must be in the form of cash, a certified check or an irrevocable letter of credit.

(B) The owner of record or tenant of any building, structure, premises, or path thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and suffer the applicable penalties.

(C) The imposition of any fine, or jail sentence, or both, shall not exempt the violator from compliance with the provisions of this subchapter.

Cross-reference:

Public improvements, see Ch. 51

§ 97.062 NOTICE TO BUILD OR REPAIR; COSTS; LIEN ON PROPERTY; CONTENTS OF NOTICE.

Notice herein provided for shall contain the name of the owner or occupant of any lot in front of or adjacent to which said sidewalk or driveway is required to be built, repaired, rebuilt or replaced, if known, a description of the particular property in front of or adjacent to which said sidewalk is to be built, repaired, rebuilt or replaced, and shall designate the work required to be done. Such notices shall also recite that the work is required to be done by resolution of the City Council, giving the date of such resolution, requiring such owner or owners to construct, reconstruct or repair in accordance with city specifications such sidewalk as is required by such resolution within 30 days of the date of the notice, unless a different time is specified in the resolution of the City Council. A notice shall also state that if any owner shall fail to comply with such order within the specified time, then the city shall construct, reconstruct or repair such sidewalk and charge the expense thereof to the premises and the owner thereof, together with an administrative charge established by the annual appropriations ordinance to cover administrative, bidding, engineering and collection expenses.

('68 Code, § 7-521) (Ord. 145, passed 9-24-57) (Amended, Ord. _____. Passed _____).

§ 97.063 RESPONSIBILITY OF ABUTTING PROPERTY OWNER FOR SIDEWALK REPAIR; CONDITIONS REQUIRING REPLACEMENT.

It shall, in all cases, be the responsibility of the owner of every lot or parcel of land in the city to keep the sidewalks adjacent to his lot or parcel in good repair. Sidewalk sections (flags) shall be replaced when the condition of the section is detrimental to the safety of the general public. The following are some examples of conditions requiring replacement:

(1) If the sidewalk has displacement of more than three-quarters inch between any two sections (flags) of sidewalk at the connection joint.

(2) If the sidewalk has more than two cracks of one-quarter inch in width or more in any two linear feet of sidewalk section.

(3) If the sidewalk has a crack more than three-quarters inch in width.

(4) If any section of sidewalk is tilted in excess of one inch per foot from the inside edge toward the outside edge (the outside edge being the edge of the sidewalk nearest the street line).

(5) If any section of sidewalk is tilted from the outside edge toward the inside edge (the outside edge being the edge of the sidewalk nearest the street line).

(6) If, in any five-linear-foot section (flag) of sidewalk more than 50 percent of the surface has scaled off to a depth of one-quarter inch or greater.

(7) If the concrete has settled, allowing water to pond to a depth of three-quarters inch or more.

§ 97.064 INSPECTIONS; FINDING OF NECESSITY; ASSESSMENT AGAINST PROPERTY OWNERS.

(A) The city council may, by resolution, require the owners of lots or parcels to replace or repair sidewalks where the condition of the sidewalks necessitates replacement or repair for public health, safety and welfare. Prior to the adoption of a resolution requiring replacement or repair of sidewalks, notice shall be given to affected property owners and a public hearing shall be conducted.

(B) The department shall inspect all sidewalks installed or maintained under the terms of this subchapter. Any complaints regarding construction or maintenance of the sidewalks shall be inspected by the department within a reasonable time.

(C) At the time of the inspection the inspector shall conspicuously mark the flags needing replacement or repair and the department shall provide notice to the property owner of the necessity of the replacement or repair and the date of the hearing before the city council. During this time period the property owner may replace or repair the sidewalks, but such replacement or repair shall be according to the construction standards established by this subchapter and department policy.

(D) The resolution by the city council finding the necessity of the replacement or repair shall provide:

(1) A finding that the responsible property owners have been given notice of the public hearing;

(2) A description of the flags or portions of sidewalk to be replaced or repaired;

(3) A finding of the necessity of the replacement or repair of the sidewalk for public safety reasons;

(4) An order directing the city to replace or repair the portions of sidewalk upon the property owner's failure or neglect to replace or repair the sidewalk; and

(5) An order directing the treasurer to assess the city's costs for replacement or repair of the sidewalk against the property involved, payable over a five-year period.

(E) All sidewalks shall be replaced or repaired according to the construction standards established in the sidewalk replacement and repair policy.

(F) The cost of repair/replacement of sidewalks shall be invoiced to the adjacent property owner with the following exceptions:

(1) Sidewalk ramps will not be assessed to the adjacent property owner.

(2) A sidewalk that is damaged as a result of a city utility, or other utility repair, will not be assessed to the adjacent property owner. **§97.064a - Complaints regarding defects; notification of alleged injury.**

(A) An individual who alleges injury as a consequence of an alleged defect in a sidewalk shall notify the city's risk manager within 30 days of the incident. The risk manager shall be designated as the administrative services department director.

(B) The department shall be responsible for inquiries about the condition of sidewalks. The department shall keep a record of complaints and any action taken.

(C) It shall be the responsibility of the department to supervise all sidewalk construction and maintenance, including inspection, and the enforcement of provisions of this subchapter. It shall also be the responsibility of the director to establish a policy for construction, replacement, repair, inspection, handling of complaints, and handling of injury claims, and for assessment/invoicing of sidewalks (sidewalk replacement and repair policy).

[Balance of ordinance unchanged]

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: 08/03/2020

From: William T. Riley, Chief of Police

Date for Council's Consideration: 08/03/2020

ACTION REQUESTED: Approve and accept a grant award in the amount of \$145,218.00 from the State of Michigan Department of Treasury Financially Distressed Cities, Villages, and Townships Grant Program for Inkster Police Department Public Private Video Camera System Program.

Current Action XX Emergency _____ Future _____

Funds Budgeted: If Yes _____ Account # _____ No _____ N/A X

Mayor's Approval _____

BACKGROUND:

The City of Inkster Police Department has been working to develop a city wide camera system to assist the department with monitoring intersections and or businesses to assist with public safety and allow for real time information to be transmitted to officers on the way to runs near the area, and allow for recording of events that may occur in the vicinity of the cameras for evidentiary purposes.

SCOPE OF SERVICES:

Video camera installation and set-up of command center within Inkster PD to monitor cameras.

JUSTIFICATION:

The City of Inkster Police Department answers approximately 19000 call for service annually. As the department has been understaffed since 2011, the implementation of a city wide camera system would allow personnel within the IPD command center to observe intersections, businesses, and areas of concern, both live and recorded. The system with allow for future expansion, and will offer investigators another tool in their efforts to solve crimes in the city.

PROJECT IMPROVEMENTS:

1. Improve and promote a safer city, improve the image of the city of Inkster, and increase the numbers of new businesses and residents based on increased safety and security in the city of Inkster.

COSTS:

There are no known costs to the city at this time.

PROJECTED TIME TABLE:

The installation and construction of command center will begin within 30 days. Installation of cameras for the first phase will begin within 45 days.

RESOLUTION:

Allow the Inkster Police Department to participate in the State of Michigan Department of Treasury Financially Distressed Cities, Townships, and Villages Grant Program, and accept a grant awarded by the State of Michigan Financially Distressed Cities, Villages and Townships Grant Program for the Inkster PD Public-Private Video Camera System in the amount of \$145,218.00 with no matching funds from the City of Inkster.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RACHAEL EUBANKS
STATE TREASURER

May 20, 2020

Patrick Wimberly
Mayor
City of Inkster
26215 Trowbridge
Inkster, MI 48141

Dear Mr. Wimberly:

Re: **Grant No. 210086-20**
Notification of Intent to Award – FDCVT Grant FY 2020

The Michigan Department of Treasury (Treasury) – Revenue Sharing and Grants Division received your grant application for the Financially Distressed Cities, Villages, and Townships (FDCVT) grant program. We are pleased to inform you that the proposal your governmental unit submitted entitled *Inkster Police Department Public-Private Video Camera System* has been selected for a grant award in the maximum amount of **\$145,218.00**.

Enclosed are two original copies of the Financially Distressed Cities, Villages, and Townships Grant Agreement and a sample Board Resolution.

An electronic fillable version of the sample Board Resolution is located on Treasury's website:
http://www.michigan.gov/treasury/0,4679_7-121-1751_2197_58826_69378--,00.html

Next Step

To receive the Final Award, Treasury must receive two original signed copies of the Grant Agreement and a Board Resolution (as indicated in the Conditions of the grant application packet) by Monday, July 20, 2020.

Submission of the signed Grant Agreement and a Board Resolution will signify acceptance of the grant award and will be considered agreement to all provisions specified in the grant application packet, the Notification of Intent to Award letter, and the Grant Agreement.

Please send the required documents by mail to:

Michigan Department of Treasury
Revenue Sharing and Grants Division
PO Box 30722
Lansing, MI 48909

Upon Treasury's review and acceptance/approval of the signed Grant Agreement and Board Resolution, Treasury will sign the Grant Agreement. Treasury will return one executed copy of

City of Inkster
May 20, 2020
Page 2

the Grant Agreement along with the Final Award letter, after which time the grantee will be responsible for the submission of grant compliance reporting and reimbursement requests.

Awarded funds will not be released until a completed grant agreement has been finalized. Reminder, grant funds are distributed on a reimbursement basis.

Congratulations on the grant award. We appreciate your interest in the FDCVT and look forward to working with you on this project. If you have any questions, please let us know. We can be reached at (517) 335-7484.

Sincerely,

A handwritten signature in black ink that reads "Evah Cole". The signature is written in a cursive, slightly informal style.

Evah Cole, Division Administrator
Revenue Sharing and Grants Division

Enclosures

c: William Ratliff, Assistant Chief of Police

**FINANCIALLY DISTRESSED CITIES, VILLAGES, AND TOWNSHIPS
GRANT AGREEMENT
BETWEEN THE
MICHIGAN DEPARTMENT OF TREASURY
AND CITY OF INKSTER**

This Grant Agreement ("Agreement") is made between the Michigan Department of Treasury, Revenue Sharing and Grants Division ("Treasury") and City of Inkster ("Grantee").

The purpose of this Agreement is to provide funding to a financially distressed municipality with conditions that indicate probable financial distress. Legislative appropriation of funds for grant assistance is set forth in 2019 Public Act 56. This Agreement is subject to the terms and conditions specified herein.

Grant #: 210086-20
Project Name: Inkster Police Department Public-Private Video Camera System
Amount of grant: \$145,218.00
Start Date: October 1, 2019
End Date: September 30, 2024

GRANTEE CONTACT:

William Ratliff, Assistant Chief of Police

Name/Title

City of Inkster

Municipality Name

26215 Trowbridge

Address

Inkster, MI 48141

City, State, Zip Code

(313) 563-9853

Telephone Number

Fax Number

wratliff@cityofinkster.com

E-mail Address

CV0048441

Vendor/Customer Number

TREASURY CONTACT:

Evah Cole, Division Administrator

Name/Title

Revenue Sharing and Grants Division

Division

P.O. Box 30722

Address

Lansing, MI 48909

City, State, Zip Code

(517) 335-7484

Telephone Number

(517) 335-3298

Fax Number

TreasRevenueSharing@michigan.gov

E-mail Address

**APPENDIX A –
APPROVED BUDGET AMOUNTS**

Inkster Police Department Public-Private Video Camera System

Below is the approved budget for your grant project. Please note, we have assigned budget categories to each of your original budget line items. Use these categories when submitting your reimbursement requests*.

Budget Category	Budget Description	Application Budget Amount	Award Budget Amount	Comments
Operational Effectiveness	Actron Systems Installation	\$255,835.00	\$145,218.00	
	Data Retention Cost	\$13,200.00	\$.00	
	Cost to Power Cameras	\$3,600.00	\$.00	
	Additional Equipment	\$12,000.00	\$.00	
	IT Administrator (3 years)	\$210,000.00	\$.00	
	Budget Total	\$494,635.00	\$145,218.00	

*Reimbursement requests must include copies of invoices and cancelled checks (or equivalent) supporting the costs.

Work plan/timeline: Prior to the release of funds, the grantee will provide to Treasury an updated work plan / timeline, related to the line items for which grant funding was received. The work plan / timeline should include estimated completion dates and a description of the deliverable for each step.