

Ypsilanti Courier

Council takes long look at vacant buildings rule

Ordinance has been focus of debate at previous meetings

By Kathleen Conat
, Special Writer

A proposed change to an ordinance to deal with vacant buildings was the main topic of last week's meeting of the Ypsilanti City Council. Additionally, council approved a feasibility study on a city income tax as proposed by the Blue Ribbon Committee on Finance.

Assistant City Attorney Jack Gilbreath began the public hearing on the vacant buildings issue by giving a history of how the proposed changes to the existing "Buildings and Buildings Regulations" ordinance had come about. Concern about vacant buildings contributing to crime had generated the idea. As citizens expressed concerns about buildings that were only temporarily vacant, safeguards had been built into the proposal to address those issues.

Gilbreath said due process had been served by a series of public meetings and gave citizens a change to speak and an opportunity to be heard. He acknowledged that tension between private rights and public concerns would always be a problem.

Ypsilanti property owner Rodney Nanney noted a lot of responsibility and discretionary authority lies with the city's building official as the proposed ordinance changes are written. He said the law was confiscatory in nature and felt this was not the way to address this issue.

Another property owner, Joseph Lawrence, expressed concerns over the U. S. constitution's Fifth Amendment. He expressed skepticism at the city's ability to enforce the proposed changes. He had thought there would be more discussion and communication. He called the changes a reaction to "one miscreant landlord and his henchmen."

Steve Pierce, who also owns property within the city, said the Council had not "engaged the community" by holding public meeting on the changes, as it had two years prior. He called the proposed changes a violation of public trust and the Fifth Amendment.

In previous comments made during the public input session, however, Pierce had outlined at least four meetings with the mayor and other city officials on the vacant buildings issue in the past. While acknowledging that many of the current proposed changes were in response to those meetings, he maintained

the process should have begun anew.

Mayor Cheryl Farmer, responding after the hearing was closed, disagreed that the public had not been allowed to give input and said this ordinance is an attempt to meet the needs to curb blight.

Discussion ensued between Council members. Brian Filipiak, D-Ward 3, asked what constituted "regularly occupied" and said his neighbors, who frequently travel, have a vacant building under the wording of the ordinance. He also wanted to know what buildings would be moved to the "dangerous" building designation and who would determine that.

Mayor Pro Tem Trudy Swanson wanted to know who would be monitoring the ordinance and said she saw too many holes in it. She predicted there would be no enforcement because of a lack of city manpower.

City Building Official Charles Boulard answered that people tipping the department to neighbors' vacant homes "is important." He added, "We're doing a lot now and this ordinance gives us the tools to go further."

City Fire Marshall Jon Ichesco said firefighters are doing inspections and are willing to be trained to do more. He said Homeland Security funds could pay for the training, as vacant buildings fall under the purview of the Dept. of Homeland Security, from which the city might be getting grants. He added that, under certain circumstances, the firemen could shut down a building for safety violations.

Councilman John Gawlas, D-Ward 2, asked if, in practice, most vacant buildings weren't going to be put "on the clock" by a triggering event. The ordinance lists several possible occurrences as "triggering events" that would bring the building to the city's notice and begin a countdown to assessing fees and inspections.

Boulard agreed such incidents would likely start the procedures. If there was no triggering event, the city might not ever know about well-maintained vacant property.

Concerns were expressed over consistency of enforcement and publicizing the new requirements. The Council then passed the proposed changes on first reading, 5-1, Swanson voting against. Councilwoman Lois Richardson was absent.

Paul Tait, chairman of the Blue Ribbon Committee on Finance, recommended the city hire the company of Plante & Moran to conduct a study into the feasibility of a city income tax.

The company, although not the lowest bidder, had more commensurable experience and included more information in its proposal than did its competitor company, Rehmann Robson. Plante & Moran also appeared to need the use of city staff less than Rehmann Robson.

Council then passed a resolution to hire Plante & Moran to conduct the study for the sum of \$22,500.

Council again passed a resolution calling upon the state legislature to fully fund the reimbursement of fire protection costs to municipalities such as Ypsilanti that have a state-owned facility.

The act that calls for these municipalities to provide such protection also calls for the full reimbursement. Nevertheless, the state has never fully reimbursed cities and townships for this protection. Currently, Ypsilanti only received 24 percent reimbursement of these mandated expenses. As of this year, the state owes Ypsilanti \$13.970 million for past protection of Eastern Michigan University.

Council also passed the appointment of David Sisson as a new member of the city's Planning Commission. Godfrey Udoji and Jamesema Tillman were reappointed to the Zoning Board of Appeals.

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