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TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator  
Craig Hupy, Public Services Area Administrator  
Nick Hutchinson, City Engineer  
Wendy Rampson, Planning Manager

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 6/1/15

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**CA-6 – Resolution to Approve the Closing of State Street from Monroe to Packard for the Slide the City Event on July 4, 2015**

**Question:** This sounds like fun and I understand the memo indicates the sponsor will get liability insurance, but can you please confirm the City would not be liable at all for any injuries or property damage related to the event. (Councilmember Lumm)

**Response:** Prior to and as a condition of the issuance of the required permits, Slide the City will be required to comply with all applicable laws, ordinances and regulations in connection with the event. Slide the City will be required to indemnify and hold the City harmless for any claim for damage or injury resulting from the event. In addition, Slide the City will be required to procure insurance, as it will protect itself and the City from claims for injury or property damage in amounts satisfactory to the City Attorney. The City shall be listed on an additional insured on its general liability policy. Evidence of insurance coverage and endorsement must be satisfactory to the City Attorney. Finally, all participants are required to sign a waiver, which will be required to include the City of Ann Arbor.

**CA-8 – Resolution to Approve Street Closings for the 2016 Ann Arbor Art Fairs –  
July 20, 2016 at 6:00 AM through July 25, 2016 at 6: 00 AM**

**Question:** I would like to know if all churches (can you also ID the impacted churches/places of worship) in the Art Fair "footprint" have officially/formally approved the Sunday schedule and plan? (Councilmember Lumm)

**Response:** Yes. Art Fair leadership has been working with 6 churches within the Art Fair area. Those churches are:

First Congregational  
First Baptist  
First Methodist  
First Presbyterian  
Bethlehem United Church of Christ  
St Mary's Student Parish

The Art Fair leadership has been meeting with this group for 18 months and have been discussing the shift of days and its impact on the community.

All of these churches are either directly within the footprint of the Art Fair or directly adjacent to it with their parking positioned within the footprint. In St. Mary's case they also have 3 services that would take place during the Fair's hours of operation, Noon, 2pm and 5pm. The churches have been very positive in working with the Art Fair leaders to find a way for the shift to work positively for all those involved. Their representatives have given us their approval. Also, Bob Livingston from First Congregational spoke on the groups behalf in support of the resolution at the May DDA Board Meeting.

In addition, the Art Fair leadership has reached out to the following churches and have received positive responses from the first four listed and are awaiting responses from the others. These churches are not directly within or adjacent to the Fair and several identify as student churches and state that their numbers are much lower in the summer. Additionally, their services are early enough in the morning prior to the Fair's noon start time that they feel street parking in their areas will be available and adequate for their use.

UM Hillel  
Lord of Light  
First Church of Christ  
Campus Chapel  
University Lutheran  
Abundant Harvest  
New Life Church

In addition, the following information was provided by Robert K. Livingston, Senior Minister, of The First Congregational Church of Ann Arbor:

*Dear Mayor Taylor and City Council Members:*

*It is my understanding a discussion and potential vote could occur on Monday night regarding a modification in the Art Fair schedule to include Sundays. As a clergy person who represents one of the six downtown area churches who are geographically affected by this shift to Sundays, I would like to highlight two important things:*

- First, and with special thanks to the members of the Art Fair Committee who, well over a year ago, invited the six downtown area churches (First Presbyterian Church, First United Methodist Church, First Baptist Church, St. Mary's Student Parish, Bethlehem United Church of Christ, and The First Congregational Church) into dialogue with them about the notion of the art fair moving to include Sundays, we--the churches and the art fair committee--have worked closely together to address the issues raised by this proposed change and how it will directly affect us...and how we can cooperatively and positively respond to the challenges and inconveniences this shift will bring us.*

*I am pleased to report that over the months we have met, a high level of trust, respect, and good communications has been built between us, as well as a desire to make the schedule shift work well for everyone...to build, if you will, a win-win for all of us and a win-win for our community. As churches, we came to understand and appreciate the importance of the art fair to the ongoing economic and civic vitality of Downtown Ann Arbor...understanding, in particular, that a shift to Sundays is vital to the continued success and future sustainability of the art fair.*

- Secondly, we, the six churches, came to a consensus position regarding our mutual support of the shift to Sundays...grounded on the understanding that we will be able to maintain reasonable accessibility to our churches on Sunday mornings, which is supported by a noon start time for the fairs on Sundays...and that free parking will continue to be offered, coordinated, and reserved for our church members on the Sundays of the art fair.*

*Therefore, in summary, we the churches of the downtown/campus area are in support of the change in the Art Fair schedule to include Sundays and look forward to continuing to work together in a mutually supportive manner within our Ann Arbor community.*

**Question:** Can you please let me us know what churches were contacted regarding extending Art Fair through Sunday? Can you also please tabulate their answers as "in support" and "against" so that we can have an idea as to how many are against this move? (Councilmember Kailasapathy)

**Response:** Please see response provided above.

**Question:** Were congregations across Hill and Washtenaw consulted regarding the impact of this proposed change (e.g. Canterbury House, Abundant Harvest, University

Lutheran Chapel, Ann Arbor Friends Meeting, Lord of Light Lutheran)? How about Hillel? (Councilmember Warpehoski)

**Response:** Please see response provided above.

**Question:** Current practice is to allow free on-street parking on portions of Hill and Washtenaw on Sundays. Would this be continued for the Sunday Art Fair? (Councilmember Warpehoski)

**Response:** Free parking will continue to be offered, coordinated, and reserved for church members on the Sunday of the Art Fair.

**C-2 – An Ordinance to Amend Sections 4:60, 4:61 and 4:62, and to Delete Section 4:63 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-15-04)**

**Question:** It was mentioned previously that AAATA now clears some of their bus stops. Can AAATA please provide details on snow removal for their bus stops in the City (how many AAATA now clears; how many bus stops in total) as well as what changes (if any) to their current practice they would plan if the revised ordinance were adopted? *(Staff response April 20 indicated AAATA would provide answer.)* (Councilmember Lumm)

**Response:** Staff has not received a response from AAATA and cannot speak to their current practices and policies.

**Question:** One of the Commission on Disability Issues recommendations related to the curb cut build-up caused by city snowplowing. Specifically, the recommendation is that “the City be responsible for implementing a square dancing procedure, or one similar, where smaller plows follow the larger plow to ensure that curb cuts remain clear after a street has been plowed.” The Pedestrian Safety & Access Task Force also raised this issue of clearing intersections and mid-block crosswalks. Can you please provide a rough cost estimate for implementation of this recommendation (or estimate for an alternative the City would recommend instead to accomplish the same purpose). *(Staff response was that answer would be available by May 4<sup>th</sup>.)* (Councilmember Lumm)

**Response:** The estimated costs for clearing sidewalk ramps is \$3.7 million based upon a winter with 10 events (2” and greater of accumulation) with two clearings per event.

**Question:** Regarding the amount of time allowed to clear the snow/ice, the Pedestrian Safety and Access Task Force May 6 memo recommends “the ordinance stipulate, for all properties zoned residential or commercial, that all snow and ice be removed as soon as practicable after the end of each accumulation of snow or ice, but no later than 12 hours after the end of each accumulation.” Currently, it’s by noon for commercial and 24 hours for residential. How would this impact enforcement – in downtown where

the timeframe is being extended and in the neighborhoods where the timeframe is being cut in half. (Councilmember Lumm)

**Response:** The impact on enforcement will depend on the amount of snowfall for the season and the number of complaints received. Community Standards is primarily complaint driven. There is no way to estimate how much more citizens will be inclined to report violations specifically due to the change in the amount of time allowed to clear snow/ice.

**Question:** Would a change in the “one warning per season” provision to the previous language or some other alternative (e.g., x # of notices/season) require the ordinance go back to first reading? (Councilmember Lumm)

**Response:** Depending on the nature of the change, a return to first reading could be required.

### **DB-1 – Resolution in Support of the ReImagine Washtenaw Corridor Improvement Study (CPC Recommendation – Approval: 7 Yeas, 0 Nays)**

**Question:** There is no specific list of recommendations that I could find, although there are a lot of ideas. Could you please provide a list of those recommendations? And is there a way to treat those recommendations as goals rather than specific solutions to problems? (Councilmember Briere)

**Response:** Although not named as such, Chapter 3: Corridor Vision Plan contains recommendations for “Complete Street” cross-sections for the entire corridor (Pages 32-47). The Study also contains recommendations for creating transit “Super Stops” (Pages 50-63) and pedestrian improvements (Pages 66-75) along the corridor.

The “Implementation” section of the study (starting on page77) provides the following recommendations:

#### Public Access Approach Recommendations

1. Each municipality, or other entity as appropriate, will acquire the required public access through:

- Voluntary easement as property redevelops along the corridor;
- Donation; or
- Outright purchase

2. Public Access:

- Will remain as an easement to the municipality
- Will be held by other entities; or
- Will be transferred to MDOT as part of the corridor right-of-way

#### Traffic Volume Reduction Strategy Recommendations

1. Pursue a multi-faceted approach, including:
  - Mode shifts
  - Traffic diversion
  - Transportation Demand Management
  - Park once
  
2. Establish a proactive stakeholder subcommittee to advance traffic volume reduction strategies

### Phased Projects Recommendations

Advance initial projects that demonstrate commitment to action and provide a phased transition to the ultimate vision, such as:

- Installation of missing sidewalk segments
- Partial narrow median installation
- Pedestrian crossings – intersections and mid-block
- Super Stops

Goal statements are necessarily general, and are helpful in articulating direction. The stated goals of the Study are:

- Expand multi-modal transportation choices
- Increase pedestrian safety and experience
- Improve streetscape and non-motorized infrastructure
- Enhance transit service operations and facilities.

If only the goals of the Study are endorsed, there will be limited guidance provided to staff about how the City should proceed in working with MDOT and adjoining communities to achieve the goals.

**Question:** What are the provisions in the study? Is there any way to assert that the Council would want to implement some (but not necessarily all) of those provisions? (Councilmember Briere)

**Response:** As used in the draft Resolved clause, the term “provisions” is meant to be the same as “recommendations.”

Since neither the City of Ann Arbor nor the other three municipalities in the Reimagine Washtenaw effort have jurisdiction over improvements to Washtenaw Avenue, implementation of any of the recommendations, other than right-of-way acquisition, cannot be done individually. MDOT will be the entity that designs and funds improvements, although MDOT staff have expressed that they are looking to local jurisdictions to be partners in this effort.

The recommendations in the Study may be shaped over time by continuing to coordinate as part of the Reimagine Washtenaw Joint Technical Committee, which includes MDOT, AAATA, and the other communities.

**Question:** What exactly is the commitment the City is making by supporting and endorsing the corridor study? (Councilmember Briere)

**Response:** The City is committing to begin a process of acquiring right-of-way through the development review process to eventually accommodate a cross section that can more safely and efficiently accommodate a Complete Street for Washtenaw Avenue. Staff anticipates that the Complete Street vision will guide site plan and capital improvement decisions for property adjacent to the corridor. Finally, this resolution reaffirms the City's commitment to the regional Reimagine Washtenaw collaboration.

**Question:** The Reimagine Washtenaw study will be on the June 1 agenda. My understanding of the proposals in the plan is that the City would need to acquire expanded right of way along Washtenaw Avenue to facilitate the expanded median, roadway, bike lanes and sidewalk areas. Please provide me with information showing how much additional right of way would need to be acquired to accomplish the goals of the study. (Councilmember Eaton)

**Response:** The amount of additional right-of-way needed would vary based on a property's location along the corridor. For the segment between Platt Road and US-23, an ultimate right-of-way of 144 feet is recommended; the current right-of-way varies between 80 and 180 feet. To achieve this 144 foot dimension, additional right-of-way of up to 32 feet would need to be obtained on some sites; on other sites no additional right-of-way would be required. For the segment between E. Stadium and Platt, an ultimate right-of-way of 132 feet is recommended. Most of the additional right-of-way needed in this segment would come from County Farm Park on the south.

**Question:** Does the proposed right-of-way and Michigan Left arrangement allow adequate turning radius for buses and semis? (Councilmember Warpehoski)

**Response:** At a concept level, yes. The traffic consultants who provided the technical evaluation for the study used MDOT standards to identify the amount of right-of-way needed for certain types of cross-sections, including a median with crossovers. If this project moves to preliminary engineering, the proposed Michigan Left median, identified in the study as 44 feet in width, will need to be refined based on a variety of factors, including queue length, turning radius, and proximity to signals. As part of the turning radius evaluation, MDOT will determine what "design vehicle" standard is to be used, since every corridor has different truck access needs. If additional width is needed, this could be accommodated with an "eyebrow" or "loon" design of the curb opposite the crossover.

**Question:** Please provide the expected impact to the public parking along the Washtenaw Service Drive on the southside of Washtenaw if the R.O.W. is increased as proposed in the Reimagine Washtenaw plan. (Councilmember Kunselman)

**Response:** No additional right-of-way is needed on the south side of Washtenaw, east of Huron Parkway, to accommodate the "Complete Street" cross-section recommended in the Corridor Improvement Study. Construction of a median in this segment would require shifting the south curb line, narrowing the existing service drive parking lot to a width of approximately 54-58 feet, which would comply with the ordinance standards for parking on both sides of a shared aisle. The current service drive parking lot is approximately 70 feet wide.

**DB-3 – Resolution to Approve South Pond Village Site Plan and Development Agreement, 3850 East Huron River Drive (CPC Recommendation: Denial – 2 Years and 6 Days)**

**Question:** Please tell me who owns that property. If it is the developer, who owned the property before the developer purchased it? (Councilmember Eaton)

**Response:** The current owner of the property is United Bank and Trust. The petitioner, Ann Arbor Manchester LLC, has the property under contract to purchase.

**Question:** Residents in the area have expressed concerns about existing traffic speeds on Chalmers, which might increase if Chalmers is paved. Has this potential unintended consequence been explored? Have traffic calming options on Chalmers been explored? (Councilmember Warpehoski)

**Response:** The South Pond development agreement commits the developer to participating in a special assessment district that would pave Chalmers Road from the existing pavement north of Washtenaw to the entrance of Woodcreek Boulevard. Beyond this point, the road would remain gravel and continue to be under the jurisdiction of the Washtenaw County Road Commission. If the South Pond project moves forward, Resolution 1 of the special assessment district process would be initiated by staff to begin design. Design of these improvements would include public input, at which time traffic calming elements could be explored.

**Question:** What are details on proposed Arborland Pedestrian Access? Will the pedestrian access receive seasonal maintenance such as snow clearing? (As context, the current owner of Manchester West apartments has ceased providing snow and ice removal of the pedestrian paths on the site.) (Councilmember Warpehoski)

**Response:** The developer will be responsible for maintenance of the sidewalk along the new public street extension to Chalmers. This requirement is included in the South Pond Village Development Agreement. The Arborland pedestrian connection is directly linked to this sidewalk and will be referenced in this maintenance paragraph.



**Question:** What are the implications for the 12.3 acre parcel proposed to be divided from the site? (Councilmember Warpehoski)

**Response:** The 12.35 acre parcel is not included in the site plan for the South Pond Village development. The zoning requirements for the site plan do not include the area of this parcel for density calculation. If the parcel is divided from the parent and acquired by the City, it will be attached to the adjacent South Pond Nature Area, which is owned and maintained by the City of Ann Arbor.

**Question:** How many existing units are on Chalmers and Woodcreek neighborhoods? (Councilmember Warpehoski)

**Response:** There are 85 single-family detached units in Woodcreek Condominiums. Another 31 single-family detached units front on Chalmers Road between Washtenaw Avenue and Huron River Drive.

**Question:** I regularly hear concerns about the City's ability to absorb additional parkland. How will the proposed park addition affect that? (Councilmember Warpehoski)

**Response:** Staff recognizes that funding to develop and maintain parkland and recreation facilities is stretched, and that the city needs to be judicious in decisions regarding the addition of parks and recreation facilities. However, this area is underserved for neighborhood parkland as identified in the PROS plan, which states as a goal that a neighborhood park should be located within a quarter mile of every resident. The donation of this parcel will enable the City to provide a neighborhood park with no acquisition cost to serve the surrounding neighborhood, including the existing homes as well as those proposed to be developed.

**Question:** Do we know what proportion of exiting traffic on Chalmers is neighborhood-based traffic (people coming and going to and from the neighborhood) versus vehicles using Chalmers as a cut-through? (Councilmember Warpehoski)

**Response:** The estimated average daily traffic count for Chalmers at Washtenaw is 560 vehicles per day, based on 2009 data. The petitioner's data collection for the traffic impact analysis collected the existing number of trips experienced by the study area on the date(s) data was collected. The origins and destinations of this traffic was not collected, nor would it normally be required as part of this type of analysis.

**Question:** Council has identified moving forward with accessory dwelling units as a priority. Does P-25 in the development agreement preclude ADUs in the South Pond area, "No unit in South Pond Village may be divided such that an additional building unit is created"? (Councilmember Warpehoski)

**Response:** This section is intended to prevent additional lot divisions (separate buildable condominium parcels) within the development. It is not intended to prevent accessory dwelling units from being constructed within the development.

**Question:** How can the LOS for the Chalmers/Washtenaw intersection be at A or B during peak periods? (Councilmember Warpehoski)

**Response:** The Land Use Development Regulations Attachment D regulate the development of traffic impact analyses. Section 1:3 states that the “methodology to be employed in determining street capacities shall conform to the 1985 edition of the Highway Capacity Manual, Special Report Number 209, or the latest revision thereof.” The traffic analysis results provided in the traffic study prepared by Midwestern Consulting were based on the Highway Capacity Manual (HCM) 2010, current edition, methodology as prepared by the Synchro/SimTraffic software package. In order to understand the analysis results it is important to understand the HCM methodology.

The HCM, developed by the Transportation Research Board of the National Academies, is the baseline methodology used to determine how transportation facilities operate. The methodology provides a level of service based on performance measures. Intersections such as the Chalmers Road and Washtenaw Avenue intersection utilize delay attributed to the stop-control as the performance measure; this delay is reported in seconds.

Washtenaw Avenue at Chalmers Road is uncontrolled, also referred to as “free flow” conditions. The Washtenaw Avenue approaches do not experience stop delay. Eastbound traffic turning left onto Chalmers Road experiences delay from conflicting traffic, but this delay is not “stop control” delay. Delay experienced by through trips is the result of queuing from adjacent intersections, also not the result of “stop control”. These aspects of the standard analysis methodology for intersections with STOP control on side street explain the low delays reported for the Washtenaw Avenue approaches.

Chalmers Road approaches Washtenaw Avenue with a single lane for all movements. Chalmers Road “stop control” delay is based on delays experienced by all motorists on this approach, regardless of the direction of their turn. Delays of left turning vehicles are expected to be longer, and delays for right turning vehicles are expected to be shorter. As the intersection approach only has one lane, all of these turning vehicles are used together to calculate the “stop control” delay for the approach.

**Question:** The staff report states, “The resulting analysis found that changes to the delay at the intersection of Chalmers Drive and Washtenaw were negligible and the ‘Arborland’ connection was not a viable alternative to Chalmers Road.” Please either supply the traffic study or a summary explanation of the reasoning behind these findings. (Councilmember Warpehoski)

**Response:** Midwestern Consulting prepared a supplemental analysis of two alternatives suggested by the Planning Commission. This analysis is provided in Supplement 2 of 3 to the traffic impact study. The analyses provided were conducted to determine if the suggested alternatives would reduce delays for the Chalmers Road approach to Washtenaw and/or improve operations of the overall system. The consultant found that neither of these alternatives significantly improved operations.

**DS-1 - Resolution to Approve FY16 Allocations to Non-Profit Entities for Human Services - \$1,246,329.00 (General Fund)**

**Question:** Some national charities have faced criticism for allegations of discrimination against LGBTQ individuals in hiring and service delivery. What oversight is provided to assure that agencies providing city-funded service do not discriminate based on gender identity or sexual orientation for people receiving service delivering service (whether as a volunteer, paid staffperson, or for religiously-affiliated nonprofits, for people in ministry roles providing service)? (Councilmember Warpehoski)

**Response:** Nonprofits affirmatively commit to the City's non-discrimination ordinance when they submit their application for funding. Additionally, the contract with funded agencies includes a clause mandating compliance with this ordinance, and the agencies also are required to complete a separate Human Rights declaration stating that they will comply.

**DS-5 – Resolution to Approve Amendment No. 3 to the Professional Services Agreement with Tetra Tech, Inc. for Environmental Consulting Services at the Ann Arbor Landfill (\$441,503.00) and to Appropriate Funds (\$53,510.00 (8 Votes Required)**

**Question:** The cover memo references a bid process with 14 respondents. I'm assuming that was for the original three year Professional Service Agreement in 2012 and that the work in this amendment #3 has not been bid. If that's correct and recognizing that amendment #3 covers a lot of other work beyond the two year extension of the original agreement, what makes us comfortable with the fees for those other work items? Also, given the original \$394K agreement covered three years of the Landfill Monitoring and Maintenance Program through June 2015, what were Amendments #1 (\$179K) and Amendments #2 (\$81K) for? (Councilmember Lumm)

**Response:** The original contract was written to include this optional two-year extension. Tetra Tech submitted a comparable fee schedule to that of the original contract, with only modest and reasonable increases to their fees. While there are additional tasks included in the extension, the work included in those tasks is already covered by items in the existing fee schedule. Tetra Tech has consistently proven to be reliable, comprehensive, and able to complete the work efficiently as they are familiar with the landfill operations. Should this two-year extension be approved, once it has expired the contract will be sent out for a new RFP. Amendments #1 and #2 included a variety of items, which are described in detail in the memos and attachments in Resolutions R-13-243 (approved by Council 7-15-13) and R-14-242 (approved by Council 7-7-14).