



TO: Mayor and Council

FROM: Derek Delacourt, Community Services Area Administrator
Matt Horning, Interim CFO/Treasurer
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer

CC: Tom Crawford, Interim City Administrator

SUBJECT: Council Agenda Responses

DATE: 5/2/16

CA -1 - Resolution to Approve Street Closing for the ALLIANCE (NJATC) Opening Ceremony Dinner – Sunday, July 31, 2016

Question: Concerned about closing public streets with no public activity.
(Councilmember Warpehoski)

Response: Staff is not aware of any conditions that would prohibit private use of public streets when closed for a special event. The City requires that the sidewalks remain accessible to the public as well as requiring a fire lane in case of emergency.

This particular event is in its eighth year and is the introduction of a week-long series of events that brings approximately 2,000 National Training Institute (NTI) participants to Ann Arbor from across the United States, Puerto Rico and Canada. The Ann Arbor Area Convention and Visitors Bureau conservatively estimates the Institute's economic impact at \$42 million to the local economy over the past seven years with NTI participants using a staggering 50,000 hotel room nights.

CA – 10 – Resolution to Grant \$50,000.00 from the Ann Arbor Affordable Housing Fund to Avalon Housing to Support the Acquisition and Rehabilitation of 815, 821 Gott Street

Question: What is the current undesignated balance in the Affordable Housing Fund? Also, are there other projects and/or allocations from the fund that are being considered at this time? (Councilmember Lumm)

Response: The current undesignated balance in the Fund is \$53,000 as of March 31st. No other applications have been submitted for consideration.

B-1 – An Ordinance to Amend Chapter 55 (Zoning, Rezoning of 53.61 Acres from TWP (Township District) to R4A (Multiple – Family Dwelling District), Woodbury Club Apartments, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval – 9 Yeas and 0 Nays) (Ordinance No. ORD-15-13) (8 Votes Required)

DB - 1 – Resolution to Approve the Woodbury Club Apartments Planned Project Site Plan and Development Agreement, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval – 8 Yeas and 0 Nays)

Question: As you know, the Barclay Park neighbors had requested the Woodbury Club development utilize pervious pavement and green roofs in order to mitigate potential stormwater issues. In response to a question March 10, it was indicated that staff mentioned these requests to the developer and the developer would consider them, but that it was not necessary to revise the site plan to incorporate pervious pavement, but the site plan may need to be revised for green roofs. Is the developer planning to incorporate these stormwater protections? If not, why not and if so, is that commitment reflected in the development agreement and/or site plan? (Councilmember Lumm)

Response: The petitioner provided the following response to the questions regarding pervious pavement and green roofs: “Pursuant to a request to look at pervious pavement as a way to mitigate storm water run-off, we consulted with our engineer. Our engineer explained that there would be no benefit based on the underlying soil conditions and the amount clay in the soil. We would have to guide the water by using underdrains which would end up in the same place as if there were impervious pavement. Because of the nature of the soil on our site, there is no reason for us to pursue pervious pavement. With respect to the Green Roofs, based on the building design and pitch of the roofs, you cannot vegetate the roofs, so this is not an option.”

Question: The Barclay Park folks had requested permission from the developer to access the property in order to conduct their own (funded by Barclay park) wetland delineation study, but were denied access by the developer. Are you aware of any other development situations where a developer refused neighbor’s access to the property for a study like this? (Councilmember Lumm)

Response: Staff is not aware of another situation where neighboring property owners have requested to conduct a wetland delineation on another property.

Question: Also, as noted in Mr. Quinn's letter to Council yesterday, Barclay Park believes that (because they are seeing more water to the North), the wetlands have changed since the delineation study was conducted four years ago and an updated study was conducted. Why didn't staff agree an update to the 2012 study was appropriate, given these observations as well as the many problems and challenges Barclay Park has now (without Woodbury) with stormwater runoff? (Councilmember Lumm)

Response: While the wetland delineation was completed by the Developer in 2012, the boundaries of the delineated wetlands were verified by the MDEQ and City staff in June, 2014. The MDEQ has been previously asked if a wetland delineation expires, and they provided the following response: "DEQ permits are good for 5 years once issued. We accept delineations relative to site conditions and as long as DEQ confirms those boundaries we are ok with delineation reports performed within at least a few years." Per Chapter 60, Section 5:203(2), the City follows State law regarding wetland delineations; based on the MDEQ's practices, and the delineation being verified less than two years ago, staff has not required a new delineation study.

Question: Barclay Park property owners have expressed concerns about existing access and traffic flow movements on Nixon Road and, specifically, left (South) turning movements out of their development heading South onto Nixon Road in the a.m. . With regard to the two entrances/curb cuts off Nixon Road – one North of the proposed Bldg. 1 and one North of the parking lot N. of the proposed pool -- and the additional traffic which will be accessing Nixon from Woodbury Club Apts., residents' experiences suggest that left turning movements will be made even more difficult. Has the impact of Woodbury Club on these specific queues/ wait times (cars stack on Nixon heading South in the a.m.; cars heading south utilize the oncoming traffic lane on Nixon to circumvent back-up to turn onto Green) been studied, and, if so, what was the impact, and how are the impacts proposed to be addressed? (Councilmember Lumm)

Response: Woodbury Club developer was not required to conduct a transportation impact analysis for the private driveway to Barclay Park. Transportation impact analyses are designed to determine impacts to public infrastructure; private driveways are not typically included in a transportation impact analysis.

According to the transportation impact study completed for Woodbury Club, the development will produce 94 outbound trips during the AM peak and 51 outbound trips during the PM peak. If all of these outbound trips were to turn left and drive south on Nixon Road, it would result in less than 2 cars per minute in the morning and less than 1 car per minute in the evening. The projected traffic volumes will have a minimal impact on Barclay Park's private driveway.

Question: Can you please provide an update regarding conversations with the petitioner concerning additional infiltration possibilities? (Councilmember Westphal)

Response: The petitioner provided the following response to the questions regarding pervious pavement and green roofs: “Pursuant to a request to look at pervious pavement as a way to mitigate storm water run-off, we consulted with our engineer. Our engineer explained that there would be no benefit based on the underlying soil conditions and the amount clay in the soil. We would have to guide the water by using underdrains which would end up in the same place as if there were impervious pavement. Because of the nature of the soil on our site, there is no reason for us to pursue pervious pavement. With respect to the Green Roofs, based on the building design and pitch of the roofs, you cannot vegetate the roofs, so this is not an option.”

Question: Briefly, would less-dense or other potential "by right" alternatives for this site provide more or less hydrologic disturbance and run-off? (Councilmember Westphal)

Response: The developer could reduce density in a number of ways, but overall imperviousness would likely not be measurably reduced, resulting in little or no reduction in runoff. In a scenario that would include the developer reducing density by proposing single-family homes, all of the streets, driveways, sidewalks, garages, and rooftops, would be included when calculating impervious surfaces. Single-family development could bring as much imperviousness as the proposed development project and considerably more imperviousness on a per dwelling unit basis.

In a scenario in which the developer reduced density by removing a floor from each of the buildings (resulting in 2-story buildings instead of 3-story buildings), the overall amount of imperviousness might not be reduced at all since the rooftops would remain the same and, since no maximum surface parking requirement exists, the amount of surface parking could be similar to what is currently being proposed.

A scenario in which the developer removes a building or two is the only scenario that would result in a significant reduction of impervious surfaces. However, this scenario might be economically infeasible. Additionally, City stormwater standards require that stormwater be detained based on the amount of imperviousness being proposed. The stormwater protection standards exist to protect downstream features by providing detention facilities sized in proportion to the amount imperviousness being proposed.

Question: Barclay Park is saddled with a highly problematic drainage situation, which prompts concern about Woodbury Club. Can you please briefly review the likelihood of this happening with the current proposal? (Councilmember Westphal)

Response: The site conditions at Barclay Park and the proposed Woodbury Club development are quite different. The Barclay Park development impacted (filled-in) over 26,000 square feet (approximately 0.6 acres) of regulated wetlands throughout the site. Three regulated wetlands on the site were completely removed; one along Nixon Road, another along the southern property line and a third wetland in the interior of the site. In addition, the site also impacted (filled-in) portions of some of the preserved regulated wetlands on the site; and several marginal wetlands that did not meet the full definition

of a regulated wetland were also filled-in to build condominiums. These wetland impacts changed the hydrology of the site considerably.

City staff had been working with Barclay Park to address their water issues, specifically related to the wetland (Wetland D) that borders Windemere Apartments. In 2012, Barclay Park proposed putting an overflow pipe extending from Wetland D offsite into the wetland in Oakbrook Nature Area. This activity would require Barclay Park to submit a wetland use application to both the MDEQ and the City. The plans and application were never submitted.

The wetland conditions and impacts that exist at Barclay Park do not exist at the proposed Woodbury Club development. The Woodbury Club development is primarily staying within the previously farmed area, and is proposed to impact (fill-in) approximately 2,600 square feet (0.06 acres) of wetland, in one area, along on the southern and western edge of Wetland #3. The proposed landscaping and mitigation trees are located primarily in the upland areas of the site, within the parking lot islands and adjacent to the parking lots and buildings.

C-1 – An Ordinance Authorizing the Issuance and Sale of Water Supply System Revenue Refunding Bonds, Series 2016, of Equal Standing with Certain Outstanding Water Supply System Revenue Bond (Roll Call Vote Required – One Reading)

Question: Are there any changes to the maturities, principal outstanding, or bond covenants associated with these three re-financings? (Councilmember Lumm)

Response: There are no material changes to principal or bond covenants. The terms of the utility bonds are being shortened to achieve the greatest net present value savings.

C-2 – An Ordinance Authorizing the Issuance and Sale of Sewage Disposal System Revenue Refunding Bonds, Series 2016, of Equal Standing with Certain Outstanding Sewage Disposal Revenue Bonds (Roll Call Vote Required – One Reading)

Question: Are there any changes to the maturities, principal outstanding, or bond covenants associated with these three re-financings? (Councilmember Lumm)

Response: There are no material changes to principal or bond covenants. The terms of the utility bonds are being shortened to achieve the greatest net present value savings.

C-3 – An Ordinance to Amend Sections 1:326, 1:328, and 1:333 of Chapter 15, Emergency and Disaster Management, of Title I of the Code of the City of Ann Arbor

Question: Are the strikeouts in clause 1:326(15) right? It looks like an extra “a” and “of” were struck? (Councilmember Warpehoski)

Response: No. the “a” and “of” should have been retained in the sentence and Legistar has been updated.

C-4 – An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, which Chapter Shall be Designated as Chapter 131, Commercial Quadricycles, of Title X of Said Code

Question: What has the feedback on these proposed regulations been from current operators? (Councilmember Warpehoski)

Response: Formal comments were not solicited from current owners/operators of local commercial quadricycles. Representatives did attend the most recent Liquor License Review Committee meeting and provide informal comments to the Committee.

Question: What is the reasoning for the requirement that rides must be pre-arranged? (Councilmember Warpehoski)

Response: By requiring rides to be pre-arranged the commercial quadricycle will not be operated as an alternative to a taxi or regular bus service.

Question: “No person shall operate a Commercial Quadricycle unless all passengers are seated in a seat designed for that purpose and using the seatbelt provided for in the seat. “ Do state or other laws require that the vehicles have seatbelts? (Councilmember Warpehoski)

Response: State law does not require commercial quadricycles be equipped with seat belts. Some Michigan communities that regulate commercial quadricycles, like Bay City and Grand Rapids, require seat belts; other communities do not.

Question: Are there provisions for renewal inspections of the vehicles? (Councilmember Warpehoski)

Response: Section 10:216 requires that a Permit Holder requesting renewal must comply with all requirements of the ordinance. For any licensed year, prior to operation a commercial quadricycle, it must be inspected by the Ann Arbor Police Department. This would include renewals.

Question: What is the reasoning for requiring the list of authorized drivers at the time of the permit application? Is the operator required to update this list with the city as staff changes? (Councilmember Warpehoski)

Response: Providing this information at the time of application will allow the City to confirm the age and driving eligibility. An Owner would be required to provide staff change information.

Question: What is the rationale for prohibiting commercial quadricycles from operating on football Saturdays and during Art Fair? (Councilmember Grand)

Response: Special Events like football Saturdays and Art Fair require the closure of streets and rerouting of traffic to avoid congestion and for general public safety, whether pedestrian, bicycle or vehicle traffic patterns are being considered. A Commercial Quadricycle is considered a low-speed vehicle, operated at a speed of not more than 25 mph. Operations during Special Events when the City expects high volume of both pedestrian and vehicle traffic would impede regular traffic flow.

DC – 1 – Resolution to Approve the Purchase of 25.67 Acres of Parcel Tax ID Number I-09-325-008, Located at the Northeast Corner of Nixon and Dhu Varren Roads and Appropriate \$277,000.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

Question: Assuming you have the data available, can you please provide the list of all Greenbelt-funded purchases inside the city limits. Also, what percent roughly is that of total Greenbelt purchases and PDR's? (Councilmember Lumm)

Response: The Open Space and Parkland Preservation millage funds the acquisition of Parkland. During the period 2006-2016, 17 land purchases were completed adding a total of 71.99 acres of parkland within the City and one ten (10) acre purchase was completed outside of the City limits. The millage also funds the purchase of conservation easements within the Greenbelt district. During the same period, 48 conservation easement purchases were completed for a total of 4,545 acres. The total purchases using the Open Space and Parkland Preservation millage for the period 2006-2016 break down as follow: Purchases: 66 - 17% within City limits; Acreage: 4,627 acres – 1.6% within City limits.

DC-2 – Resolution to Redirect Staff Resources and Funding from the Morehead-Delaware Pedestrian Bridge Project to the Changing Driving Culture Study and Installation of Additional Enhanced Pedestrian Crosswalks

Question: In response to a question from the last meeting, it was indicated that the costs for the “Changing Driving Culture Study” monitoring and follow-up work would be covered by the WMU research team through their grant amount. Can you please be a

bit more specific in terms of the amount of funding, length of time, and what would be covered? (Councilmember Lumm)

Response: The WMU research team has proposed that the project be broken down into five tasks as below:

- Task 1: Preliminary Review
- Task 2: Development of Partnership and Implementation Plan
- Task 3: Implementation of the Program and Data Collection
- Task 4: Data Analysis
- Task 5: Preparation of Report

Task 1 will include a review of all work the City has previously engaged in targeting an increase in yielding rates and pedestrian safety.

Task 2 will focus on the development of key community partners who will be involved in supporting the effort, selection of study sites, and development of the implementation plan. This outreach effort will include a mix of advocacy and non-advocacy groups. The supporting partners will be included in the outreach materials produced for the project, and their input will help to shape the project implementation plan.

Task 3 will include final site selection and data collection. Data collection efforts will focus on baseline (existing conditions), implementation period data collection, and follow-up data collection. Data collection will be critical in providing feedback to the community about how well it is performing by means of yielding rates.

The following schedule was originally put together by WMU’s team:

Schedule of Proposed Research Activities

We anticipate 6 months in preparing the implementation program as well as collecting baseline data. In order to analyze diffusion effect of the implementation, data will be collected over a year period. The total duration of the proposed research is expected to be 18 months (July 2016 – December 2017).

Task		Month																		
		7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	
Task 1	Preliminary Review	█	█																	
Task 2	Development of Partnership and Implementation Plan			█	█	█	█	█	█	█										
Task 3	Implementation of the Program and Data Collection			█	█					█	█	█	█	█	█	█				
Task 4	Data Analysis														█	█	█	█		
Task 5	Preparation of Report																	█	█	█

Question: In the breakdown for the city's \$150K cost estimate provided in that response last meeting, public education and outreach are not listed – what is contemplated in that regard and what is the funding plan (amount and source)? (Councilmember Lumm)

Response: Public engagement, as included in WMU's Task 2, is included in the Traffic Engineering category of the City's proposed matching budget.

DC-4 – Resolution in Support of the Recommendations of the Washtenaw County Roads Commission

Question: In the County Commission resolution to be considered on May 4th, the 3rd resolved clause states that “no less than 10% of the revenue in any given year shall be used for non-motorized transportation throughout the county.” Who will decide the relative percentages and amounts of how the proceeds are to be used and is there a minimum/floor that will be spent on repairing roads? Is there a plan/projection in terms of the relative spending allocations? Also, what say (if any) will the city have on the relative spending allocations county-wide? (Councilmember Lumm)

Response: It is staff's understanding that the portion of the funds that are not set aside up front for County-wide non-motorized projects can be spent by the local communities as they see fit.

Question: With the county road repair-only millage of the last two years, the amount the City received was proportional to the taxes paid and the City decided which roads would be repaired. Will there be similar safeguards with this millage? Will the spending be proportional to the taxes paid? Can Ann Arbor determine how much we want to spend on road repair vis-à-vis non-motorized paths? If yes, what would be our allocation plan? Will the City be able to decide which roads and which non-motorized paths to invest in? (Councilmember Lumm)

Response: The revenue generated for the City will be proportional to the taxes paid. It is staff's understanding that the portion of the funds (10%) that are not set aside up front for County-wide non-motorized projects can be spent by the local communities as they see fit. A draft spending plan for the approximately \$2M that the City would receive annually is attached. However, this plan is a draft, and will be subject to review annually as part of the CIP revisions.

Question: The County Commission resolution also indicates that the non-motorized funds will be administered by the Washtenaw County Parks and Recreation Commission – is that true for the City piece as well or will the City piece be administered by the City's park staff or PAC? (Councilmember Lumm)

Response: It is staff's understanding that these funds will be administered by Washtenaw County Parks and Recreation, and that the City will submit project requests to the County for how those funds are used.

Question: A whereas clause in the council resolution states that “the levying of such a millage would provide Ann Arbor with approximately \$2M+ in FY17 to effect road and non-motorized path repairs”. Can you please be more specific on the amount of funding Ann Arbor will receive and how much of the expected county-wide tax revenue of \$7.3M raised in the first year comes from City of Ann Arbor taxpayers? (Councilmember Lumm)

Response: The revenue to the City can only be estimated at this time (\$2M), as the total taxable value for the first year of the millage has not yet been determined.

DC – 5 – Resolution of Opposition to the Establishment of any State-wide Discriminatory Laws by Constitutional Amendment or Legislation

Question: Can the City Administrator and City Attorney please indicate how they interpret (and what they would plan to do to address) the last resolved clause which , “That the City Administrator and City Attorney identify appropriate administrative policies or actions, economic or other, which can, to the extent allowed by law, be taken to reinforce the City’s anti-discrimination policy and ordinances.”? (Councilmember Lumm)

Response: A review of existing administrative policies and procedures will be done internally. If appropriate and within local legislative authority, changes proposed to City Council which could include contractual prohibitions or related rules.

DC – 7 – Resolution to Approve Pre-Proposal Participation in the 2016 Assistance to Upper Huron River Regional Conservation Partnership Program, U.S. Department of Agriculture Natural Resources Conservation Service, to be Submitted by Legacy Land Conservancy

Question: There are references to the Greenbelt program in the cover memo and while I understand we are not making a financial commitment at this point, is it expected that if the City does choose to participate, the local dollars would come from the Greenbelt fund? Also, are there any other local governmental entities partnering with the Legacy Land Conservancy in this endeavor? (Councilmember Lumm)

Response: Legacy Land Conservancy has actively engaged in partnership discussions. Washtenaw County Parks & Recreation, Oakland County Parks & Recreation and the Southeast Michigan Council of Governments (SEMCOG) are all participating in the pre-proposal process. If Legacy was awarded the grant, the City’s local dollars would come from the millage fund.

Question: Can you please provide the rough geographical boundaries of the Upper Huron River Watershed Area? (Councilmember Lumm)

Response: Map attached showing the sub-watersheds which make up the proposed project area for the Huron River Initiative RCPP application.

DB – 2 - Resolution to Approve Kingsley Parkside Site Plan, 213 West Kingsley Street (CPC Recommendation: Approval – 8 Yeas and – Nays)

Question: How will the proposed building affect the floodplain, especially as it appears to have a larger footprint than the existing building? (Councilmember Warpehoski)

Response: The proposed building has permanent flood openings at grade in the garage, stairwell, and elevator. The interior of the ground floor also has flood openings between garage bays. The openings will allow floodwater to pass through the building from southwest to northeast. This design, and excavation for the ground level garage spaces, will result in an increase in flood storage and flow over the current house on the lot. All habitable space in the proposed building is raised above the base flood elevation.

Question: Kindly explain why we are approving new construction on Allen Creek Greenway's flood way and flood plain when we are working on an Allen Creek Greenway master plan? (Councilmember Kailasapathy)

Response: Master planning efforts, such as work on an Allen Creek Greenway Master Plan, do not preclude private development unless a moratorium is imposed by City Council.

DS-1 – Resolution Authorizing the Issuance and Sale of 2016 Parking Facility Refunding Bonds (Limited Tax General Obligation) (Roll Call Vote Required – One Reading)

Question: Are there any changes to the maturities, principal outstanding, or bond covenants associated with these three re-financings? (Councilmember Lumm)

Response: There are no material changes to principal or bond covenants. The terms of the utility bonds are being shortened to achieve the greatest net present value savings.

City of Ann Arbor

Draft Spending Plan for Potential County Transportation Millage

March 29, 2016

2017

Non-Motorized Projects \$500,000

W. Liberty (Main to First) \$650,000 (reconstruction)

W. Liberty (Scio Ridge to Maple) \$470,000 (mill & fill)

Miller Ave (M-14 to Maple) \$250,000 (mill & fill)

Catherine St. (Main to Division) \$200,000 (mill & fill)

2018

Non-Motorized Projects \$500,000

Stone School Rd (Packard to I-94) \$500,000 (mill & fill/poss. overlay)

Jackson Ave (I-94 to City limits) \$1,000,000 (resurface/rehab – full scope TBD)

2019

Non-Motorized Projects \$500,000

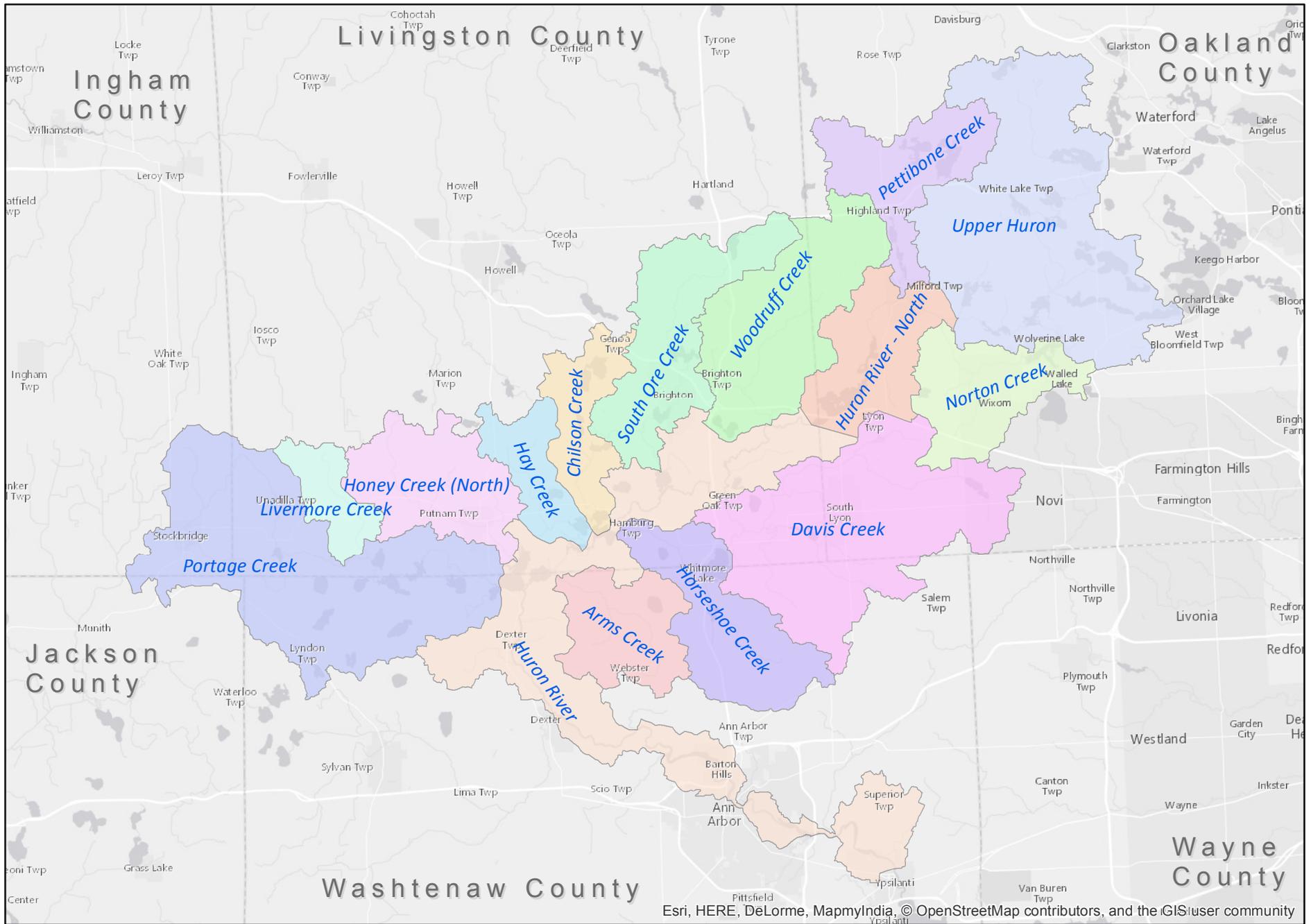
State Street (Washington to S. University) \$1,400,000 (resurfacing + some curb modifications)

2020

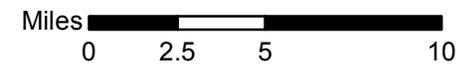
Non-Motorized Projects \$500,000

Division St. (Madison to Hoover) \$1,275,000 (reconstruction)

S. Main St. (Huron to William) \$430,000 (resurfacing)



**RCPP: Huron River Partnership
Project Area**



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