



Legislation Details (With Text)

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Title: Resolution to Extend Approval of Downtown Street Closures for Restaurant and Retail Use

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Date	Ver.	Action By	Action	Result
8/16/2021	1	City Council		
8/16/2021	2	City Council	Amended	
8/16/2021	2	City Council	Amended	Fail
8/16/2021	2	City Council	Approved as Amended	Pass

Resolution to Extend Approval of Downtown Street Closures for Restaurant and Retail Use

On March 15, 2021 City Council adopted Resolution R-21-093 allowing downtown street closures for restaurant and retail use throughout the summer. Given the positive reception the program has received and the success it has created in supporting businesses and fostering an active and safe downtown environment, staff recommends extending the closures until November 1, 2021.

In discussions with the State Street Merchants Association and the Main Street Area Association, we are recommending some changes to the footprint of the street closures. The State Street Merchants no longer want to participate in the street closure program, and so State Street, Maynard Street, and the East Liberty Street that is in the State Street area will no longer be closed.

The Main Street Area Association has requested to allow the street closures on home football Saturdays. The recommendation from the city's public safety leadership is to allow Liberty and Washington to be closed on football Saturdays, but not Main Street. Main Street is a critical thoroughfare on game days for public safety personnel, and for visitors to town and closing it would seriously impede our and our visitors' ability to travel across or out of town in the event of an emergency. Further, closing Liberty and Washington could encourage safe travel through town by limiting cross traffic on Main Street. Therefore, staff recommends this approach.

The resolution language presented to Council is nearly identical to the resolution that was passed earlier this year, with some changes to reflect the new footprint of the street closures and the changes being implemented for football game days.

Prepared by: John Fournier, Assistant City Administrator

Reviewed by: John Reiser, Senior Assistant City Attorney

Approved by: John Fournier, Assistant City Administrator

Whereas, Due to the COVID-19 pandemic, the State of Michigan has issued orders to safeguard public safety including recommendations on minimal physical distancing and mask wearing indoors in some circumstances;

Whereas, Certain merchant and business associations in the City are requesting the closure of certain streets so that restaurants and retail businesses adjacent or near to the closed streets are able to use the street for seating and sales that comply with social distancing requirements during this pandemic period, which will support economic recovery and build a more resilient community, encouraging patronage of downtown businesses, and reinforcing core values of safety, mobility, equity, and downtown vitality;

Whereas, Applications for special event permits that include detailed plans for the streets and public parking lots on those streets that are proposed to be completely or partially closed to create more space for pedestrians and businesses whose seating or sales capacity has been restricted by state mandates will be reviewed by staff;

Whereas, While the special event permitting process will be required for the occupancy of these closed streets, this circumstance should not be considered a special event in the traditional sense because the use of the street is not for a fair, or festival, but for the immediate need to create socially distanced seating and business space in the downtown;

Whereas, Businesses who use the public right of way and other public spaces for their business operations should acknowledge their obligation to follow the requirements of emergency orders and declarations for the benefit of public health, the importance of social distancing, and the obligation they have as public accommodations to ensure that tables and chairs are appropriately distanced, personal protective equipment is appropriately worn by patrons and employees in accordance with public health recommendations, and that they are following all recommended public health precautions to the best of their abilities;

Whereas, City Council is permitted under Chapter 79, Solicitors and Peddlers, of the Ann Arbor City Code to restrict the issuance of solicitors' and peddlers' licenses during special events, or at times when congestion in the City or a part of the City is too great to allow peddling and soliciting;

RESOLVED, That City Council approve the partial or full closure of the streets identified below subject to the specific restrictions and conditions set forth in this resolution:

- Main Street from William to Washington;
- West Liberty Street from Ashley to Main;
- East Liberty Street from Main to Fourth;
- West Washington Street from Ashley to Main;

RESOLVED, That City Council approve the closing of the streets identified above beginning as early as September 1, 2021, and ending as late as November 1, 2021;

RESOLVED, That the Council does not authorize the closure of Main Street from William to

Washington on September 4, 11, 18, 25, October 23, November 6, or November 27, or any other Saturday for which the University of Michigan hosts a football game in the city of Ann Arbor;

RESOLVED, That City Council approve this request for closure of the streets specified and any public parking lots downtown beginning on Thursdays at 3:00 p.m. and ending on Mondays at 6:00 a.m., except for the closure on West Washington Street which shall be for 24 hours a day and for seven days a week;

RESOLVED, That City Council grants the City Administrator the authority and flexibility to expand or scale down the closure days and times of blocks within each business district;

RESOLVED, That City Council impose the following restrictions and conditions with which the Merchants Associations must comply:

- As required by City ordinance for special events, each Association shall obtain a special event permit to hold a special event on the streets that it is requesting to be closed;
- Each Association shall obtain a special event permit by submitting an application in advance of an applicable street closing, that provides all information needed for review and approval of the issuance of a permit by the City Administrator or designee and that subsequent special event permits may be submitted to alter or to add to uses within these closed streets at any time during the period of the closure;
- Streets must be barricaded using AAPD-approved barricades and designated locations to insure restriction of traffic;
- During the time the streets are closed parking is prohibited on the closed portion of those streets;
- Annual Sidewalk Occupancy Permits will remain valid within these designated street areas;
- Peddler/Solicitor Permits, including permits for pedicabs, are invalid within these street areas during the time streets are closed;
- Commercial Quadricycle Permits are invalid in areas of street closures;
- Each Association will continuously meet with businesses owners and operators to address the concerns and issues which are associated with the road closures, changes to use of the rights -of-way, and use of on-street parking;

RESOLVED, That each applicant shall provide insurance coverage satisfactory to the City Attorney in connection with the occupancy and use of City public rights of way during the dates of street closures, which insurance shall name the City of Ann Arbor as an additional insured; and

RESOLVED, That the City Clerk be directed to mail to any current Commercial Quadricycle permit holder a certified copy of this Resolution as notice of prohibited operation during the time of street closures.

As Amended and Approved by Ann Arbor City Council on August 16, 2021.