



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Jacqueline Beaudry, City Clerk
Tom Crawford, CFO
Derek Delacourt, Community Services Area Administrator
Jennifer Hall, Executive Director, Ann Arbor Housing Commission
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Brett Lenart, Planning Manager
Molly Maciejewski, Public Works Manager
Susan Pollay, Executive Director, DDA
Marti Praschan, Chief of Staff, Public Services

SUBJECT: November 18 Council Agenda Responses

DATE: November 14, 2019

AC-1 – Memorandum from City Administrator - Response to Resolution R-19-367 - Resolution to Direct the City Administrator to Review the City's Policies on Assessing Fees for Freedom of Information Act (FOIA) and Provide Alternatives and Recommendations to Council that Promote Transparency and the Public Interest - November 6, 2019

Question: When the “[o]ne attorney who represents multiple municipalities” described a process in which all FOIA requests from Council members are taken to Council for a vote, to which municipality(ies) was he referring? Who was that attorney? (Councilmember Nelson)

Response: The attorney’s name was John Schrier, who represents multiple municipalities. He did not specify which of those municipalities have used this method.

Question: I do not see reference to Ohio's FOIA policy—would it please be attached here? (Councilmember Nelson)

Response: Municipalities in Ohio do not seem to be required to publish policies for the release of public records in the same way Michigan municipalities are. Ohio's equivalent to Michigan's FOIA is found at ORC 149.43 and it is attached here.

INT-1 – Analysis of the Financial Feasibility of Developing Under-Utilized City-Owned Properties as Affordable Housing

Question: Looking more closely at the property at 1510 Stadium, I am noticing that (compared to the property on Industrial), there are no negative site issues and it is LIHTC eligible (unlike Industrial). What is the significance of a low LIHTC score? Please described in more detail the reference to high local subsidy. (Councilmember Nelson)

Response: LIHTC is the single largest source of funding for affordable housing development and is therefore the most critical factor for determining financial feasibility of a project. LIHTC is also a limited source and is very competitive. If the project does not score high enough to compete, then it will never get awarded funding. LIHTC scoring currently emphasizes location-related items that are favorable to downtown locations such as proximity to amenities (12 points), enterprise opportunity 360 score (4 points), distance from a downtown or corridor combined with the walk score (12 points), ½ mile from employer of 250+ people (5 points), nearness to services like a pharmacy, doctor etc (5 points), neighborhood investment (10 points) and the difference in price between affordable and market units (5 points). All of the downtown sites that are eligible for LIHTC score much higher than all of the sites that are not in the downtown.

Therefore, if an affordable housing project is built on a site that is not LIHTC-funded, it will require more local grant funding than a project with LIHTC funding. On sites that we indicated will need a high local subsidy, the local subsidy for rental projects tended to be around \$80,000 - \$180,000 per unit compared to \$0 - \$50,000 per unit at LIHTC eligible sites. Page 15 of the analysis shows different scenarios for 1510 E Stadium and the per unit subsidy was \$183,000/unit in the first scenario for 12 units and \$143,000/unit in the 2nd scenario. The difference between the 2 scenarios was the 2nd scenario had lower interest rate financing and therefore it needed less local subsidy.

Question: Also re: 1510 Stadium, I am curious how the advantage of being on a bus line is greater for an office than for the benefit of potential residents? (Councilmember Nelson)

Response: Bus lines are good for all uses, especially for low-income residents. No matter what happens on the site, a close bus line is good. The AAHC has a significant number of tenants who take the bus to our offices to complete their income certifications, drop off paperwork, sign leases, pay rent etc. The AAHC is currently conducting a survey of its tenants to find out the most common ways people get to our offices and which

potential office location is the most accessible to the most tenants. The locations in the survey include: 2000 S Industrial, 1510 E Stadium, 721 N Main and the former Y lot.

Question: Re: the property on Industrial, I note that development of the property as a Limited Equity Coop is described as high market risk, and an “untested developer model.” Is this model different from other successful co-ops in town? In the descriptive table, I see no reference to local subsidy. Is there any? (Councilmember Nelson)

Response: Limited Equity Cooperative: This model is similar to Colonial Square under its current for-sale cooperative model. The difference is that Colonial Square was built 50+ years ago under a different cooperative model and all of the costs of construction have long been paid for. So when these units sell in the market, they are selling at rates that are below the cost would be if they were newly constructed units. A newly constructed cooperative must have a revenue source to pay back the cost of construction and that burden falls on the first buyers of the cooperative. Each buyer must get a mortgage to purchase the units and those funds will pay off the construction loan. We priced units at between \$275,000 - \$385,000 to make the project financially feasible to build and still affordable to households at 80% AMI and a few at 60% AMI. The biggest risk is that there will not be enough buyers who want to live at this location (116 in our model) who are able to get a mortgage in these amounts. This model works well in New York City and other large expensive cities, but is untested in our market. We proposed a smaller version at 721 N Main, which is risky, but less risky due to the smaller # of units, and the better location.

We did not include a local subsidy for this type of housing because we could make the finances work without a local subsidy. Local subsidy could be added to the project to lower the purchase prices or to provide down payment assistance. This would reduce the risk but it is still an untested model in our market.

Question: How far would development of these properties go toward the Washtenaw County 2015 Affordable Housing and Economic Equity Analysis goals and targets? (Councilmember Bannister)

Response: Depending on which approach council takes for each property, if all properties were developed, including 415 W Washington and the former Y site, 1400+ units could be added and the number that are dedicated to 60% AMI or less would range from 500 – 1400 depending on the development approach. Properties that are LIHTC funded like N Ashley and Catherine can be entirely for 60% AMI or lower households. Sites like the S. Ashley site might only include a portion of the units as affordable to 60% AMI or less households if the site is developed as mixed-income with market rate units. If the City passed a millage and combined the millage with bond financing and other local resources, then all 1400 units at every site could be affordable to 60% AMI households. The goal of the Affordable Housing and Economic Equity Analysis was 140 units/year for 20 years so that would be 10 years’ worth of units and it would take about 10 years to develop all of these sites.

Question: How does development of these city-owned properties rate through the lens of climate emergency/action? (Councilmember Bannister)

Response: Staff did not analyze the value of these sites through the lens of the recently approved climate emergency, as this was not part of the original request from Council. Staff would need further information, guidance from Council, and time to be able to properly address this question.

Question: What is the role of Avalon Housing in supportive services to the new occupants of these projects? Are there other organizations like Avalon who would be involved in the supportive services? (Councilmember Bannister)

Response: The analysis did not assume that any sites were permanent supportive housing because supportive service funding is not identified as a part of the analysis. However, it would make sense for the City to try to develop 1 or 2 sites to include PSH if a funding source can be identified for the supportive services. If a property is developed as PSH, Avalon is currently the largest service provider for PSH in the community and is a logical partner.

Question: 2857 Packard: Would this property be a wise choice for affordable housing along the public transit line? Would it blend preservation of natural features and the historic Collins House, with affordable housing that would benefit the community for generations to come? How quickly can this property be added as the 12th city-owned property to be used for its highest and best use for the public good? (Councilmember Bannister)

Response: The report provided only includes City-owned property, and this property is currently privately owned. Due to its location, it would be eligible for LIHTC funding but it would not score competitively for LIHTC funding, so it would need significant local resources to make it financially feasible. If the City is willing to contribute significant local resources to acquire and develop the property, it can be developed as affordable housing. The timing is dependent on the priorities of City Council and purchasing the properties.

Question: Could "extra slides" 23 - 25 in the Analysis of City-Owned Properties Final (attached) be moved to after slide 5? The actual incomes and rents are useful. (Councilmember Bannister)

Response: Staff debated whether to spend time on these slides during the presentation or to concentrate the presentation on the specific properties. The compromise was to include them as informational items in the presentation and concentrate the presentation on the site by site analysis. Staff can certainly go over these charts as a part of the presentation (if there is time) or go over the charts at the request of council during council discussion.

Question: 1510 East Stadium (slide 16): Please elaborate on the points as to why this is not more highly recommended. Residents have suggested this property, in part due

to proximity to public transit and distance from railroad noise. (Councilmember Bannister)

Response: LIHTC is the single largest source of funding for affordable housing development and is therefore the most critical factor for determining financial feasibility of a project. LIHTC is also a limited source and is very competitive. If the project does not score high enough to compete, then it will never get awarded funding. LIHTC scoring currently emphasizes location-related items that are favorable to downtown locations such as proximity to amenities (12 points), enterprise opportunity 360 score (4 points), distance from a downtown or corridor combined with the walk score (12 points), ½ mile from employer of 250+ people (5 points), nearness to services like a pharmacy, doctor etc (5 points), neighborhood investment (10 points) and the difference in price between affordable and market units (5 points). All of the downtown sites that are eligible for LIHTC score much higher than all of the sites that are not in the downtown.

Therefore, if an affordable housing project is built on a site that is not LIHTC-funded, it will require more local grant funding than a project with LIHTC funding. On sites that we indicated will need a high local subsidy, the local subsidy for rental projects tended to be around \$80,000 - \$180,000 per unit compared to \$0 - \$50,000 per unit at LIHTC eligible sites. Page 15 of the analysis shows different scenarios for 1510 E Stadium and the per unit subsidy was \$183,000/unit in the first scenario for 12 units and \$143,000/unit in the 2nd scenario. The difference between the 2 scenarios was the 2nd scenario had lower interest rate financing and therefore it needed less local subsidy. This site can be developed as affordable housing, it will simply require a high local subsidy and therefore was prioritized lower than sites that had lower local subsidy requirements.

Question: Railroad Noise (slide 8, 14 and 17): Please elaborate on how the railroad noise might impact residents in the proposed housing at 721 N. Main and 2000 S. Industrial, and explain whether the need for a Quiet Zone could be increased. Please include cost estimates for Quiet Zones. Are there any guarantees that the housing would be sound proof and air-conditioned (so windows would not need to be open during sleeping hours)? Has the FRA given any guidance on anything related to the issue of railroad noise? Why does the federal government and MSHDA funds prohibit housing within 300 feet of the railroad (slide 8)? (Councilmember Bannister)

Response: The federal government has adopted more stringent environmental impact requirements for affordable housing than municipalities and the private sector require due to the historic marginalization of low-income housing that was built in the least desirable areas like next to dumps, toxic sites, railroads, in swampy areas etc. MSHDA is not required to adopt the same requirements for LIHTC programs but they have partially adopted these noise standards including not funding housing projects within 300 feet of a railroad. Market rate housing can and is built next to railroads as evidenced by the housing in Ann Arbor next to the railroad. Quiet Zones apply to at-grade crossings, and do not impact the analysis of proximity to a rail line. However, any housing that is built on city owned property can be required to have a variety of sound mitigation measures as a condition of development.

Question: Catherine/Fourth, 404 - 406 N. Ashley, and S. Ashley (Klines Lot) (slides 11 - 13): Given that there appears to be no parking, please provide detail on how many residents are expected to have cars and where would they park? Would delivery vehicles, Uber/Lyft, etc., have a safe place to pull out of the roadway and sidewalks for their drop-offs and pick-ups? (Councilmember Bannister)

Response: The sites are not designed yet. The financial analysis does not provide that level of detail but all of those issues would need to be considered during the design and site plan approval process.

Question: 1320 Baldwin (slide 19): Please elaborate on the points as to why this is not more highly recommended, including the MDEQ development restriction and why the senior center would be lost? Please provide data on the current state of affairs for senior affordable housing in particular, including a report on properties that have lost LIHTC and gone market rate, such as Courthouse Square on S. Fourth (116 units). (Councilmember Bannister)

Response: An MDNR grant was used to acquire the parcel, which restricts some of its use to a park. Additional senior housing is absolutely needed. Here is a partial list of sites that were previously LIHTC and are now market rate or soon to be market rate. OCED is creating a dashboard to track all of the units lost and added, which will be shared with Council but it is not complete at this time.

Name	Jurisdiction	Units	Type	End of Tenant Protection Period
Arbor Club Apartments (aka Woodchase)	Scio Township	143 units	Family	10/2/2019
Willow Ridge (aka Arbor Pointe)	Pittsfield Township	215 units	Family	11/3/2019
Cross Street Village	City of Ypsilanti	99 units	Senior	8/30/2020
Lexington Club (aka Lynden Parke)	Pittsfield Township	96 units	Senior	4/1/2021
Huron Ridge	Ypsilanti Township	144 units	Family	3/5/2021
Huron Heights	Ypsilanti Township	119 units	Family	2022
		816 units		

Question: Please comment on the SEMCOG data on the increase in multi-family housing since 2007. Please comment on the characteristics of these nearly 3000 units. Are these units considered successful and have there been any lessons learned? How much property tax do they generate? What has been their contributions to affordable housing, including affordable units and payments in lieu, etc.? How much affordable housing and natural features were lost to develop these properties? Are residents in and around the developments satisfied with the projects and their parking requirements and impacts, etc.? (Councilmember Bannister)

Response: The financial feasibility analysis was limited to city-owned properties.

CA-1 – Resolution Approving the Lease and Related Renewals Between the City of Ann Arbor and the University of Michigan For City-Owned Property Behind 926 Mary Street (\$4,120.00 annually) (8 Votes Required)

Question: Regarding CA-1, I recognize this is a small transaction and that the renewal lease rate is being increased by 3%, but I'm curious how we came up with the lease rate in the first place and how does the rate here (\$4,120 for 15 spaces or about \$275 a year) compare with reserved parking spaces elsewhere in this area? (Councilmember Lumm)

Response: The original \$4,000 5-year lease was negotiated after a month-to-month lease for \$225/month (\$2,700 annually) had been in place since 1987. The increase to \$4,000 annually with a one-time annual payment instead of monthly rent represented an increase of nearly 50 percent, recognizing that the monthly rate of \$225 had not been reviewed for over 25 years. At the time the month-to-month arrangement was renegotiated, downtown rates were reviewed, as well as the City's other leases with the University. It was noted at the time by the University that this lot did not generate the per-space revenue of the downtown or hospital parking lots. Currently, according to the University's website, the lot is used for Fletcher Hall parking, and is charged as a Housing Lot (SC33) at the rate of \$167 per year for students.

Question: The resolution says "the parties have tentatively agreed to a 3% increase of the annual rent". How much has the University increased its parking fees each year during the five-year lease? (Councilmember Eaton)

Response: Staff does not have information on the rate increases for the U-M permits over the last five-years, but the current rate for a student housing pass (Fletcher Hall is coded as Housing Lot SC33) is \$167.00 for the year. The original \$4,000 5-year lease was negotiated after a month-to-month lease for \$225/month (\$2,700 annually) had been in place since 1987. The increase to \$4,000 annually with a one-time annual payment instead of monthly rent represented an increase of nearly 50 percent. At the time the month-to-month arrangement was renegotiated, downtown rates were reviewed, as well as the City's other leases with the University. It was noted at the time by the University that this lot did not generate the per-space revenue of the downtown or hospital parking lots.

Question: How much does the University charge for annual parking passes (Orange, Yellow, Blue, and Gold)? (Councilmember Eaton)

Response: According to the University's website, after University contribution, faculty and staff pay \$1,882 per year for Gold permits, \$766 for Blue permits, \$167 for Yellow, and \$84 for Orange.

Question: How much does the University charge Fletcher Hall tenants for parking permits? (Councilmember Eaton)

Response: Fletcher Hall is a Housing lot and is available to students in University Housing at \$167.00 per year.

Question: This lease is for "12 to 15 parking spaces". What does the DDA charge for monthly parking passes for 12 to 15 spaces? (Councilmember Eaton)

Response: The DDA reports that monthly permits in the downtown lots and structures as follows:

Structures-

- Standard Monthly Permit- \$180/month (provides a guaranteed space in a particular facility)
- Premium Monthly Permit- \$250/month (provides a guaranteed assigned/numbered space in a particular facility)

Lots-

- Standard Monthly Permit- \$140/month or \$115/month
- Premium Monthly Permit- \$250/month (provides a guaranteed assigned/numbered space in a particular facility)

CA-8 – Resolution to Extend the Deer Management Program within the City of Ann Arbor

Question: Please describe the original process of application for the first MDNR permit. After March 2020, would the city have to apply for another MDNR permit to continue deer culling operations? Would that application require approval by Council? (Councilmember Nelson)

Response: The City's original permit was a nuisance permit from the MDNR for lethal activities only. After the decision to pursue non-lethal sterilization the MDNR required a change to a research permit submitted by White Buffalo. Yes, the City will need to apply for a new permit or amend the research permit. Staff will let the MDNR guide us in the appropriate direction. Staff will not submit for a new or amended permit without first receiving authorization from Council.

Question: Regarding CA-8, the Administrator's memo to council on October 8th outlined the objectives for the FY20 Deer Management Program. Is the \$150K provision included in the FY20 budget sufficient to accomplish all the objectives and if a line item budget for the 2020 Program has been developed, can you please share it? (Councilmember Lumm)

Response: The \$150k identified in the FY20 budget will be enough to cover this year's operations. A final line item budget is not available yet, staff is waiting on some final costs but when it is completed it can be forwarded under separate cover. An estimate of cost is bulleted below:

- \$75,000 White Buffalo – Sharpshooting and Reporting
- \$25,000 NAP Staff – Site Selection and Baiting
- \$7,500 Safety Contractors – Monitor Sites During Sharpshooting
- \$33,000 Nature Write – Browse Damage Study (Last Payment of the Current Contract)
- \$7,500 Helicopter Flyover – Deer Count

Staff is not proposing a follow up survey this year. Staff recommends moving the survey to a two or three year cycle if deer management activities continue after this year.

CA-9 – Resolution Approving a Contract with the Shelter Association of Washtenaw County for the 2019 - 2020 Winter Emergency Shelter and Warming Center (\$72,000.00)

Question: Do we directly provide any winter emergency shelter and warming centers via city-owned public spaces (e.g. City Hall, parks facilities)? Has anyone explored partnerships with nonprofits for staffing and support that would make use of city-owned public spaces for that purpose? (Councilmember Nelson)

Response: Currently the winter warming shelter response that includes additional beds at the Delonis Center and the rotating shelters at congregations throughout the community, is meeting community need. Another location in the City of Ann Arbor is not needed at this time. The rotating warming shelter is a national best practice, as it allows for connections to the community, a link to volunteers who can provide additional support through meals, snacks and occasional programming. If in coming winter warming shelter seasons we need to expand capacity significantly, the homelessness response community is interested in a location that would be on the eastern side of the county, likely in Pittsfield or Ypsilanti.

In cases of extreme cold, when the emergency response system is triggered (like last year's extremely cold polar vortex days at the end of January), both the City and Ann Arbor School District can provide additional space during the extreme weather period through coordination with Red Cross. Last year AAPS provided space in one of the elementary schools, when it was closed for extreme cold. And Bryant Community Center is also identified as a possible location through the emergency response system.

Question: Regarding CA-9, thanks for including the contract and Shelter Report from last year. That’s helpful – is the Shelter Association planning any substantive changes in programs/services for this Winter? Also are the full range of services available now (given the unusually cold weather)? (Councilmember Lumm)

Response: Yes. This year the Shelter Association has a new position, shared between two staff, to do intakes and assessments of all winter warming shelter utilizers. The intake is important to connect individuals to housing resources, in the hopes of preventing return visit to the shelter in future seasons. The winter warming shelter is in full effect, and all services are available.

Question: How much funding was designated for these services in the FY 2020 City Budget? (Councilmember Eaton)

Response: An allocation of \$72,000 is included in the FY 2020 budget (page 239 in the Budget Book). In the total allocation to the Shelter Association of Washtenaw County, \$202,284 is allocated, including \$72,000 for Warming Center, \$55,284 for Coordinated Funding program “Residential and Non-Residential Programs” and \$75,000 for CoFu program “Packard Health/SAWC Psychiatric Clinic” Note that the funding for SAWC through Coordinated Funding is approved through a separate resolution including all of the Coordinated funding agencies.

Question: Please provide a five-year history of the funding level for these services. (Councilmember Eaton)

Response: Below is a 5 year history of both the City and County contributions to the winter warming Shelter.

	City General Funds	County General Funds
2014-15	\$89,318 allocated	\$89,318 allocated
2015-16	\$89,040 allocated \$71,769.72 actual	\$89,040 allocated \$71,769.72 actual
2016-17	\$90,000	\$83,540
2017-18	\$72,000	\$83,540
2018-19	\$72,000	\$83,540
2019-20 (current)	\$72,000	\$83,540

Question: As I recall, the Shelter cutback on some winter sheltering services last year or the previous year for lack of funding. Is this funding level (\$72,000) sufficient to fund service at the levels that existed prior to the cutbacks? If not, how much more funding would be needed to restore those services? (Councilmember Eaton)

Response: The change in funding from \$90,000 to \$72,000 between 16-17 and 17-18 was a correction, as reimbursement. As such, the cost can vary from year to year depending on the severity of the winter season. The type and amount of service has

remained constant. A future consideration for the homelessness response system is to either have an expansion of year-round shelter, or to focus on the addition of affordable housing, so as to reduce the need for shelter. This is a significant conversation in the homeless response community, and may require a future increase in contribution to cover annual staff and overhead increases.

CA-10 – Resolution to Direct the Ann Arbor Housing Commission to Develop 121 E. Catherine and 404 N. Ashley as Affordable Housing

Question: Q1. For the Catherine surface lot, how many parking spaces are lost and what is the annual revenue from the lot? (Councilmember Lumm)

Response: 4th/Catherine has 47 parking spaces. It is all hourly. Revenue FY19 = \$165,586.

Question: Q2. Also for Catherine, page 7 of the analysis indicates that “gap financing needed” is \$600,000 (or \$8,200 per unit), Can you please explain what “gap financing” actually means, and if it’s the local sourced-funds needed, what are the potential sources for this project? Also, what makes Catherine different than 404 N. Ashley where there’s no gap financing needed? (Councilmember Lumm)

Response: Gap financing is the same as saying grant funds. The development funding gap is what is left after securing LIHTC equity and the largest amount of debt that is feasible. If there is still a gap in funding sources, it needs to be grant funds. Page 26 of the analysis lists all of the types of local resources that are available. In addition, the AAHC has regularly secured non-local gap funding between \$500k - \$1M for each of its recent developments. Catherine and Ashley are virtually the same. The difference is whether or not ground floor retail is included at Catherine. If it is included, then affordable housing funding cannot be used to construct it so it makes a larger gap in the total development costs that needs to be filled. Office space and community space for the property management and resident services can utilize affordable housing funding. If Catherine does not include first floor retail then it is possible that there will not be a gap under the financial modeling that was done. In addition, the financial analysis was completed prior to the November 4th Council meeting which removed the parking requirements for the affordable housing premium. The gap analysis for Catherine and Ashley assumed parking would be required and therefore that gap projection has immediately shrank with parking requirements removed.

Question: Q3. For N. Ashley, I’m assuming the existing building will be demolished (rather than an addition) – is that correct? (Councilmember Lumm)

Response: Correct.

Question: Q4. Also for N. Ashley, how much does the UM Dental Clinic currently pay in rent and is the plan to work with UM to have them move before the lease expiration in June 2021 and if so, are there any lease cancellation penalties? (Councilmember Lumm)

Response: The lease is attached. U-M does not pay rent, it pays for maintenance as needed. The applicable contract paragraph is provided below:

3. **RENTAL RATE:** In lieu of rent during the term of this Lease or any renewal term Lessee agrees to accept financial responsibility for and pay the costs, expenses and fees for capital replacement, repairs and maintenance costs for the Premises as set forth in Paragraphs 5(a) and 5(b) below. No security deposit shall be required under the terms of the Lease.

We would definitely work with U-M and we would not require them to move prior to June 2021. It will take at least that long to get site plan approval and LIHTC funding approval and then close on the financing.

Question: Q5. For both properties, are the appraised values shown (\$2.0M Catherine and \$1.8M 404 N. Ashley) based on sale of the properties “as-is”, without development restrictions (beyond normal D2), and based on current market conditions? (Councilmember Lumm)

Response: The appraisals are all available at the AAHC website www.a2gov.org/housingcommission and the AAHC is adding many other supporting documents as well. The direction to the appraiser is provided below:

1. At the direction of the client, the appraisal property is analyzed as though vacant, ready for development without environmental hazards and not subject to adverse easements or deed restrictions, under a current D2, Downtown Interface District zoning parameter. Valuation predicated upon any other condition, could impact the value conclusion reported herein.

Question: Q6. If the projects were required to meet the normal off-street parking requirements (34 spaces for Catherine and 33 spaces for N. Ashley) how much would that add to each of the project’s development costs and is it expected that funding would need to be local sourced funding? (Councilmember Lumm)

Response: The financial analysis was completed prior to the November 4th Council meeting which removed the parking requirements for the affordable housing premium. All of the premium FAR is affordable housing, and therefore parking is no longer required.

Question: Q7. The two properties are about the same size (just under 0.4 acres), both are zoned D2, and the developments envisioned are both roughly 53,000 sq ft. Catherine includes some retail/office, but Ashley does not – can you please elaborate on the thinking behind that? (Councilmember Lumm)

Response: The location of Catherine is in a retail area but Ashley is not. Both sites would include office space and community space for property management and residents. If retail is included on Catherine, it reduces the total number of units. That is one reason why the unit number is different for virtually the same size site. Retail would only be included if it makes sense from a marketing and financing perspective.

Question: Q8. The analysis indicates that affordable housing occupants are less likely to have a car than market rate housing occupants and that individual affordable housing occupants are less likely to have a car than family affordable housing occupants. While both those statements make intuitive sense, do we have AA data/history or research that we can apply to accurately assess the number of cars that would accompany 120-170 residential units? (Councilmember Lumm)

Response: The AAHC does require all tenants with vehicles to register them with the AAHC and to get a sticker for their vehicle. Only 1 vehicle per household is allowed to get a sticker. The AAHC has a 64-unit property at Baker Commons (all 1 bedroom) with 35 parking spaces and the lot is never full unless we have a lot of outside contractors doing work on the building. There are currently 15 tenants with a registered vehicle at Baker. The AAHC has a 106 unit property at 727 Miller (101 1-bedr and 5 2-bdr) and 30 parking spaces and the lot is only full when there are a lot of outside contractors on site doing work or there is a meeting on-site with people coming from off-site. There are 10 tenants with a registered vehicle at Miller. The AAHC has an 8-unit property (all 1 bdr) on 7th street with 7 parking spaces and 2 people have registered vehicles. The AAHC family sites have a ratio of about 1.25 parking spaces per unit and we have constant parking problems between tenants and guests because the lots are always full during non-business hours when adults are off work. The number of tenants with registered vehicles is typically 80% to 90%+ of households and many of our households at family sites have 2 vehicles and if they park the 2nd vehicle in the parking lot, it is at the risk of being towed or they have to park off-site. Green-Baxter is a good example.

Staff did discuss doing a study by visiting each property at different times of the day to see how many cars are parked but due to time constraints that did not occur. It can be done in the future but it will take time. A study like that would count tenant and guest vehicles.

Question: Q9. What is the rough timeline for completion of these two developments and what further council reviews and approvals will occur? (Councilmember Lumm)

Response: It will take 3-4 years to complete development. Year 1 is project design and site plan approval by City Council. Year 2 is applying for LIHTC and other funding sources. If local funding is needed, depending on the source of the funding, that may also require council approval (brownfield, AAHF). MSHDA has LIHTC funding competitions due in April and October every year. If a project is submitted in April, approval usually occurs in July and the project will close on the financing about 6-8 months later. Then the project typically has no more than 2 years to complete construction and get fully occupied.

Question: The Council Administration Committee has scheduled a January work session to discuss affordable housing. What impact would there be on these projects if Council postponed this resolution until a date after that work session? (Councilmember Eaton)

Response: No material impact; just a delay in starting the development process.

CA-11 – Resolution to Direct the Ann Arbor Housing Commission to Pursue Affordable Housing Development of 2000 S. Industrial

Question: Q1. A wide range of potential affordable units (50-165) is indicated. What are the major factors determining the number of units (funding available, type of funding, how much of the property AAHC occupies, all of the above or something else)? Can you please provide elaborate on this? (Councilmember Lumm)

Response: Yes, all of the above. A lower density townhome style project would be at the lower end of about 50 units and a higher density mid-rise building with an elevator would have more units. If the site was geared toward families, the units would be larger and therefore fewer than if the site were mostly 1 & 2 bedroom. And it also does depend on how much of the site is occupied by the AAHC and whether it is a stand-alone building or incorporated into an affordable housing project. The open space and parking requirements also impact the number of units.

Question: Q2. Assuming the plan is to remove the underground storage tank, roughly how much does that add to the development cost (and is it included in the \$37M development cost estimate)? (Councilmember Lumm)

Response: If City Council approves moving forward on development of this site, a phase 1 and phase II is needed to get more accurate numbers. The \$37M included an estimate of \$900,000 for environmental related costs and \$530,000 for demolition related costs.

Question: Q3. One funding option mentioned is housing revenue bonds. Are those backed by the City or dedicated revenue bonds like water or sewer and what are typical terms of these bonds (maturity, interest rate, tax-exempt status, debt-equity etc). Also, has Ann Arbor (or other municipalities in Michigan) ever done these previously for affordable housing? (Councilmember Lumm)

Response: The State Housing Act that allowed the city to create the AAHC specifically allows housing revenue bond financing, that is not a general obligation of the city, but the city must approve the issuance of those bonds. The bonds can be issued by the city or the AAHC and must be paid back with rent revenues. MSHDA also issues bonds under this act. The AAHC has so far, not found any other housing commissions that have issued bonds under this act in Michigan. Other states have similar bond financing tools that are used extensively for affordable housing.

Question: Q4. Also on revenue bonds, the whereas clause where they're referenced also references 80% AMI (not 60% AMI). Why is that (are these bonds typically used for 80% AMI projects)? (Councilmember Lumm)

Response: The act specifically states that the bonds can be issued for housing that is affordable to households up to 80% AMI, inclusive of all incomes below that. Therefore, that was the language used in the feasibility analysis. The units can be restricted to 60% AMI households.

Question: Q5. If it turns out that E. Stadium makes sense for AAHC offices and maintenance facility, what is "plan B" for this site? (Councilmember Lumm)

Response: Affordable Housing if a feasible plan can be developed and sale to private sector if not.

Question: Q6. The cover memo suggests that the "limited equity cooperative" option would be very difficult (if not impossible) to make work. Is that a fair assessment, and are there any other "limited equity cooperatives" in Michigan? (Councilmember Lumm)

Response: This type of cooperative is specifically enabled under the state of Michigan so that it is eligible for a PILOT. The AAHC has a call into MSHDA to find out if it has been developed anywhere but has not received a response yet. It is common in New York City and other high cost high population cities but they also have different enabling acts and funding sources than Michigan. Colonial Square Cooperative is similar in structure in that the members can sell their cooperative at market rate. The new owner becomes a member of the cooperative and in addition to paying their private mortgage, they also pay monthly membership fees to the cooperative to maintain the common facilities (parking lots, sidewalks etc.). The difficulty for a new cooperative is the initial construction cost must be paid for, which requires a high initial purchase price compared to an existing cooperative in the same market place.

Question: Q7. Assuming CA-11 passes, what would be the next steps/timeline/checkpoints for council in terms of the specific development recommendations (number of units, AMI, AAHC facilities, funding sources)? (Councilmember Lumm)

Response: Catherine and Ashley are higher priorities, so Industrial would be on a longer timeframe. Research can occur simultaneously but a realistic proposal would likely come back to city council after Catherine and Ashley are further along in the development process. Best guess is 6 months to 1 year before a recommendation is brought back to council.

Question: The staff memo identifies three options, (1) limited equity cooperative for households primarily at 80% of AMI, (2) affordable rental housing, using other local financing such as housing revenue bonds, Brownfield funds, Ann Arbor Affordable Housing Funds, and/or proceeds from the sale of other public sites, and (3) adopt a local

millage devoted to affordable housing development. The resolution does not provide direction on which of these options to pursue, or how a preferred option will be determined. Please explain how the direction provided in the resolution will lead to a preferred option. (Councilmember Eaton)

Response: The AAHC is very interested in figuring out how to develop affordable housing on this site without LIHTC funding because the site is so large. Further analysis and research is needed to determine the best option because all 3 of those options are new and untested and therefore Jennifer Hall is requesting more time to study the possibilities and bring back a recommendation to city council on how to proceed. The limited equity coop idea needs further exploration on the market demand and potential development partners. The revenue bond idea needs further exploration and approval by City Council (whether the City or the AAHC issues the bonds), to determine the scope and pricing and therefore what the local gap will be and how to pay for that gap.

If the gap is paid for with millage funding, that requires further discussion with Council and Council approval. If the gap is paid for with sales proceeds from other sites, then S. Industrial is tied to the sale of other sites (in particular the S. Ashley parking lot). If S. Industrial is redeveloped and it is feasible to build AAHC office and maintenance facilities on S. Industrial, then the AAHC will need to move temporarily to another site, and 1510 Stadium is a good potential location to move to temporarily while Industrial is under construction because it already has a garage area that can be used for maintenance material storage and vehicle storage. After the AAHC moves out of 1510 Stadium and into its new offices at Industrial, then 1510 can either be sold or developed as affordable housing.

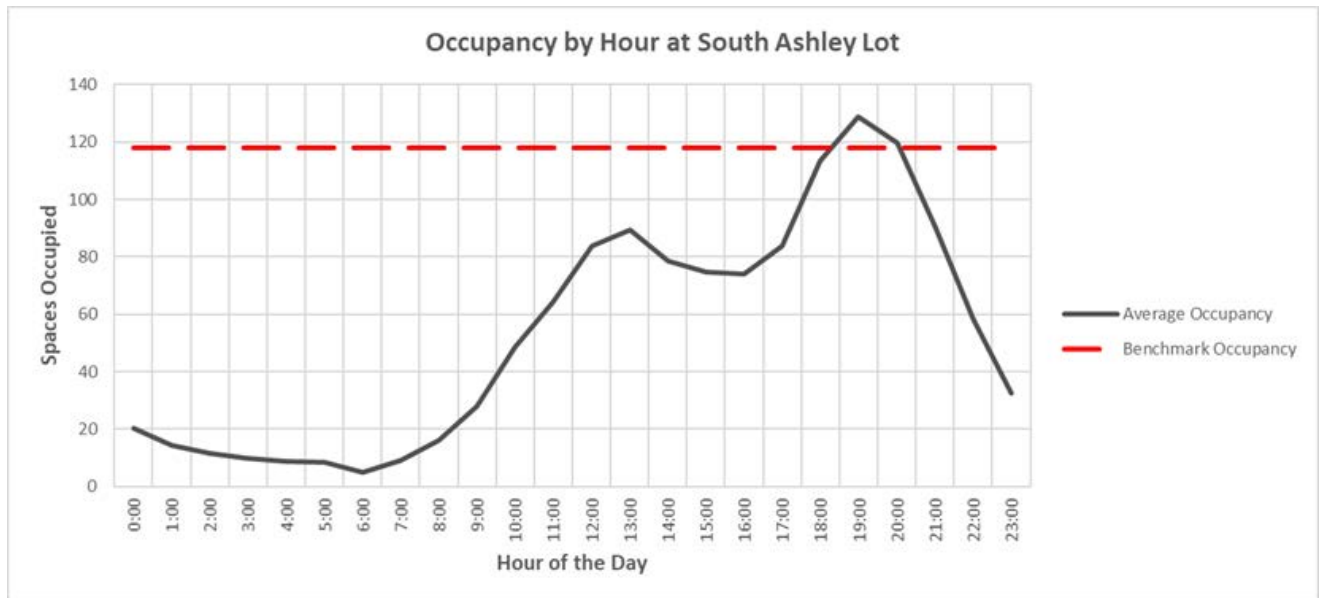
The AAHC is also requesting an analysis to see if renovating 1510 Stadium and adding an ADA accessible wing would be less expensive than building a new office at S Industrial. And if that is the case, the AAHC would bring back that analysis to City Council to make a decision on which site council prefers for the AAHC to consolidate its offices and maintenance facilities at.

CA-12 – Resolution to Direct City Staff to Conduct Community Engagement Around Development Options for Ashley/William and First/William Surface Parking Lots to Support Affordable Housing in the City

Question: Q1. How many parking spaces are there in each of these two surface parking lots and how are they currently being used (permits, hourly)? Also, what is their capacity utilization and annual revenue? (Councilmember Lumm)

Response: The Ashley/William lot has 144 parking spaces. It provides hourly parking, only. Revenues in FY19 were \$677,359. The First/William lot has 112 parking spaces. This lot is used for monthly permit parking. Revenues in FY19 were \$185,790. The First & William lot is fully sold with monthly permit parkers. We do not have a way to measure parking that happens after 6:00 pm.

The South Ashley lot is at its peak usage from 5-10:00 pm, with instances of full often occurring in the 7-8:00 pm hours. Below is a graph that shows average hourly capacity for September 2019.



Question: Q2. The cover memo mentions that the parking capacity lost at Kline’s Lot (and Catherine) could be replaced with a deck at First/William. If that were to happen what would be the DDA’s recommendation in terms of added capacity of the deck and what would be the approximate cost? (Councilmember Lumm)

Response: This would be part of a continuing analysis that would be part of the community engagement process.

Question: Q3. Scenario 2 of the analysis - defined as “more realistic success by selling difficult to develop and/or high value properties to fund development of easier properties – would sell this Kline’s Lot property. Is the value shown (\$13.7M) based on current market conditions and assuming no development restrictions beyond normal D1? (Councilmember Lumm)

Response: Yes, and the appraised value is actually lower if the development requires affordable housing as a D1 zoning density bonus.

Question: Q4. The potential development shown is 600 residential units (475 market rate and 125 affordable housing). Is that the maximum affordable housing units that could be achieved with 2 LIHTC projects (each at the LIHTC cap)? (Councilmember Lumm)

Response: That is the number used in the financial modeling, it could be more or less than that depending on the SF of the units but generally 125 based on a 9% competitive LIHTC and a 4% non-competitive LIHTC/bond financing from MSHDA. MSHDA is

required to pair 4% LIHTC with bond financing for the portion of the units that are included in the 4% deal. In addition to the LIHTC caps, there are also bond financing caps.

Question: Is the First/William Surface Parking Lot a property that is included in the Tree Line Urban Trail plan? (Councilmember Eaton)

Response: Yes, it is under consideration for the Treeline Trail and a parking deck could be designed to accommodate that. If City Council is interested in further analysis on the cost of developing parking on the first street site, then a Phase I and Phase 2 environmental assessment needs to be completed to determine the type and extent of contamination and the cost of clean-up. This can happen simultaneously with a community engagement process.

Question: It is my understanding that the First/William Surface Parking Lot has significant environmental contamination. What cleanup would be required to facilitate the use of this site for a parking structure? (Councilmember Eaton)

Response: Please see response above.

CA-13 – Resolution to Direct the City Staff to Conduct Community Engagement Around Development Options for 721 N Main in Support of Affordable Housing in the City

Question: Q1. Regarding CA-13 (721 N.Main), how large is the NW corner that's suitable for housing and what does the FEMA deed restriction allow/prohibit in terms of development? (Councilmember Lumm)

Response: The FEMA deed restriction prohibits development in the floodway. The NW corner that is developable is comprised of approximately 16,000 square feet of land outside any defined flood area, and approximately 55,000 square feet of area in the flood fringe (potential for development, however challenging from a design/use/potential for offsetting flood capacity). The zoning analysis included a portion of the building in the floodplain which is not prohibited by zoning. However, the financial analysis used 16,367 SF, which assumed that no buildings or parking lots would be in the floodway/floodplain.

Question: Q2. Also on CA-13, while I recognize the site has significant limitations, is this realitively large site (5.26 acres) really only worth \$400K-\$600K?

Response: Due to the length of time it took to research the many legal and zoning issues at N Main, the appraisal is not completed yet. The \$400K - \$600K was an estimate based on comparing the appraised value for the closest site (which was N Ashley) and by completing a cost evaluation and an income approach for a development that could only be built in the NW corner (16,367 SF) and not on the portion of the site that is in the floodway/floodplain. The appraisal should be available by early December. These questions are very relevant as to why staff are recommending community engagement

as the next step which would be simultaneous with further research and design that takes into account what portion of the site should be built on.

CA-14 – Resolution to Direct the Ann Arbor Housing Commission to Continue Community Engagement Around Development Options for the AAHC-Owned Properties at 3432 - 3440 Platt Road and 3435 - 3443 Springbrook to Support Affordable Housing in the City

Question: Q1. Regarding CA-14 (Platt and Springbrook), what would be the ball-park cost to construct the necessary infrastructure (water/sewer hookups and roads) and has the city even been approached about selling the property? (Councilmember Lumm)

Response: The AAHC did a cost estimate in 2013 as a part of the redevelopment of public housing on Platt road across the street and the estimate was \$300,000 in 2012. Some of the immediately adjacent neighbors expressed interest in purchasing it as a collection of neighbors. Some neighbors were interested in forming a legal entity with the other neighbors to purchase it. The AAHC indicated they were open to that idea and indicated that if the neighbors were able to figure out how to work together to purchase it, to bring a proposal back to the AAHC and the City. The AAHC has not heard back from the neighbors since 2014 when it was discussed. That is one of the reasons the AAHC would like to continue dialoging with the neighbors about the future use. The AAHC has also had conversations with Habitat for Humanity about acquiring the property and Habitat is still interested.

Question: Q2. Also on CA-14, the cover memo indicates AAHC would like to have a discussion around “different types of affordable housing, including affordable homeownership and net-zero rental options.” By affordable homeownership, does that mean an Avalon-type project and please elaborate on what you mean by “net zero rental options.” (Councilmember Lumm)

Response: Homeownership is referring to Habitat for Humanity. And net zero rental option is an idea that the AAHC has been discussing with other community groups to try to build modular housing that is factory built and highly energy efficient with all electric heat and appliances, with solar power and battery storage so that it can be a net-zero energy housing. This site is a potentially good location to try this development model because it could have multiple single family homes with south-facing roofs. The net-zero energy housing could be rental or owner.

CA-15 – Resolution to Direct the Ann Arbor Housing Commission to Determine Feasibility of using 1510 E. Stadium for Temporary or Permanent AAHC or Other City Office Space

Question: Re: 1510 Stadium, I see the phrase “other city office space.” What City entity other than AAHC could conceivably be assigned office space here? (Councilmember Nelson)

Response: Due to time limitations, we were not able to do a city-wide office space analysis. Therefore, it was included as an option so as not to exclude other city office space if needed and if directed by council to explore that option.

Question: Q1. How much space does AAHC have now for offices and maintenance and is that adequate for the current assets/properties AAHC manages? (Councilmember Lumm)

Response: The AAHC houses its finance, maintenance and administrative staff, in offices at 2000 S. Industrial and it is approximately 2500 SF including bathrooms and a meeting room. In addition the Maintenance staff have a warehouse space that includes working space, material storage and some vehicle storage that is about 2500 SF as well. The AAHC also houses its voucher, waitlist, family self-sufficiency, and some property management staff at 727 Miller with about 4000 SF including file storage room, a meeting room and public bathrooms. In addition, 3 staff members have offices at properties owned by the AAHC. The total space is barely sufficient for current full time and temp staff, and is physically insufficient for file storage and maintenance.

The AAHC processes large volumes of personally identifiable materials of our tenants with file retention requirements of 8-30+ years. Operationally, the AAHC needs to find a location where finance and voucher and waitlist program staff can operate in the same location due to the constant communication that occurs between these departments on daily financial operations related to tenants, landlords and contractors. On the property management side, we have a different strategy which is to add AAHC office space and non-profit service staff space into new developments so that we can move property management staff on-site for eyes-on-the-site management. The AAHC cannot grow its operations with additional properties, grants etc with the current office and maintenance facilities at Industrial and Miller. The AAHC did a space analysis a couple years ago and 13,000 SF would meet current needs and provide some room to grow.

If the AAHC is able to develop S Industrial as housing and office/maintenance facilities, it will need to at minimum temporarily move its current staff at Industrial to another location for a couple years. The new location needs to be able to accommodate large deliveries and storage for items like refrigerators and stoves. Fire Station #2 currently has a large garage area as well as first and 2nd floor office space that would be able to accommodate current staff at S. Industrial. However it is not large enough to move staff from Miller without adding an addition that includes an elevator to make the 2nd floor accessible. Therefore, its development as affordable housing could happen but the timing of housing development should take consideration into what happens at S. Industrial and the impact on the AAHC office/maintenance space.

Question: Q2. Assuming the recommendations of this study are adopted, approximately how many more employees would AAHC need and how much more office and maintenance space? (Councilmember Lumm)

Response: If all of the recommendations are adopted, the AAHC would be the developer of Catherine and Ashley. The AAHC would be conducting further analysis and would hopefully eventually develop S. Industrial. The AAHC would be working with others on community engagement and further analysis of Platt, S. Ashley and N Main. Depending on how that process goes, the AAHC might be a partner with a private developer at S Ashley and may or may not be a developer of N Main, Stadium and Platt. Although the AAHC would partner with a private developer on most sites as a fee-based relationship where the developer guarantees construction and the developer is finished after the units are fully occupied, the AAHC would also need to hire a staff person dedicated to development as the first step. As properties are getting close to completion, the AAHC would need to hire about 4 staff per 100 apartments. 1 maintenance staff per 100 units. 1 finance/admin support staff per 200 units, and 2 property management staff (waitlist, income certifications, and lease compliance) per 120-160 units depending on the population served and the level of regulatory compliance requirements for the financing used. Once the AAHC adds 300-400 more units, it would need to hire an Asset Manager for all of its sites. And if additional properties are developed, then additional specialized or management staff will likely be needed.

The AAHC currently has 412 units with 4 maintenance techs and 1 facility manager, 2 property managers, 4 occupancy specialists, 1 administrative support staff and 1 waitlist staff dedicated to the properties we own and manage. In addition, the AAHC has staff that both provide support to these properties as well as the voucher program and family self-sufficiency program (Executive Director, 4 finance staff, family self-sufficiency program staff and the Director of Operations)

All of the AAHC's staff that work for the properties we own and manage are paid through the rent revenues of these properties. The property rents must be structured so that they are self-sufficient and are able to cover operating costs, including staff. In addition, these properties pay a management fee to the AAHC to cover the cost of these shared Admin/finance staff. The city's current operating support to the AAHC is primarily providing financial support for the voucher program, which is severely underfunded by HUD. The AAHC does not anticipate needing additional city financial support for the staffing levels needed for properties that are developed because they need to self-fund.

The AAHC will need additional office/maintenance space for these new staff which can be accommodated by building a new office/maintenance facility.

Question: Q3. On page 15, the value of the property is shown as \$380K-\$935K. Why such a wide range and what is the rough value if sold "as is" with existing R1C zoning? (Councilmember Lumm)

Response: The range is dependent on the zoning. R1C was \$380K. R-3 \$665,000 and R4B \$935,000

Question: Q4. Under what circumstances might it make sense to use this space for “temporary” AAHC space (requiring another move later) and what needs does the City have for “other city office space”? (Councilmember Lumm)

Response: See above for temporary AAHC office space. Due to time constraints a city-wide office assessment was not conducted but could be conducted so this option was simply identified as an option.

Question: The property at 1510 E. Stadium has all of the benefits of 2000 S. Industrial (near public transportation, grocery stores, pharmacy, jobs and other local services) without the proximity to a railway. Why was this site not given greater consideration as an appropriate place for affordable housing? (Councilmember Eaton)

Response: LIHTC is the single largest source of funding for affordable housing development and is therefore the most critical factor for determining financial feasibility of a project. LIHTC is also a limited source and is very competitive. If the project does not score high enough to compete, then it will never get awarded funding. LIHTC scoring currently emphasizes location-related items that are favorable to downtown locations such as proximity to amenities (12 points), enterprise opportunity 360 score (4 points), distance from a downtown or corridor combined with the walk score (12 points), ½ mile from employer of 250+ people (5 points), nearness to services like a pharmacy, doctor etc (5 points), neighborhood investment (10 points) and the difference in price between affordable and market units (5 points). All of the downtown sites that are eligible for LIHTC score much higher than all of the sites that are not in the downtown.

Therefore, if an affordable housing project is built on a site that is not LIHTC-funded, it will require more local grant funding than a project with LIHTC funding. On sites that we indicated will need a high local subsidy, the local subsidy for rental projects tended to be around \$80,000 - \$180,000 per unit compared to \$0 - \$50,000 per unit at LIHTC eligible sites. Page 15 of the analysis shows different scenarios for 1510 E Stadium and the per unit subsidy was \$183,000/unit in the first scenario for 12 units and \$143,000/unit in the 2nd scenario. The difference between the 2 scenarios was the 2nd scenario had lower interest rate financing and therefore it needed less local subsidy. This site can be developed as affordable housing, it will simply require a high local subsidy and therefore was prioritized lower than sites that had lower local subsidy requirements.

Question: The staff analysis found that 1510 E. Stadium has the potential to support only 8-12 affordable housing units. The site seems amenable to a multi-story building with many more micro apartments. If the site was developed for single (rather than family) occupancy, its proximity to transit routes would allow development without parking. What led staff to the conclusion that the site was limited to 8-12 units? (Councilmember Eaton)

Response: The zoning analysis looked at several re-zoning options of varying density that was reasonably compatible with the neighborhood. Staff acknowledge that City Council can approve a PUD that reduces parking requirements and increases density. For this financial analysis staff started with the premise that all of the properties would be

rezoned to be as compatible as possible with the neighborhood and not be a PUD. Staff can do further analysis of the site and use PUD zoning with no parking and more units. The second part of the financial feasibility analysis is funding. Due to the location (based on how MSHDA currently scores LIHTC projects), this site does not score as high as downtown sites and is unlikely to be funded for a 9% LIHTC deal. However, if this is a high priority site for City Council to develop as affordable housing and City Council is willing to provide significant local funding, then staff can bring back more options with higher density and financing options.

CA-17 - Resolution No. 1 - Prepare Plans and Specifications for the Stimson Street Sidewalk Gap Special Assessment (District #59), and Appropriate \$15,000.00 from the General Fund Balance for the Design of the Project (8 Votes Required)

Question: Regarding CA-17 and CA-18, the cover memo for CA-18 references a STF grant, but CA-18 does not. Is that correct that there's no grant available to help defray the assessed costs for CA-17? (Councilmember Lumm)

Response: That is correct.

CA-18 – Resolution No. 1 - Prepare Plans and Specifications for the Proposed Scio Church Resurfacing Project's Sidewalk Gap Portion- Special Assessment (District #58), and Appropriate \$20,000.00 from the General Fund Balance for the Design of the Project's New Sidewalk (8 Votes Required)

Question: Is the correct map attached? I do not see the "one parcel (between Greenview and Seventh) [that] belongs to Ann Arbor Public Schools." (Councilmember Nelson)

Response: Yes, this is the correct map. This resolution is regarding a special assessment district that consists of the three parcels shown on the map, where no sidewalk currently exists. Ann Arbor Public Schools (AAPS) cannot be specially assessed, so the parcel between Greenview and Seventh owned by them is not part of this proposed district. For this parcel, the City will work with AAPS on a separate agreement for paying the cost of that sidewalk.

Question: Is it known where new crosswalks be added on Scio Church? Alternatively: will the process of placing those crosswalks include public input/feedback as to location? (Councilmember Nelson)

Response: The locations of crosswalks are not known at this time. This will be determined during the design of the project, taking feedback from the public into consideration.

Question: Thank you for addressing this sidewalk gap. Are there any plans to install sidewalk on the north side of Scio Church Road between Greenview Drive and South 7th Street? If so, when is that project expected to be done? (Councilmember Eaton)

Response: This sidewalk gap is also being proposed to be filled as part of this project. As this property is owned by Ann Arbor Public Schools (AAPS), the cost of installing the sidewalk would be borne by AAPS. Staff is working with AAPS on a separate agreement for this sidewalk gap.

CA-19 - Resolution to Prohibit On-Street Parking on Both Sides of Barton Drive from Longshore Drive to Pontiac Trail

Question: Q1. Regarding CA-19, of the 209 folks who took the on-line survey, do we know how many are residents in the area, and if so, can you please summarize their results separately? (Councilmember Lumm)

Response: The online survey for Barton Drive received 209 responses. Of the 209 responses, 133 are within Ward 1, and 67 are from residents within the Barton Drive/Northside neighborhood. See page 11 of the [Engagement Summary](#) for additional detail and project area boundary maps.

Detailed online survey responses, and filtering options, are publically available by visiting the [topic feedback map](#), and selecting from the drop down menu by ward, project area, or sidewalk zone. Visiting the A2 Open City Hall platform is the recommended means to access results to provide graphs and charts and allow user to compare results within different geographic boundaries.

A summary of feedback from the 67 residents within the project area is provided below, and the complete feedback summary for this subset of respondents is attached.

- How do you currently use the Barton Drive corridor? Walking – 88.1%, Bicycling – 41.8%, Driving – 94%, Other – 6%
- How would you like to use the Barton Drive corridor? Walking – 89.2%, Bicycling – 63.1%, Riding the bus – 21.5%, Driving – 92.3%, Other – 3.1%
- How important is it to make road changes along Barton Drive that improve conditions for people biking and walking? Very important – 68.7%, Somewhat important – 20.9%, Not important – 10.4%
- How important is it to make road changes along Barton Drive that improve conditions for people driving? Very important – 50.0%, Somewhat important – 31.3%, Not important – 18.8%
- What part of this project are you most interested in? Impacts caused by construction – 26.9%, Water service improvements – 4.5%, Active transportation features (bike lanes, sidewalks, crosswalks) – 79.1%, Financial impacts to property owners (i.e., special assessments) – 26.9%, Intersection changes – 41.8%, Other – 9.0%
- What is your preference for the proposed bike lane(s) on Barton Drive between Brede and Pontiac? No bike lanes, maintain on-street parking on both sides – 25.0%, Install bike lanes on both sides, remove on-street parking – 65.6%, Install westbound (toward M-14) bike lane only, maintain parking on eastbound side – 6.3%, Install eastbound (toward Plymouth Road) bike lane only, maintain parking on westbound side – 3.1%

Question: Q2. Also on CA-19, do the contemplated bike lanes on Barton connect to bike lanes outside the impacted area of this project? (Councilmember Lumm)

Response: Yes. They would connect to existing bike lanes east of Pontiac.

CA-20 - Resolution to Approve Annual Software Support, Maintenance and License Fees Agreement for AclaraONE with Aclara Technologies LLC (\$35,400.00)

Question: Regarding CA-20, obviously not a huge deal, but what is the rationale behind a 5% annual price escalator for years 2 through 5 of the contract (with annual expected inflation well below that)? (Councilmember Lumm)

Response: Annual software maintenance and license agreement increases are generally not tied to inflation. The industry standard is closer to 7%.

CA-21 – Resolution Authorizing the Appropriation of \$160,771.00 from the General Fund to Reimburse the Street, Bridge, Sidewalk Millage Fund for the Northside STEAM Safe Routes Sidewalk Gap Project (8 Votes Required)

Question: What happens if this \$161K is not approved? (Councilmember Bannister)

Response: The millage was approved for both repair of existing sidewalks and for construction of sidewalks. However, per City Council resolution, may be used only for costs related to the non-assessable portion of sidewalk installations. Because the project was not constructed, these expenses would not be in compliance with the approved purposes of the millage. Thus the need for reimbursement.

Question: How will the budgets be impacted? (Councilmember Bannister)

Response: If the reimbursement is not approved, the millage fund would have \$161k less money available for streets, bridges, and sidewalks work using millage funds.

Question: Were there any lessons learned through this process, which involved public opposition through-out? (Councilmember Bannister)

Response: For any public engagement effort, staff always try to learn from the experience and use the knowledge gained to improve future engagement opportunities.

Question: Do any policies and procedures need to be updated so as to avoid this type of use of funds in the future? (Councilmember Bannister)

Response: The necessary modifications to procedures have already been made. Future potential special assessment projects are proposing funding the design and public engagement phase out of the General Fund.

DC-1 – Resolution to Develop a Plan to Expand Access to Voting and Registration Beyond the Minimum Required by the Michigan Constitution for Even-Year November General Elections

Question: Q1. I'm assuming that Council will have an opportunity to review and approve the plan once it is developed by city staff – can you please confirm that's correct? (Councilmember Lumm)

Response: Michigan Election Law currently authorizes satellite locations for the purpose of voter registration and absentee ballots, but does require that locations and times of those offices be authorized by City Council. In addition, any associated budget impacts related to these changes would need to be authorized by City Council prior to implementation of the plan.

Question: Q2. Are there any state statutes or regulations that guide what local communities can do in terms of registration and voting beyond the minimums, and if so, what are the restrictions and do they impact the direction provided in the 2nd resolved clause? (Councilmember Lumm)

Response: Other than the budget approval of City Council for satellite offices, there are no restrictions on communities adding additional hours, as long as they are prior to any legal deadlines. For voter registration, with in-person voter registration allowed under Proposal 3, up to and including on Election Day at the local clerk's office, there are no concerns with any extension of hours. For absentee ballots, the last day to mail a ballot is the Friday prior to the election at 5pm and in-person absentee balloting ends at 4pm on Monday prior to Election Day; those deadlines would still apply.

Question: Q3. In terms of a satellite location for registration and absentee balloting, what will the criteria be for its location and hours, who would staff it, and how will it be the normal safeguards/processes of the City Clerk's Office be replicated? (Councilmember Lumm)

Response: The City Clerk's Office is currently determining needs, as well as possible locations. Part of this analysis includes a review of current demands for absentee ballots, as well as a review of underserved areas that might benefit from more convenient options. Currently, only two other communities have utilized satellite offices, Detroit and Lansing, so we are also looking at their models for planning for our own needs, including the resources required. Depending on the community's needs, part of the plan for a satellite office and increased office hours, would be a budget request for supplies, staffing and set-up equipment, as is mentioned in this resolution. We are currently studying the cost of technology and facilities to replicate our current system to ensure security.

Question: Q4. Does staff have a rough, ball-park estimate of the costs to meet the direction of the 2nd Resolved clause? (Councilmember Lumm)

Response: Not at this time. We anticipate that the additional hours would be achieved with hiring additional temporary staffing and not relying on staff overtime.

Question: Q5. Does the fact that this would apply only to even year, November General elections (not other elections in Ann Arbor) cause any staff concern in terms of having inconsistent registration and absentee voting rules for different elections? (Councilmember Lumm)

Response: No, this was a suggestion from the City Clerk in reviewing the resolution. Based on our experience working the Saturday before each election, as required by law, it would not be a good use of resources or budget to utilize additional locations and add extra hours in smaller elections. The demand for more options for voter registration and absentee ballots is typically only seen in the busiest elections (even-year November). We have also extended our hours for voter registration on the previous close of registration deadline in the last two even-year elections.

DC-2 – Resolution Creating a Resident-Driven Sidewalk Gap-Filling Program and Appropriate \$150,000.00 from the General Fund, Fund Balance (8 Votes Required)

Question: Q1. Can you please provide a listing of the sidewalk gap projects for the last ten years or so including (for each project), the number and location of properties assessed, the range of the assessments, and whether grant funding helped reduce the property owner assessments? (Councilmember Lumm)

Response: See attached table. Assembling the full list and location of properties assessed would be a larger effort, and would not be available by the 11/18 Council meeting.

Question: Q2. How does the 50/50 cost sharing work when grant funding is involved? (Councilmember Lumm)

Response: It is anticipated that projects with grant funding would not be eligible for both the grant participation in this program. If a project was proposed with grant funding and residents initiated an effort under this program, then it would have to be determined which funding source would be used. The amount of funding in future budget years would be determined as part of the budget process. City Council already has the authority to determine community benefit. This program would not change that authority.

Question: Q3. Is it anticipated that there would be \$150K each year (from the General Fund) and if so, how is it determined which “resident-driven” gap project gets funded and which doesn’t (first come-first serve)? If not, how will the budget amount be established? (Councilmember Lumm)

Response: Please see response above.

Question: Q4. If neighborhoods were aware a city-initiated sidewalk gap project was contemplated or in the city's queue, why wouldn't they just initiate a "resident driven" request to reduce their assessments? (Councilmember Lumm)

Response: Please see response above.

Question: Q5. The basis for the reduced assessment is the "community benefit", but I do not understand how there can be a "community benefit" if folks ask for the sidewalk, but no "community benefit" under the city-initiated program. In both cases, there's a sidewalk and it seems to me that's the benefit (not that residents asked for it). Can you please speak to that? (Councilmember Lumm)

Response: Please see response above.

DB-1 – Resolution to Approve The Vic Village South Site Plan and Development Agreement, 1100 South University Avenue (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

Question: Regarding DB-1, the parking requirement is being met in part through "40 limited overnight permits in the Forest Avenue structure." While I understand that parking requirements can be met through arrangements with the DDA in the public system, it seems to me that "limited overnight permits" do not satisfy the spirit or intent of the parking requirements. Can you please speak to that and how we've concluded that 70 24-hour parking spaces (excluding the 40) will satisfy the demand of 131 apartments and over 300 bedrooms? (Councilmember Lumm)

Response: There is no applicable spirit or intent section of the UDC that that prefaces the D1 (Special Parking Districts) section. The applicable code language is fully met by the proposed plan to secure parking permits, regardless of the day/time span that is specifically attributed to them. It is likely that this restriction will have an impact on potential residents' choice to forgo a vehicle based on the limited opportunity for parking, which can contribute to reliance on other forms of transportation, consistent with master plan and the recently adopted climate goal.

Question: Also on DB-1, have there been any objections/concerns raised about this proposal, and if so, please summarize the concerns? (Councilmember Lumm)

Response: No concerns were raised through public communications to staff or at the public hearing at City Planning Commission.

149.43 Availability of public records for inspection and copying.

(A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section [3313.533](#) of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section [2967.271](#) of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(c) Records pertaining to actions under section [2151.85](#) and division (C) of section [2919.121](#) of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections [3705.12](#) to [3705.124](#) of the Revised Code;

(e) Information in a record contained in the putative father registry established by section [3107.062](#) of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section [3111.69](#) of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section [3107.52](#) of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section [2710.03](#) or [4112.05](#) of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section [109.573](#) of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section [5120.21](#) of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section [5139.05](#) of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section [3121.894](#) of the Revised Code;

(p) Designated public service worker residential and familial information;

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section [1333.61](#) of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) In the case of a child fatality review board acting under sections [307.621](#) to [307.629](#) of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section [3701.70](#) of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section [307.626](#) of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section [5153.171](#) of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section [150.01](#) of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(y) Records listed in section [5101.29](#) of the Revised Code;

(z) Discharges recorded with a county recorder under section [317.24](#) of the Revised Code, as specified in division (B)(2) of that section;

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(bb) Records described in division (C) of section [187.04](#) of the Revised Code that are not designated to be made available to the public as provided in that division;

(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section [2949.221](#) of the Revised Code;

(dd) Personal information, as defined in section [149.45](#) of the Revised Code;

(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections [111.41](#) to [111.47](#) of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section [111.41](#) of the Revised Code.

(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;

- (hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;
- (ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:
- (i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.
- (ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section [2950.01](#) of the Revised Code, at the actual occurrence of that offense.
- (jj) Restricted portions of a body-worn camera or dashboard camera recording;
- (kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.
- (ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;
- (mm) Telephone numbers for a victim, as defined in section [2930.01](#) of the Revised Code, a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section [5502.11](#) of the Revised Code that are listed on any law enforcement record or report.

A record that is not a public record under division (A)(1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section [3107.083](#) of the Revised Code, a denial of release form filed pursuant to section [3107.46](#) of the Revised Code, or any record that is exempt from release or disclosure under section [149.433](#) of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section [3107.391](#) of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

- (a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
- (b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;
- (c) Specific confidential investigatory techniques or procedures or specific investigatory work product;
- (d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a designated public service worker, except for the following information:

(i) The address of the actual personal residence of a prosecuting attorney or judge; and

(ii) The state or political subdivision in which a designated public service worker resides.

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section [109.71](#) of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section [4765.01](#) of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section [2903.11](#) of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section [9.88](#) of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section [2929.01](#) of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section [2967.01](#) of the Revised Code.

(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section [149.011](#) of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section [109.43](#) of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;

(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;

(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;

(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section [5924.120](#) of the Revised Code.

"Health care facility" has the same meaning as in section [1337.11](#) of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" has the same meaning as in section [2925.61](#) of the Revised Code.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section [2907.10](#) of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section [4765.01](#) of the Revised Code.

(B)

(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any

requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person requesting the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by that person. Nothing in this section requires a public office or person responsible for the public record to allow the person requesting a copy of the public record to make the copies of the public record.

(7)

(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)

(a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A)(1)(gg) of this section, other than personal information as defined in section [149.45](#) of the Revised Code.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section [2930.02](#) of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A)(1)(gg) of this section to the victim, victim's attorney, or victim's representative.

(C)

(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section [2743.75](#) of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(2) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C)(1) of this section, the following apply:

(a)

(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as

creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(3)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.

(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C)(1) of this section.

(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section [2323.51](#) of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)

(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section [109.43](#) of the Revised Code. A future official may satisfy the requirements of this division by attending the training before taking office, provided that the future official may not send a designee in the future official's place.

(2) All public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section [109.43](#) of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)

(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)

(1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A)(17)(b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section [2743.75](#) of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording.

Amended by 133rd General Assembly File No. TBD, HB 166, §101.01, eff. 10/17/2019.

Amended by 132nd General Assembly File No. TBD, HB 425, §1, eff. 4/8/2019.

Amended by 132nd General Assembly File No. TBD, SB 214, §1, eff. 4/5/2019.

Amended by 132nd General Assembly File No. TBD, HB 341, §1, eff. 4/5/2019.

Amended by 132nd General Assembly File No. TBD, HB 139, §1, eff. 4/8/2019.

Amended by 132nd General Assembly File No. TBD, SB 201, §1, eff. 3/22/2019.

Amended by 132nd General Assembly File No. TBD, SB 229, §1, eff. 3/22/2019.

Amended by 132nd General Assembly File No. TBD, HB 312, §1, eff. 11/2/2018.

Amended by 132nd General Assembly File No. TBD, HB 34, §1, eff. 11/2/2018.

Amended by 132nd General Assembly File No. TBD, HB 8, §1, eff. 9/28/2018.

Amended by 131st General Assembly File No. TBD, HB 471, §1, eff. 12/19/2016.

Amended by 131st General Assembly File No. TBD, HB 317, §1, eff. 9/28/2016.

Amended by 131st General Assembly File No. TBD, SB 321, §1, eff. 9/28/2016.

Amended by 131st General Assembly File No. TBD, HB 359, §1, eff. 9/8/2016.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 663, §3, eff. 3/20/2015.

Amended by 130th General Assembly File No. TBD, HB 663, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. 56, SB 23, §1, eff. 3/20/2015.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 129th General Assembly File No. 129, SB 314, §1, eff. 9/28/2012.

Amended by 129th General Assembly File No. 127, HB 487, §101.01, eff. 9/10/2012.

Amended by 129th General Assembly File No. 43, HB 64, §1, eff. 10/17/2011.

Amended by 129th General Assembly File No. 28, HB 153, §101.01, eff. 9/29/2011.

Amended by 128th General Assembly File No. 9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 02-12-2004; 04-27-2005; 07-01-2005; 10-29-2005; 03-30-2007; 2006 HB9 09-29-2007; 2008 HB214 05-14-2008; 2008 SB248 04-07-2009.

Related Legislative Provision: See *129th General Assembly File No.131, SB 337, §4* .



Legislation Details (With Text)

File #: 16-0737 **Version:** 1 **Name:** 7/18/16 Resolution for Lease of 406 N. Ashley for Dental Center

Type: Resolution **Status:** Passed

File created: 7/18/2016 **In control:** City Council

On agenda: 7/18/2016 **Final action:** 7/18/2016

Enactment date: 7/18/2016 **Enactment #:** R-16-294

Title: Resolution to Approve Lease Agreement between the City of Ann Arbor and The Regents of the University of Michigan for the Lease of 406 N. Ashley Street - The Community Dental Center (8 Votes Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. UM Lease - fully executed, 2. UMDental Lease UM 2016, 3. UM SNIE at CDC, 4. Community Dental Clinic Information, 5. CDC LOS 7-11-16, 6. UWay CDC support

Date	Ver.	Action By	Action	Result
7/18/2016	1	City Council	Approved	Pass

Resolution to Approve Lease Agreement between the City of Ann Arbor and The Regents of the University of Michigan for the Lease of 406 N. Ashley Street - The Community Dental Center (**8 Votes Required**)

The City of Ann Arbor and the Regents of the University of Michigan wish to sign a new commercial lease agreement for the lease of City-owned property at 406 N. Ashley Street for use as a Community Dental Center. The University of Michigan has leased a portion of the City-owned building since 1981 to provide dental services to low-income Ann Arbor residents at the Community Dental Center.

The current lease renewal agreement will expire on June 30, 2018. However, a portion of the property previously retained for use by the Housing Commission administrative operations was planned to be vacated and the Community Dental Center has requested full use of the building and a revised lease for occupancy of the entire building. The Community Dental Center desires to expand its services to the community by adding a dental clinic to treat special needs patients and support interprofessional education.

As the sole lessee of the building, the University has agreed to assume responsibility for the costs for capital improvements/repairs and maintenance to the building, including the HVAC system (\$16,000 to \$18,000) and elevator (\$50,000 to \$60,000), during the lease term. In addition the University has accepted responsibility for payment of costs associated with the upgrade of the building electrical service, if required, to support a new/expanded dental clinic within the building. Snow removal/ice control and lawn care service, will be contracted by the City, and paid for by the University.

The term of the new lease will be for 5 years, terminating June 30, 2021. The University has the

option to renew the lease once for an additional 3 year period.

In discussions with the Executive Director of the Ann Arbor Housing Commission, she has indicated that original plan to move the AAHC administrative offices to Miller Manor is not feasible due to the conflicting space needs to provide services to tenants at Miller Manor. The AAHC is working with City Administration to find a long-term solution to the office space needs of the AAHC. She has also suggested that the property would be a good location for a future affordable housing project and asked that Council consider the long-term use of the property.

The City Administration believes Housing Commission staff can be accommodated on other Housing Commission property or city office space and recommends approval of the University of Michigan's request for a new commercial lease agreement to modify the term of the previous agreement and amendment.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Approved by: Tom Crawford, Interim City Administrator

Whereas, The University of Michigan has leased a portion of the City-owned building at 406 N. Ashley Street since 1981 for use by the Community Dental Center;

Whereas, The City of Ann Arbor has contracted with The University of Michigan to provide dental services to low-income Ann Arbor residents at the Community Dental Center since 1981;

Whereas, The portion of the building not currently occupied by the Community Dental Center is anticipated to be vacant and the University has requested use of the entire building for a new or expanded dental clinic;

Whereas, The City Administrator has negotiated a new lease with the University of Michigan which provides for a 5-yr term and requires the assumption by the University of costs for maintenance and repair and capital improvements anticipated or in connection with their occupancy of the entire building; and

Whereas, The Administration recommends approval of a new commercial lease agreement to modify the terms of the previous agreement;

RESOLVED, That City Council approve the Commercial Lease Agreement between the City of Ann Arbor and The Regents of the University of Michigan for lease of City-owned property at 406 N. Ashley Street to provide for a new 5-year renewal term commencing October 1, 2016 and terminating June 30, 2021 with an option to renew the lease for three (3) additional one-year terms subject to approval of the renew by the City Administrator; and

RESOLVED, That the Mayor and Clerk are authorized and directed to execute the Commercial Lease Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

Summary of Sidewalk Special Assessments (2009-2019)

Stand-Alone Sidewalk Gap Projects

Project	Sidewalk Gap Location (limits are approximate)	Year Constructed	Outside Funding (Federal Aid)?	Total Project Cost	Assessed Cost
Washtenaw Ave.	Glenwood to Tuomy	2011	Y	\$1,544,268.95	\$59,233.75
Barton Drive Sidewalk Gap	Longshore to Chandler (south side)	2015	Y	\$524,227.75	\$1,980.00
Scio Church Sidewalk Gap	Maple to Delaware (south side)	2015	Y	\$524,227.75	\$1,626.00
Nixon Road	Clague to Haverhill (east side)	2015	Y	\$297,363.76	\$14,536.52
Stone School Road Sidewalk	Birch Hollow to Packard (west side)	2017	Y	\$295,060.71	\$6,230.00
Miller/Maple Sidewalk	Maple Village Ct. to east of M-14 (west & north)	2017	Y	\$777,708.24	\$52,084.44
Federal/Commerce/Green Sidewalk Gaps	Fed./Commerce - Stadium to end of gap (north); Green - Burbank to Burbank (east)	2018	Y	\$ 526,594.90	\$55,966.15
Dhu Varren Sidewalk*	Omlesaad to west edge of development (both sides)	2019	Y	\$ 852,409.60	\$78,955.37

Sidewalk Gaps Filled as Part of Other Projects

Project	Sidewalk Gap Location (limits are approximate)	Year Constructed	Outside Funding (Federal Aid)?	Total Project Cost**	Assessed Cost
Dexter Ave. Improvements	Worden to Maple (north side)	2012	Y	n/a	\$11,651.00
Miller Ave. Improvements	Linda Vista to Wines (south side)	2013	Y	n/a	\$6,574.00
Newport Road	M-14 to Riverwood (west side)	2014	N	n/a	\$39,517.56
Pontiac Trail Improvements	Skydale to Dhu Varren (east side)	2014	N	n/a	\$31,467.98
Stone School Road	Champaign to Pheasant Run (west side)	2015	Y	n/a	\$54,996.50
Stadium Blvd. Reconstruction	Adjacent to AA Golf & Outing (south)	2017	Y	n/a	\$19,702.09
Scio Church Improvements	Audubon to Main (south side)	2018	Y	n/a	\$24,563.39

* project is in progress, so Total Project Cost is only an estimate at this time

**total project cost of the sidewalk portion alone was not readily available for sidewalk gaps that were part of other road projects