

..Title

Resolution to Order Election and to Determine Ballot Question for Charter Amendment for the 2012 Sidewalk Repair Millage **(7 Votes Required)**

..Memorandum

In 2011 the City Council approved a resolution in support of the Complete Street philosophy for a safe and balanced transportation system that would accommodate all modes of traffic. The attached resolution includes a proposal for 0.125 mill for the repair of sidewalks by the City, for the years 2012 through 2016. The sidewalk repair millage, if approved, will be used only for the sidewalks adjacent to properties that are on the City's tax roll, which excludes schools, churches and city owned properties as well as those owned by the University of Michigan. The excluded properties would be responsible for their own sidewalk repairs as they are now. For the first year FY2013, the estimated net revenue for the sidewalk repairs is \$563,000.00 after deductions for the DDA. Properties other than single- and two-family homes within the DDA district will continue to be responsible for their own sidewalk repairs as before.

As of today the sidewalk repairs are the complete responsibility of all property owners. In June 2011 staff conducted a public engagement process designed to determine public sentiment regarding the potential to expand the 2012 Street and Bridge Resurfacing and Reconstruction Millage to include a new City-managed sidewalk repair program, which would require an increase to the 2012 Street and Bridge Resurfacing and Reconstruction Millage from 2.0 mills to 2.125 mills.

Three public meetings were held (June 23, 29, 30), which a total of seven citizens attended. The public meetings were complemented by a survey posted online at the City's Street Millage website from June 21 to July 5, 2011. The survey yielded 620 responses. Of these, 576 respondents self-identified as City of Ann Arbor "residents," and it is the data generated by these residents that are included in the survey analysis. A brief summary of the results follows:

- 49.3% of resident respondents indicated their level of agreement as "strongly agree" or "agree" in response to the question: "The annual cost associated with the City of Ann Arbor's Street Reconstruction Millage, as described above, represents good value." 25.1% of resident respondents indicated a "neutral" level of agreement to this question.
- Nearly two-thirds of resident respondents (61.7%) have replaced a portion of the sidewalks adjacent to their property over the past six years, which mirrors staff's estimate of the proportion of properties that were required to complete a repair in response to the recent sidewalk inspection and enforcement program.
- 70.7% of all residents indicated their level of agreement as "strongly agree" or "agree" in response to the question: "As a general principle, I would prefer that the City of Ann Arbor were responsible for repairing sidewalks instead of property owners."
- 59.7% of all residents indicated their level of agreement as "strongly agree" or "agree" in response to the question: "I would be willing to pay the cost as described above (an additional 0.125 mills to be assessed using my property's taxable value) in exchange for the City of Ann Arbor's assuming responsibility for repairing

sidewalks.”

In response to the concern that citizens ought to be afforded the opportunity to vote separately on the two issues of streets and sidewalks, City Council is presented with two resolutions to consider at their August 4, 2011 meeting:

- (1) A resolution authorizing 2.0 mills annually for 5 years for the Street and Bridge Resurfacing and Reconstruction; and
- (2) A resolution authorizing an additional 0.125 mill annually for 5 years for the sidewalk repairs to be added to the Street and Bridge Resurfacing and Reconstruction Millage if the 2012 Street and Bridge Resurfacing and Reconstruction millage is approved.

If voters approve both millage proposals, a 5-year, 2.125-mill for “Street and Bridge Resurfacing and Reconstruction, and for Sidewalk Repairs” will be initiated. City staff have developed their best estimates for the revenue stream necessary to support safe sidewalks in the future, based on the nearly \$7 million “down payment” investment in sidewalks that residents have made over the course of the recently-completed inspection and enforcement program. Nearly 30 years have elapsed since the previous large-scale enforcement initiative was completed. Within the next few months, after the remaining initially tagged sidewalk slabs are all repaired, the sidewalk enforcement program will have resolved a significant amount of what could be considered as “deferred maintenance” of this public asset.

Should the sidewalk millage pass, the Project Management Services Unit would oversee the new program. The intent would be to continue with a 5-year evaluation and repair program where approximately 20% of the City would be evaluated in each calendar year, with repairs to follow. To try to maximize effectiveness of the funds, the program would focus on the identification and replacement of the sidewalks only. The standards for identifying a needed repair will remain as before and would be detailed and widely shared to promote consistency of the program.

Our initial plan is that each year from 2012 through 2016, two separate construction contracts would be let; one for replacement of the sidewalks within the previously evaluated area and one for the standard street resurfacing program which would also include needed repairs of sidewalks along the streets that are scheduled for reconstruction. Millage revenues and expenditures for the sidewalk repairs would be tracked separately. At the end of each cycle, the program funding would be evaluated to confirm the actual costs incurred for this effort.

..Staff

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Reviewed by: Sue F. McCormick, Public Services Area Administrator

Approved by: Tom Crawford, Interim City Administrator

..Body

Whereas, In 2011 the City Council approved a resolution in support of the Complete Street philosophy for a safe and balanced transportation system;

Whereas, As of today the sidewalk repairs are the complete responsibility of the property owners, which at times may create hardship for some due to unexpected expenses;

Whereas, Sidewalk repairs benefit the public that uses the sidewalks and not just the adjacent property owners and occupants;

Whereas, In June 2011 staff completed a public engagement process designed to determine public sentiment regarding the potential to expand the proposed 2012 Street and Bridge Resurfacing and Reconstruction Millage to include a new City-managed sidewalk repair program with an increase to the 2012 Street and Bridge Resurfacing and Reconstruction Millage from 2.0 mills to 2.125 mills;

Whereas, From the collected survey data there is a public interest in a new City-managed sidewalk repair program; and

Whereas, Because voters ought to be afforded the opportunity to vote separately on the two issues of streets and sidewalks, City Council is presented with two resolutions for new millages to consider at their August 4, 2011 meeting,

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by modifying section 8:20 to read as follows, conditioned on the amendment to section 8.20 to authorize a levy in 2012 through 2016 of a tax up to 2 mills for street and bridge reconstruction being approved:

Funds for Street and Bridge Resurfacing and Reconstruction, and for Sidewalk Repairs

SECTION 8.20. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2012 through 2016, annually levy a tax of up to 2.125 mills on all taxable real and personal property situated within the City for the purpose of providing funds for the reconstruction and resurfacing of streets and bridges, and for repair of sidewalks.

RESOLVED, That November 8, 2011 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the City Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

PROPOSAL 2

ANN ARBOR CITY CHARTER AMENDMENT
TAX FOR STREET AND BRIDGE RESURFACING AND RECONSTRUCTION
AND FOR SIDEWALK REPAIRS

(NOTE: ADOPTION OF PROPOSAL 2 IS CONDITIONED UPON
ADOPTION AT THIS ELECTION OF PROPOSAL 1)

Shall the Charter be amended to authorize a tax increase of up to 0.125 mills for 2012 through 2016 in addition to the street and bridge resurfacing and reconstruction millage of 2 mills, which 0.125 mills will raise in the first year of levy the estimated additional revenue of \$563,000, to provide a total of up to 2.125 mills for sidewalk repair, street and bridge reconstruction and resurfacing?

Yes No

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in full not fewer than two times in the Washtenaw County Legal News;

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2012; and

RESOLVED, That the proposed City managed sidewalk trip hazard repair program include the sidewalks adjacent to all properties on the city's tax roll, but excluding those properties within the DDA district that are not single- and two-family because those properties can benefit from the tax dollars deducted from the proceeds of the new millage and given to the DDA; and

RESOLVED, That if the charter amendment is adopted, the City Attorney and relevant staff shall bring to the Council, on or before December 1, 2011, an ordinance to amend the City Code language relative to the obligation of a property owner to repair the adjacent sidewalk to conform with the City's decision to undertake the sidewalk repair program for the duration of this millage.

As Amended by Ann Arbor City Council on August 4, 2011