



TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator
Jim Baird, Interim Police Chief
Craig Hupy, Public Services Area Administrator
Matt Kulhanek, Fleet and Facilities Manager
Cresson Sloten, Systems Planning Manager
Colin Smith, Parks & Recreation Manager

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 9/21/15

C-1 – An Ordinance to Amend Sections 4:60, 4:61 and 4:62, and to Delete Section 4:63 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-15-04)

Question: I have heard concerns from residents regarding a scenario where the resident clears their snow in 24 hours, only to have their sidewalk covered due to snowplow activity 24+ hours after the end of the storm. Would the resident be in violation of not adequately clearing their sidewalks if they did not remove the plowed snow immediately? Will Community Standards officers be provided with information about snowplow activity? (Councilmember Grand)

Response: As the ordinance is currently written, the resident would not be in violation immediately. The requirement of the ordinance is that the owner remove the snow within 24 hours following the end of each accumulation, and the snowplow activity would be a new accumulation. Thus they would have another 24 hours to remove this snow. Field Operations staff does not provide information specifically to Community Standards regarding snow plow activity. In the past, if Community Standards staff has received a complaint and they had a question about snow plowing activity within a particular street or address, they (Community Standards) have contacted Field

Operations to obtain this information. Additionally, Community Services staff, as well as anyone with internet access, are able to obtain information on snow plow operations via the City's Snow Plow AVL Tracking webpage at <http://www.a2gov.org/departments/field-operations/Pages/SnowPlowAVLTracking.aspx>

Question: At the previous work session, we heard something to the effect of Community Standards having "new authority" to enforce snow removal. If this is the case, please describe what this entails. (Councilmember Westphal)

Response: The authority to enforce snow removal is not new. Title 1, Chapter 1, Section 1:17(3)(b) provides the authority for Community Standards Officers to enforce specific sections of the City Code. Chapter 49, Section 4:60 is included in the authorized sections.

Question: Please re-cap the warning and citation numbers for the past two winters for sidewalk snow removal. (Councilmember Westphal)

Response: Winter 2013-14 had 1141 Notices issued and 166 Citations. Winter 2014-15 had 925 Notices issued and 147 Citations

The following questions and responses noted below are follow up to the September 14 Work Session on "Pedestrian Safety and Access Task Force Recommendations to City Council."

Question: Provide examples of various crosswalk signage in the City and recommendations. (Councilmember Grand)

Response: Staff acknowledges the Task Force's recommendation for uniform marking of crosswalks. Staff has already begun an inventory of crosswalks that do not occur at intersection and what treatments, signage and pavement markings, which exist at each location. After this effort is completed, Staff will develop a family or hierarchy of treatments for crosswalks depending on specifics of each location, but convey a common recognition of the crosswalk.

Question: What would "gateway" signage look like? (i.e. signs when entering the City – M-14/US-23?) (Councilmember Grand)

Response: Below is an example "gateway sign" from Gainesville, Florida found in the National Highway Traffic Safety Administration's on-line publication SAFETY 1 NUM3ERS
(<http://www.nhtsa.gov/nhtsa/Safety1nNum3ers/august2013/theProblemAugust2013.html>)



Another (though dated) example provided by The Greenway Collaborative, Inc. from St. Armond's Circle in Sarasota Florida is below:



Staff is continuing to search for other examples of gateway signage related to pedestrian laws and will pass any along that are discovered.

Question: What will be the cost impacts to property owners or private contractor services for Snow & Ice if the 1" threshold is removed? "I will drill down with staff for that info" (Councilmember Lumm)

Response: Staff unable to determine cost impacts to owners or private contractors.

Question: What is the cost for magnesium chloride which is recommended by the Environmental Commission for ice removal? (Councilmember Grand)

Response: Magnesium Chloride comes in two forms: liquid and solid. Solid (pellet) must be purchased in bags and stored in bags. The City has never made deicer available in this form and as such, does not know what demand to expect. Cost if purchasing the same amount of deicer as used last year would be \$4060. Liquid product could be mixed with sand, similar to the salt/sand mixture used currently. Cost for salt/sand mixture is \$11/ton. Cost for Magnesium Chloride/sand mixture would be \$15-\$18/ton. Last year we used 7 tons of the salt/sand mixture for residents.

This year we are adding pick up locations, so the amount used/year will likely increase.

Question: What will it cost per bag for a homeowner? (Councilmember Grand)

Response: The answer to that is we paid \$14.50/50 lb bag last year. This is very similar to the cost of purchasing at a local hardware.

Question: What would it cost for the City to provide it for homeowners?
(Councilmember Grand)

Response: Not yet determined, as the city has not previously provided this material to homeowners.

Other questions asked at September 14 Work Session and responses are listed below:

Question: “Seventh Street still has two crosswalks that don’t have signs while two of them do have signs” (Statement by Chris Hewitt during Public Comment)

Response: Signage is placed at mid-block crosswalks and not at crosswalks located at street intersections, as signs are only to be placed “*where unexpected entries into the roadway might occur or where shared use of the roadway by pedestrians, animals, or equestrians might occur*” and intersections are not locations where it would typically be unexpected to find pedestrian activity. The crosswalk improvements along Seventh Street undertaken by the City as a result of the community engagement on pedestrian and non-motorized safety along this corridor include:

- Existing sidewalk ramps at the North Seventh/Willow intersection crosswalk location being supplemented with high visibility markings (i.e., continental crosswalk striping)
- Construction of sidewalk ramps for pedestrian crossings at the South Seventh/Lutz intersection, including high visibility markings
- Construction of sidewalk ramps and high visibility markings for pedestrian crossings north of Jefferson Street

The crosswalks at the Willow and Lutz intersections will not have signing, and the mid-block crosswalk north of Jefferson Street does have signage in place.

Question: Citation v. Warning, which is effective?

Response: Both can be effective. Citations for obvious reasons. Warnings have an educational component minus the punitive consequences. This is important in a community with so much change due to the student population. Warnings effectively extend the clock as well because the residents are given a certain amount of time to comply before a citation. So following the initial snowfall, the resident has 24 hours to

clear the walk. The warning or “notice” identifies the violation and allows for 24 hours to remedy essentially making a 48 hour window for compliance.

Question: Unassigned time what is it and what is it used for, impacts of assigning enforcement?

Response: Assuming that this is related to police officers and not community standards personnel. The officers capture their activity on an electronic activity log. Any time not specifically designated for something is considered unassigned time. It may be time used for traveling from one assignment to another or simply patrolling an area with no specific focus.

If the question is the impact of assigning police officers to enforce the snow and ice violations, it would be problematic and inconsistent. During and following significant snow and ice events, the officer’s workload would typically increase as crashes and other weather related incidents occur more frequently in addition to the always present incident types that are less dependent on weather.

Question: Is Community Standards able to issue citations to property owners for Snow and Ice violations even though they are not sworn officers?

Response: Yes. Title 1, Chapter 1, Section 1:17(3)(b) provides the authority for Community Standards Officers to enforce specific sections of the City Code. Chapter 49, Section 4:60 is included in the authorized sections.

Question: What changed with the Snow and Ice enforcement last year over previous years that improved things from an enforcement perspective?

Response: The ease of reporting from the field provided by A2FixIt increased the number of complaints received.

Question: If a resident clears their snow in 12 hours, only to have their sidewalk covered due to snowplow activity 12+ hours after the storm, would the resident be in violation of not adequately clearing their sidewalk if they did not remove the plowed snow immediately.

Response: See answer to above question.

Question: At the previous work session, we heard something to the effect of Community Standards having "new authority" to enforce snow removal. If this is the case, please describe what this entails.

Response: The authority to enforce snow removal is not new. Title 1, Chapter 1, Section 1:17(3)(b) provides the authority for Community Standards Officers to enforce specific sections of the City Code. Chapter 49, Section 4:60 is included in the authorized sections.

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

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

Question: There is a revised development agreement dated 9/18/15 which reflects the conveyance of 6.29 acres to the City for use as a public park (as the developer's response to the parkland dedication formula and request in the PROS plan), but is silent on the 25 acres that could be donated or purchased by the City. What is the latest status of the discussions related to the 25 acres? (Councilmember Lumm)

Response: The potential purchase by the City of the 25 acres for parkland is separate from the site plan process, and will likely not be resolved prior to the site plan. Currently the landowner and the City are not close in their valuation of the property.

Question: Also, in response to a previous question, staff indicated that "Rezoning of the 25 acres to R4A will be consistent with the private ownership of the property. If the land is purchased by the City, it will be re-zoned to PL (Public Land)." Given that there are two tax parcels, however, it would seem to make more sense/be more prudent to wait on the re-zoning for this 25 acre parcel until it is known what will happen to it (rather than to re-zone R4A up-front and then re-zone to PL later). Can you please comment on that? (Councilmember Lumm)

Response: Staff believes that the R4A is an appropriate zoning district for the east parcel. The master plan supports the zoning and the natural features on the site are protected regardless of the zoning district. If the east parcel is not acquired as parkland, the developer could propose a residential use for small portions of the site which would be consistent with the master plan recommendation and subject to site plan review. With this scenario, the natural features on the site would remain in permanent open space which could consist of parkland or private open space with conservation and access easements that protect the natural features and allow public access.

Question: If the Nixon Corridor Traffic study recommended adding a lane to Nixon and the City would decide to do that, is there sufficient right-of-way provided for in this development agreement to accommodate it? (Councilmember Lumm)

Response: The site plan for Woodbury Club shows a 27' right-of-way dedication along the east side to bring the total to 50' of ROW from the Nixon Road centerline to accommodate future transportation needs.

Question: In response to a previous question regarding potential storm water runoff impacts on Arbor Hills and/or Georgetown/other areas, the response indicated that the WCWRC was not immediately available to answer the Q. Has the WCWRC had an opportunity to consider this? (Councilmember Lumm)

Response: Staff will ensure that a response from WCWRC is provided to Council prior to Woodbury Club coming back for final adoption. The project provides 100 year storm water detention for the site. The closest the developed portion of the site is to homes in Arbor Hills is approximately 1,600 feet.

Question: Will there be any measurable negative impact on the Barclay Park wetlands in terms of function and wildlife habitat? (Councilmember Westphal)

Response: There will be no measurable negative impact on the Barclay Park wetlands as a result of the Woodbury Club Apartments development project. The only portion of the large wetland system (which is mostly located on the Woodbury site, but dips into the Barclay Park site) that is proposed to be affected, is on a “finger” of low quality wetland that is proposed to be filled near the southeast corner of the building at the south side of the site to accommodate an edge of a parking lot. A total of 2,550 square feet of wetland is proposed to be filled. This wetland loss will be mitigated with 6,729 square feet of replacement wetland near the northwest corner of the site. The developer has received a wetland permit from the State of Michigan for this proposal. Staff and the Planning Commission supported this request.

B-2 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.48 Acres from M1 (Limited Industrial District) to C3 (Fringe Commercial District), Rockbridge Hotel & Retail Rezoning, 3201 S. State Street (CPC Recommendation: Approval – 6 Yeas and 0 Nays) (Ordinance No. ORD-15-18)

DB-2 – Resolution to Approve Rockbridge Hotel and Retail Planned Project Site Plan, 3201 S. State Street (CPC Recommendation: Approval – 6 Yeas and 0 Nays)

Question: Is the zero foot front setback Planned Project request only in terms of the proposed retail space? (Councilmember Warpehoski)

Response: Approval of the planned project would allow for the AATA bus and bicycle shelter front setback to be reduced to zero feet from the property line facing South State Street. Staff supports this reduction to allow for better pedestrian connections to the retail, employment opportunities, and access to future public transportation. The hotel and retail building meet the minimum 10-foot required front setback in the C3 zoning district.

Question: Will the developer be funding the proposed transportation amenities in the right of way such as the bus pull-off, bike rest station, and sidewalk installation? (Councilmember Warpehoski)

Response: The developer will fund and install the bicycle rest station and future sidewalk link as shown on the site plan.

Question: What safety measures are planned or recommended to ensure safe pedestrian crossing on the north of the site? (Councilmember Warpehoski)

Response: This north service drive is private property and the petitioner does not have permission from the property owner to install crosswalks or any other pedestrian improvements. Negotiations with the private drive property owner for these pedestrian improvements were unproductive. The developer remains open to any future discussions to install crosswalks.

Question: The planned project modification request of 6 stories (vs., 4 stories max) is quite a large modification (50%) request. In addition, the setback requirements are not being met. The public benefits offered in exchange – energy efficient building, electric vehicle charging stations, and the possibility of a bus stop location in the future – are all positives and benefits, but just seem to be a relatively low standard to justify a 50% modification in the height. What am I missing – can you please speak to why staff and the CPC are recommending approval? Is the height limit inappropriate for this zoning or this particular area? (Councilmember Lumm)

Response: The proposed hotel use is consistent with the surrounding land uses, buildings and infrastructure. Surrounding buildings vary in height from one to ten stories.

The project complies with the South State Street Corridor Plan recommendation that states “this area is an important hospitality district, with lodging and restaurant options located within walking distance of each other. As parcels in this area redevelop, recommended zoning designations include C1B (Community Convenience), or C2B (Business Service) to support convenience commercial uses for employees and hotel guests in the immediate vicinity.” The proposed C3 Zoning is consistent with the existing C3 zoning located to the east and south.

B-3 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.86 Acre from R4C (Multiple-Family Residential District) to PUD (Planned Unit Development District), White/State/Henry PUD Zoning and Supplemental Regulations, 701 Henry Street (CPC Recommendation: Approval – 7 Yeas and 0 Nays) (Ordinance No. ORD-15-19)

DB-3 – Resolution to Approve White/State/Henry Apartments PUD Site Plan, 701 Henry Street (CPC Recommendation: Approval – 7 Yeas and 0 Nays)

Question: The unit size for the one-and-two-bedroom apartments is increasing by about 300 square feet (from 525 - 816 and from 650 - 900 respectively). Why have these unit sizes increased so significantly? If the unit size only increased slightly, it would be possible to increase the number of units altogether. Was there a reason the number of units didn't increase more significantly? (Councilmember Briere)

Response: The architect was asked to maximize the number of units on the site and still stay within the character of the existing building and neighborhood to be considerate of existing neighbors. For example, a 5 story building with an elevator and increased number of units could have been created but that would have been out of character with the neighborhood. Consequently, it is limited to a 3-story building that is basically the same footprint as the existing building. The current building is 2-stories on top of a basement, and the new building is 3 stories without a basement. The new building steps down as the grade changes so that the height does not feel that different from the neighbors' perspective.

The existing building has 14 one-bedroom and 14 two-bedroom apartments. As a HUD project, the AAHC has to replace all of the existing apartments either on this site or at another site. If AAHC had the ability, they would have made all of the apartments at White/State/Henry (WSH) one-bedroom in order to increase the density even more. However, HUD would not have approved rebuilding all the two-bedroom apartments at another site because HUD wants to make sure that anyone currently living in a two-bedroom at WSH can move there after it is re-built. AAHC calculated the number of two-bedroom tenants currently living there who want a Section 8 voucher or who have families with children that want to move to a family-oriented site to determine the number of two-bedrooms needed to maintain on the site for existing tenants. Consequently, AAHC is rebuilding nine two-bedroom apartments at WSH and moving five two-bedroom apartments to the new construction project on Platt which has apartments ranging from one bedroom to five bedrooms.

In order to build nine two-bedroom apartments at the site, the best use of space was to put them on the first floor with one-bedroom apartments stacked on top of them because some of the common area staircases are using floor space on the 2nd and 3rd floors which reduces the size of those apartments compared to the first floor. The most efficient design was to have the 2nd and 3rd floor apartments have plumbing, firewalls etc, aligned with the floors beneath. That makes the one-bedroom units larger than the AAHC normally would build but it was based on the first floor apartments below. The size of the first floor two-bedroom apartments was determined by the need to meet ADA requirements for bathroom turn radius and hallways etc. In addition, each apartment has a washer/dryer hook-up in the apartment which adds to the floor area. The tenants currently have hook-up in the basement but there is no basement in the new building.

To summarize, the AAHC maximized the number of apartments that could be built on-site within the restrictions of HUD requirements, ADA requirements, site constraints, and the neighborhood.

DC-1 – Resolution Directing the City Administrator to Work with Pittsfield Township to Gain Approval of the Airport Runway Extension

Question: With the potential alternative presented this evening regarding the airport runway safety project, will a new environmental assessment be required or how would the potential alternative impact the current environmental assessment?

(Councilmember Warpehoski asked the question at the July 20, 2015 Council meeting)

Response: The proposed alternative presented by Airport Advisory Committee Chairman David Canter, a displaced threshold option, would require a level of environmental review. The initial consideration of this alternative is whether such a project is fundable by MDOT-Aeronautics and the Federal Aviation Administration (FAA). This discussion is ongoing with MDOT-Aeronautics. As for the environmental assessment (EA), the displaced threshold option could be included in the EA currently being revised if done before the revised document is submitted for a public comment period. If the displaced threshold option is proposed at a later date, the process followed would be determined by a combination of time and if the environmental situation has changed. If the displaced threshold option was proposed while the EA was “fresh”, it would likely receive a categorical exclusion and not require an additional EA since the potential impact of this option is less than the proposed runway safety impact studied by the current EA. If the displaced threshold option was proposed after the EA became “stale” because of time and environmental or regulatory changes, it would likely require a full re-evaluation of the EA.

Question: What is the status of the Environmental Assessment for changes to the runway configuration? (Councilmember Warpehoski)

Response: Please see above.

Question: When this item was on the agenda the last time, members of the Airport Advisory Commission indicated that there were alternatives that would create a safer airport and not be as intrusive to the township. Have these alternatives been considered? Have they been discussed with the township leadership? Is there a status update? (Councilmember Briere)

Response: At the July 20th Council meeting, Airport Advisory Committee Chair David Canter proposed an alternative runway configuration known as a displaced threshold. This option would meet most, but not all, of the local safety concerns at the airport while keeping aircraft at almost the same elevation over homes in the Stonebridge subdivision during their approach to Runway 06. The approach to a runway is when aircraft are at their lowest point. The displaced threshold option has been refined, discussed at length at the last Airport Advisory Committee meeting, and presented informally to MDOT-Aeronautics. The Federal Aviation Administration and MDOT-Aeronautics do not normally allow or fund projects that would restrict the full use of the runway length when there are no legitimate aviation safety hazards requiring such a change, which is the case at the Ann Arbor Municipal Airport. Members of the Airport Advisory Committee and airport staff are meeting with MDOT-Aeronautics officials this Thursday in Lansing to formally present this option and explore the related funding issue. There has been no formal discussion with Pittsfield Township on this option as it has not yet been determined to be a viable alternative through aviation regulators.

DB-4 – Resolution to Approve Participation Agreement with Webster Township and Washtenaw County Parks and Recreation for the Purchase of the Development Rights on the Property Owned by James S. Hall Revocable Living

Trust in Webster Township, and Appropriate Funds, Not to Exceed \$116,370 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

Question: Can you please clarify the math – the cover memo indicates a not-to-exceed amount of \$116,370 and an appropriation of 40% of purchase price. The cover memo also indicates that the appraised value is \$258,600. \$116,370 is 45% of \$258,600 (not 40%) – what am I missing? Also, how much are the County and Webster Township contributing? (Councilmember Lumm)

Response: In the cover memo there is a typo. It should be 45%. The County is also contributing \$116,370 (45%) and the Township is contributing \$25,860 (10%). The Legistar file will be revised.

DS-1 – Resolution to Ratify City Administrator Approval of Emergency Purchase Order, Appropriate Funds from Solid Waste Fund’s Fund Balance (\$74,200.00), and Approve a Contract with Bell Equipment Company, for Rental of Refuse Trucks (\$438,926.00) (ITB #4401) (8 Votes Required)

Question: I understand why it was necessary to go with Bell for this upcoming Fall, and I also understand that the prices for years two and three are more in line with expectations, but given that market conditions are so tight now, why wouldn’t we do another RFP for Fall 2016 and Fall 2017 rather than enter into a contract for the future years now? (Councilmember Lumm)

Response: In doing a multi-year bid, the City establishes the cost of the service for future budgeting purposes, and ensures the availability of the units needed and reduces the staff expense for additional bidding. The most important factor is that we have secured units for the next two years and will not be subject to higher expense or a lack of vehicles if the current market problem persists into next year. There is no indication of price gouging for Fall 2016 and Fall 2017 since the bidder’s prices for those years are in line with previous year’s numbers that weren’t subject to the current market conditions.

DS-3 – Resolution Approving Cooperative Agreement between the United States of America Commodity Credit Corporation and the City of Ann Arbor for the City of Ann Arbor for the Agriculture Conservation Easement Program (ACEP) and to Accept Grant Funds in the Amount of \$381,220.00

Question: What percentage of the estimated City cost to fulfill the work will this grant cover? (Councilmember Warpehoski)

Response: It is estimated that the grant will cover 49% of the costs. Additional partnership opportunities are being explored. Once the City is further along in the process, a follow up resolution will be brought to Council for the purchase of

development rights on each of the properties, which will include a full project budget and details of partners' contributions.

Question: What are the purchase prices and funding (sources and amounts) for the two Guenther PDR's? (Councilmember Lumm)

Response: Appraisals for the 2 Guenther properties were completed in February 2015. The appraised values came in at \$530,000 and \$248,000. The grant would cover 49% of the appraised values. Additional partnership opportunities are being explored. It is anticipated funding up to 25% from these partnerships. Once the City is further along in the process, a follow up resolution will be brought to Council for the purchase of development rights on each of the properties, which will include a full project budget and details of partners' contributions. If the purchase of development rights are not closed within 12 months of the appraisal date, updated appraisals must be completed, per the grant requirement.