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TO: Mayor and Council

FROM: Tom Crawford, City Administrator

CC: Michael Cox, Police Chief  
Derek Delacourt, Community Services Area Administrator  
John Fournier, Assistant City Administrator  
Matthew Horning, Interim Financial Services Area Administrator/CFO  
Craig Hupy, Public Services Area Administrator  
Jerry Hancock, Floodplain Coordinator  
Nick Hutchinson, City Engineer  
Matthew Kulhanek, Fleet & Facilities Managers  
Brett Lenart, Planning Manager  
Gerald Markey, City Assessor  
Missy Stults, Sustainability & Innovations Manager

SUBJECT: December 7, 2020 Council Agenda Responses

DATE: December 3, 2020

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**INT-2 – Independent Community Police Oversight Commission (ICPOC) Monthly Update**

**Question:** Will the police chief be available to respond to the update? A dialog would be much more productive than a statement without any response, especially if clarification is needed. (Councilmember Griswold)

**Response:** Someone from police will try to attend. However, typically introduction items don't have a discussion.

**MC-1 – Nominations and Appointments for November 16, 2020**

**Question:** The Granicus system has been down and I am unable to view the full database of applications for these appointments. My questions are about the nominees to the

planning commission. How many applications are in the Granicus database, specifically for the Planning Commission in the last two years? On what dates did the two nominees' applications get added to the database of applications (specifically for the Planning Commission)? One nominee describes a conflict of interest as an employee of Oxford Properties and that the conflict relates to T1/T2 zoning— how many properties does Oxford Properties own/manage in the city? Are they located exclusively on transit corridors? The professional role described by this nominee includes “[overseeing] commercial real estate transactions”—is the value and profitability of such transactions not impacted by the decisions and general policies (zoning/permitted uses) considered and discussed by the Planning Commission? How would this nominee identify conflicts of interest regarding his employer and what mechanism (if any) is in place for anyone other than the nominee to self-report these conflicts? (Councilmember Nelson)

**Response:** The Granicus system is functioning and staff resolved the technical issue. There are 19 applications on file in the Granicus Dashboard for those having applied to the City Planning Commission between the dates of January 1, 2018-December 2, 2020.

Sadira Clarke submitted her application on August 1, 2019.

Wonwoo Lee submitted his application on October 14, 2020

Based on Oxford online information, it is estimated that they own/manage approximately 25 commercial properties and 34 residential properties throughout the City. The properties vary in location, not all on transit corridors. A focus of commercial properties is generally located along the Eisenhower Parkway corridor, but not all directly fronting on that corridor. Action/participation on the creation of, or changes to a zoning district, would be subject to a different evaluation than a more targeted/direct action on specific property.

Conflict of Interest of the Planning Commission is addressed in the By-laws of the Commission in a few ways. When a direct action on a property or organization would be impacted, then it would be the obligation of that member to disclose and recuse from participation in that item. Additionally, the By-laws provide for a commission vote on a conflict of interest if any facts are presented that raise the question of a conflict. This provision would enable the Commission to respond to facts presented from any source.

**CA-4 – Resolution to Approve Three-Year Professional Services Agreements for Architectural Services for Parks & Recreation with Mitchell and Mouat Architects, Inc. and Hubbell, Roth & Clark, Inc. (NTE \$150,000.00 (each Fiscal Year) per firm)**

**Question:** The description seems to list past projects but doesn't list future projects. What projects are in the immediate future that would require these services on an “as needed” basis? Does this particular contract provide services that might be needed for unplanned, emergency/spontaneous needs? (Councilmember Nelson)

**Response:** Examples of projects include the Argo Livery Universal Access Improvements, Farmers Market Restroom ADA upgrades, West Park Bandshell, and

projects that likely will come about as a result of an upcoming ADA study across the Parks Department. The contract provides flexibility to be able to respond quickly to unplanned emergency needs.

**CA – 10 – Resolution to Approve the Purchase of Vehicles from Todd Wenzel GMC (Oakland County Bid - \$84,753.00)**

**CA-11 – Resolution to Approve the Purchase of a Vehicle from Signature Ford (Macomb County Bid - \$31,375.00)**

**CA-12 – Resolution to Authorize the Purchase of Four Police Motorcycles from BMW Motorcycles of SE MI (ITB # 4646 - \$102,456.04)**

**Question:** The purchases recommended in CA-10, CA-11, and CA-12 all indicate that they were reviewed by the Green Fleet Committee and that the Sustainability and Innovations Manager concurs. However, it's not clear to me how these purchases advance our [Green Fleet Policy](#) goals. Can you please elaborate? Further, how do our Green Fleet Policy goals align with our newly adopt 2030 Carbon Neutrality objectives? It appears this policy sets a goal of a 25% emission-reduction target by 2025. Does this policy need to be updated to be more ambitious? (Councilmember Briggs)

**Response:** The Green Fleet Team reviews all vehicles purchases for the City and then seeks concurrence from the Sustainability and Innovations Manager before moving forward in the purchasing process. First and foremost of any review is providing the right vehicle for the end user and the work being performed. Providing a vehicle that doesn't meet these needs has a negative impact on the City's efficiency and ability to do the required work.

The focus of the Green Fleets Policy is the electrification of the City's fleet to reduce vehicle emissions. Achieving that goal will take time because of the limited number of all electric (EV) or plug-in hybrid electric vehicles (PHEV) that are currently available on the market. The pool of eligible vehicles for purchase is further reduced with the City's focus on American and union made vehicles. As a result of these limitations, the market currently has two EV's in actual production that we could buy (Chevrolet Bolt and Ford Mach E) and two PHEV's in actual production that we could buy (Chrysler Pacifica minivan and Lincoln Aviator). Many announced EV and PHEV vehicles (PHEV Ford Escape, PHEV Lincoln Corsair, EV Ford F-150) have had their release dates pushed back a year or more for various reasons. Other PHEV vehicles such as the Chevrolet Volt and Ford Fusion Energi are no longer being produced.

We expect a significant increase in production vehicles over the next 2-3 years, assuming minimal release date setbacks, which will provide us more opportunities for electrification of the City's fleet. Until that time, the only vehicles we will likely be able to replace with electric vehicles are sedans or similar vehicles that are not used for heavy duty.

For the pickup trucks and SUV on two of these resolutions (CA-10 & CA-11), there is no currently available or viable replacement for electrification. Some of these vehicles were to be replaced last year and this was delayed hoping an EV pickup would be available. However, at this time one is not. Additional delays in replacement of these vehicles usually increase repair costs, vehicle down time, vehicle reliability and concerns over the safety (road worthiness) of the vehicle. We would not recommend delaying these vehicles for replacement at this time, and the Green Fleets Committee agreed with that assessment.

For the motorcycle resolution (CA-12), the Fleet Manager, OSI Manager and the Police Department leadership met on multiple occasions to discuss electric motorcycle options before moving forward on the ITB. After an in-depth review, it was determined that the E-motorcycle options available did not meet the needs of the Police Department for a number of important reasons. In addition, the emission footprint on these four motorcycles, which are used seasonally, is minimal.

The goal of 25% emissions reductions was made in 2012 as part of Ann Arbor's Green Fleets Policy as called out in the City's Climate Action Plan. The A<sup>2</sup>ZERO Plan set a more ambitious goal regarding overall emissions of the City fleet and supersedes the Green Fleets goal as it is more recent and has been adopted by City Council. That goal states that 90% of the City's fleet should transition to electric, by 2025. This ambitious goal is the one that the Green Fleets Team, OSI, and the Fleet Manager are currently working to achieve. But availability of suitable electric alternatives is the limiting factor at this point.

**~~PH – 6 - Resolution No. 4 – Confirming the Barton Drive Water Main Replacement & Resurfacing Project Special Assessment District No. 55 – Brede to Pontiac (8 Votes Required) (Deleted from Agenda)~~**

**~~PH – 7 – Resolution No. 4 – Confirming the Nixon and Traver Sidewalk Gap Project, District 56 (8 Votes Required) (Deleted from Agenda)~~**

**Question:** Why were some public hearing removed from the agenda? (Councilmember Griswold)

**Response:** On June 15, 2020, Council reconsidered its May 4, 2020 approvals of two special assessment districts for new sidewalks - SAD 55 (Barton Drive, Brede to Pontiac) and SAD 56 (Nixon Traver) and postponed action on those final approvals until after the vote on the new sidewalk millage. On November 3, 2020, voters approved Proposal B for a new sidewalk millage which can be used to fund the construction of new sidewalks such as these, thus, making the need to proceed with sidewalk SAD 55 and 56 moot.

The public hearings on these sidewalk SADs were held on May 4, 2020 earlier in the meeting before Council approved them and there is no need for further public hearings even with the subsequent reconsideration and postponement.

**Question:** Why were the public hearings deleted for PH-6 and PH-7? (Councilmember Briggs)

**Response:** Please see above response.

**DB-2 – Resolution to Approve the Rudolph Steiner School Association of Ann Arbor Annexation, 12.2 Acres, 2775 Newport Road (CPC Recommendation: Approval -6 Yeas and 0 Nays)**

**Question:** Will the petitioner be assessed any additional city property taxes if this property is annexed into the city of Ann Arbor? (Councilmember Ramlawi)

**Response:** The Rudolph Steiner School is currently tax exempt in Ann Arbor Township per MCL 211.7n. The exempt status would transfer to the City of Ann Arbor. Therefore, the Rudolph Steiner School would not be assessed any additional city taxes after the annexation.

Generally speaking, tax implications associated with annexations are generally attributable to the millage rate differential between the city and the township. The annexation of property is not an uncapping event. So, absent any transfers of ownership, the township taxable value from the year of State approval and the CPI (Consumer Price Index) adjustment provides the basis for the City's taxable value for the following year, which is the initial year the annexed property is on the Assessment Roll.

**DB-3 – Resolution to Approve Brightdawn Village Site Plan and Development Agreement, 2805 Burton Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)**

**Question:** What complications may arise from our building code if fewer windows are being added to the stairwells? (Councilmember Ramlawi)

**Response:** There are no requirements for windows in the stairwells, so fewer windows could occur. The Planning Commission often suggests the addition of windows to make stairwells more viable and enjoyable for daily, healthy use.

**Question:** What will be the financial contribution to the Parks Dept be by the developer in this proposed development? (Councilmember Ramlawi)

**Response:** The proposed contribution will be \$75,000.

**Question:** Re: the connection via Eli Road, the report says a “proposed gate separates neighborhoods and would increase internal neighborhood trips on surrounding roadways.” Is this referring to an increase in the length of neighborhood trips, a

description of how traffic would be sent to the major thoroughfare of Packard rather than through the neighborhood of residential side streets? (Councilmember Nelson)

**Response:** In the event that Eli Road were not connected, all trips would be sent to major thoroughfares. For example, a vehicular trip from Burton Road to Pittsfield School without an Eli Road connection would double the travel distance from as presented.

**Question:** Could staff comment on the negative effects of poor air quality immediately adjacent to a busy freeway, especially for children? (Councilmember Griswold)

**Response:** Not with detail, the proposed Brightdawn Village site plan is considered in the context of the Unified Development Code, which contains no regulations regarding air quality from adjacent land uses.

**Question:** Does the UDC require any vegetative buffer between highways and any residentially zoned districts? (Councilmember Briggs)

**Response:** No buffer is required in the described circumstance.

### **B – 1 – An Ordinance to Amend Sections 5.24, 5.29.2, 5.33.2, 5.35.2, 5.36.2 and 5.37 of Chapter 55 (Unified Development Code) Of Title V of The Code Of The City Of Ann Arbor - Sign Regulations (ORD-20-27)**

**Question:** One of the tenants of a good sign ordinance is enforceability but we seem to be struggling with enforcement of our current sign ordinance. We saw larger and larger temporary signs emerge during the recent election. Is the Planning Department considering any changes that might improve enforcement, including the evening/night time enforcement of lighting matters mentioned in the staff report? (Councilmember Briggs)

**Response:** No additional enforcement resources are proposed. If this were desired, staff could investigate models and resources that would be necessary to expand this work.

**Question:** The definition for Changeable Copy references Electronic Message Signs but I don't see a definition for that term. This might be an oversight or perhaps I'm missing it. (Councilmember Briggs)

**Response:** The definition is included as a sub-definition under the definition of **Sign** in the draft ordinance as follows:

#### **Electronic Message Sign**

A Sign whose message is primarily composed of Light Sources designed to be directly visible and that may be changed through electronic means, such as an LED, LCD, or plasma display.

## **C – 2 – An Ordinance to Amend Section 2:63 of Chapter 29 (Water Rates) of Title II of the Code of the City of Ann Arbor**

**Question:** Q#1. What is the revenue breakdown as to how each dollar is currently being allocated? Such as x amount for debt service, x amount for health care & retirement, x amount for pipe replacement, x amount set aside for new treatment plant, x amount for current labor costs, etc. Please breakdown annual gross revenue by amounts and percentages for the last 3 years based on each of the requested categories mentioned above. (Councilmember Ramlawi)

**Response:** Please refer to attached Figure A, which reflects expenditures as programmed or expended for the requested categories based on revenue expectations. Please note, revenue requirements are established based on both current (operational) needs as well as long-term (capital) needs. The water fund, as an enterprise fund, reinvests any unrestricted fund balance and/or annual net return into future capital needs that are identified during the asset management process.

**Question:** Q#2. What is the current water fund balance in the sub-account that is being set aside for the new 100 million dollar treatment plant? (Councilmember Ramlawi)

**Response:** No commitment of any fund balance specifically designated for the 100-million-dollar treatment plant has been made. The project is currently programmed in the financial plan in accordance with the approved capital improvements plan with design beginning in FY 23 completing construction in FY29.

**Question:** Q#3. What are the critical infrastructure projects that have been delayed thus far which staff has stated in this resolution? (Councilmember Ramlawi)

**Response:**

Broadway Water Main Replacement (\$1,050k)

WTP Facilities Master Plan (this is the planning phase for the Water Treatment Plant rehabilitation) (\$500k)

**Question:** Q#4. What are the infrastructure projects that will be delayed if council does not pass a 7% increase in January 2021? (Councilmember Ramlawi)

**Response:** This would need to be evaluated based on the prioritization process, should that come to fruition. Decision factors include but are not limited to:

- if the project is being done in conjunction with a road project
- if the project has already been designed and bid
- what are the risks of delaying the project to customers water service reliability and water quality

**Question:** Q#5. How many miles of water lines have been replaced in each of the last 3 years ? (Councilmember Ramlawi)

**Response:**

FY18: 0.81 miles (4,254 lineal feet)  
FY19: 1.97 miles (10,400 lineal feet)  
FY20: 2.3 miles (12,292 lineal feet)

**D-2 - Resolution No. 4 - Confirming the Barton Drive Water Main Replacement & Resurfacing Project Special Assessment District No. 55 - Brede to Pontiac (8 Votes Required)**

**Question:** Council postponed this 4th SAD resolution after many lengthy deliberations and the passage of placing the “sidewalk gap Millage” on the November ballot, thus setting aside this final SAD resolution until the outcome of that Millage was known. Now that the voters have approved a dedicated Millage to fund these types of infrastructure improvement, could the funding request for this project be fulfilled by the “sidewalk gap Millage” the voters approved this past November 3rd? (Councilmember Ramlawi)

**Response:** Yes. In June 2020, after reconsidering the approvals of sidewalk SADs 55 (Barton Drive, Brede to Pontiac) and 56 (Nixon Traver), Council postponed final approvals until after the vote on the new sidewalk millage. On November 3, 2020, voters approved Proposal B for a new sidewalk millage which can be used to fund the construction of new sidewalks, thus, making the need to proceed with sidewalk SAD 55 and 56 moot. The Millage will be used to construct these projects.

**Question:** Q1. First, I'm a little confused that we are asked to confirm the SAD for Barton Dr: is it not the case that these sidewalk gap filling costs will no longer be assessed to the adjoining neighbors but paid for by the new sidewalk millage? So, are we confirming that we want this work to be scheduled to go forward, at the previously estimated costs, but paid for by the millage monies? (Councilmember Disch)

**Response:** In June 2020, after reconsidering the approvals of sidewalk SADs 55 (Barton Drive, Brede to Pontiac) and 56 (Nixon Traver), Council postponed final approvals until after the vote on the new sidewalk millage. On November 3, 2020, voters approved Proposal B for a new sidewalk millage which can be used to fund the construction of new sidewalks, thus, making the need to proceed with sidewalk SAD 55 and 56 moot.

**Question:** Q2. Second, a crosswalk is sorely needed here due to heavy usage of the Argo Pond walking/biking path. It was previously proposed, and slated to cross Barton at Longshore (I believe). I don't see a crosswalk any more on this map. Can that be restored? (Councilmember Disch)

**Response:** The proposed crosswalks will be installed along with the sidewalk construction.



**Question:** Q3. Third, would this work be scheduled for some time in FY '22, once the city has actually collected the new millage monies. Or could it begin sooner in anticipation of having the millage monies at our disposal? (Councilmember Disch)

**Response:** The work on Barton Drive is being scheduled for construction in the second half of 2021, although the exact schedule has not yet been determined.

Additional sidewalk gap filling projects are also being scheduled for 2021 which will ultimately use funds from the New Sidewalk Millage:

- Boardwalk (east side from end of sidewalk to Oakbrook)
- Jackson Ave. (Wagner to Park Lake)
- Manchester Dr. (near Washtenaw)
- Scio Church (Landmark to Seventh; as part of the road resurfacing project)
- Stimson (State to end of gaps)
- Yost/Eli (2609 frontage)

In addition, the Nixon/Traver sidewalk gaps are being scheduled for construction in 2022.

### **D-3 - Resolution No. 4 - Confirming the Nixon and Traver Sidewalk Gap Project, District 56 (8 Votes Required)**

**Question:** Council postponed this 4th SAD resolution after many lengthy deliberations and the passage of placing the “sidewalk gap Millage” on the November ballot, thus setting aside this final SAD resolution until the outcome of that Millage was known. Now that the voters have approved a dedicated Millage to fund these types of infrastructure improvement, could the funding request for this project be fulfilled by the “sidewalk gap Millage” the voters approved this past November 3rd? (Councilmember Ramlawi)

**Response:** Yes. In June 2020, after reconsidering the approvals of sidewalk SADs 55 (Barton Drive, Brede to Pontiac) and 56 (Nixon Traver), Council postponed final approvals until after the vote on the new sidewalk millage. On November 3, 2020, voters approved Proposal B for a new sidewalk millage which can be used to fund the construction of new sidewalks, thus, making the need to proceed with sidewalk SAD 55 and 56 moot. The Millage will be used to construct these projects.

**Question:** Has staff developed criteria for spending the sidewalk millage? For example, would different percentages of the cost of the sidewalk be covered depending on the situation? (Councilmember Griswold)

**Response:** This response is also provided above in D-2. The work on Barton Drive is being scheduled for construction in the second half of 2021, although the exact schedule has not yet been determined.

Additional sidewalk gap filling projects are also being scheduled for 2021 which will ultimately use funds from the New Sidewalk Millage:

- Boardwalk (east side from end of sidewalk to Oakbrook)
- Jackson Ave. (Wagner to Park Lake)
- Manchester Dr. (near Washtenaw)
- Scio Church (Landmark to Seventh; as part of the road resurfacing project)
- Stimson (State to end of gaps)
- Yost/Eli (2609 frontage)

In addition, the Nixon/Traver sidewalk gaps are being scheduled for construction in 2022. The millage will be used to pay 100% of construction costs. These projects will be 100% funded by the new millage, and the prioritization process for projects will remain unchanged.

**DC – 2 - An Ordinance to Add Sections 5.14.2 And 5.27 And Amend Sections 5.18.4, 5.18.6.D, 5.23.4, 5.29.1, 5.29.3.F, 5.29.8.C, 5.29.12.D, 5.37.2.B, 5.37.2.C, 5.37.2.F, 5.37.2.L, 5.37.2.N, 5.37.2.M, And 5.37.2.S of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Floodplain Management Overlay District and Regulations)**

**Question:** Section 5.14.2.H.3.D says that there “shall be no reduction in floodway surface area as a result of a Floodway modification, unless such modification is necessary to reduce overall flooding.” What is the standard for “necessary” in terms of redevelopment of an existing structure on a floodway? Does this create the opportunity for expanded/increased development in the floodway (if a “modification” is predicted to reduce overall flooding) in places where structures already exist? (Councilmember Nelson)

**Response:** No, this standard prevents harmful redevelopment. Any redevelopment of a site in the floodway with an existing building would have to meet all of the standards in Section 5.14.2.H.3, and all of the Standards for Floodway Zone Redevelopment in Section 5.14.2.H.4. Placing a building or fill in the floodway typically would reduce the floodway surface. However, there are rare situations where utility modifications or site regrading reduce floodway surface and overall flooding. Examples of this are the Allen Creek Railroad Berm Opening Project and the regrading and renovations to West Park that took place about 10 years ago.

**Figure A**

<b>Water Supply System Fund, in thousands</b>	<b>2018</b>	<b>2018</b>	<b>2019</b>	<b>2019</b>	<b>2020</b>	<b>2020</b>	<b>2021</b>	<b>2021</b>
		<b>% of total</b>		<b>% of total</b>		<b>% of total</b>	<b>Budget</b>	<b>% of total</b>
<b>Revenue</b>								
Charges For Services	\$27,006		\$27,148		\$25,280		\$28,417	
Interest Income	\$136		\$1,200		\$1,268		\$725	
Revenue Subtotal	\$27,141		\$28,354		\$26,549		\$30,236	
<b>Expense</b>								
Personnel Services	\$3,875	18%	\$4,097	15%	\$4,293	18%	\$4,406	15%
Payroll Fringes -including healthcare and benefits	\$2,645	12%	\$2,721	10%	\$2,594	11%	\$2,857	10%
Personnel Services-including retiree costs	\$769	4%	\$5,063	19%	\$1,111	5%	\$1,176	4%
Employee Allowances	\$21	0%	\$21	0%	\$21	0%	\$13	0%
Materials & Supplies	\$2,163	10%	\$2,812	10%	\$3,590	15%	\$5,362	18%
Interest Expense	\$775	4%	\$690	3%	\$632	3%	\$679	2%
Other Charges -includes retiree medical costs	\$2,765	13%	\$2,893	11%	\$2,940	12%	\$3,361	12%
Depreciation	\$4,154	19%	\$4,131	15%	\$4,280	18%	\$4,407	15%
Other Services	\$4,786	22%	\$4,857	18%	\$4,812	20%	\$6,853	24%
Expense Subtotal	\$21,953	100%	\$27,284	100%	\$24,272	100%	\$29,115	100%
Transfers Out	\$2,091		\$3,580		\$1,815		\$2,275	
Transfers In	\$2,308		\$5,158		\$6,525		\$5,992	
Net transfers	\$217		\$1,578		\$4,710		\$3,717	
Capital and Infrastructure Expenditures	\$5,563		\$8,329		\$11,912		\$18,104	
Principal Payments on Debt	\$3,181		\$3,267		\$3,325		\$3,277	