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TO: Mayor and Council

FROM: Tom Crawford, City Administrator

CC: Derek Delacourt, Community Services Area Administrator  
Craig Hupy, Public Services Area Administrator  
Nick Hutchinson, City Engineer  
Brett Lenart, Planning Manager  
Marti Praschan, CFO  
Michael Pettigrew, City Treasurer

SUBJECT: May 3, 2021 Council Agenda Responses

DATE: April 29, 2021

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**CA-1 – Resolution to Authorize Professional Services Agreements with O. R. Colan Associates, LLC (\$200,000.00) and Land Matters LLC (\$200,000.00) for Easement and Right of Way Acquisition Services (RFP 21-06)**

**Question:** What upcoming capital improvement projects are going to require easement and right—of-way acquisitions? (Councilmember Nelson)

**Response:** Many capital projects require easements, even if they are only temporary grading easements, and since these are three-year contracts, their services will be used on a variety of capital projects. In most cases, needs for easements on projects beyond the current construction season have not been identified yet. Sidewalk gap projects and projects where utility pipes are located outside of the road footprint are the most likely candidates to require these services.

**CA-2 – Resolution to Authorize Amendment No. 1 to the Professional Services Agreement with West Erie Realty Solutions Ltd. for Easement and Right of Way Acquisition Services**

**Question:** Is this the end of our contract with West Erie i.e. is CA-1 a substitute contractor? (Councilmember Nelson)

**Response:** Yes. Approval of CA-2 will allow West Erie to complete their current assignment, the acquisition of easements for the 2022 LynAnne - Arbana Sanitary Sewer Project and will conclude West Erie's services under the contract. Going forward, any new assignments will be made to the firms in CA-1.

**CA-14 – Resolution to Award Contract in amount of \$215,030.64 to P.K. Contracting, Inc. for the 2021 Healthy Streets Deployment; and to Appropriate \$320,830.00 from the Major Street Fund Balance and \$33,143.00 from the Local Street Fund Balance (8 Votes Required)**

**Question:** Will there be infrastructure improvements completed under this contract that will be carried forward into future years for use? (Councilmember Ramlawi)

**Response:** The two deployments on Packard (Hill to State; and Eisenhower to City limits) are proposed to be permanent and would therefore be carried into future years. The treatment for these permanent installations is paint on pavement. The deployment on S. Main is proposed to be temporary, but could be considered for a future permanent deployment if determined to be successful. Main St. will include painting and vertical delineators. The neighborhood slow streets are proposed to be temporary and are not conducive to permanent deployments.

**Question:** Will any of the professional services contracted for this year be reused in future years if the Healthy Streets program continues? Whereas the future costs of this program can be lessened all else equal. (Councilmember Ramlawi)

**Response:** Not for the permanent installations. However, it is hard to predict the future need for Healthy Streets. If there is demand for deployments and that demand is consistent with our current solution, then staff would surely reuse the engineering work performed this year to the maximum extent possible.

**Question:** How did staff identify Packard as appropriate for permanent (as opposed to temporary) implementation? (Councilmember Nelson)

**Response:** There are two sections of Packard proposed for permanent installation. The justification for making these both permanent is as follows:

- Packard (Hill to State) – This gap in the bike lane network on Packard was created years ago as part of a traffic detour and was never restored. Additionally, this bike

lane was piloted last year as part of the DDA's 2020 Healthy Streets program and was determined to be successful. The bike lanes on Packard are heavily used by the community and filling this gap is deemed important to the network.

- Packard (Eisenhower to City Limits) – The addition of bike lanes on this section of Packard is an important step to provide better non-motorized connections between Ann Arbor and Ypsilanti along Packard. The reconfiguration of this roadway will be notably different than last year's pilot. Instead of repurposing vehicular travel lanes as bike lanes (like last year), all lanes will instead be narrowed so that bike lanes can be added to each side of the road – similar to what was recently done on Plymouth. This new configuration is responsive to concerns raised last year about impacts to traffic while also creating new bike facilities. The project will use permanent pavement markings instead of cones and barrels which will eliminate confusion about how the lanes should be used. Additionally, the narrower lanes are expected to slow down vehicular traffic which would be advantageous on this corridor.

**Question:** Implementation of Healthy Streets last year at S. Main was confusing to many people as it appeared to be some kind of construction. Apart from the changes in lane configuration, how is it going to appear differently to people passing through (e.g. what are we installing to guide/restrict traffic)? (Councilmember Nelson)

**Response:** The proposed deployment on S. Main is significantly different than what was proposed last year. In addition to the new configuration, other changes to the proposed deployment include the use of painted bike lanes and delineators (instead of cones, barricades, and barrels used last year). The delineators will be placed intermittently in the buffer between the bike lane and vehicle lane. These changes are meant to be responsive to the concerns raised last year about the use of 'construction materials' and minimize confusion of motorists and cyclists.

#### **B-4 - An Ordinance to Amend Sections 7:651 and 7:654 of Chapter 97 (Short-Term Rentals) of Title VII of the Code of the City of Ann Arbor (ORD-21-13)**

**Question:** How many addresses or properties in Single Family Zoning have responded to the city's invitation and registered as a pre-existing STR between March 1st to May 1st? (Councilmember Ramlawi)

**Response:** 141 properties have self-identified through April 28, 2021.

**Question:** Where are the properties asking for non-conforming status located? By number of properties in each Ward. (Councilmember Ramlawi)

**Response:** A map that indicates property locations is attached. Totals are: Ward One - 24; Ward Two - 10; Ward Three - 10; Ward Four - 34; Ward Five – 63.

**Question:** Residents have noted that STR properties they know of did not appear on a previous map of self-reported businesses in residential neighborhoods. Since our previous discussion, has the City received any additional reports from landlords self-identifying as STR's eligible for legal non-conforming use status? Please share any additional locations/reports received since the previous discussion. (Councilmember Nelson)

**Response:** As of April 28, 2021, an updated map of self-identified STRs is attached (same map as referenced in response above).

#### **DC-4 - Resolution Levying Certain Delinquent Municipal Solid Waste, Board Up, Clean Up, Vacant Property Inspection Fees, Housing Inspection Fees, and Fire Inspection Fees as Special Assessments and Ordering Collection Thereof**

**Question:** What is the average bill for delinquent fees to an individual property owner on this list? What is the highest total assessment to an individual property owner on this list? (Councilmember Nelson)

**Response:** Exclusive of penalties, the average assessment is \$242.31, with the largest assessment being \$14,425.00, which includes 16 outstanding invoices related to one parcel.

#### **DC-5 – Resolution to Approve Amendments to the Council Rules**

**Question:** Was the Admin committee aware that the ICMA is the International City/County Management Association, i.e. an organization providing guidelines for City management employees rather than elected officials? (Councilmember Nelson)

**Response:** This question should be directed to the members of the Council Administration Committee.

**Question:** In discussion at the Admin committee, were the tenets presented/referenced out of context or did the Admin committee ever look at the whole of them, e.g. all twelve tenets with ICMA explanation? (Councilmember Nelson)

**Response:** This question should be directed to the members of the Council Administration Committee.

**Question:** Did the Admin committee agree with the ICMA explanation of Tenet 3 re: “conduct unbecoming” which includes the recommendation that City management employees (as we would be applying them, elected officials) “should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination...”? (Councilmember Nelson)

**Response:** This question should be directed to the members of the Council Administration Committee.

**Question:** Did the Admin committee agree with the ICMA explanation of Tenet 3 re: “credentials”, that a resume for employment (as applied to elected officials, presumably election) “completely and accurately reflect the member’s education, work experience, and personal history”? (Councilmember Nelson)

**Response:** This question should be directed to the members of the Council Administration Committee.

**Question:** The ICMA explanation of Tenet 4 describes a city manager’s obligation to provide information to a governing body and support public engagement. Did the Admin committee discuss how this Tenet would apply to elected officials, since we are the governing body? (Councilmember Nelson)

**Response:** This question should be directed to the members of the Council Administration Committee.

**Question:** Since these tenets are selectively referenced – but are clearly intended for employees, rather than elected officials – I am curious about one not referenced: Tenet 7, recommending that members “refrain from all political activities” and “[r]efrain from participation in the election of members of the employing legislative body.” From ICMA: “Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking of holding elected office.” Is this recommendation followed by our lead administrators (e.g. heads of departments/service areas)? (Councilmember Nelson)

**Response:** A quick search of city records indicates the only two members of ICMA are City Administrator Crawford and Assistant City Administrator Fournier. Their membership comes with an expectation to abide by the ICMA tenets.

City of Ann Arbor Human Resources Policy 2.3 “Conflict of Interest” section 3.3, which applies to all employees, states the following regarding political activity, however this in light of [State law](#) that provides the following and permits political activity by public employees:

**State of Michigan Law**

**15.403 Employee of political subdivision of state; permissible political activities; resignation; leave of absence.**

**Sec. 3.**

*(1) An employee of a political subdivision of the state may:*

*(a) Become a member of a political party committee formed or authorized under the election laws of this state.*

*(b) Be a delegate to a state convention, or a district or county convention held by a political party in this state.*

*(c) Become a candidate for nomination and election to any state elective office, or any district, county, city, village, township, school district, or other local elective office without first obtaining a leave of absence from his employment. If the person becomes a candidate for elective office within the unit of government or school district in which he is employed, unless contrary to a collective bargaining agreement the employer may require the person to request and take a leave of absence without pay when he complies with the candidacy filing requirements, or 60 days before any election relating to that position, whichever date is closer to the election.*

*(d) Engage in other political activities on behalf of a candidate or issue in connection with partisan or nonpartisan elections.*

*(2) However, a public employee of a unit of local government or school district who is elected to an office within that unit of local government or school district shall resign or may be granted a leave of absence from his employment during his elected term. which permits public employees to be involved in political activity.*

**City of Ann Arbor Human Resources Policy 2.3 “Conflict of Interest” section 3.3 “Political Activity”:**

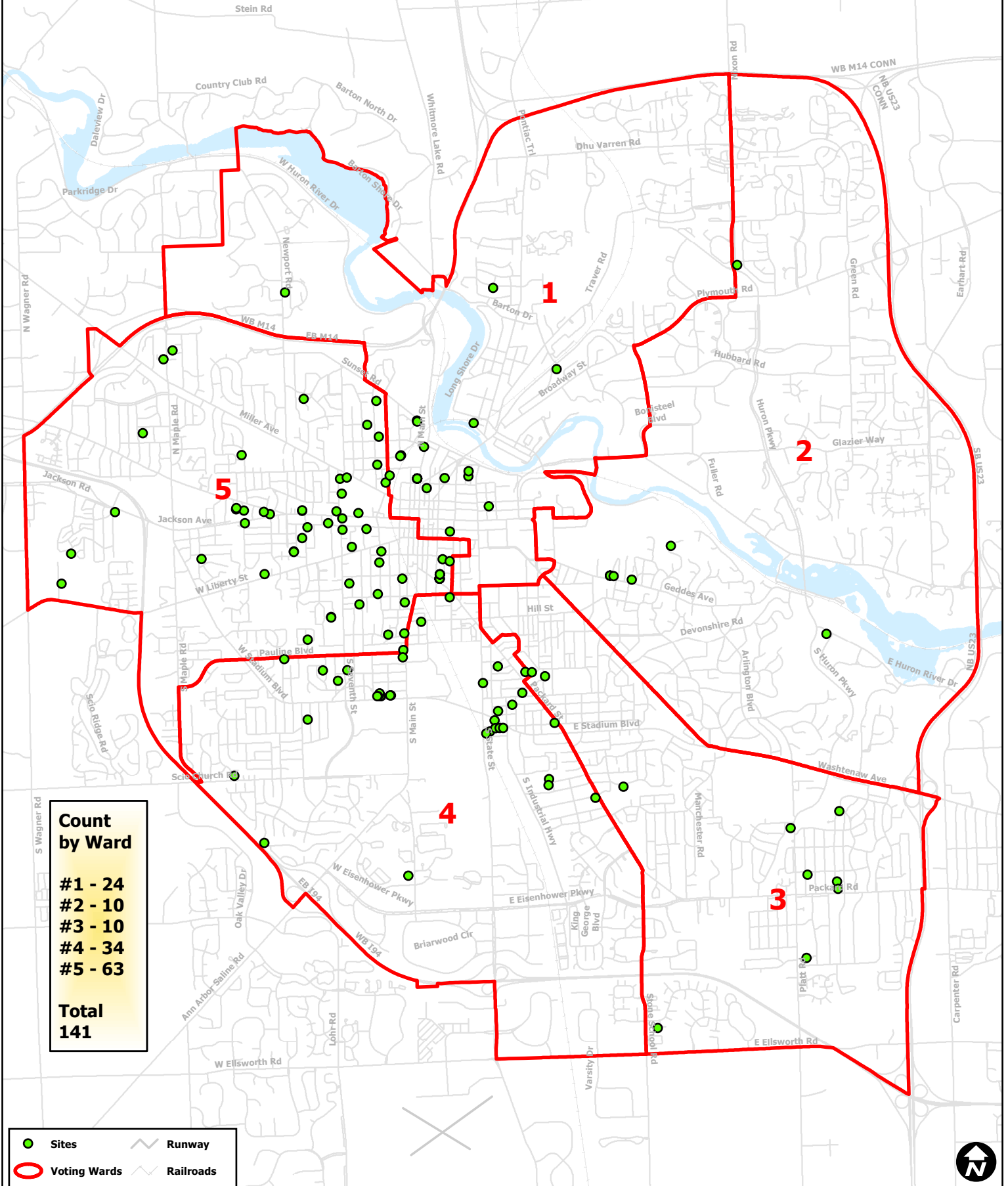
**3.3 Political Activity**

An employee shall not use or permit others to use the authority of their position to actively support either a candidate for City Council, a City issue, or any other political candidate or political issue.

Employees shall not conduct personal political activity during working hours or while acting in any capacity as a representative of the City. Employees may not use City funds, supplies, resources, vehicles, or equipment for such political activity.

An employee shall not wear any City uniforms or apparel or use City vehicles displaying the City logo while conducting personal political activity after work hours. Such actions include gathering of signatures to any petition and campaigning for or against a ballot issue or candidate.

# Potential Non-Conforming Short Term Rentals



Count by Ward	
#1	24
#2	10
#3	10
#4	34
#5	63
<b>Total</b>	<b>141</b>

	Sites		Runway
	Voting Wards		Railroads
			Centerlines
			Huron River



Map date 4/28/2021  
 Any aerial imagery is circa 2020 unless otherwise noted  
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