



TO: Mayor and Council

FROM: Milton Dohoney Jr., Interim City Administrator

CC: Jackie Beaudry, City Clerk
Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Brett Lenart, Planning Manager
Molly Maciejewski, Public Works Manager
Gerald Markey, City Assessor
Brian Steglitz, Water Treatment Plant Manager

SUBJECT: December 6, 2021 Council Agenda Responses

DATE: December 2, 2021

CA-5 – Resolution to Approve an Increase to the Purchase Order with Wastequip Manufacturing Company, LLC for Bulk Solid Waste and Recycling Equipment (\$75,504.00 Total Purchase \$90,000.00)

Question: The resolution states "Whereas, This agreement provides competitive pricing that other municipalities can use." I quickly skimmed the contract, but didn't see reference of any other municipalities that we're partnering with on this agreement. What other municipalities have access to this pricing? (Councilmember Briggs)

Response: The Sourcewell cooperative program is a national purchasing agreement that any municipality in the United States can use.

CA-6 – Resolution to Prohibit On-Street Parking on the North side of Winchell Drive from Brockman Boulevard to 175 Feet East of Hall Avenue

Question: The survey report says that out of 100 participants, 30 did not live in the area. How was local area defined for this survey, e.g. on the street directly, within the

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neighborhood, or was this definition left to interpretation by the people answering the question? (Councilmember Nelson)

Response: The local project area defined for this survey was 1,000 feet from Winchell/Brockman/Frieze intersection. This description was included as part of the question.

Question: Survey question 4 begins with “If you live in the area” – did the survey tool rely on respondents opting out (i.e. self-identifying as not in the area) or were non-area residents filtered out/prevented from responding to that question? (Councilmember Nelson)

Response: Question 4 reads: “If your property is along any of the areas identified for sidewalk installation (see map above), do you have any particular concerns that we should be aware of, such as major trees or vegetation adjacent to your property?” Respondents were expected to look at the map provided, self-assess whether they were along the area identified for sidewalk installation, and then determine whether the question applied to them. This was intended to get feedback from those who live or own property along the area identified for sidewalk installation. Respondents outside of the sidewalk installation area were expected to opt-out. Staff reviewed all responses received but did not manually sort or filter responses.

Question: Over half of the participants (54) rejected both options-- of the 34 people who approved option 2, do we know how many of those respondents lived in the area? (Councilmember Nelson)

Response: Filtering the data, 23 out of the 34 people who indicated a preference for option 2 (per question 5 responses) also indicated that they live in the project area (per question 1 responses).

Question: Survey Question 9 refers to a “Concept 3” that does not appear in the survey report. Please share Concept 3. (Councilmember Nelson)

Response: Concepts for the Winchell-Brockman Intersection were presented at a September 29 public meeting (slide 25): <https://www.a2gov.org/departments/engineering/Documents/Winchell%20Public%20Engagement%20Meeting.pdf>. This is not related to the sidewalk installation.

Question: Of the 100 respondents, 92 say that they use this area for walking. Since nearly all of the respondents self-identify as pedestrians, what is staff’s take as to why/how a proposed sidewalk only earned approval from 34 respondents? (Councilmember Nelson)

Response: The Alternative 2 sidewalk configuration was the preference for 34 respondents. 13 respondents preferred a different sidewalk configuration (Alternative 1). Of those who indicated Other (48) or Prefer not to answer/need more information (3), staff

can only speculate their rationale. However, concerns identified in question 4 include a resistance to changes in the street configuration and opposition to tree removals. Either on-street changes (i.e., on-street parking removal) or tree removals are necessary for the sidewalk installation.

Some respondents noted an opinion that the sidewalk is not needed, expressing a belief that sidewalk on one side of the road is sufficient. Some respondents noted an opinion that the costs and possible changes to the neighborhood configuration (i.e., loss of trees and/or parking) were not worth it in return for sidewalk installation, in their opinion. Some adjacent residents also expressed concern over the need to perform snow removal once the sidewalks have been installed.

CA-7 – Resolution to Approve a Professional Services Agreement with Wade Trim Associates, Inc. for Engineering Design Services for the State and Hill Streets Improvements Project (\$449,034.00) (RFP 21-27)

Question: When would construction be estimated to begin and how long would it last for this proposed project? (Councilmember Ramlawi)

Response: Construction is scheduled for 2023 and will likely last the entire construction season (approximately April through November).

CA-9 – Resolution to Approve Amendment No. 2 to the Professional Services Agreement with Stantec Consulting Michigan, Inc., for Water Treatment Professional Engineering Services (\$400,000.00 increase, total contract \$1,250,000.00)

Question: What if any changes in policy have induced the need to amend the original contact for scoop of work to be done? (Councilmember Ramlawi)

Response: This contract with Stantec is an as-needed services contract that is used to support the unit's engineering needs and extend its capabilities to execute an aggressive Capital Improvement Plan. The need to amend the contract is not based on changes in policy but based on project needs. Examples of work completed using this contract are included in the Memorandum that accompanies the resolution.

Question: Will there be future asks to amend this contact? If so, what will trigger those amendments besides shifts in council directives? (Councilmember Ramlawi)

Response: The Stantec contract expires on June 30, 2023, so it is possible that another amendment will be needed. Triggers for an additional amendment could include unplanned equipment outages that require engineering assessment, regulatory compliance tasks identified during annual audits, or reprioritization of capital projects.

CA-13 – Resolution to Approve a Five-Year Lease Between the City of Ann Arbor and the University of Michigan For City-Owned Property Behind 926 Mary Street (\$4500.00 annually) (8 Votes Required)

Question: I appreciate that the charges here reflect an increase in fees charged to the University. Please share explanation and example/comparisons re: how the \$4500 annual fee is “in line” with other parking arrangements with the UM. (Councilmember Nelson)

Response: The City Clerk’s Office has only the Mary Street parking lot lease; however, the City also has leases with the University of Michigan for the Fuller Parking Lot and Riverside Park. In negotiating this lease renewal, we consulted with Parks and were told they have shorter-term leases, but increase approximately 3% per year. Our one-year renewal of the existing contract with UM was at a 3% rate. This contract was converted in 2014 from an ongoing month-to-month lease that had not been renegotiated since 1987. At that time, it was agreed that a five-year lease was appropriate with the option to renegotiate the rental rate at the time the extensions were executed. The new lease rate represents about 2% per year over the five years.

Question: How do these charges compare to parking fees charged by the DDA? I.e. What would the DDA charge for 12-15 parking spaces like these, on an annual basis? (Councilmember Nelson)

Response: When we originally moved this from the month-to-month lease and negotiated a long-term annual lease arrangement, we surveyed the DDA, UM and Parks on parking rates. It was noted at that time that DDA rates were not comparable as this lot is used exclusively for UM residents of Fletcher Hall. At that time, the annual pass was \$300. This year it is only \$167 to park at Fletcher Hall.

CA-14 – Resolution Setting a Public Hearing on January 3, 2022, to Receive Public Comment on the Proposed Industrial Development District No. 2021-001

Question: This resolution includes explanation that “construction, acquisition, or installation of proposed real and personal property... had not yet commenced at the time of filing the request for the Industrial Development District.” Is that still true, that none of those activities have commenced? (Councilmember Nelson)

Response: There has been no construction of real property commenced on the SARTORIUS site. The current activity at the SARTORIUS site is the demolition of the existing industrial building located at 3874 Research Park Drive. A demolition permit was issued on November 3, 2021. Personal property will not be installed on the SARTORIUS site until a new industrial building has been constructed to house the personal property.

CA-25 – Resolution to Approve and Appropriate FY22 Budget and Allocations for 6-Month Transition Grants to Non-Profit Entities for Human Services - \$1,093,021.50 (General Fund) (8 Votes Required)

Question: Stable funding is critical for these nonprofits. Is there confidence that a new long-term process will be put into place at the process well in advance of the expiration of this 6 month period? (Councilmember Briggs)

Response: Staff is confident in bringing forward a proposed long-term process well in advance of the expiration of the six-month extension. Implementation is subject to the approval of City Council and County Commission.

C-1 – An Ordinance to Amend Sections 2:25, 2:26, and 2:38 of Chapter 27 (Water Service) of Title II of the Code of the City of Ann Arbor

Question: If the “failure to allow installation, repair, or replacement” is an ordinance violation, does the creation of this “opt out” provision mean that the Public Services Area Administrator has discretion to decide who is or is not in violation of the ordinance? (Councilmember Nelson)

Response: No, the opt-out provision does not give the Public Services Area Administrator the discretion to decide who is in violation of the ordinance. Through the opt-out provision, the Public Services Area Administrator has the discretion to establish rules and regulations regarding opt-outs from the automatic remote reading device requirement and to make decisions on opt-out requests. Such an “opt out” allows for a different type of meter setup for the customer that eliminates the wireless transmission unit. This setup will require staff to drive to the home and collect a manual meter reading from the meter. Section 2:38 of the ordinance already allows the Public Services Area Administrator to determine and assess a surcharge for a violation of the ordinance.

Question: How many properties in the city currently do not have an automatic remote meter reading device? (Councilmember Nelson)

Response: All customers currently have the automatic remote meter reading device. However, there are at least 30 homes where the device has failed and the customer refuses entry into the home to replace the device. These homes are likely candidates for the opt out program.

Question: Please provide an example of an “opt out” situation likely to be permitted at the discretion of the Public Services Area Administrator. (Councilmember Nelson)

Response: Please see the attached AMI opt-out policy that will be presented for consideration at the December 20 meeting. The modified setup option will still have the standard water meter, but the wireless transmitter device will be removed requiring a manual read of the meter by staff.

Question: Why are we moving forward with first reading of this before presentation of details about the AMI opt-out policy? (Councilmember Nelson)

Response: The ordinance change requires two readings before passage. The draft AMI policy will be added to this Legistar item for reference and then brought to Council for consideration at the December 20, 2021 meeting as part of resolution to establish an opt out fee. Resolutions to establish or alter fees generally follow ordinance changes.

Question: What is the percentage of customers who are resistant to the installation of an automatic remote meter reading device? (Councilmember Briggs)

Response: Staff does not have an accurate assessment of the percentage, but approximately 30 customers expressed interest in an opt-out program during the city's recent water meter replacement effort. Over 20,000 meters have been replaced so far as part of this effort.

Question: What is the estimated cost of opting out (additional fees and charges for installation, ongoing manual reads and other administrative costs) to the installation of a remote meter? (Councilmember Briggs)

Response: Please see the attached AMI opt-out policy and fees that will be presented for consideration at the December 20 meeting. The policy was also added to this item as an attachment in Legistar for reference.

C-2 – An Ordinance to Amend Sections 5.22.3 (Storm Water Management and Soil Erosion) and 5.29.6 (Site Plans) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor

Question: What is the justification for removing - under “Criteria for Site Plan Approval” – section “C. The Development shall not cause a public or private nuisance and shall not have a detrimental effect on the public health, safety, or welfare”? (Councilmember Nelson)

Response: The underlying purpose of zoning is to abate nuisances and promote the public, health safety, and welfare. The Unified Development Code includes the technical requirements that site plans are evaluated against in order to ensure such adverse community impacts are abated. Removing this standard clarifies the standards of review to delete this general purpose statement from the specific standards of review.

Is the table in 5.29-1 entirely new or is there a previous/current existing version? (I do not see one included in attachments for this agenda item.) If there is no previous/current version of this table, I am interested in seeing one -- please share a table that accurately reflects current policy, to compare to the proposed changes.

The proposed table in 5.29.1 is entirely new. A table of the current UDC standards is attached.

Question: Is the table in 5.29-1 entirely new or is there a previous/current existing version? (I do not see one included in attachments for this agenda item.) If there is no previous/current version of this table, I am interested in seeing one -- please share a table that accurately reflects current policy, to compare to the proposed changes. (Councilmember Nelson)

Response: The proposed table in 5.29.1 is entirely new. A table of the current UDC standards is attached.

C-4 – An Ordinance to Repeal and Replace Chapter 115 (Weapons and Explosives) of Title IX (Police Regulations) of the Code of the City of Ann Arbor

Question: Based on the following guidance Information from the State of Michigan, it states that fireworks must be allowed from 6/29- 7/4 and on 7/5 if on a Friday/Saturday along with some additional holidays. I don't see language permitting fireworks to be discharged from 6/29-7/3 or on 7/5. Do we not specifically site these days because they are already permitted under state law? https://www.michigan.gov/som/0,4669,7-192-29943_34759-500873--,00.html (Councilmember Briggs)

Response: The City Attorney's Office will respond separately.

Question: Has the previous policy decision been to permit fireworks to be discharged on national holidays, above and beyond what is required by state law? (Councilmember Briggs)

Response: The current state law was amended in 2018. There have been no amendments to our local ordinance since 2013.



ADVANCED METERING Opt-Out Program

For more than 15 years, the City of Ann Arbor had made use of Advanced Metering Infrastructure (AMI). AMI provides increased meter reading accuracy, improved billing, opportunity for enhanced customer services such as those listed below, and reduced operating costs over other metering technologies. The AMI technology uses radio frequency (RF) transmitting devices which are connected to the water meter by wire and transmits meter readings wirelessly to the City. These devices are known as Meter Transmitter Units (MTU) and are located inside the home near the water meter.

AMI Benefits

	AMI	Non-Standard Meter
View your daily water usage	Yes	No
Leak detection alerts	Yes	No
Eligible for leak adjustment credit on bill (subject to review)	Yes	No
Eligible for summer sewer discount	Yes	No

Despite the many advantages of the AMI system, the City recognizes that some customers may not want the AMI technology installed inside their homes. The City offers two opt-out options:

Option 1: Relocate MTU to outside of house. All AMI benefits remain for customer.

\$115.00 – One-time Installation Fee*

Option 2: Removal of MTU and install reading display equipment to the outside of the home for collection of quarterly reads manually by City. No AMI benefits for the customer.

\$399.00 – Initial Setup Fee*

\$58.00 – Quarterly Meter Reading Fee

***Homeowner required to install wire to exterior of home in accordance with manufacturer specifications**

To be eligible for the opt-out program, customers must:

- Own and reside in a single-family, residential property
- Homeowner to install wire to exterior of home in accordance with manufacturer specifications
- Complete AMI Opt-Out Application Form

Existing Site Plan Review – Summarized in Table format	Exempt	Level 3 – Planning Manager	Level 2 – Planning Commission	Level 1 – City Council
ANY WORK REQUIRING ANY CITY PERMIT AND NOT IDENTIFIED BELOW				A
One & Two Family Residential – In Residential Zoning Districts (R1, R2, R3, R4, R6)				
New Construction; Addition/Alteration; Removal or disturbance of Natural Features; Accessory Building - In Residential Zoning Districts	A			
Other Construction, Removal, or Disturbance of Natural Features				
Construction solely on the interior of a Building that does not increase Floor Area	A			
Building Additions of 10% of the existing Floor Area, up to 10,000 square feet		B	A	
Building Additions greater than 10% of the existing Floor Area, or 10,000 square feet				A
One Accessory Building for storage or other non-habitable use, between 240 and 5,000 square feet of Floor Area, but not to exceed 5,000 square feet of Floor Area, 5% of the Lot Area, and 14 feet in height	B	A		
Any Other Accessory Building			A	
Change in Building Height that does not create new Floor Area		B	A	
Relocation of Sidewalks		B	A	
Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.		A		
Relocation of refuse stations.		B	A	
Rearrangement or reconfiguration of the parking stalls and aisles within the Vehicular Use Area of an approved site plan, subject to the off-street parking standard.		B	A	
Decrease in Building size.		B	A	
Moving a Building no more than ten feet or 5% of the distance to the closest Lot Line, whichever is smaller.		B	A	
Relocation or addition of no more than 50% of the approved storm water detention capacity.		A		
Change in species or placement of plant materials included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan.		A		
Substitution of areas to be preserved in an approved Natural Features protection Plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original area to be preserved in the approved protection plan		A		
Removal of a tree identified on the site plan as a Landmark Tree to be saved, but recognized as an Invasive Species at the time of application for approval of the Administrative Amendment.		A		
Addition of carports over existing legal Parking Spaces		B	A	

Replacement or enhancement of a Wireless Communications Tower to accommodate co-location, provided that the Tower is not relocated more than 15 feet from the Base of the original Tower, nor is increased in height more than 20 feet above the original Tower height and meets all other applicable regulations.		B	A	
Addition of Canopy Structures over Vehicular Use Areas.		B	A	
Change to, or addition of Development phasing lines.		A		
Extension of a valid site plan approval for periods up to two years, if the approval is requested prior to expiration of the site plan and if the plan is in compliance with current laws and regulations.		A		

A – Applies

B – Applies if previously approved site plan on file

Additionally, the following activities are Exempt from Site Plan Review:

Construction, erection, or placement of the following:

1. Signs
2. Retaining walls, Fences, buffer walls
3. Curb carts for solid waste; and dumpsters used for commercial recyclables and related screening that encloses up to 100 square feet.
4. Fire escapes
5. Sidewalks
6. Wireless Communication Antennas and associated facilities located on Buildings or on other existing Structures or on previously approved and constructed Wireless Communications Towers; Dish Antennas and windmills located on Buildings.
7. Lights; poles.
8. Cooling, heating or mechanical equipment when located on a Building or occupying a ground area of less than 100 square feet.
9. One Accessory Building up to 240 square feet and up to 14 feet in height, for storage or other non-habitable use, subject to all dimensional standards of the zoning district in which it is located.
10. Deck or patio, or a combination of both, up to a total of 240 square feet for a Dwelling Unit in an attached Single-Family residential development.
11. Awning of any size, or Canopy or similar accessory Structure for shade up to 240 square feet, when over existing Impervious Surface.