



Legislation Text

File #: 20-0779, **Version:** 2

Resolution to Approve Downtown Street Closures for Restaurant and Retail Use During the Time of Mandated Physical Distancing

Due to the COVID-19 pandemic, Governor Whitmer has enacted a series of Executive Orders aimed at safeguarding public safety. These include mandates requiring minimal physical distancing. A set of strategies and programs have been set forward outlining how downtown Ann Arbor streets, sidewalks, and public parking lots can be utilized during this pandemic period to support economic recovery and build a more resilient community, including supporting physical distancing, encouraging patronage of downtown businesses, and reinforcing core values of safety, mobility, equity, and downtown vitality. The four downtown area associations provided detailed plans for the street blocks in their area they wish to see completely or partially closed for periods of time to create more space for pedestrians and businesses whose seating or sales capacity has been restricted by state mandates.

The DDA has provided a grant of up to \$50,000 to the four downtown area associations to cover their cost of installing, removing, and renting barricades for these street closures. The DDA will provide meter bags within these closure areas at no cost, and they will also keep in place the meter bags and signage at 143 locations for customer pickup/delivery at no cost.

It is anticipated that upon City Council approval, closures can be instituted as soon as special event permits are received and approved, including Police and Fire review of closure plans to ensure compliance with the Fire Code and public safety needs, AAATA for public transit considerations, and other city staff review.

Prepared by: John Fournier, Assistant City Administrator;
Susan Pollay, Executive Director of the DDA

Reviewed by: Kristen Larcom, Senior Assistant City Attorney

Approved by: Tom Crawford, Interim City Administrator

Whereas, Due to the COVID-19 pandemic, Governor Gretchen Whitmer has issued Executive Orders to safeguard public safety including mandating required minimal physical distancing;

Whereas, Certain merchant and business associations in the City are requesting the closure of certain streets so that restaurants and retail businesses adjacent or near to the closed streets are able to use the street for seating and sales that comply with social distancing requirements during this pandemic period, which will support economic recovery and build a more resilient community, encouraging patronage of downtown businesses, and reinforcing core values of safety, mobility, equity, and downtown vitality;

Whereas, Applications will be submitted for special event permits that include detailed plans for the streets and public parking lots on those streets that are proposed to be completely or partially closed to create more space for pedestrians and businesses whose seating or sales capacity has been restricted by state mandates;

Whereas, While the special event permitting process will be required for the occupancy of these closed streets, this circumstance should not be considered a special event in the traditional sense because the use of the street is not for a fair, or festival, but for the immediate need to create socially distanced seating and business space in the downtown;

Whereas, Businesses who use the public right of way and other public spaces for their business operations should acknowledge their obligation to follow the requirements of emergency orders and declarations for the benefit of public health, the importance of social distancing, and the obligation they have as public accommodations to ensure that tables and chairs are appropriately distanced, personal protective equipment is appropriately worn by patrons and employees in accordance with public health recommendations, and that they are following all recommended public health precautions to the best of their abilities;

Whereas, City Council is permitted under Chapter 79, Solicitors and Peddlers, of the Ann Arbor City Code to restrict the issuance of solicitors' and peddlers' licenses during special events, or at times when congestion in the City or a part of the City is too great to allow peddling and soliciting;

RESOLVED, That City Council approve the partial or full closure of the streets identified in the attached Healthy Streets Ann Arbor Map ("the Map"), subject to the specific restrictions and conditions set forth in this resolution;

RESOLVED, That City Council approve the closing of the streets identified in the Map beginning as early as Friday, June 12, 2020, and ending on the date when the number of people allowed to gather in bars, restaurants or retail stores is no longer reduced by Governor Gretchen Whitmer or any other authority for public health and safety reasons related to the COVID-19 crisis, or until August 23, 2020;

RESOLVED, That City Council approve the Associations' request for closure of the streets specified and any public parking lots downtown on the following days of the week and hours of the day:

Fridays, 2:00 p.m. to 11:59 p.m.
Saturdays, 12:00 a.m. to 11:59 p.m.
Sundays, 12:00 a.m. to 8:00 p.m.;

RESOLVED, That City Council grants the City Administrator the authority and flexibility to expand or scale down the closure days and times of blocks within each business district;

RESOLVED, That the City Council approve the closure of Maynard Street completely and at all hours at the request of the State Street District, between the dates specified in the second resolved clause of this resolution;

RESOLVED, That City Council impose the following restrictions and conditions with which the Associations must comply:

- As required by City ordinance for special events, each Association shall obtain a special event permit to hold a special event on the streets that it is requesting to be closed.
- Each Association shall obtain a special event permit by submitting an application by June 8, 2020, that provides all information needed for review and approval of the issuance of a permit

by the Interim City Administrator or designee. Subsequent special event permits may be submitted to alter to add to uses within these closed streets at any time during the period of the closure.

- Streets must be barricaded using AAPD-approved barricades and designated locations to insure restriction of traffic
- During the time the streets are closed parking is prohibited on the closed portion of those streets.
- Annual Sidewalk Occupancy Permits will remain valid within these designated street areas
- Peddler/Solicitor Permits, including permits for pedicabs, are invalid within these street areas during the time streets are closed
- Commercial Quadricycle Permits are invalid in areas of street closures;
- Each Association will continuously meet with businesses owners and operators to address the concerns and issues which are associated with the road closures, changes to use of the rights-of-way, and use of on-street parking;

RESOLVED, That each applicant shall provide insurance coverage satisfactory to the City Attorney in connection with the occupancy and use of City public rights of way during the dates of street closures, which insurance shall name the City of Ann Arbor as an additional insured; and

RESOLVED, That the City Clerk be directed to mail to any current Commercial Quadricycle permit holder a certified copy of this Resolution as notice of prohibited operation during the time of street closures.

Sponsored by: Mayor Taylor and Councilmembers Lumm and Ramlawi

As Amended and Approved by Ann Arbor City Council on June 1, 2020