



Legislation Text

File #: 20-0981, Version: 1

Resolution to Order Election and to Determine Ballot Question for Charter Amendment for the 2021 New Sidewalk Construction Millage (**7 Votes Required**)

In 2011 the City Council approved a resolution in support of the Complete Streets philosophy for a safe and balanced transportation system that would accommodate all modes of traffic. The filling of sidewalk gaps is a community goal that is consistent with various policy documents, including the Non-Motorized Transportation Plan, Complete Streets, and Sustainability Framework. Since 2011, almost 11 miles of new sidewalk have been constructed by various means throughout the City. Where these projects were City-initiated (as opposed to being constructed by private development projects), benefitting property owners were specially assessed for the new sidewalks in accordance with Chapters 12 and 13 of City Code.

A desire has been expressed to reevaluate how the funding of sidewalk gaps is conducted. As it was established, the previous Street, Bridge, and Sidewalk Millage was able to fund the repair of existing sidewalks, but not replace the funding that would be collected through special assessments.

To that end, a New Sidewalk Millage is being proposed for the purpose of funding the construction of new sidewalks and either fully or partially eliminating special assessments for that purpose. This will be a separate millage and separate ballot item from the Street, Bridge, and Sidewalk Millage. This six-year 0.20-mil levy would raise an estimated \$1.3 million of additional revenue annually. Adoption of a six-year millage beginning in 2021 would provide funding for construction of sidewalk gaps as soon as possible and would align the expiration of the two millages in 2026.

The attached resolution includes the proposed ballot language for the New Sidewalk Millage, for the years 2021 through 2026. This millage, if approved, will be used only for constructing sidewalks adjacent to properties that are on the City's tax roll, which excludes schools, churches, and city owned properties as well as those owned by the University of Michigan. In addition, adoption of this millage will not change the obligation of developers to install sidewalks along a parcel's right-of-way frontages when those parcels are developed or redeveloped.

At the June 1, 2020 Council meeting, City Council approved Resolution R-20-189 and requested that staff provide various options to City Council regarding the proposed New Sidewalk Millage. These options were presented to City Council in a Memo dated July 6, 2020 (see attached). These options revolved mainly around whether the New Sidewalk millage should fully or only partially replace special assessments for new sidewalk construction. These options are presented in detail the accompanying Use Resolution (Legistar File No. 20-0983) and do not affect the ballot language proposed in this Resolution.

Should the New Sidewalk Millage pass, sidewalk gap filling projects would go forward each year guided by the existing sidewalk gap prioritization and capital planning processes. The cost of projects executed on average each year will be limited to the amount of revenue generated by the 0.20 mils. It is also anticipated that there will need to be revisions performed to City Code to remove or modify the

language governing special assessments for new sidewalk construction if this millage is approved by voters. This effort would be undertaken following the November election.

A tentative schedule of events for placing this item on the November 2020 ballot is shown below:

Present Ballot Language to Council for Approval	July 20, 2020
Present Use Resolution to Council for Approval	July 20, 2020
Legal Deadline for Submittal of Ballot Language	August 11, 2020
Implement Public Communication Plan	August - October
Election Day	November 3, 2020

Prepared by: Nicholas Hutchinson, P.E., City Engineer
Reviewed by: Craig Hupy, Public Services Area Administrator
Approved by: Tom Crawford, Interim City Administrator
Whereas, In 2011 the City Council approved a resolution in support of the Complete Streets philosophy for a safe and balanced transportation system;

Whereas, The filling of sidewalk gaps is a community goal that is consistent with various policy documents, including the Non-Motorized Transportation Plan, Complete Streets, and Sustainability Framework;

Whereas, Presently, benefitting property owners must be specially assessed for new sidewalks in accordance with Chapters 12 and 13 of City Code; and

Whereas, A desire has been expressed to reevaluate how the funding of sidewalk gaps is conducted;

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by adding section 8:24 to read as follows:

Funds for the Construction of New Sidewalks

SECTION 8.24. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2021 through 2026, annually levy a tax of up to 0.20 mills on all taxable real and personal property situated within the City for the purpose of providing funds for the construction of new sidewalks.

RESOLVED, That November 3, 2020 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the City Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

PROPOSAL 2
ANN ARBOR CITY CHARTER AMENDMENT

TAX FOR THE CONSTRUCTION OF NEW SIDEWALKS

Shall the Charter be amended to authorize a tax up to 0.20 mills for the construction of new sidewalks for 2021 through 2026, which will raise in the first year of levy the estimated revenue of \$1,300,411? In accordance with State law, a portion of the millage may be subject to capture by the Ann Arbor Downtown Development Authority and the Washtenaw County Brownfield Redevelopment Authority.

? Yes ? No

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in full not fewer than two times in the Washtenaw County Legal News;

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2021;

RESOLVED, That if the charter amendment is adopted, the City Attorney and relevant staff shall bring to the Council, on or before December 7, 2020, an ordinance to amend the City Code language relative to the obligation to specially assess new sidewalk construction to benefitting property owners to conform with the City's decision to utilize revenue from this millage for such purposes for the duration of this millage.