

# THE YEAR IN REVIEW

## Top 10 Council Acts During 2011

The City Council meets twice each month to vote on ordinances, resolutions and appointments. Each vote the Council takes affects our lives, but some votes have more impact than others.

During the holidays I took time to look at each agenda for the past year, and thought about what types of impact the Council's decisions could have on our lives. I made a list of ten decisions that will affect us all, in one way or another.

This is my list. You may consider other decisions to have had a greater impact. If so, I hope you'll share your insight with me.



### Area, Height and Placement

In January the Council approved changes to the zoning codes, specifying new rules for a broad cross-section of the City. These rules affect new construction outside the downtown.

Why does this matter? New construction is supposed to be built closer to the street and farther from any adjacent residential properties; commercial, research and office buildings can be taller; parking lots are required to be built behind, beside or under, but not fronting the street.

Ann Arbor's old area, height and placement rules were based on a 60s model of suburban design; many buildings were one or two stories tall with large parking lots surrounding them (think Briarwood Mall as an extreme example). New construction will be different. Buildings will be built close to the street; any parking lots will be beside and behind the buildings. These changes will occur gradually. The planning staff expects a more urban look to result. Note the images of Arbor Hills Crossing, a shopping center on Washtenaw that was recently approved.



## Medical Marijuana zoning and licensing

Ten months after the City Council approved a 90-day moratorium on dispensaries, the City Council approved zoning and licensing rules for medical marijuana.

Why does this matter? Zoning law is different from other types of law — that which isn't permitted is forbidden. So if Ann Arbor's zoning didn't allow for patients and caregivers to grow marijuana, those who did so — in their homes or in another location — would be in violation of local ordinances. But voters in Ann Arbor strongly supported Michigan's Medical Marijuana voter initiative. The zoning restrictions make it possible for a single caregiver to grow marijuana for as many as five patients. They also forbid growing more than 72 plants, thus keeping with the Medical Marijuana Act.

Before the Council approved the moratorium on dispensaries, several had already opened. These dispensaries were, in general, not provided with certificates of occupancy and were not inspected prior to opening. By creating an ordinance that controlled how dispensaries function, and restricting where dispensaries can operate, the Council chose to move these activities from the shadows into the light.

At this time, no medical marijuana dispensaries have been licensed. The licensing board will report to Council by the end of January, 2012.



## Recycle Bank

In 2010, the City Council approved a change to the recycling contract with Recycle Ann Arbor, and the move to single-stream recycling. At the same meeting, the Council approved a contract with RecycleBank. Changing to single-stream recycling was supposed to increase the ease of recycling for residential customers, improve service, and increase the number of materials that can be recycled. There were some changes that weren't as positive — like eliminating curb-side battery recycling — but many residents found single-stream recycling a major improvement.

RecycleBank is an incentive program that rewards (via coupons) the number of times a household recycles. It doesn't reward households for recycling large amounts; instead, each household on a route earns points every time they put their recycling bin at the curb for pickup.

RecycleAnnArbor expected their costs to decrease; instead, there were some miscalculations that resulted in a request for additional funds. The Council increased the funding for RecycleAnnArbor and discussed whether to de-fund RecycleBank.

RecycleBank re-negotiated its contract with the City, setting clear benchmarks. They will be expected to prove their success in increasing the amount of recycling per household. This is an ongoing issue, and will come up for further discussion as part of the budget for 2012-13.

## Resurface additional streets in 2011

In September the Council opened the budget and added over \$550,000 (increasing a contract from \$3.7 million to \$4.2 million) in order to resurface or reconstruct additional streets during the 2011 construction year (through November, 2011).

This change in the contract allowed the City to repave or reconstruct four additional streets (portions of Spring Street, Division Street, Oxford and Miller) and seal cracks in nine other streets.

The funding for these projects is from the Street Millage (2006-2011).



## The Stadium Bridges project *(links to Stadium Bridges website)*

During 2011, the City Council accepted the federal and state dollars to complete the Stadium Bridges reconstruction. The Council also approved easements with the University of Michigan for utility work as part of this project, finished the designs (getting final approval from the State of Michigan) and began construction.

The Stadium Bridges project was begun (with public meetings) in 2006; it stalled until 2009 when the bridges were inspected and found at serious risk.

The City applied for, and eventually received, funding from the Federal Tiger II Grant program as well as some funding for bridge reconstruction from the State of Michigan.

This project hasn't been a shining example of governmental efficiency. Three governments needed to cooperate (federal, state and local); the US Congress and State Legislature needed to approve; and governmental procurement had to authorize the expenditure — combined, these are not a recipe for quickly solving problems. The result, however, is that both State Street and Stadium will have improved traffic flow, local residential areas will see improvements, and construction will be rapid.

I'm looking forward to the bridges re-opening in November, and the entire project being completed in spring, 2013.

## Public Art / Percent for Art funding

The City Council approved a revised ordinance clarifying funding for the Percent for Art program.

Although many people mix support for public art with support for the Percent for Art funding mechanism, the two remain different. There are many ways public art can be funded: local donations, national donations, and grants all make up part of the matrix for funding. But in 2007 the City Council authorized an allocation of 1% of all capital improvement dollars (source permitting) in order to fund public art acquisition and maintenance. These dollars have to be used either as part of the project (for instance, as part of the re-construction of West Park) or as part of a different project, but reflecting the source of funds (for instance, the use of a storm-water themed fountain at City Hall, using funds from water, sewer and storm-water sources).

The new ordinance language removes routine replacement and repair of sidewalk slabs — newly approved as part of the millage in November, 2011 — from being considered a funding source for public art.





## The DDA

City Council approved two major changes to the tasks of the DDA in 2011. Both changes grew out of discussions between DDA and Council representatives (the Mutually Beneficial Committees) as they worked out the details of a new agreement on parking management.

Why is this significant?

The DDA no longer must get approval from Council to set parking rates. In the past, the DDA provided Council with their proposed changes; the Council had to take an act in order to *reject* the proposed changes. Now, the Council has no say in the parking rates. The DDA has approved parking rate increase, effective September 2012.

An additional change to the DDA's role is to create a public process to discuss, and then create a plan for, five downtown City-owned properties: the Library lot, the old Y lot, the parking structure (at least, the ground floor of the parking structure) at 4th and William, the Palio lot and the Kline's lot.

The DDA has been holding meetings with a small group of interested people to talk about the public process and what this group would like to see for these lots in the future. No plan for the process or the lots has yet been offered.

## Terminating the RFP for the Library Lot

The RFP (request for proposals) for the Library Lot was written and issued by the staff — without Council oversight — in August, 2009. The Council did establish a committee to evaluate responses and set a date for reporting on those response (March, 2010).

That date was missed. The committee did not report to Council until March, 2011. After the Council received the report — at a working session — Council members voted to terminate discussion on the RFP.

Why is this important? During the year and a half that we all discussed the possibility of a private or public/private project being built on the Library Lot, it became clear to many members of Council that the RFP process was flawed. The public interest hadn't been well represented, the needs for this site hadn't been well developed, and the economic needs of the City hadn't been effectively considered.

These realizations led to the decision to task the DDA with creating a larger plan for the public land along the William Street corridor (see above), using a 'robust public process.'



## Selecting a new City Administrator

Roger Fraser, who had been City Administrator since 2002, resigned from that position in 2011 (effective April 29) to take a job with the State of Michigan Emergency Manager program. The Council hires the City Administrator, and conducted a national search to find candidates.

After conducting interviews and public meetings with the candidates, the Council selected Steve Powers, at that time the County Administrator for Marquette County, Michigan.

Why does this matter? The City Administrator sets the tone for the rest of the staff, works with labor negotiations, sets priorities, and creates the draft budget for Council approval. The skills the Council was seeking included the ability to improve communications within the organization and with the public. Mr. Powers seems to have these skills.

## The budget

The City Council is required — by the Charter — to approve the budget by the end of May or accept the City Administrator's budget as written. This year it took two additional meetings in order to meet this goal. The budget was approved just before midnight on the 31st of May. Why is this the most important item?



The Council can only approve a one-year budget, but for the last several years the City Administrator has created a two-year budget plan; Council approves the budget for the first year and the City Administrator bases the second-year budget on the plan proposed in the first year. I know that sounds complicated.

The City Administrator's budget included significant staff reductions, especially in police and fire union members. The police staffing reductions were particularly significant, as there had been staffing reductions (early retirements) in 2009 and further reductions (through attrition) in 2010 that affected our perception that police staffing was sufficient.

Fire staff reductions affected the number of fire staff on any given shift; mid-year reductions in 2010 had resulted in rolling closures of fire stations. The Fire Chief resigned during the budget process.

Other staff positions were eliminated, as well, including members of AFSCME.

The planned budget for the 2012/13 fiscal year includes more staff reductions. During the months since the budget passed, however, contracts with several unions have settled, resulting in an agreement by union members to contribute at a higher rate toward their health insurance costs (matching the non-union level). Revenues have also been higher than anticipated; at this time, the City anticipates hiring additional police staff — offering those positions first to the staff members who were laid off.

The contract with fire department staff remains unsettled at this time, however; I don't know what the final outcome will be for staffing the fire department in 2012/13.

## Where did I stand on these ten issues?

I voted in favor of the Area, Height and Placement revisions.

I played a significant role in amending the Medical Marijuana Licensing and Zoning Ordinances.

I drafted the resolution to de-fund RecycleBank. I continue to believe that RecycleBank is not an effective use of your dollars.

I supported opening the budget to increase the number of streets reconstructed and resurfaced.

Of course, I voted to move the Stadium Bridges project forward. Every member of Council supported these resolutions.

I drafted the revisions to the Percent for Art ordinance. I'm pleased that sidewalk repairs won't be considered capital improvements eligible for the Percent for Art funding stream.

I voted against giving the DDA the authority to change parking rates, but for asking them to create a plan for the downtown lots. I also co-sponsored the resolution to terminate the RFP for the Library Lot.

I served on the committee to create a process for selecting the new City Administrator.

I voted in favor of retaining police and fire positions for four months (through October) while contract discussions were finalized. This budget amendment failed.