

## **Northside STEAM SRTS Sidewalk Gap Special Assessment Project**

### **Responses to Questions raised by Chuck Marshall, Tina Carmichael, Lester Wyborny, Anne Bannister and another STEAM PTO parent after the December 17, 2019 City Council Meeting**

**Most pressing - is there any option to include more parking at the east end of Traver? Some residents will have a hard time in the winter and may be willing to meet with the city engineers to propose some small changes on Traver while keeping the rest intact (assuming our other neighbors on other streets impacted are ok with the current plan)**

A proposal to include about 6 space to the middle to east end of Traver was developed. This modified design would require two property owners to grant a temporary grading permit (TGP) to the City. One resident (Susan Wright, 1616 Traver St) indicated that she would NOT, therefore no parking can be added in the middle of the block on the south side of the road. The other property would require either a 4-foot retaining wall or a TGP; and either way two mature maple trees or a fruiting mulberry tree would have to be removed. The owner of this property, Everett Armstrong at 1629 Traver, is very unhappy about the choice given to him to create additional parking for one person (Andrea Tom at 1627 Traver). Based on these responses, staff plans to continue advancing the most recent version of the plans, with no on-street parking except at the end of Traver near Barton Dr.

**Can it be asked of the city administrator regarding the 3 way stop at John A Woods and Traver - when was the referenced engineering study completed and provide details on the requirements that weren't met and what the threshold values are for meeting the criteria for a 3 way stop?**

An engineering analysis of this location was performed in December of 2018 to determine if the location meets the thresholds established in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) for the installation of multi-way STOP control. It was determined that none of the criteria are met, and therefore a STOP sign cannot be placed at this location. A copy of this analysis is attached, however it is highly technical in nature.

**Regarding assessments, please ask the administrator to provide the percentage of cost born by the residents of Traver with respect only to the estimate costs for the work on Traver Rd alone, less the amounts that would be covered by road improvements which the city pays for regardless. It would help to look specifically at the costs for sidewalks alone on Traver and then determine the percentage based on the assessment being asked of residents.**

The bantered 9% of 1 million is not accurate when considering the cost to residents versus the benefit. The lion share of the benefit of the sidewalks is for the school/city, not the residents.

A simpler way to look at this may be to look at what the cost of the project would be with or without the grant funding. Current assessment costs of approximately \$43/ft with the Grant funding would increase to approximately \$99/ft for sidewalks on both sides of the street without any Grant funding. If sidewalk was only installed on one side of Traver and both sides shared the cost, which could not be funded through the Grant, then the estimated assessment for property owners on Traver would be \$49.50/ft.

**What are the safety best practices and goals? Is SRTS a misnomer?**

From the Safe Routes to School Website: Safe Routes to School (SRTS) is a federal program to make it safe, convenient, and fun for children, including those with disabilities, to bicycle and walk to school. When routes are safe, walking or biking to and from school is an easy way to get the regular physical activity children need for good health. Safe Routes to School initiatives also help ease traffic jams and air pollution, unite neighborhoods, and contribute to students' readiness to learn in school. To be eligible for funding, the primary beneficiaries of all infrastructure treatments must be any K-8 students walking or bicycling between home and school. The eligible infrastructure improvements we have focused on for this project include sidewalk improvements (new sidewalks, sidewalk gap closures, and curb ramps) and traffic calming and speed reduction improvements including bump-outs, narrowed traffic lanes, and sight distance improvements.

**When do final design plans need to be submitted?**

Final submittal of plans and specifications, along with any temporary grading permits (TGP) necessary, is scheduled for January 25, 2019 in order to be able to construct the project in the summer of 2019.

**Can the question of removing Brookside be revisited and studied in more detail, given they are so far from the school?**

Portions of the project cannot be eliminated without the request and consent of the Safe Routes to School Committee. As the Committee has not expressed a desire to remove Brookside from the project, the City has no plans to remove it.

**May we have a memo from staff about funding options for the Special Assessment, including the lowest possible cap on the assessments, extended payment periods, and consistency of cost across other citywide sidewalk projects?**

In terms of funding options for the Special Assessment, Chapter 12 of the City Code, which Council adopted, provides that 100% of the costs of new sidewalks shall be paid by the owners of the properties benefitting from them.

The Code allows Council to alter this allocation, but only "where" Council "determines that" it "does not accurately reflect the benefit to the city at large and the private benefit." Under those circumstances, Council can adopt "such other division as shall be equitable." Staff believes the allocation provided for in Chapter 12 accurately reflects the public and private benefits of this project, so does not warrant an altered allocation. For the same reason, assessment amounts should not be capped at any dollar amount. Such a cap could also create an arbitrary and inequitable allocation that favors large parcel owners and unduly burden small parcel owners. That property owners are saying they neither want nor benefit from the sidewalks is beside the point. Special assessment law looks at benefit from an objective, not subjective, standpoint. Public infrastructure improvements like sidewalks, curbs and gutters, paved roads, etc., generally enhance accessibility to a property, thereby enhancing desirability and marketability, and therefore the value, of the property.

The allocation proposed for this project is consistent with other City sidewalk projects, which raises another issue. Altering what has been standard practice for other sidewalk improvements—including at least one other STEAM SRTS improvement (Clague Middle School)—risks creating a practically, and potentially legally, binding precedent that could complicate special assessments for sidewalks in the

future. Deviating from the Code rule could also stir up controversy among those who've been specially assessed for sidewalks in the past.

If Council wishes to look at a possible revision to the special assessment provisions in Chapter 12 for future projects, that is a policy decision for Council, as a body, and should be first vetted in the Council Policy Committee.

With respect to extended payment periods, City Code provides that “[u]pon confirmation of any special assessment roll, the Council shall determine the number of installments in which the assessments may be paid and shall determine the rate of interest to be charged on installments ...” Therefore, as a general matter, it’s Council’s decision on whether to extend the time for payment and what interest to charge for doing so. Although the ordinance sets no maximum number of installments, if Council elects to allow installments, it would be prudent to require payment in full over a period shorter than the life of the sidewalk. Where Council opts not to specify the number of installments, Chapter 12, Section 1:275(2) provides a default number of installments. Historically, Council has rarely opted for a greater number of installments than Section 1:275(2) prescribes, and only in cases where warranted by unique circumstances that created hardships for the property owners.