

City Of Birmingham

AD HOC UNIMPROVED STREET STUDY COMMITTEE

Birmingham City Hall Commission Room
151 Martin, Birmingham, Michigan
Friday, January 31, 2020

Minutes of the Ad Hoc Unimproved Street Study Committee meeting held Friday, January 31, 2020. Chairman Scott Moore called the meeting to order at 8:30 a.m.

1) ROLLCALL

Present: Chairman Scott Moore
Pierre Boutros
Jason Emerine
Michael Fenberg
Katie Schafer (left 9:25 a.m.)
Stuart Sherman (arrived 8:34 a.m.)
Janelle Whipple-Boyce

Absent: None

Administration: Tiffany Gunter, Assistant City Manager
Mark Gerber, Finance Director
Theresa Bridges, Asst. City Engineer
Austin Fletcher, Asst. City Engineer
Laura Eichenhorn, Transcriptionist

2) APPROVAL OF AUGUST 22, 2019 MEETING MINUTES

Motion by Mr. Boutros

Seconded by Mr. Fenberg to approve the Minutes of the Ad Hoc Unimproved Streets Committee of August 22, 2019 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Boutros, Fenberg, Emerine, Schafer, Sherman, Moore

Nays: None

Abstain: Whipple-Boyce

3. PRELIMINARY REVIEW: DRAFT POLICY DOCUMENT – UNIMPROVED STREETS

ACM Gunter commenced review of the item.

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Ms. Whipple-Boyce noted that even if the petition process is City-initiated in the future, disagreements among neighbors could still arise during the process. Working from the premise that the City only recommends streets for improvement when absolutely necessary, she asked what the benefit is of soliciting resident feedback on the process. Ms. Whipple-Boyce suggested removing neighborhood input would remove the source of potential contention between neighbors that could otherwise arise from the street improvement process.

Mr. Sherman concurred with Ms. Whipple-Boyce's comment.

Dr. Schafer said she thought the AHUSSC had agreed to maintain the petition process as one option for moving street improvement forward, while providing an alternative process that would be entirely City-initiated.

Mr. Boutros asked what the place of resident objections would be if a street improvement process were City-initiated.

ACM Gunter confirmed that the draft policy document did retain options for residents to express their objection to a street improvement.

Chairman Moore said that state law allows a council to initiate a street improvement without resident input if the improvement is necessary to maintain the health, safety, and welfare of residents. He said the City used that option to improve Wilits in the past. Chairman Moore stated that if residents objected to their street being improved they could register their protest with the City Commission, who could then decide to either postpone the street's improvement or to continue with the improvement if they found doing so imperative for safety.

Mr. Fenberg commented that the City should be able to initiate a street improvement based on a wider variety of factors than just where the street is on the cape seal rotation.

Mr. Sherman agreed with Mr. Fenberg's comment. He said he believed the AHUSSC sought an integrated ranking of roads' need for improvement based on the infrastructure and safety issues that former City Engineer O'Meara had laid out. That ranking would then be used to inform residents years in advance as to when their particular road would be improved. Then, motivated residents could opt to use the petition process to request that their road be considered for improvement sooner than the ranking suggested. He said that beyond that use of the petition process, the petition process would otherwise no longer be used by the City.

Ms. Whipple-Boyce and Chairman Moore agreed with Mr. Sherman's assessment of what the AHUSSC sought.

ACM Gunter requested confirmation that the AHUSSC was directing her to:

- Base street improvements solely on the Engineering Department's determination and to remove the use of the petition process for initiating street improvements.
- Clarify that residents who do not want their street improved could request that the City Commission delay the improvement, but only based on evidence that the street is in better condition than the Engineering Department found it to be.

The members of the AHUSSC confirmed that was their direction.

Ms. Whipple-Boyce said that she did not believe that the preference of the residents of a street should be the determining factor of whether concrete or asphalt is used to improve a street. She commented that all Birmingham residents contribute to road maintenance in the City, and accordingly roads should be improved for the benefit of all residents¹. She said asphalt need not necessarily be eliminated, but that the Engineering Department should determine when asphalt is most appropriate.

In reply to Mr. Fenberg, Asst. City Engineer Fletcher said that a main road improved with one material would not dictate that all intersecting roads also use the same material. Asst. City Engineer Fletcher said there are locations within the City where concrete and asphalt intersect, but they just have to be logically determined places. He added that asphalt could be used appropriately on infrequently travelled roads in Birmingham, such as cul-de-sacs.

Dr. Schafer echoed Ms. Whipple-Boyce's comments, emphasizing that the decision to use concrete or asphalt should lie with the City engineers. She cautioned that resident input would largely stem from aesthetic preference, and not the cost-effectiveness or longevity of a material used for the City's streets.

Mr. Emerine stated that he designs roads in his professional life, and that both asphalt roads and concrete roads can be made to function well and withstand any kind of traffic with enough money. He said the determining factor for choosing one material or the other on most residential streets should ultimately be City policy and cost effectiveness. He said the City's more busy thoroughfares would benefit from concrete if they are travelled more often by large trucks. Mr. Emerine continued that what matters most is drainage and the aggregate base underneath, which can be well-constructed for both asphalt and concrete roads.

In reply to Mr. Fenberg, ACM Gunter clarified that concrete and asphalt will cost the same for a resident because the City will assess the resident for the more expensive concrete cost in either case, and reserve any surplus if asphalt is used to offset the additional future required maintenance costs of the road. She added that the bulk of the maintenance costs would be borne by the City in either case.

Mr. Sherman stated that his road, Stanley, was improved with asphalt 14 years prior. He said that even with the City adhering to the maintenance recommendations there are still higher rates of road deterioration on Stanley compared to roads that were finished

¹ As amended at the June 19, 2020 meeting.

with concrete around the same time. He concurred with the City's finding that the additional long term maintenance costs required for asphalt had to be factored into the initial cost assessed to the residents.

Mr. Emerine stated that even though concrete needs to be replaced less frequently than asphalt, it is often significantly more disruptive and expensive than the repairs required for an asphalt road. He said also that it might benefit the City to choose one material moving forward to reduce the complications of maintaining and repairing the roads.

Asst. City Engineer Fletcher commented that during residential concrete road repair one side of the road can remain open while repairs occur on the other side, and then they can be switched to mitigate some of the disruption. He also said that new builds and sewer line replacements necessitate patches on asphalt roads which contribute to the increased rate of deterioration, whereas if the road is concrete the entire panel can be replaced resulting in a continuous road with no increased risk of deterioration stemming from the infrastructure repairs.

ACM Gunter said she was worried that, since there is an element of discretion to some road improvement material recommendations, the City could be perceived as demonstrating favoritism if one road receives a concrete recommendation and another, similar road receives an asphalt one.

Chairman Moore said the City's Engineering Department should determine whether they are equipped to make definitive, justifiable recommendations regarding whether to improve a given street with concrete or asphalt.

ACM Gunter said the process would need to be codified.

Chairman Moore concurred.

Mr. Sherman said there could be some roads that could be improved with concrete or asphalt according to the Engineering Department's findings. He suggested that in those cases, resident input should be sought, but that if there was no consensus among residents the road should be improved with concrete by default.

Finance Director Gerber presented the funding review portion of the draft policy document.

Ms. Whipple-Boyce said taking out bonds for water and sewer infrastructure repair could lead to the mistaken impression that some residents paid for the water and sewer updates on their street and are being asked to pay again, while in actuality residents have only ever directly covered their individual road improvement costs. Ms. Whipple-Boyce cautioned that the City would have to clarify the difference for residents.

ACM Gunter summarized that the Finance Department is being asked to explore:

- Bonding options for water and sewer improvements; and,

- How the City can manage its five-year capital improvement program to reflect a potential accelerated road improvement program in the event of a successful bond issue.

The AHUSSC confirmed that to be the case.

Chairman Moore drew the Committee's attention to the fact that the City's usual 85%-15% cost sharing split in a pavement assessment district was developed at a time in which Birmingham was more developed than the surrounding areas. He noted that since then the use of City roads has evolved to see more people travelling through Birmingham from one municipality to another, and more traffic within Birmingham as well. Chairman Moore stated that it is possible the cost sharing should be reconsidered in light of how heavily travelled a road is by people who do not live on that road.

Ms. Whipple-Boyce cautioned that some of the residential roads that are more heavily travelled may see a significant reduction in traffic once more traffic-calming measures are implemented. Since that might be the case, Ms. Whipple-Boyce said the City would have to be careful in determining which streets might be appropriate for having their cost sharing split reconsidered.

Mr. Fenberg said a reconsideration of cost sharing for certain streets should use vehicle counts as one objective metric.

ACM Gunter summarized that staff would further look into cost sharing considerations for certain roads and will return to the AHUSSC with ideas and suggestions. Staff will not revise the cost sharing part of the document until there has been further discussion and direction from the AHUSSC.

The AHUSSC confirmed that was their preference.

4. DOCUMENT REVIEW AND PUBLIC ENGAGEMENT APPROACH - DISCUSSION

ACM Gunter reviewed the item. She said she would share comments from the public with Committee members via email, and that Committee members could in return share their comments directly with her. She reminded Committee members not to reply-all on emails regarding Committee matters so as to remain in compliance with the Michigan Open Meetings Act.

5. PUBLIC COMMENT

Carl Genberg began his comments by thanking the AHUSSC and City staff for their professionalism and objectivity. He continued by noting that a 85%-15% cost sharing model might be prohibitive for some of Birmingham's lower- or fixed-income residents, and asked that the AHUSSC consider ways to address that issue.

Mr. Sherman confirmed for Mr. Genberg that all lines beneath a street, including lead lines, are updated when a street is improved.

Chairman Moore told Mr. Genberg that the 85% would be paid back over ten years, and that the City has programs that can help older residents on low or fixed incomes with such costs. Chairman Moore also said that the City should publicize the availability of those programs more in general.

Mr. Sherman and Chairman Moore confirmed for Mr. Genberg that utility lines in the rear of homes would not be addressed as part of this proposed project, and that the City has studied those lines separately.

Christina McKenna-Walton began by thanking the AHUSSC for their work on this matter, saying it was both a difficult and important one. She explained she has worked to get improvements for her street of residence, Lakeview, over the past four years and said there was some insight she wanted to offer the AHUSSC from that process. Ms. McKenna-Walton said:

- The AHUSSC and the City should not underestimate the importance of aesthetics when choosing between cement or asphalt. She asserted that many studies have shown that the most important factor for whether a neighborhood is aesthetically pleasing is not the homes or the individual landscaping, but the design, layout and quality of the streetscape. She said having an attractive streetscape is just as important to residents as having attractive parks and an attractive downtown.
- Assistant City Engineer Fletcher has been of inestimable help to the residents of Lakeview on their journey to improve their street. While that is granted, Ms. McKenna-Walton said it is not entirely appropriate to ask engineers to design streets that are aesthetically pleasing. For this reason, the City must go to other professionals as well when it comes to road design including landscape architects, city planners, and designers.
- She is a strong proponent of asphalt for Lakeview. Acknowledging that asphalt is more easily damaged than cement, Ms. McKenna-Walton continued that much of the damage to residential streets in Birmingham is done by large construction vehicles, and that residents should not have to subsidize the cost of damage done to the streets by those vehicles. She said that if damage to asphalt roads is a concern, the people employing those construction vehicles should be paying for the damage to the road.
- If asphalt had been an option on Lakeview all along, her efforts to improve the street would have been significantly less challenging. People in Birmingham largely prefer to use asphalt to improve their roads.

In response to Susan Randall, Chairman Moore said he would further look into the process of improving Saxon since the road continues into Beverly Hills from Birmingham.

Ms. Randall stated that improving Saxon had significant support, but that the way the cost was going to be divided ended up being prohibitive for a few homes. She said she would like to find a way forward for Saxon to be improved.

In reply to Paul Paskiewicz, Chairman Moore confirmed that lead pipes are updated when streets are improved. He also confirmed that City staff would do traffic counts all over the City to determine what areas are 'heavily trafficked' and therefore may be considered for a different cost sharing beyond the routine 85%-15% split if the City decides to pursue that possibility.

Dave Lurie said he was speaking in support of Ms. McKenna-Walton's comments. He said as a resident of Lakeview he opposed Ms. McKenna-Walton's efforts to improve the street since concrete was the only option provided at the time. He said that asphalt is not only necessary from an aesthetic standpoint, but from an auditory one as well since the joints in concrete roads cause a clicking sound when vehicles drive over them.

Chris Bidlake said that what pits neighbor against neighbor is not the petition process, but the result of the petition and the associated costs. Mr. Bidlake explained:

- That even if the City does away with the petition process, improving a street still goes to a vote which provides sufficient opportunity for contention.
- The option to pay over ten years results in a lien on one's home, which most residents would seek to avoid.
- Since the cost to each home is calculated by frontage, and not taxable home value, some residents with more frontage but less expensive homes would end up paying significantly more than residents with less frontage but more expensive homes. This places a significant, and potentially prohibitive, burden on many homeowners.
- Cost to homeowners to improve a street should take into account, then, the taxable home value of each home to determine what costs are possible and reasonable for residents to pay.

David Young explained that five years ago residents of Clark Street petitioned to improve their roads and went with concrete even though initially residents preferred asphalt. He noted that George Street, which was improved with asphalt approximately ten years ago, is now disintegrating. Mr. Young conceded that asphalt is more appealing at the outset, but that it changes significantly as the street ages.

Jason Braun explained that on his street of Banbury there are a number of rental homes, which means that the owners of those properties are either unresponsive to petitions since they are largely absent or vote no because they would have little to gain from improving the road. This has made it onerous to try and improve the street, and would be worth the AHUSSC noting as part of their consideration of the petition process. Mr. Braun also said that the trends of building on some roads should be considered in terms of which roads are improved first, because even if a given road was less damaged by construction up to this point, that same road may be now seeing increased construction which will deteriorate the road more rapidly.

Rodney Lockwood spoke as a resident of Lakeview and an engineer and agreed with Ms. McKenna-Walton's comment that engineers should not be tasked with designing the aesthetic experience of street. He said:

- Birmingham needs to think about its brand on a long-term basis vis-a-vis the road materials it selects. Birmingham has largely had chipseal which is closer to asphalt in terms of aesthetics and that should be maintained. He ventured that on Lakeview about 80% of the residents would prefer asphalt to concrete.
- The AHUSSC is correct that the petition process is damaging to neighbor relations and stressed that he is in support of the AHUSSC's efforts to fix that process.
- He was disappointed to hear that some members of the AHUSSC did not believe residents would be capable of making prudent decisions regarding the improvement of their streets if presented with all the relevant information.
- Asphalt roads should not fail quickly, and that if they do it means something was done wrong in the design or the construction.
- The City should consider applying Michigan's 'frost laws' to asphalt roads in order to reduce damage to asphalt streets in the spring. This would require construction vehicles to restrict their weights to about ⅔ of a normal load, which would reduce or in some cases eliminate damage done to the streets.

Chairman Moore advised those present who were concerned about street aesthetics that the Multi-Modal Transportation Board reviews all plans for street improvements and is a Board made up of residents, not engineers, to better consider complete streets and street design. He recommended that residents look further into the MMTB's work in order to see if some of their concerns about street aesthetics are being addressed there.

6. NEXT MEETING: TBD

7. ADJOURN

No further business being evident, the Committee motioned to adjourn the meeting at 10:40 a.m.

Assistant City Manager Tiffany Gunter