

City Of Birmingham

AD HOC UNIMPROVED STREET STUDY COMMITTEE

Held Remotely Via Zoom And Telephone Access
September 17, 2020

Minutes of the Ad Hoc Unimproved Street Study Committee meeting held Thursday, September 17, 2020. Chairman Scott Moore called the meeting to order at 6:01 p.m.

1) ROLL CALL

Present: Chairman Scott Moore
Pierre Boutros
Jason Emerine
Michael Fenberg
Katie Schafer
Stuart Sherman
Janelle Whipple-Boyce

Absent: None.

Administration: Joe Valentine, City Manager
Laura Eichenhorn, Transcriptionist
Austin Fletcher, Assistant City Engineer
Mark Gerber, Finance Director

2) APPROVAL OF JUNE 19, 2020 MEETING MINUTES

Motion by Mr. Sherman

Seconded by Ms. Whipple-Boyce to approve the Minutes of the Ad Hoc Unimproved Streets Study Committee of June 19, 2020 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Whipple-Boyce, Boutros, Fenberg, Moore, Schafer, Sherman

Nays: None

Abstain: Emerine

3) Draft Policy Document Discussion- Finalize

City Manager Valentine noted ACM Gunter's absence and explained he thought she would be walking the AHUSSC through the item. He then provided a brief overview of the purpose of the item, which was to review proposed changes from the City's consultant and to finalize the AHUSSC's policy decisions in the document. He then suggested that perhaps the AHUSSC would best be served during the meeting by discussing each of the consultant's comments.

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If there was a revision in the draft policy and no corresponding comment either from the AHUSSC, City staff or consultants provided in these minutes, one may understand that revision was accepted without comment by the AHUSSC.

Tim Judici, consultant from OHM, answered questions in regards to the written comments he submitted as part of the draft policy.

In reply to Mr. Judici's second comment on the draft policy, Mr. Fenberg noted that the AHUSSC had previously recommended that the choice between concrete or asphalt for road surfaces should be cost-neutral. The AHUSSC had recommended that asphalt be charged to the residents at the same price as concrete, and the difference between the cost of the asphalt and the charge to the residents would go into the City's road maintenance fund. The AHUSSC recommended that price structure because asphalt roads require earlier initial repairs and more frequent repairs than concrete roads.

Chairman Moore confirmed that had been the AHUSSC's recommendation.

Ms. Whipple-Boyce said she believed that recommendation was included later in the draft policy but could be made more clear earlier on. She did note a discrepancy between the second point of the draft policy that said "The committee recommends allowing different road design alternatives for residents to choose from," and a later portion of the draft policy that said "The committee recommends that the City Engineer make all determinations regarding the appropriate pavement material to be used for any road improvement project," which can be found on page 70. She said it would be appropriate for that discrepancy to be clarified.

Assistant City Engineer reported that the Engineering Department had recently bid out a project and requested both asphalt and concrete costs. He said those cost estimates showed concrete to only be about \$30,000 - \$40,000 more than asphalt, which he said was a very slight difference when compared to historical asphalt and concrete costs. He said this finding supported Mr. Judici's observation that the cost differences between concrete and asphalt can fluctuate over time.

Mr. Sherman stated the AHUSSC should spend the present meeting reviewing the draft policy and not the executive summary. He said that once the draft policy was finalized, either a consultant or City staff could edit the executive summary to make sure it accurately reflected the finalized policy recommendations.

Mr. Emerine and Chairman Moore concurred with Mr. Sherman.

The AHUSSC shifted their review to the draft policy itself and began with Mr. Judici's recommendations on page nine.

Mr. Emerine said he agreed with Mr. Judici's comment that the local street paving policy included on page nine was redundant with a later section and could be omitted in favor of the latter section remaining.

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Ms. Whipple-Boyce expressed concern that the present meeting's approach to reviewing the draft policy was inappropriately cursory since it was relatively unprecedented to have no presentation from either a consultant or member of City staff.

Chairman Moore replied that the previous AHUSSC meeting had been relatively comprehensive in its draft policy review, and that it made sense to just review the consultant's comments and proposed changes during the present meeting. He said the AHUSSC's focus was becoming necessarily more narrow as they built on their previous recommendations and approvals for the draft policy.

Ms. Whipple-Boyce stated she wanted to ensure the AHUSSC was undertaking their evaluation of the draft document with the requisite thoroughness.

Chairman Moore said he believed the AHUSSC was being appropriately thorough, citing Mr. Judici's review of the draft document as evidence that the City was working towards that end. Chairman Moore then commended the AHUSSC on their work thus far on the draft policy.

City Manager Valentine ventured that committee members would be welcome to raise any concerns they had with the draft policy even if that section had previously been covered in discussion.

Chairman Moore asked Mr. Judici whether residents' concerns that driving on concrete was louder than driving on asphalt were founded.

Mr. Judici said that OHM had previously studied the question and that on lower speed, residential roads residents would not likely notice any noise difference between the two surfaces.

In reply to Dr. Schafer, City Manager Valentine said that the reference to 'solely on preference' at the bottom of page 23 referred to the preference in surface material of the residents on a given street.

Mr. Fenberg noted that the AHUSSC's intent had also been to make clear that those resident preferences could be overridden by the City's Engineering Department for a number of reasons. He stated that in high-traffic areas, for instance, the Engineering Department would be more likely to mandate concrete.

Ms. Whipple-Boyce stated that the AHUSSC's previous conclusion had been that the Engineering Department would be entirely responsible for choosing surface material for a given street so as to choose the most appropriate material for the context and so as to avoid any contentiousness between neighbors. She reminded the AHUSSC that they were even recommending a whole new petition process as part of their efforts towards reducing the likelihood of resident disputes.

Dr. Schafer said she would be comfortable with allowing resident preference to be one factor of many in the Engineering Department's consideration of surface materials. In light of that, she said the recommendation on the bottom of page 23 should be rewritten to more accurately reflect the committee's consensus.

In reply to Mr. Boutros, Chairman Moore agreed that the Engineering Department should make the recommendation for surface materials and that residents should be allowed to object to the recommendation before the Commission if they so chose.

Ms. Whipple-Boyce reiterated that the City's Engineering Department is a well-qualified team of experts who should be permitted to make the decisions on appropriate road surfaces for the City. She said that since long-term maintenance costs will be the responsibility of the City, the decisions should be made based on the best science available. She again reminded the AHUSSC that neither majority resident opinion nor feelings about aesthetics were sound bases for choosing a road surface material. Doing active promotion of those kinds of conversations within the draft policy also raises the opportunity for conflict between neighbors, she noted, which is exactly one of the outcomes the AHUSSC is hoping to avoid. She said that while residents would always be welcome to voice their opinions, it was in no one's best interest to base these decisions on resident opinions alone.

Dr. Schafer suggested that the end of the recommendation on page 23 could be altered to read 'based on the Engineering Department's recommendation.'

Mr. Fenberg, Ms. Whipple-Boyce and Chairman Moore were supportive of Dr. Schafer's suggestion.

Mr. Emerine noted a typographical error at the beginning of page 28 where 'an' should be 'and'.

Mr. Fenberg noted that at the top of page 51 the AHUSSC's recommendation of bonding for water and sewer work should be acknowledged. He suggested it could read 'The City may pursue bonding or other measures to pay for the water and sewer improvements that will be needed.'

Other AHUSSC members agreed that bonding should be mentioned as an option for funding water and sewer updates.

Mr. Sherman said that the historical section should explain how water and sewer repairs had historically been funded.

Other AHUSSC members concurred with that as well.

Mr. Judici recommended that the ranking system for street improvements could be simplified.

Assistant City Engineer Fletcher said he was amenable to considering changes in the ranking system.

Chairman Moore requested that Mr. Judici share the industry standards for similar ranking systems after the present meeting so that the AHUSSC could decide how best to incorporate that information at a future meeting.

Mr. Fenberg clarified that integrating those industry standards would be subject to City staff review and approval.

Chairman Moore agreed.

Mr. Sherman and Mr. Fenberg recommended that 'road conversion' be changed to 'road improvement' in the draft policy.

Chairman Moore emphasized that the public will need to know that the AHUSSC has thoroughly discussed the matter of resident preference in terms of road surface materials. He forecasted that the public will be strongly concerned with that issue and that it must be made clear that their feedback to the City is always welcomed and encouraged as road improvements are planned.

Dr. Schafer noted that the recommendation made on page 69 was in line with the AHUSSC's previous concurrence that the City's Engineering Department, and not residents, should be in charge of making road surface choices for improved streets.

Mr. Fenberg noted that the same was reiterated on page 70.

Finance Director Gerber said the AHUSSC's proposed policy of cost-neutrality would need a legal review since special assessment districts (SAD) are charged based on the actual cost of a project.

Citing Assistant City Engineer Fletcher's prior statement that the current cost difference between asphalt and concrete is negligible, Ms. Whipple-Boyce said she was even more concerned that the City would consider allowing asphalt as a road surface knowing that there would be little-to-no upfront savings and significantly more repairs over the lifetime of the road. She said that was even more of a reason to allow the Engineering Department and not resident preference to determine the road surface material used.

City Manager Valentine largely concurred with Ms. Whipple-Boyce, stating that the cost-life analysis of a road surface should be one of the factors the Engineering Department uses in its considerations. He suggested that some wording to that effect should be included in the draft policy.

Mr. Fenberg noted the draft policy included language about cost-life analyses of road surfaces on page 76.

City Manager Valentine said that if the AHUSSC found the language on page 76 sufficient he was comfortable with it.

At the bottom of page 73, Mr. Sherman recommended that 'allowed' be changed to 'available'.

In reply to Chairman Moore, Assistant City Engineer Fletcher agreed that the road ranking system itself should be re-evaluated every five years since factors could become more or less important at different times.

Regarding the bottom of page 74, Ms. Whipple-Boyce asked if there was precedence for road design variations being approved in the City.

Mr. Sherman stated that a previous resident request for colored concrete had been declined by the Commission, and that once a street was allowed by the Commission to be improved without curbs at the request of the street's residents. He explained that the conditions on that approval were that the City would still categorize the street as unimproved, and that all maintenance costs for the street would be paid by the residents of the street instead of the City.

Given that design variations so infrequently arise or are approved, Ms. Whipple-Boyce recommended that the reference to them be removed from the report.

The committee agreed with Ms. Whipple-Boyce.

Referencing the mention of street widths on page 74, Dr. Schafer said it is absurd that the multi-modal transportation board (MMTB) and City staff did significant research to generate a beneficial standard street width for the City, only for the City to allow residents to maintain alternate street widths if any objection is raised.

Mr. Sherman offered his strong endorsement of Dr. Schafer's comments.

Chairman Moore also agreed, saying that adherence to the street width standard benefits the City in terms of costs as well.

Seeing no further discussion on the draft policy, the AHUSSC agreed that Thursday evenings would be the most appropriate times for meetings moving forward.

Ms. Whipple-Boyce reported that the the present meeting's agenda packet was not published to the City's website until September 14 or 15, 2020, which was only two to three days before the meeting. She said that residents cannot be appropriately informed with so little lead time and said that future agenda packets would need to be published further in advance of the meeting.

City Manager Valentine confirmed that the agenda packets would be published to the City's website further in advance of the meetings in the future.

In reply to City Manager Valentine, Mr. Sherman said he would be comfortable not reviewing the draft policy at an additional meeting if it were updated with the present meeting's edits and if City staff or consultants ensured that the executive summary reflected the changes made to the draft.

Mr. Boutros agreed with Mr. Sherman, noting that there would still be significant opportunity for revisions and updates during the upcoming public review and upcoming Commission review of the draft policy.

4) Public Engagement Strategy / Calendar Coordination

There was AHUSSC consensus that Thursday evenings were the best times to hold meetings moving forward.

City Manager Valentine said he would circulate an email with dates to clarify when the subsequent meetings would be scheduled.

5) Public Comment

Jason Pittenger spoke as a resident of Pilgrim and a civil engineer. He said the plan should include some guidance for addressing and funding smaller safety and drainage issues on unimproved roads prior to a full road improvement.

Assistant City Engineer Fletcher explained that the homes in the Quarton Lake area, where Pilgrim is located, mostly have rear-yard sewers. He said there would be little opportunity to install catch basins and storm sewers, which would resolve some of those drainage issues, until the roads are fully improved. He said the need for sewer updates was included in the ranking system as one of the factors that could move a road further up the priority list.

Mr. Pittenger said a lower-cost, shorter-term option in the interim could be swales in lieu of sewer updates, which would come later with a full street improvement.

Assistant City Engineer Fletcher noted that swales would not work in the Quarton Lake area because the neighborhood is almost entirely composed of tree-lined streets. He explained that often there is little to be done to alleviate issues on unimproved roads before the roads are fully updated. He said he would be glad to speak with Mr. Pittenger further to try and determine whether there was anything else that could be done in the interim.

6) Next Meeting: TBD

8) Adjourn

No further business being evident, the Committee motioned to adjourn the meeting at 7:42 p.m.

City Manager Joe Valentine