

City Of Birmingham

AD HOC UNIMPROVED STREET STUDY COMMITTEE

Held Remotely Via Zoom And Telephone Access
October 22, 2020

Minutes of the Ad Hoc Unimproved Street Study Committee meeting held Thursday, October 22, 2020. Chairman Scott Moore called the meeting to order at 7:30 p.m.

1) Rollcall

Present: Chairman Scott Moore (location: Birmingham, Michigan)
Pierre Boutros (location: Birmingham, Michigan)
Jason Emerine (location: Birmingham, Michigan)
Michael Fenberg (location: Naples, Florida)
Katie Schafer (location: Birmingham, Michigan)
Stuart Sherman (location: Birmingham, Michigan)
Janelle Whipple-Boyce (location: Birmingham, Michigan)

Absent: None.

Administration: Joe Valentine, City Manager
Laura Eichenhorn, City Transcriptionist
Austin Fletcher, Assistant City Engineer
Mark Gerber, Finance Director
Lauren Wood, Director of Public Services

2) Approval Of September 17, 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 September 17, 2020 as submitted.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

3) Presentation On Draft Committee Report And Recommendations

Chairman Moore introduced the evening's meeting. He emphasized that all members of the AHUSSC are citizens of Birmingham who worked diligently to create recommendations regarding the City's unimproved roads. Chairman Moore said that all residents would be welcome to submit comment on the draft committee report during the present meeting, at the November 12, 2020 AHUSSC meeting, or via email to the City Manager.

City Manager Valentine introduced the draft report.

DPS Director Wood reviewed the relevant history of streets in Birmingham and the local street categories.

Assistant City Engineer Fletcher reviewed the current petition process for improving streets and the available road surface types.

Finance Director Gerber reviewed the funding options for road improvements.

City Manager Valentine then outlined the draft report's recommended changes to the road improvement process.

Chairman Moore praised City staff for their work on the draft report and thanked everyone who was involved in the process thus far. Seeing no comments from the AHUSSC members, he invited public comment.

4) Public Comment

A member of the public said he thought the AHUSSC had done an impressive job on the draft report. He said he was very enthused at the prospect of all of Birmingham's roads being improved and said that having the petition process originate with the City would be much more effective than the current petition process.

Michelle Areeda thanked all involved for the presentation of the draft report. She asked if the AHUSSC had considered any options for offsetting resident costs for road improvements of more highly-trafficked connector roads. She cited her section of Oak as one example of a more heavily travelled road.

Chairman Moore said the AHUSSC discussed whether more highly-trafficked roads in Birmingham should have their improvements further subsidized in some way. He noted that so far the AHUSSC had decided not to take action on that option, but that the matter could always be discussed further. He stated that an individual street could also always bring the possibility up to the Commission during their particular road improvement process.

In response to a second question from Ms. Areeda, Chairman Moore stated that an updated ranking of streets to be improved would be developed after the draft report reaches its final iteration and is vetted and passed by the City Commission.

Danny Seidman applauded the AHUSSC's efforts and said he also thought having the City take over the petition process would be beneficial. Mr. Seidman echoed Ms. Areeda's inquiry about the City further subsidizing improvements to connector roads, and said he thought providing such subsidies would be an important option to consider. He said that subsidies for connector roads would increase the likelihood that residents would be in favor of road improvements.

Ad Hoc Unimproved Street Study Committee
Minutes of October 22, 2020

Chairman Moore advised Mr. Seidman that deciding which roads would qualify as connector roads, and what the appropriate subsidies would be, is a complicated process. He said that while he could not guarantee that such subsidies would be one of the AHUSSC's recommendations to the City Commission, the AHUSSC would discuss the matter further at their next meeting. He also reiterated his previous point that if a resident was interested in broaching the issue with the City they could always do so at the Commission level.

Michael Paolo asked if there was a way to levy a tax on new residential construction in the City in order to help improve the streets.

City Manager Valentine told Mr. Paolo that the City had explored that possibility and was advised that such a levy would not be legal. He explained that when a public road is used by various vehicles it is very difficult to determine what damage is due to new construction and what damage is due to school buses, garbage trucks, delivery vehicles and the like. As such, a homeowner or developer cannot be assessed additional amounts for damage that cannot be directly tied to the construction activities. City Manager Valentine specified that when code enforcement witnesses a developer or construction company cause physical damage to a road that the City can then charge the builder's bond to repair those damages.

Brian Duffy offered his thanks to everyone involved in putting together the draft report. He observed that of Birmingham, Farmington Hills, Rochester Hills, Royal Oak and Troy, Birmingham residents incur the highest percentage of costs for road improvements as per page 27 of the draft report. He asked whether the City had looked into ways of reducing the resident cost.

Finance Director Gerber explained that while other local cities may have a more equitable split between residents and the City for initial road improvements, he was unsure whether residents could be reassessed in those cities for routine road maintenance. Birmingham residents, in contrast, only have to pay to improve the road. The City then covers all subsequent maintenance costs. He said that special assessment debt could also be an option for residents, wherein the City would incur special assessment debt and collect from the residents of a street annually to pay back the debt service.

Mr. Duffy asked how residents of a street could opt-out of having their street improved if so desired.

Chairman Moore explained that once a street has been added to the infrastructure ranking system by the Engineering Department only the City Commission would be able to remove that street entirely from the improvement list. Residents of a street that wanted that would have to petition the Commission, and Chairman Moore warned that approval would be unlikely since it is the City's stance that all roads must eventually be improved for the safety and wellbeing of the community.

In reply to a member of the public, City Manager Valentine explained that the AHUSSC's study did not include drafting any recommendations regarding sidewalks.

Chairman Moore advised said resident that if they had opinions on the appropriateness of sidewalks in certain areas they should reach out to the City's Multi-Modal Transportation Board which studies and makes recommendations on such issues.

In reply to the same resident, Mr. Sherman confirmed that on corner properties, the City charges only 33% of the cost of improvement to the long side of the property (if that is the side being constructed), with the other 67% is charged to the Local Street Fund. In contrast, cape seal projects on unimproved streets charge the resident 85% of front-foot costs for all property fronting the cape seal or 25% of side-foot costs for all residential property siding the cape seal. Mr. Sherman explained that it was not part of the AHUSSC's charge to study the cost differential between improvement and cape seal projects, but recommended that the AHUSSC discuss the differential at its October 29, 2020 meeting.

Chairman Moore said the AHUSSC would not make a policy recommendation regarding the cost differential since it is beyond the AHUSSC's charge, but said that the AHUSSC could bring the cost differential to the City Commission's attention so the Commission could review it further if it so chooses.

5) Committee Comment

Chairman Moore thanked the public for their comments, and said he hoped more members of the public would send comments via email in advance of the AHUSSC's next meeting. He reiterated his thanks to staff, members of the AHUSSC, and all consultants involved in creating the draft report.

6) Next Meeting: Thursday, October 29, 2020 at 7:00 p.m.

8) Adjourn

No further business being evident, the Committee motioned to adjourn the meeting at 9:07 p.m.

City Manager Joe Valentine

