



Milford City Hall Council Chambers 201 South Walnut Street Milford DE 19963

## CITY COUNCIL AGENDA August 26, 2024

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*Call 301 715 8592 Webinar ID: 922 3136 1250*

**5:00 P.M.**

### **15-Minute Public Comment Period\***

All interested parties are invited to speak during the public comment portion of the Meeting. Discussion of those items appearing on the agenda as a public hearing is prohibited during the Public Comment Period, as an opportunity will be provided at the time it is being considered. Virtual attendees must register prior to start time of the meeting by calling 302-422-1111 Extension 1142 or 1303, or by sending an email to [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) and providing their name, address, phone number, and item name and/or description you wish to comment on. Persons in attendance wishing to speak must sign up prior to the start of the Meeting. Citizen comments are limited to three (3) minutes. Council and Committee Members are prohibited from responding or taking action since this is not an official session; however, items may be considered for placement on a future agenda.

### **Public Works & Utilities Committee**

Call to Order – Chair Madula Kalesis

Sidewalk Replacement Program

Adjournment

All items on the Meeting Agenda are subject to a potential vote.

**ALL SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING. NO ADDITIONAL DOCUMENTS WILL BE ACCEPTED, DISTRIBUTED, OR PRESENTED AT MEETING ONCE PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE. ANY MATERIALS UTILIZED DURING THE MEETING MUST BE INCLUDED IN THE COUNCIL PACKET AND ACCESSIBLE BY AUDIO AND VISUAL MEANS PURSUANT TO 29 Del. Code, Chapter 100, §10006A(c)(5).**

## **Sidewalk Infrastructure Plan**

### **Introduction**

Council has expressed a desire for staff to investigate modifying the existing sidewalk program such that the City would be responsible for sidewalk maintenance and repair. Additionally, there are areas around the City in which sidewalk was never installed, leaving gaps in sidewalk connectivity, that Council has asked staff to address. Sidewalk repair and construction must meet ADA requirements which must be part of the program. The goal is to improve the pedestrian safety and provide walkable access throughout the City of Milford.

### **Repairs and Maintenance**

Repairs and maintenance requirements for existing sidewalks are determined by a site evaluation by the City Engineer or his/her designee. The evaluation includes deterioration of the surface, ADA compliance issues and any other issue that impacts pedestrian safety. The City is divided into three separate areas and sidewalks are evaluated in each area on a rotating basis, therefore each sidewalk is evaluated once every three years. Sidewalk inspections are completed in the Spring of the year, with notices provided to property owners of repairs needed. Property owners are given 90 days to complete the repair. If not completed within the 90 days, the City completes the repair and bills the property owner for the cost incurred. Presently the City charges a flat fee for the sidewalk repairs, which represents the City absorbing about 20% of the cost and the property owner 80%.

### **Missing Sidewalks**

The City Engineer has Identified properties where sidewalks do not exist, leaving “gaps” in sidewalk connectivity. Council has authorized funding for filling in the sidewalk gaps. Moving forward, the City Engineer will provide a priority listing of missing sidewalk installations for Council approval that will be completed concurrently with the sidewalk maintenance project.

Existing homes where sidewalks do not exist and the property owner wants sidewalks installed would require staff to add the property to the Missing Sidewalk list and add to the sidewalk replacement project the next fiscal year, if funds are available

The process for adding new sidewalk along an entire block or set of blocks will include those streets that have been identified in the Planning Departments comprehensive plan or can be requested by a neighborhood. Full block or multi-block sidewalk requests will require the residents of the neighborhood to present a petition signed by 80% of the households within the street where the sidewalk is proposed. In cases where the neighborhood has already identified the side of the street preferred by the residents, that can be noted in the petition. If a preferred side is not identified Department staff will hold meetings with the affected residents to determine the best side. Among the factors to be considered when selecting which side of the street include presence of trees and utility poles, existing grades and slopes,

presence of retaining walls and whether the area proposed for the sidewalk is fully within the City right of way.

### **New Sidewalk Installations by property owner**

Sidewalk installation for a new-homes on vacant lots or demolition/new construction where sidewalks do not exist. This should be covered in the permit process and if the property owner would be responsible for the sidewalk installation.

### **Developments With No Sidewalks**

Several development projects approved by Council in the early 2000s waived the sidewalk requirement. The waiver was part of the record plan for the subdivision. Installation of sidewalks at these locations would be the responsibility of the homeowner or HOA.

### **Shared Use Paths**

Shared use paths have been installed and are planned in various parts of the City. It is staff's opinion that the City would be responsible for the maintenance of the shared use paths, as well as snow/ice removal.

### **Brick Sidewalks**

Brick sidewalks exist in numerous locations throughout town. The brick sidewalks in the downtown area were installed using grant monies and the expectation that the City would maintain those walks.

Various properties throughout town have brick sidewalks that were installed in lieu of concrete. Staff's opinion is the property owner should be responsible for the brick sidewalks, and the City would only accept responsibility if the property owner replaced the brick with concrete at his/her expense.

### **Sidewalk inventory and current code**

Currently, sidewalks in the City of Milford are owned and maintained by the property owner, per City code Chapter 197. There are approximately 300,000 linear feet of existing sidewalk. There is currently a wide range of sidewalk conditions throughout the City with differing widths, existing condition, and age of construction.

In order to implement the program identified above, City Code Chapter 197 Article IV will require significant modification and changes, specifically to the following sections:

Chapter 197-14-B, "the property owner may install sidewalks at their own expense"

Chapter 197-14-C, “The City Council may order the installation of sidewalks at existing residents and commercial businesses, where sidewalks do not exist, at the property owners’ expense....”

Chapter 197-15-B, “In instances where sidewalk installation, repair or replacement is required, the property owner shall be given the opportunity to finance sidewalk installation”

Chapter 197-15-C, “Owners who are in arrears on said payments for a period of 90 days will be subject to legal action”

### **Previous Sidewalk Reimbursement Program**

Two sidewalk replacement projects were previously completed in the City which allowed residents to have additional new sections of sidewalk installed along their property when the City was replacing nearby defective sections. Residents were required to pay a flat fee for the installation, based on the cost the City was paying per square foot. Approximately \$260,000 was charged to residents for the past two sidewalk repair projects. In the FY25 CIP, City Council has included funds to provide direct reimbursement to residents who paid the city or a contractor to install their sidewalk. The reimbursement process will take some time to implement in order to enable record verification. The goal is to have funds distributed to the residents who previously paid for the sidewalk work by the end of the year.

It should be noted that a number of property owners took advantage of the City’s discounted sidewalk replacement rate to have additional sidewalk blocks replaced, that were not identified as being deficient. If Council desires not to reimburse property owners for those blocks, it will take a significant amount of time to complete an audit of all the sidewalk blocks replaced.

### **Sidewalk Life Expectancy**

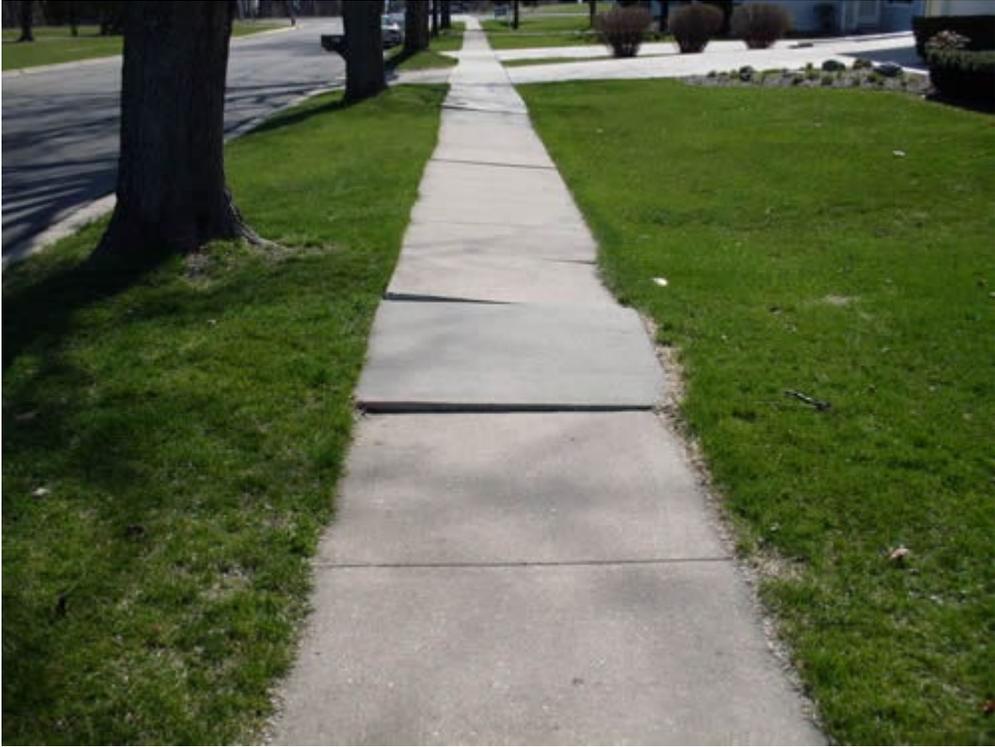
Concrete sidewalks have a varying useful life depending on numerous factors including, the time of year the original concrete was poured, quality of the concrete, the presence of underground or surface water flow in the area, the impact from vehicles or equipment traversing the sidewalk, deicing materials used, heaving from tree roots, etc. In the City of Milford, some sections in the historic area may have concrete infrastructure that has been in place for 40 to 50 years. In general, sidewalks should last 40 – 50 years.

### **Sidewalk Deficiencies Examples**

There are varying degrees of sidewalk defects, and the following are some examples:



**Vertical Displacement - trip hazard**



**Vertical Displacement from Tree Roots**



**Spalling or Chipping of the surface layer**



**Crack in Sidewalk**

**Process to determine yearly sidewalk replacement for sidewalk that staff identify and for resident requests:**

City staff will visually inspect every section of sidewalk starting in the month of October to prepare for the upcoming CIP budget submittal. The following are the four sidewalk criteria that will be used to determine the CIP request:

- Identified hazards, spalling, cracks and minor heaving
- Coordination with road rehabilitation projects
- Identified gap sections in each of the four wards.
- Neighborhoods that want sidewalk need to provide the City with a petition signed by 80% of the residents within the block proposed with an agreed upon side of the roadway. The City will set up the initial meeting with affected residents to discuss the program and provide an overview of sidewalk construction factors. Once all of the requirements are met, a cost estimate developed by Public Works for the upcoming CIP request.

**Funding Program Options for Council Consideration:**

**Option 1 – Do nothing.** Leave the current plan in place where property owners are responsible for sidewalk repair/replacement based on an inspection by the City that would be done every 3- 4 years. Property owners have 90 days to complete the repairs. After the 90 days, the City would replace the sidewalks at a discount. Property owners could finance their portion of the replacement cost over 5 years at 0% interest.

**Advantageous:**

- Sidewalk deficiencies could get addressed at no cost to the City.
- No new funding is needed
- Liability remains with homeowner.

**Disadvantages:**

- 90-day monitoring period could become difficult to track depending on request volume.
- Program 5-year payment program will require additional work for finance
- Only addressing hazards may not look aesthetically pleasing

**Process:**

- Property owner would receive a notice from the City about the sidewalk deficiency with the City approved payment requirements/process.
- A follow up notice would be sent to the property owner on the 85<sup>th</sup> day stating that the City would be replacing the sidewalk section on a given date

**Option 2 - Leave the current plan in place where property owners are responsible for sidewalk repair/replacement based on an inspection by the City that would be done every 3- 4 years. Property owners have 90 days to complete the repairs. After the 90 days, the City would replace the sidewalks at no cost to the property owner.**

**Advantageous:**

- Sidewalk deficiencies could be addressed
- Reduced work on Finance for billing and tracking
- Liability falls under property owner (or homeowner insurance).
- Property owner could choose to make repairs themselves and replace additional blocks for aesthetic purposes, at their cost.

**Disadvantages:**

- A significant budget impact that will need to be funded

**Process:**

- Property owner would receive a notice from the City about the sidewalk deficiency with the City approved requirements/process.
- A follow up notice would be sent to the property owner on the 90<sup>th</sup> day stating that the City would be replacing the sidewalk section on a given date

**Option 3 – City would accept full responsibility for sidewalk repair/replacement. Sidewalk blocks would be inspected every 3 – 4 years, and repair/replacement of blocks found to be deficient would be completed by the City at no cost to the property owner.**

**Advantageous:**

- Sidewalk inspection/deficiencies would be addressed as time permits.
- No time constraints
- Reduced workload on Finance staff.

**Disadvantages:**

- A significant budget impact that will need to be funded.
- Property owners notifying the City of deficiencies puts the City on notice for a timely repair.
- City could be liable for injuries if repairs were not made in a timely manner.

- Only addressing hazards may not look aesthetically pleasing

**Process:**

- City would inspect sidewalks and send out notices to residence explaining the sidewalk replacement program.
- City would deliver a flyer notice to the property owner stating when the sidewalk would be replaced

**Budget Options for Council Consideration:**

Approximately 300,000 linear feet of sidewalk presently exists in the City, which at today's replacement costs would be \$24,000,000. Public Works is recommending a 50-year replacement program which would allow for 6000 linear feet per year at a cost of \$500,000 per year. This amount is for the current inventory and does not consider the new subdivisions being built.

The following are budget options:

- 30-year replacement cycle would require \$810,000 per year
- 40-year replacement cycle would require \$607,000 per year
- 50-year replacement cycle would require \$486,000 per year
- 100-year replacement cycle would require \$243,000 per year

**Department Recommended Budget:**

I recommend that the City budget \$500,000 annually to manage sidewalk maintenance, gap program and add additional sidewalk installation. How much for the gap project? This would include gap program Repairing hazards should be the program's top priority with neighborhood walkability and general maintenance also addressed. Residents must be reminded that the daily maintenance is the responsibility of the homeowner, sweeping, snow removal, ice treatment, etc.

**Issues Council needs to consider/closing:**

- The Sidewalk Plan would be a living document and will continue to be modified as needs and conditions may change.
- If the City replaces the sidewalk blocks at no expense to the property owner, there is no incentive for the property owner for the care of the sidewalk blocks. This includes everything from running equipment on the sidewalks, overuse of deicing materials, parking on sidewalks, etc.
- Any change to the current process will require a City Code change altering the responsibility for installation and structural maintenance.
- There may be residents that do not support the installation of sidewalks and may be unhappy with the approach
- A source of funding for the sidewalk program (property tax, RTT, etc) needs to be identified.

- The success of the maintenance and sidewalk replacement program, as well as funding for new sidewalks, will be dependent on a consistent level of funding. During years with tight budgets and competing demands, it may be a challenge to maintain full funding.
- Numerous developments do not have sidewalks, however the financial burden of a sidewalk program will fall onto those property owners equally to those who do have sidewalks.

Regardless of which type of program Council approves, general sidewalk maintenance for things such as general clean up, mud, weeds, snow & ice removal must remain the responsibility of the homeowner. in their responsibility.