



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

CITY COUNCIL AGENDA November 25, 2024

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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 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).

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To: Public Works and Utilities Committee
Thru: Mark Whitfield, City Manager
From: Willis Shafer, Director of Public Works
Subject: Sidewalk Infrastructure Plan
Date: October 31, 2024

Tonight, we are having our second discussion on the sidewalk infrastructure program and staff would like to present the plan to City Council on December 11, 2024, with your approval. Below are some questions staff would like the Committee to consider and possibly answer during our discussion tonight. The new edited portions of the plan are highlighted in red.

Questions for the Public Works and Utilities Committee

- Of the annual \$2,000,000 road CIP funds, how much would you like to see dedicated to sidewalk replacement?
- What payment program would you support. Currently, the program is 15% City/85% resident, if paid within 30 days? Other options are:
 - 50% City/50% Resident
 - 60% City/40% Resident
 - 70% City/30% Resident
 - 100% City/0% Low-income Residents
- City's program should include all sidewalks or sidewalks of residence only.
- Does City take over maintenance of all shared use paths (Hospital, Milford Plaza, Cypress Hall) or just paths installed by the City or DelDOT(Front Street) ?
- Does the program include brick sidewalk?
- How do we address sidewalks in front of businesses?

Willis L. Shafer
Director, Public Works



Sidewalk Infrastructure Plan

Sections in red are new edits from first draft

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. The sidewalk repair and construction must meet ADA requirements which must be part of the program. The goal is to improve 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 four separate areas and sidewalks are evaluated in each area on a rotating basis, therefore each sidewalk is evaluated once every four 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. The 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 property owners 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 homeowners, that can be noted in the petition. If the preferred side is not identified, public works staff will hold meetings with the affected homeowners 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 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 2000's 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 the 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 conditions, and age of construction.

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 property owners to have additional new sections of sidewalk installed along their property when the City was replacing nearby defective sections. Property owners 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 property owners for the past two sidewalk repair programs. In the FY25 CIP, City Council has included funds to provide direct reimbursement to property owners who paid the City or a contractor to install their sidewalk. The reimbursement process will take some time to implement to enable record verification. The goal is to have funds distributed to the property owners who previously paid for the sidewalk work by the end of the year.

It should be noted that several 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 over 50 years. In general, sidewalks should last 40 to 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
- Neighborhoods that want sidewalk need to provide the City with a petition signed by 80% of the property owners within the block proposed with an agreed upon side of the roadway. The City will set up the initial meeting with affected property owners to discuss the program and provide an overview of sidewalk construction factors. Once all the requirements are met, a cost estimate will be 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 4 years. Property owners have 90 days to complete the repairs. After the 90 days, the City will replace the sidewalks at a discount. Property owners could finance their portion of the replacement cost over 5 years at 0% interest.

Advantages:

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

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 85th day stating that the City would be replacing the sidewalk section on a given date

Option 2- Council requested an option that would have a shared cost with the City and property owners. This option would split the cost of the sidewalk, X % paid by the City and the remaining balance paid by the property owner. The inspection cycle would be every 4 years.

Advantages:

- Cost savings to the City
- Sidewalk deficiencies could be addressed

- Liability falls under property owner (or homeowner insurance).
- Property owners could choose to make additional repairs for aesthetic purposes, at their cost.
- City concrete sf rate could be cheaper

Disadvantages:

- Property owners would have to pay for sidewalk repair
- Finance would have additional work tracking payments by property owners
- Property owners could not hire their own contractor

Process:

- Sidewalks would be inspected every 4 years
- Property owners would receive a notice from the City about the sidewalk deficiency with the City approved requirements/process.

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

Advantages:

- Sidewalk inspection/deficiencies would be addressed as time permits.
- No time constraints
- Reduced workload for 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 residents explaining the sidewalk replacement program.
- City would deliver a flyer notice to the property owner stating when the sidewalk would be replaced

Summary of Sidewalk Replacement from 2020 to 2024:

The following is the amount of funds spent on sidewalk and ADA improvement and quantities from the calendar years 2020 to 2024. The square foot contract costs vary from \$6 to \$17 per square foot over a five-year period. The current rate charged today is \$20 per square foot.

Year	Quantity	Amount Spent
2020	22,304	\$379,174
2021	36,280	\$217,680
2022	54,142	\$541,424
2023	27,895	\$278,954
2024	34,021	\$442,282

Budget Options for Council Consideration:

Approximately 300,000 linear feet of sidewalk presently exist in the City, which at today's replacement costs would be **\$18,000,000**. 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 **\$600,000** per year
- 40-year replacement cycle would require **\$450,000** per year
- 50-year replacement cycle would require **\$360,000** per year
- 100-year replacement cycle would require **\$180,000** per year

Department Recommended Budget:

I recommend that the City budget **be between \$360,000 and \$450,00 annually depending on inspection and property owners' approval** 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.

Options to Fund the Sidewalk Program:

There are many options that Council can consider yearly to fund a sidewalk replacement program. Funding options can change depending on the budget constraints and can be discussed during the CIP budget discussion process:

- **Raise taxes**
- **Reduce number of streets on the annual mill and overlay program**
- **Increase municipal enhancement fund**
- **Establish a new 4-person concrete crew in public works. Crews would be assigned to year-round sidewalk maintenance, concrete infrastructure projects and brick sidewalk maintenance.**

Issues Council Needs to Consider/Closing:

The Sidewalk Infrastructure 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 de-icing 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.