



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

Public Works & Utilities Committee Agenda Monday, May 12, 2025

This meeting is also available for viewing by the public by accessing the following link:

<https://zoom.us/j/93267895262>

or

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Call 301 715 8592 Webinar ID: 932 6789 5262

5:00 PM

15-Minute Public Comment Period*

Virtual attendees must register prior to start time of meeting by calling 302-422-1111 Extension 1300 or 1303, or by sending an email to cityclerk@milford-de.gov and providing your 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 Council Meeting.

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1. Public Comment

2. Call to Order – Chair

3. Proposal/Sidewalk Program

- a. [Sidewalk Memo Meeting 4 2025](#) 

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4. Adjournment

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

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER 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).

*Time Limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers prior to start of meeting/workshop.

© Designated Items only; Public Comment, up to three minutes per person will be accepted.

To: Public Works and Utilities Committee
Thru: Mark Whitfield, City Manager
From: Willis Shafer, Director of Public Works
Subject: Sidewalk Infrastructure Plan
Date: April 24, 2025

Tonight, we are having our fourth discussion on the sidewalk infrastructure program. The committee requested additional information and clarification during the last meeting. The following are the general statements and follow up answers to the questions:

General statements made by the committee (in red)

- Sidewalks should continue to be owned by the residents
- City should continue the payment program; no percentage was agreed too.
- The City should set up a low-income sidewalk account that residence could use to fund sidewalk repair. .
- The City should not reimburse residents from the previous two payment programs.

Follow-up committee questions from meeting number 3 (in red):

- List of streets that were inspected. According to the City engineer in January 2025, every section of sidewalk within the entire City has been inspected.
- The City would set up a sidewalk repair account for residences that meet the required threshold.
Provide the State guidelines for income:

Low-Income Household/Family: A household/family having an income equal to or less than the Section 8 Very Low-Income limit (50% of the area median income) as established by HUD. (These income limits are periodically revised by HUD and are made available by DSHA to all units of general local government and counties in Delaware eligible for this program. See Attachment "A" to these Program Guidelines for the most recent figures.)

Attachment A – Revised Income Limits

(EFFECTIVE 5/1/24)

# of Person per house	<u>Kent County</u>				<u>Sussex County</u>			
	30% of Median	50% of Median	60% of Median	80% of Median	30% of Median	50% of Median	60% of Median	80% of Median
1	\$18,900	\$31,450	\$37,740	\$50,300	\$20,550	\$34,200	\$41,040	\$54,750
2	\$21,600	\$35,950	\$43,140	\$57,500	\$23,450	\$39,100	\$46,920	\$62,550
3	\$24,300	\$40,450	\$48,540	\$64,700	\$26,400	\$44,000	\$52,800	\$70,350
4	\$26,950	\$44,900	\$53,880	\$71,850	\$29,300	\$48,850	\$58,620	\$78,150
5	\$29,150	\$48,500	\$58,200	\$77,600	\$31,650	\$52,800	\$63,360	\$84,450
6	\$31,300	\$52,100	\$62,520	\$83,350	\$34,000	\$56,700	\$68,040	\$90,700
7	\$33,450	\$55,700	\$66,840	\$89,100	\$36,350	\$60,600	\$72,720	\$96,950
8	\$35,600	\$59,300	\$71,160	\$94,850	\$38,700	\$64,500	\$77,400	\$103,200

Higher income limits apply to families with more than eight persons, although they are not included in the printed State lists because of space limitations. The lower income limits for families larger than eight persons are determined by adding 6.25 percent of the four-person income limit base to the eight-person limit for each person in excess of eight. For very low-income limits, 8 percent of the four-person base is added to the eight-person limit for each person in excess of eight (e.g., the nine-person very low limit equals 1.4 (1.32 + .08) times the four-person limit.) The limits developed by the use of these factors are to be rounded to the nearest \$50.

- Provide cost example of payment programs. Example of a resident that has 50 feet of sidewalk frontage and requires 250 square feet of sidewalk replacement at a cost of \$20 per square foot

%	Resident	%	City
50	\$2,500	50	\$2,500
40	\$2,000	60	\$3,000
30	\$1,500	70	\$3,500
20	\$1,000	80	\$4,000

The following is the City Code, Article IV , Sidewalks, section 197-13 through 197-20. The code has some language that may need to be discussed and possibly edited in red.

- **§ 197-13. - Sidewalk specifications.**

A. Sidewalks shall be located as outlined in Chapter 200 Subdivision of Land and meet the requirements of the City's Standard Construction Specifications.

B. The City Engineer shall maintain specifications regarding the installation of sidewalks and inspect and approve all construction of sidewalks.

[Ord. No. 2022-14, § 3, 3-28-2022]

- **§ 197-14. - Responsibility of installation.**

A. In all new construction sites and subdivisions, the City shall require the builder or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existence, they are in need of repair. Issuance of a certificate of occupancy by the City will be contingent upon compliance. In proposed developments, the City Council may, at its discretion, waive the requirement to install curb, gutter and sidewalk.

B. Existing residences and commercial establishments which are desirous of having curb, gutter and sidewalk installed where no such improvements currently exist may petition the City Engineer for permission to install said improvements. **The City, at its own discretion, may install curb and gutter at the City's expense. The committee may want this modified.** Upon approval of the City Engineer, the property owner may install sidewalks at their own expense. The City Engineer shall provide lines and grades, in writing, for said installations.

C. **The City Council may order the installation of sidewalks at existing residents and commercial businesses, where sidewalks do not exist, at the property owner's expense, and the property owner shall, within 365 days, shall make the improvements.**

[Ord. No. 2022-14, § 3, 3-28-2022]

- **§ 197-15. - Responsibility for costs; financing.**

A. In all areas of new construction, the full cost of installation of curb, gutter and sidewalk shall be borne by the property owner, builder or developer at the time of construction. Where the City Council has waived the requirement for sidewalk installation a fee shall be assessed in the approximate amount of installation costs to be placed into escrow for construction by the City at a future date.

B. In instances where sidewalk installation, repair or replacement is required, the property owner shall be given the opportunity to finance such improvements through a method of reimbursement to the City, which shall not exceed 60 equal consecutive monthly payments.

C. **Owners who are in arrears on said payments for a period of 90 days will be subject to legal action and/or a lien being placed upon the property where improvements were made. The committee may want this modified.**

D. Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

[Ord. No. 2022-14, § 3, 3-28-2022]

- **§ 197-16. - Specifications.**

Installation of all curbs, sidewalks, and gutter shall be made in compliance with Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, most recent edition.

[Ord. No. 2022-14, § 3, 3-28-2022]

- **§ 197-17. - Conditions requiring repair or removal and replacement of sidewalks.**

All City sidewalks shall be maintained in compliance with current American with Disabilities Act requirements. In addition, sidewalks exhibiting a likelihood of failure within a 4 year period such as those with extensive cracking or heaving may require replacement prior to falling out of ADA compliance. The repair of a sidewalk shall be at the City Engineer's discretion to determine if a sidewalk requires repair.

[Ord. No. 2022-14, § 3, 3-28-2022]

- **§ 197-18. - City to perform work.**

A. Upon the neglect of any property owner to comply with any of the requirements provided in the preceding sections, the City may, after 90 days and after duly notifying the property owner, cause the repairing, removal and replacement, or removal of obstructions and/or guttering to be done at the cost of such owner and may collect the cost thereof, from such owner, and may file a municipal lien therefor or collect the same by an action in assumpsits.

B. All such notices shall be served upon the owner of the premises to which the notice refers. If the owner is not a resident, such notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner, agent or tenant cannot be located, then service shall be by notice posted on the premises.

C. The property owner is to contact the City Engineer within 30 days of receipt of the notice with a schedule of work, the name of the contractor, a cost estimate and any other information.

D. Upon receiving the notice, the property owner is required to obtain the appropriate permit for construction or reconstruction of said sidewalks and pay the appropriate fees as established by City Council.

[Ord. No. 2022-14, § 3, 3-28-2022]

- **§ 197-19. - Stop orders.**

If any property owner shall commence, or permit others to commence, the repair or removal and replacement of any sidewalk not in compliance with this chapter or not in compliance with specifications provided by the City Engineer, said Code Enforcement Officer is authorized to issue a stop order directed to the property owner and serve it upon the property owner. Upon service of such stop order, all repair or removal and replacement shall immediately cease.

[Ord. No. 2022-14, § 3, 3-28-2022]

- **§ 197-20. - Liability.**

Nothing in this chapter, including the issuing of a permit or a compliance certificate, shall be construed to hold the City of Milford liable for any failure due to faulty construction or any other act in connection with sidewalk construction.

[Ord. No. 2022-14, § 3, 3-28-2022]

The following is the sidewalk repair program on the City's website

Sidewalk Repair Program

In an effort to improve the walkability and quality of city sidewalks, the City has undertaken a program to identify deficient sidewalks and notify property owners of required repairs. In accordance with City Code §197-7, Conditions Requiring Repair or Removal and Replacement of Sidewalks, the City repaired deficient sidewalks in the Spring of 2023.

To minimize the financial impact, repairs were combined with all others and completed at a significantly lower cost. Below are the payment options available to all impacted property owners:

- Option A – Prompt Payment Discount: Pay the full amount by **(date)** and receive a 15% discount for a reduced price. Payments can be mailed to 119 S. Walnut St., Milford, DE 19963 or you may pay in person at our drive-thru window by cash, check, or credit card. Please note that if you choose this option and you fail to make the discounted payment by the specified date, your discount will be forfeited and the City will automatically enroll you in Option B.
- Option B – Payment Plan (default option): Pay your total cost in 60 equal consecutive monthly installments with no interest. The installment amount will be added to your monthly utility account. Please note that your property will be subject to a lien for any unpaid portion of the repair cost.
- Option C – Low or Very Low-Income Discount: Property owners who reside in the subject property and meet HUD income guidelines for either low or very low income may qualify for an additional discount. A copy of your **most recent** Federal Income Tax Return must be submitted with your application to the City's Customer Service Department by **(date)**.

Conclusion

What staff have determined after the last four committee meetings is the following:

- That sidewalks should continue to be owned and managed by residents
- That the current sidewalk repair program meets the committee's standards and recommend that there be no major changes and that there should be a cost sharing program that requires residents to pay a portion and the City pay the remaining portion.
- That the sidewalk program only applies to concrete sidewalk repair and replacement.
- There should be an established income level (federal HUD table) that allows residents to apply for no cost sidewalk repair
- That there be no reimbursement to residents that participated in the previous two resident payment programs.

Sidewalk repair is addressed and incorporated into the yearly road rehabilitation program. This budget year FY25, approximately 1,018 lf of sidewalk was repaired, replaced and added during the road rehabilitation program, at a cost of \$137,430. Incorporating hazardous sidewalks, gap replacement and missing sections in the annual road rehabilitation program along with continuing the current sidewalk payment program may be the best approach to moving forward.

The approved FY25 CIP Sidewalk Replacement and Gap Project, project number 3ST29, has \$388,000 for sidewalk replacement, gap fill in and resident reimbursement. The committee has elected to not reimburse residents, and the funds will be used to repair the sidewalks on South Walnut, Lakeview and NW Front, at a cost of \$99,275. There will be a balance of \$288,725 that will be utilized in the fall of 2025 and the spring of 2026 to fund the new and improved sidewalk repair program.

If the committee agrees with the items listed in the conclusion section, staff will present this document to City Council for discussion and approval. Once staff have Councils approval, the sidewalk repair plan and City Code will be edited and reissued to the committee and Council for final approval and will be made available to the public.

Willis Shafer
Public Works Director