



MEMORANDUM

August 30, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Eric*
Vernon Gerth, Assistant City Administrator for Community and Economic Development
Catherine Powers, Planning and Sustainability Director
Jonathan Langley, Principal Planner

SUBJECT: Discussion of Sidewalk Construction and Maintenance and the City Charter

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding Article II, Section 1, Subsection 35 of the City Charter that relates to sidewalk construction and maintenance in order to obtain direction in moving forward with a sidewalk policy.

Background

Over the past several months, City staff has met on a monthly basis to discuss sidewalk construction and maintenance in the City in an effort to formulate a comprehensive sidewalk policy, which will establish the City's position as it relates to sidewalks. Up to this point, staff has reviewed the requirements and provisions that pertain to sidewalks within the City Charter and Municipal Code and discussed how sidewalk maintenance and construction is accomplished under current practices.

Before City staff can move forward with a sidewalk policy, direction is needed from the BOMA with respect to Article II, Section 1, Subsection 35 of the City Charter, which gives the City the power to **“require abutting owners to construct and repair sidewalks; upon failure of such owner to comply, to construct and repair and charge the cost against the owner; and to make such costs a lien against the property, which may be added to and collected as property tax.”**

Financial Impact

Since this is a discussion item, there is no direct financial impact. However, the ultimate direction that the BOMA decides to take relative to this item will impact the City and its responsibilities as it pertains to sidewalk construction and maintenance.

Considerations

Finalizing a sidewalk policy requires the BOMA to either support Article II, Section 1, Subsection 35 of the City Charter that requires abutting property owners to be responsible for the costs associated with installing new sidewalks and on-going maintenance along one's street frontage, or another variation of this. For example, a policy used by other communities is to have abutting property owners assume responsibility for the installation of new sidewalks and the City assumes responsibility for on-going maintenance.

At current, the City pays for the installation of all sidewalks unless development/redevelopment occurs via a site plan or subdivision and the *Franklin Zoning Ordinance* provisions in Section 5.10.13 apply to



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a project. If the BOMA decides to endorse the City Charter, new sidewalks and maintenance will be paid for by abutting property owners.

Recommendation

Staff recommends that abutting property owners be responsible for the initial, new installation of sidewalks whether the sidewalk is installed as part of development/redevelopment or in conjunction with the upgrade and installation of a new roadway and/or improvements within rights-of-way. Once the sidewalk is installed, the maintenance would become the City's responsibility with the understanding that the BOMA will continue funding a Sidewalk Maintenance Program annually.