


MEMORANDUM

October 4, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
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 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 including the discussion and direction the BOMA provided staff in 1999.

Before City staff can move forward with completing 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.”** This Section of the City Charter contradicts a very general sidewalk policy endorsed by the BOMA in 1999 that concluded the City would accept the responsibility of repairing existing sidewalks and installing new sidewalks that are not required in a new development.

Financial Impact

Since this is a discussion item, there is no direct financial impact. However, the ultimate direction that the Board decides to take relative to this item will influence the City and our 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.



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

Recommendation

No recommendation at this time. The purpose of this discussion is to inform BOMA of the inconsistency that exists between the City Charter and current practices regarding the installation and maintenance of sidewalks. Direction from the Board regarding this matter is sought and will help influence the development of an updated City sidewalk policy. Should BOMA determine the City possesses the financial resources needed to sustain a Sidewalk Program, that includes installation of new public sidewalks and maintenance of existing sidewalks, staff will proceed with drafting a comprehensive policy that reflects a City-funded Sidewalk Program, draft a request to update the City Charter, and prepare a plan that supports a request for funding during the next budget cycle. Alternatively, if the BOMA determines Article II, Section 1, Subsection 35 of the City Charter or another variation is appropriate, staff will draft a Sidewalk Policy that reflects the Board's decision.