



CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: May 17, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Repair/Replacement of Sidewalks

Background: The City receives complaints from residents regarding potential trip hazards on city sidewalks. and has no proactive program of inspection and repair/replacement in place. Each year, the City repairs sidewalks on a complaint driven basis and the repairs and replacement of damaged sidewalks is no cost to the adjacent property owner. This has been the common practice for many years, even though the City's Municipal Code states that property owners are responsible for sidewalks. A decision has to be made by the City Council on how this will be handled going forward. The staff is requesting the Council consider these three options:

Option 1: Adjacent property owner. The adjacent property owner is responsible for funding the repair or replacement of existing sidewalks and the ROW. Payment is made by the property owner directly to the Contractor. Currently in the Municipal Code but has not been enforced. If this is the option, then the staff and City Attorney will draft an ordinance to the Municipal Code that strengthens the enforceability of the code.

Several cities have ordinances that require property owners to maintain the sidewalk adjacent to their properties between their lot line and the road pavement. The justification for this option is that it is a condition of their driveway connection to the public road and use of the right-of-way for their mailbox and because sidewalks are required adjacent to homes due to ADA accessibility reasons and the sidewalk provides a pedestrian access point to their homes.

Option 2: City is responsible for all existing sidewalks. The City repairs and replaces sidewalks with no cost incurred by the residents and/or business. This project is funded through City's General Fund depending on the amount of funds available and approved by the City Council as part of the annual budget process. Currently the process although contrary to the Municipal Code and is resource intensive.

Option 3: Cost share funded program. If the City is going to require that the adjacent property owners are responsible for their sidewalks and they do not want residents to pay the full amount, then the Council could establish a cost shared program. Under this program, the City

will participate with matching funds to assist residents with their repairs. If a cost sharing method is approved, the staff will come back to Council with the process.

As reported by the Public Works Director at a previous meeting, for the City to provide maintenance to those sidewalks in need of repair/replacement, the estimated cost would be \$352,650 (attachment 2). This number does not include City-owned sidewalks, driveway aprons, or ADA ramps. This estimate was done by conducting a “windshield” survey, so the actual estimate will be higher with a formal inspection process when adding ADA ramps, city-owned sidewalks and driveway aprons. In future budgets, there should be two budget lines for sidewalk maintenance. One budget line will be for sidewalk maintenance for residential areas and the other budget line will be for city-owned areas.

A sidewalk policy was developed which outlines inspections, priorities, and notification. The policy is written to enforce the Municipal Code that adjacent property owners are responsible for sidewalk repair and/or replacement. Should the City Council decide on changing the Municipal Code to relieve the property owners of the responsibility of sidewalks, then the City staff will require a non-ad valorem assessment be made on each property much like storm water and garbage. We would look at assessing and amount based on property frontage for all residents, even if residents do not have sidewalks in front of the property. This assessment would remain on the property until the sidewalk program is fully funded. This non-ad valorem assessment would not occur until the FY2023-2024 Budget year.

Although this is a plan for existing sidewalks, the City should be committed to develop and implement a 10-Year Sidewalk Master Plan for the design and construction of new sidewalks in those areas of the City that do not have sidewalks.

The sidewalk policy that the staff drafted was reviewed by the City’s insurance company and they are in favor of having the Council adopt the policy.

Staff Recommendation: Approve the sidewalk policy. Review the three options presented and determine the best course of action. Since many municipalities have shared programs, the staff would recommend Council review a cost sharing program.

Suggested Motion: I move that we approve the Sidewalk Policy presented; have the City Attorney develop an ordinance for the maintenance of unpaved right-of-way and sidewalks; and have the staff develop a cost sharing program for the repair/replacement of sidewalks.

Alternatives: Have the City do all repair and maintenance

Fiscal Impact: TBD (FY21-22 Budget is \$125,000 for sidewalks)

Attachments: Sidewalk Policy
Sidewalk Cost Estimate