



TO: Honorable Mayor and Councilmembers

FROM: Michael Gallagher, Director of Public Works

DATE: September 16, 2020

SUBJECT: Establishment of a Sidewalk Installation Process

Below is a draft proposal of how the Town Council may proceed with installing sidewalks. The intent of this draft is to provide Town Council with a starting point, which may be modified into a final sidewalk installation process. All Town Councilmember comments and suggestions are in bold:

1. Compile list of all streets that could have sidewalks installed. The list should be ranked in order of safety needs **(This step is recommended by a Councilmember)**.
2. What is the maximum number of streets that could have sidewalks installed through use of the Robinson bequest money? **(This step is recommended by a Councilmember)**.
3. Research should be completed on long-term advantages of having sidewalks. **(This step is recommended by a Councilmember)**.

4. The Public Works Department sends a letter to residents on the streets that are candidates for sidewalk projects. The letter will ask residents to reply to public works staff as to whether are in favor of the sidewalk or not. If a resident does not respond, then they will be considered a "yes" for a sidewalk on their street.**(Two Councilmembers do not want to consider a non-response a yes for the project; another Councilmember expressed that a non-vote not be counted as support or opposition.)** All streets that have 50% residential opposition or less will be advanced to Town Council immediately for approval. **(One Councilmember wants to have at least 50% approval for a street to have sidewalks installed; another Councilmember wants to have 30% residential opposition or less be advanced to Town Council for approval.)** All streets that have 51%residential opposition will be invited to meet with public works staff to learn more about the project. (One Councilmember wants to approve only sidewalks that have a response rate of 70 - 90% of that respective street and will vote for what the majority of the neighbors want.) The content and tone of the letter will be carefully considered.
5. The public works staff meets only with residents who are against the sidewalk being installed on their street. This is to ensure that the project does not pit resident against resident on a given street. No need to have residents present at the meeting who already are a yes vote for installation of sidewalks on their street.
6. A Town Councilmember and PAC member meets with the residents who remain against the project (This step can be combined with step two, or not.) A Public Works Staff member will be present at these meetings only to answer questions. **(One Councilmember wants to meet with the residents of those streets that have 31% to 50% opposition; who share with public works staff, a Town Councilmember, and PAC member more about advantages of having a sidewalk on their street and encourage them to support the installation of a sidewalk. They will be provided with answers to FAQs to assist in the decision-making process. Several face-to-face meetings may be necessary.)**
7. After these meetings are concluded, only those streets where Town Councilmembers and PAC members have successfully persuaded residents who were no votes to yes votes will be advanced to Council for approval, using the threshold established in step one. Remember, a non-response is considered a "yes" for the sidewalk.

8. **(One Councilmember stated that if there are not enough residents on candidate streets in favor of a sidewalk, then public works staff will wait six months and send out letters again seeking approval for a sidewalk to be installed on their street. We would repeat the process with one major change. We will include pictures of completed sidewalks and letters from pleased residents. We will follow the adage, "Nothing succeeds like success.")**
9. **(One Councilmember stated that we need to be aware of the possibility that not all of the bequest may be used.)**

Below is some additional context on this matter. It is a series of questions that were asked of Public Works Director Mike Gallagher. When I sent out this email last Friday evening, I did not have time to include this information:

What ordinances apply to sidewalks?

- Sec. 16-3. - Declaration of necessity.

Town Council may, upon its own motion, or in response to a petition submitted by others, declare the necessity for a sidewalk along any developed street.

**This is where my recommendation of 51% approval of residents for the installation of sidewalks on a street comes from as well as my recommendation to consider a non-response as a yes on the installation of sidewalks. Ultimately, sidewalks are installed in the Town right of way, which actually is not property that belongs to the resident. Also, the Town cannot compel a resident to respond, so Town Council will have to determine how long the outreach to a non-responsive resident should be before deciding to consider that non-response a yes or no on the matter.*

- Sec. 17-67.1. - Dedication of sidewalks for single-lot development.

The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Code.

- Sec. 17-67.2. - Completion of sidewalks for single-lot development.

The developer of any lot that fronts an existing street and where adjacent property on either side has an existing sidewalk, shall dedicate land, construct a sidewalk and connect such new sidewalk to the existing adjacent sidewalks. Such new sidewalk shall be constructed in accordance with the standards set forth in this Code.

(b) Upon application by the developer to the Town Council, the Town Council may, in its discretion, waive the construction of such new sidewalk and permit the deposit of designated funds for such construction in accordance with sections 17-65 and 17-65.1.

ALSO

Council has recently asked the Planning Commission to consider an ordinance requiring any single family re-development to install curb, gutter, and sidewalk.

Who decides which sidewalks will be installed?

For the Robinson sidewalk funding, ultimately Council, but the executor of estate must approve as well to make sure that all sidewalks chosen are in line with the directive from the Maud Robinson will, which does contain specific directions for the installation of sidewalks.

How are sidewalks installations decided?

The initial list we are working from is approved by the Robinson Trust executor, based on the language in Maud Robinson's will – then citizen engagement is undertaken to gauge level of support and discuss concerns. Recommendations are then brought to Council.

Where does the TSC recommendation come into play?

TSC is not officially involved, PAC members are assisting with citizen outreach.

What are some clear rules we can established to make this a more straight-forward process?

Perhaps a certain level of support is required in order for it to advance, but see 'other questions' below

Ultimate decision is with the Town Council, right?

Yes

Other questions?

If a redevelopment project mandates construction of sidewalk, yet a Town project is not approved due to level of citizen support could that perhaps be demonstrating conflicting principles? For instance, if a sidewalk installation is not approved by Council today on a street, but tomorrow a house gets torn down on the same street and the owner/developer then is required by code to build a sidewalk. Seems like a double standard.