



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

MEMORANDUM

TO: PUBLIC WORKS COMMISSION
FM: STEVEN GOODKIND, DIRECTOR
DATE: SEPTEMBER 12, 2012
RE: PUBLIC WORKS COMMISSION MEETING

Enclosed is the following information for the meeting on September 19, 2012 at 6:30 PM at 645 Pine St, Main Conference Room.

1. Agenda
2. Howard Street 1Hour Parking Space Removal
3. Addition of Sherman Street Police Only Parking Spaces
4. North Winooski at Riverside Avenue Parking Changes
5. Parking Prohibition Around 33 North Avenue Driveway
6. Minutes of 7/11/12 & 9/11/12- Sept Minutes handed out at meeting

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).



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CITY ENGINEER

M E M O R A N D U M

To: Martha Gile, Clerks Office
From: Steve Goodkind, Director
Date: September 12, 2012
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **September 19, 2012**
Time: 6:30 – 9:00 p.m.
Place: 645 Pine Street – Main Conference Room

A G E N D A

ITEM

- 1 Agenda
- 2 Public Forum – 5 Minutes
- 3 10 Min Authority of Commission
 - 3.10 Oral Communication , E. Bergman
 - 3.20 Discussion
- 4 5 Min Howard Street 1 Hour Parking Space Removal
 - 4.10 Communication , J. Fleming
 - 4.20 Discussion
 - 4.30 Decision
- 5 5 Min Addition of Sherman Street Police Only Parking Spaces
 - 5.10 Communication, J. Fleming
 - 5.20 Discussion
 - 5.30 Decision

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- 6 10 Min North Winooski at Riverside Avenue Parking Changes
 - 6.10 Communication, J. Fleming
 - 6.20 Discussion
 - 6.30 Decision
- 7 10 Min Parking Prohibition around 33 North Avenue Driveway
 - 7.10 Communication, J. Fleming
 - 7.20 Discussion
 - 7.30 Decision
- 8 5 Min Jackson Terrace Engineering Study Update
 - 8.10 Oral Communication, J. Fleming & S. Goodkind
 - 8.20 Discussion
- 9 20 Min PlanBVT
 - 9.10 Oral Communication, Commission
 - 9.20 Discussion
- 10 5 Min Pedestrian Crosswalk Signal Timing
 - 10.10 Oral Communication, S. Goodkind
 - 10.20 Discussion
- 11 15 Min Department Reorganization
 - 11.10 Oral Communication, S. Goodkind
 - 11.20 Discussion
- 12 10 Min Customer Service Update
 - 12.10 Oral Communication, S. Goodkind
 - 12.20 Discussion
- 13 Minutes of 7/11/12 & 9/11/12 – September minutes handed out at meeting
- 14 Director's Report
- 15 Commissioner Communications
- 16 Adjournment



MEMORANDUM

September 19, 2012

TO: Public Works Commission
FROM: Joel Fleming
RE: Howard Street 1 Hour parking space removal

Background:

In the summer of 2011 St. Paul Street was paved by the State of Vermont as part of the alternative Rt. 7 project. In doing so the work must be in accordance with MUTCD standard 3B-21 (attached). The MUTCD requires that a crosswalk have a minimum site distance of 30 feet. The parking space south of the crosswalk on St Paul does not meet this standard. Staff is now coming to the commission to remove the parking space.

Observations:

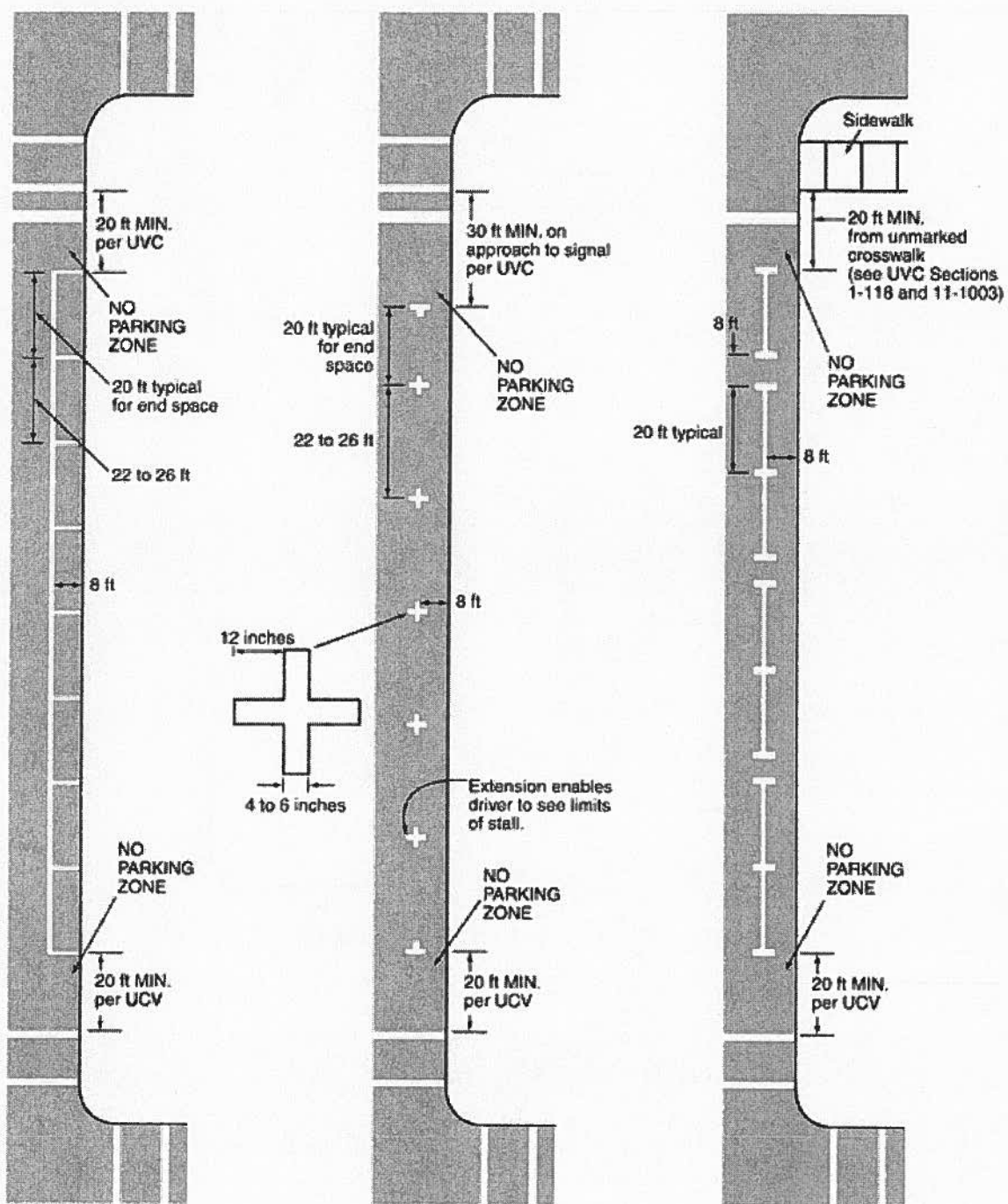
In order for the street to meet the standard the space nearest the crosswalk must be removed. There were two 1 hour parking spaces adjacent to each other before the paving and now there is currently only one space. Staff has talked to the business owner on the corner about the removal of one of the 1 hour parking spaces and they were okay with it as long as they would still have one short term space in front of their business.

Conclusions:

The space needed to be removed in order to meet MUTCD standards and to continue with the paving of the road.

Recommendations:

Staff recommends that the first space south of the crosswalk be removed in order to meet MUTCD standards.

Figure 3B-21. Examples of Parking Space Markings



South Winooski Avenue

Howard Street

St Paul Street

Remove
1 Hour
parking
Space

1 Hr
Parking



MEMORANDUM

September 19, 2012

TO: Public Works Commission
FROM: Joel Fleming
RE: Sherman Street Police only parking spaces

Background:

Staff received a request from Chief Schirling for the addition of two "police only" parking spaces at the west end of Sherman Street adjacent to the police Station. Currently these spaces have a no parking restriction on them.

Observations:

The two spaces are currently not being used and would free up two parking spaces in the already crowded Police Employee parking lot.

Conclusions:

The parking is extremely tight with regular spaces at the current time and the addition of two more spaces for law enforcement would be of great benefit.

Recommendations:

Staff supports the addition of these spaces and the designation of these spaces as "Police Only".



North Avenue

Sherman Street

Police Station

Proposed Police only Parking Spaces

No Parking this Side of street

Various forms of restricted and unrestricted parking



MEMORANDUM

September 19, 2012

TO: Public Works Commission
FROM: Joel Fleming
RE: North Winooski at Riverside Avenue parking changes

Background:

The owners of Sam's Unfinished Furniture contacted Public Works staff this past spring asking for short term parking spaces around their business. Recently the Community Health Center, at 617 Riverside Avenue, has had a large addition and parking garage added onto the original structure. During construction on the Community Health Center many of their employees used the on street parking available on North Winooski Avenue. Since the completion of the addition the employees have not changed their parking patterns. The lack of on street parking has caused many people searching for short term parking to park in Sam's Unfinished Furniture's small parking lot.

Observations:

Staff has visited this area to observe the parking at all different hours of the day. In the early morning, before 8 Am, and in the evening, 6 Pm and later, there are ample parking options for people to use. But if you visit the site during the typical work day, 9 Am to 5 Pm, you will have a hard time finding a parking space within 3 or 4 blocks. The owners of Sam's Unfinished Furniture have noticed a steady flow of people parking in their parking lot throughout the day.

Staff sent a letter out to the residents that would be directly affected by the change in parking. Staff did not receive any feedback regarding the parking spaces.

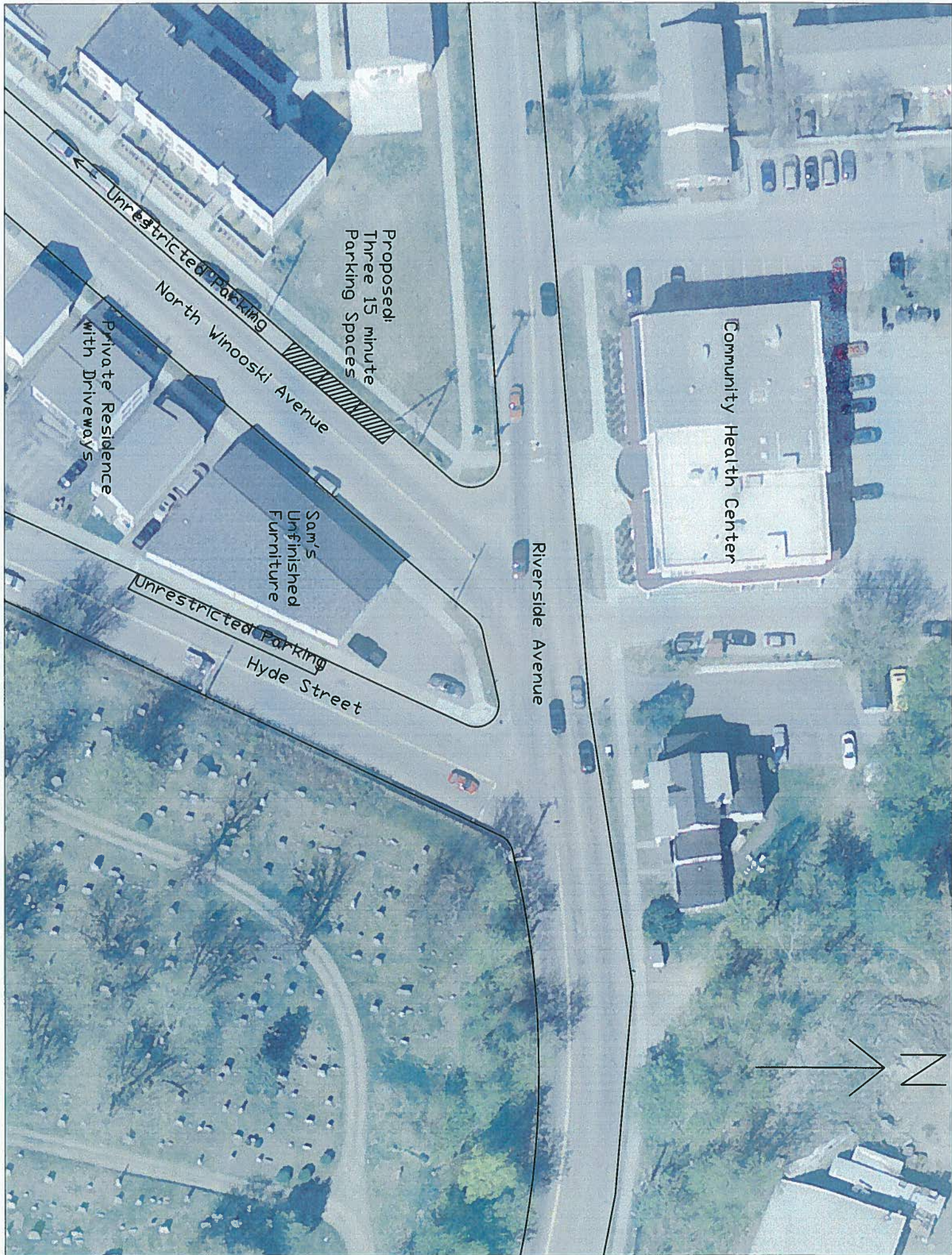
Conclusions:

Parking is actively utilized throughout the day time hours with a wide array of parking uses. With the development of the Community Health Center there has been an increase in

pressure on the existing parking inventory. As a result, causing difficulties to the adjacent properties like Sam's Unfinished Furniture. The proposal presented is believed to provide relief to Sam's Unfinished Furniture's parking lot by providing short term parking options for visitors to the Community Health Center.

Recommendations:

Staff would recommend that the commission adopt a 15 minute restriction in the first three spaces south of Riverside Avenue on the North Side of North Winooski Avenue.



Community Health Center

Riverside Avenue

Proposed:
Three 15 minute
Parking Spaces

North Winooski Avenue

Private Residence
with Driveways

Sam's
Unfinished
Furniture

Unrestricted Parking
Hyde Street



Joel Fleming

From: samsunfinishedfurniture@myfairpoint.net
Sent: Friday, August 24, 2012 12:12 PM
To: Joel Fleming
Subject: RE: Update on our request dated 3/12/12 for designated short term parking spaces near Sam's Unfinished Furniture

Joel, thank you so much. 3 spaces would help tremendously. I am assuming that you would do the three end spaces across from our store? Or at least near the end across from the store? that would help alot I believe. Opening up three spaces for visitors on North winooski Avenue would definitely alleviate some of the parking problems. Thanks again. Brenda & Roger

On Thu, 23 Aug 2012 13:53:49 -0400, Joel Fleming <jfleming@ci.burlington.vt.us> wrote:

Brenda,

>
> I am aware of this request and plan on bringing it to the public works
> commission for September's meeting. The commission did not meet this
> month so it had to wait another month. I am planning on proposing 3
> 15 minute parking spaces on North Winooski Avenue. I just talked to
> Ron Gore and he mentioned that you had asked for a short term space on
> Hyde Street but I do not think that would be a good idea. Parking is
> tight on Hyde with many apartments. Please let me know if changing
> the first 3 spaces on North Winooski Ave would help alleviate some of
> the parking problems.

>

> Thanks,

>

> Joel Fleming, E.I.T
> Engineering Technician
> Burlington Public Works
> 645 Pine St.
> Burlington VT. 05401

>

> Phone: (802)8655832
> Fax: (802)8630466
> Email: jfleming@ci.burlington.vt.us

>

>

>

> -----Original Message-----

> From: samsunfinishedfurniture@myfairpoint.net
> [<mailto:samsunfinishedfurniture@myfairpoint.net>] Sent: Thursday,
> August 23, 2012 1:39 PM
> To: Joel Fleming
> Cc: Ronald Gore
> Subject: Update on our request dated 3/12/12 for designated short term
> parking spaces near Sam's Unfinished Furniture

>

> Mr. Fleming,

>
> I am writing to you to request an update on our request for a few
> short-term parking spaces near our store, Sam's Unfinished Furniture
> located on the corner of North Winooski Avenue and Riverside Avenue.
> I had written you a memo back on 3/12/12 detailing the situation and
> asking that you set aside a few to alleviate the parking issue we have
> with every available on-street space used up by the Burlington Health
> Center employees. Nothing has changed and it is still a problem for
> anyone trying to find a parking space on the street between the hours
> of 7:30am and 4:30pm. You can drive for a few miles and see for
> yourself that nothing is available. I had hoped after the parking
> garage had been open for a while management might allow employees to
> use it, however it is as bad as it was in the beginning and I still
> have people parking in our yard and walking away or coming into the
> store to complain and ask if they could park in our yard. I also have
> a fair number of people who park in our yard while their rider is
> across the street for an appt. I guess they hope I don't catch them.
> The problem is if I'm busy with customers I may not catch them right
> away and whatever space they are using in my tiny parking lot is a
> space not open for a potential customer. Certainly a few open
> short-term spaces would be a help to all of us around here. I've
> called Mr. Gore a few times and was told that it would probably be
> around 3 spaces and it might take a couple of months or so. It has
> been about 5 months now and I haven't heard anything. Can you please
> let me know the status of this? I realize that this is probably a
> annoyance for me to keep bringing this up, however when the request
> went before the city to build the garage it was stated in the meeting
> that they would use the garage for employee parking. Since this did
> not happen, eliminating a few spaces from being taken up all day
> should probably mean a few employees going into the garage. But for
> us out here dealing with frustrated drivers who want a place to park
> it can bring a great deal of relief to us. Thank you for your
> attention to this matter. Brenda, Sam's Unfinished Furniture
> 802/862-6013

>
>
>



CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

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JOEL FLEMING, E.I.T.
PUBLIC WORKS ENGINEER

September 4, 2012

Dear North Winooski Avenue Residents:

Public Works would like your thoughts on removing a Unrestricted parking spaces and replacing them with three 15 minute parking spaces in the first three spaces south of Riverside Avenue on North Winooski Avenue. Recently the Department of Public works Staff received a request for these spaces to be changed from an unrestricted space to short term parking. I am looking for feedback by the September 7th. Please Email me at jfleming@ci.burlington.vt.us.

Thanks for your time,

Joel Fleming, EIT
Department of Public Works
jfleming@ci.burlington.vt.us

JF/mcb



MEMORANDUM

September 19, 2012

TO: Public Works Commission
FROM: Joel Fleming
RE: Parking prohibition around 33 North Avenue Driveway

Background:

Staff received a request to prohibit parking on the north side of the driveway to 33 North Avenue apartment building. The owner of the building thought that there may have been a restriction in the past but staff could not find an ordinance restricting parking in front of the building.

Observations:

North Avenue is an arterial street that connects the downtown and the old north end to the new north end. In 2009 the Annual Average Daily Traffic (AADT) for North Avenue was 11,700 vehicles. This number comes from the Chittenden County RPC, formally the CCMPO. AADT is the total number of vehicles that are on the street divided by 365.

There are 16 units in this apartment building. Each unit has an average of 2 vehicles attached to it. There is currently a handicapped parking space directly south of the driveway to 33 North Avenue. On the North side of the driveway there are no restrictions on parking. This means that people are parking up to the driveway not giving drivers trying to exit any site distance.

Conclusion:

If you follow the guideline adopted by the Public Works Commission in November 2010 for Prohibiting Parking Around Heavily Used Residential and Commercial Driveways you would restrict parking for 50 feet on both sides of the driveway. This would remove 5 or 6

parking spaces and would move the current handicapped parking space back 50 feet from the driveway.

Recommendation:

Staff recommends that the commission adopts a parking restriction for 50 feet north and south of the driveway to 33 North Avenue.





CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

SERVICE REQUEST

Use this form to request services from the Department of Public Works.

Today is: 3/9/2012

Entered By Valerie Ducharme Request # 12993

Name and Address

Reminder 6/7/2012

First Name Leon Last Name Urbitol Date 3/9/2012
Street Number 33 Street Address North Avenue
Phone Number 862-8360 e-mail

Request

Location of Request 33 North Avenue
Location Street Number 33 Location Street North Avenue
Please describe the request.
Use additional space on back of form, if necessary
SR #12284 -I am the manager of the 16 unit Condominium (Commodore Point) at 33 North Avenue in Burlington and have lived here since the Condos were built in the late 90's. We have a parking garage under the building and all of us have difficulty exiting the building because cars are typically parked all the way up to the corner of the driveway and it is extremely difficult to see vehicular traffic coming from the North on North Avenue. We are requesting that a "No Parking Here to Comm" sign be placed on the North side of the driveway that goes under the

Resolution

For Office use only

Referred to Traffic Requests Staff Assigned Joel Fleming
Date Staff Contact 3/9/2012
Staff Assessment

The only ordinance in front of # 33 North Ave is a handicap sign which is still there. If they a talking to the north of the driveway that building is #55 North Ave. and there is no ordinance for No Parking at that address. The person said he was

Customer Service

Follow Up Date 3/24/2012

Comments

Status

Status Investigation Close out date 3/9/2012
Follow-up Pending

Valerie Ducharme

From: Leon Urbaitel <leonurbaitel@gmail.com>
Sent: Friday, March 09, 2012 1:43 PM
To: Valerie Ducharme
Cc: Giles Wagoner #4; Rory Waterman #9; Bill Atkinson #5
Subject: Commission Item

Valerie,
Please forward the following request to City of Burlington Commission:

I am the manager of the 16 unit Condominium (Commodore Point) at 33 North Avenue in Burlington and have lived here since the Condos were built in the late 90's. We have a parking garage under the building and all of us have difficulty exiting the building because cars are typically parked all the way up to the corner of the driveway and it is extremely difficult to see vehicular traffic coming from the North on North Avenue. We are requesting that a "No Parking Here to Corner" sign be placed on the North side of the driveway that goes under the building, and if that is not possible, a pole with a mirror attached so exiting cars can see the oncoming traffic from the North. There originally was a sign placed there but removed (probably by one of our neighbors) shortly after the building was built.

Thank You!
Leon Urbaitel
862-8360

**City of Burlington
Department of Public Works**

**Guideline for Prohibiting Parking
Around Heavily Used
Residential and Commercial Driveways**

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1.0 Introduction

1.1 Use of Guideline

The Purpose of this guideline is to ensure that driveways are treated consistently throughout the city of Burlington, by providing guidance on prohibiting of on street parking.

It must be recognized that not all situations can be adequately addressed in this guideline; therefore engineering judgment must be used at all times.

Before any parking is prohibited on any street, the engineer must review the plan of the proposed prohibition to ensure that it conforms to this guideline. Parking prohibitions shall only go into affect after they are passed by the Department of Public Works Commission.

2.0 Prohibiting Parking

2.1 Arterial Roadways

Arterial Roadways are moderate to high-capacity roadway that is immediately below a highway's level of service. They are main entry and exits to the city and have many intersections with collector and local roads. Vehicles travel faster on arterial roadways than on collector and local roads. Some examples of arterial roadways in the city of Burlington are Main St, Pine St and North Ave.

2.1.1 Prohibiting Parking

For all driveways on arterial roadways serving 20 or more vehicles during the peak hour, prohibit parking for 50 Feet on each side of the driveway.

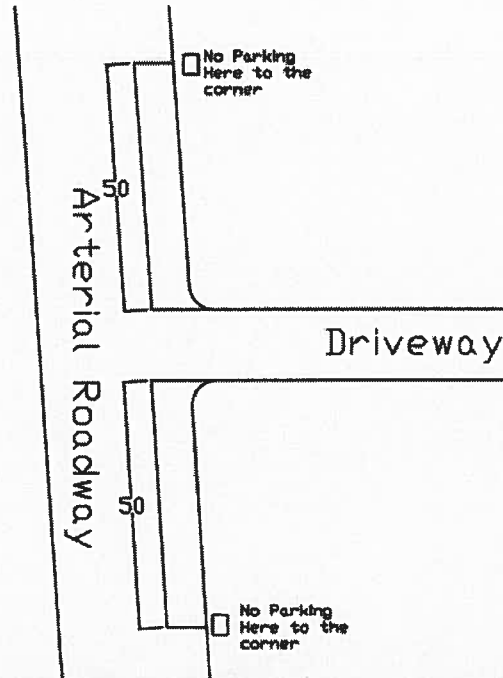


Figure 1: Prohibiting parking on arterial roadways

2.2 Collector Roadways

Collector roadways are low to moderate-capacity roadways which are below highways and arterial roadways in level of service. Collector roadways usually bring traffic from local roadways to arterial roadways. Some examples of collector roadways in the city of Burlington are Maple St, Loomis St and Ethan Allen Pkwy.

2.2.1 Prohibiting Parking

For all driveways on collector roadways serving 40 or more vehicles during the peak hour, prohibit parking for 20 Feet on each side of the driveway.

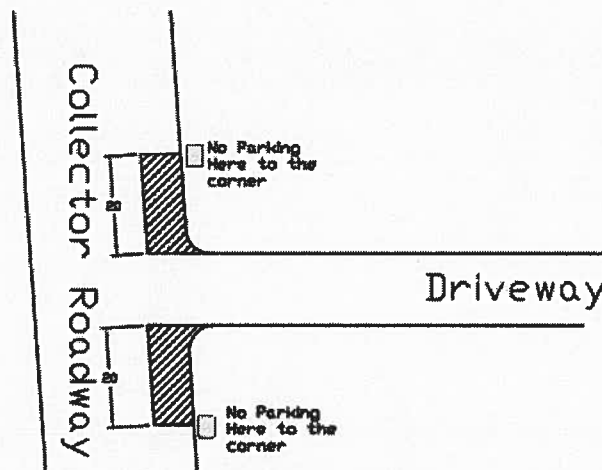


Figure 2: Prohibiting parking on Collector roadways

3.0 Exceptions

3.1 Downtown Corridor

This guideline includes all of the city of Burlington but the downtown corridor. This Section includes the interior of Pearl St, South Winooski Ave, Main St to Battery St. See the Figure Below.



Figure 3: The Downtown Corridor

The Parking guidelines described would be applied in all areas of the city except the downtown core described above. The streets bounding this area of exception will be included in these guidelines.

BURLINGTON PUBLIC WORKS COMMISSION
645 Pine Street
Minutes – July 11, 2012

COMMISSIONERS PRESENT: Matt Conger, Asa Hopkins, Nathan Lavery, Solveig Overby, Mark Porter and Kevin Worden (presently one vacancy)

Director Steven Goodkind called the meeting to order at approx. 6:20 p.m.

NOMINATIONS OF CHAIR, VICE CHAIR AND SECRETARY

Director Goodkind entertained nominations for Chair. Commissioner Porter nominated Commissioner Lavery for the position of Chair. The nomination was seconded and Commissioner Lavery accepted the nomination. Unanimous approval.

Commissioner Lavery entertained nominations for Vice Chair. Commissioner Hopkins nominated Commissioner Porter for the position of Vice Chair. The nomination was seconded and Commissioner Porter accepted the nomination. Unanimous approval.

Commissioner Lavery entertained nominations for Secretary. Commissioner Porter nominated Commissioner Conger for the position of Secretary. The nomination was seconded and Commissioner Conger accepted the nomination. Unanimous approval.

ITEM 1 – AGENDA: Commissioner Lavery asked for changes to the Agenda. Commissioner Porter made a motion to move Item 9 to Item 2.5; Commissioner Conger seconded.

ITEM 2 - PUBLIC FORUM: Commissioner Lavery invited members of the audience to come forward to speak on topics on, or not on, the Agenda.

Stephanie Hainley, Jackson Terrace Apartments resident, concerning Item 2.5: Supports moving the “no parking” signs to 50’ on either side of the Jackson Terrace Apts. driveway. Volume of Pine Street traffic and poor site distance when exiting the driveway pose a safety issue.

Greg Roy, Ward 4 resident, concerning Item 3: If the Commission meetings are changed to the second Wednesday of the month (presently held every third Wednesday), they will conflict with the Burlington Electric Department Commission meetings, and Channel 17 would have to alternate the live broadcast of the meetings month to month.

ITEM 2.5 (formerly Item 9): JACKSON TERRACE APARTMENTS PARKING ISSUES
(Joel Fleming, Public Works Engineer)

See Commission packet for July 11, 2012 Memorandum and attachments from Mr. Fleming.

The Commission is being asked to decide whether parking prohibition should be extended on either side of the single driveway serving the Jackson Terrace Apartments. Staff has met the standards per the Manual on Uniform Traffic Control Devices (MUTCD) and Engineering and Transportation guidelines

for parking and has no recommendation. Staff will however, ensure that the current “no parking” signs are back 50’ from either side of the driveway. The high volume of Pine Street traffic (vehicle and bicycle), poor site distance for vehicles exiting the driveway, consistently bumper-to-bumper vehicles parked along the east side of Pine Street, lack of speed limit sign in the immediate vicinity and lack of any indication to drivers along Pine Street that they are approaching a busy driveway and no “stop control” were noted as contributors to the safety issue.

The co-owners and several residents of Jackson Terrace Apartments came forward to speak in support of making changes to increase the safety for drivers exiting the driveway: Kim Nowlan, Kerri Corbett, Reagh Greenleaf, Janet O’Brien, Kyle Leduc, Jack DuBrul, Debbie DuBrul (co-owners) and Dan Cristelli.

Director Goodkind suggested extending parking prohibition on the *south side only* (approximately three car lengths beyond the 50’), not making any changes to the north side at this time. Commissioner Porter supported considering city-wide parking where similar situations exist. He expressed concern about losing more parking spaces and/or shifting parking to neighboring streets.

It will take 30 days before the Ordinance change becomes official and possibly up to another 30 days before the change is implemented.

Commissioner Hopkins moved to prohibit parking an *additional* 50’ (totaling 100’) from the *south* side of the Jackson Terrace Apartments driveway, leaving the north side alone for now. Further, he asked that the Engineering Department begin a solid engineering analysis to support both the original decision of prohibiting parking 50’ from each side of the driveway, as well as this change to an additional 50’ on the south side. Commissioner Porter seconded the motion. Unanimous approval.

ITEM 3 – ORGANIZATION MEETING – SET REGULAR MEETING DATE

After discussion, Commissioner Lavery declared that **the Commission meetings will remain as is: The third Wednesday of each month.** The time, however, will change: **Meetings will begin at 6:30 p.m.** (instead of 6:15 p.m.) to allow more time for Commissioner Hopkins’ commute and allow Director Goodkind to stay longer at the meeting he attends prior to the Commission meeting (also the third Wednesday of the month).

There will be no regular meeting in August. The commissioners will communicate via e-mail about scheduling a planning meeting that month.

ITEM 4 – PERFORMANCE REPORT

(Director Steven Goodkind)

See the one-page DPW Organizational Chart handed out at the meeting.

See Commission Packet: “DPW Performance Report (Activities Report) FY2011”

Oral and visual presentation by Director Goodkind with assistance from Megan Moir, Stormwater Administrator. Director Goodkind will consider Commissioner Porter’s suggestion of adding a statement in the Performance Report explaining the challenges faced by an understaffed Engineering Department, which could affect turn-around time with traffic calming requests.

Staff will add to the Performance Report annually. This is the first Performance Report of its kind and the format will allow consistent, easy-to-follow progress.

ITEM 5 – DEMONSTRATION OF NEW CUSTOMER SERVICE SYSTEM

(Steven Goodkind, Director)

Oral and visual presentation by Director Goodkind, Ms. Moir and Scott Duckworth (Sr. Programmer Analyst). Along with Customer Service Representative Valerie Ducharme, Director Goodkind, Ms. Moir and Mr. Duckworth have been preparing a new customer service system for its debut in a couple of months. This new system offers enhanced tracking of contacts by location, the ability to mark the area of concern on an accompanying map, better overall record-keeping and a database from which valuable maintenance and trouble data on the city's infrastructure may be gleaned. Citizens will eventually be able to access the information and possibly use it to create a trouble report.

Commissioner Hopkins suggested getting more of the city's planned work on the system for the public's benefit.

ITEM 6 – REMOVAL OF A HANDICAP SPACE ON LAFOUNTAIN STREET

(Joel Fleming, Public Works Engineer)

See Commission Packet: July 11, 2012 Memorandum from Mr. Fleming with attachments

Staff received a request to remove the handicap-accessible parking space in front of 60 Lafountain Street; the previous owner of the property no longer lived there and the space is no longer used. Staff recommends that the space become an unrestricted parking space.

Commissioner Porter moved to accept staff's recommendation; Commissioner Conger seconded. Unanimous approval.

ITEM 7 – REMOVAL OF A HANDICAP SPACE ON CROWLEY STREET

(Joel Fleming, Public Works Engineer)

See Commission Packet: July 11, 2012 Memorandum from Mr. Fleming with attachments

Staff received a request to remove the handicap-accessible space in front of 19 Crowley Street; the previous owner of the property no longer lived there and the space is no longer used. Staff recommends that the space become an unrestricted parking space.

Commissioner Porter moved to accept staff's recommendation; Commissioner Worden seconded. Unanimous approval.

ITEM 8 – 237 NORTH AVENUE TEMPORARY HANDICAP SIGN

(Joel Fleming, Public Works Engineer)

See Commission Packet: July 11, 2012 Memorandum from Mr. Fleming with attachments

Staff received a request asking for a temporary handicap-accessible parking space in front of 237 North Avenue; the handicap-accessible space on Berry Street had to be removed to accommodate construction. Staff will come back to the Commission once construction is complete. Staff recommends that the space in front of 237 North Avenue become a handicapped-only restricted parking space.

Commissioner Lavery moved to install a handicap-accessible space in front of 237 North Avenue, to be converted to an unrestricted space after completion of the construction project (without coming before the Commission to change the space back). Commissioner Hopkins seconded. Unanimous approval.

ITEM 9 – SEE ITEM 2.5

ITEM 10 – planBTV

(David E. White, Director of Planning and Zoning)

See half-page flyer on planBTV from Director White, distributed by Ms. Losch.

This project has been underway for approximately two years, made possible by a grant from the U.S. Department Housing and Urban Development, and involves coming up with a master plan for downtown and the waterfront. The draft of the plan is now available on the website for public input: www.burlingtonvt.gov/PlanBTV. The deadline for feedback is September 30, 2012, after which the feedback would be added to the draft and the actual adoption process would begin (first with the Planning Commission and then on to the City Council).

planBTV will be added to the September Commission agenda. Commissioner Overby recommends making parking a priority under this item.

ITEM 11 – EPA COMPLETE STREETS IMPLEMENTATION

(Nicole Losch, Transportation Planner/Bicycle & Pedestrian Program Manager/Environmental Planner)

Ms. Losch gave a brief follow-up. The next step: Clarify which decision-making body will oversee the implementation of *Complete Streets*. The recommendation of the attendees at the June 5th workshop was that the DPW Commission be designated as the overseers. City Councilors Max Tracy and Rachel Siegel have requested that a resolution stating such be crafted, and would like a member of the DPW Commission to join them in the creation of this resolution. Commissioner Lavery invited volunteers from the Commission; Commissioners Conger and Worden volunteered, and they will be hearing from Ms. Losch shortly.

ITEM 12 – PEDESTRIAN CROSSWALK SIGNAL TIMING (Director Steven Goodkind)

Director Goodkind gave a brief status report on the signals being in compliance with the 2009 MUTCD standards: 45 have been completed and the technicians' work continues on the remaining 28 signals for crossing times.

ITEM 13 – MINUTES OF 6/20/12

Due to the departure of most of the commissioners who had attended the June 20th meeting, these Minutes will not be able to be approved, ever.

ITEM 14 – CHAIR’S REPORT – No report.

ITEM 15 – DIRECTOR’S REPORT (Director Goodkind)

- In response to Commissioner Lavery’s request for a follow-up on CCMPO funding for this year for a parking study: Three of DPW’s high priority projects (Downtown Improvement District Study; evaluation of the Waterfront bike path intersection treatments; and update of pedestrian and bicycle plan) have been approved for this year for funding and staff assistance from CCMPO. Resident parking/parking study is next on DPW’s list. The Engineering Department alone does not have the staff or funding to take on a parking study at this time.
- Per Commissioner Lavery’s request for an update on whether the Burlington Electric Department (BED) has the ability to monitor the usage of the electric car-dedicated space, Commissioner Goodkind will report back to the Commission on BED’s answer.
- Grove Street pedestrian crossing update: BED has installed a light. DPW’s work installing a ramp and striping will be finished shortly.

ITEM 16 – COMMISSIONERS’ COMMUNICATIONS

Commissioner Porter: Asked Director Goodkind to ask the Burlington Police Department (BPD) to designate on Saturdays during the Farmers’ Market, the two parking spaces on Main Street behind CarShare VT as dedicated handicap-accessible spaces. These would compensate for the two handicap-accessible spaces lost during the Farmers’ Market. Director Goodkind agreed to contact the BPD.

ITEM 17 - COMMITTEE REPORTS: No reports.

ITEM 18 - POLICY UPDATE: No policy updates.

Item 19 - ADJOURNMENT: **Commissioner Lavery moved** to adjourn the meeting at 9:40 p.m.; Commissioner Porter seconded. Unanimous approval.

BURLINGTON PUBLIC WORKS COMMISSION
Planning Meeting
645 Pine Street
DRAFT of Minutes – September 11, 2012

Commissioners present: Robert Alberry, Matt Conger, Asa Hopkins, Nathan Lavery, Solveig Overby (via phone), Mark Porter, Kevin Worden

Commissioner Lavery called the meeting to order at 6:30 p.m.

The Public Works Commission met for the sole purpose of ideas and priorities for the remainder of the term. No action items were scheduled. The following topics were discussed:

Customer service: Commissioners discussed the implementation of the new customer service system, and considered the need for monthly updates on progress toward implementation, followed by monthly reporting of customer service data from the new system.

Residential parking program: The Commission may investigate revisions to the current program that would enhance the effectiveness of the program and reduce abuses.

Bicycle infrastructure: Commissioners expressed an interest in a comprehensive understanding of the city's current bicycle infrastructure, as well as plans for future enhancements to bicycle amenities and this infrastructure.

Long term planning and resource allocation: The Commission hopes to create a list of the most pressing long term issues facing the Department of Public Works, and to work with the Department to identify opportunities to make strategic investments that will generate long-term savings for the city. Examples discussed: the age and lifespan of the city's water, wastewater, and stormwater infrastructure; the condition of city sidewalks; parking (and park & ride) infrastructure.

Permitting: Commissioners expressed a desire to learn more about the current process for permitting, and work with the Department and other stakeholders to enhance the transparency and predictability of the process.

Data driven analysis: Commissioners spoke of the value of performance metrics rooted in data collected by the Department (including the annual performance report), and discussed opportunities to increase the use of data in the decision making process.

Adjournment: The meeting adjourned at 8:30 p.m.



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To: Burlington Public Works Commission
CC: Norm Baldwin, Asst. Director, DPW
William Ward, Director, Code Enforcement
From: Gene Bergman, Sr. Asst. City Attorney *JB*
Jeff Guevin, Legal Intern *JB*
Re: Guidance for the Conduct of Appeal Hearings
Date: July 11, 2011

At a prior meeting, the commission asked for basic guidance on how to conduct hearings.

Guidance for Conducting Appeal Hearings by the Public Works Commission

On the record review

Appeals of the commission's decisions are heard on the record. Appeals must be filed within 30 days of the date the decision is issued. The threshold for what constitutes a notice of appeal is very low; it is simply a statement that a person wants to appeal.

On the record review requires you to provide the parties with an adequate opportunity to develop the facts and their arguments at the hearing. As long as your decision is consistent with the law, made in good faith and not arbitrary or capricious, the court should uphold it. The commission's interpretation of the applicable laws will be given deference as long as your interpretation is reasonable and within your area of expertise, the building, electrical and plumbing codes.

The decision should be in writing and must be based on the factual evidence presented at the hearing. There must be findings and these must be based on the evidence that is introduced. Findings are *not* just repetitions of the evidence that was presented. Instead, findings are conclusions about which facts are relevant, important, and credible. The decision's conclusions are based on these findings and the law as applied to them. The decision must have an order that flows from these findings and conclusions. Usually, the City Attorney drafts the decision for the commission's review and approval after prior consultation in a deliberative session. The deliberative session does not have to be held in public but there is no prohibition against it being public. If a special, written decision is not wanted, then the decision must be announced in public, with the minutes of the meeting

acting as the written record of the decision; the minutes must clearly state the decision, the findings, the conclusions and the order.

The commission should decide if the chair is the "presiding officer" and has the power to make the decisions as to the introduction of evidence or its exclusion as well as other procedural matters. The chair can have this power but some or all of these decisions can be made by the commission as a whole based on a motion and a vote. Generally, the presiding officer makes these procedural decisions. The key is to be consistent.

Evidence

Testimony should be taken under oath. The rules of evidence are somewhat relaxed, including allowing evidence "of a type relied upon by reasonably prudent people [i.e., you] in the conduct of their affairs." Irrelevant, immaterial, or unduly repetitious material should be excluded. Make sure all evidence considered by the commission is presented during the hearing and that this is clearly stated so it is noted in the transcript. Make sure every commission member considers the same pieces of evidence. The basic information should get into the record: who, what, where, and when.

1. Who are the parties involved? Usually, the inspector and a private party that is appealing the inspector's order. Make sure to ask each person who speaks to state their name, their job title or relationship to the property, and the reason they are testifying. Remember: *any interested person*, not just the property owner, can appeal an order both to the commission and the superior courts; so, it's important to have "who is who" clear in the record.
2. What is being appealed? The order (hopefully it is a written order) should be introduced, along with a statement of its legal basis.
3. Evidence of where the property in question is located should be introduced.
4. Get the dates of when the order was issued and when any violation occurred.

The official should testify first and introduce all the relevant facts related to the order. The official can also have other witnesses testify to support or supplement the official's testimony. Any documents being introduced should be numbered by staff and shown to the other side by the offering person. If the other side objects to a document becoming part of the record, you should ask why. The offering side then should have a chance to explain why the document should go into the record, unless the commission (i.e. presiding officer) decides that the document can be introduced without an argument. Witnesses should clearly refer to the documents when they testify.

The appellant goes after the official presents his or her case. You may ask the appellant and other witnesses to confirm or deny statements made by the inspector. The appellant should be given the chance to give her or his side of the facts, including through witnesses, and explain what is objectionable about the order, the points being appealed. The commission can focus on these points and exclude evidence that is irrelevant to the issues being appealed. When the commission is satisfied that it has gathered the necessary evidence the hearing can be closed.

Avoid

Avoid basing a decision on what's called "public clamor." That is, the commission should carefully evaluate testimony from witnesses and weigh whether it is fact-based and reliable or mere opinion. Although overwhelmingly negative public opinion may be considered as one factor among many, decisions must not be based on mere opinions. If a crowd at the hearing becomes unruly, the chair may wish to continue the hearing at a later date to allow tempers to cool.

The commission must also avoid "ex parte" communications. This means members should not communicate about an appeal with the officer, appellant, witnesses, or other parties outside of the hearing. Sometimes these contacts are inevitable. Board members should err on the side of caution if they think they have had an ex parte communication and state for the record during the hearing the parties to and time and content of the communication. You can rely on departmental staff for advice and assistance but that staff must avoid ex-parte communications too, since they are your agents. Communications with the parties should be made at the hearing or in writing, addressed and sent to all parties.

Finally, board members should avoid any appearance of impropriety. This includes any interest, direct or indirect, in the outcome of a hearing. If a commissioner thinks he or she may have a conflict of interest, it is better that he or she state it at the beginning of the hearing and recuse him- or herself if necessary.

Record on Appeal: Minutes, Evidence, Findings, and Decision

If your decision is appealed, the record will be all writings and exhibits introduced and a transcript of any oral proceedings and the minutes. These have to be given to the court within 30 days after the appellant files notice with the superior court. (If a party wants a transcript, they must pay for it.) If a hearing is conducted as part of a meeting, instead of as a separate proceeding, the minutes of that portion of the meeting devoted to the hearing are not the transcript; minutes should comply with the public records law's requirements for minutes. Minutes should have copies of evidence that was introduced attached and include general descriptions of what was said by whom. The Hearings should be recorded.

We hope this has been responsive to your request for guidance. The City Attorney's Office is available to elaborate on these points if the commission would find it helpful.

The Chair's Crib Sheet

Use this checklist to help make sure the record is adequate.

- ☐ Names and other information about all people who testified.
- ☐ Location of the property.
- ☐ Applicable ordinances and statutes.
- ☐ Date of the order.
- ☐ Reason for the order.
- ☐ Reason for the appeal.
- ☐ Disputed facts.
- ☐ All board members have a copy or at least have seen all documentary evidence provided.



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To: Public Works Commission & Director Goodkind

From: Gene Bergman, Sr. Asst. City Attorney *GB*

RE: The Powers of the Public Works Commission

Date: September 12, 2012

Our office has been asked to present to the Public Works Commission at its meeting of September 19, 2012 an overview of the powers and responsibilities of the commission. This request was made due to the number of new members on the commission. Below you will find a listing of the sections in the City's charter and ordinances related to the powers of the commission. The commission was created by the charter which is a special Vermont statute giving special powers to Burlington. The ordinances effectuate the powers granted by the charter and general Vermont laws to the commission.

The commission has several areas of direct oversight responsibility: the City's parking facilities and regulations; traffic regulations and controls; certain water ordinance provisions; certain infrastructure specifications, and hearing and deciding appeals of certain departmental decisions.

The commission also advises both the department and the council regarding solid waste regulations, the department's activities, and for which the infrastructure the department is responsible. The commission also works with the mayor to evaluate the director.

Below is the list of charter and ordinance sections that pertain to the powers and responsibilities of the commission. I believe it is comprehensive but it is possible I've missed something. Please note that our office has previously provided a guidance on how to conduct an appeal hearing. We are resending it to you as part of this presentation and I will be present at your meeting on September 19 to discuss this further. I look forward to meeting with you.

Charter

§ 48(58)(B): The commission has the power

- (1) and general control, management and supervision of all municipal parking lots and garages;
- (2) to make regulations with respect to the use of all such municipal parking lots and garages, including the reasonable terms, conditions and charges;

- (3) to regulate the parking, operation and speed of vehicles and pedestrian and vehicular traffic on the public highways of the city, including such ways, streets, alleys, lanes or other places as may be open to the public
- (4) to erect, maintain and operate coin-operated parking meters for the regulations of parking of vehicles;
- (5) to govern and control the erection of guideposts, street signs and street safety devices on said highways
- (6) to prescribe regulations and penalties for violation of the same in respect to all of said matters
- (7) to remove and impound as a public nuisance at the expense of the owner any vehicle found parking on a public highway in violation of any city ordinance or any regulation
- (8) to prescribe the terms and conditions upon which the owner may redeem such vehicle from the pound.

§ 48(58)(C); The commission shall also recommend to the city council the acquisition or construction of municipal parking lots or garages and the council shall not authorize such acquisition or construction with such recommendation nor shall the council dispose of or lease to others for operation any lot or garage without the recommendation of the commission

§ 48(58)(E): If it appears to the commission that the receipts from the garages and lots are in excess of the amounts required to do these duties and the acquisition of further lots or garages is not required, the commission shall cause the rates to be reduced.

§ 48(63): The council can delegate its authority to manage and control the department with the mayor by resolution. The department is subject to the general laws of Vermont, as modified by the charter, pertaining to the inspection of buildings, plumbing, housing and wiring.

Please note that the council resolution of November 19, 2001 delegates all authority the council received from the commissions by Act # M-6, 2001 (Nov. 7, 2000 charter change) back to the commission. The resolution does not specify the exact nature of the delegation and gives as an example the commission's control over traffic regulations.

§ 116: The mayor shall consult with the commission on the evaluation of the department head and make a formal recommendation concerning the reappointment of the department head.

§ 133: The commission is subject to the conflict of interest provisions of the charter barring participation in any fashion or voting on any matter in which a direct conflict of interest exists. In short, a commissioner has a conflict on an item where

- a) a decision is to be made whether or not the city should do business with the commissioner,
- b) a decision is to be made on a permit the commissioner is requesting or opposing,

- c) a decision is to be made on a regulation that the commissioner is actively supporting or opposing outside of the role as commissioner (i.e. a traffic reg)—especially as part of a business (i.e. a lawyer advocating for a client),
- d) a decision is to be made regarding employment the commissioner is soliciting from the city
- e) a decision is to be made on something where the commissioner is seeking a status, right or benefit from the city that has a financial value.

§ 225: The commission has the power to review the condition of the water and waste water/storm water system and recommend improvements to the council.

§ 231: The commission has the power to review the condition of the streets, sidewalks, sewers and bridges and recommend to the council how they are to be constructed and kept in repair. Please note that it is the council that has the power to lay out, alter, resurvey and discontinue streets.

§ 248: The commission has the power to review the establishment, construction and maintenance of the sewers and storm water system.

§ 507: The commission can issue waterworks bonds to improve the water or wastewater system if the voters by more than 50% have approved the project or improvement for which the bonds are to be issued.

§ 508: The commission must approve, along with the council, the issuance of refunding bonds to pay for the bonds issued under the authority of § 507, without a vote of the voters.

Ordinances

§ 8-8: The commission acts as a board of appeals for the hearing and determination of appeals of building inspector orders and orders related to the vacant building orders made by the Code Enforcement Office. See guidance on the conduct of hearings and the making of decisions issued by the City Attorney's Office July 11, 2011. Meetings are supposed to be held within 10 days of the notice being filed. The decision is supposed to be filed within 30 days of the hearing. The Attorney's Office can assign an attorney to assist the commission. The same attorney should not assist the inspector in defending the order.

§ 8-48: The commission, in addition to hearing an appeal of an order can issue a variance if the grounds set by the ordinance are met. An attorney should assist the commission if it believes a variance is warranted.

§ 8-104: The commission also may under certain conditions consider a variance request from the provisions of the energy conservation ordinance, Article VI of Chapter 8 of the Code of Ordinances.

§ 11-4: The commission must participate as requested in emergency management activities assigned by the Emergency Management Director & Mayor.

§ 12-9: The commission hears appeals of decisions of the city engineer with regard to appeals of electrical inspector orders. The appeal process follows that found in § 8-8.

§§ 14-3, 14-4, 14-5, and 14-14: The commission proposes solid waste regulations to the council for approval.

§ 18-94: The commission hears appeals of Code Enforcement's minimum housing orders related to fire safety. The ordinances at issue are § 18-95, Means of Egress, § 18-96, Accumulation and storage, § 18-97, Fire resistance ratings, § 18-98, Fire protection systems, § 18-99, Smoke detectors, and § 18-101, Carbon monoxide detectors.

§ 20-33: The commission can designate any street or portion thereof a one-way street.

§ 20-53: The commission can regulate the manner of parking, the location of parking, and place signs in places affected by these regulations.

§ 20-54: The commission has the power to designate and regulate loading zones.

§ 20-64: The commission has the power to designate hotel guest loading spaces.

§ 20-70: The commission has the power to create alternate side of the street parking regulations.

§ 20-83: The commission has the power to establish parking meter zones.

§ 20-93: The commission has the responsibility to oversee the collection of parking meter collections.

§ 25-17: The commission hears appeals of orders of the plumbing inspector in the same manner and procedure as appeals of building inspector orders are heard.

§ 26-36; The commission hears appeals of denials of a permit issued under the sewer and water pollution control ordinances, Chapter 26, within 15 days of the decision, and the considers requests for revocation of an approved permit.

§ 27-14: The commission sets the specifications for sidewalks, curbs and gutters.

§ 27-16: The commission provides the general direction for the curbing and guttering of streets ordered to be curbed by the city council.

§ 27-35: The commission establishes curb cut specifications.

§§ 27-100 – 27-108: The commission may direct the numbering of buildings on streets.

§ 28-7: The commission approves of the specifications for subdivision road beds and subsurface improvements (storm water drainage, sanitary sewage disposal, water supply).

§ 31-4: The commission may submit to the council proposals to amend Chapter 31, Water, including rates, as it sees fit.

§31-20: The commission acts as a board of appeals for appeals related to charges for materials and labor to install new water service to a property. A hearing should take place within 30 days of the notice of appeal being filed.

§ 31-28: The commission has the power to withhold the water supply from a person who fails to comply with Chapter 31.

§ 31-43: The commission has the power to set the charge for the cost of furnishing a larger than required meter to a water user.

§ 31-44: The commission has the authority to decide about the adequacy of water meters.

§ 31-63: The commission must approve any special rates negotiated by the department for consolidated water districts' use of city water.

§ 31-69: The commission act as the appeals board for disconnections due to nonpayment. A hearing should be held within 30 days.

**Public Works Director
Steve Goodkind**



Department of Public Works

