



**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: DECEMBER 12, 2012
RE: PUBLIC WORKS COMMISSION MEETING

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

1. Agenda
2. Stop Sign Request – N. Winooski Ave at Decatur St
3. 205 St. Paul St – Adding a 15 Minute Space
4. 27 Caroline St – Parking Changes
5. Main St – Adding 3 Hour Parking Meters
6. 240 N. Willard St – Adding Handicapped Parking Space
7. Public Works Commission Appeal Process Briefing
8. FY14 Street Capital Reconstruction List
9. Minutes of 11/28/12

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

M E M O R A N D U M

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

Please find information below regarding the next Commission Meeting.

Date: **December 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 Edmunds Mid-block Crossing Conceptual Plan
 - 3.10 Oral Communication , S. Goodkind & G. Gomez
 - 3.20 Discussion
- 4 10 Min Stop Sign Request - N. Winooski Ave at Decatur St
 - 4.10 Communication, J. Fleming
 - 4.20 Discussion
 - 4.30 Decision
- 5 10 Min 205 St. Paul St- Adding a 15 Minute Space
 - 5.10 Communication, J. Fleming
 - 5.20 Discussion
 - 5.30 Decision

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- 6 5 Min 27 Caroline St – Parking Changes
 - 6.10 Communication, J. Fleming
 - 6.20 Discussion
 - 6.30 Decision

- 7 15 Min Main St – Adding 3 Hour Parking Meters
 - 7.10 Communication, J. Fleming
 - 7.20 Discussion
 - 7.30 Decision

- 8 5 Min 240 N. Willard St – Adding Handicapped Parking Space
 - 8.10 Communication, J. Fleming
 - 8.20 Discussion
 - 8.30 Decision

- 9 15 Min Public Works Commission Appeal Process Briefing
 - 9.10 Communication, N. Baldwin
 - 9.20 Discussion

- 10 10 Min FY14 Street Capital Reconstruction List
 - 10.10 Communication, E. Demers
 - 10.20 Discussion
 - 10.30 Decision

- 11 15 Min NACTO Affiliate Membership & Urban Design Manual
 - 11.10 Oral Communication, N. Losch
 - 11.20 Discussion

- 12 10 Min Hyde St Pilot Project
 - 12.10 Oral Communication, N. Losch
 - 12.20 Discussion

- 13 10 Min Neighborhood Parking/Striping Suggested Pilot Program
 - 13.10 Oral Communication, S. Goodkind
 - 13.20 Discussion

- 14 Minutes of 11/28/12

- 15 Director's Report – Customer Service Update & Booth St. Speed Hump Update

- 16 Commissioner Communications

- 17 Adjournment & Next Meeting Date - 1-16-2013



MEMORANDUM

December 19, 2012

TO: Public Works Commission

FROM: Joel Fleming *JF*

RE: Stop Control for North Winooski Avenue, North Union Street and Decatur Street

Background:

Staff did 3 different am and pm peak counts from the beginning of October through the last week of November. In November's DPW commission meeting the commission asked staff to take a look at parking around the crosswalk that is located at the north side of Decatur crossing North Winooski Avenue. Staff had a No Parking here to Corner sign put up clearing 50 feet away from the corner. This has allowed pedestrians better sight distance when crossing the street.

North Winooski Avenue is a one-way street south of North Union Street to Pearl Street and directionally is positioned in a north and south direction. The latest Annual Average Daily Traffic (AADT) that we have is from 2002, the AADT for North Winooski Avenue at that time was 9,100 vehicles. North Union Street is a one-way street serving north bound traffic that is directionally positioned in a north and south direction. The AADT for North Union Street from 2010 is 3,800 Vehicles. Decatur Street is a small residential street in the City's old north end. It is often used as a cut through for vehicles trying to get to Route 127, bypassing the traffic signal at North Winooski Ave and Archibald Street.

Observations:

- Staff has attached the warrant analysis worksheet from the MUTCD 2B.07.
- Warrant Analysis requires a full 8 hour count to be done.
- Staff conducted 3 am and pm peak hour counts.
- The peak hour volume exceeds the 200 vehicles per hour threshold but staff cannot say that this warrant threshold has been met without a full 8 hour count.
- Staff is still waiting to receive the accident data for this intersection from the police.

- This intersection meets or exceeds 3 of the 9 warrant thresholds.

Conclusions:

This intersection is an extremely busy intersection that brings together many different modes of transportation. Multi-way stop control at this intersection should clear up any confusion between pedestrian, bicycle, and vehicular traffic. Staff feels that this intersection has a lack of good lighting, especially above the crosswalk. Staff will contact BED asking them to supply better lighting around this intersection.

Recommendations:

Staff recommends that the commission adopt multi-way stop control at this intersection.

Stop Sign Warrant
MUTCD 2B.07 Multi-way Stop Application:
North Winooski, North Union, Decatur

01. Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include, pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.

02. The restrictions on the use of STOP signs described in Section 2B.04 also apply to Multi-way stop applications.

Guidance:

03. The decision to install multi-way stop control should be based on an engineering study.

04. The following criteria should be considered in the engineering study for a multi-way STOP sign installation:

A. Where the traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

This intersection does not require a traffic light. --- Does not meet the warrant threshold

B. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions

C. Minimum Volumes:

1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages 300 vehicles per hour for any 8 hours of an average day; and

The average(s) for the peak hour traffic is 294 (AM) and 229 (PM) for Winooski

2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but

---??? The PM Peak total is 318 vehicles while the AM Peak total is 177. Although the peak volume meets the 200 vehicles per hour one cannot say that this warrant is met without an 8hr count being conducted.

3. if the 85th-percentile approach speed of the major -street exceeds 40 MPH, the minimum vehicular volume warrants are 70 percent of the volumes provided and Items 1 and 2.

---Does not meet the warrant threshold

D. Where no single criterion is satisfied, but criteria B, C.1 and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this criterion.

---Does not meet the warrant threshold

Option:

Other criteria that may be considered in an engineering study include:

A. The need to control left-turn conflicts;

---Meets the warrant threshold. Drivers entering the intersection wishing to turn left (East) onto Winooski had difficulty due to limited sight distance as well as the amount of traffic coming down Winooski and the traffic entering from Union.

B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;

---Meets the warrant threshold. The LOS for the crosswalk at the northeast corner of the intersection is almost nonexistent. Cars are parking right in front of the crosswalk making it difficult for traffic traveling west down Winooski to see any pedestrians entering the intersection, especially at night.

Adding a "No parking here to corner" sign at this corner will do two things, first it will make the pedestrians entering the intersection more visible to drivers in the road and second it will also improve sight distance for drivers entering the intersection from Decatur Street.

C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and

---Meets the warrant threshold, see part A above.

D. in intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve operational characteristics of the intersection.

Notes: During the PM counts it was observed that the lighting of the intersection was also very poor with respect to the pedestrians crossing the street. I would recommend putting some source of light at the SE corner of the street in order to make pedestrians more visible. There exists a telephone pole at the corner but it does not have a light on top.

Lastly another consideration should be the implementation of a "no left turn" sign at the end of Decatur Street. On several occasions I noticed cars having trouble coming from Decatur street and taking a left going east down Winooski with great difficulty. If the LOS was improved at this point it is still a risky and unnecessary move considering the traffic coming from multiple directions and no clear right of way. If this were implemented traffic would be directed.

Yield sign in middle of the Easter Winooski crosswalk? There is one at the crosswalk just further east of the intersection.

10/11/2012, AM count, C. Brett										
Time		Major: Winooski		Union			Decatur		Peds	Bikes
Start	Stop	W	N	E	N	W	W	E		
7:30	7:45	56	0	20	6	6	4	3	21	9
7:45	8:00	79	2	26	10	2	2	1	23	6
8:00	8:15	56	1	26	11	1	5	3	20	6
8:15	8:30	89	1	27	6	3	3	8	21	8
TOTALS:		280	4	99	33	12	14	15	85	29

10/11/2012, PM count, C. Brett										
Time		Major: Winooski		Union			Decatur		Peds	Bikes
Start	Stop	W	N	E	N	W	W	E		
4:30	4:45	51	1	49	7	3	1	1	13	13
4:45	5:00	68	0	47	13	6	1	0	14	8
5:00	5:15	64	2	36	13	3	4	0	16	15
5:15	5:30	65	1	67	16	11	3	1	18	17
TOTALS:		248	4	199	49	23	9	2	61	53

11/15/2012, AM count, C. Brett										
Time		Major: Winooski		Union			Decatur		Peds	Bikes
Start	Stop	W	N	E	N	W	W	E		
7:30	7:45	58	0	28	5	7	3	1	18	7
7:45	8:00	99	1	31	10	0	1	1	22	4
8:00	8:15	59	0	26	9	4	3	2	13	4
8:15	8:30	85	0	28	11	3	1	1	21	5
TOTALS:		301	1	113	35	14	8	5	74	20

11/15/2012, PM count, C. Brett										
Time		Major: Winooski		Union			Decatur		Peds	Bikes
Start	Stop	W	N	E	N	W	W	E		
4:30	4:45	51	3	55	14	2	3	0	11	6
4:45	5:00	56	0	76	13	2	2	0	20	6
5:00	5:15	48	2	60	12	8	4	5	16	12
5:15	5:30	64	0	74	16	4	1	2	3	7
TOTALS:		219	5	265	55	16	10	7	50	31

11/27/2012, AM count, C. Brett										
Time		Major: Winooski		Union			Decatur		Peds	Bikes
Start	Stop	W	N	E	N	W	W	E		
7:30	7:45	51	0	23	5	2	6	3	22	7
7:45	8:00	84	0	35	5	0	1	0	13	2
8:00	8:15	75	1	31	14	2	2	3	21	1
8:15	8:30	90	0	37	8	2	2	2	18	6
TOTALS:		300	1	126	32	6	11	8	74	16

11/27/2012, PM count, C. Brett										
Time		Major: Winooski		Union			Decatur		Peds	Bikes
Start	Stop	W	N	E	N	W	W	E		
4:30	4:45	59	2	55	16	6	2	2	8	8
4:45	5:00	59	1	43	12	9	2	2	18	3
5:00	5:15	60	1	65	11	8	1	0	19	10
5:15	5:30	43	2	61	12	9	2	0	11	4
TOTALS:		221	6	224	51	32	7	4	56	25

AVERAGES		Major: Winooski		Union			Decatur		Peds	Bikes	Totals:
		W	N	E	N	W	W	E			
AM		294	2	113	33	11	11	9	78	22	572
PM		229	5	229	52	24	9	4	56	36	644
AM		296			177						
PM		234			318						

NOTES:

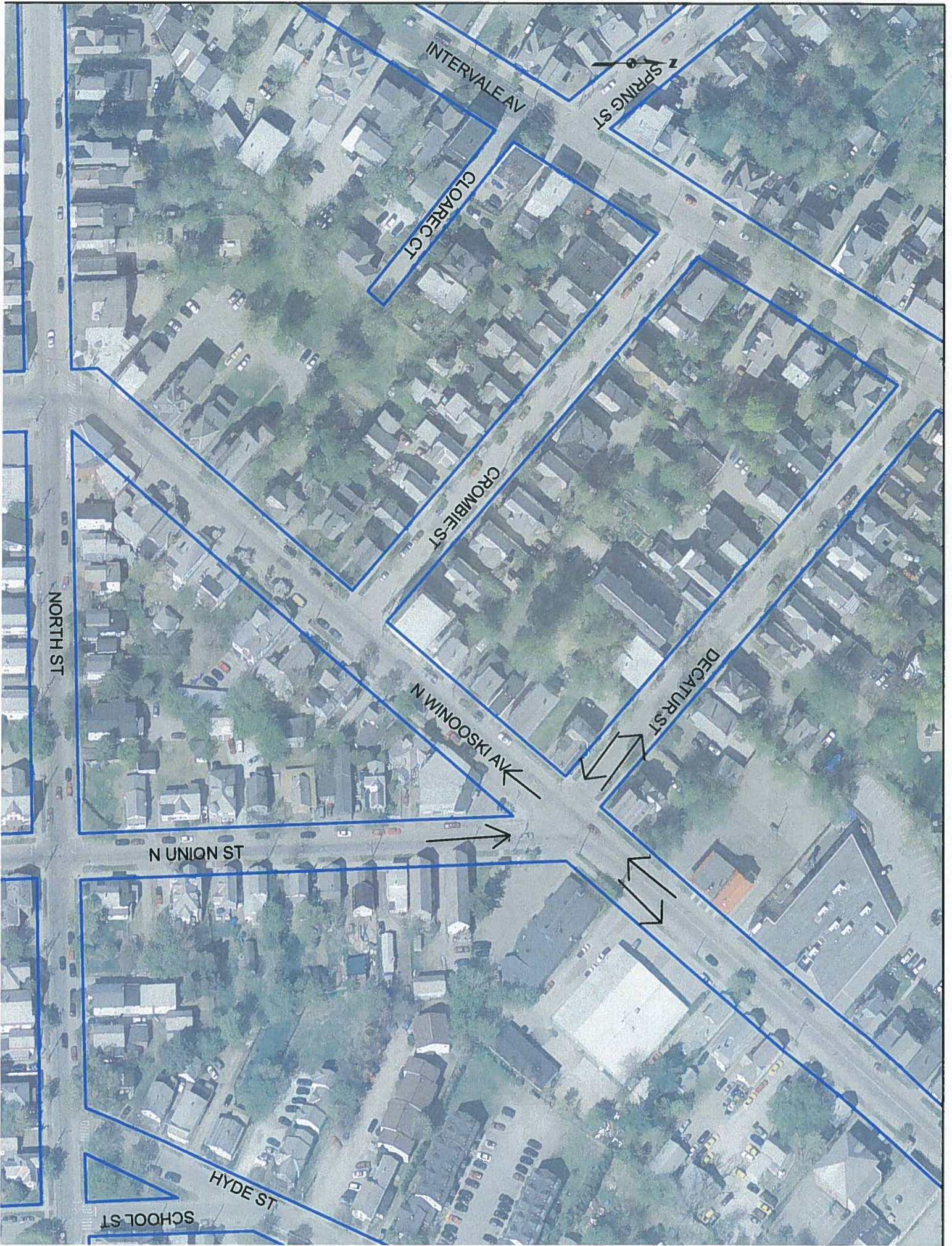
*Bad lighting hinders the visibility of drivers at night, especially the ones coming down winooski. This makes the intersection more dangerous for pedestrians.

Yield for x-walk? Cars parking near the x-walk are blocking the LOS at the intersection. Especially for the NE corner of the intersection.

I would strongly recommend a "No Parking here to corner" sign at the NE corner



N. Winooski, Decatur, N. Union Intersection
-Traffic count diagram





MEMORANDUM

November 28, 2012

TO: Public Works Commission
FROM: Joel Fleming *JF*
RE: St Paul Street 15 minute parking space

Background:

Staff received a request for a 15 minute parking space in front of Sophia's Pizzeria at 205 St. Paul Street. It is extremely difficult to find parking in this part of Burlington. There are no parking restrictions in front of the business on St Paul Street which makes it hard to park and visit the pizzeria.

Observations:

This part of St. Paul Street is mostly residential which means that people who are parking on the street are usually parking for long periods of time. The Pizzeria needs to have some turn over in the parking in front of the business. Adding a 15 minute parking space would allow customers to park when visiting the business.

Staff sent a letter out to the residents of St Paul and Maple Street asking for feedback on adding a 15 minute space in the first space south of Maple Street on the west side of St. Paul Street. Staff received two phone calls from residents supporting the parking change and no calls against the change.

Conclusion:

The addition of a 15 minute parking space in front of 205 St Paul Street would provide turnover in parking in a neighborhood where there is not much.

Recommendation:

Staff recommends that the commission adopts a 15 minute parking space in the first space south of Maple Street on the west side of St. Paul Street.

Joel Fleming

From: Jie Zhu <jiewzhu@yahoo.com>
Sent: Friday, November 09, 2012 4:50 PM
To: Joel Fleming
Subject: Re: Parking on St. Paul Street

Hi Joel,
Just following up on where we are with this.

Thanks,
Jie

From: Joel Fleming <jfleming@ci.burlington.vt.us>
To: Jie Zhu <jiewzhu@yahoo.com>
Sent: Friday, August 10, 2012 2:55 PM
Subject: RE: Parking on St. Paul Street

Jie,

I could not find an ordinance for a 15 minute space in this location. This means that it will have to go to the Public Works commission before a sign can be put up. The next Public Works Commission meeting is in September. I have a long list of request like this so I do not think that I will be able to get this on that agenda. I will do my best on getting it onto October's Commission Agenda.

I think I have everything I need from you to get this moving. I will be in contact with you regarding this issue.

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

From: Jie Zhu [<mailto:jiewzhu@yahoo.com>]
Sent: Thursday, August 09, 2012 2:43 PM
To: Joel Fleming
Subject: Re: Parking on St. Paul Street

Hi Joel,

I just want to follow up with you on this.

Thanks,
Jie

From: Joel Fleming <jfleming@ci.burlington.vt.us>
To: Jie Zhu <jiewzhu@yahoo.com>
Sent: Thursday, July 26, 2012 12:09 PM
Subject: Re: Parking on St. Paul Street

I am looking into this issue. If there is still an ordinance for this parking space it would be as easy as putting a sign back up. If there isn't an ordinance then it would have to go to the public works commission before a sign could be put up. In the coming days I will get back to you about what will be needed to be done.

Thanks,

Joel Fleming

Connected by DROID on Verizon Wireless

-----Original message-----

From: Jie Zhu <jiewzhu@yahoo.com>
To: Joel Fleming <jfleming@ci.burlington.vt.us>
Sent: Thu, Jul 26, 2012 15:50:55 GMT+00:00
Subject: Parking on St. Paul Street

Dear Mr. Fleming,

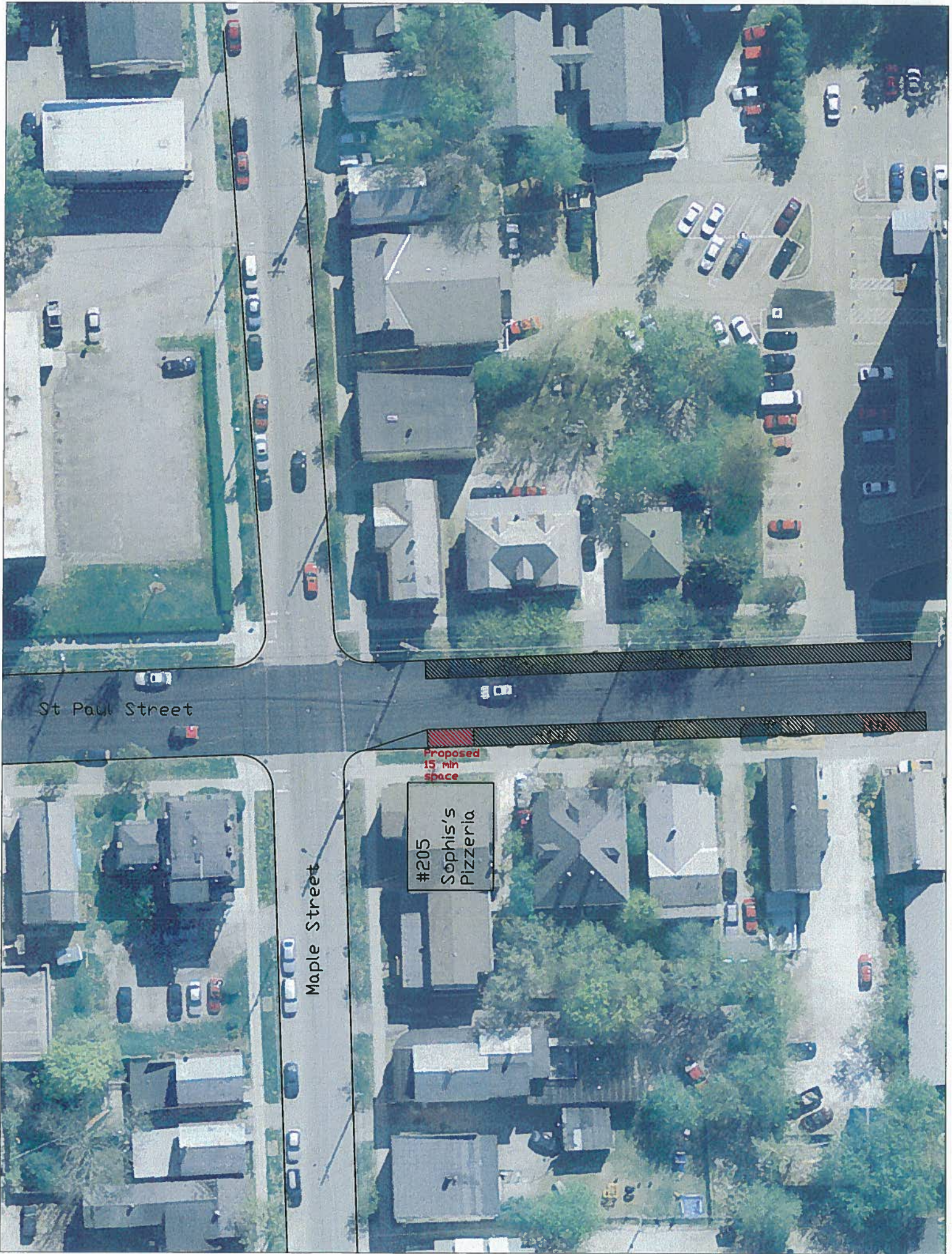
I am writing in regards to the 15 minute parking spot in front of 205 St. Paul Street. We are attempting to get a sign for the space in order to limit the permanent parking in that spot. The previous owner, Transworld Properties, or Philip Boyle, informed me that this space was destined to be a 15 minute parking spot, however, the sign was taken down in the past by nearby residents for their convenience. Since he moved to California in recent years, he did not pursue for a new sign. Please let me know what is the process to get the sign up again. I can be reached via email at jiewzhu@yahoo.com or by phone at 802-578-5498.

Any help would be great appreciated.

Thank you for your attention.

Best regards,

Jie



St Paul Street

Maple Street

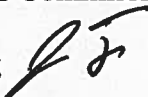
#205
Sophis's
Pizzeria

Proposed
15 min
space



MEMORANDUM

December 19, 2012

TO: Public Works Commission
FROM: Joel Fleming 
RE: Parking Changes in front of 27 Caroline Street

Background:

Staff received a request from Jessica Clarke asking for staff to look at the parking on the corner of Caroline Street and Catherine Street. Currently there is no parking 50 feet from the corner. Both Caroline Street and Catherine Street are small residential streets with 25 MPH speed limits.

Observations:

The intersection of Caroline Street and Catherine Street is 4-wy stop controlled. There is no parking 50 feet from each corner of the street. The problem is the driveway to 27 Caroline Street is 64 feet from the corner. That leaves 14 feet available for parking between the no parking sign and the driveway. When cars park in the space they are forced to overhang into the driveway which makes it difficult to pull into and out of.

Conclusions:

Moving the no parking sign 5 feet closer to the corner would allow a vehicle to park in the space without over hanging into the driveway without impeding on the site distance around the intersection.

Recommendations:

Staff recommends that the Commission adopts a parking prohibition of 45 feet from Catherine Street on the west side of Caroline Street.



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

Request
213**SERVICE REQUEST****Name and
Address**

Name: Jessica Clarke

Request Date: 10/19/2012 11:33 AM

Address:

Phone Number: 828-545-1990

Email Address:

Request

Location: 27 Caroline Street

Request Description: Ms. Clarke would like to have a no parking here to corner sign put closer to her driveway as right now when cars park near the sign they are partially blocking her driveway making it difficult to get in and out of driveway. Would just to have it moved. She has been talking to Joel Fleming about this.

Assign History

Date	Assigned To	Description
10/19/2012 11:33:03 AM	Joel Fleming	Request Assigned

Work History**Customer Service**

Status: New

Request created by: Holly Lane


Print Date: 10/19/2012 11:33:04 AM





MEMORANDUM

December 19, 2012

TO: Public Works Commission
FROM: Joel Fleming 
RE: The addition of 3-hour meter parking spaces on Main Street.

Background:

It was brought to staff's attention that there is no parking prohibition on the north side of Main Street between South Winooski Avenue and North Union Street. Staff feels that this is an opportunity to look into more parking on both the north and the south side of Main Street.

Observations:

Main Street is 50 feet wide on this block which allows for parking on each side of the street 12 foot travel lanes and 5 foot bike lane both in each direction. There are a number of driveways on both the north and south sides of the street that limit the amount of parking spaces that can be added. On the north side of Main Street there is room for the addition of three metered parking spaces. On the South side there is enough space for three new metered parking spaces.

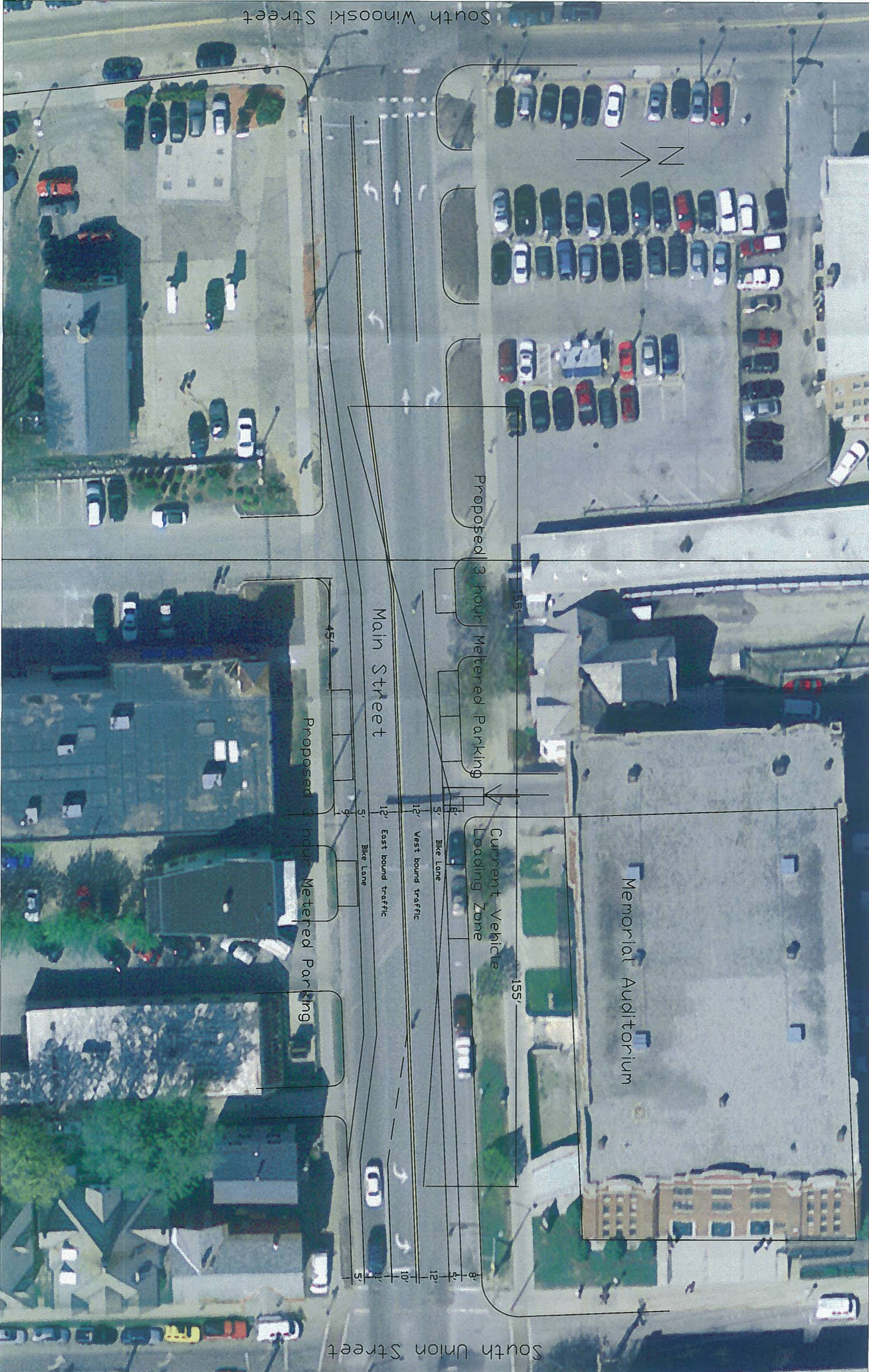
Staff has looked at each of the driveways effected by adding parking and determined that none of them meet the threshold to prohibit parking around them. Even with adding parking around the exit to the memorial auditorium there is still adequate sight distance because of the width of Main Street.

Conclusions:

This is an opportunity to add 6 metered parking spaces in the downtown where parking is often very difficult to find. The addition of these parking spaces will not affect the flow of traffic east or westbound because the lane width is 18 feet wide in each direction.

Recommendations:

Staff recommends that the commission adopt the parking layout shown in the drawing; the addition of three metered spaces on the north side and three metered spaces on the south side.





MEMORANDUM

December 19, 2012

TO: Public Works Commission
FROM: Joel Fleming *JS*
RE: Handicapped parking space at 240 North Willard Street

Background:

Staff received a request from Ronald Bushey, a resident of 240 North Willard Street, for the addition of a handicapped parking space in front of his residence. The residence is on the block between Archibald Street and Pomeroy Street.

Observations:

The resident included his Handicapped tag in the request to prove that he will be using the space. In the request the resident mentioned that over the past year it has been increasingly harder to find a parking space near his residence as employees of the Community Health Center have been parking on North Willard Street during the day. Staff has observed the parking during the day and has seen the lack of available parking in this neighborhood.

Conclusions:

There is currently no other handicapped parking spaces on this block of North Willard Street.

Recommendations:

Staff would recommend that the commission adopt a handicapped parking space in front of 240 North Willard Street.



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

Request
359**SERVICE REQUEST****Name and
Address**

Name: Ronald Bushey

Request Date: 11/16/2012 4:13 PM

Address:

Phone Number: 881-3062

Email Address:

Request

Location: 240 No. Willard Street

Request Description: Mr. Bushey stated that he called and spoke to Joel this a.m. about putting a handicap parking spot in front of his residence. He brought in his handicap placard.

Assign History**Date****Assigned To****Description**

11/16/2012 4:13:09 PM

Joel Fleming

Request Assigned

Work History**Customer Service**

Status: New

Request created by: Holly Lane

Print Date: 11/16/2012 4:13:10 PM

Ronald Bushey
240 No. Willard
881-3062

Talked to you
this a.m

Holly,
Can you put This in the
System as a traffic
Request then put
it in my Box.
Thanks,
Joel

IMPORTANT: REMOVE BEFORE
DRIVING VEHICLE

P17868

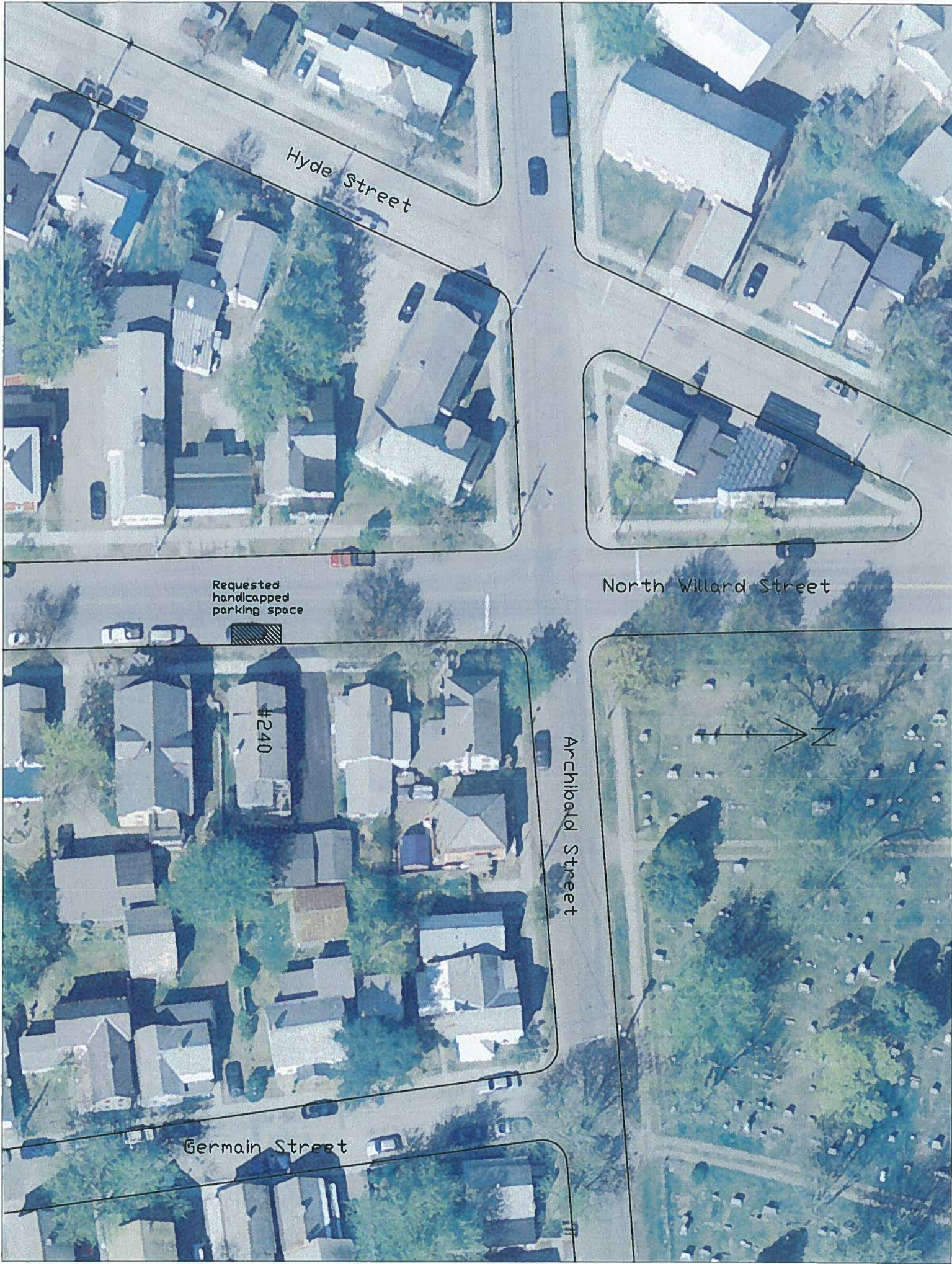
Disabled Parking Identification



EXPIRES:

**NO
EXPIRATION**

VERMONT
PERMANENT



Hyde Street

North Willard Street

Archibald Street

Germain Street

Requested
handicapped
parking space

#240





KENNETH A. SCHATZ, Esq.
City Attorney

EUGENE M. BERGMAN, Esq.
Sr. Assistant City Attorney

NIKKI A. FULLER, Esq.
Assistant City Attorney

RICHARD W. HAESLER, JR., Esq.
Assistant City Attorney

CITY OF BURLINGTON, VERMONT

OFFICE OF

THE CITY ATTORNEY

AND

CORPORATION COUNSEL

149 CHURCH ST.
BURLINGTON, VT 05401-8489
(802) 865-7121
(TTY) 865-7142
FAX 865-7123

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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Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
City Engineer

Date: December 10, 2012

To: DPW Commission

From: Erin Demers, E.I.T.
Public Works Engineer
Street Capital Program Manager

Subject: Fiscal Year 2014 Street Reconstruction Draft Paving List (Decision)

Memo

During the November 2012 DPW Commission meeting, I presented the street reconstruction draft list of the Street Capital Program. This month, I am asking for your approval for the attached list. This plan includes approximately 3.3 miles of street reconstruction which utilizes \$1,200,000 of street capital funds.

Construction is planned for July 1, 2013 to October 1, 2013. We are currently working to gather survey data and cost estimates on the following list of streets.

If approved this month, we will continue to complete the full construction documents, surveys, drawings, estimates and advertise to bid this project in January/February 2013. If you have any questions regarding the proposed street paving list for your approval, please do not hesitate to contact me directly at edemers@ci.burlington.vt.us or 802-863-9094.

FY' 2014 STREET RECONSTRUCTION PROGRAM					12/10/2012	
STREET PAVING LIST FOR APPROVAL						
#	Location	From	To	Length (FT)	Width (Ft)	Area (Sq-Ft)
1	ADSIT			317	20	6,340
2	ARLINGTON			1,003	30	30,090
3	BRADLEY			950	26	24,700
4	BRIGHT			739	26	19,214
5	BUELL			1,426	30	42,780
6	CHERRY ST	S WINOOSKI	BATTERY	2,006	40	80,240
7	DEFOREST HEIGHTS	DEFOREST RD	END	1,109	30	33,270
8	ELM TERR			370	26	9,620
9	FRONT			898	28	25,144
10	INTERVALE AVE	SPRING	ARCHIBALD	700	30	19,500
11	LAUREL			397	30	11,910
12	LUCK			528	26	13,728
13	MAIN ST	WILLARD	WINOOSKI	1,290	55	70,950
14	ORCHARD TERR			792	26	20,592
15	POPLAR			370	18	6,660
16	RUSSELL			475	26	12,350
17	SANDRA CIRCLE			2,376	30	71,280
18	SHORE RD	NORTH AVE	FERN ST	1,490	26	38,740
				17,236 (FT)		537,108 (SQ-FT)
			TOTAL	3.26 (MILES)		

BURLINGTON PUBLIC WORKS COMMISSION MONTHLY MEETING

645 Pine Street

MINUTES – November 28, 012

(DVD of meeting on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Asa Hopkins, Nathan Lavery (Chair), Mark Porter (Vice Chair) and Matt Conger (Secretary)

ABSENT: Solveig Overby

VACANCY (formerly filled by Kevin Worden)

Commissioner Lavery called the meeting to order at 6:37 p.m.

ITEM 1 – AGENDA: No changes or amendments

ITEM 2 – PUBLIC FORUM

Brian Perkins – Decatur Street resident concerned about safety of crosswalks at the Decatur Street/North Union Street/North Winooski Avenue intersection. Feels it is a confusing and busy intersection for pedestrians and motorists. Requests that staff study the intersection and make adjustments (e.g., move back parking from the crosswalk closest to Q-Tee's to improve site line; implement signage such as that at the crosswalk in front of the Children's Space). Director Goodkind: If there is parking within 40-50' of the crosswalk, staff will be able to move back the parking with the ordinances already in place. If there is no parking sign at the site already, DPW can put one up under the existing ordinance. Signage: Someone will need to step forward to be responsible for the sign if DPW provides it (i.e., setting it out and removing it daily). Director Goodkind will report back to the Commission at the December meeting. He has also asked staff to look at the possibility of putting a stop sign in along North Winooski Avenue, between Archibald and North Streets, and hopes to report back to the Commission at the December or January meeting.

Peggy O'Neill-Vivanco – Edmunds Elementary School PTO leader, here to follow up on mid-block crosswalk on Main Street (between South Willard and Union Streets): What is the timeline? Staff has left the crosswalk open/as is and correspondence has been sent to the PTO soliciting input. The PTO would like to keep the crosswalk open/as. In the short-term, would like to see "School Zone" flashing signs. Director Goodkind reported that the solar-powered "School Zone" flashing signs have been ordered. Once they arrive and the foundations for the signs are set they will be installed. The other signs will be mounted out on the bump-outs (part of the other project, with April as the starting date goal). Ms. O'Neill-Vivanco stated that the PTO has sent out e-mails alerting the school community to safety issues surrounding the crosswalk in its current state.

Maxwell Tracy – City Councilor, expressing gratitude to Commissioner Conger for attending the Transportation, Energy and Utilities Committee (TEUC) meeting and to the Commission's overall involvement in addressing high density residential parking issues. Requested ongoing research into the height of the Booth Street speed bumps (some feel they are too high).

ITEM 3 – NORTH WINOOSKI AVENUE AT RIVERSIDE AVENUE PARKING CHANGES

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated November 28, 2012)

A local business asked staff to study the short-term parking around the Community Health Center of Burlington (CHCB), as many of the people parking in the business' lot were not customers but rather people visiting the CHCB. Director Goodkind confirmed with Ken Lerner and Scott Gustin at Planning and Zoning (P&Z) that CHCB provides on-site parking for only one-third of their 100 employees and this complies with P&Z parking space requirements.

Director Goodkind will contact the P&Z enforcement person to request that she: 1) Revisit the parking situation to determine whether it meets the standard; and 2) Meet with CHCB staff to ask if their current parking policy could be changed.

Commissioner Conger motioned to adopt staff recommendation that the Commission adopt a maximum 1-hour parking restriction in the first three spaces south of Riverside Avenue on the north end of North Winooski Avenue (signs). Commissioner Alberry seconded. Unanimous approval.

Director Goodkind will make the Parking Enforcement staff aware of the new restrictions.

Commissioner Lavery also clarified that this is a unique situation affecting public parking in which DPW was rightly asked to become involved, and should not be considered a precedent for businesses to automatically approach DPW with general abuses of parking lot usage.

ITEM 4 – HADICAPPED PARKING SPACE AT 174 NORTH STREET

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated November 28, 2012)

A person has requested dedicated handicap-accessible parking in front of 174 North Street.

Commissioner Hopkins moved to accept staff's recommendation that the Commission adopt a handicap-accessible parking space in front of 174 North Street. Commissioner Alberry seconded. Commissioner Porter asked Mr. Fleming to revisit the request in a year to ensure that the requestor still resides in the area. Unanimous approval.

ITEM 5 – GOSSE COURT AND FARRINGTON PARKWAY STOP SIGN REQUEST

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated November 28, 2012)

Area resident requested a 3-way Stop at this intersection. To maintain consistency of regulations for roads with similar driving patters (i.e., Gosse Court and Heineberg Road), staff recommends that the Commission adopt the following parking prohibition on the *north* side of Gosse Court: 20' east and 30' west of the crosswalk; and parking prohibition on the *south* side of Gosse Court: 20' west of the crosswalk. Staff also recommends that the Commission adopt stop control for north- and south-bound traffic on Gosse Court at Farrington Parkway.

Commissioner Alberry moved to accept staff's recommendations; Commissioner Porter seconded. Unanimous approval.

ITEM 6 – 37-39 HAYWARD STREET PARKING CHANGES

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated November 28, 2012)

A resident contacted staff asking them to look at the possibility of restricting parking to one vehicle between the two driveways; two parked vehicles partially blocks residents' driveways. Staff recommends that the Commission adopt the space between the driveways of 37 and 39 Hayward Street as reserved for one vehicle only. Though informally supported by the Commission, due to the complexity surrounding this issue (post a sign or paint lines and associated expense; anticipated additional requests from residents; lack of clear delineation of driveways city-wide, etc.) this Item will be added to the January Agenda. Mr. Fleming will notify the requestor.

ITEM 7 – PARKING CHANGES ON THE CORNER OF BATTERY AND KING STREETS

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated November 28, 2012)

Building owner ICV requests that DPW staff considers establishing at this currently unrestricted parking area, one handicap-accessible parking space and a 30' vehicle loading zone on the Battery Street side of the building. Commissioner Alberry asked staff to consider reversing the order of their proposed placement of the spaces.

Commissioner Porter moved to accept staff's recommendation with modifications: From the southern curb cut on Battery Street, north: one vehicle loading zone (approximately 1 ½ parking spaces) with restrictions of 8 a.m. – 5 p.m. except for Sundays; two metered spaces; one handicap-accessible space placed for easy access to the ramp; and one metered space. Commissioner Alberry seconded. Unanimous approval.

Clarification: Truck loading zones are for commercial vehicles loading and unloading and are typically time restricted. Vehicle loading zones allow commercial and non-commercial vehicles to use the space, typically without time restrictions.

ITEM 8 – GUIDELINE FOR PROHIBITING PARKING AROUND RESIDENTIAL AND

COMMERCIAL DRIVEWAYS (Joel Fleming, Public Works Engineer and Steven Goodkind, Director)

(Refer to Commission packet for Director Goodkind's Memo dated November 19, 2012)

Per the City Council's request and resolution, DPW staff surveyed a representative sample of neighborhood streets to determine the impact of delineating on-street parking spaces using the 20' parking space standard. The cost is estimated at \$500/block; there are approximately 184 blocks in the Old North End alone. Director Goodkind asked the Commission to consider: 1) Doing nothing; 2) Selecting one street to pilot and evaluate the impact and resident reaction; or 3) Do a larger scale pilot. Further, if a pilot study were to be done on one street, providing the residents are in agreement, the cost would be minimal if striping were used as a means to delineate the spaces.

Commissioner Lavery asked Director Goodkind to return to the December meeting with a process/layout necessary to implement a pilot (including contacting residents), which would help the Commission evaluate the impact. Director Goodkind agreed to return to the December meeting with this information, including the process of trying painting setbacks from driveways.

ITEM 9 – CHAMPLAIN COLLEGE PARKING TRANSPORTATION PLAN

(B. Isler and T. Caulo, Resource Systems Group, Inc./Champlain College)

(Refer to Commission packet for handout, “Champlain College and the City of Burlington, Burlington Public Works Commission, November 28, 2012”)

Ms. Isler and Mr. Caulo explained the City and Champlain College’s agreement on how to develop the College’s land and implement their parking and transportation plan, while considering the City’s/ surrounding neighborhoods’ needs, all with constant communication with one another. This began in 1994 with a 20-year Memorandum of Understanding between the two entities. Norman Baldwin, Assistant Director – Technical Services, stated that this is a work in progress with DPW and the Commission and tonight’s presentation is an information session.

ITEM 10 – DRAFT PAVING PLAN AND COMPLETE STREETS DRAFT

(Erin Demers, Public Works Engineer, Street Capital Program Manager and Nicole Losch, Transportation Planner/Bicycle & Pedestrian Program Manager/Environmental Planner)

(Refer to Commission packet for Ms. Demers’ Memo dated November 16, 2012 and attached draft of “Burlington Complete Streets Guidance: A Mandatory Project Checklist dated November 2012)

Ms. Demers’ informational “Draft FY’2014 Street Reconstruction Program Street List” is provided for the Commission’s review. Ms. Demers will return to the December meeting with a final proposal for the Commission’s approval of the list of next year’s street reconstruction work on approximately 3.3 miles of streets. If approved at the December meeting, the next steps would be to complete the full construction documents, surveys, drawings and estimates and advertise for bidding the project in January/February 2013. Ms. Demers encouraged commissioners to contact her directly with any questions or comments prior to the December meeting.

Ms. Losch explained that the purpose of the “Burlington Complete Streets Guidance...” document is to comply with Act 34 (...”an act relating to a transportation policy that considers all users...” by providing guidance, interpretation and reporting tools for municipal use; and to implement transportation projects in accordance with the City of Burlington 2011 Transportation Plan, which follows a complete streets strategy and Street Design Guidelines. This tool will be used by staff as a guideline for all projects.

Ms. Losch and Ms. Demers will go through this checklist when looking at the (up-for-approval) streets reconstruction list and consider the need for additional sidewalks on either or both sides of those streets. Because street and sidewalk improvements are different types of projects, with different funding sources, it is difficult to plan work on both concurrently and consistently, though it has been a goal to do so whenever possible.

ITEM 11 – SNOW FIGHTING (Rob Green, Assistant Director, R.O.W. & Steven Goodkind, Director)

(Refer to Commission packet for “Burlington DPW FY13 Snowfighting Program, 11/19/12” and handout of street plowing plan appendices)

DPW has about 20 staff for snowfighting, but could double that number if there is a storm big enough to enable a 24-hour operation (two, 12-hour shifts). Director Goodkind is tasked with making the decision to call a parking ban. A product called “Ice-B-Gone,” a byproduct of distilled vodka and rum – essentially a sugar – is used on sidewalks and works well while not irritating to dogs’ pads.

ITEM 12 – PLAN BTV (Steven Goodkind, Director)

Director Goodkind had e-mailed a differently-formatted – table - list (as previously requested by the Commission), of those areas of PlanBTV where DPW would most likely be involved. Some sections of the Plan clearly identified DPW’s involvement; Director Goodkind listed those, as well as other areas where he felt DPW would or should be involved.

ITEM 13 – CarShare VT

(Commissioner Matt Conger and Annie Borden of CarShare VT)

Commissioner Conger is asking for a stand-alone process to assist CarShare VT with obtaining dedicated parking spaces for their vehicles. There is presently no consistently-handled process, and in preparation for requesting a space downtown, would like to have one in place with the Commission’s approval.

The Commission decided that if CarShare VT would like a space in the central business district, they may have a space in a parking garage (Mr. Fleming would be the contact person). Outside of that area, CarShare VT is asked to come to the Commission with a formal request. No ordinance is needed at this time. Commissioner Lavery suggested that Ms. Borden keep in contact with Commissioner Conger, and should she encounter difficulties with due process, she should let the Commission know.

ITEM 14 – MINUTES OF 10/17/12: Commissioner Alberry moved to accept the Minutes as recorded; Commissioner Worden seconded. Unanimous approval.

ITEM 15 – DIRECTOR’S REPORT (Steven Goodkind, Director)

- Edmunds Midblock Crossing - Hopes to have conceptual plans for the December meeting. Stantec has been hired for this purpose. In the meantime, as soon as the flashing “School Zone” equipment arrives, staff will install it.
- Customer Service Update – Staff is using the program and identifying any “bugs.” The phase of strictly using e-mail for notification instead of printing hard copies of new Requests for Service s begun. The next phase will be setting expectations of response time (staff to staff, staff to customer). The Engineering-related process for requests needs more specialized tweaking.
- Automation at parking garages – Staff is working toward enabling downtown parking garage customers to use credit cards. Once this is implemented, staff positions, through attrition/turnover, will most likely be decreased by two positions. Commissioner Lavery asked if these changes need to be approved by the Commission, as the Commission is responsible for the management of parking garages. Director Goodkind will investigate with the City Attorneys’ office by e-mail and add this topic to the December Agenda.
- Hyde Street Transportation Pilot – Part of the Transportation Plan, barriers were erected and will be removed after 30 days.

ITEM 16 – COMMISSIONERS’ COMMUNICATION

Commissioner Hopkins

- Requested an update on the Champlain Parkway at the December or January meeting.
- Verified that Ms. Demers is the contact person for road reconstruction.

- Thanked Customer Service for facilitating quick response in repairing a pedestrian crossing button.

Commissioner Porter

- Asked for status on consideration of graduated meter charges, the closer you get to Church Street.
- Asked for status of consideration of a transit hub behind the Sheraton Hotel on Williston Road. Director Goodkind and Assistant Director Baldwin: In planning stages.

Commissioner Alberry

- When will the Cherry Street parking garage entrance be opened? Director Goodkind: It is open now; closed sporadically for a short time.

Commissioner ~~Worden~~ Conger – Nothing to report on.

ITEM 17 – NEXT MEETING DATE AND ADJOURNMENT

The next meeting of the DPW Commission will be held on Wednesday, December 19, 2012. Commissioner Alberry moved to adjourn the meeting; Commissioner Porter seconded. Unanimous approval to adjourn at 10:10 p.m.

Revised 12/12/12