

BURLINGTON PUBLIC WORKS COMMISSION MONTHLY MEETING

645 Pine Street

MINUTES – January 16, 2013

(DVD of meeting on file at DPW)

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

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

ITEM 1 – AGENDA: No changes.

ITEM 2 – PUBLIC FORUM: No one came forward.

ITEM 3 – SOUTH PROSPECT STREET – RESIDENT PARKING REQUEST

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming’s Memo dated January 16, 2013) Staff received a request for resident parking between #'s 544 and 568 South Prospect Street (nine spaces). Mr. Pike Porter, who submitted the request and petition, was in attendance and spoke to the Commission.

- Mr. Porter’s property provides sufficient parking for the residents; the restriction would allow guest parking.
- Mr. Fleming said that installing curbs along that section to prevent cars from parking on the green space is cost-prohibitive.
- Mr. Porter said that the parking prohibition 12-6 a.m. is not enforced (contributing to loud, late-night disturbances by young people getting into their cars which are parked in front of his residence).

Commissioner Conger moved to adopt staff’s recommendation of parking prohibition from the parking lot of 500 South Prospect Street, south past the property line of 544. Commissioner Alberry seconded.

The motion did not carry (Commissioners Alberry, Archambeau and Conger voted in favor; Commissioners Hopkins, Lavery, Overby and Porter voted against). Commissioner Lavery asked staff to come up with low-tech options to keep vehicles off the greenbelt. He also asked all those involved to keep track of parking-related complaints in order to focus on the need for parking enforcement and the long-term benefits of that enforcement. Mr. Fleming stated he would continue to study this issue.

ITEM 4 – 128 NORTH STREET – 15 MINUTE PARKING SPACE REMOVAL

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming’s Memo dated January 16, 2013) **Commissioner Porter’s motion** (with Commissioner Conger seconding) to accept staff’s recommendation of the removal of the 15 minute parking space in front of 128 North Street **was withdrawn**. Commissioner Porter wanted to wait to vote on this until next month’s meeting, giving staff time to determine if the Sustainability Academy/Lawrence Barnes School’s parking lot off North Champlain Street, had parking restrictions. Mr. Fleming added that there are other 15 minute parking spaces in the area for patrons of local businesses. **Commissioner Archambeau moved** to adopt staff’s recommendation to remove the 15 minute parking space, confident that the parking lot has no parking restrictions. Commissioner Alberry

seconded. All Commissioners with the exception of Commissioner Porter voted in favor; **this motion carries.**

ITEM 5 – GUIDELINES FOR RESTRICTING PARKING TO ONE CAR BETWEEN DRIVEWAYS: DECISION REGARDING 3-39 HAYWARD STREET

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for “City of Burlington Department of Public Works: Guidelines to Restricting Parking to One Car Between Driveways” dated January 7, 2013 and Mr. Fleming’s Memo dated November 29, 2012) Staff recommends that the Commission adopt the space between the driveways of 37 and 39 Hayward Street to be reserved for one vehicle only. John King, Director of Parking Enforcement, explained how his staff determines which vehicles to ticket, as well as the grey areas his staff would encounter if the recommendation passes. Discussion ensued on ordinance vs. guideline and the Federal standards that DPW staff follows when posting a parking restriction sign (i.e., the parking sign is posted at the head of the parking space; the parking space is 20’ long behind the sign). **Commissioner Porter moved** to adopt staff’s recommendation that the space between the driveways of 37 and 39 Hayward Street be reserved for one vehicle only; Commissioner Alberry seconded. Commissioner Archambeau opposed - with all other Commissioners voting in favor of – the motion. The motion carries.

ITEM 6 – COMPLETE STREET IMPLEMENTATION UPDATE: FY ’14 STREET CAPITAL RECONSTRUCTION PROGRAM (Erin Demers, Public Works Engineer, Street Capital Progr. Mgr.)

(Refer to handout distributed at meeting, “Complete Streets Documentation Update – Communications” Memo from Ms. Demers dated January 16, 2013) Ms. Demers was not present. Director Goodkind stated that he and his staff would review the information and add this item to the February agenda.

ITEM 7 – RESIDENTIAL PARKING PROGRAM APPLICATION CHANGES

(John King, Director of Parking Enforcement, Burlington Police Department and Eugene Bergman, Esq., City Attorney’s Office)

(Refer to two handouts from Mr. King: 1) “Burlington Police Department Resident Parking Application;” and 2) List of resident parking permits issued, by address, under BPD’s jurisdiction.)

As a result of a resident’s complaint about a heavy concentration of vehicles with resident parking passes on Fletcher Place, Mr. King and Commissioner Porter began studying the issue City-wide. Mr. King came before the Commission to explain the process he and his staff follow when granting resident parking passes. He stated that he has no authorization to deny a permit if the applicant comes in and meets the conditions of the permit. Mr. King and Commissioner Porter propose eliminating the possibility of fraudulent applications by putting the burden on the property owners/landlords: Having their residents/renters provide the Parking Enforcement office with a (property owner/landlord signature-) notarized application.

Attorney Bergman recommended a formal approach to making changes. He explained the procedures that the Commission would need to follow. He suggested that the Commission begin by reviewing the section of the Ordinance that addresses resident parking. Director Goodkind suggested that Mr. King and DPW staff work together to draft something they can bring before the Commission. Commissioner Lavery suggested that Mr. King and Commissioner Porter (and other interested commissioners) brainstorm on possible improvements to the current process. This will be a February agenda item.

ITEM 8 – 395 MANHATTAN DRIVE – VACANT BUILDING APPEAL

(William Ward, Director of Code Enforcement and Appellant)

(Refer to documents handed out at the meeting by Code Enforcement staff:

- Memorandum to Public Works Commission from Norman Baldwin re: 395 Manhattan Drive-Appeal of Vacant Building Order/Decision dated January 8, 2013; Handwritten note to Bill Ward from Chris Khamnei hand-dated October 24, 2012/date-stamped by Code Enforcement October 25, 2012; Notice of Hearing from Norman Baldwin to Chris Khamnei dated December 21, 2012, copy of Certified Mail card and USPS Track and Confirm record; and a Memorandum to Public Works Commission from William Ward re: Report on Appeal of 395 Manhattan Drive Vacant Building Status dated January 8, 2013.
- Vacant Building Permit Application for 395 Manhattan Drive dated October 1, 2012; Nick Greulich's Carpentry Services Invoice; and Handwritten note to Bill Ward from Chris Khamnei hand-dated October 24, 2012/date-stamped by Code Enforcement October 25, 2012.
- Letter to Chris Khamnei from William Ward re: September 27, 2012 inspection, dated October 1, 2012.
- Vermont Property Transfer Tax Return re: 240 Pine Street, Burlington, with date of record as 10/15/12.
- Letter to Chris Khamnei from William Ward dated June 29, 2012.
- E-mail to Chris Khamnei from William Ward dated June 29, 2012; E-mail to Chris Khamnei from William Ward dated July 27, 2012; E-mail to Chris Khamnei from Ned Holt dated May 16, 2012.
- Letter to Chris Khamnei from William Ward dated April 17, 2012.
- 26 pictures taken of the property dated April 4, 13, 19, 20 & 27; May 3; June 29; July 2, 11, 16 & 25; August 13 & 28; September 27; November 13; and December 10, 2012.

Also refer to one-page statement/signed petition submitted by Michael Cook during this meeting, on behalf of neighbors of 395 Manhattan Drive.)

The Appellant, Chris Khamnei, was not in attendance. Commissioner Lavery asked Attorney Bergman to offer a recommendation to the Commission on how to proceed. Attorney Bergman reminded the Commission that this was a quasi-judicial hearing. His recommendation to the Commission: Take the evidence you receive at this hearing and, based on that evidence, make a decision in a deliberative session. Submit the decision in writing and forward to the City Attorney's office, along with the handouts submitted tonight as evidence.

Director Ward verbally outlined the "timeline of significant events" listed on his Memo to the Commission dated January 8, 2013. Deborah Dalton, Code Enforcement Case Manager, displayed slides of photos taken of the property. Tim Ahonen, Minimum Housing Inspector, distributed the above-named handouts to the Commission. Director Ward asked the Commission to approve his request for the Appellant to pay his fees and comply with all requirements to bring the property up to code. He also asked any neighboring property owners in attendance to step forward with their input. Michael Cook and Peg Dumas spoke briefly to the Commission, citing hazardous (e.g., previous fire, building leaning toward sidewalk) and unsightly conditions as well as the property attracting vagrants. Director Ward finally noted that the structure was built prior to 1978 and should be abated as soon as possible.

Attorney Bergman reminded the Commission that their jurisdiction was limited to the appeal. Commissioner Lavery stated that after this meeting, the Commission would convene to discuss and possibly make a decision on the appeal.

ITEM 9 – CODE ENFORCEMENT FIRE SAFETY APPEAL – 144 SOUTH WILLARD STREET
(William Ward, Director of Code Enforcement and Appellant)

(Refer to Commission packet for:

- Memorandum to Public Works Commission from Norman Baldwin re: 144 South Willard Street- Appeal of Second Means of Egress Order by Code Enforcement, dated January 8, 2013;
- Letter to Norm Baldwin from Deborah Dalton re: Appeal of Code Enforcement order #227965, 144 South Willard Street, dated September 4, 2012;
- Handwritten “Notice of Appeal of Routine Inspection of 144 South Willard Street, Inspection 227965” signed by Martin Lavin and Patricia A. Lavin, dated August 16, 2012;
- Letter to Martin Lavin from Tim Ahonen, Minimum Housing Inspector re: Routine Inspection of 144 South Willard Street, Inspection 227965, dated July 7, 2012;
- Inspection Detail for 144 South Willard Street by Inspector Tim Ahonen, dated July 17, 2012;
- Letter to Patricia Lavin from Normal Baldwin re: Notice of Hearing, dated December 21, 2012;
- USPS Track & Confirm record for above-mentioned letter;
- Certified Mail card for above-mentioned letter;
- City of Burlington Ordinance 7.0, “An Ordinance in Relation to Buildings and Building Construction* Article III, Abatement and Rehabilitation of Vacant Buildings and Structures and Dangerous Structures* adopted December 7, 2009 and effective January 12, 2010.)

The Appellant, Pat Lavin, was not present. As was anticipated and noted in Assistant Director Baldwin’s Memorandum to Public Works Commission dated January 8, 2013, a representative from Paul, Frank & Collins - Attorney Jim Perglozzi – was present, representing Ms. Lavin. The Appellant submitted a request for appeal; the appeal was scheduled for this meeting. As the Appellant is presently out of state, her attorney is seeking a continuance until her return, possibly on May 1, 2013.

Director Ward: He has mixed feelings about the request for a continuance. While he doesn’t object to granting the additional time, he is questioning the second means of egress. If the continuance is granted, the Commission won’t hear the appeal tonight, and it is possible to resolve the matter without the hearing.

Attorney Bergman: It is up to the Commission to decide on whether or not to grant the continuance. Being a fire safety concern adds gravity to the issue.

Commissioner Alberry moved to grant a continuance. Commissioner Hopkins said he would second the motion, asking if he could **add a clarifying amendment**; Attorney Bergman concurred that having a condition would be appropriate. **Addition to the motion:** Motion made to grant a continuance, as long as verification can be made that the existing door is open. Director Ward stated that this could happen within a week. Attorney Perglozzi stated that he felt this would be acceptable, and would talk with Ms. Lavin. **The Commission unanimously approved the continuance with conditions.**

ITEM 10 - MINUTES OF 12/19/12: Commissioner Alberry moved to accept the Minutes as written; the motion was seconded. Unanimous approval.

ITEM 11 – DIRECTOR’S REPORT – CUSTOMER SERVICE UPDATE & EDMUNDS MID-BLOCK CROSSING UPDATE (Steven Goodkind, Director)

- Edmunds School mid-block crossing is progressing.

- New Customer Service software program progress has been slow; staff shortage in IT. We have recently started to receive more support. A meeting with DPW and IT staff is scheduled for Friday. This item will be addressed at the February meeting.
- Snowfighting is going as planned this winter.
- New staff person in the Inspection Services Division: We are advertising for a new person and will hopefully have someone in the next 2 – 3 months.

ITEM 12 – COMMISSIONER COMMUNICATIONS

Commissioners Alberry, Archambeau, Conger, Overby and Porter: Nothing at this time.

Commissioner Lavery: Asked Director Goodkind for a Performance Report update. Director Goodkind had hoped that the Customer Service program would have been further along, enabling him to pull the data for the report.

Commissioner Hopkins:

- Expressed gratitude to Public Works staff for keeping the sidewalks so clear for walkers.
- Asked that a Champlain Parkway update be added to an upcoming agenda.
- Per Commissioner Hopkins' request, Director Goodkind explained the process that led to the sidewalk work on Flynn Avenue.

ITEM 13 – DELIBERATIVE SESSION TO DISCUSS APPEALS

Commissioner Archambeau made a motion to go into deliberative session for the vacant building appeal; Commissioner Alberry seconded. The Commissioners left the room.

ITEM 14 – ADJOURNMENT AND NEXT MEETING DATE

The next meeting of the DPW Commission will be held on Wednesday, February 20, 2013. **Commissioner Alberry moved** to adjourn at 9:30 p.m. Commissioner Conger seconded.