

Burlington Department of Public Works Commission Meeting
Draft Minutes, July 15, 2020
645 Pine St. – Main Conference Room

Meeting video link: <https://www.cctv.org/watch-tv/programs/burlington-public-works-commission-153>

Commissioners Present: Tiki Archambeau (Chair); Brendan Hogan (Vice Chair); Solveig Overby; Peggy O’Neill-Vivanco, Pablo Bose; Jim Barr

Commissioners Absent: Chris Gillman

Item 1 – Call to Order – Welcome – Chair Comments

Director Spencer calls meeting to order at 6:31 p.m. and made opening comments. Tonight the Commission is voting for Chair, Vice Chair and Clerk.

Item 2 – Agenda

ACTION: Commissioner Barr made a motion to approve the agenda. Commissioner Hogan seconded. Motion was unanimously approved.

Item 3 – Election of Chair, Vice Chair & Clerk

Director Spencer stated that the Commission needed to elect its Chair, Vice Chair and Clerk at this first meeting of the new fiscal year. Commissioner Barr nominated Commissioner Archambeau for Chair. Commissioner Archambeau thanked them for nomination but he stated he would like to nominate Commissioner Hogan. Commissioner Barr retracted his nomination. Commissioner O’Neill Vivanco thanked Commissioner Archambeau for his service and is glad he wants to share responsibilities. Commissioner Hogan is pleased to share the responsibilities in the role of Chairman and is willing to serve. Director Spencer asked the Commission to vote on the nomination of Commissioner Hogan. Unanimous approval.

Director Spencer passed the gavel to newly-elected Chair Hogan. Chair Hogan asked for Vice Chair nominees. Commissioner Barr nominated Commissioner Peggy O’Neill-Vivanco as Vice Chair. Commissioner Archambeau seconded. Unanimous approval.

Chair Hogan looks for nomination for Clerk. Commissioner Barr nominated Commissioner Overby. Commissioner Overby is willing to do it and will follow up to get details on the role. Commissioner Bose seconded. Unanimous approval.

Item 4 – Public Forum

Tony Redington of 125 St. Paul Street talked about pedestrian safety. His expressed concern regarding the traffic safety at the North Avenue / Cambrian Rise intersections. He stated that roundabouts were safer than traffic signals and that the projected vehicle traffic at the Cambrian Rise intersections should be within the capacity of a modern

roundabout. He stated that DPW ended the discussion about a roundabout in this area and instead supported the developer's proposed traffic light.

Item 5 – Consent Agenda

A. Proposed Accessible Parking Space at 141 Manhattan Drive

ACTION: Commissioner Barr made a motion to accept the consent agenda. Commissioner Archambeau seconded. Unanimous approval

Item 6 – Integrated Planning Presentation – Jenna Olson, Water Resources Division

Policy & Programs Manager Jenna Olson presented an update on Water Resource's Integrated Plan initiative. The Integrated Plan will serve as the road map for addressing the City's water quality challenges. This effort represents years of planning, modeling, engineering, and financial assessments to help Burlington not only achieve their water regulatory goals, but to do so in the most cost-effective, and efficient way. The City must reduce phosphorus from all sources by 63% by 2036 to meet state and federal regulatory requirement. To accomplish this goal, we currently are looking at several strategies including: projects for the City's three wastewater treatment plants, combined sewer system improvements, enhanced storm water management, non-structural programs (such as expanded street sweeping), and private property improvements. We are looking for community feedback. The final product will guide the City's investments and actions over the next ten to twenty years. More information is at: <https://www.burlingtonvt.gov/dpw/water/integratedplan>.

Commissioners Hogan, O'Neill-Vivanco, and Overby asked questions about online impervious surface mapping, data collection and performance measurement, and engaging youth in the Drain Defender initiative. Commissioner O'Neill-Vivanco stated that BHS students have to do 40 hours of community service before graduating and stated she thought this would be a good way for some of these high school students to get their hours in by helping to clean the catch basins.

ACTION: No action taken.

Item 7 – Appeal of Building Permit After the Fact Fee

Contractor Shawn Vance of GW Savage has appealed an after the fact fee for work being done prior to issuance of a permit. Director Ward of Permitting and Inspections provided an overview of the appeal summarizing the narrative in his written memorandum to the Commission that was included in the meeting packet.

-) A building permit was applied for October 28th and was issued on the 29th for demolition on a residence that was damaged due to a structure fire.
-) Shawn Vance asked for the permit to be expedited 12 days before the zoning permit was to be released so he would not have to lay off any workers.
-) Unfortunately, circumstances did not allow for this and an e-mail was sent to Sean on March 23 stating that work for the roof only could be done to keep the weather elements from going inside the house.

-) On March 24 there was an executive order from the Governor that only COVID related repairs and emergency repairs could be done on any buildings.
-) On April 8th no action was taking place but work was done and a stop work order was issued. I went out and took photos and there were no workers on site.
-) On April 17th the Governor's Order allowed for two workers on site and the building permit was released.
-) Zoning staff on May 22nd stated conditions were met.
-) On 6/1 the building permit was issued by Brad Biggie and included the penalty for starting work.

Mr. Vance stated he wanted to secure the building. There was a delay in the insurance payment. There was also asbestos removal that had to be done which his company is not able to do. They had to wait on the other company to come and do this. He submitted permits at the end of February/beginning of March to get things done by April 1. We could not shut everything down and leave the building open. He stated he wanted to protect the building occupants so they will not have to pay anything out of pocket.

Building Inspector Brad Biggie stated the building was secure from weather. The roof was mostly intact and windows were boarded up. The building remained in this condition throughout winter. Brad stated the permit was specific for a roof cover and after the roof was on then the windows and the trim were done. Brad stated that what he found in April was window and siding work being done. Contractor went beyond the extension of the olive branch to put on the roof cover.

Commissioner Overby asked about what the conditions of the zoning permit were. The zoning permit was not released until pre-release conditions were met. Mr. Vance stated he sent over samples of what was being proposed. Sean stated they pulled the windows on the demo permits and there are other ways to waterproof but they were only getting paid once as the insurance stated they were no longer giving money for the project. He stated that if it was not for COVID they would have been okay.

Building Inspector Biggie stated that on the March 26th a work order to stop work was issued so they should not have been working on April 8th. Demoiing out windows with no approval and have a way to weather that in. The roof was the only thing approved for work on the 8th. There were two or three guys pulling off siding and no permit was authorized for this work. Director Ward stated that in the report which was given to the commission the building was made safe October 5th and it was no longer an emergency. They only had approval for the roof.

Commissioner Archambeau asked if we should go into executive session and Director Ward stated that it was up to the commission. The Commission discussed whether they wanted assistance from the City Attorney.

Commissioner Barr makes a motion to deny the appeal but to deduct the value of the permitted roof work in the calculation of the after the face fee. Commissioner O'Neill-Vivanco seconded. Commissioner Archambeau stated opposition to the motion. Commissioner Barr, Hogan, are O'Neill-Vivanco are in favor. Commissioners Archambeau, and Overby are opposed. Chair indicates that the motion fails.

Commissioner Overby makes a motion to deny the appeal but to reduce the after the face fee by half. Commissioner Barr seconded. Commissioner Archambeau and O’Neill-Vivanco stated opposition to the motion. Commissioners Barr and Overby are in favor. Commissioners Archambeau, Hogan, and O’Neill-Vivanco are opposed. The motion fails.

ACTION: Commissioner Archambeau makes a motion to go into a deliberative session at the end of the meeting. Commissioner Barr seconded. Archambeau, Barr, Hogan, ~~Bose~~, O’Neill-Vivanco are all in favor. Commissioner Overby opposed. The motion passes.

Item 8 – Marketplace Garage Rate Implementation

Director Spencer introduced Jeff Padgett who, after a public search process, has been hired as the Assistant Director overseeing the Parking and Traffic Division.

Assistant Director Padgett summarized the Commission’s approved rate changes and policy changes from the June meeting. The June motion included an implementation date of July 1, 2020. However, for two important reasons this was not possible.

- 1) The July 1, 2020 date did not provide the required 21 day public notice period require for ordinance changes
- 2) Due to the impacts of Covid-19, the Marketplace garage has not yet returned to its historic stated of “overcapacity” and staff recognizes that this is not the time to make changes to the business environment in the Downtown.

Assistant Director Padgett stated that he met with the Church Street Marketplace Commission since the last DPW Commission meeting and they unanimously supported the replacement of 2 hours free in the Marketplace Garage in early 2021 with a free parking program for restaurant and retail workers and a merchant validation program. Assistant Director Padgett stated that the Department was focused on standing up these additional programs by January 1, 2021.

ACTION: Commissioner Archambeau moved to adopt the following motion: To Suspend any immediate effort to publish and notice of the previously approved June 17, 2020 updates to the Burlington Code of Ordinances, Appendix C, Chapter 19 Parking Rates, Sections (b) and (d), and instead publish and notice the updates according to the following schedule:

- 1) Holidays, as described in Appendix C, Chapter 19(d)(1), and amended by the Public Works Commission on June 17, 2020, will be published and noticed to become effective on approximately September 1, 2020.
- 2) Policy Updates, as described in Appendix C, Chapter 19(d)(2)-(6), and amended by the Public Works Commission on June 17, 2020, will be published and noticed to become effective on approximately September 1, 2020.”
- 3) Parking Rates as described in Appendix C, Chapter 19(b)(8)-(10), and amended by the Public Works Commission on June 17, 2020, will be published and noticed to become effective on approximately January 1, 2021.

Commissioner Barr seconded. Unanimous approval.

Item 9 – FY’21 Budget Update and Parking Enforcement Update

Director Spencer stated that the City's Fiscal Year 2021 budgets have been approved. As part of the City Council's deliberations on the budgets and police reform, the decision was made to transfer Parking Enforcement from the Burlington Police Department to DPW. We are excited by the opportunity this presents and is asking that the transition not occur until we have time to go through a deliberate transition plan.

Assistant Director Padgett stated having this opportunity for parking enforcement at DPW is a good thing. He will be working on a potential roadmap in August and hopes to have a broad conceptual plan to share with the respective Commissions for feedback. The goal would be to implement the plan over the fall and early winter so that Parking Enforcement can transition to DPW on January 1, 2021. This is a preliminary timeline and is subject to change. This is just an update, no action is needed.

Commissioners Archambeau, Barr, Overby and O'Neill-Vivanco commented and asked questions on the potential benefit, data-driven policy, and the importance of a customer-service focus.

ACTION: No action taken.

Item 10 – Approval of Draft Minutes of 6-17-2020

ACTION: Commissioner Archambeau made a motion to approve the June 17, 2020 minutes with one modification at Commissioner Overby's request – striking the last sentence in the fifth bullet under Commissioner Communications. The sentence being struck read "Ordinance meeting making space continues and the ordinance language was approved through the rest of the season." Commissioner Barr seconded. Unanimous approval.

Item 11- Director's Report

Director Spencer referred to the written Director's Report in the packet and highlighted one item – the upcoming Champlain Parkway public hearing to get feedback on the Limited Scope Draft Supplemental Environmental Impact Statement focused on the Maple and King Street neighborhoods. The public hearing will be July 29th, 6:00pm. It will be hosted both in-person (at the 645 Pine St garage) and virtually. See the new project website at www.champlainparkway.com for more detail.

Item 12 – Commissioner's Communications

-) Commissioner Overby updated the Commission on her research on Cambrian Rise and looks forward to the discussion at an upcoming meeting.
-) Commissioner Barr wants to applaud the DPW crews who promptly address service requests via SeeClickFix and are painting the roadway lines and markings.
-) Commissioner O'Neill-Vivanco brought up North Avenue / Institute Rd and how to enhance safety at this congested intersection. Given the occupancy limits on GMT buses, she hopes that many more kids will ride their bikes or walk to school – but wants to make sure the intersection is safe.

) Chair Hogan thanked the Commissioners for their support in electing him Chair.

Item 14 – Adjournment and Next Meeting Date – September 16, 2020

Commissioner Barr motion for adjournment. Commissioner O’Neill-Vivanco seconded. Unanimous approval. Meeting adjourned at 9:50 p.m.