



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

To: Tenzin Chokden, Clerks Office
From: Chapin Spencer, Director
Date: July 9, 2020
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **July 15, 2020**
Time: 6:30 – 9:00 p.m.

Due to current social distancing measures, this meeting will be held entirely virtually.

To view the meeting:

1. CCTV YouTube Channel (*streamed live*) or on Burlington Telecom Channel 317 (*not aired live*).
<https://www.youtube.com/channel/UCJkWMLSqRNKLoyUZQiNoAcQ>
2. Join via Zoom: <https://us02web.zoom.us/j/83495330508>
3. Call in for audio only: Phone number: 301-715-8592 Webinar ID: 834 9533 0508

To participate in public comment:

1. You must either join the meeting via the Zoom link above (strongly encouraged) or by calling via the call-in information above.
2. If signed in via Zoom, please use the “Raise Your Hand” feature. This will alert DPW staff that you wish to speak and will automatically add you to the queue. When it’s your turn to speak, your name will be called and you will be unmuted.
3. If you are calling in, please press *9 which will alert DPW staff that you wish to speak. When it’s your turn to speak, your phone # will be called out and you will be unmuted.
4. If you encounter any difficulties when attempting to speak during public forum, please email DPWCommunications@burlingtonvt.gov.

AGENDA

ITEM

- 1 Call to Order – Welcome – Chair Comments

- 2 5 Min Agenda
- 3 5 Min Election of Chair, Vice Chair & Secretary
- 4 10 Min Public Forum (3 minute per person time limit)
- 5 5 Min Consent Agenda
 - A Proposed Accessible Parking Space at 141 Manhattan Dr
- 6 40 Min IP Presentation
 - A Presentation, J. Olson & M. Moir
 - B Commissioner Discussion
 - C Public Comment
 - D Action Requested –None
- 7 20 Min Appeal of Building Permit After The Fact Fee
 - A Communication, W. Ward, B Biggie & S Vance
 - B Commissioner Discussion
 - C Public Comment
 - D Action Requested –Vote
- 8 15 Min Marketplace Garage Rate Implementation
 - A Communication, J. Padgett
 - B Commissioner Discussion
 - C Public Comment
 - D Action Requested –Vote
- 9 20 Min FY'21 Budget Update & Parking Enforcement Update
 - A Presentation, J. Padgett & C. Spencer
 - B Commissioner Discussion
 - C Public Comment
 - D Action Requested –Vote
- 10 5 Min Approval of Draft Minutes of 6-17-2020
- 11 10 Min Director's Report – Champlain Parkway Public Outreach & NEPA Public Hearing
- 12 10 Min Commissioner Communications
- 13 **Adjournment & Next Meeting Date – September 16, 2020**

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.



Memo

Date: July 9, 2020

To: Public Works Commission

From: Phillip Peterson, Associate Public Works Engineer *PM*

CC: Susan Molzon P.E., Senior Public Works Engineer

Subject: Proposed Accessible (ADA) Parking Space at 141 Manhattan Drive

Staff recommends that the Commission adopt:

7A Accessible spaces designated.

No person shall park any vehicle at any time in the following locations, except automobiles displaying special handicapped license plates issued pursuant to 18 V.S.A. § 1325, or any amendment or renumbering thereof:

- In the first parking space east of the driveway for 135 Manhattan Drive.

Purpose & Need:

The purpose is to provide accessible parking on street as recommended by the Public Rights-of-Way Accessibility Guidelines (PROWAG). The need for accessible parking in this location will be close to several homes which would benefit the disabled community in this area.

Project Checklist:

	N/A	Yes	No	Reference
Aligns with MUTCD standards and/or established City Policy?		X		PROWAG
Aligns with City plans?	X			
Followed Public Engagement Plan?		X		These Traffic Regulation changes are defined as an INVOLVE project in the Public Engagement Plan (PEP).

Summary and Conclusion:

Staff received a request in July 2020 from a resident at 141 Manhattan Drive, to install an on-street accessible parking space close to their home (see Attachemnt-1). The resident states the space is necessary to give them reasonable access to their home. Additionally other residents of Manhattan Drive, may need to utilize the ADA space as well.

Public Engagement:

In preparation for the 07/15/20 DPW Commission Meeting, Staff distributed flyers to the homes on Manhattan Drive adjacent to 141 Manhattan Drive. Staff received three (3) responses (see Attachment-2) from local residents via email. All three (3) of the responses support the proposed placement of the ADA space.

Attachments:

1. Site map.
 2. Public correspondence.
-



Manhattan Drive

141 Manhattan Drive

Pitkin Street

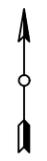


R7-8

PROPOSED ACCESSIBLE (ADA) PARKING SPACE



SCALE: 1" = 20'



PROPOSED ACCESSIBLE (ADA) PARKING SPACE AT 141 MANHATTAN DRIVE



BURLINGTON PUBLIC WORKS ENGINEERING DIV.

645 PINE STREET
BURLINGTON, VT 05401
(802) 863-9094
(802) 863-0466 (Fax)

DESIGNED PMP	SCALE 1"=20'
DRAWN PMP	DRAWING NO.
CHECKED SM	
DATE 7/9/2020	SHEET 1 OF 2

Attachment 2

Public input correspondence emails

Wed 7/8/2020

To whom it may concern:

I am a resident of Manhattan Drive and I am disabled. I would be very pleased to have an ADA sign there, for the last 7 years living at this address I

myself with very bad breathing problems have had at times after pulling into the drive next door, unloading my groceries then circling the block to find a place to park and walk home sometimes a half block or more, as I get older the walk seems to get a bit harder as does my breathing.

The home I live in also has 2 other resident that are disabled and would use this space as well, along with the company we get that have disabilities.

Thank you for considering this matter for us.

Mary Francis

Tue 7/7/2020

Dear Phillip Peterson,

I am reaching out in support of this request for the ADA Accessible Parking Space. I am the next-door neighbor to the individuals who placed this request and I believe it would greatly benefit them having this space designated as such. Recently, this space has been misused by others who do not live on this block of Manhattan Drive and it has impeded my neighbors' immediate access to their home. By designating this section of the block I believe they will rest easier knowing that they have this space available to them.

Thank you for your consideration of their request,

Aaron David

Tue 7/7/2020

in regrads to Accessible Parking Space @ 141 Manhattan Drive. is very much needed in deed, as the ppl next door have a big back yard for parking but yet still use up the front pluse the parking in front of 141 Manhattan Drive. Now i / we have ppl whom

come here such as an elder woman in her 80's and allso have a nephew who is disabled and has to use a kane, this is not ok for them too havve to be able to walk long distance,the ppl in the building it's self also are disabled,i mean what more do we need too do,because this crazy

that anyone has to fight with someone to get a space for someone whome is disabled

Stephen Jerome



Permitting and Inspections Department

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

To: Public Works Commission
From: William Ward/Director of Permitting and Inspections
Date: June 11, 2020
Property Address: 83 Faith Street
Appellant: Sean Vance/G.W. Savage
Date of Appeal: June 2, 2020
Subject of Appeal: After the fact fee for work being done prior to issuance of a permit

Ordinance Section subject to appeal

8-28 Fees (f)

When the building inspector enforces the provisions of this chapter and a building permit is required as a result, there shall be an administrative processing fee added to the fee set by subsection (a) to recoup the administrative costs associated with enforcement. This processing fee shall be thirty dollars (\$30.00) where the estimated cost of construction is less than or equal to three thousand dollars (\$3,000.00). When the estimated cost of construction is three thousand dollars (\$3,000.00) or greater, this processing fee shall be equal to one (1) percent of the estimated cost of construction. No processing fee shall be added to the permit when a permit is required to abate a condition deemed an emergency by the building inspector if the inspector determines that the owner is not responsible for the circumstances that led to the emergency.

Timeline of Activity

October 28, 2019 Building Official Kim Ianelli issued a building permit for demolition of fire damaged materials at 83 Faith Street.

March 19-2020 – W Ward received a request from Sean Vance of GW Savage requesting assistance with expediting a permit that was scheduled to be issued on April 1, 2020. That permit was to complete the renovation of the property and included renovation to exterior; replacement asphalt shingle roof, siding, and windows. Mr. Vance explained that he was hoping to start the project prior to April 1, 2020 in order to keep from laying off staff members during the Covid-19 outbreak. He asked if there was any way the work could be done prior to the release of the Zoning Permit.

March 20, 2020 – W Ward spoke with Mr. Vance on the phone to explain that the reason the zoning permit could not be released until April 1, 2020 was that there is a statutory requirement for a 15-day appeal period for zoning permits and the first date the city could issue the zoning permit was April 1, 2020, then a building permit could be issued. Mr. Vance was told that the work to replace the roof was considered an in-kind replacement since it was an existing asphalt shingle roof and would be replaced with the same materials. W Ward informed Mr. Vance that the building official would be notified of this understanding and the roof replacement should be able to continue without a zoning permit.



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March 23, 2020 – W Ward sent an e-mail to Mr. Vance and told him the building official was aware of the circumstances and he could begin the in-kind replacement of the roof.

April 8, 2020 - No zoning or building permits had been issued when Building Official Brad Biggie reported that he checked 83 Faith Street and found that the work had gone beyond the scope of roof replacement and continued with the removal of all siding, replacement of windows and new exterior trim that was being installed. He sent Mr. Vance an e-mail as an order to stop work as this project currently is unpermitted and new permits are only being issued for emergencies and essential projects related to the COVID-19 response according the VT Governor's order.

April 17, 2020 Mr. Vance wrote an e-mail to W Ward stating:

Considering the governor recently allowed construction work to start again (two workers maximum and observing existing social distancing) effective 4/20/2020, I am curious when we can expect to receive the building permit that was submitted towards the end of February for 83 Faith Street.

April 20, 2020 – Mr. Ward e-mailed Mr. Vance a copy of the pending zoning permit and pre-release conditions required before the Zoning Division could release the permit to him and we would be able to issue a building permit.

May 27, 2020 - The zoning permit conditions were met and the zoning permit was picked up this date.

June 1, 2020 – The building permit was issued with a description “Complying with the Governors work restrictions: Specific to VT Fire & Building Safety Code: Remodel fire damaged duplex to include all new finishes, windows, roofing, siding.” The project work had an estimated value of \$140,908.31 and the after the fact fee was calculated according to the ordinance as \$1,409.08 added to the permit fee of 1,197.72.

June 2, 2020 – Mr. Vance filed a written appeal to asking to reverse the after the fact fee as excessive and asked the commission to reverse the decision.

Requested action from the Public Works Commission

Uphold the staff decision that the after the fact fee was applied according to the ordinance



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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Jeffrey A. Padgett, MBA
ASSISTANT DIRECTOR for PARKING & TRAFFIC
(Interim)

Date: July 15, 2020
To: Public Works Commission
From: Jeffrey A. Padgett, MBA
Assistant Director for Parking and Traffic (Interim)
C.C. Chapin Spencer, Director of Public Works
Subject: Garage Rate Structure and Policy Adjustment Request
MODIFIED IMPLIMENTATION SCHEDULE

At the June, 2020 meeting the Public Works Commission adopted a suite of changes to the rate structures in the parking garages. The 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 and
- 2) Due to the impacts of Covid-19, the Marketplace garage has not yet returned to its historic stated of “over-capacity” and staff recognizes that this is not the time to make changes to the business environment in the Downtown.

Therefore we request the Public Works Commission 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.

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).

*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.***”

Please note that the attached regulation language is largely unchanged from June 17, 2020; the updates are merely split into two documents to reflect the difference in implementation timelines. A typo was also corrected; it referenced material that will not change.

Director Spencer and I have had the chance to discuss the policy and rate changes with more downtown stakeholders over the last few weeks since the June DPW Commission meeting. A number of stakeholders expressed concern over removing two-hour free parking in Marketplace Garage so quickly and before downtown businesses and offices had more fully reopened. We met with the Church Street Marketplace Commission on June 24, 2020 and they voted unanimously to support replacing two hours free parking at the Marketplace Garage after January 1, 2021 with 1) a free restaurant and retail worker parking program in the Lakeview and College Street garages and 2) a downtown merchant validation program. These two initiatives are consistent with the Downtown Parking & Transportation Plan and are already under development through our partnership effort with the Burlington Business Association.

Attachments:

- A. Memo and Updated Appendix C Language as approved on June 17, 2020.
- B. Updated Appendix C Language to take effect in September 2020
- C. Updated Appendix C Language to take effect in January 2021.

CITY OF BURLINGTON

In the Year Two Thousand Twenty

Regulation _____
Sponsor: Department of Public Works, Ordinance Committee
Action: _____
Date: _____
Published: _____
Effective: _____

A Regulation in Relation to

Rules and Regulations of the Traffic Commission—
Excavation and Obstruction Permits—
Public Health Emergencies; accommodating business

It is hereby Ordained by
the Public Works
Commission of the City of
Burlington as follows:

1 That Appendix C, Rule and Regulations of the Traffic Commission, Chapter 19, Parking Rates, of the Code
2 of Ordinances of the City of Burlington is hereby amended by amending Section (b), as follows:

3 **Chapter 19. Parking Rates.**

4 (a) As written.

5 (b)

6 (1)-(7) As written.

7 (8) ~~College Street Parking Garage: First two (2) hours free; one dollar (\$1.00) per one-half (1/2) hour~~
8 ~~after two (2) hours for next two (2) hours; one dollar (\$1.00) per hour after four (4) hours; maximum~~
9 ~~daily rate of eight dollars (\$8.00). Eighty dollars (\$80.00) for a five (5) day per week monthly lease and~~
10 ~~ninety-six dollars (\$96.00) for a six (6) day per week monthly lease.~~

11 College Street / Lakeview / Westlake Parking Garage Facility.

12 a. Hourly, Maximum Daily Rates. One dollar (\$1.00) per hour; first two (2) hours free;
13 maximum daily rate of eight dollars (\$8.00).

14 b. Parking is free on Sundays.

15 c. Monthly Permit Rates. Eighty dollars (\$80.00) for a five (5) day per week monthly
16 permit; the five days per week shall be Monday through Friday. Ninety-six dollars (\$96.00)
17 for a seven (7) day per week monthly permit. Twenty dollars (\$20) for a 5 day per week
18 monthly permit for City Employees when paid for by a City of Burlington department. The
19 Director of Department of Public Works or his or her designee may pro-rate monthly parking
20 permit fees at times of sale and termination.

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~~(9) Lakeview Parking Garage: First two (2) hours free; one dollar (\$1.00) per one-half (1/2) hour after two (2) hours for next two (2) hours; one dollar (\$1.00) per hour after four (4) hours; maximum daily rate of eight dollars (\$8.00). Eighty dollars (\$80.00) for a five (5) day per week monthly lease and ninety-six dollars (\$96.00) for a six (6) day per week monthly lease.~~

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Marketplace Parking Garage:

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a. Hourly, Maximum Daily Rates. One dollar (\$1.00) up to one (1) hour, two dollars (\$2.00) up to two (2) hours; three dollars (\$3.00) up to two and one-half (2 1/2) hours; four dollars (\$4.00) up to three (3) hours; five dollars (\$5.00) up to three and one half hours (3 1/2) hours; six dollars (\$6.00) up to four (4) hours; seven dollars (\$7.00) up to five (5) hours; eight dollars (\$8.00) up to six (6) hours; nine dollars (\$9.00) up to seven (7) hours; maximum day rate of 10 dollars (\$10.00) after seven (7) hours.

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b. Parking is free on Sundays.

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c. Monthly Permit Rates: Ninety-six dollars (\$96.00) for a seven (7) day per week monthly permit in the Marketplace Lower garage. No monthly permits available in the Marketplace Upper garage, except maintenance of those in existence at the time of adoption of this language. The Director of Department of Public Works or his or her designee may pro-rate monthly parking permit fees at times of sale and termination.

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~~(10) Marketplace Parking Garage: First two (2) hours free; three dollars (\$3.00) per next one-half (1/2) hour after two (2) hours; one dollar (\$1.00) per one-half (1/2) hour for next one and one-half (1 1/2) hours; one dollar (\$1.00) per hour after four (4) hours; maximum daily rate of ten dollars (\$10.00). Eighty dollars (\$80.00) for a five (5) day per week monthly lease and ninety-six dollars (\$96.00) for a six (6) day per week monthly lease.~~

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Reserved.

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(11)-(16) As written.

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(c) As written.

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(d) As written.

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(e) As written.

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(f) As written.

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52 ** Material stricken out deleted.

53 *** Material underlined added.

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55 TD: BCO Appx.C, Ch 19, Sec. (b)

56 7/15/20

CITY OF BURLINGTON

In the Year Two Thousand Twenty

Regulation _____
Sponsor: Department of Public Works, Ordinance Committee
Action: _____
Date: _____
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A Regulation in Relation to

Rules and Regulations of the Traffic Commission—
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Public Health Emergencies; accommodating business

It is hereby Ordained by
the Public Works
Commission of the City of
Burlington as follows:

1 That Appendix C, Rule and Regulations of the Traffic Commission, Chapter 19, Parking Rates, of the Code
2 of Ordinances of the City of Burlington is hereby amended by amending Section (b), as follows:

3 **Chapter 19. Parking Rates.**

4 (a) As written.

5 (b) As written.

6 (c) As written.

7 (d) ~~Reserved.~~

8 Special Rates for City-owned or Operated Garages.

9 (1) Holidays. Hourly transient parking rates shall be suspended on City-recognized holidays,
10 including: New Year’s Day, Martin Luther King Day, Presidents’ Day, July 4th, Town Meeting Day,
11 Labor Day, Memorial Day, Bennington Battle Day, Columbus Day (Indigenous Peoples Day),
12 Veteran’s Day, Thanksgiving Day, and Christmas Day.

13 a. The Director of the Department of Public Works may adjust the garage rates for
14 parking July 3rd to a flat rate or flat rates of his or her determination for the purpose
15 supporting the safe and efficient ingress and egress of vehicles from the garages.

16 (2) Special Events. The Director of the Department of Public Works may set temporary rates for
17 special events or promotions for periods up to one month after providing the Public Works
18 Commission two weeks’ notice and brought to the next Public Works Meeting.

19 (3) Bulk-rate Parking Product Packages. The Director of the Department of Public Works may
20 create special bulk-rate parking product packages, subject to approval of the Public Works
21 Commission.

22 (4) Lost Ticket Rate. The “Lost Ticket” rate is \$20. Garage staff may apply this fee on a case-
23 by-case basis.

24 (5) Parking Garage Fee Refunds, Rebates, and Waivers. Garage staff to refund, rebate, or
25 otherwise waive parking fees on a case-by-case basis when public safety and/or is necessary to
26 provide good customer service. Garage Staff shall provide adequate documentation of any refund,
27 rebate, or waiver of parking fee, and justification for doing so.

28 (6) City-wide Parking Restrictions, Fees. Overnight parking in City Garages during declared
29 City-wide parking restrictions, as defined by the Director of Department of Public Works or his or
30 her designee, will be free. To include snow bans and “Operation Clean Sweep.”

31 (e) As written.

32 (f) As written.

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35 ** Material stricken out deleted.

36 *** Material underlined added.

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38 TD: BCO Appx.C, Ch 19, Sec. (b)

39 7/15/20



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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Jeffrey A. Padgett, MBA
ASSISTANT DIRECTOR for PARKING & TRAFFIC
(Interim)

Date: June 17, 2020
To: Public Works Commission
From: Jeffrey A. Padgett, MBA
Assistant Director for Parking and Traffic (Interim)
C.C. Chapin Spencer, Director of Public Works
Subject: Garage Rate Structure and Policy Adjustment Request

As you know, parking rates are set in Appendix C of the Burlington Code of Ordinances (BCO) and are under the authority of the Public Works Commission (ref. Charter § 48(58)(B)). Specifically, rates for the garages are set in BCO Appx. C, Chapter 19(b)(8), (9), and (10). As we review these policies, it has become clear that a number of adjustments need to be made in order to:

- 1) Reflect proposed FY'21 proposed Downtown Improvement District assessment reduction;
- 2) Account for special Holiday rates; and
- 3) Provide more flexibility to operational staff to meet customer needs.

Therefore we request the Public Works Commission adopt the following motion:

Adopt the attached update to Burlington Code of Ordinances, Appendix C, Chapter 19 Parking Rates, Sections (b) and (d) of the Ordinance that reflects the following (please also see attached regulation amendment):

1) Rates

*Beginning July 1, 2020 implement the following **updated rate structure**:*

Up to " ____ " Hour	Current		Proposed				
	MPG	CSG/LVG	MPG	% Change	CSG/LVG	% Change	
1	\$0.00	\$0.00	\$1.00	n/a	0	0	Covered By DID Assessment Funds
2	\$0.00	\$0.00	\$2.00	n/a	0	0	
2.5	\$3.00	\$2.00	\$3.00			50%	
3	\$4.00	\$3.00	\$4.00	0%	3	0%	
3.5	\$5.00	\$4.00	\$5.00			0%	
4	\$6.00	\$5.00	\$6.00	0%	4	-20%	
5	\$7.00	\$6.00	\$7.00	0%	5	-17%	
6	\$8.00	\$7.00	\$8.00	0%	6	-14%	
7	\$9.00	\$8.00	\$9.00	0%	7	-13%	
8	\$10.00	\$8.00	\$10.00	0%	8	0%	Max Daily Rate per 24 Hours

Free Parking on Sundays.

2) Holidays

Beginning July 1, 2020 adopt the following **holiday rates**:

Free Parking during the below City holidays:

*New Year's Day
Martin Luther King Day
Presidents' Day
July 4th
Town Meeting Day
Labor Day
Memorial Day
Bennington Battle Day
Columbus Day (Indigenous Peoples Day)
Veteran's Day
Thanksgiving Day
Christmas Day*

The Director of the Department of Public Works may adjust the garage rates for parking July 3rd to a flat rate or flat rates of his or her determination for the purpose supporting the safe and efficient ingress and egress of vehicles from the garages.

3) Policy Update

Beginning July 1, 2020 adopt the following policies:

- 1) Delegate authority to set temporary rates to the Director of the Department of Public Works for special events or promotions for periods up to one month, with two weeks' notice to the members of the Public Works Commission.*
- 2) Delegate authority to create a special "bulk-rate" product packages to the Director of the Department of Public Works, subject to approval of the Public Works Commission.*
- 3) Set the "Lost Ticket" rate at \$20 and allow garage staff the authority to apply on a case-by-case basis.*
- 4) Allow garage staff to refund, rebate, or otherwise waive parking fees on a case-by-case basis when public safety and/or is necessary to provide good customer service. Garage Staff shall provide adequate documentation of any refund, rebate, or waiver of parking fee, and justification for doing so.*
- 5) Allow for free overnight parking, as defined by the Director of Department of Public Works or his or her designee, in City Garages during declared City-wide parking restrictions. For example: Snow Bans and Operation Clean Sweep.*
- 6) Delegate authority to pro-rate monthly permit fees at sale or termination to the Director of Department of Public Works or his or her designee.*
- 7) Expand the "6 Day Permit" for an additional day, replacing it with "7 Day Permit" with all of the same terms and conditions, excepting the duration.*
- 8) Define "5 Day" permit as "Monday through Friday."*
- 9) Provide for the sale of permits to City employees for \$20 per month for a 5 day permit when paid by other City departments*
- 10) Restrict future permits offered at the Marketplace Lower garage to only "7 Day permits." Monthly permits will no longer be issued; existing monthly permits will not be affected, but will not be renewed.*

11) Update the ordinance to reflect that the Lakeview Garage, College Street Garage and Westlake Garages operate as a single facility.

Goals of the Changes:

We appreciate that this represents a significant change to policy governing the garages. However, we believe that these changes achieve 3 critical garage management goals:

1) Clear and Logical Rate Definition

Align the rate structure with the subsidy provide by the Downtown Improvement District assessment, simplifies the rate calculation, recognizes the value of parking at the Marketplace Garage and incentivizes parking at the Lakeview/College Street Garage.

2) Formalize Legacy Operations

Formalize policy with operations that have been in place for decades and identify flexibility within these operations.

3) Provide Management with Support and Flexibility

Provide garage management with new tools and the flexibility to address the needs of the market and community in a more responsive way.

Community Impact

Removal of 2 Hours Free at the Marketplace Garage is the most high profile change proposed. This is a direct result of the reduction of the DID tax assessment by the Church Street Marketplace Commission, reducing the tax burden on downtown businesses. Additionally, during normal operations the garage is over capacity 2-3 times a day, 3-5 days a week. This is not acceptable level of performance. Especially when 80% of the transactions at the garage are less than two hours and thus free. This garage is clearly in high demand. Conversely, the LVG/CSG/WLG is vastly under-utilized. The expectation is that the removal of 2 Hours Free at MPG will encourage a measurable percentage of parkers to seek out the LVG/CSG/WLG for 2 Hour Free and relieve the pressure on the Marketplace Garage.

Simplification of the rate structure should also be welcomed by the public. At the MPG the 2 Hours free is replaced with \$1/hour for the first two hours. Then, the current ½ hour break point remains to encourage turnover. This results in no change to the rate structure except for the removal of 2 Hour Free. Conversely, at the LVG/CSG/WLG the rate has been set at \$1 an hour (removing ½ hour rate breaks), with 2 hours free and the maximum day rate held at \$8 per 24 hours. The result is a less expensive parking experience for all rate periods, except for the ‘3 hour parker’ who, due to the simplification of removing the ½ hour rate break, will pay \$3 vs. \$2.

The ability to run pilot programs to support downtown businesses and community events would be a significant improvement in service to the community. The garages are a significant asset and having the ability to provide flexible, pilot rate structures and/or parking products to respond to community needs will improve the usage and image of the garages.

Garage Impact

Generally, taken as a whole, the proposed changes will positively impact both the day-to-day operations of the garages and improve the garage’s financial performance. The flexibility will allow for use to better serve our customers and the increase in revenues will help us to plan for significant capital repairs and operational needs.

We believe that the change in rates structure alone could generate an additional \$500,000 to \$1,000,000 (FY21 budget uses \$300,000 to be conservative). This improved revenue will help us to recover from the impacts of Covid-19 (losses expected up to \$1M) and creates a financial structure for the garages that is more sustainable going forward.

Additionally, the recent reduction of the DID assessment made it clear that changes were necessary to ensure the financial health of the garages. The DID tax is expected to generate approximately \$150,000 and requires that this money be used to fund a parking program that includes 2 Hours Free. The cost for 2 Hours Free at both garages, however, is approximately \$700,000. Clearly, the DID funding will not cover a program of this scale. However, we estimate that the cost of 2 Hours Free at *only* LVG/CSG/WLG is somewhere between \$150,000 and \$200,000, thus we believe we can satisfy the DID funding requirements for 2 Hours Free and cover our financial obligations with the \$150,000 DID funding. If conditions change and we need to modify or restrict the 2 Hours Free offer to meet our financial needs, we will institute a pilot program (if approved in this request) to modify the 2 Hour Free and return to the Public Works Commission to address the situation in a permanent fashion.

It is also important to note that the concept of removal of 2 Hours Free in general was recommended by the Downtown Parking and Transportation Management Plan (DPTM) in 2015 as part of the proposed financial model for garage.

Conclusion

Again, these are significant and complex updates and modifications to the regulation and operation of the garages; they have been months in the making, are not taken lightly and are generally consistent with the DPTM Plan. They have important and we believe positive impacts on the public, the business community and the garages themselves. We believe that these changes will significantly improve the operations of the garages and provide the platform for a more flexible, sustainable and customer oriented garage operation.

Attachment:

Regulation Amendment for BCO Appendix C, Chapter 19, Sections (b) and (d).

CITY OF BURLINGTON

In the Year Two Thousand Twenty

Regulation _____
Sponsor: Department of Public Works, Ordinance Committee
Action: _____
Date: _____
Published: _____
Effective: _____

A Regulation in Relation to

Rules and Regulations of the Traffic Commission—
Excavation and Obstruction Permits—
Public Health Emergencies; accommodating business

It is hereby Ordained by
the Public Works
Commission of the City of
Burlington as follows:

1 That Appendix C, Rule and Regulations of the Traffic Commission, Chapter 19, Parking Rates, of the Code
2 of Ordinances of the City of Burlington is hereby amended by amending Section (b), as follows:

3 **Chapter 19. Parking Rates.**

4 (a) As written.

5 (b)

6 (1)-(5) As written.

7 (8) ~~College Street Parking Garage: First two (2) hours free; one dollar (\$1.00) per one-half (1/2) hour~~
8 ~~after two (2) hours for next two (2) hours; one dollar (\$1.00) per hour after four (4) hours; maximum~~
9 ~~daily rate of eight dollars (\$8.00). Eighty dollars (\$80.00) for a five (5) day per week monthly lease and~~
10 ~~ninety-six dollars (\$96.00) for a six (6) day per week monthly lease.~~

11 College Street / Lakeview / Westlake Parking Garage Facility.

12 a. Hourly, Maximum Daily Rates. One dollar (\$1.00) per hour; first two (2) hours free;
13 maximum daily rate of eight dollars (\$8.00).

14 b. Parking is free on Sundays.

15 c. Monthly Permit Rates. Eighty dollars (\$80.00) for a five (5) day per week monthly
16 permit; the five days per week shall be Monday through Friday. Ninety-six dollars (\$96.00)
17 for a seven (7) day per week monthly permit. Twenty dollars (\$20) for a 5 day per week
18 monthly permit for City Employees when paid for by a City of Burlington department. The
19 Director of Department of Public Works or his or her designee may pro-rate monthly parking
20 permit fees at times of sale and termination.

21
22 (9) ~~Lakeview Parking Garage: First two (2) hours free; one dollar (\$1.00) per one-half (1/2) hour~~
23 ~~after two (2) hours for next two (2) hours; one dollar (\$1.00) per hour after four (4) hours; maximum~~
24 ~~daily rate of eight dollars (\$8.00). Eighty dollars (\$80.00) for a five (5) day per week monthly lease and~~
25 ~~ninety-six dollars (\$96.00) for a six (6) day per week monthly lease.~~

26 Marketplace Parking Garage:

27 a. Hourly, Maximum Daily Rates. One dollar (\$1.00) up to one (1) hour, two dollars
28 (\$2.00) up to two (2) hours; three dollars (\$3.00) up to two and one-half (2 1/2) hours; four
29 dollars (\$4.00) up to three (3) hours; five dollars (\$5.00) up to three and one half hours (3 1/2)
30 hours; six dollars (\$6.00) up to four (4) hours; seven dollars (\$7.00) up to five (5) hours; eight
31 dollars (\$8.00) up to six (6) hours; nine dollars (\$9.00) up to seven (7) hours; maximum day
32 rate of 10 dollars (\$10.00) after seven (7) hours.

33 b. Parking is free on Sundays.

34 c. Monthly Permit Rates: Ninety-six dollars (\$96.00) for a seven (7) day per week
35 monthly permit in the Marketplace Lower garage. No monthly permits available in the
36 Marketplace Upper garage, except maintenance of those in existence at the time of adoption
37 of this language. The Director of Department of Public Works or his or her designee may
38 pro-rate monthly parking permit fees at times of sale and termination.

39 (10) ~~Marketplace Parking Garage: First two (2) hours free; three dollars (\$3.00) per next one-half~~
40 ~~(1/2) hour after two (2) hours; one dollar (\$1.00) per one-half (1/2) hour for next one and one-half (1~~
41 ~~1/2) hours; one dollar (\$1.00) per hour after four (4) hours; maximum daily rate of ten dollars (\$10.00).~~
42 ~~Eighty dollars (\$80.00) for a five (5) day per week monthly lease and ninety-six dollars (\$96.00) for a~~
43 ~~six (6) day per week monthly lease.~~

44 Reserved.

45 (11)-(16) As written.

46 (c) As written.

47 (d) ~~Reserved.~~

48 Special Rates for City-owned or Operated Garages.

49 (1) Holidays. Hourly transient parking rates shall be suspended on City-recognized holidays,
50 including: New Year's Day, Martin Luther King Day, Presidents' Day, July 4th, Town Meeting Day,
51 Labor Day, Memorial Day, Bennington Battle Day, Columbus Day (Indigenous Peoples Day),
52 Veteran's Day, Thanksgiving Day, and Christmas Day.

53 a. The Director of the Department of Public Works may adjust the garage rates for
54 parking July 3rd to a flat rate or flat rates of his or her determination for the purpose
55 supporting the safe and efficient ingress and egress of vehicles from the garages.

56 (3) Special Events. The Director of the Department of Public Works may set temporary rates for
57 special events or promotions for periods up to one month after providing the Public Works
58 Commission two weeks’ notice.

59 (4) Bulk-rate Parking Product Packages. The Director of the Department of Public Works may
60 create special bulk-rate parking product packages, subject to approval of the Public Works
61 Commission.

62 (5) Lost Ticket Rate. The “Lost Ticket” rate is \$20. Garage staff may apply this fee on a case-
63 by-case basis.

64 (6) Parking Garage Fee Refunds, Rebates, and Waivers. Garage staff to refund, rebate, or
65 otherwise waive parking fees on a case-by-case basis when public safety and/or is necessary to
66 provide good customer service. Garage Staff shall provide adequate documentation of any refund,
67 rebate, or waiver of parking fee, and justification for doing so.

68 (7) City-wide Parking Restrictions, Fees. Overnight parking in City Garages during declared
69 City-wide parking restrictions, as defined by the Director of Department of Public Works or his or
70 her designee, will be free. To include snow bans and “Operation Clean Sweep.”

71 (e) As written.

72 (f) As written.

73

74

75 ** Material stricken out deleted.

76 *** Material underlined added.

77

78 TD: BCO Appx.C, Ch 19, Sec. (b)

79 6/17/20

Burlington Department of Public Works Commission Meeting
Draft Minutes, June 17, 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); Chris Gillman ; Solveig Overby; Peggy O’Neill-Vivanco, Pablo Bose; Jim Barr

Item 1 – Call to Order – Welcome – Chair Comments

Chair Archambeau calls meeting to order at 6:38 p.m. and made opening comments.

Item 2 – Agenda

Commissioner Barr made a motion to approve the agenda.
Commissioner Hogan seconded.
Unanimous approval

Item 3 – Public Forum –

There was no one who chose to speak during public forum

Item 4 – Consent Agenda

A. Temporary ADA space on Pine Street

ACTION: Commissioner Barr made a motion to accept the consent agenda.
Commissioner Gillman seconded. Unanimous Approval.

Item 5 – Memorial Auditorium Parking Space Request – J. Padgett

Interim Assistant Director Jeff Padgett provided an overview of the request in the meeting packet. The College Street Congregational Church is proposing one-way traffic flow from College Street, into its parking lot, and exiting into the City’s Memorial Auditorium parking lot. It would require the elimination of one parking space and the realignment of two spaces in the City lot to accommodate the curb cut. In return, the Church proposes to pay for all the capital costs, manage the construction, and pay \$75.00 a month for the encumbrance of the parking space. The proposed Agreement would allow the City to terminate the arrangement at any time given there may be future public needs on the City parcel that may not be able to accommodate the Church’s traffic.

Andrea Roberts, a representative for the Church, stated that access and safety is important for the church. The parking lot is tight and the exiting sightlines for vehicles exiting their lot on to College St are challenging.

Commissioner Gillman concurred that this is not something that will become permanent and thus we will not be approving this as a permanent law at this time.

Interim Assistant Director Jeff Padgett stated this is not a risk to the city and the agreement is revocable by the city at city discretion. The church lawyer will write up the contract and our city attorney will review. We are looking for broad authority to enter into this agreement.

Commissioner O'Neill-Vivanco asked if there was a sense of flow of traffic through there. Andrea stated that probably 18-24 daily and more active on weekends with church services. There are parking spaces, which are rented to downtown workers by the church, which during the week is the most amount of traffic. The YMCA daycare which is provided in the church for infants will be opening end of July so more traffic will be there during drop offs and pickups.

Chair Archambeau asked about traffic volumes. Director Spencer reported that in reviewing State traffic data collection it appears that a section of South Union Street has an annual average daily traffic of 3,000-4,000 vehicles and a section of College Street had an annual average daily traffic of 4,000-5,000 vehicles. Chair Archambeau expressed disappointment in not getting written responses from staff from questions that he submitted on Sunday. He stated he will be voting no on this item as there is information that he is still unclear on.

Building Inspector Brad Biggie suggested that the property owner reach out to the Fire Marshall's office as this will affect the fire department.

ACTION: Commissioner Bose moved to authorize the Department of Public Works enter into a contract/agreement agreeable to the City Attorney to 1) allow an easement for traffic flow from the College Street Church property to exit across the Memorial Auditorium property 2) remove 1 parking space 3) realign two adjacent parking spaces and perform the necessary related construction at their cost and to City standards 4) in exchange for this easement a fee to the Church of \$75 per month and 5) for a time period such that the City can reasonably accommodate the access and is revocable at the City's discretion.. Commissioner Barr seconded. Roll Call Vote – Commissioner Bose Aye; Commissioner Barr Aye; Commissioner Overby Aye; Commissioner O'Neill Vivanco Aye' Commissioner Hogan Aye; Commissioner Gillman Aye; Commissioner Archambeau Nay.

Item 6 – Appeal of Building Permit after the Fact Fee – W. Ward

P&I Director William Ward stated that the Appellant is not present. The Appellant did not confirm the receipt of the meeting notice that was sent to him. The individual sought to appeal an after the fact fee on a building permit that was issued to him. A suggestion was made to table the appeal until a subsequent meeting.

ACTION: Commissioner Barr made a motion to table the item. Commissioner Gillman seconded. Unanimous approval

Item 7 – Garage Rate Structure and Policy Adjustment – J. Padgett

Interim Assistant Director Jeff Padgett provided an overview of the proposed operational changes to the downtown municipal garages outlined in the memo in the packet. Proposed changes include: removing 2 hour free parking in Marketplace Garage while maintaining it at College St and Lakeview Garages (due to a recent Church St Marketplace Commission vote to reduce the DID assessment by 50%), explicitly allowing for free parking on holidays and Sundays, and offering DPW Director the authority to establish temporary rates. Much of the proposed language is making Ordinance consistent with long-term operational practices.

Commissioner O'Neill Vivanco asked about ensuring that systems were in place to document refunds provided by Ambassadors. Jeff stated that this information is recorded and auditable. Commissioners discussed parking rates for City employees, special event rates, and upcoming validation program.

ACTION: Commissioner Barr made a motion to accept staff's recommendation. Commissioner O'Neill-Vivanco seconded. Commissioner Archambeau made a friendly amendment to correct the numbering – an item as 3 should be 2. The amendment was friendly to the maker and the seconder. Unanimous approval

Item 8 – Consolidated Collection and FY'21 Solid Waste Generation Tax Updates – L. Perry

To summarize the memo in the packet, Assistant Director Lee Perry provided an overview of the Department's proposed increase in the City's Solid Waste Generation Tax charged to solid waste haulers to cover increased tipping fees and the lease payment on a replacement fleet vehicle. Director Spencer stated that we wanted to inform the Commission about the proposed tax increase prior to the Council took action. No action is required from the Commission, but the Commission is welcome to pass a motion stating its opinion. Commissioner Barr encouraged staff to evaluate environmentally friendly vehicle options.

ACTION: Commissioner Barr made a motion to support the FY'21 Solid Waste Generation Tax recommendation. Commissioner Bose seconded. Unanimous approval.

Item 9 – Approval of Draft Minutes of 3-18-2020 & 5-20-2020

March Minutes: Director Spencer stated that the correct version of the March 2020 minutes were included in this month's packet after last month's packet had a draft version. He thanked Commissioner Overby for catching that.

ACTION: Commissioner Barr made a motion to accept March minutes. Commissioner O'Neill-Vivanco seconded. Unanimous approval.

May Minutes: Commissioner Archambeau requested edits to Item 6 (Making Space for Restaurant and Retail Recovery) to replace the paragraph with his comments as follows

“Commissioner Archambeau asked the Director how parking conflicts would be handled. Director Spencer described that interests would be weighed to make accommodation for all businesses involved in order to reduce conflict. Downtown is a high parking demand location and we want to limit what we grant, up to two spaces per business. We will reach out to adjacent businesses for their opinions.” Commissioner Overby requested revisions to the minutes for the Item 7 (North Avenue) to include the following sentence “Commissioner Overby expressed disappointment that a roundabout was not selected despite a study that would have supported a roundabout in this location.” Commissioner Barr suggested a link to the study be added to the minutes.

ACTION: Commissioner Barr made a motion to accept May 2020 minutes with the edits of Commissioners Overby, Archambeau and Barr. Commissioner Bose seconded.
Unanimous approval

Item 10 – Director’s Report

Given the hour, Director Spencer referred to his Director’s Report in the packet and said he will gladly answer any questions.

Item 11- Commissioner Communications

- Commissioner Barr stated that in Wards 1 and 8 the construction work that is going on is going extremely well.
- Commissioner Bose stated the work on Locust Street looks good and there has been positive interaction with the residents.
- Commissioner O’Neill-Vivanco stated see the signs for paving or sidewalk work coming to your neighborhood have been very helpful for the people in the neighborhoods who do not go to the portal to check on the construction projects in Burlington.
- Commissioner O’Neill-Vivanco asked about slope stability and the new restaurant on Riverside Avenue. Director Spencer said staff was continuing to work with the City Attorney on the issue of City authority to control work on private parcels where slope stability is a concern.
- Commissioner Overby asked about the 15 minute parking spots and parklets as she noticed that Ken’s Pizza has tables in roadway. Wondered if there was more Commission action necessary. Director Spencer referenced the prior month’s Commission meeting where this information was brought forward and approvals sought. With the State of Emergency, Mayor Weinberger used his authority the launch of making space for retail and restaurant recovery and fees were waived. Ordinance meeting making space continues and the ordinance language was approved through the rest of the season.
- Commissioner Overby asked about the digging on Elmwood Avenue and Spring Street. Director Spencer said he would check but it may be related to soil remediation efforts related to the dry cleaning operation.
- Commissioner Overby asked about using white paint for the crosswalks instead of red as Jared Wood has asked about it again. Director Spencer stated that we are looking

at updating engineering standards and are considering removing the red faux-brick crosswalks as we have received concerns about their visibility and their slipperiness.

Item 12 – Adjournment – Next Meeting Date July 15, 2020

ACTION: Commissioner Barr made a motion to adjourn the meeting. Commissioner Bose seconded. Unanimous Approval

Meeting adjourned 9:40 p.m.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

To: DPW Commissioners
Fr: Chapin Spencer, Director
Re: **DPW Director's Report**
Date: July 9, 2020

The July Public Works Commission meeting will be held online via Zoom.

COVID-19 OFFICE UPDATES:

Staff is close to finalizing a partial reopening plan for 645 Pine Street. We do not have a date yet, but we are aiming for sometime in July. Transactions that cannot be done online or over the phone, Pine Street Customer Service staff is going outside the building to assist customers. A special thank you to our Customer Service staff members at both Pine Street and Penny Lane as both teams are down a staff member and are working hard to continue their activities during the pandemic. Given the criticality of the water and wastewater plants, we will likely continue to restrict public access to those buildings. Contact: Chapin Spencer, cspencer@burlingtonvt.gov.

PINE ST PARKING RESTRICTIONS:

Team DPW has been working with Parks, Recreation and Waterfront and Pine Street businesses to balance the on-street parking needs of reopening businesses while helping Parks maintain a continuous northbound bike path construction detour accommodation on Pine Street. Working with our partners, we have come up with a plan to reroute the bike path detour off the street for a short section around Speeder and Earls and Arts Riot and restore approximately 8 on-street parking spaces. Work on this section should be completed in the next week. Fortunately, low water level in Lake Champlain has allowed bike path construction along the Pine Street Barge Canal section to restart – indicating that completing the work by fall should be achievable. A big thank you to Technical Services, Traffic and Street Maintenance for helping make this happen.

CHAMPLAIN PARKWAY UPDATES:

As requested by Federal Highway (FHWA), an updated Limited Scope Draft Supplemental Environmental Impact Statement (LSDSEIS) should be available within the coming week. There will be an upcoming NEPA Public Hearing on the Champlain Parkway project on July 29, more information on the time and location will be at www.champlainparkway.org within the next week or two. For more information, contact Susan Molzon (smolzon@burlingtonvt.gov).

FY'21 BUDGETS:

DPW FY'21 budgets were approved by the City Council on June 30. As discussed last month, it has been an especially challenging budgeting season as our assumptions changed dramatically starting in mid-March due to COVID-19 and overall revenue projections had to be significantly lowered across the City. The budget has some notable impacts to DPW's capacity in the coming year and I would welcome the opportunity to lay out some of the constraints we will be facing during my Director's Report at the July meeting. Staff has been proud to serve the Burlington community during this challenging time, and we will continue to maintain the City's vital infrastructure and core services to the best of our abilities moving forward. This said, COVID-19 and the related financial impacts will

affect some levels of service and it is important for the Commission and the public to understand these constraints.

CONSOLIDATED COLLECTION

Following up from last month's briefing, we hosted a virtual public meeting on June 25 that was attended by approximately 20 members of the public. The report and a video of the meeting can be reviewed here: <https://www.burlingtonvt.gov/dpw/Maintenance/Consolidated>. The study's findings and the public input received to date will be presented to the Council's Transportation Energy and Utilities Committee on July 28. The TEUC could request additional information or put together a recommendation for the full City Council's consideration. Contact: Lee Perry, lperry@burlingtonvt.gov.

Feel free to reach out with any questions prior to Wednesday's Commission meeting. Thank you.