



Regular City Council Meeting - Monday, December 21, 2015 - Contois Auditorium, City Hall - will begin after the Local Control Commission Meeting adjourns - 12/21/2015

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

December 21, 2015

Approved

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni, Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Justin St. James, Assistant City Attorney

Bob Rusten, CAO

Rich Goodwin, ACAO



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Jennifer Kaulius, Mayor's Office

Brian Lowe, Mayor's Office

Amy Bovee, Mayor's Office

Lori Olberg, Clerk/Treasurer Office

Chapin Spencer, DPW

Jesse Bridges, Parks & Rec

Peter Owen, CEDO

Kirsten Merriman Shapiro, CEDO

David White, Planning & Zoning

Steve Locke, Fire Chief

OTHERS PRESENT:

Katie Taylor, LCRCC

Brenda Torpie, CHT

Jason Adams, Independent Block, LLC

Jacob Albee, South Willard

Jonathan Eddy, Waterfront Diving Center

Allen Hunt, Maple St.

Michael Jager, Maple St.

Ron Ruloff, Cathedral Square

Dennis Havey, Bristol

Rep. Jean O'Sullivan, Village Green

Michelle Sayles, Peru St.

Donna Walters, Maple St.

Ann Sicurello, Convent Square

Lisa Marchitti & Harry Atkinson, Thunderbolt Woodworks

Genese Grill, Coalition for a Livable Community

Ruby Perry, Locust St.

Philip Pazeski, Killarney Drive



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Diane Gayer, South End

Caroline Bates, Caroline St.

Charles Simpson, Coalition for a Livable Community

Joanne Hunt, Ward 4, Leonard St.

Jen Berger, Decatur St.

Liz Curry, Ward 3, Crowley St.

Mary Ann Mangus, Murray St.

Sean Melinn, Ward 3, North Champlain St.

Roxanne Vought, Front St.

Rita Neopanay, Vermont Hindu Temple

Roger Leboritz, Ward 3, LafountainSt.

Ibnar Avilix, East Ave.

Andrew Simon, Locust St.

Jeff Reicker, Russell St.

Mary Twitchell, Redstone Terr.

Emerald Avilix, Pine St.

Kim Fitzgerald, Cathedral Square

David Grace, Lakeview Community Gardens

Richard Dean, Brooks Ave.

Jennifer Morse, Church Street Marketplace

Ron Redmond, Church Street Marketplace

Myra Timmons, Front St.

Jason Van Driesche, Local Motion

Emin Alicic, Teen Center

Jesse Beck, Maple St.

Keith Brunner, North St.

Tian Berry, BHS



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Jill Nye McKeown, Shore Road

Hawa Adams, BHS

Charlie Baker, Regional Planning

Eleni Churchill, Regional Planning

David Lustgarten, Killarney Dr.

James Lockridge, King St.

Ted Wimpey, Charles St.

Amanda Hannaford, Church St.

Erhard Mahnke, Grove St.

Keith Pillsbury, University Terr.

Iloni Blanchard, South Champlain St.

Patrice Robins, Ward 6, Juniper St.

Caryn Long, Henry St.

Kathleen Ryan, Maple St.

Nancy Owens, Housing Vermont

Brian Pine, America

Amy Wright, North St.

Dan Bradley

Kelly Devine

Andy Hill

Michael Monte, CHT

Eric Farrell

Gil Livingston, Vermont Land Trust



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[Note: Minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7:07 PM on December 21, 2015 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Colburn, SECOND by Councilor Wright, to approve the agenda with the following amendments to the items listed and to take the action indicated:

- **Amend Item 3.30 (Channel 17 Agreement Amendment) to waive the reading, adopt the resolution and refer the Channel 17 FY17 municipal budget communication to the Board of Finance.**
- **Note revised version of Item 3.32 (Inter-fund Loan Municipal Parking Garage Repair Project).**
- **Add Item 3.35: Communication – Sarah Muyskens, 276 South Union Street re: Support for Draft Development Agreement with Project Partners on Former Burlington College Land.**
- **Note additional written material for Item 4.07 (Downtown Parking and Management Plan).**
- **Postpone Item 4.10 (Supporting Safe Recovery) until January 25, 2016.**
- **Add Councilor Paul as Co-Sponsor to Item 4.11 (Voting Location and Improving Voter Participation) and note proposed amendment to the resolution.**

VOTING: unanimous; motion carried.

Council President Knodell recessed the meeting at 7:09 PM to convene the Local Control Commission meeting followed by the Board of Civil Authority meeting. City Council meeting resumed at 7:32 PM.

2.0 PUBLIC FORUM

Public Forum commenced at 7:33 PM.

PUBLIC COMMENTS

Ø Katie Taylor, Lake Champlain Chamber of Commerce, spoke about the Downtown Parking and Management Plan, improvements for parking accessibility, easier traveling for tourists, and the Burlington College Development Agreement providing housing in Burlington (where there is a less than 1% vacancy rate for rentals) for the work force, families, and individuals in need of affordable housing.

Ø Brenda Torpie, CHT, spoke in support of the Burlington College redevelopment project as a once in a generation opportunity and a legacy for City Council as a model for sustainable 'green' development. The project will provide open





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space and affordable and senior housing close to work and downtown.

Ø David White, Burlington Planning & Zoning, spoke about PlanBTV and the Downtown Parking Plan providing guidance for better management of resources and the railyard. The city's open space plan includes the shoreline and the Burlington College land agreement protects the shoreline and provides housing. Both the development and the protection of the site are implementations of the city's master plan.

Ø Jason Adams, Independent Block, expressed concern about the Railyard Enterprise Project, specifically Option 5B due to the impact on his building, loading docks, and parking which will have a negative result on the economic development of businesses at Independent Block. Businesses will likely have to relocate if Option 5B goes forward which will make the project more expensive than proposed.

Ø Jacob Albee, South Williams St., expressed concern about Option 5B and said the plan has not been inclusive or transparent.

Ø Jonathan Eddy, Waterfront Diving Center, expressed concern about the Railyard Enterprise Project and the impact on businesses in the area, noting Option 5B will have a disastrous impact on businesses and all three options eliminate his parking, loading dock, and will be an impediment to staying on the waterfront.

Ø Allen Hunt, Maple Street, spoke in favor of the Railyard Enterprise Project which will divert some of the traffic. Losing private businesses or buildings is not the preference, but the process has been open and the steering committee did a good job of sorting through the options. City Council is urged to move the proposal forward.

Ø Michael Jager, Maple Street, expressed concern about the Railyard Enterprise Project and the impact on the business owners on the waterfront who pioneered the waterfront and brought lots of energy to the area. Option 5B appears to disrespect that and it is hoped the option will not be pursued.

Ø Ron Ruloff, Cathedral Square, spoke against the Burlington College land deal which will destroy a heritage property that should be made into a park setting. Mr. Ruloff warned of street drug operations setting up in Section 8 housing and more homeless people coming to the city as more Champlain Housing units are built.

Ø Dennis Havey, Pine Street, stated part of the settlement agreement on the federally designated brown field and site prohibits housing, daycares, excavation below eight feet. Two of the options with the Railyard Enterprise Project take his land for 90° turns and roads to nowhere. The financial impact is a loss up to 33% of the total land and over \$70,000. In 2007, City Council approved paying \$300,000 for a lease/purchase agreement to have control of the property, but the new Administration did not exercise the purchase portion and now the city is not interested in the land. If Option 2 or Option 5B are exercised the matter will be taken to the courts which will result in more cost and loss of time.

Ø Rep. Jean O'Sullivan, Village Green, read a statement in support of the Burlington College land project and the affordable housing to be built. City Council was urged to support the agreement.

Ø Michelle Sayles, Peru Street resident and representing the ghost of Christmas Past read a statement about keeping Burlington a diverse city of people and upholding Burlington's values.

Ø Anne Sicurello, Convent Square, spoke in support of more balanced development of the Burlington College land, preserving the natural world, and getting full community input before making a decision.

Ø Lisa Marchitti, Thunderbolt Woodworks, spoke about the historic building housing a variety of businesses that will be impacted by the Railyard Enterprise Project and suggested moving the building to the north and east onto its own lot out of the way of the road. The railroad got a \$1.3 million office building 25 years ago for free because it was thought the road was coming through.



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- Ø Statement was read from Harry Atkinson, Battery Street, regarding the traffic expert who advised more cars will be attracted to the area with the new road system and the need to focus on public transportation.
- Ø Genese Grill, Coalition for a Livable Community, read a list of words said over the course of the discussion of the Burlington College land and standing up for beauty.
- Ø Ruby Perry, Locust Street, read a statement about the impact on the world by the Burlington College land development and fighting for the land by all the people.
- Ø Philip Pazeski, Killarney Drive, spoke against the destruction of the last parcel of open land in Burlington with the Burlington College development and that private property owners are not able to do what they want just because they are private property owners. The community has a say. The church allowed public access to the property and did not pay taxes on the land because the people decided the church did not have to pay taxes.
- Ø Diane Gayer, South End, spoke about the alternatives in the Railyard Enterprise Project being similar and presenting the same for the neighborhoods, but some items were not considered such as the ravine and delta, pollutants and brown fields, livability being only about transportation and not about the whole of the businesses. Priority of criteria is railroad, Curtis Lumber, the rest of the businesses, and dealing with brown fields so there is clarity as to how the road alignment might occur. Alternate mapping showing consideration of one-way streets, smaller alignments, and grids was submitted to city staff for consideration.
- Ø Caroline Bates, Caroline Street, spoke of the housing shortage in Burlington that has prevailed since 1963. The parking committee studied parking and the same should be done for the Burlington College land, the railroad land, and the southern connector. Twelve acres of land from the Burlington College parcel is slope to the beach with no handicap access unless trees are cut down. With the railroad project what can and cannot work must be considered. No buildings should be taken down and more than just cars should be considered. Bike/pedestrian walking space can be done. The report shows some parts of the South Connector are not well designed. Cutting off Pine Street to build another road makes zero sense when there are two alternate roads to go into Burlington. Public transportation should be included.
- Ø Charles Simpson, Coalition for a Livable Community, said 1% vacancy rate is an urban myth since the study done to assess the value of the Burlington College land indicated there is a 4% vacancy rate for apartments and this will continue. It is not a good deal for the city to pay the developer of the city's largest project for open space of which the city already controls two acres for right-of-way. The deal is bad for the environment because the public park will have to absorb the runoff from the roofs and roads and parking for 700 housing units. The deal is not good for urban recreation because the park will essentially be the backyard for the 2,000 residents above. City Council is urged to renegotiate the deal and reimagine what could be done.
- Ø Joanne Hunt, Leonard Street, spoke in support of affordable and senior housing, but also about saving a precious unique space and one of the last open spaces in Burlington with no other view like it in the city. Housing cannot be put against the environment which is what has caused the problem of climate change. There cannot be talk about economics without looking at the environment. The Burlington College agreement is not the best deal. Also, the public initiated the public process, not the developer. City Council is urged to step up and slow down the project.
- Ø Donna Walters, Maple Street resident and representing Christmas Present, read a statement in support of saving the Burlington College land as open space and not building 770 housing units on a few acres with 1,500 people knowing the beautiful place was sacrificed.
- Ø Jenn Berger, Decatur Street resident and representing the Future, read a statement citing irreversible damage in the future by the Burlington College development at the expense of green space and urged City Council to consider a path where Burlington's past, present and future are aligned.



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- Ø Liz Curry, Crowley Street, warned against allowing sprawl to continue and spoke of CHT, Vermont Land Trust, and the responsible developer with a responsible vision for the development that will give relief to existing taxpayers carrying the tax burden on the property.
- Ø Mary Anne Mangus, Murray Street, spoke against the Burlington College land agreement, citing the loss of pileated woodpecker habitat, loss of the ability of humans to retreat to the open space, public good that has been crushed in the rush to the deal, and erroneously applauding affordable housing on a four to one ratio as a good deal. Before sealing the fate of the land City Council is asked to question more and seek good alternatives.
- Ø Sean Melinn, North Champlain Street, said the Old North End Arts & Business Network promotes businesses, residents, and arts opportunity. There are a few landlords holding the majority of land in Burlington and there is lack of opportunity for resident access to commercial resources and to own and operate their own businesses. The Network also supports preserving small plots of land in the neighborhood for community gardens open to all residents. Mr. Melinn spoke in support of responsible development of the land which the Burlington College proposal does and helps ensure more affordable units of housing, and mentioned expanding bicycle parking in the Downtown Parking and Transportation Plan.
- Ø Roxanne Vought, Front Street, spoke of the need to have access to green space for balance and taking away the balance is an irreversible move that the city has the option not to do. Recent development decisions have been a threat to the culture.
- Ø Rita Neopanay, Vermont Hindu Temple, spoke in support of the Burlington College proposal and creating space for the community of immigrants.
- Ø Roger Leboritz, Lafountain St., spoke against the Burlington College deal as it now stands because the city desperately needs open space. City Council is urged to find a way to do this for future generations. The lack of vision by the leaders is disappointing.
- Ø Ibnar Avilix, East Ave., spoke in support of keeping the Burlington College land as park land and mentioned earlier suggestions by people to use conservation funds, but no response was heard. People need a chance to respond to the plans. Consideration should be given to moving the housing above the mall to the Kmart site and running an electric shuttle bus to the mall and using energy from the McNeil Plant. The necklace of parks including the Burlington College land should be maintained. Comment from storm water and waste water departments is needed on how the infrastructure will be supported with the development.
- Ø Andrew Simon, Locust Street, spoke against the Burlington College development or at least scaling back the buildings dramatically and expanding the public open space. Residents, NPAs, all the city boards and commissions should have more time to consider the agreement. There should be a 60 day pause until March 1st before further action.
- Ø Jeff Reicker, Russell Street, spoke of protection of the land at Burlington College and irresponsible growth being dangerous, stressing the deal is going through too quickly. Mr. Reicker recited a poem called "House without Walls" (a/k/a Mother Nature).
- Ø Mary Twitchell, Redstone Terr., stated the southern connector was originally designed for cars, but in the long delay times have changed and the auto is not the future. There is concern about calling roundabouts alternative solutions when the changes are still for the automobile. There should be a roundabout one-way on Pine Street and one-way south by the railyard. The integrity of the railyard must be maintained because that is the future. The road keeps getting wider and slower in terms of moving traffic.
- Ø Emerald Avilix, Pine Street, spoke against the Burlington College land deal and read a "ditty".
- Ø Kim Fitzgerald, Cathedral Square, asked City Council to support the Burlington College agreement. Cathedral Square is



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partnering with CHT, Housing Vermont, and Eric Farrell to provide affordable senior housing. There is not enough housing to support the need.

Ø David Grace, Lakeview Community Gardens, spoke in support of the Burlington College development plan and the expansion of the gardens and access to the natural area, the beach, and North Avenue.

Ø Richard Dean, Brookes Ave., spoke in support of the Railyard Enterprise Project, the parking management initiative, and the development at Burlington College because the plans are inclusive, innovative, and important for the future of Burlington.

Ø Jennifer Morse, Church Street Marketplace, spoke in support of the Downtown Burlington Parking & Transportation Initiative and recognition of downtown employees and implementing future options.

Ø Ron Redmond, Church Street Marketplace, spoke in support of the Downtown Burlington Parking & Transportation Initiative which uses existing infrastructure, improves the experience at Church Street Marketplace, and preserves what the city has in the downtown with a majority of the businesses and restaurants being locally owned.

Ø Myra Timmins, Front Street, expressed concern about the lack of a plan for traffic from the development of the Burlington College land which will add to the dirt and pollution from existing traffic and have a negative impact on birds and bugs from loss of habitat and invasives. Seven hundred seventy housing units is too many.

Ø Jason Van Driesche, Local Motion, urged support of the Downtown Parking Plan though more work is needed on bike parking. The Railyard Enterprise Project encourages walking and biking in the South End and though the project is a work in progress, it is critical that it move forward.

Ø Emin Alicic working with the Mayor's Advisory Council on a project related to the Burlington College land to establish a teen center in the stone house spoke in support of the project because the teen center would be closer to Burlington High School.

Ø Jesse Beck, Maple St., spoke in support of the Railyard Enterprise Project because Maple Street is unsafe and this is the chance to add an avenue north and south for a good auto, bike, pedestrian friendly connection and streets east and west to restore the city grid for development.

Ø Keith Brunner, North Street, said the Mayor's vision for the city is the city will be a playground for the rich or zero waste with regional food systems, affordable housing, and ecosystem restoration. Burlington College development is the decision point for which way to go. In practice the land is held in common. People are on the land all the time. Private property is a mental construct. The land that is undeveloped is land that people already use. That the land is public and will remain undeveloped needs to be expressed with institutional arrangements.

Ø Tian Berry, BHS student, read a statement advocating for a healthy environment in and around Burlington and making the beaches and parks smoke free.

Ø Jill Nye McKeown, Shore Road, spoke of healthy open spaces and fresh air and supporting the smoking ban, and asked City Council to reconsider the delay in enacting the ban.

Ø Hawa Adams, BHS student and member of Students Taking Actions and Risks Together (START), spoke in support of the smoking ban in parks and on beaches and not delaying to do the survey.

Ø Charlie Baker, Regional Planning Commission, spoke in favor of the Downtown Parking Plan, Burlington College Agreement, and the railyard alternatives.

Ø David Lustgarten, Killarney Drive, said the Burlington College property development includes bike path improvements



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and housing, but there is concern about the impact on the beauty of the area due to the large scale of the project. There should be smaller structures to blend with the landscape.

Ø James Lockridge, King Street, spoke in support of the bypass from Battery Street to Pine Street with minimum impact on the railyard and creating grid streets to promote economic development. The open space through 339 Pine Street (former location of the Drop Off Center) should remain open space for continued use by the neighborhood. Mr. Lockridge also mentioned that the management of Church Street Marketplace should reflect the private citizen and not just businesses.

Ø Ted Wimpey, Charles Street, spoke in support of the Burlington College agreement and affordable and inclusive housing in community development especially where public transportation is available.

Ø Amanda Hannaford, Church Street, spoke in support of maintaining the Burlington College land as green space and in support of the Downtown Parking Plan and final changes made to the plan.

Ø Erhard Mahnke, Grove Street, spoke in favor of the development agreement for Burlington College land since there is great need for affordable housing and being responsible to future generations.

Ø Keith Pillsbury, University Terr., stated affordable housing is needed for young professionals in the city. Students are occupying units that could be available to long term residents.

Ø Iloni Blanchard, South Champlain Street, spoke in support of the Railyard Enterprise Project and the positive impact on traffic.

Ø Patrice Robins, Juniper Road, stated Burlington College had to eliminate debt or go bankrupt so the land was sold. The development plan is good.

Ø Kathleen Ryan, Maple Street, said traffic and impact on the schools are concerns with the Burlington College development project. The site would be an awesome place for a school.

Ø Nancy Owens, Housing Vermont, spoke in support of the Burlington College agreement as a balanced and responsible plan addressing critical needs and a variety of needs. There is a shortage of housing for all incomes. The density is a way to be 'green'.

Ø Brian Pine, America, spoke of the dichotomy of development and conservation being at odds yet the goal of the Burlington College project is to ensure access to conserved land and affordable housing. Infill development is good for the environment.

Ø Amy Wright, North Street, spoke in support of the Burlington College plan which is good for the City of Burlington housing and conservation needs.

There were no further comments and the Public Forum was closed at 9:35 PM.

3.0 CONSENT AGENDA

3.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated

3.02 COMMUNICATION: Accountability List

3.03 COMMUNICATION: Minutes, City Council 8/10/15





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- 3.04 COMMUNICATION: Minutes, City Council Work Session 9/2/15
- 3.05 COMMUNICATION: Minutes, Local Control 9/8/15
- 3.06 COMMUNICATION: Minutes, City Council 9/8/15
- 3.07 COMMUNICATION: Minutes, Local Control 9/21/15
- 3.08 COMMUNICATION: Minutes, City Council Mayor Presiding 9/21/15
- 3.09 COMMUNICATION: Minutes, Board of Abatement 9/21/15
- 3.10 COMMUNICATION: Minutes, City Council 9/21/15
- 3.11 COMMUNICATION: Minutes, City Council Work Session 10/13/15
- 3.12 COMMUNICATION: Minutes, City Council Mayor Presiding 10/13/15
- 3.13 COMMUNICATION: Minutes, City Council 10/13/15
- 3.14 COMMUNICATION: Minutes, City Council 10/26/15
- 3.15 COMMUNICATION: Minutes, City Council 11/9/15
- 3.16 COMMUNICATION: Minutes, City Council 11/16/15
- 3.17 COMMUNICATION: Minutes, City Council Mayor Presiding 11/16/15
- 3.18 COMMUNICATION: Jannine Wright, Deputy Chief of Police re: Tasers
- 3.19 COMMUNICATION: Sweep Accounts & Other Bank Accounts
- 3.20 COMMUNICATION: Airport Expenditures Unaudited – October 2015
- 3.21 COMMUNICATION: Lisa Jones, Housing Board re: Resignation
- 3.22 COMMUNICATION: Martha R. Lang re: ZA-16-05 UVM Medical Center
- 3.23 COMMUNICATION: Information Only Documents
- 3.24 COMMUNICATION: Neil Mickenberg re: Railyard Enterprise Project
- 3.25 RESOLUTION: General Obligation Refunding Bonds
- 3.26 RESOLUTION: BT Limited Service Support Technician Position
- 3.27 RESOLUTION: Contract for Little Eagle Bay Outfall Repair Project
- 3.28 RESOLUTION: Citywide Storm Water Master Planning DEC Grant
- 3.29 RESOLUTION: Heritage Aviation Employee Stock Ownership Plan
- 3.30 RESOLUTION: Channel 17 Access Change Trust Agreement Amendment



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3.31 RESOLUTION: Amend FY2016 Budget for Waterfront Access North Project

3.32 RESOLUTION: Interfund Loan for Municipal Parking Garage Repair Project

3.33 RESOLUTION: Refunding Certificates of Participation Series 2016 for Lakeview Garage Project

3.34 RESOLUTION: Refunding Certificates of Participation Series 2016 for DPW Facility Project

3.35 COMMUNICATION: Sarah Muyskens, 276 South Union Street, re: Support for Burlington College Development Agreement

MOTION by Councilor Colburn, SECOND by Councilor Paul, to accept the consent agenda (Items 3.01-3.35) with the following amendments and to take the action indicated:

- **Amend Item 3.30 (Channel 17 Agreement Amendment) to waive the reading, adopt the resolution and refer the Channel 17 FY17 municipal budget communication to Board of Finance.**
- **Note revised version of Item 3.32 (Inter-fund Loan Municipal Parking Garage Repair Project).**
- **Add Item 3.35: Communication – Sarah Muyskens, 276 South Union Street re: Support for Draft Development Agreement with Project Partners on Former Burlington College Land.**

VOTING: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Appointment of Assistant City Attorney

Mayor Weinberger introduced Justin St. James and reviewed his qualifications for the Assistant City Attorney position.

MOTION by Councilor Shannon, SECOND by Councilor Mason, to approve the Mayor's appointment of Justin St. James as Assistant City Attorney.

DISCUSSION: Justin St. James said he is excited to get started and appreciates consideration for the appointment.

VOTING: unanimous; motion carried.

4.02 Appointment of Fire Chief

Mayor Weinberger introduced Steve Locke (and wife, Susan) and reviewed his extensive experience for the Fire Chief position vacated with the retirement of Chief Lasker.

MOTION by Councilor Ayres, SECOND by Councilor Paul, to approve the Mayor's appointment of Steve Locke as Fire Chief. VOTING: unanimous; motion carried.

4.03 Indoor Entertainment Permit Application (2015-2016): Pingala Café & Eatery, 1 Mill Street, Suite 138



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MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve the indoor entertainment permit (2-15-2016) for Pingala Café & Eatery, 1 Mill Street, Suite 138. VOTING: unanimous; motion carried.

4.04 Outdoor Entertainment Permit Application (2015-2016): Pingala Café & Eatery, 1 Mill Street, Suite 138

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve the outdoor entertainment permit (2015-2016) for Pingala Café & Eatery, 1 Mill Street, Suite 138. VOTING: unanimous; motion carried.

4.05 Appointment: Church Street Marketplace Commission (expires 6/30/16)

MOTION by Councilor Roof to nominate Linda McKeown to the Church Street Marketplace Commission for a term expiring June 30, 2016.

MOTION by Councilor Giannoni to nominate Jim Lockridge to the Church Street Marketplace Commission for a term expiring June 30, 2016.

VOTING for Linda McKeown: 9 ayes.

VOTING for Jim Lockridge: 3 ayes.

Linda McKeown is appointed to the Church Street Marketplace Commission for a term expiring June 30, 2016.

4.06 Appointment: Church Street Marketplace Commission (expires 6/30/17)

MOTION by Councilor Wright to nominate Michael Lee to the Church Street Marketplace Commission for a term expiring June 30, 2017. There were no other nominations. VOTING: unanimous; motion carried.

Michael Lee is appointed to the Church Street Marketplace Commission for a term expiring June 30, 2017.

4.07 Resolution Accepting the Downtown Parking and Management Plan

MOTION by Councilor Tracy, SECOND by Councilor Paul, to waive the reading and adopt the resolution accepting the Downtown Parking and Management Plan.

DISCUSSION: The following was discussed:

- **City Council thanked all for the work on the plan.**
- **Councilor Tracy reviewed the two year process of looking more in depth at the downtown parking challenges of access, finding parking, and the condition of the parking garages, and how to address the issues, create better use of the spaces, encourage transit usage, and secure bike parking. An advisory committee was**





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created to help the plan move forward in a cohesive fashion.

· Dan Bradley said the committee looked at existing conditions and worked with the consultant on possibilities taking the parking system forward. The plan addresses greater use of existing resources and takes the city into the future to enhance access and mobility in the downtown.

· Councilor Shannon expressed concern about private parking lots being available to the public for a fee and landlords charging their tenants a fee to park.

· Kelly Devine said half of the available parking in the downtown is privately held and the committee is trying to work with owners to make the parking available when possible. Tenant and lease agreements are individual decisions.

· Andy Hill pointed out the goal was shared use agreements with property owners to get more use out of the parking utility. Typically landlords only charge a fee to tenants when the market will bear it.

AMENDMENT by Councilor Giannoni, **SECOND** by Councilor Colburn to add the following clause to the resolution:

○ So now be it resolved that the representative advisory committee of Go Burlington shall include downtown residents, downtown employees, and other key parking and transportation user groups to provide guidance to Go Burlington skills based governing body.

DISCUSSION ON AMENDMENT: Councilor Giannoni said the resolve clause adds a level of specificity to the composition of the committee. It is important to specifically involve downtown residents.

Employees and other stakeholder groups can be involved as well. There were no further comments on the amendment.

VOTING ON AMENDMENT to add to the advisory committee: unanimous; motion carried.

CONTINUED DISCUSSION (on amended motion): Councilor Bushor acknowledged the communication on 12/14/15 and asked if there is change to access during the winter parking ban (no change)

and if the night fees for parking in privately owned utilities will be affordable. Andy Hill explained there are agreements between two private entities and the city has no say, but there is little demand for parking assets during the night so rates are typically set low to create utilization. Councilor Bushor

suggested the tiered parking cost which will force some people to park farther away be re-evaluated so Burlington is accessible to everyone. Also, Sunday parking should be free for residents all day.

AMENDMENT by Councilor Bushor, **SECOND** by Councilor Wright, to remove the Sunday parking option from the Downtown Parking and Management Plan and refer the matter to the Board of Finance for review and further financial analysis.

DISCUSSION ON AMENDMENT: The following was discussed:

· Councilor Bushor noted if the amendment and the amended motion are passed then the parking plan will not include the Sunday parking option.

· Chapin Spencer said financial analysis of removing the Sunday option can be done in two to three months (by the first meeting in March).

· Andy Hill said in FY16 Sunday fee parking with core meters in place adds value of \$122,000. Added value in FY17 is estimated at \$29,400 with expanded core meters. FY19 added value is \$22,000 with other meters





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plus \$13,000 with off-street parking and \$139,000 from the three parking garages. Over a five year term the value is about \$1.03 million.

- Councilor Bushor noted the revenue goes into the traffic fund to be used to pay for some of the garage maintenance (capital plan). By removing the Sunday option the impact on the capital fund and accomplishing the projects proposed can be seen.
- Andy Hill noted there is high utilization in the core meter areas on Sunday and that is why the recommendation for the fee was made (so there would be turnover of spaces).
- Councilor Mason stated the financial information for imposing a parking fee has already been presented.
- Councilor Hartnett said having the Board of Finance look at the matter is acceptable.
- Councilor Wright noted free parking after 6 PM is being eliminated so the plan takes something away from residents and this should be looked at carefully.
- Chapin Spencer clarified there is time to return the plan to City Council if there are Board of Finance meetings prior to then to discuss information that is developed. The committee has a financial model with a high level of detail ready for the Board of Finance so data can be produced to answer questions.
- Councilor Tracy stated having free garage parking on Sundays for residents is adequate and realizes revenue from out-of-towners. The entire plan should move forward after review by the Board of Finance.
- Councilor Colburn said equity and access are issues.
- Mayor Weinberger stated taking time to discuss the amendment with the Board of Finance is not a problem.

VOTING ON AMENDMENT to remove Sunday parking option/refer to Board of Finance (by roll call):
Councilor Bushor – aye, Councilor Tracey – aye, Councilor Giannoni – aye, Councilor Wright – aye,
Councilor Mason – nay, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor
Hartnett – aye, Councilor Knodell – aye, Councilor Colburn – aye, Councilor Shannon – nay (10 ayes, 2 nays); motion
carried.

CONTINUED DISCUSSION (on motion twice amended): Councilor Wright noted there is some confusion with the tiered plan. City Council should consider a charter change so these decisions are in the hands of those accountable to the public.

VOTING on motion as amended (add clause and remove Sunday parking option/refer to Board of Finance):
unanimous; motion carried.

4.08 Resolution Accepting Former Burlington College Property Development Agreement

Council President Knodell and Councilor Paul recused themselves. Councilor Mason facilitated the meeting.

MOTION by Councilor Wright, SECOND by Councilor Giannoni, to suspend the rules to complete Item 4.08 only (Burlington College Property Development Agreement).

FRIENDLY AMENDMENT by Councilor Shannon, SECOND by Councilor Hartnett, to include Item 4.09





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(Railyard Enterprise Project) in the list of items covered under the suspension of the rules.

DISCUSSION ON AMENDMENT: Councilor Bushor asked if there is urgency for the railyard resolution. Mayor Weinberger pointed out members of the public in attendance have waited hours for a decision on the matter. A decision would be respectful. Councilor Ayres agreed City Council should deliberate and decide the matter. Councilor Wright accepted the amendment.

VOTING ON MOTION AS AMENDED: 9 ayes, one nay (Councilor Roof); motion carried.

MOTION by Councilor Ayres, **SECOND** by Councilor Shannon, to approve the resolution accepting the former Burlington College property development agreement.

DISCUSSION: The following was discussed:

Councilor Ayres read a statement noting the respectful dialogue both in support and against the agreement which is the first step towards achieving conservation of the property. The participants in the negotiations were recognized for the productive negotiations and compromise that resulted in the agreement. Also of note:

§ The 27 acre property is not public property. Previous owners have allowed public access.

§ Current zoning allows more intense density using more of the land than what is proposed in the plan.

§ The city will have 12 acres (43% of the entire parcel) for public open space.

§ Vermont Land Trust and the city have gone to great lengths to protect the land as public open space with links to the lake and other amenities along with connection of both the Old North End and New North End.

§ The plan preserves the community gardens.

§ There is agreement more housing is needed in Burlington and a mix of housing is needed. Burlington is a city which should provide housing for all residents and not promote sprawl.

§ The public process is just beginning when the agreement is signed. There will be DRB, Conservation Board, and Act 250 reviews.

Jesse Bridges, Gil Livingston, Michael Monte, and Eric Farrell gave a brief history of the property and current goals for housing, open space, revitalization of the Old North End, and connection to the bike path, noting the master plan by Burlington College included up to 665 units of housing (market units, senior/affordable, single family, and dorms), only one acre of public land, six acres of private open space, and no connecting path.

Gil Livingston noted if the agreement is rejected the present property owner could apply for a permit consistent with existing zoning which would include a set aside of open space, but not for the public.

Jesse Bridges discussed the amount of buildable land on the 12 acre parcel to be owned by the city. The appraisal for the parcel contemplates single family building sites on six acres. The beach and slopes of 30% are not buildable. The city has 1,000 acres of publicly owned open space. There is a significant difference between public open space and private open space. The two acre right-of-way space is not part of the 27 acres.





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- Councilor Wright noted traffic will be dealt with in the review process.
- Councilor Bushor spoke in support of open space as a way to buffer wildlife from development, but recognized the entire parcel cannot remain open and there is a need for housing in Burlington. The city does not own the land; Eric Farrell owns the land. The city tried to carve out open space for the public. Eric Farrell has been a part of the community and created housing that meets needs and acknowledges what Burlingtonians want (i.e. open space).
- Jesse Bridges, Gil Livingston, and Eric Farrell discussed storm water management and using the green space/open field to help mitigate runoff. There will not be a storm water pond in the middle of the open space. It was noted the soils are sandy so storm water recharge is easy. Any storm water facilities on the public land will be subsurface. City and state storm water rules will be followed. The partners will work collaboratively on the system which cannot impede public use or adversely impact maintenance of the parcel. The Conservation Board focuses thoroughly on storm water.
- Councilor Tracy commented positively on the feedback from the public, acknowledging the issue is complex.
- Jesse Bridges noted next steps include starting the process for funding the acquisition of the open space and finalizing the agreement on ownership of the land. Zoning changes will be needed. The project will be reviewed by the Conservation Board, Development Review Board, and Act 250.
- Councilor Tracy mentioned preserving the land in full if the property owner is willing to sell or if the city can take privately held land.
- Eric Farrell said it is an unrealistic expectation and he would not sell the land in full. The parcel had been up for sale for the past 12 years. An offer was made to the Dioceses that was not accepted. The purchase would not be a good investment for the city because the opportunity to create a diverse neighborhood would be lost. The city is gaining access to the beach and open space with the plan.
- Eileen Blackwood advised on the matter of the city taking privately held land the city can only do this under certain conditions and the process is very lengthy.
- Councilor Tracy said the plan before City Council deals with critical housing needs, especially senior and affordable housing, and builds more densely rather than with sprawl. There will be teen center space and more community gardens as well as access to the beach with the plan.
- Councilor Colburn mentioned workforce housing being included in the mix of housing and having ample opportunity to discuss traffic and scale as the project moves through the DRB and Act 250 review process.
- Eric Farrell said there will be housing that could be considered workforce. Michael Monte noted there is a waiting list for Champlain Housing Trust housing with up to 1,800 applicants a year for 30 vacancies. The plan will provide an economically diverse neighborhood and serve a wide range of people.
- Councilor Shannon stated the zoning rewrite in 2007 limits the number of units that could be built on the property due to slope and Act 250 will also place limits, but the starting point with the plan is even lower. When property is developed there is the loss of what is, but the developer has the right to develop their property. Without the agreement single family houses or more units could be built with more property covered than open and no affordable housing or public access. The project review process will deal with storm water issues. The appraisal of the property to be owned by the city is \$3 million due to development potential so the city is getting a good deal and is conserving 12 acres of land for public benefit. The city is grateful to the developer for the willingness to compromise on development rights.



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- Councilor Giannoni expressed concern about traffic and people parking in neighborhoods, and mentioned trees being cut on the property.
- Eric Farrell noted a forester was hired to do a tree maintenance plan which was approved by the Conservation Board. Invasive species have been cut down.
- Councilor Hartnett stated a private gated community was not wanted. The plan will provide open space and access to the beach. The public forum was good except the comment about the Administration just wanting wealthy people and development.
- Mayor Weinberger stated the robust debate and public engagement was inspiring. The development agreement is a good direction for the city because there has been a long standing list of goals for the property that includes a mix of housing to serve a range of income levels and the addition of public open space. The plan is a step toward addressing the housing crisis in Burlington. The development will have a smaller environmental footprint and is a step forward with the city's climate action plan for a walkable, bike-able community. The development saves thousands of acres of development elsewhere to house a comparable number of people. Thanks are extended to the four partners for the plan.

CALL THE QUESTION by Councilor Ayres. VOTING: unanimous; motion carried. Discussion ceased.

VOTING (approve Burlington College Development Agreement): unanimous; motion carried.

Council President Knodell and Councilor Paul returned to the meeting. Council President Knodell resumed the facilitation of the meeting.

4.09 Railyard Enterprise Project

MOTION by Councilor Shannon, SECOND by Councilor Mason, to adopt the resolution in support of the advancement of the Railyard Enterprise Project.

DISCUSSION: Councilor Shannon said the decision to move one option forward that required taking property was difficult, but had the least impact on Vermont Railway. Each of the three options have strengths and weaknesses. It is important for the residents in the Maple Street and King Street neighborhoods that the project move forward to relieve traffic. The three alternatives though not perfect were the best of the alternatives. Councilor Bushor asked what alternative is the best for King Street and least disruptive to the business community. Eleni Churchill, Regional Planning, said Alternatives 1B and 2 have some impacts on businesses. Alternative 2 impacts Curtis Lumber. Alternative 5B impacts the Independent Block building and parking for the building, but does not impact the railroad in a major way. The next phase after scoping is NEPA so there will be more evaluation and analysis. Chapin Spencer noted the no build alternative is also an option that can be explored. Councilor Wright asked if there is one alternative that is less costly or time consuming and will not result in a lawsuit. Eleni Churchill said the alternatives will have more analysis and more information on cost.

AMENDMENT by Councilor Shannon, SECOND by Councilor Bushor, to add the following to the last Be It Further Resolved clause:

- Specifically at this time City Council has serious concerns about the extensive negative impacts on private



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property and existing businesses by Alternative 5B and considered this alternative the least favorable option at this time.

VOTING ON AMENDMENT: unanimous; motion carried.

VOTING on amended motion: unanimous; motion carried.

4.10 Supporting Safe Recovery

Postponed.

4.11 Voting Locations and Improving Voter Participation

Postponed.

5.0 COMMITTEE REPORTS

No report.

6.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

7.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

8.0 MAYOR – GENERAL AFFAIRS

No report.

9.0 ADJOURNMENT

MOTION by Councilor Hartnett, SECOND by Councilor Ayres, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 11:55 PM.



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