



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

To: Tenzin Chokden, Clerks Office
From: Chapin Spencer, Director
Date: July 11, 2019
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **July 17, 2019**
Time: 6:30 – 9:00 p.m.
Place: **645 Pine St – Main Conference Room**

A G E N D A

ITEM

- 1 Call to Order – Welcome – Chair Comments
- 2 5 Min Agenda
- 3 5 Min Election of Chair, Vice Chair and Secretary
- 4 10 Min Public Forum (3 minute per person time limit)
- 5 5 Min Consent Agenda
 - A Mechanics Way to Thorsen Way Ordinance Revisions
 - B Great Streets – St. Paul Street Accessibility (ADA) Parking Changes
 - C Designate the New Marina Lot as a City Managed Lot

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.

- 6 20 Min Draft FY'20 Downtown Parking & Transportation Workplan
A Presentation, J. Padgett, A. Bunten
B Commissioner Discussion
C Public Comment
D Action Requested – None
- 7 15 Min Precautionary Boil Water Notice Update
A Oral Communication, M. Moir, C. Spencer & R. Goulding
B Commissioner Discussion
C Public Comment
D Action Requested – None
- 8 15 Min Draft DPW FY'20 Goals & Objectives
A Presentation, C. Spencer
B Commissioner Discussion
C Public Comment
D Action Requested – None
- 9 5 Min Approval of Draft Minutes of 6-19-19 & 6-25-19
- 10 10 Min Director's Report
- 11 10 Min Commissioner Communications
- 12 **Adjournment & Next Meeting Date – September 18, 2019**



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City of Burlington
Department of Public Works

Technical Services Engineering Division
645 Pine Street, Suite A
Burlington, VT 05402
P 802-863-9094 / F 802-863-0466 / TTY 802-863-0450
www.burlingtonvt.gov/DPW

Memorandum

Date: July 10, 2019

To: Public Works Commission

From: Phillip Peterson, Associate Public Works Engineer *PMP 7/11/19*

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

Subject: Mechanics Lane Rename to Thorsen Way

Recommendations to the DPW Commission:

DPW recommends Mechanics Lane be changed to Thorsen Way reflected in the following Ordinances:

5 One-way streets designated.

The following streets are hereby designated as one-way streets, and all traffic and travel thereon, except pedestrians, shall pass in the directions indicated and not otherwise:

- (12) ~~Mechanics Lane~~ Thorsen Way, easterly ~~and northerly~~ from Church Street to ~~College Street~~
Markham Lane.
- (13) Markham Lane northerly from Thorsen Way to College Street.

23 Designation of fire lanes.

The following locations are hereby designated as fire lanes in which vehicles are prohibited from parking or obstructing:

- (2) North side ~~Mechanics Lane~~ Thorsen Way.

All changes are reflected as ~~strikethrough~~ where removed and underline where added.

Purpose & Need:

The purpose of this recommendation is to reflect the change of Mechanics Lane to Thorsen Way, (see Attachment 1). Mechanics Lane was renamed to Thorsen Way by adoption of the Resolution by City Council on June 24, 2019. Additionally, DPW Staff recognized an error in the City's traffic regulations which requires Commission approval; Markham Lane is not appropriately defined as a one-way in traffic regulation. The need for these changes is to allow the pertinent ordinances to remain enforceable.

Summary and Conclusion:

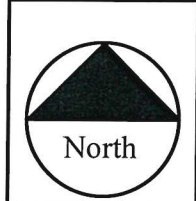
Ultimately, this is an administrative ordinance change. DPW Staff asks that the Commission approve the amendments pertinent to Appendix C of the City of Burlington's Code of Ordinance. The name change of Mechanics Lane to Thorsen Way was approved by the City Council at the 6/24/19 City Council meeting.

Attachments:

1. Proposed Site Map
-



SCALE: 1" = 40'



MECHANICS LANE RENAMED TO
THORSEN WAY



**BURLINGTON
PUBLIC WORKS
ENGINEERING DIV.**
645 PINE STREET
BURLINGTON, VT 05401
(802) 863-8084
(802) 863-0486 (Fax)

DESIGNED PMP	WFS NA
DRAWN PMP	SCALE 1"=40'
CHECKED SM	DRAWING
DATE 07/10/19	SHEET 1



City of Burlington
Department of Public Works

Technical Services Engineering Division
645 Pine Street, Suite A
Burlington, VT 05402
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Memo

Date: July 11, 2019

To: Public Works Commission

From: Phillip Peterson, Associate Engineer *PWP 7/11/19*

CC: Laura Wheelock P.E., Senior Public Works Engineer

Subject: Great Streets - St Paul Street Accessibility (ADA) Parking Changes

Staff recommends the DPW 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:

- On the east side of St. Paul Street, in the fifth space south of Main Street.
- On the west side of St. Paul Street, in the third space south of King Street.
- On the east side of St. Paul Street, in the fourth space north of Maple Street.

Purpose & Need:

The purpose of this request is to implement the approved Great Streets St Paul Street parking plan. The need is to provide local businesses and residents with City regulated on street parking, which includes these recommended ADA Parking spaces.

Project Checklist:

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

Summary and Conclusion:

During the planning phase for the 2018 construction project on St. Paul Street between Main Street and Maple Street, a need to establish ADA parking spaces was established by DPW Staff. The proposed ADA parking (see Attachment 1) spaces will be necessary to several local residents and businesses.

Public Engagement:

In preparation for the 07/17/19 DPW Commission Meeting, Staff distributed flyers to residents and businesses on and along the St. Paul Street Corridor. Staff received two (2) emails, and no phone call in regards to this matter (see Attachment 2). All of the emails support Staffs recommendation.

Attachments:

1. Site map.
 2. Public Correspondence.
-

Attachment 2

Public input correspondence emails

Wed 6/19/2019

An ADA space along the row of restaurants between Main & King makes sense to me. Thanks, -E

-

Erik J. Hockstra

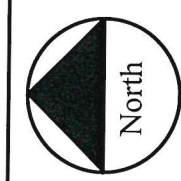
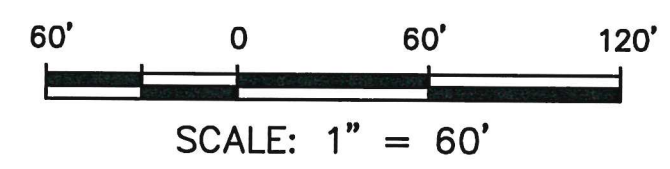
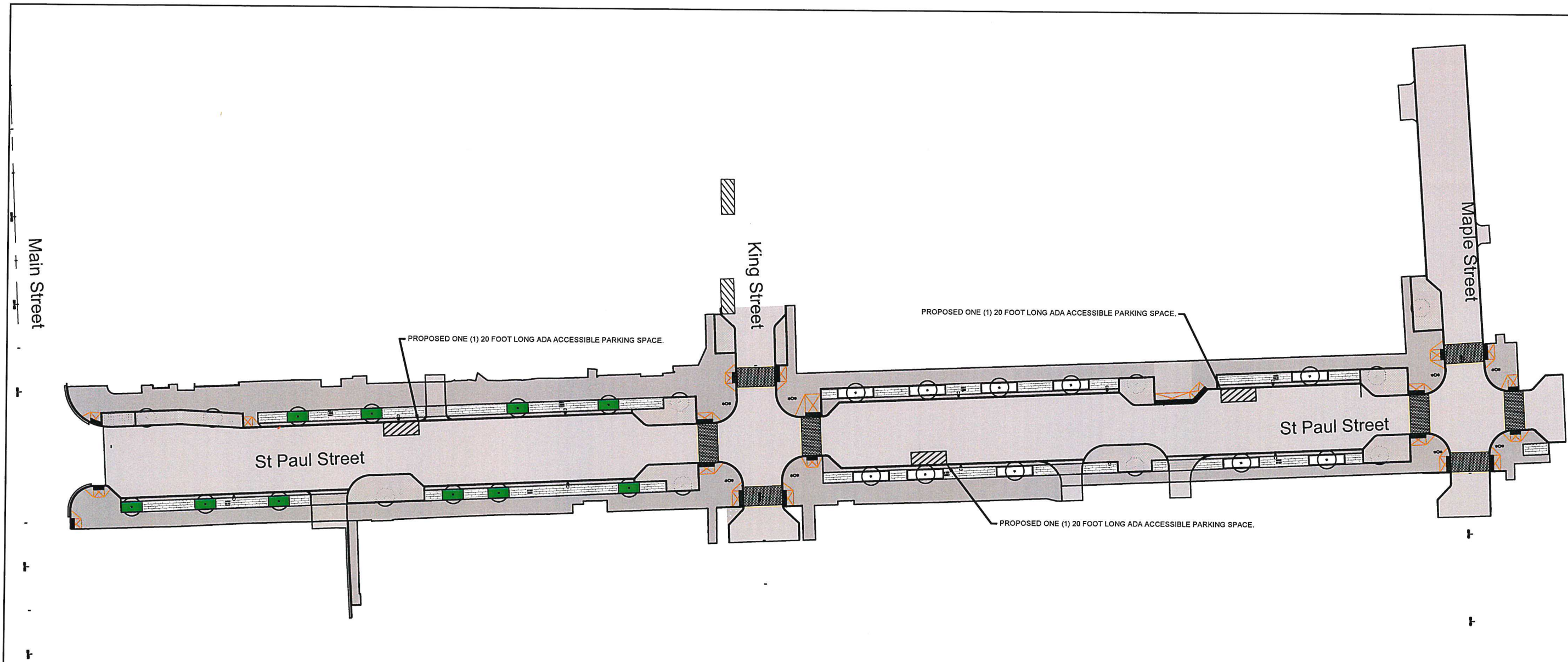
Thu 6/20/2019

Mr Peterson

My wife and I, who live on Saint Paul St, are in favor of this proposed ADA parking space. The city should be putting at least one of these in every block!

Don

Donald Leopold



SAINT PAUL STREET
PROPOSED
ACCESSIBLE (ADA) PARKING



**BURLINGTON
PUBLIC WORKS
ENGINEERING DIV.**

645 PINE STREET
BURLINGTON, VT 05401
(802) 863-8084
(802) 863-0488 (Fax)

DESIGNED PWP	
DRAWN PWP	
CHECKED LW	
DATE	
07/11/18	SHEET



City of Burlington
Department of Public Works

Technical Services Engineering Division
645 Pine Street, Suite A
Burlington, VT 05402
P 802-863-9094 / F 802-863-0466 / TTY 802-863-0450
www.burlingtonvt.gov/DPW

Memo

Date: July 12, 2019

To: Public Works Commission

From: Phillip Peterson, Associate Public Works Engineer *PWP 7/12/19*

CC: Jeff Padgett, Interim Assistant Director - Parking & Traffic

Subject: Designate New Marina Lot as a City Managed Lot and Set Hourly Rate

Staff recommends the DPW Commission adopt:
(18) Parking facility designations.

(a) Metered lot locations:

- The city-owned lot more commonly understood to be the Marina Lot located north of Penny Lane.

(19) Parking rates.

(b) The rate of charge for parking in metered city lots shall be as follows:

- Marina Lot: One dollar (\$1.00) per hour for a maximum of three (3) hours from May 1 through October 31 and forty cents (\$0.40) per hour for up to ten (10) hours from November 1 through April 30 with the exception of spaces designated as Marina Parking.

Purpose & Need:

The purpose of this request is to implement the approved parking agreement (see Attachment 1) between the City of Burlington and Burlington Harbor Marina, LLC, a Vermont limited liability company. The need is to provide local businesses and residents with a City regulated parking lot.

Project Checklist:

	N/A	Yes	No	Reference
Aligns with MUTCD standards and/or established City Policy?		X		Vermont Public Trust Doctrine
Aligns with City plans?		X		Parking Agreement between the City of Burlington and Burlington Harbor Marina, LLC. Downtown Parking and Transportation Management Plan
Followed Public Engagement Plan?		X		These Traffic Regulation changes are defined as an INVOLVE project in the Public Engagement Plan (PEP).

Summary and Conclusion:

The new Marina Lot is a City of Burlington municipal lot. The rate structure and installation of kiosks at the Marina Lot meets the recommendations of the December 2015 Downtown Parking and Transportation Management Plan, "Build new parking capacity and/or new development along the waterfront..." Staff recommends the Commission approves the installation of parking kiosks to manage the lot. Staff recommends the Commission adopt: the following rate structure for the Marina Lot. \$1.00 per hour for a maximum of three (3) hours from May 1st – October 31st & \$0.40 per hour for up to nine (9) hours from November 1st – April 30th; with the exception of 23 parking spaces designated for use of the Marina, this is in accordance with the Parking Agreement between the City of Burlington and the Burlington Harbor Marina, LLC.

Public Engagement:

The City of Burlington has conducted an extensive amount of public outreach in regards to the new Burlington Harbor Marina. Specifically, the City of Burlington Community and Economic Development Office (CEDO) has managed public relations tasks associated with this project. The overall determination by CEDO is that the new Marina Lot provides public access to the lake at a cost commensurate with City owned marina facilities, and under terms which meet the Public Trust Doctrine.

Attachments:

1. Parking Agreement.
-

Parking Agreement

This Parking Agreement is made by and between the **City of Burlington**, a Vermont municipal corporation ("City") and **Burlington Harbor Marina, LLC**, a Vermont limited liability company ("BHM") as of this 27th day of October, 2017.

WHEREAS, the parties have entered into a Development Agreement dated October 25, 2017 ("Development Agreement"); and

WHEREAS, the City has leased a parcel of land at the northern waterfront in Burlington, Vermont being a portion of a parcel used by the Burlington Water Department ("Marina Lot") to the Marina by Ground Lease dated October 25, 2017 (the "Lease"); and

WHEREAS, BHM has constructed the "Project" as defined in the Lease, including the "East Parking Lot", the "Public Park", the "Plaza", and the "Marina"; and

WHEREAS, BHM shall have access to parking spaces in the East Parking Lot, and employee parking and temporary and handicapped accessible parking spaces in the Plaza, all on the terms and conditions set forth herein.

NOW THEREFORE, the parties hereto agree as follows:

1. **General.**

The parties agree that the terms and conditions contained herein will govern the overall rights and responsibilities for use and maintenance of the East Parking Lot, the Public Park, the Plaza, and the employee parking spaces, all as shown on the plan attached hereto as Exhibit A (collectively, the "Parking Facilities"), and that it will be mutually beneficial to come to agreement on the day to day operations of their respective facilities. Therefore the parties agree to enter into an Operating Memorandum of Understanding, to be amended from time to time ("OMOU"), that will address those details and provide for periodic meetings to assess the ongoing operations of the Parking Facilities.

2. **Use of East Parking Lot.** The following provisions shall govern the use of the East Parking Lot:

- A. During the period of May 15 to October 15, each year, Marina guests shall have the exclusive right to park vehicles in any of the 23 parking spaces designated for use of the Marina, and located in the western section of the East Parking Lot (the "Marina Parking Spaces"), at no additional charge to the Marina. The general public shall be prohibited from parking in the Marina Parking Spaces from May 15 to October 15 of each year. Designation of the Marina Parking Spaces via signage, or otherwise, shall be by agreement of the City and BHM and included in the OMOU.

In addition, 19 of the remaining 45 spaces in the East Parking Lot shall be restricted to exclusive use by the Marina on weekends and City Holidays during the period from May 15 through October 15 of each year ("Marina Weekend Spaces"). A weekend period shall be deemed to commence at 6:00 pm on each Friday and terminate at 8:00 am on each following Monday morning. A holiday shall be deemed to commence at 6:00 pm the day before the holiday, and terminate at 8:00 am on the day following the Holiday. In the event a Holiday falls adjacent to a weekend the periods shall run sequentially as one period. BHM will pay the City for the use of the Marina Weekend Spaces. The rate for the Marina Weekend Spaces shall be established by calculation of the number of weekend days and holidays applicable annually multiplied by the Burlington Department of Public Works Daily Parking rate as established for the applicable year multiplied by nineteen (19). The Daily parking Rate shall not exceed the rate charged at the Perkins Pier Lot. BHM may elect to reduce its number of weekend/holiday spaces upon delivery of thirty (30) days' written notice to the City. BHM agrees that it will implement a policy of prioritized use of the Marina Parking Spaces plus the Marina Weekend Spaces. Methodology for assuring such prioritized use shall be addressed in the OMOU. The remaining 45 parking spaces in the East Parking Lot (26 on weekends and holidays) will be managed by the City for short-term parking and made available to the public on a first-come first-served basis and in a manner designed to maximize parking efficiencies, working with other Waterfront stakeholders at rates commensurate with nearby hourly and daily public parking rates. The City shall provide BHM with four designated parking spaces in the East Parking Lot for use by BHM during periods between October 16 and May 14 each year, when the "Employee Parking Spaces" (as defined below) are used for the storage of snow.

- B. Notwithstanding the City's obligations under 2(A) above, the City may, in its discretion, (i) allocate up to 10 parking spaces in the East Parking Lot for the exclusive use of another project; and (ii) allocate up to 24 additional parking spaces in the East Parking Lot during the period of October 16 to May 14, each year, for the exclusive use of another project ("Designated Use Spaces"). Such designation shall be subject to the same shared usage goals and objectives described above, namely, to maximize parking efficiencies for all Waterfront stakeholders.
- C. BHM shall manage and control the use of the Marina Parking Spaces and the Marina Weekend Spaces during the time periods dedicated to BHM. The balance of the parking spaces shall be managed and controlled by the City, all in accordance with the OMOU.

3. **The Plaza.** The following provisions shall govern the use of the Plaza:

- A. The parking spaces at the Plaza shall be designated as either short term public access spaces or handicapped accessible spaces, 24 hours per day, 7 days per week, except during events hosted by the Marina and open to the public, in

which case, there shall be no public access to parking spaces in the Plaza. It is understood by the parties that Marina guests, who are not handicapped, will use the Plaza only for dropping off passengers and gear, and that such use shall be at no additional charge to the Marina.

4. **Employee Parking.**

The Marina employees shall have exclusive access to 4 designated spaces located in the parking area located on the Marina Lot, adjacent to the Burlington Water Department Building ("Employee Parking Spaces"), at no additional charge to the Marina. The Marina shall cooperate with the Water Department in order to allow for deliveries to the Water Department, in accordance with the OMOU. In addition, BHM acknowledges that the Employee Parking Spaces may be relocated to the East Parking Lot in winter months, when needed by the City for snow storage.

5. **Hours and Dates of Operations.**

The Marina Parking Spaces shall be open and available to Marina guests 24 hours per day, 7 days per week from May 15th through October 15th. The Public Parking Spaces (all parking spaces in the East Parking Lot not designated as Marina Parking Spaces, Marina Weekend Spaces, or Designated Use Spaces) shall be open and available to the public daily from May 15th through October 15th on a schedule to be set annually on or before April 1 for each upcoming year by the Marina and the Burlington Department of Public Works.

6. **Signs.**

City shall permit BHM to erect signs, on City property within reasonable proximity of Marina Lot, directing clients and the public, to the Marina Lot and the East Parking Lot and Plaza, subject to all Permits and Approvals.

BHM shall, at its expense, obtain any and all Permits and Approvals before erecting such sign.

All signage (including but not limited to signage on the dock and wave attenuator directing boat traffic and boaters) shall be constructed, erected and/or installed solely at BHM's expense and shall comply in all respects with all applicable Federal, State and municipal permits regulating the appearance and placement of such signs.

7. **Street and East Parking Lot Lighting.**

The City shall be responsible for all costs and expenses related to utility metering and maintenance of lighting of the East Parking Lot and shall be reimbursed by the Marina for its pro rata share of the cost incurred for such lighting during the period from May 15th to October 15th each year.

The Marina shall be responsible for all costs and expenses related to utility metering and maintenance of lighting of the Plaza and the Employee Parking Spaces.

8. **Staffing, Security, and Revenue Management.**

The City shall be responsible for staffing, security, parking enforcement and revenue management of the all parking spaces in the East Parking Lot other than the Marina Parking Spaces and the Marina Weekend Spaces. The Marina shall be responsible for staffing and security, management and parking enforcement of the Marina Parking Spaces, Marina Weekend Spaces, Plaza and the Employee Parking Spaces.

9. **Cleaning.**

The East Parking Lot, Employee Parking Spaces, including all parking areas and sidewalks, shall be maintained by the City in clean and in presentable condition at all times at a standard at least equal to then applicable City parking lot standards.

The Plaza, including all parking areas and sidewalks, shall be maintained by the Marina in clean and in presentable condition at all times at a standard at least equal to then applicable City parking lot maintenance standards.

10. **Trash Removal.**

Rubbish from trash receptacles which service the East Parking Lot shall be removed by the City, at a frequency consistent with City policy for parking lots.

Rubbish from trash receptacles which service the Plaza shall be removed by the Marina as the party responsible for the maintenance of the Plaza.

11. **Snow Removal.**

Snow and ice shall be promptly removed from the East Parking Lot by the City consistent with City parking lot use policy and City snow removal policy in accordance with the OMOU. Snow and ice shall be promptly removed by the Marina from all portions of the Plaza, and the Employee Parking Spaces, including all entrances, driveways, parking areas and sidewalks to ensure accessibility in accordance with the OMOU.

12. **Repair and Maintenance.**

- A. The City shall be responsible for the repair and maintenance of the East Parking Lot at its sole cost and expense, consistent with then applicable City parking lot maintenance policy, and subject to partial reimbursement by the Marina in accordance with the OMOU.

- B. The Marina shall be responsible for the repair and maintenance of the Plaza and the Employee Parking Spaces, at its sole cost and expense, consistent with then applicable City parking lot maintenance policy and the OMOU
- C. The paving, revenue control equipment, painting, lighting, plumbing, utility lines (sewer, water, electric), curbs, gutters and all other improvements required during the operation of the East Parking Lot and the Plaza shall be of a quality at least equal to then applicable City parking lot maintenance policy.
- D. The City shall advise the Marina of any planned renovation or improvements to the East Parking Lot that would affect Marina guests or employees access to the Marina. The City shall make reasonable efforts to limit the impact of any renovation or improvement on the number of Marina Spaces or Marina Weekend Spaces, the Plaza or the Employee Parking Spaces.

13. **Access During City Waterfront Events.** A schedule of events shall be provided and approved in accordance with the OMOU.

14. **Dispute Resolution.**

- A. Should a dispute arise between the parties as to the meaning or intent of any provision of this Agreement, or as to an obligation of a party hereunder, the parties to the dispute will first attempt to resolve such dispute by mutual negotiations and, if the dispute persists, the utilization of any experienced independent mediator. Should the dispute continue notwithstanding the efforts of the mediation process, the parties to the dispute agree to submit the dispute to final binding arbitration.
- B. In the event of a material breach of this Agreement, which is discovered by the non-breaching party during the period in which this Agreement is being actively performed, a non-breaching party shall notify the alleged breaching party of the alleged material breach. Any non-breaching party may first endeavor to remedy the breach by direct discussions with the alleged breaching party. If such discussions fail to cure the breach within a reasonable period of time, not to exceed sixty (60) days, or if the circumstances require immediate action, the non-breaching party and the alleged breaching party will submit the matter to an experienced independent mediator for resolution of the matter. Should the parties fail to reach an agreement as a result of mediation, the matter shall be submitted to final binding arbitration. Claims for damages or other remedy for any breach of this Agreement that are discovered subsequent to the completion of this may be pursued directly through arbitration. Claims which do not involve breach of this Agreement shall be subject to arbitration and a party may pursue its judicial remedies for such claims.
- C. Arbitration: Arbitration shall be initiated by written notice to the other side or sides involved in the dispute of intent to seek arbitration. Arbitration under this

Restated Agreement shall be governed by the Vermont Arbitration Act, except that any arbitration shall be completed and a decision rendered within 90 days of notice invoking arbitration. The parties to the dispute shall try to agree upon an arbitrator within ten (10) business days of the notice invoking arbitration. If the parties to the dispute cannot agree upon an arbitration, then, within three (3) additional business days, each party to the dispute shall select an arbitrator and the selected arbitrator shall select a third arbitrator. The parties to the dispute shall equally share the cost of arbitration.

15. **Notices.**

All notices hereunder shall be given in writing and shall be deemed delivered only upon receipt of the original or an email transmission, with evidence of deliver, at the addresses listed below, or at such other addresses provided to the other party hereunder in writing:

To the Marina: Burlington Harbor Marina, LLC
25 Cherry Street
Burlington, VT 05401
Attn: Jack Wallace
Email: jwallace@gmavt.net

To the City: City of Burlington
149 Church Street
Burlington, VT 05401
Attention: Noelle Mackay
Email: nmackay@burlingtonvt.gov

15. **Miscellaneous.**

This Agreement shall be binding on and shall benefit the parties hereto and their respective successors and assigns. This agreement shall run with the land and benefit the Marina Property until such time as the Ground Lease is terminated. This Agreement shall not be amended or restated without the express written consent of the parties hereto. In the event any term, covenant or condition herein contained is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other term, covenant or condition herein contained, provided that such invalidity does not materially prejudice either party in their respective rights and obligations contained in the valid terms, covenants or conditions hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Vermont.

Acknowledgement of Arbitration

WE UNDERSTAND THAT THIS AGREEMENT CONTAINS AN AGREEMENT TO ARBITRATE. AFTER SIGNING THIS DOCUMENT, WE UNDERSTAND THAT WE WILL NOT BE ABLE TO BRING A LAWSUIT CONTAINING ANY DISPUTE THAT MAY ARISE WHICH IS COVERED BY THE ARBITRATION AGREEMENT, UNLESS IT INVOLVES A QUESTION OF CONSTITUTIONAL LAW OR CIVIL RIGHTS. INSTEAD, WE AGREE TO SUBMIT ANY SUCH DISPUTE TO AN IMPARTIAL ARBITRATOR.

IN WITNESS WHEREOF, this Agreement is executed by the duly authorized officers or representatives of the parties hereto.

Signature Page Follows

City of Burlington

By: _____

Miro Weinberger, Mayor

Burlington Harbor Marina, LLC

By: _____

Jack Wallace, Manager

Exhibit A

Site Plan

See attached

Burlington Department of Public Works Commission Meeting
Draft Minutes, 19 June 2019
645 Pine Street

(DVD of meeting may be on file at DPW)

Video file available within online within one-week of meeting <https://www.cctv.org/>

Commissioners Present: Robert Alberry; Tiki Archambeau (Chair) **via phone**; Jim Barr; Chris Gillman; Brendan Hogan(Vice Chair); Solveig Overby (**via phone**;) Peggy O'Neill-Vivanco.

Commissioners Absent: None.

Item 1 – Call to Order – Welcome – Chair Comments

Vice Chair Hogan calls meeting to order at **6:32pm** and makes opening comments.

Item 2 – Agenda

Commissioner Alberry requests moving Agenda Item 6 to Item 3.5. with request amendment and is seconded by Commissioner Gilman.

Action taken: Amended motion approved;

Roll call vote:

Commissioner Gillman: Aye

Commissioner Alberry: Aye

Commissioner Barr: Aye

Commissioner O'Neill-Vivanco: Aye

Commissioner Overby: Aye

Chair Archambeau: Phone silence

Vice Chair Hogan: Aye

“Ayes” are unanimous

Item 3 – Public Forum

Sophie Quest, Ward 1, speaks on Agenda Item 3.5.

J.F. Neubieser, Ward 2, speaks on Agenda Item 3.5.

City Councilor Jack Hanson, Ward 1, speaks on 3.5 & 5

Greg Tolman, Ward 1, speaks on Agenda Item 3.5

Anna Levine, Ward 2, speaks on Agenda Item 3.5

Marcy Kass, Resident of Williston, speaks on Agenda Item 3.5

Sandy Henneberger, Resident of Milton, speaks on Agenda Item 3.5

Griffin Shaw, Resident of Colchester, speaks on Agenda Item 3.5

Brynne Martin, Resident of South Burlington, speaks on Agenda Item 3.5

City Councilor Max Tracy, Ward 2, speaks on Agenda Item 3.5, 5, & 6

Bill Morris, Ward 5, speaks on Agenda Item 5

Mark Porter, Ward 1, speaks on Agenda Item 3.5

Colin McNeil, Ward 6, speaks about the need for a stop sign on South Union St at Adams

St.

Halina Dooley, Ward 1, speaks on Agenda Item 3.5

City Councilor Sharon Bushor, Ward 1, speaks on Agenda Item 3.5
Jason Stuffle, Ward 1, speaks on Agenda Item 3.5
Bill Mahoney, Owner of Kampus Kitchen, speaks on Agenda Item 3.5
Allegra Williams, speaks on Agenda Item 3.5, 5, & 6
Marcie Gallagher, Ward 5, Bike Lanes and the impact of cars on the environment & communities
Erhard Mahake, Ward 1, speaks on Agenda Item 3.5
Don Welch, Ward 1, speaks on Agenda Item 3.5

**Director Spencer arrived at 6:42pm*

Item 3.5 – Colchester Ave Safety Improvements & Parking Adjustments

- A) Staff Presentation by Associate Planner Elizabeth Gohringer & Planning Intern Kim Furtado who speak on removing parking on the north side Colchester Avenue from East Avenue to Barrett Street and implement 15 minute parking from 6am to 9 pm except Sundays and Holidays in 3 designated spaces on the east side of Colchester Avenue in front of 273 Colchester Ave and 2 designated spaces on the east side of Colchester Avenue in front of 291 & 297 Colchester Ave.
- B) Commission Questions (see video)

Chair Archambeau, Commissioner Hogan, Commissioner Gilman, Commissioner Overby, and Commissioner O'Neill-Vivanco ask questions with Associate Planner Gohringer, Planning Intern Furtado, Director Spencer, and Senior Planner Losch answering.

**Commissioner Alberry not present after 8:40 pm.*

- C) Public Comment: S. Quest, H. Dooley, S. Bushor, J. Neubieser, E. Mahake, G. Tolman, J. Hanson, D. Welch, B. Mahoney, J. Stuffle
- D) Commissioner Discussion (see video)

E) Motion made by Commissioner Archambeau to accept staff recommendation and amend motion so that scoping study includes shared use path assessment and report scoping study findings to Commission.

Seconded by Commissioner O'Neill-Vivanco. Friendly amendment made by Commissioner Barr to explore a residential parking program that would accommodate some of the displaced vehicles Friendly amendment supported by Commissioner Gilman and asked that it be prioritized. for staff to expedite residential parking permit request for Colchester Ave residents on hill to park on Chase St, Barrett St, and Mill St, if request submitted by neighborhood.

Discussion

Action taken: amendment approved. Roll call vote.

Chair Archambeau: Aye

Commissioner Overby: Aye

Commissioner Gillman: Aye

Commissioner O'Neill-Vivanco: Aye

Commissioner Barr: Aye

Vice Chair Hogan: Aye

Action taken: motion approved;

Chair Archambeau: Aye
Commissioner Overby: Aye
Commissioner Gillman: Aye
Commissioner O'Neill-Vivanco: Aye
Commissioner Barr: Aye
Vice Chair Hogan: Aye

"Ayes" are unanimous.

Item 4 – Consent Agenda

- A. Champlain Elementary Bus Stop
- B. "Sherman Street 15 Minute Parking
- C. George Street Removal of 1 Parking Meter
- D. Industrial Parkway to Queen City Park Rd Ordinance Revisions
- E. Semi Annual Traffic Request Status Report

Commissioner Barr makes motion to adopt Consent Agenda and is seconded by Commissioner O'Neill-Vivanco.

Action taken: motion approved;

Chair Archambeau: Aye
Commissioner Overby: Aye
Commissioner Gillman: Aye
Commissioner O'Neill-Vivanco: Aye
Commissioner Barr: Aye
Vice Chair Hogan: Aye
"Ayes" are unanimous

Item 5 – Flynn Ave Safer Biking Infrastructure & Parking Adjustments – Pine St. to Shelburne St.

A) Staff Presentation by Associate Planner Elizabeth Gohringer & Planning Intern Kim Furtado who speak on the recommendations of removing parking on the south side of Flynn Avenue from Pine Street to Shelburne Street to allow a bike lane.

B) Commission Questions (see video)

The commission asks questions with Associate Planner Gohringer, Planning Intern Furtado, Director Spencer, and Senior Planner Losch answering

C) Public Comment

Bill Morris, Ward 5, speaks on Item 5.

D) Commissioner Discussion (see video)

E) Motion made Chair Archambeau to approve staff's recommendation with a crosswalk.
Seconded by Commissioner Barr.

Commissioner O'Neill-Vivanco makes a friendly amendment to add a quick build crosswalk on Flynn Avenue between Pine Street & Shelburne Street around Richardson Street and Wells Street.

Action taken: amended motion approved;

Action taken: motion approved;

Chair Archambeau: Aye

Commissioner Barr: Aye

Commissioner Gillman: Aye

Vice Chair Hogan: Aye

Commissioner O'Neill-Vivanco: Aye

"Ayes" are unanimous

Item 6 – Colchester Ave Safety Improvements & Parking Adjustments – moved to 3.5

Item 7 – 2019 VTrans Bicycle & Pedestrian Program Grant Candidates

A) Staff Presentation by Senior Transportation Planner Nicole Losch who speaks about the City's grant candidates which include :

- Scoping for intersection improvements at Main Street/ University Heights as recommended in the 2017 planBTV Walk Bike and the University of Vermont Active Transportation Plan.
- Small construction of a stairway trail connecting Sherman Street to Depot Street, including pedestrian amenities along Depot Street, as recommended in the 2009 Waterfront North Access Study. This will improve access to the northern waterfront from the Old North End and northern downtown.
- Design/Construction for a shared use path and trail along Intervale Road, as recommended in the 2018 Intervale Road Bicycle and Pedestrian Access Feasibility Study.

B) Commission Questions (see video)

Chair Archambeau, Vice Chair Hogan and Commissioners Barr, Gillman, and O'Neill-Vivanco ask questions with Director Spencer, Senior Transportation Planner Losch answering.

C) Public Comment

None

D) Commissioner Discussion (see video)

E) Motion that Commission is supportive of applications made by Vice Chair Hogan.

Seconded by Commissioner O'Neill- Vivanco.

Action taken: motion approved;

Chair Archambeau: Aye

Commissioner Barr: Aye

Commissioner Gillman: Aye

Vice Chair Hogan: Aye

Commissioner O'Neill-Vivanco: Aye
Commissioner Overby: Aye

“Ayes” are unanimous

**Commissioner Overby left meeting after vote.*

Item 8 – Draft Minutes of 5-15-19

Public Forum – 3rd Speaker – UVM Gillian Scanilli
6th Speaker – Helina Dooley
Correct spelling of Jason Van Driesche

Commissioner Barr makes motion to accept minutes of 5-15-19 and is seconded by Commissioner O'Neill-Vivanco.

Action taken: motion approved;
Chair Archambeau: Aye
Commissioner Barr: Aye
Commissioner Gillman: Aye
Vice Chair Hogan: Aye
Commissioner O'Neill-Vivanco: Aye

“Ayes” are unanimous

Item 9 – Director's Report

Director Spencer reports that Water Resources has hired for a number of positions. City Council approved a financial analysis to review our current rate structure and request it to be completed by Spring 2020. Electric Bike Share & Proposed Electric Scooter Pilot: proposal to transition from 105 traditional bikes to 200 electric bikes and explore a scooter pilot if state allows them on roads. GMT reorganized routes, App providing real time information will be launched and mobile ticketing will be offered for cell phone users. 3 year parking agreement with Burlington Business Association to improve parking Downtown expires 6-30-19.

Item 10 – Commissioner Communications

Chair Archambeau asked about status of posts with no signs on Ward St & Manhattan Drive.

Commissioner O'Neill-Vivanco – commented about her personal experience with See Click Fix- Is there a way to control verbal attacks?

Vice Chair Hogan – FY20 Goals. Performance tracking accountability. Would like to see more automated, more meaningful reporting.
Appreciates all of DPW's efforts.

Item 11 – Adjournment & Next Meeting Date – July 17, 2019

Motion to adjourn made by Commissioner Barr and seconded by Commissioner Gillman.

Action taken: motion approved;

Chair Archambeau: Aye

Commissioner Barr: Aye

Commissioner Gillman: Aye

Vice Chair Hogan: Aye

Commissioner O'Neill-Vivanco: Aye

“Ayes” are unanimous.

Meeting adjourned at 9:54 pm.

Burlington Department of Public Works Commission Meeting
Draft Minutes, 25 June 2019
645 Pine Street

Commissioners Present: Tiki Archambeau (Chair); Jim Barr; Brendan Hogan (Vice Chair); Solveig Overby; Peggy O'Neill-Vivanco.

Commissioners Absent: Robert Alberry; Chris Gillman

Item 1 – Call to Order – Welcome – Chair Comments

Chair Archambeau calls meeting to order at **6:31** pm and makes opening comments.

Item 2 – Agenda

Commissioner Barr made a motion to accept the agenda

Commissioner Hogan seconded

Unanimous approval

Item 3 – Public Forum

There was no public comment.

Item 4 – Response to Open Meeting Law Allegations

A) Staff Communication by Assistant City Attorney Nick Lopez & Director Spencer regarding a complaint received by Resident Dr. Martha Lang alleging that not all members of the public that were at the April 16, 2019 and May 15, 2019 meetings were not reflected in the minutes and that the minutes were not posted within the 5 days. Assistant City Attorney Lopez confirmed that the Open Meeting Act requires that members of the public who were active participants in the meetings be reflected in the minutes. Director Spencer confirmed that the minutes did not reflect all the members of the public who spoke and that for these particular months, the minutes were posted a few days after the 5 day limit due to challenges with the meetings being long and lack of staff to review. Director Spencer indicated that amended minutes that reflect all members of the public that spoke are before the Commission for adoption and that additional cross training would be put in place to improve timeliness moving forward.

B) Commissioner Discussion;

Commissioner Overby acknowledges that there have been many discussions regarding how the minutes should be taken.

Chair Archambeau asked about including the sign-up sheets in this packet. Attorney Lopez stated that it was for the packet material and is not specifically part of the minutes. Chair Archambeau indicated that by approving the revised minutes the Commission was acknowledging the issues and correcting them.

- C) Public Comment: None
- D) Action Requested;None

Item 5 – Approval of Amended Draft Minutes of 4-16-19 & 5-15-19

Approval of Amended Draft Minutes of 4-16-19

Commissioner Barr makes motion to accept the amended minutes of the April 16, 2019 Commission Meeting and is seconded by Commissioner O'Neill-Vivanco.

Action taken: motion approved; 4-0, 1 abstention

Chair Archambeau: Aye

Commissioner Barr: Aye

Vice Chair Hogan: Aye

Commissioner O'Neill-Vivanco: Aye

Commissioner Overby: Abstains

“Ayes” are unanimous

Approval of Amended Draft Minutes of 5-15-19

Commissioner Overby has a correction to Item 5 comments: Change “Commissioner Overby stated that there should be parking on the street to act as a buffer between the lanes” to “Commissioner Overby suggested that perhaps the parking on the street could be used as a buffer between the vehicle and the bike lanes as is done in other cities”.

Commissioner Barr makes motion to accept the amended minutes of the May 15, 2019 Commission meeting with Commissioner Overby's corrections and is seconded by Commissioner O'Neill-Vivanco.

Action taken: motion approved; 5-0.

Chair Archambeau: Aye

Commissioner Barr: Aye

Vice Chair Hogan: Aye

Commissioner O'Neill-Vivanco: Aye

Commissioner Overby: Aye

“Ayes” are unanimous

Item 6 – Adjournment & Next Meeting Date – July 17, 2019

Motion to adjourn made by Commissioner O'Neill-Vivanco and seconded by Commissioner Barr.

Action taken: motion approved; 5-0.

Chair Archambeau: Aye

Commissioner Barr: Aye

Vice Chair Hogan: Aye

Commissioner O'Neill-Vivanco: Aye

Commissioner Overby: Aye

“Ayes” are unanimous

Meeting adjourned at 6:47 pm.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Burlington, VT 05401
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To: DPW Commissioners
Fr: Chapin Spencer, Director
Re: **DPW Director's Report**
Date: July 11, 2019

COMMISSION LEADERSHIP POSITIONS:

Each July, the Commission votes to elect the Chair, Vice-Chair and Clerk. If you are interested in any of these positions, feel free to contact Chair Archambeau or me. The positions are for one year and the Clerk can be a Commissioner or a staff member.

EXPANDED FY'20 SIDEWALK & PAVING WORK:

Thanks to strong community support in November 2016 - authorizing an infrastructure bond to reinvest in streets and sidewalks - we have nearly tripled average sidewalk production and nearly doubled paving production in the last three years over historical averages. We have also heard the desire for supplemental short-run repairs to be made in our sidewalk network. Thanks to the Mayor and City Council leadership and engagement from citizens and NPA feedback we've received, we have \$568K newly available from unassigned fund balance - recently authorized in Council resolution - to devote to sidewalk reconstruction and \$475K available to expand paving work for Fiscal Year 2020.

REQUEST FOR NEW SIDEWALK TRACTORS:

We are going to the City Council on Monday, July 15 to request eight new sidewalk tractors – funded by a portion of the proceeds from the sale of Burlington Telecom. To clear the City's 130 miles of sidewalk during winter months, the City maintains a fleet of 12 sidewalk tractors. In FY'19, the average age of the fleet was 11 years old with all but four tractors at or beyond their expected life span. As a result, the City spent \$165,267 on tractor parts and labor to keep the aging units running through the season. During one storm last year, half of our fleet was out of service due to mechanical issues which slowed our ability to clear the sidewalks.

SOUTH END BOIL WATER NOTICE:

After a temporary depressurization of our water distribution system in the South End early on Tuesday, July 2, we issued a precautionary boil water notice for the affected area – to comply with recent state permit requirements and out of an abundance of caution. All test results that we received back on July 3 were normal and the order was lifted late that morning. We received feedback from customers that they wanted broader and more-timely communication. Staff has already convened multiple meetings to strengthen protocols and explore new communication channels. We would like to brief the Commission on this work at the July meeting. Please contact DPW Public Information Manager Rob Goulding (rgoulding@burlingtonvt.gov) or me for more information.

ST PAUL STREET GREAT STREETS PROJECT:

The project is now at a visible stage where surface and finish work is fully underway. We are working diligently with our contractors to bring this project to a successful completion. The upper block is expected to be completed in late August and the lower block is expected to be completed in late-September. More info is at: <https://www.burlingtonvt.gov/dpw/GreatStreetsSP>.

CITY HALL PARK PROJECT:

Team DPW will be project managing the technical aspects of the reinvestment into City Hall Park. The project fencing went up this week. More information on this project can be found at Parks, Recreation and Waterfront's website: enjoyburlington.com.

TRAFFIC REQUESTS:

As of 07/11/19, we have 35 traffic requests in queue – the same number as last month. With the Commission's feedback on the City's crosswalk guidelines this spring, we are gearing up to address a number of related outstanding requests.

FY'20 DPW GOALS & OBJECTIVES:

The draft FY'20 DPW Goals and Objectives document is in this packet. Staff is still reviewing the document and we may have a few edits to bring to the Commission meeting. It is the Commission's discretion as to whether you want to vote to approve this document or not.

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



Boil Water Advisory Lifted. Sample Results Normal.

RELEASE

July 3, 2019

Contact: Robert Goulding, DPW, 802-540-0846

The boil water advisory in Burlington, affecting parts of the South End, is lifted. Sample results (from samples taken yesterday after water pressure was restored and hydrants were flushed) were received this morning, July 3rd, and the results were normal, with no indication of contamination. Drinking water is also tested daily at the plant and regularly throughout the distribution system.

Yesterday's precautionary advisory -- the first in memory -- was issued out of an extreme abundance of caution and to comply with a recent change in state regulations. Approximately 2,500 customers were placed under a boil water advisory.

Water Resources at Public Works maintains a 24/7 phone line for urgent drinking water questions and can be reached at 802-863-4501. Non-urgent questions can also be directed to water-resources@burlingtonvt.gov. Currently, we maintain a database for customers who choose to share their email addresses with us. This is used for important notifications. If you are not currently on this list or are not sure if you are, please email the address above. We will be transitioning to a more rapid alert system in the near future and customers will have an opportunity to sign up.

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Press Release Date:

07/03/2019

City Department:

About DPW
Reinvesting in Burlington: Construction Season Info
Parking in Burlington
Construction Permits
Recycling & Solid Waste Collection
Water Resources: Water, Wastewater and Stormwater
Transportation Policy & Programs
Transportation Projects & Planning
Street & Sidewalk Maintenance Operations
Public Works Commission
Press Releases

Burlington Public Works FY'20 Goals and Objectives - Draft v7-10-19

Our Mission: To steward Burlington's infrastructure and environment by providing efficient, effective and equitable public services

		DPW GOALS			METRICS	DIVISION	COMMISSION ROLE
	OBJECTIVE	Operational Excellence	Exemplary Cust. Serv.	Culture of Innovation			
	DPW-wide Objectives						
1	Stand up asset management program to advance City's capabilities and procure CMMS (computerized maintenance management system)	✓	✓	✓	Complete AM Phase II for GF in FY'20. Procure CMMS tool in FY'20/21.	DPW-wide	Provide feedback on draft plan
2	Continue to close capital funding gaps across asset classes (Water, WW, Stormwater, Fleet, Streets, Sidewalks, Signals, Facilities) by developing and implementing funding strategies with stakeholders	✓			Budgeted Funding vs. Actual investments vs. funding targets for each asset class. Service reliability (number of main breaks / year).	DPW-wide	Evaluate and recommend funding strategies
3	Enhance growth opportunities within department through professional development, job shadowing, succession planning, etc.	✓	✓	✓	% of staff participating in a professional development opportunity each year. % of mid and upper level positions that are filled internally.	DPW-wide	
4	Increase engagement of under-represented constituencies through enhanced outreach, diversity and equity efforts	✓	✓	✓	DPW staff and engaged community members reflect the diversity of our city. Enhanced outreach engages more unrepresented residents. Equity metrics included in BTV Stat presentations.	DPW-wide	
5	Reduce injuries through strengthened safety program that includes active safety committee and online Learning Management System	✓	✓		DPW Safety Team meets at least quarterly. Reduction in recordable incidents and lost time injuries.	DPW-wide	
6	Implement 645 Pine St redesign and Leddy Maintenance Facility projects to create on-stop permitting shop, more spacious home for Water Distribution	✓	✓	✓	Completed 645 Pine in 2019 and Leddy in 2020. Begin one-stop permitting in 2019. Locate Water Distribution to Pine St in 2020.	DPW-wide, CIO, Code, P&Z	
7	Provide effective coordination with private projects through project review and coordinated investments	✓	✓		Deptment turns material review in agreed upon timelines. Assists applicants with helpful guidance. CPB, Cambrian Rise, Cambria Hotel, Bove's progress according to timelines.	DPW-wide	
	Cross-Division Objectives						
8	Expand preventative maintenance program of pavement, sidewalk, guardrails, railings, fences, valves, fleet and other infrastructure that has not been adequately maintained.	✓			Number of potholes, sewer plugs, main breaks decrease. Percent of fleet PMs to repairs increases.	Tech Services, Maintenance	
9	Develop engineering standards that will efficiently direct future investments.	✓		✓	Contract with engineering firm to coordinate effort. Complete standards in FY'20.	Tech Services, Water Res.	Recommend adoption of standards to Council
10	Advance high priority capital projects (Champlain Parkway, Downtown Great Streets, Amtrak, PlanBTV Walk/Bike) in accordance with project schedules	✓			Projects advance according to project schedules. Annually budgeted capital projects completed.	Tech Services, Water Resources	Review and approve ordinance changes related to projects.
11	Improve cost allocations between DPW and other departments (ie. have Water credited for fire protection service, contain growth of PILOT payments, end payment for parking enforcement, transfer crossing guard program to schools)	✓			More appropriate cost allocations between departments / funds. Would enable Traffic and Water divisions to better reinvest in their aging systems.	Traffic, Water Resources, CT office, Schools	

Draft Burlington Public Works FY'20 Goals and Objectives

	Division Objectives						
12	Improve parking experience through new services, technology, and partnerships.	✓	✓	✓	New PARCS system is accepted and monument signs electrified by Dec 31, 2019. New validation program, and new permit options for customers available in early 2020. Continued Residential Parking Study implementation.	Traffic	Review and approve proposed parking rate and regulation changes
13	Expand use of transportation options while increasing safety of system and reducing overall environment impact consistent with City plans			✓	Complete Winooski Corridor Study in FY'20. Launch e-bike share in 2019. Consider e-scooters pilot in 2020. Launch Vision Zero by spring 2020. Increase EV charging stations. Non-SOV mode share increases. Annual # of crashes decreases.	Technical Services	Review and approve ordinance changes related to projects.
14	Transition solid waste collection system for garbage, recycling and organics to a more integrated system		✓	✓	Complete consolidated collection study in FY'20. Get Council to approve recommendations in late FY'20.	Maintenance	Review study and recommend approval to City Council.
15	Implement Phase I of Clean Water Resiliency Plan capital upgrades (PLC, disinfection) in FY'20.	✓			Upgraded programmable logic control system and disinfection system at Main WWTP. First CWRP SW projects completed in FY'20.	Water Resources	
16	Complete rate study and get Council approval for updated rate structure for Water, Wastewater and Stormwater	✓	✓		Develop options for rates / incentives / programs by winter 2019/2020 for public review. Council decides on new rate structure by April 2020.	Water Resources	Review proposed rate structure, recommend to Council
17	Comply with Total Maximum Daily Load (TMDL) regulations -- and continue to be actively involved in statewide policy related to Clean Water.	✓		✓	Obtain fair WWTP discharge permits in FY'20. Continue optimization efforts to help us maintain compliance.	Water Resources	Monitor policy and understand cost impact
18	Strengthen billing and revenue assurance programs	✓	✓		Complete WR Re-org in FY'20 in the meter to bill area. Finalize payment agreements for underbilled and overbilled customers in FY'20.	Water Resources	Recommend Council adopt necessary ordinance changes.
19	Complete Integrated Water Quality Management Plan for how City will meet its Clean Water Act regulatory obligations and its local water quality priorities & begin implementation	✓		✓	Completion of interim project milestones such as: Wet weather/stormwater master plan, selection of 35 high priority projects, completion of financial capability analysis.	Water Resources	Review final Integrated Plan



City of Burlington
Department of Public Works

Technical Services Engineering Division
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Burlington, VT 05402
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www.burlingtonvt.gov/DPW

Memo

Date: July 12, 2019

To: Public Works Commission

From: Phillip Peterson, Associate Public Works Engineer *PWP 7/16/19*

CC: Jeff Padgett, Interim Assistant Director - Parking & Traffic

Subject: Designate New Northern Waterfront Lot as a City Managed Lot and Set Hourly Rate

Staff recommends the DPW Commission adopt:

(7) No-parking areas.

No person shall park any vehicle at any time in the following locations:

- On either side of Penny Lane starting at its western terminus and going east to the northeast corner of the Francis J O'Brien Water Treatment Facility.

(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:

- On the west side of the city-owned lot more commonly understood to be the Fishing Pier and Marina Lot, in the fourth and fifth spaces from the north side of the Fishing Pier and Marina Lot.
- On the south side of the city-owned lot more commonly understood to be the Fishing Pier and Marina Lot, in the first two spaces from the east side of the Fishing Pier and Marina Lot.

(9) Fifteen-minute parking.

(b) No person shall park any vehicle, at any time, longer than fifteen (15) minutes at the following locations:

- On the west side of the city-owned lot more commonly understood to be the Fishing Pier and Marina Lot, in the first three spaces from the north side of the Fishing Pier and Marina Lot; and the sixth space from the north side of the Fishing Pier and Marina Lot.

- On the south side of the city-owned lot more commonly understood to be the Fishing Pier and Marina Lot, in the first four spaces from the west side of the Fishing Pier and Marina Lot.

(18) Parking facility designations.

(a) *Metered lot locations:*

- The city-owned lot more commonly understood to be the Northern Waterfront Lot located north of Penny Lane.

(c) *Parking structure locations:*

- The city-owned lot more commonly understood to be the Fishing Pier and Marina Lot located west of Penny Lane.

(19) Parking rates.

(b) *The rate of charge for parking in metered city lots shall be as follows:*

- Northern Waterfront Lot: One dollar (\$1.00) per hour for a maximum of three (3) hours from May 1 through October 31 and forty cents (\$0.40) per hour for up to ten (10) hours from November 1 through April 30 with the exception of spaces designated as Marina Parking. From May 15 to October 15, Marina guests shall have exclusive rights to park in any of the 23 parking spaces designated for use of the Marina, and located in the western section of the Northern Waterfront Lot (the "Marina Parking Spaces"), at no additional charge to the Marina. The general public shall be prohibited from parking in the Marina Parking Spaces from May 15 to October 15. In addition, 19 of the remaining 45 spaces in the Northern Waterfront Lot shall be reserved to exclusive use by the Marina on weekends and City Holidays during the period from May 15 to October 15.

(23) Designation of fire lanes.

The following locations are hereby designated as fire lanes in which vehicles are prohibited from parking or obstructing:

- On either side of Penny Lane starting at its western terminus and going east to the northwest corner of the Francis J O'Brien Water Treatment Facility.

Purpose & Need:

The purpose of this request is to provide parking management strategies for the newly developed waterfront area consistent with the approved parking agreement (see Attachment 1) between the City of Burlington and Burlington Harbor Marina, LLC, a Vermont limited liability company. The need is to provide adequate access for emergency response for the Fishing Pier, the Marina, and the water treatment facility.

Project Checklist:

	N/A	Yes	No	Reference
Aligns with MUTCD standards and/or established City Policy?		X		National Fire Protection Association Codes, Vermont Public Trust Doctrine, City of Burlington Narrow Streets
Aligns with City plans?		X		Parking Agreement between the City of Burlington and Burlington Harbor Marina, LLC. Downtown Parking and Transportation Management Plan
Followed Public Engagement Plan?		X		These Traffic Regulation changes are defined as an INVOLVE project in the Public Engagement Plan (PEP).

Summary and Conclusion:

The new (see Attachment 2) Northern Waterfront and Fishing Pier and Marina Lots are both City of Burlington municipal lot. The rate structure and installation of kiosks at the Northern Waterfront Lot meets the recommendations of the December 2015 Downtown Parking and Transportation Management Plan, “Build new parking capacity and/or new development along the waterfront...” Staff recommends the Commission approves the installation of parking kiosks to manage the lot. Staff recommends the Commission adopt: the following rate structure for the Northern Waterfront Lot. \$1.00 per hour for a maximum of three (3) hours from May 1st – October 31st & \$0.40 per hour for up to nine (9) hours from November 1st – April 30th; with the exception of 23 parking spaces designated for use of the Northern Waterfront, this is in accordance with the Parking Agreement between the City of Burlington and the Burlington Harbor Marina, LLC.

Public Engagement:

The City of Burlington has conducted an extensive amount of public outreach in regards to the Waterfront Access North project which included the new public parking lot. Both the Waterfront Access North project and the new Burlington Harbor Marina projects were approved by voters in March 2014 as part of the Public Investment Action Plan (PIAP) process. Specifically, the City of Burlington Community and Economic Development Office (CEDO) has managed public relations tasks associated with these projects. The overall determination by CEDO and the City Attorney is that the new Northern Waterfront and Fishing Pier and Marina Lots provide public access to the lake at a cost commensurate with City owned Northern Waterfront and Fishing Pier and Marina Lots facilities, and under terms which meet the Public Trust Doctrine.

Attachments:

- 1. Parking Agreement.
 - 2. Site Plan.
-

Parking Agreement

This Parking Agreement is made by and between the **City of Burlington**, a Vermont municipal corporation ("City") and **Burlington Harbor Marina, LLC**, a Vermont limited liability company ("BHM") as of this 27th day of October, 2017.

WHEREAS, the parties have entered into a Development Agreement dated October 25, 2017 ("Development Agreement"); and

WHEREAS, the City has leased a parcel of land at the northern waterfront in Burlington, Vermont being a portion of a parcel used by the Burlington Water Department ("Marina Lot") to the Marina by Ground Lease dated October 25, 2017 (the "Lease"); and

WHEREAS, BHM has constructed the "Project" as defined in the Lease, including the "East Parking Lot", the "Public Park", the "Plaza", and the "Marina"; and

WHEREAS, BHM shall have access to parking spaces in the East Parking Lot, and employee parking and temporary and handicapped accessible parking spaces in the Plaza, all on the terms and conditions set forth herein.

NOW THEREFORE, the parties hereto agree as follows:

1. **General.**

The parties agree that the terms and conditions contained herein will govern the overall rights and responsibilities for use and maintenance of the East Parking Lot, the Public Park, the Plaza, and the employee parking spaces, all as shown on the plan attached hereto as Exhibit A (collectively, the "Parking Facilities"), and that it will be mutually beneficial to come to agreement on the day to day operations of their respective facilities. Therefore the parties agree to enter into an Operating Memorandum of Understanding, to be amended from time to time ("OMOU"), that will address those details and provide for periodic meetings to assess the ongoing operations of the Parking Facilities.

2. **Use of East Parking Lot.** The following provisions shall govern the use of the East Parking Lot:

- A. During the period of May 15 to October 15, each year, Marina guests shall have the exclusive right to park vehicles in any of the 23 parking spaces designated for use of the Marina, and located in the western section of the East Parking Lot (the "Marina Parking Spaces"), at no additional charge to the Marina. The general public shall be prohibited from parking in the Marina Parking Spaces from May 15 to October 15 of each year. Designation of the Marina Parking Spaces via signage, or otherwise, shall be by agreement of the City and BHM and included in the OMOU.

In addition, 19 of the remaining 45 spaces in the East Parking Lot shall be restricted to exclusive use by the Marina on weekends and City Holidays during the period from May 15 through October 15 of each year ("Marina Weekend Spaces"). A weekend period shall be deemed to commence at 6:00 pm on each Friday and terminate at 8:00 am on each following Monday morning. A holiday shall be deemed to commence at 6:00 pm the day before the holiday, and terminate at 8:00 am on the day following the Holiday. In the event a Holiday falls adjacent to a weekend the periods shall run sequentially as one period. BHM will pay the City for the use of the Marina Weekend Spaces. The rate for the Marina Weekend Spaces shall be established by calculation of the number of weekend days and holidays applicable annually multiplied by the Burlington Department of Public Works Daily Parking rate as established for the applicable year multiplied by nineteen (19). The Daily parking Rate shall not exceed the rate charged at the Perkins Pier Lot. BHM may elect to reduce its number of weekend/holiday spaces upon delivery of thirty (30) days' written notice to the City. BHM agrees that it will implement a policy of prioritized use of the Marina Parking Spaces plus the Marina Weekend Spaces. Methodology for assuring such prioritized use shall be addressed in the OMOU. The remaining 45 parking spaces in the East Parking Lot (26 on weekends and holidays) will be managed by the City for short-term parking and made available to the public on a first-come first-served basis and in a manner designed to maximize parking efficiencies, working with other Waterfront stakeholders at rates commensurate with nearby hourly and daily public parking rates. The City shall provide BHM with four designated parking spaces in the East Parking Lot for use by BHM during periods between October 16 and May 14 each year, when the "Employee Parking Spaces" (as defined below) are used for the storage of snow.

- B. Notwithstanding the City's obligations under 2(A) above, the City may, in its discretion, (i) allocate up to 10 parking spaces in the East Parking Lot for the exclusive use of another project; and (ii) allocate up to 24 additional parking spaces in the East Parking Lot during the period of October 16 to May 14, each year, for the exclusive use of another project ("Designated Use Spaces"). Such designation shall be subject to the same shared usage goals and objectives described above, namely, to maximize parking efficiencies for all Waterfront stakeholders.
- C. BHM shall manage and control the use of the Marina Parking Spaces and the Marina Weekend Spaces during the time periods dedicated to BHM. The balance of the parking spaces shall be managed and controlled by the City, all in accordance with the OMOU.

3. **The Plaza.** The following provisions shall govern the use of the Plaza:

- A. The parking spaces at the Plaza shall be designated as either short term public access spaces or handicapped accessible spaces, 24 hours per day, 7 days per week, except during events hosted by the Marina and open to the public, in

which case, there shall be no public access to parking spaces in the Plaza. It is understood by the parties that Marina guests, who are not handicapped, will use the Plaza only for dropping off passengers and gear, and that such use shall be at no additional charge to the Marina.

4. **Employee Parking.**

The Marina employees shall have exclusive access to 4 designated spaces located in the parking area located on the Marina Lot, adjacent to the Burlington Water Department Building ("Employee Parking Spaces"), at no additional charge to the Marina. The Marina shall cooperate with the Water Department in order to allow for deliveries to the Water Department, in accordance with the OMOU. In addition, BHM acknowledges that the Employee Parking Spaces may be relocated to the East Parking Lot in winter months, when needed by the City for snow storage.

5. **Hours and Dates of Operations.**

The Marina Parking Spaces shall be open and available to Marina guests 24 hours per day, 7 days per week from May 15th through October 15th. The Public Parking Spaces (all parking spaces in the East Parking Lot not designated as Marina Parking Spaces, Marina Weekend Spaces, or Designated Use Spaces) shall be open and available to the public daily from May 15th through October 15th on a schedule to be set annually on or before April 1 for each upcoming year by the Marina and the Burlington Department of Public Works.

6. **Signs.**

City shall permit BHM to erect signs, on City property within reasonable proximity of Marina Lot, directing clients and the public, to the Marina Lot and the East Parking Lot and Plaza, subject to all Permits and Approvals.

BHM shall, at its expense, obtain any and all Permits and Approvals before erecting such sign.

All signage (including but not limited to signage on the dock and wave attenuator directing boat traffic and boaters) shall be constructed, erected and/or installed solely at BHM's expense and shall comply in all respects with all applicable Federal, State and municipal permits regulating the appearance and placement of such signs.

7. **Street and East Parking Lot Lighting.**

The City shall be responsible for all costs and expenses related to utility metering and maintenance of lighting of the East Parking Lot and shall be reimbursed by the Marina for its pro rata share of the cost incurred for such lighting during the period from May 15th to October 15th each year.

The Marina shall be responsible for all costs and expenses related to utility metering and maintenance of lighting of the Plaza and the Employee Parking Spaces.

8. **Staffing, Security, and Revenue Management.**

The City shall be responsible for staffing, security, parking enforcement and revenue management of the all parking spaces in the East Parking Lot other than the Marina Parking Spaces and the Marina Weekend Spaces. The Marina shall be responsible for staffing and security, management and parking enforcement of the Marina Parking Spaces, Marina Weekend Spaces, Plaza and the Employee Parking Spaces.

9. **Cleaning.**

The East Parking Lot, Employee Parking Spaces, including all parking areas and sidewalks, shall be maintained by the City in clean and in presentable condition at all times at a standard at least equal to then applicable City parking lot standards.

The Plaza, including all parking areas and sidewalks, shall be maintained by the Marina in clean and in presentable condition at all times at a standard at least equal to then applicable City parking lot maintenance standards.

10. **Trash Removal.**

Rubbish from trash receptacles which service the East Parking Lot shall be removed by the City, at a frequency consistent with City policy for parking lots.

Rubbish from trash receptacles which service the Plaza shall be removed by the Marina as the party responsible for the maintenance of the Plaza.

11. **Snow Removal.**

Snow and ice shall be promptly removed from the East Parking Lot by the City consistent with City parking lot use policy and City snow removal policy in accordance with the OMOU. Snow and ice shall be promptly removed by the Marina from all portions of the Plaza, and the Employee Parking Spaces, including all entrances, driveways, parking areas and sidewalks to ensure accessibility in accordance with the OMOU.

12. **Repair and Maintenance.**

- A. The City shall be responsible for the repair and maintenance of the East Parking Lot at its sole cost and expense, consistent with then applicable City parking lot maintenance policy, and subject to partial reimbursement by the Marina in accordance with the OMOU.

- B. The Marina shall be responsible for the repair and maintenance of the Plaza and the Employee Parking Spaces, at its sole cost and expense, consistent with then applicable City parking lot maintenance policy and the OMOU
- C. The paving, revenue control equipment, painting, lighting, plumbing, utility lines (sewer, water, electric), curbs, gutters and all other improvements required during the operation of the East Parking Lot and the Plaza shall be of a quality at least equal to then applicable City parking lot maintenance policy.
- D. The City shall advise the Marina of any planned renovation or improvements to the East Parking Lot that would affect Marina guests or employees access to the Marina. The City shall make reasonable efforts to limit the impact of any renovation or improvement on the number of Marina Spaces or Marina Weekend Spaces, the Plaza or the Employee Parking Spaces.

13. **Access During City Waterfront Events.** A schedule of events shall be provided and approved in accordance with the OMOU.

14. **Dispute Resolution.**

- A. Should a dispute arise between the parties as to the meaning or intent of any provision of this Agreement, or as to an obligation of a party hereunder, the parties to the dispute will first attempt to resolve such dispute by mutual negotiations and, if the dispute persists, the utilization of any experienced independent mediator. Should the dispute continue notwithstanding the efforts of the mediation process, the parties to the dispute agree to submit the dispute to final binding arbitration.
- B. In the event of a material breach of this Agreement, which is discovered by the non-breaching party during the period in which this Agreement is being actively performed, a non-breaching party shall notify the alleged breaching party of the alleged material breach. Any non-breaching party may first endeavor to remedy the breach by direct discussions with the alleged breaching party. If such discussions fail to cure the breach within a reasonable period of time, not to exceed sixty (60) days, or if the circumstances require immediate action, the non-breaching party and the alleged breaching party will submit the matter to an experienced independent mediator for resolution of the matter. Should the parties fail to reach an agreement as a result of mediation, the matter shall be submitted to final binding arbitration. Claims for damages or other remedy for any breach of this Agreement that are discovered subsequent to the completion of this may be pursued directly through arbitration. Claims which do not involve breach of this Agreement shall be subject to arbitration and a party may pursue its judicial remedies for such claims.
- C. Arbitration: Arbitration shall be initiated by written notice to the other side or sides involved in the dispute of intent to seek arbitration. Arbitration under this

Restated Agreement shall be governed by the Vermont Arbitration Act, except that any arbitration shall be completed and a decision rendered within 90 days of notice invoking arbitration. The parties to the dispute shall try to agree upon an arbitrator within ten (10) business days of the notice invoking arbitration. If the parties to the dispute cannot agree upon an arbitration, then, within three (3) additional business days, each party to the dispute shall select an arbitrator and the selected arbitrator shall select a third arbitrator. The parties to the dispute shall equally share the cost of arbitration.

15. Notices.

All notices hereunder shall be given in writing and shall be deemed delivered only upon receipt of the original or an email transmission, with evidence of deliver, at the addresses listed below, or at such other addresses provided to the other party hereunder in writing:

To the Marina: Burlington Harbor Marina, LLC
25 Cherry Street
Burlington, VT 05401
Attn: Jack Wallace
Email: jwallace@gmavt.net

To the City: City of Burlington
149 Church Street
Burlington, VT 05401
Attention: Noelle Mackay
Email: nmackay@burlingtonvt.gov

15. Miscellaneous.

This Agreement shall be binding on and shall benefit the parties hereto and their respective successors and assigns. This agreement shall run with the land and benefit the Marina Property until such time as the Ground Lease is terminated. This Agreement shall not be amended or restated without the express written consent of the parties hereto. In the event any term, covenant or condition herein contained is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other term, covenant or condition herein contained, provided that such invalidity does not materially prejudice either party in their respective rights and obligations contained in the valid terms, covenants or conditions hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Vermont.

Acknowledgement of Arbitration

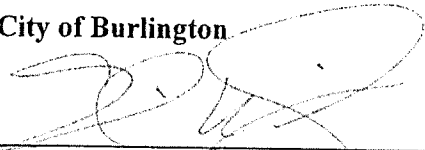
WE UNDERSTAND THAT THIS AGREEMENT CONTAINS AN AGREEMENT TO ARBITRATE. AFTER SIGNING THIS DOCUMENT, WE UNDERSTAND THAT WE WILL NOT BE ABLE TO BRING A LAWSUIT CONTAINING ANY DISPUTE THAT MAY ARISE WHICH IS COVERED BY THE ARBITRATION AGREEMENT, UNLESS IT INVOLVES A QUESTION OF CONSTITUTIONAL LAW OR CIVIL RIGHTS. INSTEAD, WE AGREE TO SUBMIT ANY SUCH DISPUTE TO AN IMPARTIAL ARBITRATOR.

IN WITNESS WHEREOF, this Agreement is executed by the duly authorized officers or representatives of the parties hereto.

Signature Page Follows

City of Burlington

By:


Miro Weinberger, Mayor

Burlington Harbor Marina, LLC

By:

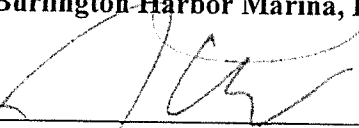
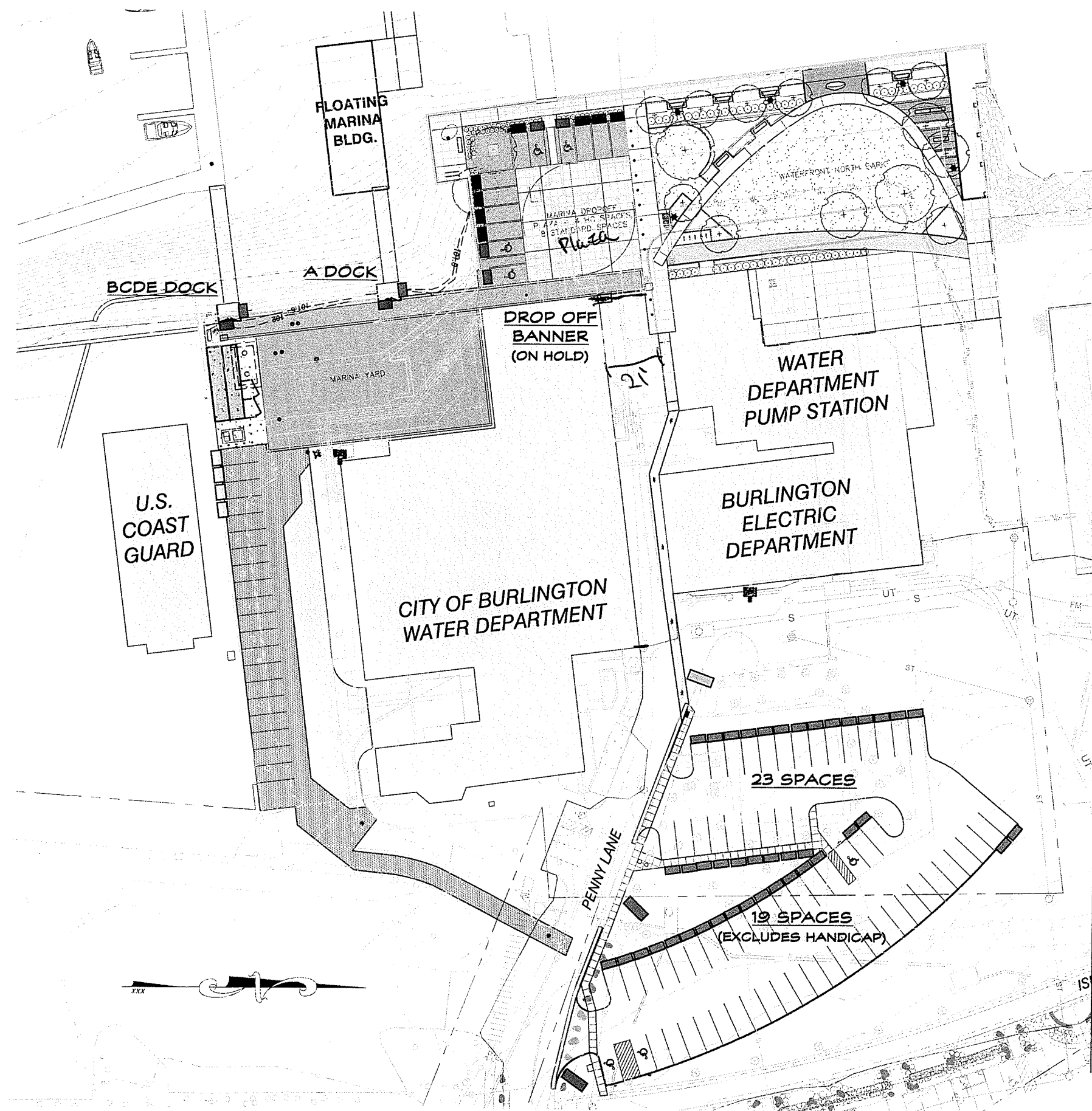

Jack Wallace, Manager

Exhibit A

Site Plan

See attached



SIGNS KEY

- MAIN ENTRY
MAIN SIGN R5.PDF
- RULES & HOURS
RULES & REGS.PDF
- MARINA PARKING ONLY
MARINA PARKING SIGNS R5.PDF
- HANDICAPPED PARKING
MARINA PARKING SIGNS R5.PDF
- MARINA LOADING (PARKING)
MARINA PARKING SIGNS R5.PDF
- MARINA STAFF ONLY (PARKING)
MARINA STAFF PARKING ONLY.PDF
- GATE HOUSE WALL
GATE HOUSE COPY R1.PDF
- PARKING DIRECTIONAL
MARINA PARKING DIRECTIONAL.PDF
- CITY PEDESTRIAN (BY OTHERS)
N/A

APPROVED _____
DATE _____

notes

3678

BURLINGTON
HARBOR MARINA

SIGNAGE
SITE MAP

client

BURLINGTON
HARBOR MARINA

scale

NTS

file name

BHM SIGNAGE
SITE MAP R6

date

05/31/19

drawing

JMHD

SPARKY POTTE
DESIGN GROU

WOOD & WOO

DESIGN • SIGN SYSTEM
DISPLAY SYSTEMS
CUSTOM MILLWORK



98 CARROLL ROAD
WAITSFIELD, VT 05673

802-496-3000

802-496-7916 FAX

info@woodandwoodsigns.co

Downtown Parking and Transportation Management Plan



FY20 Work Plan

July 17, 2019
City of Burlington
Department of Public Works Commission

DPTM

What is the DPTM?

Budget

How is the budget allocated?

BBA

What are BBA's tasks?

DPW

What are DPW's tasks?

Detail &
Next Steps

Detail on the budget and next steps

DPTM

Budget

BBA

DPW

Detail &
Next Steps

Downtown Parking & Transportation Plan (DPTM)

- 2013 Downtown Parking Improvement Initiative
- 2015 Downtown Parking & Transportation Plan
- 2017 BBA/DPW/CEDO Partnership pilot to execute the plan until a governing body established
- 2019 Continue to address the goals outlined in the DPTM**

Goals

- Vibrant Downtown
- Great Customer Service
- A Sustainable System

FY20 Work Areas

- 1 - Downtown Improvement District
- 2 - Transportation Demand Management
- 3 - Garage Improvements
- 4 - On-Street Improvements
- 5 - Communications
- 6 - Parking Data Coordination and Analysis
- 7 - Downtown Parking Transportation Council

How is the budget allocated?

DPTM

Budget

BBA

DPW

Detail &
Next Steps

DPTM Budget Summary

FY20 Proposed DPTM Budget Overview:		
	BBA	\$139k
	DPW	\$142k
	Subcontractor Commitments	<u>\$ 19k</u>
	Total	\$300k

Annual self-assessed tax on businesses within the DID that raises approximately \$300k per year. It is intended to fund this work and the *2 Hr. Free Parking Program*. The *2 Hr. Free Parking program* costs an estimated \$700k per year.

What are BBA's tasks?

DPTM

Budget

BBA

DPW

Detail &
Next Steps

Highlights of BBA Tasks in the DPTM

Work Area

1. Downtown Improvement District
2. Transportation Demand Management
3. Garage Improvement
4. On-Street Parking Improvement
5. Communications
6. Parking Data Coordination and Analysis
7. Downtown Parking and Transportation Committee

Task

- Survey and Outreach
- TDM Pilot Coordination
- Repairs, PARCS & Validations Pilot Support
- ParkMobile Support, Meter Mapping Support
- Public Outreach, Website, Newsletter / Social Media, Branding, Private Parking Coordination
- Assessment of 85% Capacity Goal, UVM TRC
- Coordinate and Facilitate DPTC

**See detail in FY20 Work Plan

DPTM

Budget

BBA

DPW

Detail &
Next Steps

Highlights of DPW Tasks in the DPTM

- Work Area**
- 1. Downtown Improvement District
 - 2. Transportation Demand Management
 - 3. Garage Improvement
 - 4. On-Street Parking Improvement
 - 5. Communications
 - 6. Parking Data Coordination and Analysis
 - 7. Downtown Parking and Transportation Committee

- Task**
- Fund Matching Grant via CCRPC
 - Fund CATMA Pilot Program, Install Bike Racks
 - Develop Validation Pilot and Fund
 - Ongoing Coordination
 - Comprehensive Wayfinding Package
 - Ongoing Coordination
 - Ongoing Participation

**See detail in FY20 Work Plan

Detail on the **budget** and next steps

DPTM

DPTM Budget Detail

Budget

BBA

DPW

Detail &
Next Steps

1 of 2

FY20 DPTM Workplan Budget Summary

Final Draft – 6.29.19

Tasks	Total BBA Staff \$	Subcontractors & Underwriting		TASK TOTALS
	Cost	BBA Subcontract	DPW Expenditure	Budget
Task 1 – DID				\$17,380
Subtask 1 – Downtown Improvement District	\$14,880	\$0	\$2,500	
Task 2 – TDM				\$90,760
Subtask 1 – Downtown TDM	\$16,360	\$4,400	\$60,000	
Subtask 2 – Expand Bike Parking	\$0	\$0	\$10,000	
Task 3 – Garage Improvements				\$69,760
Subtask 1 – Garage Repair Support	\$7,200	\$0	\$0	
Subtask 2 – PARCS Support	\$15,380	\$0	\$0	
Subtask 3 – OPS & Maintenance Update	\$17,180	\$0	\$30,000	
Task 4 – On-Street				\$4,800
Subtask 1 – On-Street Parking Improvements	\$4,800	\$0	\$0	
Task 5 – Communications				\$97,920
Subtask 1 – Parking Website	\$16,800	\$0	\$0	
Subtask 2 – General Communications/Marketing	\$27,000	\$0	\$0	
Subtask 3 – Branding and Wayfinding	\$5,180	\$0	\$40,000	
Subtask 4 – Private Parking Collaboration	\$8,940	\$0	\$0	
Task 6 – Data				\$17,400
Subtask 1 – Data Collection Reporting	\$2,400	\$15,000	\$0	
Task 7 – DPTC				\$2,700
Subtask 1 – Parking and Transportation Committee	\$2,700	\$0	\$0	
Total Cost	\$138,820	\$19,400	\$142,500	\$300,720

DPTM

Budget

BBA

DPW

**Detail &
Next Steps**
2 of 2

DPTM Next Steps

Present to Board of Finance - 7/29

Present to City Council - 8/12

Finalize Work Plan Schedule



BOIL WATER
ADVISORY
July 2, 2019
ISSUANCE

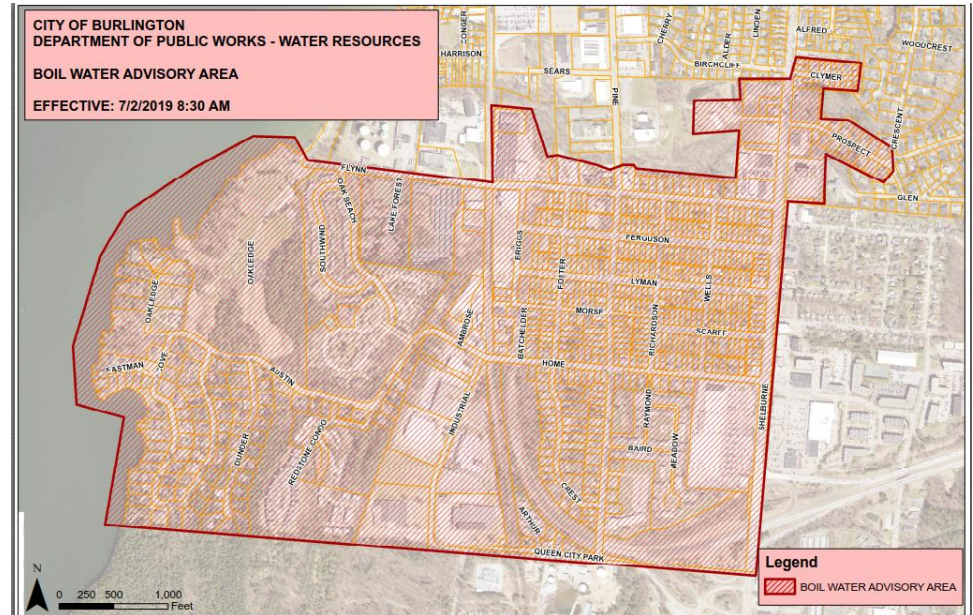
DEBRIEF

DPW Commission
July 17, 2019



PRECAUTIONARY BOIL WATER ADVISORY

- Unplanned depressurization; apparent substantial area of distribution system
- A result of extensive capital work on aged infrastructure in South End
- Hydraulic models show that sufficient operating pressures should have been maintained by third feed to South End (“Englesby” feed)
- NO Known Contamination of Water Supply
- 10 BacT samples taken from area confirmed no contamination



PRECAUTIONARY BOIL
WATER ADVISORY
VS.
BOIL WATER ORDER
VS.
DO NOT USE

WHAT WAS DIFFERENT ABOUT THIS SERVICE DISRUPTION?

NEWER EMPHASIS FROM REGULATORS:

- VT DEC has increased focus on the need for boil water notices to be considered when there are “non-routine operating conditions”
 - October 2018 “Boil Water Procedure”
 - May 2019 Burlington System Drinking Water Permit to Operate



INCIDENT CHARACTERISTICS:

- Wider area than planned
- Geographic extent of possible impacts
- Apparent duration of depressurization

Increases the possibility of contamination

INITIAL RESPONSE

- Made determination to issue boil water notice
- Posted message on Facebook and Twitter (with updates)
- Flushed hydrants in the area and confirmed good chlorine residual
- Confirmed approach with State
- Issued press release
- Media conference call
- On camera interviews
- Created extent of boil water map
- Posted message on roadside message board(s)
- Red Alert Banner on City webpages
- Made bottled water available to customers unable to boil water
- Sent direct message to customers who have provided addresses in our water billing system (delayed timing; relies on people providing emails)
- Contacted Champlain Housing Trust
- FB/Twitter updates
- Worked with Front Porch Forum to send out early message
- City Councilor regular notifications
- Created “Boil Water Advisory” Page
 - <https://www.burlingtonvt.gov/DPW/Boil-Water-Advisory>

IMPROVEMENTS NEEDED

- Need easier, direct communication system for timely notification
- Make it clear from onset that it was “precautionary advisory” and that there was no known contamination event
- SOP for timely escalation of “non-routine” conditions by operations and field staff (including definitions of the “new” non-routine)
- Further refine SOPs and checklists for how to handle variety of distribution operational conditions and meet AWWA standards to avoid boil water advisories where possible and conditions are safe
- SOP for Boil Water Issuance and Communications
- Improve risk analyses, contingency pre-planning for shut downs of more significant supply feeds
- Better documentation of locations of service disruption
- Education regarding boil water notices; FAQs and outreach to special customers so they can develop appropriate contingency plans

DIRECT NOTIFICATION PROGRESS

VT Alert System

- Powerful system with ability for users to subscribe to method of contact and types of notifications
- City wide or localized areas
- Ability to reach non-subscribers who have landlines



Timeline of Progress

- July 10: DPW and DPR staff received training on administration of system
- July 17: Meeting held with other departments, follow up meeting scheduled for week of July 22
- Looking to advance "sign up" campaign collaboratively as a City as soon as possible

Burlington Department of Public Works Commission Meeting
Draft Minutes, 17 July 2019
645 Pine Street

Commissioners Present: Tiki Archambeau (Chair); Jim Barr; Chris Gilman (Secretary); Brendan Hogan (Vice Chair); Peggy O'Neill-Vivanco. Commissioners Robert Alberry and Solveig Overby participated via telephone.

Commissioners Absent: None

Item 1 – Call to Order – Welcome – Chair Comments

Director Spencer called the meeting to order at 6:34 p.m. due to the Election of Officers.

Item 2 – Agenda

Commissioner Overby requested to Remove Item C from the Consent Agenda and make it 5.1 on the Deliberative Agenda.

Commissioner Barr made motion to accept Agenda with the amendment.
Commissioner O'Neill-Vivanco seconded.

Action taken: motion approved; 7-0
Chair Archambeau: "Aye"
Vice Chair Hogan: "Aye"
Commissioner Alberry: "Aye" via phone
Commissioner Gilman: "Aye"
Commissioner Barr "Aye"
Commissioner O'Neill-Vivanco "Aye"
Commissioner Overby "Aye" via phone

Item 3 – Election of Chair, Vice Chair and Secretary

Commissioner Alberry made a motion to have Commissioner Archambeau as Chair; Commissioner Hogan as Vice Chair; and Commissioner Gillman as Secretary
Motion was seconded by Commissioner O'Neill-Vivanco

Action Taken: motion approved 7 to 0
Chair Archambeau "Aye"
Vice Chair Hogan "Aye"
Commissioner Overby "Aye" via phone
Commissioner Barr "Aye"
Commissioner O'Neill-Vivanco "Aye"
Commissioner Alberry "Aye" via phone
Commissioner Gilman "Aye"

Item 4 – Public Forum

Charlie Giannoni, Ward 3, spoke on Rose Street sidewalk work.

Caryn Long, Ward 1, spoke about illegal parking and stormwater runoff.

Dave Harnett spoke about downtown parking impacts due to redevelopment projects, parklets and City policy.

Item 5 – Consent Agenda

A) Mechanics Way to Thorsen Way Ordinance Revisions

B) Great Streets – St. Paul Street Accessibility (ADA) Parking Changes

C) Designate the New Marina Lot as a City Managed Lot

Item C was pulled from consent and labeled as 5.1

Commissioner Barr makes motion to adopt the Consent Agenda and is seconded by Commissioner Hogan.

Action taken: motion approved; 7 to 0.

Chair Archambeau: “Aye”

Vice Chair Hogan: “Aye”

Commissioner Overby: “Aye”

Commissioner Barr: “Aye”

Commissioner O’Neill-Vivanco: “Aye”

Commissioner Alberry: “Aye”

Commissioner Gilman: “Aye”

Item 5.1 Designate the Northern Waterfront Lot as a City Managed Lot

A) Presentation was given by Kirsten Merriman-Shapiro. She provided background on the parking that will be located around the northern waterfront and adjacent to the new marina.

B) Commission Questions (see video) Commissioner Overby sought clarification on the names of the lots and the proposed regulations for these lots.

C) Public Comment: (see video) C Long asked whether the Burlington Harbor Marina would be required to pay for parking.

D) Commission Discussion (see video)

E) Motion made by Commissioner Barr to accept staff’s recommendations
Seconded by Commissioner O’Neill-Vivanco

Action Taken: motion approved; 6 to 1.

Chair Archambeau: “Aye”

Vice Chair Hogan: “Aye”

Commissioner Overby: “Nay” via phone

Commissioner Barr: “Aye”

Commissioner O’Neill-Vivanco: “Aye”

Commissioner Alberry: “Aye” via phone

Commissioner Gilman: “Aye”

Item 6 – Draft FY’20 Downtown Parking & Transportation Workplan

- A) Staff presentation by Interim Assistant Director Jeff Padgett & Burlington Business Association Director Kelly Devine
- B) Commissioner Discussion (see video) Some discussion about if free Sunday parking is still going to be taking place. Questions on why they have promotions for people coming into Burlington by cars but no promotions for people who ride the bus.
- C) Should expand some responsibilities to the Church Street Marketplace
- D)
- E) Public Comment: (see video) N/A
- F) Action Requested: None

Item 7– Precautionary Boil Water Notice Update

- A) Staff communication by DPW Division Director -- Water Resources Megan Moir, DPW Director Chapin Spencer and Public Information Manager Rob Goulding
 - B) Commissioner Discussion (see video)
 - C) Public Comment (see video) N/A
- Action Requested: None

Item 8 – Draft DPW FY’20 Goals & Objectives

- A) Staff presentation by DPW Director Chapin Spencer
- B) Commissioner Discussion (see video) Commissioners discussed the Asset Management objective, alternative fuels.
- C) Public Comment: N/A
- D) Action Requested: None

Item 9 – Approval of Amended Draft Minutes of 6-19-19 & 6-25-19

Approval of Draft Minutes of 6-19-19

Commissioner O’Neill Vivanco makes motion to accept the minutes of the June 19, 2019 with a few grammar changes and is seconded by Commissioner Barr

Action taken: motion approved; 6 to 1.

Chair Archambeau: “Aye”

Vice Chair Hogan: “Aye”

Commissioner Overby: “Nay” via phone

Commissioner Barr: “Aye”

Commissioner O’Neill-Vivanco: “Aye”

Commissioner Alberry: “Aye” via phone

Commissioner Gilman: “Aye”

Approval of Draft Minutes of 6-25-19

Commissioner Barr makes motion to accept the minutes of the June 25, 2019 Commission Meeting and is seconded by Commissioner O'Neill-Vivanco.

Action taken: motion approved; 5 to 0.

Chair Archambeau: "Aye"

Vice Chair Hogan: "Aye"

Commissioner Overby: "Aye"

Commissioner Barr: "Aye"

Commissioner O'Neill-Vivanco: "Aye"

Commissioner Alberry: Abstain

Commissioner Gilman: Abstain

Item 10 – Director's Report

Director Spencer referred to the Director's Report in the packet and provided a quick update on the St. Paul Street Great Streets project.

Item 11 – Commissioner Communications

Commissioner Alberry thanked everyone stating Commissioner Archambeau was an exceptional Chair and DPW had great staff.

Commissioner Overby wished Commissioner Alberry well –appreciates efforts to make communication better for Rose Street and other sidewalk projects.

Commissioner Hogan enjoying waterline work and seeks update on stop sign request at Adams Street and South Union Street.

Commissioner Barr seeks an update on why Curtis Avenue work has paused?

O'Neill-Vivanco – would like to have staff explore how to make Park Street and Route 127 intersection safer.

Commissioner Archambeau thanks Rob Alberry for his decades of service on the DPW Commission.

Item 12 – Adjournment & Next Meeting Date

Motion to adjourn made by Commissioner Barr and seconded by Commissioner _O'Neill Vivanco seconded

Action taken: motion approved; 7-0.

Chair Archambeau: "Aye"

Vice Chair Hogan: "Aye"

Commissioner Overby: "Aye" by phone

Commissioner Barr: "Aye"
Commissioner O'Neill-Vivanco: "Aye"
Commissioner Alberry: "Aye" by phone
Commissioner Gilman: "Aye"

"Ayes" are unanimous

Meeting adjourned at 9:30 p.m.

COMMISSION MEETING SIGN IN SHEET

Date: 7-17-19

NAME - (PRINTED)

ITEM #

EMAIL ADDRESS

PHONE #

WARD

Charlie Giannoni

Caryn Long

Dave Hartnett

charliecpg@gmail.com

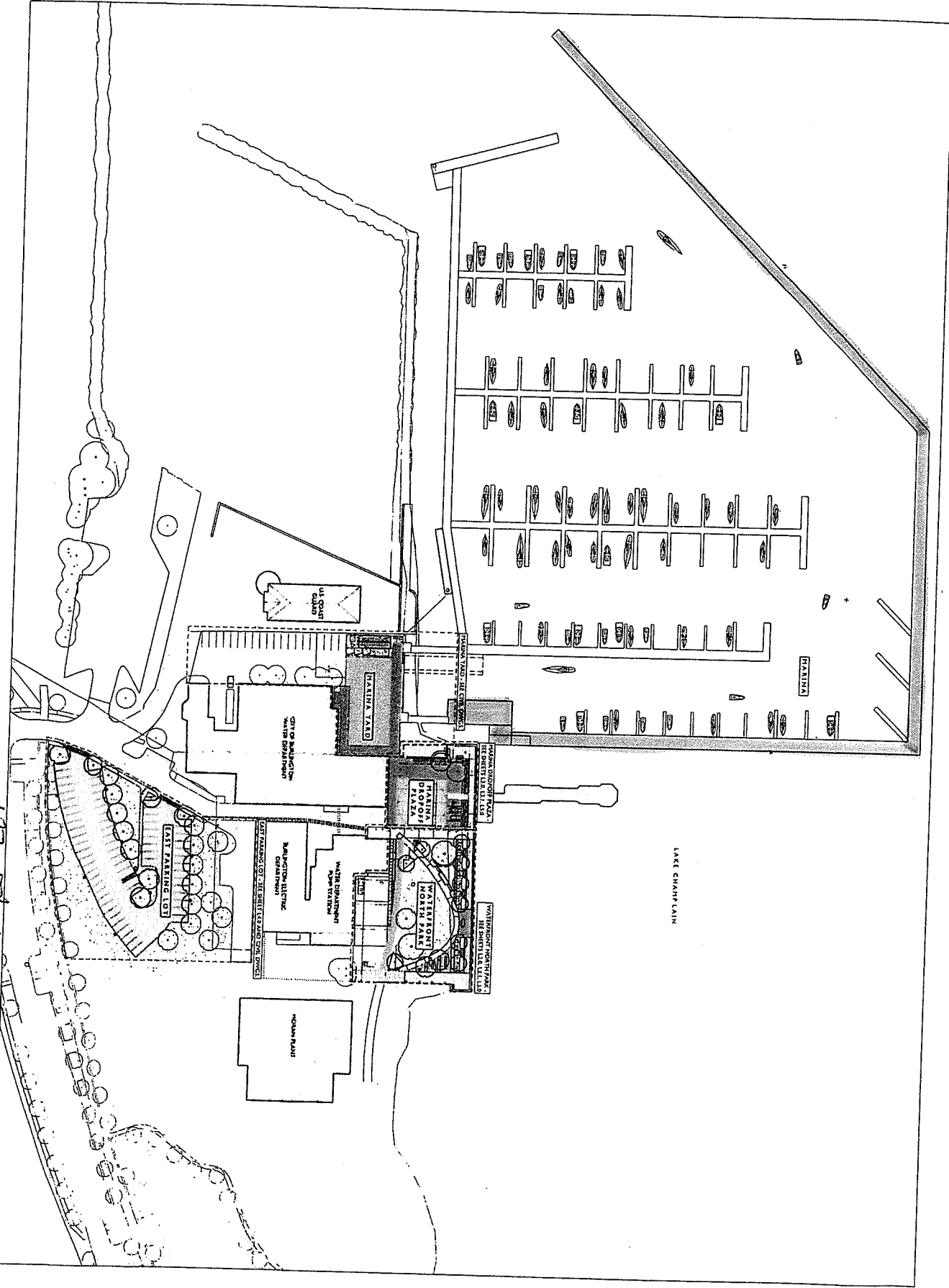
CarynLongVT@gmail.com 802-734-3003

3

Items #c

Designate the New marina Lot as a

Kiersten meerrman



**BURLINGTON
HARBOR
MARINA**

OVERALL
SITE PLAN

REVISIONS

DRAWING NO.

FORM NO. 423

17-5050-0

DATE 01.12.17

Г.О.

PERMITTING
PLAN
01/13/17
(NOT FOR
CONSTRUCTION)

Chapin Spencer

From: Solveig Overby
Sent: Wednesday, July 24, 2019 7:33 AM
To: Tiki-Jon Archambeau
Cc: Chapin Spencer
Subject: FW: Consent Agenda item C: Designate the New Marina Lot as a City Managed Lot
Attachments: Burlington Harbor Marina Private Parking_Pages 10 to 21 from July PWC 2019 Packet.pdf

Tiki,

This is the EMAIL I sent this to you before last week's meeting to explain my reasons for pulling Consent Agenda Item C about the Burlington Harbor Marina area parking so we could discuss it..

Can you have DPW post this EMAIL and attachment with the other documents for the 7/17/2019 PWC meeting?

Thanks.

Solveig

From: Solveig Overby
Sent: Wednesday, July 17, 2019 5:35 PM
To: Tiki-Jon Archambeau
Cc: Chapin Spencer
Subject: Consent Agenda item C: Designate the New Marina Lot as a City Managed Lot

Tiki,

I will be asking that we pull Consent Agenda item C from the Consent Agenda and move it to the deliberative agenda.

As I read the packet for this item, despite the title being about the parking kiosk for part of the parking lot behind the Water Treatment Plant, the rest of the document is endorsing extensive exclusive parking for Marina guests at the new Burlington Harbor Marina. Did the PWC have any input on this deal to transfer most of the parking to exclusive use of the Burlington Harbor Marina guests and employees? There seems to be no expiration date on the arrangement, rather it's to exist in perpetuity as long as the land lease exists. Perhaps I missed the meeting where this was discussed and approved prior to the consummation of the October 25, 2017 lease referred to in the packet. Can you recall? Perhaps Chapin can address this?

My concern is that this situation sets a precedent where CEDO might make commitments to give away public resources, in this case public parking at the waterfront, and then come to the PWC after the fact, as possibly is happening in this case, and say the PWC needs to approve what's already been committed to.

See my attached annotated version of the Consent Agenda Item C.

My questions are:

How many parking spots are in the Marina and East Parking Lots affected by this agenda item? How many spots will have kiosk-payment parking for the general public?

I don't know if I have this right but it appears there may be 68 spaces in what seems to be called the "East Parking Lot," 23 of them for the exclusive use of the Marina, and another 19 for exclusive use of the Marina on weekends and

holidays. That leaves 26 for the public. The documents also say that the City may use 10 of those 26 spots for "another project" and up to 24 of those spots for "exclusive use of another project between October 16 and May 14 each year." So, that would potentially leave 2 spots for the public between Oct. and May.

I need help with the math on these parking spots and which are "exclusive" for the Marina and which the public can use.

There is also a lot between the Coast Guard and Burlington Water Treatment plant. It's not clear if this parking is also allocated in some way between the Marina and the Coast Guard. From the diagram, it appears 4 spots might be marked off at the west end of that parking lot.

Our packet documents refer to both the "Marina Lot" and the "East Parking Lot." Are these the same thing? Different lots?

I'm cc'ing Chapin as he likely can clarify things.

Solveig

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.



City of Burlington
Department of Public Works

Technical Services Engineering Division
645 Pine Street, Suite A
Burlington, VT 05402
P 802-863-9094 / F 802-863-0466 / TTY 802-863-0450
www.burlingtonvt.gov/DPW

Memo

Date: July 12, 2019

To: Public Works Commission

From: Phillip Peterson, Associate Public Works Engineer *PMP 7/12/19*

CC: Jeff Padgett, Interim Assistant Director - Parking & Traffic

Subject: Designate New Marina Lot as a City Managed Lot and Set Hourly Rate

Staff recommends the DPW Commission adopt:
(18) Parking facility designations.

(a) Metered lot locations:

- The city-owned lot more commonly understood to be the Marina Lot located north of Penny Lane.

(19) Parking rates.

(b) The rate of charge for parking in metered city lots shall be as follows:

- Marina Lot: One dollar (\$1.00) per hour for a maximum of three (3) hours from May 1 through October 31 and forty cents (\$0.40) per hour for up to ten (10) hours from November 1 through April 30 with the exception of spaces designated as Marina Parking.

Purpose & Need:

The purpose of this request is to implement the approved parking agreement (see Attachment 1) between the City of Burlington and Burlington Harbor Marina, LLC, a Vermont limited liability company. The need is to provide local businesses and residents with a City regulated parking lot.

Project Checklist:

	N/A	Yes	No	Reference
Aligns with MUTCD standards and/or established City Policy?		X		Vermont Public Trust Doctrine
Aligns with City plans?		X		Parking Agreement between the City of Burlington and Burlington Harbor Marina, LLC. Downtown Parking and Transportation Management Plan
Followed Public Engagement Plan?		X		These Traffic Regulation changes are defined as an INVOLVE project in the Public Engagement Plan (PEP).

Summary and Conclusion:

The new Marina Lot is a City of Burlington municipal lot. The rate structure and installation of kiosks at the Marina Lot meets the recommendations of the December 2015 Downtown Parking and Transportation Management Plan, "Build new parking capacity and/or new development along the waterfront..." Staff recommends the Commission approves the installation of parking kiosks to manage the lot. Staff recommends the Commission adopt: the following rate structure for the Marina Lot. \$1.00 per hour for a maximum of three (3) hours from May 1st – October 31st & \$0.40 per hour for up to nine (9) hours from November 1st – April 30th; with the exception of 23 parking spaces designated for use of the Marina, this is in accordance with the Parking Agreement between the City of Burlington and the Burlington Harbor Marina, LLC.

Public Engagement:

The City of Burlington has conducted an extensive amount of public outreach in regards to the new Burlington Harbor Marina. Specifically, the City of Burlington Community and Economic Development Office (CEDO) has managed public relations tasks associated with this project. The overall determination by CEDO is that the new Marina Lot provides public access to the lake at a cost commensurate with City owned marina facilities, and under terms which meet the Public Trust Doctrine.

Attachments:

1. Parking Agreement.
-

Parking Agreement

This Parking Agreement is made by and between the **City of Burlington**, a Vermont municipal corporation ("City") and **Burlington Harbor Marina, LLC**, a Vermont limited liability company ("BHM") as of this 27th day of October, 2017.

WHEREAS, the parties have entered into a Development Agreement dated October 25, 2017 ("Development Agreement"); and

WHEREAS, the City has leased a parcel of land at the northern waterfront in Burlington, Vermont being a portion of a parcel used by the Burlington Water Department ("Marina Lot") to the Marina by Ground Lease dated October 25, 2017 (the "Lease"); and

WHEREAS, BHM has constructed the "Project" as defined in the Lease, including the "East Parking Lot", the "Public Park", the "Plaza", and the "Marina"; and

WHEREAS, BHM shall have access to parking spaces in the East Parking Lot, and employee parking and temporary and handicapped accessible parking spaces in the Plaza, all on the terms and conditions set forth herein.

NOW THEREFORE, the parties hereto agree as follows:

1. **General.**

The parties agree that the terms and conditions contained herein will govern the overall rights and responsibilities for use and maintenance of the East Parking Lot, the Public Park, the Plaza, and the employee parking spaces, all as shown on the plan attached hereto as Exhibit A (collectively, the "Parking Facilities"), and that it will be mutually beneficial to come to agreement on the day to day operations of their respective facilities. Therefore the parties agree to enter into an Operating Memorandum of Understanding, to be amended from time to time ("OMOU"), that will address those details and provide for periodic meetings to assess the ongoing operations of the Parking Facilities.

2. **Use of East Parking Lot.** The following provisions shall govern the use of the East Parking Lot:

- A. During the period of May 15 to October 15, each year, Marina guests shall have the exclusive right to park vehicles in any of the 23 parking spaces designated for use of the Marina, and located in the western section of the East Parking Lot (the "Marina Parking Spaces"), at no additional charge to the Marina. The general public shall be prohibited from parking in the Marina Parking Spaces from May 15 to October 15 of each year. Designation of the Marina Parking Spaces via signage, or otherwise, shall be by agreement of the City and BHM and included in the OMOU.

In addition, 19 of the remaining 45 spaces in the East Parking Lot shall be restricted to exclusive use by the Marina on weekends and City Holidays during the period from May 15 through October 15 of each year ("Marina Weekend Spaces"). A weekend period shall be deemed to commence at 6:00 pm on each Friday and terminate at 8:00 am on each following Monday morning. A holiday shall be deemed to commence at 6:00 pm the day before the holiday, and terminate at 8:00 am on the day following the Holiday. In the event a Holiday falls adjacent to a weekend the periods shall run sequentially as one period. BHM will pay the City for the use of the Marina Weekend Spaces. The rate for the Marina Weekend Spaces shall be established by calculation of the number of weekend days and holidays applicable annually multiplied by the Burlington Department of Public Works Daily Parking rate as established for the applicable year multiplied by nineteen (19). The Daily parking Rate shall not exceed the rate charged at the Perkins Pier Lot. BHM may elect to reduce its number of weekend/holiday spaces upon delivery of thirty (30) days' written notice to the City. BHM agrees that it will implement a policy of prioritized use of the Marina Parking Spaces plus the Marina Weekend Spaces. Methodology for assuring such prioritized use shall be addressed in the OMOU. The remaining 45 parking spaces in the East Parking Lot (26 on weekends and holidays) will be managed by the City for short-term parking and made available to the public on a first-come first-served basis and in a manner designed to maximize parking efficiencies, working with other Waterfront stakeholders at rates commensurate with nearby hourly and daily public parking rates. The City shall provide BHM with four designated parking spaces in the East Parking Lot for use by BHM during periods between October 16 and May 14 each year, when the "Employee Parking Spaces" (as defined below) are used for the storage of snow.

- B. Notwithstanding the City's obligations under 2(A) above, the City may, in its discretion, (i) allocate up to 10 parking spaces in the East Parking Lot for the exclusive use of another project; and (ii) allocate up to 24 additional parking spaces in the East Parking Lot during the period of October 16 to May 14, each year, for the exclusive use of another project ("Designated Use Spaces"). Such designation shall be subject to the same shared usage goals and objectives described above, namely, to maximize parking efficiencies for all Waterfront stakeholders.
- C. BHM shall manage and control the use of the Marina Parking Spaces and the Marina Weekend Spaces during the time periods dedicated to BHM. The balance of the parking spaces shall be managed and controlled by the City, all in accordance with the OMOU.

3. **The Plaza.** The following provisions shall govern the use of the Plaza:

- A. The parking spaces at the Plaza shall be designated as either short term public access spaces or handicapped accessible spaces, 24 hours per day, 7 days per week, except during events hosted by the Marina and open to the public, in

which case, there shall be no public access to parking spaces in the Plaza. It is understood by the parties that Marina guests, who are not handicapped, will use the Plaza only for dropping off passengers and gear, and that such use shall be at no additional charge to the Marina.

4. **Employee Parking.**

The Marina employees shall have exclusive access to 4 designated spaces located in the parking area located on the Marina Lot, adjacent to the Burlington Water Department Building ("Employee Parking Spaces"), at no additional charge to the Marina. The Marina shall cooperate with the Water Department in order to allow for deliveries to the Water Department, in accordance with the OMOU. In addition, BHM acknowledges that the Employee Parking Spaces may be relocated to the East Parking Lot in winter months, when needed by the City for snow storage.

5. **Hours and Dates of Operations.**

The Marina Parking Spaces shall be open and available to Marina guests 24 hours per day, 7 days per week from May 15th through October 15th. The Public Parking Spaces (all parking spaces in the East Parking Lot not designated as Marina Parking Spaces, Marina Weekend Spaces, or Designated Use Spaces) shall be open and available to the public daily from May 15th through October 15th on a schedule to be set annually on or before April 1 for each upcoming year by the Marina and the Burlington Department of Public Works.

6. **Signs.**

City shall permit BHM to erect signs, on City property within reasonable proximity of Marina Lot, directing clients and the public, to the Marina Lot and the East Parking Lot and Plaza, subject to all Permits and Approvals.

BHM shall, at its expense, obtain any and all Permits and Approvals before erecting such sign.

All signage (including but not limited to signage on the dock and wave attenuator directing boat traffic and boaters) shall be constructed, erected and/or installed solely at BHM's expense and shall comply in all respects with all applicable Federal, State and municipal permits regulating the appearance and placement of such signs.

7. **Street and East Parking Lot Lighting.**

The City shall be responsible for all costs and expenses related to utility metering and maintenance of lighting of the East Parking Lot and shall be reimbursed by the Marina for its pro rata share of the cost incurred for such lighting during the period from May 15th to October 15th each year.

The Marina shall be responsible for all costs and expenses related to utility metering and maintenance of lighting of the Plaza and the Employee Parking Spaces.

8. **Staffing, Security, and Revenue Management.**

The City shall be responsible for staffing, security, parking enforcement and revenue management of the all parking spaces in the East Parking Lot other than the Marina Parking Spaces and the Marina Weekend Spaces. The Marina shall be responsible for staffing and security, management and parking enforcement of the Marina Parking Spaces, Marina Weekend Spaces, Plaza and the Employee Parking Spaces.

9. **Cleaning.**

The East Parking Lot, Employee Parking Spaces, including all parking areas and sidewalks, shall be maintained by the City in clean and in presentable condition at all times at a standard at least equal to then applicable City parking lot standards.

The Plaza, including all parking areas and sidewalks, shall be maintained by the Marina in clean and in presentable condition at all times at a standard at least equal to then applicable City parking lot maintenance standards.

10. **Trash Removal.**

Rubbish from trash receptacles which service the East Parking Lot shall be removed by the City, at a frequency consistent with City policy for parking lots.

Rubbish from trash receptacles which service the Plaza shall be removed by the Marina as the party responsible for the maintenance of the Plaza.

11. **Snow Removal.**

Snow and ice shall be promptly removed from the East Parking Lot by the City consistent with City parking lot use policy and City snow removal policy in accordance with the OMOU. Snow and ice shall be promptly removed by the Marina from all portions of the Plaza, and the Employee Parking Spaces, including all entrances, driveways, parking areas and sidewalks to ensure accessibility in accordance with the OMOU.

12. **Repair and Maintenance.**

- A. The City shall be responsible for the repair and maintenance of the East Parking Lot at its sole cost and expense, consistent with then applicable City parking lot maintenance policy, and subject to partial reimbursement by the Marina in accordance with the OMOU.

- B. The Marina shall be responsible for the repair and maintenance of the Plaza and the Employee Parking Spaces, at its sole cost and expense, consistent with then applicable City parking lot maintenance policy and the OMOU
- C. The paving, revenue control equipment, painting, lighting, plumbing, utility lines (sewer, water, electric), curbs, gutters and all other improvements required during the operation of the East Parking Lot and the Plaza shall be of a quality at least equal to then applicable City parking lot maintenance policy.
- D. The City shall advise the Marina of any planned renovation or improvements to the East Parking Lot that would affect Marina guests or employees access to the Marina. The City shall make reasonable efforts to limit the impact of any renovation or improvement on the number of Marina Spaces or Marina Weekend Spaces, the Plaza or the Employee Parking Spaces.

13. **Access During City Waterfront Events.** A schedule of events shall be provided and approved in accordance with the OMOU.

14. **Dispute Resolution.**

- A. Should a dispute arise between the parties as to the meaning or intent of any provision of this Agreement, or as to an obligation of a party hereunder, the parties to the dispute will first attempt to resolve such dispute by mutual negotiations and, if the dispute persists, the utilization of any experienced independent mediator. Should the dispute continue notwithstanding the efforts of the mediation process, the parties to the dispute agree to submit the dispute to final binding arbitration.
- B. In the event of a material breach of this Agreement, which is discovered by the non-breaching party during the period in which this Agreement is being actively performed, a non-breaching party shall notify the alleged breaching party of the alleged material breach. Any non-breaching party may first endeavor to remedy the breach by direct discussions with the alleged breaching party. If such discussions fail to cure the breach within a reasonable period of time, not to exceed sixty (60) days, or if the circumstances require immediate action, the non-breaching party and the alleged breaching party will submit the matter to an experienced independent mediator for resolution of the matter. Should the parties fail to reach an agreement as a result of mediation, the matter shall be submitted to final binding arbitration. Claims for damages or other remedy for any breach of this Agreement that are discovered subsequent to the completion of this may be pursued directly through arbitration. Claims which do not involve breach of this Agreement shall be subject to arbitration and a party may pursue its judicial remedies for such claims.
- C. Arbitration: Arbitration shall be initiated by written notice to the other side or sides involved in the dispute of intent to seek arbitration. Arbitration under this

Restated Agreement shall be governed by the Vermont Arbitration Act, except that any arbitration shall be completed and a decision rendered within 90 days of notice invoking arbitration. The parties to the dispute shall try to agree upon an arbitrator within ten (10) business days of the notice invoking arbitration. If the parties to the dispute cannot agree upon an arbitration, then, within three (3) additional business days, each party to the dispute shall select an arbitrator and the selected arbitrator shall select a third arbitrator. The parties to the dispute shall equally share the cost of arbitration.

15. Notices.

All notices hereunder shall be given in writing and shall be deemed delivered only upon receipt of the original or an email transmission, with evidence of deliver, at the addresses listed below, or at such other addresses provided to the other party hereunder in writing:

To the Marina: Burlington Harbor Marina, LLC
25 Cherry Street
Burlington, VT 05401
Attn: Jack Wallace
Email: jwallace@gmavt.net

To the City: City of Burlington
149 Church Street
Burlington, VT 05401
Attention: Noelle Mackay
Email: nmackay@burlingtonvt.gov

15. Miscellaneous.

This Agreement shall be binding on and shall benefit the parties hereto and their respective successors and assigns. This agreement shall run with the land and benefit the Marina Property until such time as the Ground Lease is terminated. This Agreement shall not be amended or restated without the express written consent of the parties hereto. In the event any term, covenant or condition herein contained is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other term, covenant or condition herein contained, provided that such invalidity does not materially prejudice either party in their respective rights and obligations contained in the valid terms, covenants or conditions hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Vermont.

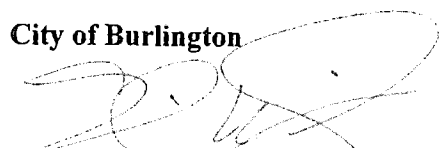
Acknowledgement of Arbitration

WE UNDERSTAND THAT THIS AGREEMENT CONTAINS AN AGREEMENT TO ARBITRATE. AFTER SIGNING THIS DOCUMENT, WE UNDERSTAND THAT WE WILL NOT BE ABLE TO BRING A LAWSUIT CONTAINING ANY DISPUTE THAT MAY ARISE WHICH IS COVERED BY THE ARBITRATION AGREEMENT, UNLESS IT INVOLVES A QUESTION OF CONSTITUTIONAL LAW OR CIVIL RIGHTS. INSTEAD, WE AGREE TO SUBMIT ANY SUCH DISPUTE TO AN IMPARTIAL ARBITRATOR.

IN WITNESS WHEREOF, this Agreement is executed by the duly authorized officers or representatives of the parties hereto.

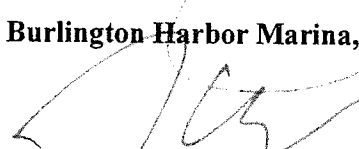
Signature Page Follows

City of Burlington

By: 

Miro Weinberger, Mayor

Burlington Harbor Marina, LLC

By: 

Jack Wallace, Manager

Exhibit A

Site Plan

See attached

0.17

Burlington Department of Public Works Commission Meeting
Final Minutes, 17 July 2019
645 Pine Street

Commissioners Present: Tiki Archambeau (Chair); Jim Barr; Chris Gilman (Secretary); Brendan Hogan (Vice Chair); Peggy O'Neill-Vivanco. Commissioners Robert Alberry and Solveig Overby participated via telephone.

Commissioners Absent: None

Item 1 – Call to Order – Welcome – Chair Comments

Director Spencer called the meeting to order at 6:34 p.m. due to the Election of Officers.

Item 2 – Agenda

Commissioner Overby requested to Remove Item C from the Consent Agenda and make it 5.1 on the Deliberative Agenda.

Commissioner Barr made motion to accept Agenda with the amendment.
Commissioner O'Neill-Vivanco seconded.

Action taken: motion approved; 7-0
Chair Archambeau: "Aye"
Vice Chair Hogan: "Aye"
Commissioner Alberry: "Aye" via phone
Commissioner Gilman: "Aye"
Commissioner Barr "Aye"
Commissioner O'Neill-Vivanco "Aye"
Commissioner Overby "Aye" via phone

Item 3 – Election of Chair, Vice Chair and Secretary

Commissioner Alberry made a motion to have Commissioner Archambeau as Chair; Commissioner Hogan as Vice Chair; and Commissioner Gillman as Secretary
Motion was seconded by Commissioner O'Neill-Vivanco

Action Taken: motion approved 7 to 0
Chair Archambeau "Aye"
Vice Chair Hogan "Aye"
Commissioner Overby "Aye" via phone
Commissioner Barr "Aye"
Commissioner O'Neill-Vivanco "Aye"
Commissioner Alberry "Aye" via phone
Commissioner Gilman "Aye"

Item 4 – Public Forum

Charlie Giannoni, Ward 3, spoke on Rose Street sidewalk work.

Caryn Long, Ward 1, spoke about illegal parking and stormwater runoff.

Dave Harnett spoke about downtown parking impacts due to redevelopment projects, parklets and City policy.

Item 5 – Consent Agenda

A) Mechanics Way to Thorsen Way Ordinance Revisions

B) Great Streets – St. Paul Street Accessibility (ADA) Parking Changes

C) Designate the New Marina Lot as a City Managed Lot

Item C was pulled from consent and labeled as 5.1

Commissioner Barr makes motion to adopt the Consent Agenda and is seconded by Commissioner Hogan.

Action taken: motion approved; 7 to 0.

Chair Archambeau: “Aye”

Vice Chair Hogan: “Aye”

Commissioner Overby: “Aye”

Commissioner Barr: “Aye”

Commissioner O’Neill-Vivanco: “Aye”

Commissioner Alberry: “Aye”

Commissioner Gilman: “Aye”

Item 5.1 Designate the Northern Waterfront Lot as a City Managed Lot

A) Presentation was given by Kirsten Merriman-Shapiro. She provided background on the parking that will be located around the northern waterfront and adjacent to the new marina.

B) Commission Questions (see video) Commissioner Overby sought clarification on the names of the lots and the proposed regulations for these lots.

C) Public Comment: (see video) C Long asked whether the Burlington Harbor Marina would be required to pay for parking.

D) Commission Discussion (see video)

E) Motion made by Commissioner Barr to accept staff’s recommendations
Seconded by Commissioner O’Neill-Vivanco

Action Taken: motion approved; 6 to 1.

Chair Archambeau: “Aye”

Vice Chair Hogan: “Aye”

Commissioner Overby: “Nay” via phone

Commissioner Barr: “Aye”

Commissioner O’Neill-Vivanco: “Aye”

Commissioner Alberry: “Aye” via phone

Commissioner Gilman: “Aye”

Item 6 – Draft FY’20 Downtown Parking & Transportation Workplan

- A) Staff presentation by Interim Assistant Director Jeff Padgett & Burlington Business Association Director Kelly Devine
- B) Commissioner Discussion (see video) Some discussion about if free Sunday parking is still going to be taking place. Questions on why they have promotions for people coming into Burlington by cars but no promotions for people who ride the bus.
- C) Should expand some responsibilities to the Church Street Marketplace
- D)
- E) Public Comment: (see video) N/A
- F) Action Requested: None

Item 7– Precautionary Boil Water Notice Update

- A) Staff communication by DPW Division Director -- Water Resources Megan Moir, DPW Director Chapin Spencer and Public Information Manager Rob Goulding
 - B) Commissioner Discussion (see video)
 - C) Public Comment (see video) N/A
- Action Requested: None

Item 8 – Draft DPW FY’20 Goals & Objectives

- A) Staff presentation by DPW Director Chapin Spencer
- B) Commissioner Discussion (see video) Commissioners discussed the Asset Management objective, alternative fuels.
- C) Public Comment: N/A
- D) Action Requested: None

Item 9 – Approval of Amended Draft Minutes of 6-19-19 & 6-25-19

Approval of Draft Minutes of 6-19-19

Commissioner O’Neill Vivanco makes motion to accept the minutes of the June 19, 2019 with a few grammar changes and is seconded by Commissioner Barr

Action taken: motion approved; 6 to 1.

Chair Archambeau: “Aye”

Vice Chair Hogan: “Aye”

Commissioner Overby: “Aye” via phone

Commissioner Barr: “Aye”

Commissioner O’Neill-Vivanco: “Aye”

Commissioner Alberry: “Aye” via phone

Commissioner Gilman: “Aye”

Approval of Draft Minutes of 6-25-19

Commissioner Barr makes motion to accept the minutes of the June 25, 2019 Commission Meeting and is seconded by Commissioner O'Neill-Vivanco.

Action taken: motion approved; 5 to 0.

Chair Archambeau: "Aye"

Vice Chair Hogan: "Aye"

Commissioner Overby: "Aye"

Commissioner Barr: "Aye"

Commissioner O'Neill-Vivanco: "Aye"

Commissioner Alberry: Abstain

Commissioner Gilman: Abstain

Item 10 – Director's Report

Director Spencer referred to the Director's Report in the packet and provided a quick update on the St. Paul Street Great Streets project.

Item 11 – Commissioner Communications

Commissioner Alberry thanked everyone stating Commissioner Archambeau was an exceptional Chair and DPW had great staff.

Commissioner Overby wished Commissioner Alberry well –appreciates efforts to make communication better for Rose Street and other sidewalk projects.

Commissioner Hogan enjoying waterline work and seeks update on stop sign request at Adams Street and South Union Street.

Commissioner Barr seeks an update on why Curtis Avenue work has paused?

O'Neill-Vivanco – would like to have staff explore how to make Park Street and Route 127 intersection safer.

Commissioner Archambeau thanks Rob Alberry for his decades of service on the DPW Commission.

Item 12 – Adjournment & Next Meeting Date

Motion to adjourn made by Commissioner Barr and seconded by Commissioner _O'Neill Vivanco seconded

Action taken: motion approved; 7-0.

Chair Archambeau: "Aye"

Vice Chair Hogan: "Aye"

Commissioner Overby: "Aye" by phone

Commissioner Barr: "Aye"
Commissioner O'Neill-Vivanco: "Aye"
Commissioner Alberry: "Aye" by phone
Commissioner Gilman: "Aye"

"Ayes" are unanimous

Meeting adjourned at 9:30 p.m.