



CITY OF BURLINGTON, VERMONT  
CITY COUNCIL PARKS, ARTS & CULTURE COMMITTEE  
c/o Community & Economic Development Office  
City Hall, Room 32 • 149 Church Street • Burlington, VT 05401  
802-865-7144 VOX • 802-865-7024 FAX • [www.cedoburlington.org](http://www.cedoburlington.org)

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**Councilor Karen Paul, Chair**, Ward 6  
**Councilor Ed Adrian**, Ward 1  
**Councilor Paul Decelles**, Ward 7

**Inquiries:**  
**Larry Kupferman**  
802-865-7174  
[lkupferman@ci.burlington.vt.us](mailto:lkupferman@ci.burlington.vt.us)

Minutes to the PACC meeting on 12/21/11

Committee members present: Karen Paul, Chair, (KP)(by telephone), Paul Decelles (PD), Ed Adrian (EA)

Staff present: Mari Steinbach (MS), Interim CAO Scott Schrader (SS), Assistant City Attorney Gregg Meyer, Kirsten Merriman-Shapiro (KMS), Larry Kupferman (LK)

Others: Lea Terhune, Ward 4/7 NPA steering committee, Phelan Fretz, ED and Attorney Brian Dunkiel for ECHO, Phil Lavigne (taping for Channel 17).

Councilor Adrian called the meeting to order at 5:35.

1a) approval of the agenda: PD moves to approve the agenda, KP seconds and so moved;

1b) approval of the minutes: PD moves to approve the draft minutes of the 11-30-11 PACC meeting; KP seconds and so moved.

## 2) Public Forum:

Lea Terhune read a statement (attached) from Tim Jarvis regarding recent decisions regarding the Penny for Parks allocations in relation to the new skatepark and other potential park projects. Other topics Ms. Terhune offered were comments about a draft Jurisdiction Order from Act 250 staff person Peter Keibel and questions regarding costs incurred for the design of the new skatepark and where the information is made available for interested citizens.

## 3) ECHO renovations presented by Phelan Fretz, Executive Director

Executive Director Fretz presented the “Get Closer to the Lake” plans currently underway at ECHO resulting in a major renovation of the facility. The overall campaign is raising \$4.1M and according to Brian Dunkiel, attorney for ECHO, there are several aspects of the renovations that are eligible for funding via the Waterfront TIF District and is within the capacity of the District to finance.

The request is for funding to cover an estimated \$452K for the renovation and rebuilding of an outdoor patio and canopy and the installation of a stormwater wall/garden for retention/treatment with associated infrastructure.

PD: asks about conditions of the current lease between the City and ECHO (the City retains the land) and if the lease ends, the whole facility returns to the City.

KP: has met with Phelan and visited the site and is impressed with the plans and the work done so far. She asks about the debt instrument to be used.

EA: what does the city get?

Phelan: there will be a substantial public amenity built on the northwest corner of the property facing the lake (the patio and canopy) which will be available to the public without going through the building or paying a fee as well as improved stormwater retention and treatment. It is a condition of their permit from the DRB to provide additional public access to what already exists.

Brian Dunkiel refers to the original intent of the Waterfront TIF District to include the ECHO in consideration of financing public amenities at this site.

The sense of the committee is to support the ECHO's request for Waterfront TIF financing for this portion of the project when it makes its way thru the financing process at Board of Finance and City Council.

#### 4) Information request about BCA

Scott Schrader (SS) presented City/BCA budgets from 2001 to Councilor Adrian, refers again to the burden of time and resources to fulfill all of what Councilor Adrian requested and offered answers to question 5 and 6 of Councilor Adrian's request:

BCA received \$2.2 from the City's general fund since 2001 and \$3.4M in donations and \$1.6M in grants in the same time frame.

Question #7 asks for all of the paperwork for the grants-in particular and Scott again states that it would be quite burdensome to retrieve and provide all of these documents.

Question #8-regarding staff levels: there has been an overall reduction of 3.75 FTE's since 2004 by comparing budgets where employees are listed.

EA: how has BCA utilized temporary employees over this period of time? He has heard concerns about the use of temporary employees and their conversion to limited service status.

SS: he can try to analyze transitions of BCA employees from temporary to permanent status and that the payroll system has records by department for helping determine staffing levels.

Question #9: are BCA staff employees of the City of Burlington: yes.

EA asks about question #10: have the recommendations of the City audit been followed at BCA?

KP: asks Councilor Adrian about the process and if it is providing him with the information he seeks.

#### 5 a and b) Moran Center update and Urban Reserve plan during construction

The Moran update this month consisted of verbal report from Assistant City Attorney Gregg Myer (GM) regarding the draft Jurisdictional Order (JO) received from Act 250 staff member Peter Keibel.

There are 3 issues at play:

a: noise complaints from summer events at Waterfront Park led neighbors to call attention to the Act 250 Waterfront Park permit and allege violations of that permit; the City does not agree that the permit was violated but was working with Act 250 staff to possibly amend the permit to reflect today's uses as opposed to 1993 when the permit was issued.

b: the Waterfront North project was granted a zoning permit in 2010 after the Act 250 office determined that no Act 250 permit was required. The permit approved in 2010 was not appealed. However, an amendment to the zoning permit was approved by the DRB which was appealed. The case is currently being litigated in environmental court. Although the zoning permit amendment is under appeal, the litigants wish to re-open the original permit.

c: many of the same neighbors who complained to Act 250 about alleged violations of the Waterfront Park permit are participants in the appeal of the DRB amendment. They have asked for a jurisdiction opinion (JO) regarding the Moran/Waterfront North project, essentially arguing the parcel is connected to Waterfront Park and thus the existing Waterfront Park permit controls.

City staff is now engaged in responding to the DRB appeal as well as to the draft JO from Act 250 and the Waterfront complaints.

EA: what is the connection between the ACT 250 Waterfront Park permit issues and the Moran/WFN project?

GM: the alleged connection is that what we call Waterfront Park is at the waterfront as is the Moran/WFN project. Each is a separate parcel, yet both are obviously part of the broad concept of the "waterfront."

PD: does the litigation include the skatepark area?

GG: the DRB litigation concerns amendments to the original plan approval which include slight changes to the skatepark area from the original design.

PD: requests the last 3 Moran update reports be provided to the committee.

Phil Lavigne (leaves the camera) asks about monitoring the air quality as construction gets underway.

LK: the Corrective Active plan developed as part of the overall excavation requirements in a brownfields and approved by the VT Dept of Environmental Conservation included monitoring of conditions on the ground as soils are moved and stored. Monitoring the air quality as this

construction activity proceeds will be an important activity to maintain and provide for the assurance of the public.

LK: as part of the overall permit application to the DRB, and as reviewed and approved by the Conservation Commission, staging materials on the Urban Reserve is a permitted use under current City of Burlington Zoning Ordinance.

6) Penny for Parks Report by Mari Steinbach, Parks and Recreation Dept Head

MS: provided a spreadsheet as requested (and submitted electronically) showing funding and expenses in detail for Penny for Parks for FY 10, 11 and 12.

EA: how was Appletree Tennis Courts chosen over Roosevelt Tennis Courts?

MS: she did have a list of projects submitted by Anna Thelemark and the Appletree site was on this list as a resident of the area was active in promoting the renovations and improvements to this particular site. The department did begin a filed audit of all park assets to evaluate whether or not to continue with the list as presented.

The 11/1/11 memo provided to council and the commission now establishes a process for assessment and determining the use of Penny for Parks.

Regarding Leddy Park softball fields, at no point was it requested or listed on any improvement list until August of this year.

PD: was a reserve fund always contemplated?

MS: yes, \$100K was always contemplated but this past year, it was expected that in the summer time softball fields would have dried up –if the spring as a normal one. Spring flooding was so extensive and the drying conditions so poor, the softball fields may now be considered for repair.

PD: is the \$100K for the Appletree courts still on the table?

MS: in order to completely renovate those courts it is estimated to cost \$250K and the residents in the area have been told about the issues to be considered. Parks is also looking at the condition of the playground at Appletree Park which needs further discussion.

KP: while the \$100K may still be on the table, more information is required.

PD: asks about Roosevelt Park.

Councilor Hartnett, who arrived shortly during this discussion, asked whether the \$100K would be used for paving.

MS: the total cost for renovating the courts at Appletree Park is estimated to be \$250K so perhaps the \$100K can be used for other purposes such as the basketball court at Appletree

Park. She would rather take a broader, structural and longer lasting approach to renovations than a band aid approach and is still exploring options.

7) Miller Center Lease update by Mari Steinbach

MS: A group of citizens from Wards 4 and 7 and staff spent the past few months soliciting proposals, reviewing responses, and finally selecting Frog and Toad Child Care Center as a tenant for the unfinished portion of the Miller Center.

PD: next steps?

MS: a construction manager will meet with Ms. Bergeron, the owner, to design the space according to her requirements and to match time tables so that a March start up schedule can be met.

KP: was there a thorough financial review?

MS: committee reviewed her tax returns and business plan all indicating successful operation in 2 other locations. She will close one to move to the Miller Center.

EA: other contenders?

MS: A language school expressed interest but withdrew after finding other quarters.

Lea Terhune: is glad to hear the results of this process and praised the efforts of the Ward 4 and 7 residents.

PD: moves to adjourn at 7:17, KP seconds and so moved.

The next meeting is 1/18/12 at 5:30 in room 12, City Hall.

Notes submitted by Larry Kupferman