CITY OF BURLINGTON, VERMONT
CITY COUNCIL PARKS, ARTS & CULTURE COMMITTEE
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Councilor Karen Paul, Chair, Ward 6
Councilor Vince Brennan, Ward 3
Councilor Bryan Aubin, Ward 4

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MINUTES

Park, Arts and Culture Committee Meeting

Wednesday, June 13, 2012
5:30-6:15 p.m. Waterfront Skatepark, Waterfront Park
6:30-7:45 p.m. Room 12, City Hall

Participants

Committee Members:	Councilor Karen Paul, Chair, Ward 6 (KP) Councilor Bryan Aubin, Ward 4 (BA) Councilor Vince Brennan, Ward 3 (VB)
Staff:	Mari Steinbach, Director, Parks & Recreation (MS) Jen Francis, Parks Planner, Parks & Recreation (JS) Larry Kupferman, Director, CEDO (LK) Kirsten Merriman Shapiro, Special Projects Manager, CEDO (KMS)
Others:	Chapin Spencer (Room 12) (CS) Chris Jolly, VTrans (CJ) Joel Baird, Free Press John Bossange (Room 12) (JB) Lee Buffinton (LB) Linda Tierny (Skatepark visit) (LT) Rob Sikora, FHWA (RS) Scott Newman, VTrans (Skatepark visit)

Skatepark Visit

- A tour of the existing Waterfront Skatepark and Waterfront North redevelopment area was held from 5:30 – 6:15 p.m.
- The group walked the site; KMS provides information on the locations of future elements of the WFN construction plans as reflected in project renderings.
- Discussion during the site visit was limited and questions were answered during the meeting in Room 12 which followed.

1) Approval of agenda & 3/22/12 draft minutes

- Meeting came to order at 6:30 p.m.
- May meeting minutes acknowledged but not voted upon; Councilor Paul is the only remaining member from previous PACC committee.

2) Public Forum

- Questions from the public accepted, answered and integrated into the meeting as each agenda item discussed.

3) Establishment of regular time and meeting date

- Regular meeting date determined as the third Thursday of every month
- Next meeting July 19, 5:30 p.m., Room 12

4) Skatepark transition: Q&A

- *Will trucks hauling excavated dirt be covered?* (LT)
  KMS will look for detail in project specifications.
- *Does there need to be continuous use of the Skatepark throughout construction to maintain 4F and grant provisions?* (KP)
  (RS) The continuous use of the Skatepark through construction is not a requirement, but it prevents the need for a 4F evaluation. This process is identifies avoidance alternatives and is extremely time consuming, taking up to 180+ days to prepare/circulate a draft to Washington D.C. and incorporate comments/revisions. 4F evaluations are completed when there is a protected resource, publically-owned park, historic resource or wildlife refuge impacted by a federal aid transportation project. The existing Skatepark is a parks facility and recreational resource, thus considered a 4F resource. If construction is understood to have a minimal impact on an existing 4F resource (as in the replacement and improvement of the skatepark), that project may be exempt from looking at avoidance alternatives and completing the full 4F process. A deminimus was issued so that alternative and less-time consuming procedures might be implemented at WFN. When a deminimus is issued, a less-intensive 4F process alternative may be completed within the state.
- *So must there be continuous use?* (KP)
  (RS) The existing Skatepark will be impacted by WFN construction. The full 4F was going to be required, but the state offered an alternative: keep a temporary skate park facility available through the duration of construction. There is no specific requirement that the park has to be in continuous use. But that prevents need for the full 4F process.
- *The mindset was to build the replacement skate park first (in WFN construction*)? (VB)
  (KMS) The intent was to build the replacement skate park concurrent with WFN contract: concurrent construction activities.
- *It's a large piece of land; do you need two skate parks to use deminimus proceedings?* (VB)
  (KMS) The intent was to shift the existing equipment to the west side of the existing Skatepark so that the features would remain throughout construction (indicated by hatched red area on construction drawing).
- *What is the defined timeline?* (KP)
  (RS) We were concerned that the existing Skatepark was going to be repaired and kept open. That's now been completed.
  (CJ) The Skatepark needed to be reopened and repaired in order not to impact 4F standing.
  (KMS) 4F process is a high-cost endeavor.
  (LK) The deminimus process happened more than a year ago… we were on a timeline to go out to bid last winter; we were on a schedule. The deminimus status fell into a timeline that has been in existence for a long time now.
  (CJ) 4F applies to any federal aid transportation project – 4F is not specific to TIGER funding.
  (LK) There is a timing issue in relation to the TIGER funding.
  (CJ) When Burlington first received the grant, there was a schedule of dates to be received and initial construction dates that were missed. Right now, a request to the secretary of

transportation has been submitted to extend the construction dates because right now we are not meeting the initial March 2011 construction schedule. Construction is now proposed in March April 2013. Every month I'm required to give and update, Washington is aware of legal challenges and reluctant to react to amendment until court dates are established. There is a drop dead date of 2016 – construction must be completed in 2016 or money will be pulled back. None of the TIGER grant money has been used to date.
(KMS) The engineering and design fees have been paid for by SAFTEALU funding; TIGER funds are strictly for construction.

- *Moving the bike path makes good sense. Does it make sense to split the bike path out and use some of the TIGER for it?* (VB)
  *(*LK) The existing bike path is not just a bike path and cannot be isolated… utilities are involved.
  (KMS) And the legal matter of Act 250… no court date set yet.
- *What is the average of length of an Act 250 process?* (BA)
  (LK) The city is challenging the application of Act 250 in the WFN construction. Act 250 permitting takes 6-9 months outside of this.
- *So an additional 6-12 months until court action is resolved. That brings us to 2014 and the TIGER funding expires in 2016?* (KP)
  (CJ) I must recheck wording, but believe that by the end of 2016 construction must be completed. I can follow up with this.
- *The $3.1 million in TIGER funding is strictly for use in the WFN construction which does not include the Skatepark? The other hurdle is the million dollar skate park funding… how can we build something if we don't have the funding? How do we make up the difference?* (LB)
  (KMS) The City has not gone out to bid on the skate park and entire construction, so it is premature to assume costs will be $900,000. Until the project goes out to bid, we cannot say what the final project costs will be. PFP and other funding sources are identified to bring to bear on the WFN project. Refer to "Sources and Uses Budget" handout.
- *I talked to skateboarders about the idea of putting a skate park on the ground floor of the Moran…* (LB)
  (KMS) There are issues if it's a year-round facility: maintenance & staffing resources could be negatively impacted.
- *Does the construction of Moran impact the WFN Project?* (KP)
  (CJ) The construction of Moran has no impact on the WFN project. WFN will provide a good venue for whatever development happens on the waterfront and it is completely independent.
- *By doing what we're doing (deminimus and existing skate park repairs) we're avoiding other issues that will help us in the long run. Building a replacement skate park may be a ways off because of issues with Act 250, but we still have time to use the TIGER funding by 2016?* (KP)
  (CJ) That's correct. There's been quite a bit of work, plans are 90% done. There's been a lot invested. The primary purpose of the WFN project is the bike path and access.
- *Hypothetically, if there was $900,000 to build the skate park what are the potentials of the grants – what possible amount of money?* (BA)
  (KMS) $4.1 million has been accrued to date. Last June went to city council for use of TIF to cover other portion, but that portion remains unidentified. $4.1 million comes from various agencies for transportation projects, some of these cover the replacement skate park construction… CDBG, Tony Hawk, PFP. I can bring this list of funding sources to next meeting.
- *The City has gone through schematic design, design development, and is now at 90% construction documents… that's a long way to come. There is a sunset on the TIGER money (2016) and a sunset on the TIF money (December 2014). WFN is a separate project from Moran. There is TIF money being proposed for both projects: WFN and Moran?* (VB)
  (LK) A debt instrument must be realized and paid for by TIF revenues, specific to WFN.

(KMS) The issue delaying the project is the Act 250 review. If we have two projects that come together at the same time, we can work through that.

- *We know that legal suit about the act 250 permit is going to take some time. Is there any advantage to just applying for act 250 permitting now?* (KP)
  (LK) That is a topic to discuss with legal in executive session and implies a modification of the waterfront events permit.
- *Pending future Moran construction, a lot of heavy machinery could possibly run over new WFN infrastructure that would have an impact on its life expectancy, particularly if Moran were ever torn down...* (VB)
  (CJ) That's a good point. Provisions can be incorporated into contract to protect and replace any damage.
  (KMS) Moran is listed on the National Register of Historic Places and would cost nearly $2 million to demolish and remove. The proposed bike path width of the new construction is 10' with 2' shoulders.

5) Waterfront North Redevelopment/Moran project update

- Summary of "Sources and Uses" document: uses are where money has been spent (brownfields & consultants). It is important to keep in mind that the City's total investment in Moran to date is $375,000 from the General Fund. (KMS)
- *If project doesn't get built, what it the amount that we have outstanding – the amount the city has put into Moran?* (KP)
  (KMS) $750,000: these are dollars that would not be recouped should the project fail, but that are recoupable if the project moves forward.
- *David (G. White) continues to development agreements with future tenants?* (KP)
  (KMS) Right now the focus is on the Mayor's decision that will determine whether or not Moran is moving forward. There are minor points within the agreements that still need to be addressed and Mayor needs to weigh in on these.
- *Linda's concerns with emissions?* (LB)
  (CJ) There are federal laws that are delegated to the state that address environmental issues; these are incorporated into the construction contracts.
  (LK) A level of comfort can be written into the specifications: screens, water, controls on top of dump trucks, etc.
- *Why are we so pressed to get agreements done before building is done?* (VB)
  (KP) The New Market Tax Credit and new financing structure is such that we are not dependent on tenants for rent, freed up because of TIGER. Though we do have two interested tenants, having a leased space provides a comfort level.
- *What's the borrowing capacity of TIF? There are other project that could benefit from TIF funding: the Boathouse, etc.* (LB)
  (KMS) There is enough capacity within TIF district for WFN and Moran, plus some additional projects. We can bring this detail to next meeting.

6) Penny for Parks update & review of FY13 project list

- *We've had the FY13 PFP discussion in various venues, but we can have it again if Bryan and Vince would like to.* (KP)
  (VB/BA) No need.
- *We received a couple emails regarding PFP from Tim Jarvis and Linda Tierny.* (KP)
  (JB) Both people were present and these questions were answered at the Parks & Recreation Commission special PFP meeting last night.

(MS) After a thorough presentation by Jen and much dialogue, the Parks & Recreation Commission unanimously approved the FY13 PFP Implementation Plan as proposed.

7) Bike Path update from John Bossange

- Bike Path presentation by John Bossange and Chapin Spencer summarizing the work of the Bike Path Task Force
- BPTF recently had their last meeting and present a draft transmittal letter to the PACC to vet letter before presentation to the City Council on July 16
- Outcomes of the BPTF include 120 page feasibility report, 6 page executive summary, Bike Path Restoration fact sheet and transmittal letter
- Members of the BPTF have met with 30+ business leaders, various community organizations, 11 of 14 city councilors, and the Mayor (3-4 times)
- Detailed review of transmittal letter (CS & JB)
    - Policy recommendations have been embraced by the public and include: improving path width, improving intersection crossings, improving path safety, increasing connectivity, enhancing amenities, maintaining the path
    - Capital funding recommendations include: shared responsibility, opportunity for charitable giving, continued pursuit of state & federal funding, importance of City leadership, preference for TIF Financing over a general bond, proposed capital funding
    - Funding strategies: Rehab: $11,600,000 (comprised of TIF, General Obligation Bond, Rooms & Meals Tax, Private donations via Parks Foundation); Enhancements: $15,800,000 (add state & federal grants); Maintenance: $230,000 (comprised of Dedicated ½ cent property tax, existing Parks & Recreation commitment and private donations)
- Review of anticipated yearly costs of sample bond (JB)
- Rooms & Meals is a vote by the Council, bond requires 2/3 vote – this may not be successful in normal voting sessions, but November presents a potential opportunity (ballot deadline is august) (JB)
- *What kind of response did you get to ½ cent dedicated tax from NPAs?* (BA)
  (JB) The dedicated tax was not part of the NPA visits – these were more general path development discussions, the property tax evolved later in the process. But at the public forum people were very clear that the tax is necessary.
- *Why go the route of a dedicated task as opposed to a General Fund line item for the maintenance piece?* (BA)
  (KP) With a dedicated tax you know where it is going - that was the argument with PFP.
  (JB) This is the same model used on City streets by DPW.
- *We appreciate all of the work with the tax force did: all of the homework that has been done and it makes sense to put a resolution forward sooner rather than later on Rooms & Meals Tax - potentially for July 16 meeting.* (VB)
  (KP) This probably can't go forward without debt financing. Many people do not like having City items on the November ballot, but if we don't, we get kicked down another construction season. If there is a feeling that the three Councilors are supportive of debt instrument for November ballot that would be helpful to move this forward.
  (JB) That would be very helpful. The BPTF needs to morph into "Friends of the Task Force": a campaign to educate, which will take some time and strategic planning. August 29 is the deadline for the November ballot language.
  (KP) So action would have to happen in July.
  (LB) Residents are going to want to know that half cent is in a dedicated fund, who will be managing it…

(VB) For the July 16 Council meeting, the BPTF will be there… if we bring forward a Resolution for Rooms & Meals, than we're starting.
(CS) That would be helpful, and we need to talk to the Mayor. Ideally, on July 16 the Council will endorse the Foundation and in August the GO Bond

- Motion work to develop a resolution that will be an endorsement of the Parks Foundation of Burlington for July 16 Council meeting with the anticipation of resolution that will be supportive of the financing mechanisms in August 13. (VB)
  (KP & BA) So moved.

8) Other items

- None

9) Adjournment

- Motion to adjourn as a committee at 8:04 p.m.