

Burlington Department of Public Works Special Commission Meeting  
Draft Minutes, 6 December 2016  
149 Church Street

**Commissioners Present:** Robert Alberry (*via phone*); Tiki Archambeau (Vice Chair); Jim Barr; Solveig Overby (*via phone until 7:55pm*); Jeff Padgett (Chair); Justine Sears. **Commissioners Absent:** Chris Gillman (Clerk).

**Item 1 – Call to Order – Welcome – Chair Comments**

Chair Padgett calls meeting to order at 6:34pm and makes opening comments.

**Item 2 – Agenda**

Commissioner Barr makes motion to approve agenda and is seconded by Vice Chair Archambeau.

Action taken: motion approved;  
Commissioner Alberry: Aye  
Vice Chair Archambeau: Aye  
Commissioner Barr: Aye  
Clerk Gillman: *not present*  
Commissioner Overby: Aye  
Chair Padgett: Aye  
Commissioner Sears: Aye

**Item 3 – Public Forum (3 minute per person time limit)**

No member of the public speaks.

**Item 4 – Brown’s Court Lot & Champlain College Development**

A) Communication by the Director of Public Works, Chapin Spencer, the Director of CEDO, Noelle MacKay, and the Assistant Director of DPW Parking & Traffic, Patrick Cashman, who speak on the city’s disposition of the Brown’s Ct surface lot to Champlain College for the Eagles Landing Project, bringing this to the Commission’s attention because it involves the sale of a surface parking lot, new housing being developed in the city, an annual payment of fees to the city in the amount of \$260,000/year, the inclusion of parking in the development, the 28 November 2016 City Council decision to approve the execution of the revised sale, and apologizing to the Commission for the timing of this meeting.

B) Commission Questions

Commissioner Overby comments on questions she emailed to Director Spencer hoping to have them entered into the record, not agreeing with the sale of municipal property like this instead preferring something such as a long term lease, not agreeing with the short term process of this hearing, and not supporting the position being discussed.

Commissioner Sears asks if the project will include leased parking: the Champlain College Associate Vice President for CPAS, John Caulo, answers that parking will be a as-yet-to-be-determined combination and that students would be restricted from parking there; Director MacKay further answer that in the permits for this project it is clear 40 parking spaces will be available to the public.

Vice Chair Archambeau asks how the sale will negatively impact on the Traffic Fund: Director Spencer answers that it will only be a one-half of one-percent loss on the Traffic Fund, that creating more downtown residences is more important, and that reclaiming surface lots is a part of that process. Vice Chair Archambeau comments that instead of having a parking lot generating revenue for the Traffic Fund the Commission will now have to ask for handouts from the City Council: the Assistant City Attorney, Richard Haesler, responds that the Traffic Fund is a separate self-generating fund and that any

money from the sale of city property going through the City Council will have to be requested for said fund, and thus the suggested second motion requesting such being included in the meeting packet. Vice Chair Archambeau asks what the specific financial loss would be to the Traffic Fund with the sale of the lot: Director Spencer and Assistant Director Cashman answer it will be about \$18,000/year but that the Traffic Fund is healthier than ever. Vice Chair Archambeau asks what the impact will be with 40 parking spaces at least temporarily gone: Assistant Director Cashman answers that the city is looking into expanding 10-hour (brown top) meters onto adjacent streets by replacing 3-hour (blue top) meters with them; Director Spencer further answers that replacing those meters will require Commission approval soon. Vice Chair Archambeau asks how the project morphed from being a potential site for affordable housing in the original plan, dating from year 2000, to the current proposal; Director MacKay answers that the city tried for 8 years to collect proposals for affordable housing and then the recession occurred; City Attorney Haesler further answers that after the recession Champlain College approached the City Council with a student housing proposal in 2013; Vice President Caulo further answers that a certain percentage of the housing is inclusive to Pell-eligible students.

Commissioner Sears comments that the addition of student housing could relieve some of the housing pressure in the city; Vice President Caulo responds that Eagles Landing will account for 50 percent of Champlain College's efforts to construct 600 off-campus beds for its students.

Vice Chair Archambeau asks if Champlain College will be allowed to collect future revenues from parking: Assistant Director Cashman answers that is correct. Vice Chair Archambeau asks how parking rates will be regulated: Director Spencer answers regulation will be up to Champlain College but they will cooperate with the Downtown Parking Management District. Vice Chair Archambeau asks how long there will be 40 fewer spaces; Vice President Caulo answers they would likely not be replaced until the end of the 18-month construction due to the nature of the project but that the college would try to open some back up as construction allows.

Commissioner Barr comments that parking rates are dictated by market forces and speaks in favor of adding language to the motion asking the City Council to approve sales funds for the Traffic Fund.

Chair Padgett comments that the Commission should consider the language of any recommendation due to dates of the transaction plan being so recent as listed in the packet; City Attorney Haesler responds that the dates of the transaction plan are mislabeled in the packet and the plan had come before the Commission in October 2015. Chair Padgett comments that the Commission is required by City Charter to make a recommendation to the City Council on this issue.

Commissioner Sears asks to go over some of the Commissioner Overby's emailed comments. Director MacKay responds to Commissioner Overby's comment on Page 28 *Development Agreement* ("Annual development fee of \$260,000 for 20 years. This amount should not remain static for 20 years but should increase by a percentage each year to account for anticipated increases in municipal tax rate.") that the annual development fee of \$260,000 for 20 years was deemed fair after review; Vice President Caulo further responds that this is a debt payment and not a tax; Vice Chair Archambeau asks if Champlain College can sell this property to another party after the sale to which Director MacKay answers that Champlain College can't convey it to another party unless the city okays it first. Director MacKay responds to Commissioner's Overby's comment on Page 39 *Conditions of Grant* ("Is the Eagles Landing Project to be built on the combined properties, identified here as 'a multi-family residential project that includes commercial retail space' a project that serves a college function?") that the project will be built on the both pieces of property. Director MacKay responds to Commissioner Overby's comment on Page 34 *Reimbursement Agreement* ("Except \$466, 877 proposed \$1.1 million sales price will be spent on CAP remediation of property. Net revenue to city for sale would then only be \$633, 123.") that the city will reimburse Champlain College for remediation and that when an assessment was original done the property was assessed at \$900,000; Vice President Caulo further responds that when the original assessment was done the property was presumed to be a clean site which in subsequent years has been discovered to not be the case due to soil contamination which has affected the price.

C) Public Comment

No member of the public speaks.

D) Commissioner Discussion

Chair Padgett comments on crafting the language of the motion; City Attorney Haesler responds that it is preferable from the City's point-of-view if the Commission can either give thumbs up or thumbs down for recommending sale in one motion and then create a second motion which asks for funds to be appropriated. Chair Padgett comments on whether the City Council can choose to abide or not abide by the Commission's recommendation anyways.

*\*\*Commissioner Overby leaves\*\**

E) Motion made by Vice Chair Archambeau to recommend to the City Council the sale to Champlain College of the Brown's Court parking lot as proposed and consider using the remaining proceeds of the sale for capital upgrades of the city's parking system prior to the dispersment of said funds.

Seconded by Commissioner Barr.

Discussion

Action taken: motion approved;

Commissioner Alberry: Aye

Vice Chair Archambeau: Aye

Commissioner Barr: Aye

Clerk Gillman: *not present*

Commissioner Overby: *not present*

Chair Padgett: Aye

Commissioner Sears: Aye

Motion made by Commissioner Barr to acknowledge Commissioner Overby's comments she had emailed and acknowledge that she made it clear she was against the proposal.

Seconded by Vice Chair Archambeau.

Discussion

Action taken: motion approved;

Commissioner Alberry: Aye

Vice Chair Archambeau: Aye

Commissioner Barr: Aye

Clerk Gillman: *not present*

Commissioner Overby: *not present*

Chair Padgett: Aye

Commissioner Sears: Aye

**Item 5 – Adjournment & Next Meeting Date – December 21, 2016**

Motion to adjourn made by Vice Chair Archambeau and seconded by Commissioner Barr.

Action taken: motion approved;

Commissioner Alberry: Aye

Vice Chair Archambeau: Aye

Commissioner Barr: Aye

Clerk Gillman: *not present*

Commissioner Overby: *not present*

Chair Padgett: Aye

Commissioner Sears: Aye

Meeting adjourned at 8:03pm.