

COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

ROOM 32 ▪ CITY HALL ▪ BURLINGTON, VERMONT 05401
(802) 865-7144 ▪ (802) 865-7142 (TTY) ▪ (802) 865-7024 (FAX)

www.burlingtonvt.gov/cedo

MEMORANDUM

Date: February 2, 2012

To: City Council Community Development & Neighborhood Revitalization Committee

From: Kirsten Merriman Shapiro, Special Projects Manager, CEDO

CC: Larry Kupferman, CEDO Director and Downtown Designee
Ron Redmond, Executive Director, Church Street Marketplace District
David E. White, AICP, Director of Planning & Zoning
Kelly Devine, Executive Director, Burlington Business Association
Burlington Planning Commission

RE: Designated Downtown District Renewal Application

It is time for the city to submit a renewal application for its State of Vermont Designated Downtown District. The City was awarded the original Downtown Designation on January 6, 1999 for the area of the Church Street Marketplace and on March 26, 2001 and again on March 22, 2004 was awarded the designation for an expanded Downtown District and again on March 2007 was awarded the designation for an expanded Downtown District. This renewal application has no changes to the 2007 Downtown District Designation. A map of the district is attached. The application is due on March 5, 2012.

The State of Vermont through the Agency of Commerce and Community Development created the Vermont Downtown Program (1998 Downtown Development Act), which provides a number of benefits, including tax credits, loans and grants from various state agencies to designated downtowns. See attached brochure for details of benefits.

The Downtown Partnership of which the municipality is a partner continues to provide the organizational structure for the designated downtown. The make up of the Downtown Partnership primary partners at the time of City's last renewal included CEDO, the Church Street Marketplace and the Burlington Business Association. In our current renewal effort, we hope to add the Department of Planning and Zoning as a primary partner and the Planning Commission is considering this on February 7, 2012.

The City has the same planning commitment to Downtown District in this renewal application as it did for the 2007 renewal of the Downtown District. All of the proposed expansion of the Downtown District is in the City's design control district. The majorities of properties in the Downtown District are either eligible for listing or listed national or state historic structures or are in historic districts. The City of Burlington views the Vermont Downtown Program and historic preservation as important tools to protect our cultural resources, while

facilitating reinvestment and economic development in our community.

This renewal application also requires the City to reaffirm the reserves of sewer and water capacity. CEDO has confirmed with Steve Roy of Public Works that the previous reserve of XXXXXX gallons per day of both water and sewer capacity is still sufficient for the next five years in Burlington's proposed expanded designated Downtown District.

The City of Burlington through the Office of the Mayor, the Community and Economic Development Office, Department of Planning and Zoning, the Church Street Marketplace Commission, in conjunction with the Burlington Business Association, are implementing a program of reinvestment in the City's downtown. This effort requires vigilance and involves a long-term commitment to enhancing economic opportunities, preserving historic buildings, and improving public spaces and infrastructure in the Downtown District ensuring the vitality of Burlington's downtown.

Over all the Downtown designation and benefits have been a catalyst for focusing energy on the health and vitality to Burlington's downtown, ensuring Burlington as a place for arts, education, cultural and recreational opportunities.

If you have any questions prior to the February 7 meeting please contact Kirsten Merriman Shapiro at 865-7284 or kmerriman@ci.burlington.vt.us

Property Owner & Lessee Benefits



The Vermont Division for Historic Preservation administers federal and state tax credits designed to encourage the restoration/rehabilitation of historic buildings. The goal of the tax credit programs is not to preserve a building as a museum, but to give old and historic buildings a place in the contemporary real-estate market.

Federal Tax Credits for Rehabilitating Historic Buildings:

What is a tax credit? Briefly, a tax credit is better than a deduction. A deduction merely lowers a taxpayer's taxable income, but a credit lowers a taxpayer's actual tax bill. For example, if your tax bill is \$10,000, a \$4,000 credit will reduce your tax bill to \$6,000.

Rehabilitation Tax Credit (RITC) is the most widely available tax credit. This federal tax credit is for 20% of the costs of renovations to an income producing building (including labor, materials and architect or other consultant fees). For instance, if an owner/developer spent \$100,000 restoring a historic building, they would get 20%, or \$20,000, worth of tax credits. In other words, for every four dollars the developer puts into the project, the IRS puts in one dollar.

What properties qualify? To qualify for the federal credit, a building must be certified as a historic building in a National Register-Historic District or must be individually listed in the National Register of Historic Places. Owners of historic buildings that are not currently in the Register may apply for listing through the Division for Historic Preservation by contacting Sue Jamele at (802) 828-3046.

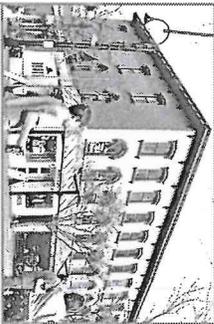
Other Requirements? All work must meet the Secretary of the Interior's Standards and be approved by the National Park Service (NPS). The project cost must exceed the adjusted basis of the building (Adjusted basis = purchase price - appraised value of the land - depreciation + capital improvements). The tax credit is limited to income producing properties such as a retail store, office building, apartment building, or a vacation rental. Private homes, which do not generate income, are not eligible for the credit.

Three Steps for Receiving the 20% Federal Tax Credit:

To assure receipt of the tax credit, owners are urged to obtain approval of Steps 1 and 2 before starting work.

Step 1. Evaluation of Significance - If the building is individually listed in the National Register of Historic Places, it is already a certified historic structure. If the building is not listed in the National Register, call the Division for Historic Preservation to make a preliminary determination of significance.

Step 2. Description of Rehabilitation - Before the project begins, photos documenting existing conditions inside and out, the work program, and project plans and drawings—including related demolition and new construction—are



reviewed by the Division. The Division forwards this application to the NPS with a recommendation. NPS certifies, or approves, the plans only if the overall rehabilitation project meets the Secretary of the Interior's Standards for Rehabilitation.

Step 3. Request for Certification of Completed Work- Photo documentation after the rehabilitation is complete to determine if work meets the Secretary of the Interior's Standards for Rehabilitation and is likewise designated a "certified rehabilitation."

Other Federal Tax Credits for Rehabilitating Non-Historic Buildings

10% Federal Rehabilitation Investment Credit (RITC) 10% of qualified rehab costs on non-Historic Buildings built before 1936 is allowed as credit on investor's fed tax return.

What properties qualify? This credit cannot be used on projects where Downtown Reinvestment funds are awarded. Buildings listed in the National Register of Historic Places are not eligible for the 10% credit. Buildings located in National Register listed historic districts or certified State or local historic districts are presumed to be historic and are therefore not eligible for the 10% credit. There is no formal review process for rehabilitation of non-historic buildings.

The Division for Historic Preservation will meet with the owner, contractor and architect to discuss meeting the Standards and to answer specific questions. Detailed information is at www2.ctdps.gov/tax/index.htm. Owners who are planning a project should call Chris Cochran at (802)828-3047, or email at ccochran@dcad.state.vt.us to arrange a meeting or for additional information and application materials.

State Tax Credits for Rehabilitating Historic Buildings in Designated Downtowns.

The state gives an additional 5% income tax credit to approved projects receiving the 20% federal tax credit. *In effect, the combined federal-state credits can reduce the cost of the rehabilitation project by 25%.*



A 25% state income tax credit is available for buildings that do not qualify for the federal tax credit. Buildings must have been built before 1983 and there is a \$25,000 maximum tax credit per year per project. This credit can also be issued in the form of a Mortgage Credit Certificate (MCC). A MCC transfers a maximum of \$25,000 in state tax credits to the property owner's lending institution. The value of the MCC is taken into consideration by the mortgage lender who can provide more favorable terms on the property owner's loan. This adjustment effectively reduces the monthly mortgage payments, and therefore, increases the property owner's ability to undertake rehabilitations in Designated Downtowns. What's more, MCCs allow non-profits, (with no income tax obligations) to participate in the program. This tax credit is applied for by the city in conjunction with the building owner. It is subject to local review. There is a combined \$300,000 cap on all state credits-both the 5% and 25% credit. Private homes, which do not generate income, are not eligible for the credit.

From time to time the State may have grant funds available for your Downtown project. Contact Bruce Seifer at CEDEO for more information: 865-7179.

Additional Federal Tax Credits Available

Federal Disabled Access Credit (Section 44) A credit up to 50% of eligible access expenditures to a maximum of 5,000 per year. For: removal of barriers, improving accessibility and installation of adaptive equipment, i.e. fire alarms, strobes

Federal Architectural and Transportation Barrier Removal Deduction (Sec. 190) A credit up to \$15,000 for making a facility owned or leased for business more accessible. Accessibility standards must be met. New construction or complete renovation of a facility do not apply.

What About Your Property?

Is your building located in a designated downtown? For more information call:

Community and Economic

Development Office

City Hall 149 Church St.

Tel: (802) 865-7144; Fax: (802) 865-7024;

E-Mail: cedo@cedoburlington.org

www.cedoburlington.org

The Vermont Downtown Program provides technical assistance and training to communities, helping them develop skills and strategies for their downtown revitalization efforts. (802) 828-3211.



An Overview of Municipal Benefits

Downtown Transportation and Related Capital Improvement Fund:

Burlington's downtown is eligible to receive loans, loan guarantees, or grants for capital transportation and related capital improvement projects. Grants may not exceed 25% of a project's cost.

State Infrastructure Bank: Burlington's downtown has priority access to loans or loan guarantees for transportation projects under the State Infrastructure Bank.

Priority Consideration by State Agencies: Burlington's downtown district will receive priority consideration by any state agency administering any state or federal assistance program providing funding or other aid to the municipal downtown area, with consideration given to such factors as the costs and benefits provided and the immediacy of those benefits.

Traffic Calming Options: Burlington has the authority to post speed limits of less than 25 mph to help calm traffic and make the downtown a more pedestrian-friendly environment.

New Signage Options: Within Burlington's designated downtown district, alternative signs may now be posted by a municipality to help guide visitors to transportation centers, and unique educational, recreational, historic or cultural landmarks.

Promotion Assistance and

Hospitality Training:

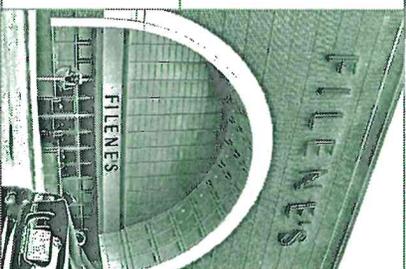
The Department of Tourism and Marketing will include the promotion of the Burlington's downtown district as part of their integrated marketing and promotion program.



Notes

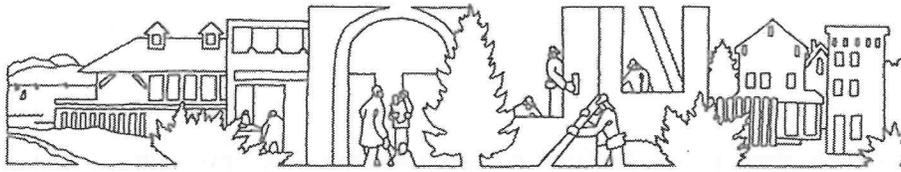
Vermont Downtown Program

THE BENEFITS OF BURLINGTON'S DOWNTOWN DISTRICT



The City of Burlington now has a newly expanded Designated Downtown District! As a property owner or business person within the district, you are now eligible for a number of benefits. The entire downtown area also may benefit from a number of opportunities created for designated downtowns. The designation is a result of the 1998 Downtown Development Act. Recognizing that vital downtowns are critical to the well-being of Vermont's communities, the legislation strengthens downtowns by providing incentives to community-led revitalization efforts. Burlington's district was designated because a partnership of town officials, organizations, business and property owners, and volunteers has developed a comprehensive revitalization strategy. The strategy involves a long-term commitment to enriching economic opportunities, preserving historic buildings and using them to their fullest potential, improving infrastructure, and providing comfortable public spaces in the commercial district.

Benefits to property owners, business owners, lessees and the downtown at large are briefly described in this brochure with contact information for each incentive.



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Website: www.cedoburlington.org

COMMUNITY REINVESTMENT AGREEMENT

WHEREAS, the City of Burlington through the Office of the Mayor, the Community and Economic Development Office, the Church Street Marketplace Commission, Burlington City Arts, the Department of Parks and Recreation, the Department of Public Works and the Department of Planning and Zoning, in conjunction with the Burlington Business Association, desire to continue a program of reinvestment in the City's Vermont Designated Downtown District including the Church Street Marketplace; and,

WHEREAS, the City of Burlington has advocated for, supported and participated in the Vermont Downtown Program as one of Vermont's first Designated Downtown since 1999; and

WHEREAS, the City of Burlington has produced and has attached to this agreement an accurate map that delineates the boundaries of the designated downtown district; and

WHEREAS, the City of Burlington certifies that it is meeting the previous planning commitment to the designated Downtown District and will continue this commitment through the renewal period including a Design Control District, Historic Districts and Urban Renewal District; and

WHEREAS, the City of Burlington annually adopts a capital budget and improvement plan under 24 V.S.A. Section 4426, which includes the identified capital improvements in the Downtown District; and

WHEREAS, the City of Burlington is in the process of upgrading infrastructure in the downtown improvement district that connects the original designated district (Church Street Marketplace) through continuity of infrastructure design to the current district; and

WHEREAS, the City of Burlington is continuing to improve public transit facilities such as bus transfer station, additional commuter lots and shuttles and considering additional parking garage space for the downtown improvement district; and

WHEREAS, the City of Burlington constructed an additional two parking decks at the Lakeview parking garage in association with the Burlington Town Center, Marriot hotel and facilities along with attracting Macy's as a new anchor department store; and

WHEREAS, the City of Burlington is committed to the development and upgrade of additional hotel and conference facilities in the downtown improvement district, and

WHEREAS, the City of Burlington is committed to investing over \$9 + million in TIF eligible and other infrastructure improvements over the next five years in the Downtown District; and

WHEREAS, the City of Burlington, with the approval by the voters of the November 3, 1998 ballot question, has implemented an expanded downtown improvement district and of a two hour free parking program; and,

WHEREAS, the Church Street Marketplace Commission has implemented a downtown assessment for the purposes of partially funding the two hour free parking program; and,

WHEREAS, the Church Street Marketplace Commission and the Burlington Business Association are in the process of considering expanding this assessment to include activities conducted by a more traditional Business Improvement District; and,

WHEREAS, the Burlington Business Association expresses its support for the revitalization efforts associated with Burlington's Vermont Designated Downtown District; and.

WHEREAS, the City of Burlington, Church Street Marketplace, Dept. of Planning and Zoning and Burlington Business Association have been and will continue to be committed to sustaining a long-term and comprehensive downtown revitalization effort.

NOW THEREFORE, BE IT RESOLVED THAT the below-signed parties support the designated Downtown Development District and agree to the above listed commitments as part of this Community Reinvestment Agreement.

City of Burlington

Date:

Mayor Bob Kiss

Burlington Business Association

Date:

Kelly Devine, Executive Director

Church Street Marketplace Commission

Date:

Ronald Redmond, Executive Director

Community & Economic Development Office

Date: _____

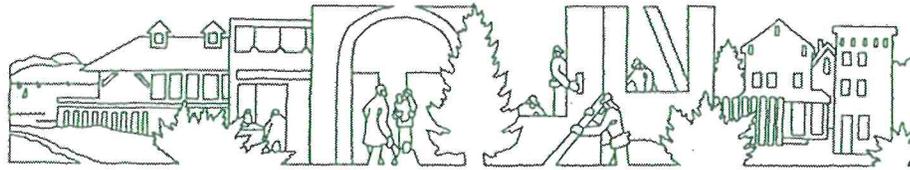
Larry Kupferman, Downtown Designee & CEDO Director

Burlington Dept. of Planning & Zoning

Date: _____

David E. White, AICP, Director

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MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BURLINGTON'S COMMUNITY AND ECONOMIC DEVELOPMENT OFFICE, DEPT. OF PLANNING & ZONING, CHURCH STREET MARKETPLACE AND THE BURLINGTON BUSINESS ASSOCIATION

The City's Community and Economic Development Office (CEDO), the Church Street Marketplace (CSMP), the Burlington Dept. of Planning & Zoning (DPZ) and the Burlington Business Association (BBA) enter into this Memorandum of Agreement to act as partners to provide oversight and support comprehensive revitalization efforts in the Vermont Designated Downtown District for Burlington, through the period of designation (2012-2018).

CEDO, the Church Street Marketplace, DPZ and the BBA, will share leadership in the Downtown Partnership; a public-private partnership that focuses on the health and vitality of the downtown.

The leadership of the Downtown Partnership will convene a partners meeting twice per year to create and review the work plan for Burlington's Designated Downtown along with other meetings as necessary. A Downtown Partnership meeting will be convened within two months of receiving approval of the renewal of the Downtown Designation to coordinate with the new administration, to refine and adopt a more detailed work plan that includes other appropriate community organizations.

The City of Burlington has a long history of regular and intensive ongoing business assistance and recruitment activities both through the Church Street Marketplace and CEDO. The Marketplace has a staff of 5 and CEDO a staff of 20 of which 5 work on aspects of economic development and revitalization. These two City Departments will continue to provide the business recruitment and retention programs, financing, and technical assistance necessary to have a sustained downtown development program into the future.

The Community and Economic Development Office is a department of the City of Burlington. It works with the community to: foster economic vitality; preserve and enhance neighborhoods, quality of life and the environment; and promote equity and opportunity for all residents of Burlington. In support of its mission, CEDO works in partnership with citizens, the public and private sector, and other city departments to: strengthen the quality of life in Burlington's neighborhoods; preserve and develop decent, safe and affordable housing opportunities; maintain and improve the vitality of Downtown, the Pine Street area and

neighborhood business districts; encourage a thriving small business sector; foster job growth and employment opportunities; increase civic engagement and citizen participation; support the delivery of human services; and revitalize Burlington's waterfront.

CEDO will administer community and economic development programs, such as business development loans, technical assistance and various housing programs to improve the availability of housing in the downtown. CEDO's annual budget varies from year to year depending on availability of federal funds, but this year it exceeds \$4,000,000 dollars and a quarter of its staff is focused on enhancing the economic vitality of the City.

The Church Street Marketplace is a City of Burlington department that manages the public right-of-way on Church Street Marketplace District, a business improvement district that includes all properties abutting Church Street between Main and Pearl Streets. The Church Street Marketplace Commission sets policy for the business improvement district and each year establishes the common area fee rate, the assessment charged to all property owners in the district. The Marketplace's operating budget is derived entirely through fees from property owners and through sidewalk cafe and cart vendor licenses and corporate sponsorships. The Marketplace Commission is also charged with setting the Two Hours Free Parking tax rate, assessed on all commercial properties in the Downtown Improvement District. All fees set by the Marketplace Commission are approved by the City Council. The current budget for the Marketplace is \$888,882. The Marketplace has a staff of five. The Mission of the Church Street Marketplace District Commission is to provide responsible management leading to an economically successful downtown which is vibrant, clean and safe, for the benefit of the fee payers, community members and visitors. The Marketplace staff provides a range of services including administration, maintenance, promotions and safety & security.

The Dept. of Planning and Zoning is a City department with responsibility for two essential governmental functions: comprehensive land use and development planning; and administration of the City's land development regulations. Through its planning function, the Department is responsible for the preparation of long-range land use and development plans including the city's Municipal Development Plan and other area-specific and issue-specific plans; conducts special studies and inventories; and, researches and drafts amendments to city land development ordinances. Through its regulatory function, the Department administers all permitting and development review functions under the City's Comprehensive Development Ordinance which includes both the zoning and subdivision regulations. Finally, The Department also administers the City's Certified Local Government Program (CLG) for historic preservation planning under an agreement with the National Park Service and the VT Div. for Historic Preservation.

The DPZ has a staff of 8, and its work is guided by a 7-member Planning Commission who formulates land use and development policy and regulations for consideration by the Council. Another 25 citizen volunteers participate in the planning process as members of the Development Review Board, Design Advisory Board and Conservation Board, playing key roles in implementing the City's land use and development regulations. The Department operates on an annual budget of approximately ~\$500,000 – a majority of which is derived from permit fees and grants.

The BBA is a membership association whose purpose is to maintain and enhance the economic vitality of the Burlington Central Business District and will offer its services to the entire Designated Downtown. The BBA has 2 staff and a Board of Directors of 20. Its annual budget is in excess of \$150,000 which is derived from membership dues and fundraising events.

The broad categories and responsibilities for the 2012-2018 comprehensive work plan for Burlington's Vermont Designated Downtown District can be summarized as follows:

Community and Economic Development Office

1. Administration of a revolving loan fund, Direct loans, guarantees, gap financing, and participation loans as well as assisting with gaining access to capital or securing adequate terms and conditions to support retention, expansion and recruitment of downtown business and housing ventures.
2. Implementation of Burlington's strategic plan for revitalization of its urban Renewal Community, the Designated Downtown is within the urban Renewal Community.
3. Provide direct technical assistance to businesses or refer businesses to appropriate services, including help with planning and permitting issues.
4. Provide information about state and federal tax credit programs that would benefit employers and employees.
5. Coordination of renovation to the infrastructure in the Designated Downtown district.

Church Street Marketplace

1. Ongoing business attraction, promotion, and retention activities at the Marketplace and in the Designated Downtown.
2. Renovations to Church Street Marketplace infrastructure.

Dept. of Planning & Zoning

1. Administration of the City's land development regulations as they are applied within the Designated Downtown District including specific provisions regarding design review and historic preservation.
2. Provide assistance to businesses and property owners regarding redevelopment opportunities, City development policies and regulations, and obtaining necessary land development and constructions permits.
3. Provide information about state and federal historic reinvestment tax credit programs that would benefit business and property owners of eligible historic buildings.
4. Development and implementation of a new comprehensive land use and development plan for Burlington's Downtown and Waterfront area which encompasses the entire Designated Downtown District.

5. Development and implementation new land use and development regulations for the Downtown and Waterfront area which encompasses the entire Designated Downtown District.

Burlington Business Association

1. Expand revitalization activities to the entire Designated Downtown.
2. Ongoing promotion and marketing of Burlington's Designated Downtown.

With this Memorandum of Agreement CEDO, Church Street Marketplace Dept. of Planning & Zoning and the Burlington Business Association pledge to jointly develop and support the Downtown Partnership as the primary organization focusing on the health and vitality of Burlington's Designated Downtown. This indicates a commitment by the partners to adopt, accept responsibility for tasks and commit resources to the attached one year work plan. They will engage and collaborate as necessary with other organizations in the community to ensure long-term success and sustainability of the revitalization efforts in the Designated Downtown.

Signed: _____ Date: _____
Larry Kupferman, Downtown Designee & CEDO Director
for the Community & Economic Development Office

Signed: _____ Date: _____
David E. White, AICP, Director
for the Burlington Dept. of Planning & Zoning

Signed: _____ Date: _____
Ronald Redmond, Executive Director
for the Church Street Marketplace

Signed: _____ Date: _____
Kelly Devine, Executive Director
for the Burlington Business Association

DRAFT

In the year Two Thousand Twelve resolved by the City Council of the City of Burlington, as follows:

WHEREAS, Vermont's downtowns and villages have served as the social and economic centers of our communities for generations often they play a key role in a region's economy. Almost one fifth of Vermont's economic activity and jobs are based in our downtowns; and

WHEREAS, recent decades have brought tremendous economic, technological and social changes, often with adverse effects on our downtowns along with the national trend of disinvestments in downtowns; and

WHEREAS, Burlington's Downtown is an area of intensive capital investment, both public and private, in buildings, water and sewage systems, streets, sidewalks, and parks; and

WHEREAS, the City of Burlington desires to protect this investment and to preserve the wealth of historic buildings in our downtown, which are built with a quality of construction, craft and style that make Burlington's downtown an attractive place to live, work and visit; and

WHEREAS, the City of Burlington through the Office of the Mayor, the Church Street Marketplace Commission, the Community and Economic Development Office, Burlington City Arts, the Department of Parks and Recreation, the Department of Public Works and the Department of Planning and Zoning in conjunction with the Burlington Business Association, desire to undertake a program of reinvestment in the City's downtown; and

WHEREAS, this must involve a long-term commitment to enhancing economic opportunities, preserving historic buildings, and improving public spaces and infrastructure in the commercial district ensuring the vitality of Burlington's downtown; and

WHEREAS, The State of Vermont through the Agency of Commerce and Community Development created the Vermont Downtown Program (1998 Downtown Development Act), which provides a number of benefits, including tax credits, loans and grants from various state agencies to designated downtowns; and

WHEREAS, The City was awarded the original Downtown Designation on January 6, 1999 for the area of the Church Street Marketplace; and

WHEREAS, June 26 2000, the City Council authorized the City to make an application to the Agency of

Commerce & Community Development to expand and renew Burlington's Designated Downtown; and

WHEREAS, the Agency of Commerce & Community Development approved the expansion and of renewal Burlington's Designated Downtown in March 2004; and

WHEREAS, the Agency of Commerce & Community Development approved the expansion and of renewal Burlington's Designated Downtown in March 2007; and

WHEREAS, Burlington must submit a renewal application to the Agency of Commerce & Community Development renew Burlington's Designated Downtown on March 5, 2012; and

WHEREAS, the City of Burlington is requesting that the State of Vermont renew Burlington's Designated Downtown for a period of five years from 2012-2018; and

WHEREAS, the State of Vermont Agency of Commerce & Community Development requires the City to reserve water/sewer capacity for any future development in Burlington's Designated Downtown area; and

WHEREAS, on February 20, 2001 the City Council reserved XXXXXX gallons per day of both water and sewer capacity and Public Works has confirmed this reserved capacity is still sufficient; and

WHEREAS, this renewal application requires the City to reserve water/sewer capacity for any future development in Burlington's Designated Downtown area; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council authorizes the reserve of XXXXXX gallons per day of both water and sewer capacity for any future development in Burlington's Designated Downtown area and is intended to supersede all previous reserves in the Designated Downtown District; and

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the City Council authorizes the Mayor through the Community & Economic Development Office to submit an application for the renewal of Burlington's Designated Downtown and to execute a Community Reinvestment Agreement with the Church Street Marketplace, Department of Planning and Zoning and the Burlington Business Association.