

## AGENDA

### SPECIAL COMMITTEE ON JOB CREATION/JOB RETENTION & ECONOMIC DEVELOPMENT

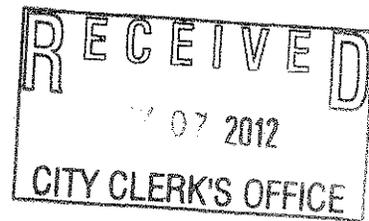
**June 19, 2012**

**Aldermen Arnold, Ludwig,  
Long, Corriveau, Katsiantonis**

**6:00 p.m.**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Chairman Arnold calls the meeting to order.
2. The Clerk calls the roll.
3. Update from Jay Minkarah, Economic Development Director, on economic development projects.
4. Communication from Alderman Arnold regarding economic development incentive programs and required enabling legislation.  
**Ladies and Gentlemen, what is your pleasure?**
5. Communication from Jay Minkarah, Economic Development Director, regarding the closing of Hanover Street.  
**Ladies and Gentlemen, what is your pleasure?**
6. If there is no further business, a motion is in order to adjourn.



## CITY OF MANCHESTER

Date: 6/05/12

*Board of Aldermen* Motion of Ald. O'Neil

Seconded by Ald. Craig

Voted to refer to the Special Committee

on Job Creation/Job Retention and Economic

Development.

### MEMORANDUM

*Matthew Hammond* City Clerk

TO: Jay Minkarah  
Economic Development Director

Robert Gagne  
Board of Assessors - Chairman

FROM: Patrick Arnold *PA*  
Alderman – Ward 12

DATE: May 7, 2012

RE: Economic Development Incentive Programs and Required Enabling  
Legislation

As you know, New Hampshire law does not currently provide much latitude to municipalities in providing incentives for economic development to prospective employers and businesses considering a move to Manchester. If I recall, one such program was allowed under RSA 79(e). I believe this program was discontinued by the Board of Aldermen in 2009, and the State Legislature subsequently revised the enabling legislation for the program.

I would like to receive feedback from both the Manchester Economic Development Office, as well as the Board of Assessors, concerning possible incentive programs that could be beneficial to Manchester should enabling legislation be passed in Concord and the programs adopted by the Board of Aldermen.

I understand that such incentive programs may not currently be allowed under State law. A healthy discussion by the Board of Aldermen on such options may result in the Board requesting that enabling legislation be introduced before the Legislature.

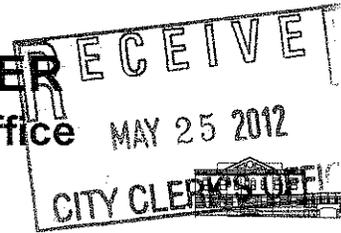
I hope to discuss this matter no later than the July meeting of the Special Committee on Jobs, Job Retention & Economic Development. Thanks in advance.

cc: Special Committee on Jobs, Job Retention & Economic Development



# CITY OF MANCHESTER

## Economic Development Office



May 24, 2012

Theodore L. Gatsas, Mayor  
Board of Mayor & Aldermen  
One City Hall Plaza  
Manchester, NH 03101

Date: 6/05/12  
On motion of Ald. O'Neil  
Seconded by Ald. Craig  
Voted to refer to the Special Committee  
on Job Creation/Job Retention and Economic  
Development.

 City Clerk

RE: Closing of Hanover Street

Dear Mayor Gatsas and Members of the Board:

As requested, an ad hoc committee comprised of representatives from the Economic Development Office, Police Department, City Clerk's Office, Parking Division and Intown Manchester met in April and May to explore the feasibility of closing the block of Hanover Street between Chestnut and Elm Streets on weekends during the summer (see attached letter of April 3, 2012). The primary beneficiaries of the closure would appear to be restaurants and bars within the affected area that could expand their outdoor seating into the street during designated times. Some opportunities may exist for other businesses and vendors to utilize the area as well.

On April 17, 2012, an informational meeting was held at the Palace Theatre with Hanover Street businesses, property owners and other stakeholders (see attached meeting notes). Additional input was also obtained from business owners unable to attend the April 17 meeting. Overall, the feedback received has been mixed. Some businesses and property owners see the proposed closure as a potential draw to downtown Manchester that, if done well, would add to the vibrancy of the City. Other businesses and property owners feel that the closure would negatively impact their businesses or properties by limiting daytime access and parking or due to potential problems that may result from nighttime activities on the street. Particular concern has been expressed by retail and service establishments that depend on Saturday daytime business.

Because of the need to maintain egress from the Citizen's Bank Garage as well as a drop off access for the Palace Theatre, it was determined that any proposed street closure should be limited to the portion of the block between Chestnut Street and the Private Way shown on the attached Map. As an alternative, the possibility of making Manchester Street a two-way street to provide ingress and egress to the garage was discussed, however that alternative would not provide pick-up/drop-off access to the Palace and would likely result in the loss of parking on one side of Manchester Street.

Other issues that have been raised include:

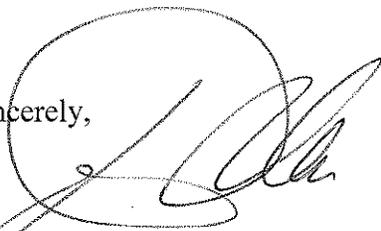
- Safety and security of the barriers used to block the street (wooden barricades v. “Jersey” barriers, planters, etc.)
- Need for a police detail at night
- Provisions for street cleaning
- Lost parking revenue (Friday late afternoon/evening & Saturday)
- Insurance/liability
- Responsibility for costs for police detail, street cleaning, and other expenditures.
- Responsibility for entertainment

Given the potential opportunities of the proposed closure viewed alongside the issues and concerns raised, should the Board of Mayor & Aldermen determine that this portion of Hanover Street should be closed during the summer, the following recommendations are offered for consideration:

- Consideration should be given to closing the street on weekend evenings only to avoid potential disruptions to retail and service establishments that depend on Saturday daytime business.
- Consideration should be given to closing the street initially on a trial basis for a limited number of weekends – perhaps in July and/or August.
- Street barricades used should be sufficiently substantial to protect the safety of diners and pedestrians within the designated area.
- The closure should be governed through the issuance of a Street Fair License for the approved dates to a business or organization that would maintain necessary insurance, arrange for entertainment, control vendors and manage other uses and activities in the area during designated times.
- The responsible party should be required to maintain a police detail as may be required by the Police Department at its cost.
- The responsible party should provide for street cleaning at its cost.

We would be pleased to provide any additional information or assistance as required.  
Thank you for your consideration.

Sincerely,



Jay Minkarah, Director  
Manchester Economic Development Office



## CITY OF MANCHESTER

*Theodore L. Gatsas*

*Mayor*

April 3, 2012

Honorable Board of Aldermen  
c/o City Clerk  
One City Hall Plaza  
Manchester, NH 03101

**RE: Closing of Hanover Street**

Dear Honorable Board of Aldermen,

I have been approached by downtown businesses regarding the possibility of closing Hanover Street from Chestnut Street to Elm Street to vehicular traffic beginning Friday evening through Sunday evening in the summer months. The purpose of such a closing would be to generate increased downtown foot traffic on the weekends by using the space to allow for special entertainment and expanded dining options in the downtown area.

At this point I would respectfully request that the Office of Economic Development in conjunction with INTOWN Manchester, the Manchester Police Department, the Parking Division and the Office of the City Clerk explore the feasibility of a pilot program for the upcoming summer and report back to the Board of Aldermen.

Regards,

Theodore L. Gatsas  
Mayor

cc: Matthew Normand, City Clerk

**HANOVER STREET CLOSING INFORMATIONAL MEETING**  
**Tuesday, April 17<sup>th</sup>, 2012**  
**Palace Theatre**

ATTENDEES:

Mike Ostrowski – Child & Family Services, Andrea Lessard – Shop Estella/Statement, Moe L’Heureux – Jutras Sign Realty, John McGranahan – Harris Trophy, Kathleen Reardon – Citizen’s Bank, Robin Comstock – Greater Manchester Chamber of Commerce, Will Stewart – Greater Manchester Chamber of Commerce, Betsy Coco – Runner’s Alley, Ron Dupont – Red Oak Properties, Heather Cox – Planet Marshmallow, Gerri Moriarty – Segway, Peter Ramsey – Palace Theatre, Maureen Tessier – Manchester Police Department, Alderman Pat Long, Stephanie Lewry- Intown Manchester, Sara Anderson Beaudry – Intown Manchester, Samantha DePrima – Intown Manchester, Jay Minkarah, Manchester Economic Development office, Chris Wellington – Manchester Economic Development Office.

GENERAL REMARKS

Jay Minkarah welcomed attendees and noted that the purpose of the meeting is to get input from businesses and property owners on Hanover Street about the possibility of closing the street on weekends during the summer. One of the drivers behind the proposal is the desire of restaurants to be able to provide additional outdoor seating along with entertainment to create a festive atmosphere. There is no firm proposal right now. In general though, it is likely that the closure would occur from Chestnut Street to the Private Drive that provides egress from the Citizen’s Bank parking garage. This would also provide a pickup/drop-off opportunity for the Palace. Timing has not been determined but it would likely run from around 6PM on Friday evening to about 6AM on Monday morning. If this does move forward, there would still need to be various approvals granted by the City. It was noted that the concept of closing Hanover Street has been discussed on and off for years. Several references were made to Church Street in Burlington Vermont and to past temporary closures such as for the Jazz Festival.

GENERAL CONCERNS:

- For some retail businesses, Saturday is their busiest day and closing the street during the day would be a problem. Evening would not be an issue.
- For some business owners, June is a busy month and it would inhibit business if the street was closed early on Friday and especially on Saturdays.
- Safety concerns; if the street is closed, how will ambulances and/or fire trucks access Hanover St if there is an emergency?
- How will people with disabilities have access to Hanover St? Will handicap spaces be available or are we requiring them to be dropped off on Chestnut St?

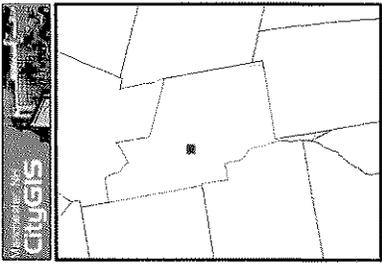
- Drinking on Hanover St or expanded areas for drinking may increase vandalism, trash, public urination and other similar problems in the area. Store owners have had broken windows and graffiti on store fronts.
- Loss of parking spots will result in fewer customers for some of the business owners.
- The need for a Police presence was noted.

#### OPPORTUNITIES:

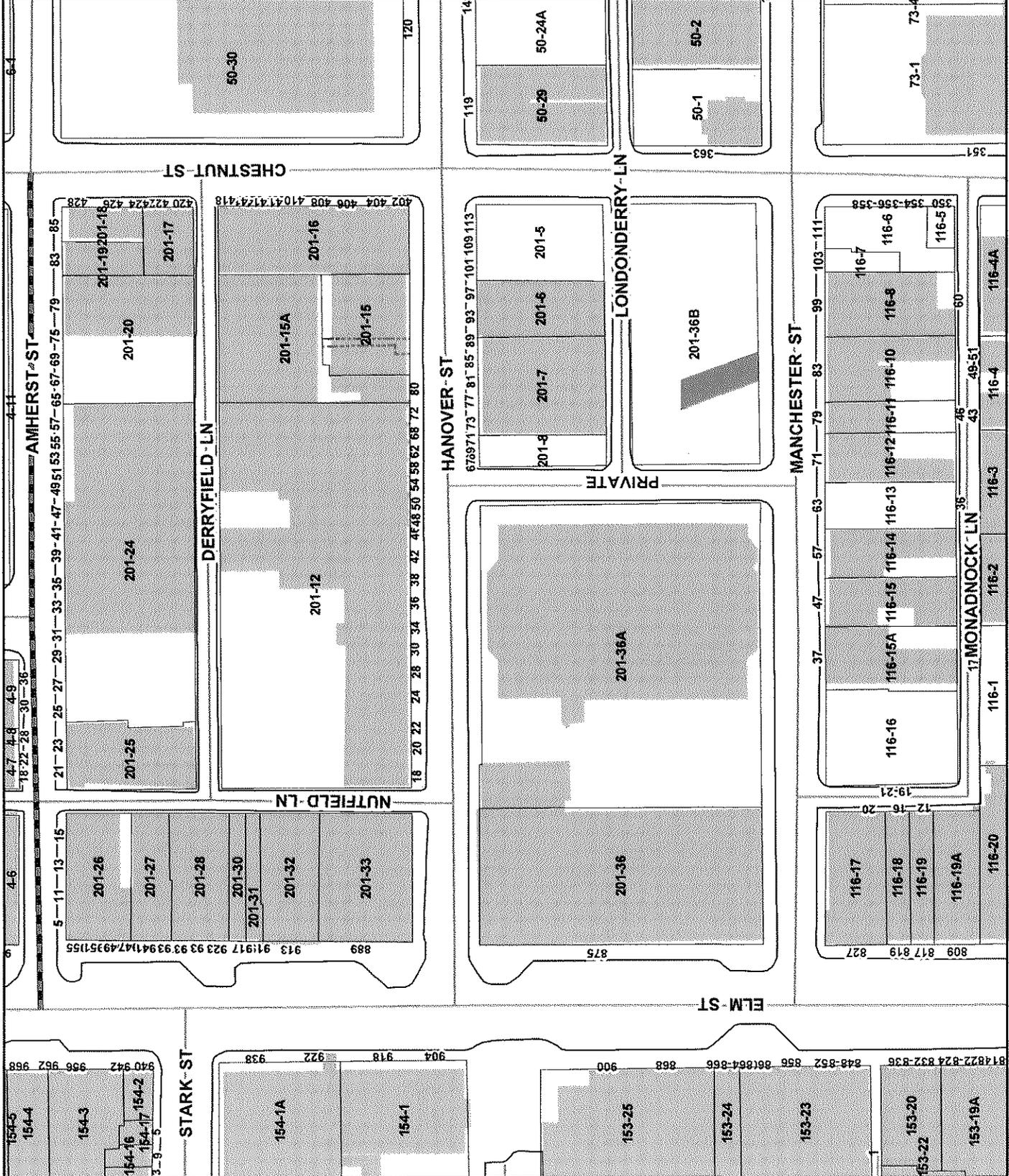
- If done right, closing Hanover Street could be a real draw.
- Most business owners are open to a street closure if it is only at night.
- Tenants on Hanover St would enjoy more activity on Hanover St during weekends.
- Most business owners would like to see more activity on Hanover St, however, they do not want to pay for entertainment or street closure.

#### QUESTIONS FROM BUSINESS OWNERS:

- What kind of entertainment will be offered?
- Who will organize the entertainment and programming?
- Who will pay for the entertainment and programming?
- What are the exact times the street will be closed down?
- How will the street be closed?
- Who will clean the street?
- Will this become a permanent street closing?

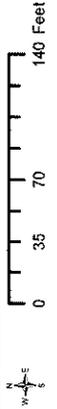


Area Map Showing Extent Of Map At Left



**DISCLAIMER**

The information appearing on this map is for the convenience of the user and is not an official public record of the City of Manchester, NH (the "City"). This map is not survey-quality. All boundaries, easements, areas, measurements, rights-of-way, etc. appearing on this map should only be considered approximations, and as such have no official or legal value. The City makes no warranty as to the accuracy, reliability, or suitability of this information for any particular use. The City assumes no liability whatsoever associated with the use or misuse of this information. The official public records from which this information was compiled are kept in the offices of various City, County, and State government agencies and departments, and are available for inspection and copying during normal business hours. By using this map, you agree to these terms and conditions.



Matthew Normand  
City Clerk



Heather Freeman  
Assistant City Clerk

JoAnn Ferruolo  
Assistant City Clerk

**CITY OF MANCHESTER**  
*Office of the City Clerk*

**MEMORANDUM**

To: Daniel O'Neil; Chairman-Board of Mayor and Aldermen

From: JoAnn Ferruolo *JF*  
Assistant City Clerk

Date: June 6, 2012

Re: Church Street Marketplace Information Package

Please find the attached seventeen (17) page information package regarding the Church Street Marketplace as you requested.

I had the pleasure of speaking with Becky Cassidy, Marketing Consultant for the City of Burlington Church Street Marketplace department. She was helpful in answering questions that were not available on their website. Her responses can be found within the summary section on page one (1) of the package.

Please feel free to contact me if you have any additional questions or concerns.

Thank You

Attachment

cc: Theodore Gatsas, Mayor  
Matthew Normand, City Clerk  
Jim Roy, Alderman  
Russell Ouellette, Chairman – Committee on Public Safety, Health and Traffic  
Patrick Arnold, Chairman – Sp. Comm. on Job Creation/Job Retention &  
Economic Development

# Church Street Marketplace - Burlington Vermont

Location: Burlington, VT (Eastern Shore of Lake Champlain)

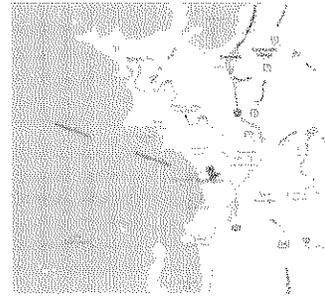
Area: 4 Downtown Business Blocks

2010 Census: 42,417

City Area: 15.5 sq miles

City Government: Mayor/City Council

Industry: University of Vermont, Ben & Jerry's, Vermont Teddy Bear Co., Burlington



International Airport

City owned power and cable company

Mayor: Miro Weinberger 802-865-7272

Church Street Marketplace Department:

Executive Director: Ron Redmond 802-865-7254

Marketing Consultant: Becky Cassidy 802-865-7253

**Summary:** The *Church Street Marketplace* is a year round, open air pedestrian mall, consisting of four (4) downtown blocks. The marketplace is managed and operated by the Church Street Marketplace city department. The department consists of 5 full time employees; 1 executive director, 1 licensing manager, 2 marketing employees and 1 maintenance/foreman.

The Church Street Marketplace, department, commission and powers are defined in the city charter. The 2012 proposed budget was \$818,314. The annual operating budget is funded through user fees and vendor permits. Capitol improvements are funded through a 501C 3 non-profit foundation not associated with the city of Burlington. Marketplace abutters pay an annual "special assessment" which is approximately 75% of the annual operating budget. Policy and common area fees are set by the Marketplace Commission. The commission consists of business owners, property owners and citizens.

*Safety/Access:* The Church Street department determines the requirements for police/security details depending on the event. In some cases the department will provide the security service from their budget. Other times the permit holder is responsible for the cost of security. Burlington, as with many large metropolitan cities, has citizens in need of social services. An outreach team is assigned to the downtown district that works daily with individuals requiring unmet social services, mental health, substance abuse, and homelessness. Emergency personnel and vehicles have 24/7/367 access to all areas of the marketplace. Accesses to businesses for deliveries are typically scheduled weekdays between 7:00a.m. - 10:30 a.m. when the gates are "open".

The following pages contain information from the Church Street Marketplace website:

**<http://www.churchstmarketplace.com/>**

# About Church Street



## A Brief History of the Church Street Marketplace

The concept of the Church Street Marketplace originated as early as 1958 as part of a series of urban renewal discussions. During the summer of 1971, a one-day, experimental street fair was held on four blocks of Church Street, and approximately 15,000 persons attended. The success of the street fair was taken as a demonstration of the feasibility of a mall.

By late 1971, Patrick Robins, president of the Downtown Burlington Development Association and local architect Bill Truex (then chairman of the City's Planning Commission) recognized the potential of the mall. With their guidance, a second, week-long street fair was held along Church Street in the summer of 1972. Traffic was rerouted from four blocks of Church Street to the parallel streets, extra transit was added for the week and short-term physical modifications (such as adding trees, benches, and booths) were made on the street. Merchants were allowed full use of the area for display of retail goods and special events were planned. It was estimated that 50,000 persons attended during the week.

# **Church Street Marketplace Foundation, Ltd.**

The mission of the Church Street Marketplace Foundation (501©(3) non-profit, tax exempt status with the IRS) is to provide funding for capital improvements for the Church Street Marketplace not available from the City of Burlington, to better serve the community.

## **Introducing the Church Street Marketplace Foundation**

The Church Street Marketplace's annual operating budget is funded through user fees - it receives no support from the City's general fund. Nearly 75% of operating revenue is derived from common area fees, assessed of property owners in the district. Remaining fees come from sidewalk café and vendor cart fees, and corporate sponsorships. The Church Street Marketplace District receives less than 2% of its annual revenues from the City of Burlington's general fund. All revenues collected cover annual operating costs only; the Marketplace's funding model was never designed to cover capital improvements.

With the City of Burlington facing budget shortfalls, there are fewer and fewer capital dollars available for infrastructure improvements across the City – including the Marketplace. The Marketplace has millions of visitors each year, and the demands on its infrastructure require continual upkeep. Realizing the need to build an on-going program to fund capital improvements for the Church Street Marketplace, the Church Street Marketplace Foundation was created in 2004. The foundation is not connected with the City of Burlington. It has applied for 501© (3) non-profit, tax exempt status.

## **Why was this site selected for the Marketplace?**

As suburban shopping options were sprouting up, early planners realized that if Burlington was to remain the regional center of commerce, the city had to create something special. They believed that an economically diverse and strong city center translated into a strong sense of community and regional identity. Other values included a desire to put pedestrians (instead of vehicles) in the foreground and to create a clean, safe, beautiful, multi-dimensional space and showpiece in the heart of downtown. The site was chosen, in part, because of its strategic downtown position and proximity to waterfront activities and celebrated arts-and-entertainment venues like the historic Flynn Theater. The Marketplace is within easy walking distance of residents of most of the older neighborhoods of Burlington and within cycling distance of the whole city. Its north-south axis also provides bright sun at midday; in many climates this orientation would be detrimental, but in the far north it acts to extend the outdoor season far beyond what would be possible in a shadier site.

# Marketplace Commission

The Church Street Marketplace District Commission consists of nine members, appointed by the Burlington City Council, who serve three year terms. The Commission is comprised of business owners, property owners and citizens who set policy for the Marketplace. It is also responsible for establishing common area fees charged to Marketplace property owners. The fees provide the majority of funding for the Marketplace operating budget. Marketplace Commissioners are: \* Jeff Nick, Chair (J.L. Davis Realty) \* Dan Smith, (Director of Community Relations and Public Policy, Vermont State Colleges) \* Robert Fuller (Property Owner, Leunig's Bistro) \* Ranjit Singh (Spruce Mortgage) \* Celia Daly (Partner, Daly & Daly, P.C.) \* Lorre Tucker (Business owner, Expressions) \* Lara Allen (Business owner, Ecco...Clothes for Women and Men) \* Eli Lesser-Goldsmith (Healthy Living) \* Mathew Chabot (General Manager, Burlington Town Center)

## Common Area Fee

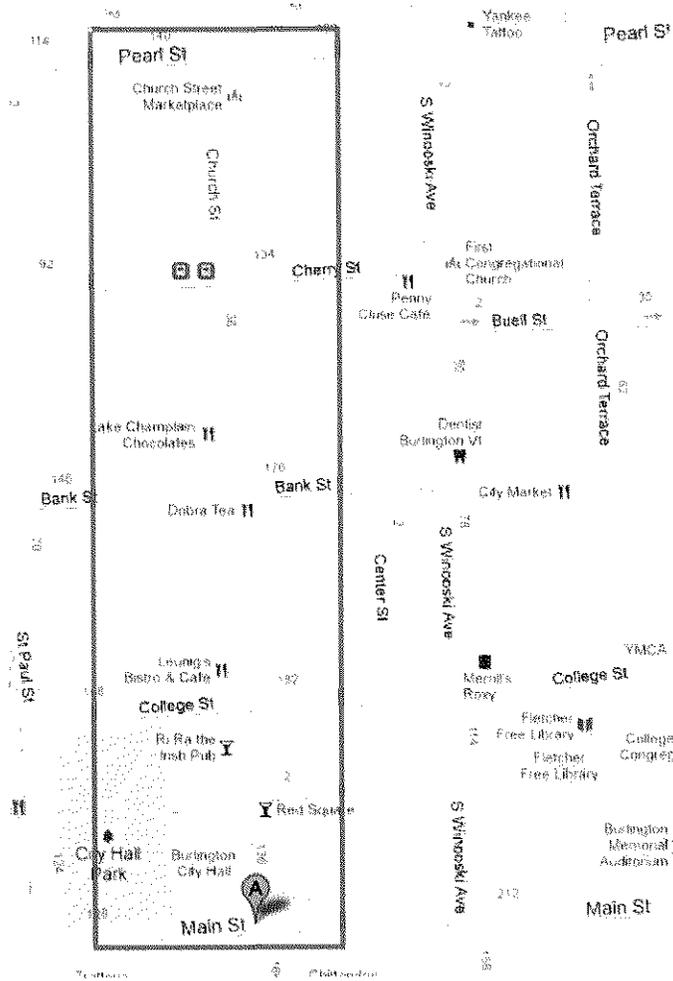
The Church Street Marketplace is a business improvement district. Properties that abut the district pay a special assessment called the common area fee. These funds represent approximately 75% of the annual operating budget. The City Charter, Section 326, provides specific instructions on how the fees are levied. Briefly, however, property owners of record in the Marketplace District as of the previous April 1 pay common area fees. The fiscal year begins on July 1. The Commission holds a public hearing, in the Spring, at which it proposes individual fees and its levying formula for the upcoming fiscal year. After this, the fees are recommended to the City Council. That body then has another public hearing in late May/early June on the same issue(s), which it follows with a twelve-day grievance period. Finally, on or before June 15, the City Council (again, after a public hearing), levies the fees.

**Payment:** Common area fees are paid in four equal installments during the fiscal year: August 15, November 15, March 15, and June 15. Unpaid amounts are subject to an immediate 5% penalty, as well as a 1% additional penalty on the fifteenth of each month following nonpayment. Any payments unpaid on June 30 are turned over to the City Treasurer for collection. The City Treasurer may force a tax sale of the relevant property to enable collection.

**Formula:** The current formula is based on ground floor square footage alone with the exception of Burlington Town Center and the Old Navy property. Beginning in FY 05, it was agreed that those properties would pay no more than 80% of the established common area fee each fiscal year for the following reasons:

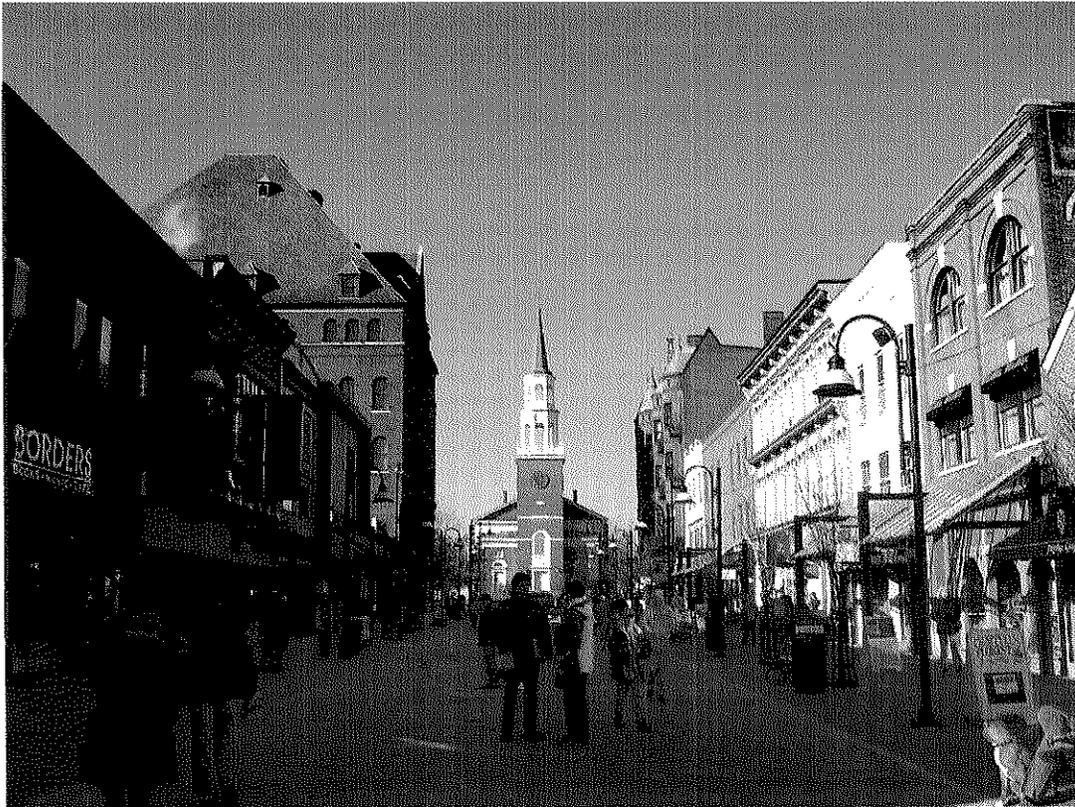
- properties occupied by a single tenant that operate within the confines of a single retail enterprise, in excess of 20,000 square feet on the ground floor of the property, directly fronting Church Street Marketplace
- enclosed regional shopping malls which have, within the confines of the Marketplace district or directly connected to it, total gross leasable area in excess of 150,000 square feet. This exception applied to Burlington Square Mall, now called Burlington Town Center.

- The continuation of this formula for Burlington Town Center is based on a mutually agreeable joint marketing program between Burlington Town Center and the Church Street Marketplace, approved by our two organizations April, 2005 and reviewed annually.



**SPECIAL REVENUE FUNDS      REVENUES      ACCOUNT LEVEL**

	Amended 2010 Budget	YTD 03/31/10 2010 Actual	YTD 6/30/10 2010 Actual	Amended 2011 Budget	YTD 03/31/11 2011 Actuals	Proposed 2012 Budget	FY 11/12 DIFF	% CHNG
<b>CHURCH ST MKTPLACE FUND</b>								
GENERAL ADMINISTRATION	705,518	512,315	701,296	712,118	532,452	733,234	21,116	3.0%
PUBLIC RELATIONS	72,020	62,950	72,800	66,570	66,625	72,300	5,730	8.6%
GENERAL MAINTENANCE	14,477	8,111	26,439	10,500	-	10,500	-	0.0%
SNOW REMOVAL	2,800	773	1,031	2,800	-	2,800	-	0.0%
CAPITAL IMPROVEMENTS	-	850	1,700	2,500	600	-	(2,500)	-100.0%
<b>TOTAL - CHURCH ST MKTPLACE</b>	<b>794,815</b>	<b>584,999</b>	<b>803,266</b>	<b>794,488</b>	<b>619,677</b>	<b>818,834</b>	<b>24,346</b>	<b>3.1%</b>



# Marketplace Charter

## CODE OF ORDINANCES PART I CHARTER AND RELATED LAWS Title VIII. GENERAL PROVISIONS ARTICLE 89 CHURCH STREET MARKETPLACE; DISTRICT AND COMMISSION

### **§ 321. Creation of downtown improvement district, Church Street Marketplace District and Marketplace.**

(a) There is hereby created in the City of Burlington a special district to be known as the downtown improvement district, such district to be bounded by the shoreline of Lake Champlain on the west, the north property lines of properties fronting on Pearl Street on the north, the east property lines of properties fronting on South Winooski Avenue on the east, and the south property lines of properties fronting on Main Street to the intersection of Battery Street and then extending southerly to include properties fronting on Maple Street, on the south. The Church Street Marketplace District defined below shall also be included within the downtown improvement district.

(b) There is hereby created in the City of Burlington and within the downtown improvement district a special district to be known as the Church Street Marketplace District (district) which includes all of Church Street and the properties which have frontage thereon bounded on the north by the northernmost property line of properties bounded by Church and Pearl Streets, and bounded on the south by the southernmost property lines of properties at the northern corners of the Church and Main Street intersection, and more precisely shown on a plan entitled "Church Street Marketplace District" recorded with the chief administrative officer of the City of Burlington on June 27, 1979.

(c) The Church Street Marketplace (marketplace) shall be that section of the district now or hereafter under the direct control of the City of Burlington including but not limited to the Church Street right-of-way and adjacent sidewalks.

### **§ 322. Establishment of Commission.**

There shall be maintained in the City of Burlington a Church Street Marketplace Commission consisting of nine legal voters of the State of Vermont, not less than five of whom must be legal voters of the city, who shall be appointed by the city council. On the first Monday in June, 1993 the city council shall appoint four commissioners, three for a three-year term and one for a four- year term. On the first Monday in June, 1994, the city council shall appoint one commissioner for a three-year term and on the first Monday in June, 1995, the city council shall appoint two commissioners for three-year terms. On the first Monday in June, 1999, the city council shall appoint two commissioners for a two-year term. Thereafter, all appointments shall be for three- year terms and commissioners shall serve from the first day of July following their appointment and until their successors are duly appointed and have qualified. Appointments shall be made so that no more than four of the commissioners shall at any one time be from the same political party. Two members at all times shall be proprietors or managers of retail businesses which are within the Church Street Marketplace District and such members need not be residents of Burlington. Two members at all times shall be proprietors or managers of

retail businesses which are within the downtown improvement district, with one of such members being located within the downtown improvement district but outside the boundaries of the Church Street Marketplace and such members need not be residents of Burlington. The commission shall organize by the election of a chair and vice-chair and by the appointment of a clerk and a treasurer. The clerk shall keep a written record of the proceedings of the commission, such record to be the property of the city. The clerk need not be a member of the commission. The manner of removal of commissioners and filling of vacancies shall be as provided in sections 129 and 130 of this Charter, and the commissioners shall, except as otherwise herein expressly provided, be subject to all other provisions of this Charter relating to public officers.

**§ 323. Expansion of Church Street Marketplace District and/or Marketplace.**

(a) Upon recommendation of a majority of the commission to the city council, the boundaries of the Church Street Marketplace district may be expanded. Said boundaries may be expanded only if all the following conditions are met:

(1) Notification of the consideration of the expansion is given in writing to all persons owning property in the contemplated area of expansion;

(2) A legally warned public hearing on the question is conducted;

(3) Two-thirds of the membership of the city council present and voting approve the extension; and

(4) The expanded boundaries do not extend beyond the boundaries of the downtown improvement district above defined.

(b) Upon advice of the commission to the city council, that section of the district now or hereafter defined as the marketplace may be expanded or not within the downtown improvement district, subject to the same restrictions listed under (a) above.

**§ 324. Purposes and powers.**

(a) The city council shall have authority and responsibility for the management of the Church Street marketplace district, its services and facilities. The city council shall have the responsibility to establish, improve and maintain a marketplace within the district.

(b) In furtherance of its purpose, the city council shall have the following rights, powers and duties:

(1) To exercise the powers set forth in the first paragraph of section 231 of this Charter with respect to the marketplace; provided that, in relation to the electric light department, the commission shall have the same status as a private user;

(2) To acquire on behalf of the city by gift, purchase, exercise of the power of eminent domain, or otherwise, all types of interests in real property and rights-of-way which will become part of the marketplace to be used in connection therewith;

- (3) To construct or contract for the construction of improvements of any kind or nature necessary or convenient for the establishment or operation of the marketplace;
- (4) To pay, from the funds provided for herein, the whole or any portion of the cost of constructing and maintaining such improvements, including the cost of preliminary planning for the marketplace;
- (5) To prohibit in whole or in part vehicular traffic, other than motor vehicle traffic on the marketplace, and to recommend to the public works commission the prohibition or regulation of motor vehicle traffic within the downtown improvement district;
- (6) To recommend to the planning commission the imposition of restrictions on the height, use and exterior appearance, including restrictions on the use of signs, for buildings fronting on the marketplace; such restrictions to be imposed only after notice and public hearings and, except for the use of signs, such restrictions to be prospective in nature;
- (7) To make such improvements within the Church Street Marketplace district as are necessary or convenient to the operation of the marketplace;
- (8) To enter into contracts in the name of and on behalf of the city with state or federal agencies, including without limitation the Chittenden County Transportation Administration, as may be necessary or convenient to carry out the purpose of this article;
- (9) To lease space, including air rights, in, below and above the marketplace but only in compliance with section 55 of this Charter;
- (10) To appoint such employees and agents as it may deem necessary or expedient for the operation of the marketplace. The director shall be appointed by the mayor in accordance with the requirements of section 127 of this Charter. The director shall have the special and immediate care and practical supervision of the marketplace, subject to the authority of the mayor as chief executive officer and the orders and ordinances of the city council;
- (11) To enter into management and maintenance contracts to facilitate the carrying out of any of its powers and duties enumerated herein, such contracts to be, where the commission deems it appropriate and practicable, with operating departments of the city;
- (12) To issue permits for various uses in the marketplace, and to adopt regulations and charge fees for such issuance;
- (13) To charge rentals and fees for its services and for use of space in the marketplace;
- (14) To receive and expend voluntary contributions for the carrying out of its purposes;
- (15) To advertise and promote the marketplace and its activities pursuant to this section when the commission determines that such advertisement and promotion will promote the prosperity and general welfare of the citizens of the City of Burlington and of the state;

(16) To do all other things necessary or convenient to carrying out the purposes of this article. Nothing herein shall be construed to mean that the city council may interfere with or regulate the internal management of properties within the district.

(c) The city council may by resolution delegate any of the powers relating to the downtown improvement district and the Church Street marketplace district to the Church Street marketplace commission.

**§ 325. Annual taxation for downtown improvement district; free parking for two hours in public lots and garages; annual budget of church street marketplace district.**

(a) The Church Street Marketplace commission shall annually recommend and the city council shall annually assess upon nonresidential properties (as defined in Sec. 81 hereof) located within the downtown improvement district a tax upon the dollar of the property grand list to be used for the herein enumerated purposes of the downtown improvement district, which tax shall not exceed \$0.12 unless a larger amount has been authorized by the city council upon affirmative recommendation of the Church Street Marketplace commission. The revenues from such tax will be utilized for the purpose of providing a parking program which shall include not less than two free hours of parking for anyone parking in any designated municipally or privately owned or operated parking garage or parking lot located within the downtown improvement district pursuant to regulations to be established by the public works commission.

(b) Annual budget. The commission shall prepare a proposed budget for each fiscal year showing the proposed expenditures and anticipated receipts of such year. The estimated net cost of operation of the marketplace, after taking account of all anticipated receipts available to meet such cost, shall, on or before the fifteenth day of April, 1980, and annually thereafter, be reported to the mayor to be incorporated, with such changes as he or she deems expedient, into the annual budget to be submitted to the city council for the next fiscal year. In adopting an appropriation for operation of the marketplace, the city council shall not determine that any portion thereof be raised by the city tax levy.

**§ 326. Common area fees.**

(a) Common area fees are charges levied upon the owners of taxable properties located in the district which shall be used to defray the expenses incurred by the city in connection with the operation, maintenance and repair of the marketplace.

(b) Any amount appropriated under section 325 of this Charter which is not anticipated from gifts, grants, voluntary contributions, and rentals and fees other than common area fees shall be raised by common area fees. The city council after not less than one duly warned public hearing shall propose standards to aid in the determination of the benefit described herein. The city council after public hearing and after considering the advice of the commission shall establish standards to aid in the determination of the benefits described herein and shall levy such common area fees upon such properties in the proportion that it judges such properties to be benefited by the construction and/or operation of the marketplace. An important but not necessarily exclusive factor in determining the extent to which the fair market value of such property has been enhanced

by virtue of the construction and/or operation of the marketplace. The amount raised by such assessments shall be appropriated to the Church Street marketplace district.

(c) The city council shall set such common area fees for the ensuing fiscal year no later than June 15 of each year, and in doing so shall have given twelve days' notice of the time and place of hearing to the parties interested and shall set forth in its notice a complete schedule of all common area fees set by it and of the properties so assessed. During the twelve days' notice period all parties so assessed, if aggrieved, may appeal, in writing, the assessment to the city council. The city council, immediately following termination of the twelve days' notice period and after soliciting the advice of the commission, shall make final determination of common fees and shall cause such decision to be recorded in full by the chief administrative officer; and when such decision is so recorded, the amount so assessed shall be and remain a lien in the nature of a tax upon the properties so assessed, until the same shall be paid, or such lien is otherwise discharged by operation of law. The city assessor, at the expense of the district, shall thereupon forthwith notify in writing the owner or owners of record as of April 1 of each year of properties so assessed, their agents or attorneys, stating therein the amount of such fees, and such fees shall be due and payable to the chief administrative officer in four installments, on the fifteenth day of August, November, March and June following the making thereof. Notice shall be deemed adequate if made by publication of notice not less than three times not less than five days nor more than twelve days preceding each installment date. Such notice may also be given by including such common area fees upon the property tax bill mailed to the owners of taxable properties within the district.

(d) [Reserved.]

(e) Any person owning or interested in properties so assessed who is dissatisfied with the amount of such fee shall have the right to judicial review of the city council's decision. Such review shall be initiated by first paying the first installment of the fee so assessed under protest and by filing a notice of appeal in the Chittenden Superior Court within twenty days following August 12 of each year. Notwithstanding the filing of a notice of appeal, all subsequent installments of such fee must also be paid under protest before the court shall have subject matter jurisdiction to render a judgment affecting any such installment. A copy of such notice of appeal shall be served upon the Burlington chief administrative officer. The proceeding before the superior court shall be de novo and the appellant may demand trial by jury. An appeal from the determination of the superior court may be taken to the Vermont Supreme Court, pursuant to the Vermont Rules of Civil and Appellate Procedure. The pendency of such proceedings shall not vacate the lien created upon the properties assessed. Should the court find that a common area fee assessed against an appellant to have been excessive, it shall order the excess payment to be refunded together with such interest thereon that it shall deem appropriate. When such proceedings shall be finally determined, a duly certified copy thereof shall be duly recorded by the chief administrative officer in the records of streets and highways in said chief administrative officer's office, within twenty days after the final determination of such proceedings. The amount assessed in such proceedings shall be and remain a lien in the nature of a tax upon the properties so assessed until such assessments are fully paid to the chief administrative officer of the city. In case no assessment shall be made in such proceedings, such records shall discharge said properties from all liens created by the assessments thereon made by the city council as aforesaid.

(f) If the owner or owners of any property so assessed shall neglect to pay to the chief administrative officer any quarterly installment of such fee on the date such installment is due and payable, the amount of such installment shall be increased by a penalty of five percent. If such installment increased by the five percent penalty is not paid by the 15th day of the month after the date upon which it became due and payable, it shall be delinquent and the chief administrative officer shall increase the amount due by an additional one percent of the original installment. On the 15th day of every month thereafter that the installment or any part thereof remains due, the chief administrative officer shall add to the total amount due an additional amount equal to one percent of the original installment, or any portion thereof, remaining unpaid. The chief administrative officer shall issue a warrant for the collection thereof. The amount due from any person against whom a common area fee has been assessed shall thereafter be deemed to be the amount of any such installment or delinquent portion of such original common area fee increased by all penalties and interest accruing thereon to date and also twelve percent interest, compounded annually on all of such delinquent amounts and any penalties and interest added thereto, from the date of such warrant. The city shall proceed to collect the same in the manner prescribed in this Charter for the collection and enforcement of assessments made in laying out or altering streets and highways.

(g) The mayor, two members of the city council and two members of the commission, on appointment of the city council, shall constitute a board for the abatement of assessments whenever the same are illegal or in the judgment of the board cannot be collected or are manifestly unjust.

(h) Meetings of such board shall be convened in the manner herein prescribed for calling special meetings of the city council; and notice thereof signed by the mayor or chief administrative officer, and shall be given to all persons paying common area fees by the publication of notices for two days in all the daily newspapers printed in the city, the first of which publication shall be not more than ten days, and the last not less than three days prior to said meeting. Whenever any common area fee, or any part thereof, is abated, the chief administrative officer shall make a minute of such abatement on the original assessment on file in his or her office on the margin of the record thereof.

**§ 327. Powers supplemental; construction.**

(a) The powers conferred by sections 321 through 326 hereof are supplemental and alternative to other powers conferred by law, and these sections are intended as an independent and comprehensive conferral of powers to accomplish the purpose set forth herein.

(b) The provisions of these sections shall be liberally construed in order to effect their purpose.

(c) If any provision of these sections shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

(d) These sections shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of these sections, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

# FAQs

## **How long has the Marketplace existed?**

Since 1981. Thanks to careful planning and ongoing community support, more than three-million people (five-times the population of Vermont) visit annually to shop, dine or just wander.

## **What are the natural and human-made amenities on Church Street?**

The expanse of pedestrian space on the Marketplace allows the full range of Burlington's residents and visitors to mix in a true community. It features fountains at two locations, extensive brick paving with granite accents, and numerous sculptures, as well as its own distinctive feature: locally quarried boulders placed on two blocks, which offer unique seating and climbing opportunities. Of particular interest is the Church Street Earth Line, a unique brick and granite band of engraved stones with proportionally separated world city locations running north-south up the center of the street, giving visitors a quick and engaging geography lesson.

The Marketplace's Victorian and Art Deco structures are complemented by modern infill buildings, the height of which is restricted to preserve the appearance of historic structures. Zoning promotes both ground-floor retail and upper-story office and residential uses.

Nearly two-dozen cafes with outdoor dining line its four blocks (and despite Burlington's harsh climate, they remain open throughout much of the year). The dining options range from street vendor staples like hot dogs and unconventional street fare like crepes and dumplings to indoor dining in sushi bars, steakhouses, pubs, and a variety of other restaurants. The cart vendor program offers entrepreneurs just starting out with an opportunity to start and grow a small business on Vermont's busiest street (The Vermont Teddy Bear company began in the Marketplace's cart vendor program).

The Marketplace also auditions more than 150 street entertainers each year, from singers and musicians to magicians and jugglers. Non-profit tabling is welcomed, and organizations of all types take advantage of promoting their causes here.

## **What role does Church Street play in the city, region, or state?**

Church Street has always been the region's commercial and community center, and after the Marketplace's four blocks were converted to pedestrian mall in 1981, the newly created public space quickly became the region's town center. It is the location for the region's most popular events, including the Discover Jazz Festival, Key Bank Vermont City Marathon, and First Night Burlington. It is a frequent location for evening television newscasts, a popular destination for celebrities vacationing in Vermont, and a site for political figures to make major announcements. Church Street is the destination for celebrating a birth, a marriage, or graduation, to participate in a protest, people-watch, or just shop, dine or explore.

### **What current changes are underway on Church Street?**

The Marketplace and downtown Burlington are the recipients of a \$6,000,000 award from the US. Dept of Transportation under the SAFETEA LU program. These funds will be used to make improvements to a key alleyway that connects the Marketplace to a major parking garage, to upgrade the electrical infrastructure, improve crossings with the side streets to the Marketplace, increase connectivity to the waterfront, and to extend the concepts of pedestrian oriented design to the adjacent side streets.

The challenge for planners will be to protect the remaining historic fabric (on the blocks not affected by urban renewal), while improvements are being made.

### **Is Church Street a business improvement district (BID)?**

The Marketplace has been designated a business improvement district since its start in 1981, and the importance of the business improvement district status cannot be underestimated. The Marketplace has been able to establish and promote a brand that has gained national recognition for its combination of commerce, recreation, and community; without the cohesiveness of the district and the BID fees paid by the members, it would have been impossible to develop the district once the physical improvements were complete.

### **What efforts are underway to make Church Street more environmentally sustainable, including reducing its carbon footprint?**

The Marketplace has worked with All-Cycle (a local trash and recycling hauler) and the Chittenden Solid Waste District to implement a mixed recycling program. To that end, designated recycling containers have been placed alongside rubbish containers to permit recycling of almost all non-food wastes. We also use an electric truck to haul materials, refuse, and recycling.

We are working with area restaurants to become part of the Vermont Fresh Network, a farm to table organization promoting locally grown foods.

In 2008 we will be installing the first ultra-efficient LED streetlights in an alleyway undergoing renovations. This test site, when proved successful, will lead to extensive use of LED lighting on the main Marketplace and hopefully throughout the city. Future projects will include replacing the holiday lighting entirely with LED lights.

We use locally manufactured brick for pavers, recycle damaged brick into gravel products, have a extended food waste composting program to include all restaurants, encouraged merchants to participate in electric utility energy conservation programs, and have better managed storm water runoff with measures like rain gardens.

### **What special events are held on the Marketplace?**

There are numerous annual events on the Marketplace. These include:

- Church Street Marketplace Ice Walk - February 6
- Mardi Gras Parade sponsored by Magic Hat Brewery - February 27
- St. Patrick's Day Cement Mixer Parade sponsored by Ireland Concrete - March 17
- Kid's Day - May 15
- Vermont City Marathon sponsored by Key Bank - May 30
- Discover Jazz Festival presented by Northfield Savings Bank - June 4-13
- Marketfest sponsored by Stowe Mountain Resort - September 11-13
- First Friday Art Walks - October 2
- Halloween costume parade - October 24
- Holiday Lights and lighting ceremony - November 27
- Ferrari Parade - DATE TK
- Street Rod Parade - DATE TK
- Sidewalk Sale Days - DATE TK
- Summer concert series - DATE TK
- Festival of Fools (new in 2008) - DATE TK
- Burlington Criterium cycling race - DATE TK
- First Night New Years Eve celebration sponsored by Skip Farrell and Pepsi - December 31

### **How well maintained is Church Street?**

Church Street Marketplace has its own staff to remove trash and recycling, complete minor repairs, remove graffiti, and oversee daily operations. Vigilant attention is maintained to keep the heavily used area in attractive condition and maintain a high standard of appearance. Security is provided by the Burlington Police Department.

### **Is there access to the marketplace via city buses or trains?**

The marketplace is actually the biggest hub for the Chittenden County Transportation Authority (CCTA) ([www.cctaride.org](http://www.cctaride.org)), the city's public bus system. Amtrak does not currently serve Burlington (the nearest stop is Essex Junction), but the city maintains a stop served by the Green Mountain Railroad's Champlain Valley flyer (<http://rails-vt.com>), with service from Burlington to Charlotte, VT.

### **Where can I park?**

Downtown Burlington has over 4,000 parking spaces available to the public (though they fill up quickly in the afternoons and evenings, and pretty much all day during the weekends), but space is usually available in a number of covered garages, and the first two hours are free in the city-owned garages (Marketplace, Lakeview/Macy's, and College Street /Hilton). [Download our Parking brochure.](#)

### **Are pets allowed?**

Pets are free to walk with you on the Marketplace; policies vary from store to store, however.

### **What are the Marketplace's hours of operation?**

Store and restaurant hours vary, but stores typically open at 10:00. The adjoining Burlington Square Mall's hours are 10:00 a.m. - 9:00 p.m. Monday through Saturday and 1:00 - 6:00 p.m. on Sunday. Last call can vary as well, but a number of pubs serve until 2:00 a.m.

### **Is bike riding permitted in the Marketplace?**

The Marketplace was designed as a pedestrian mall. It is just a short bike ride away from most of downtown Burlington, and ample bike racks are provided for parking, but bicycle riding (or skateboarding) in the public space itself is not allowed.

### **Is the Marketplace wheelchair accessible?**

Overwhelmingly, yes. There are a few historic buildings which do not offer direct access, but any store or restaurant within them can make access available with just a bit of notice. A quick call in advance will make certain of this.

### **Where would I inquire as to the availability of retail space?**

Contact the Church Street Marketplace at 2 Church Street, Suite 2A Burlington, VT 05401, or call 802-865-7252.

### **Where would I inquire as to the availability of street vendor or performance licenses?**

- Download our Cart Vendor License document
- Download our Street Entertainer License document

### **Are there hotel or motel accommodations nearby?**

There are well over a dozen hotels and motels within a fifteen minute drive of the Marketplace, and two a mere few minutes walk that also overlook Lake Champlain: the Courtyard by Marriott Burlington Harbor (25 Cherry Street, 802-864-4700, [www.marriott.com/hotels/travel/btvdt-courtyard-burlington-harbor](http://www.marriott.com/hotels/travel/btvdt-courtyard-burlington-harbor)) and the Hilton Burlington (60 Battery Street, 802-658-6500, [www1.hilton.com/en\\_US/hi/hotel/BTTVTHF-Hilton-Burlington-Vermont/index.do](http://www1.hilton.com/en_US/hi/hotel/BTTVTHF-Hilton-Burlington-Vermont/index.do)).