

**BURLINGTON CITY COUNCIL LICENSE COMMITTEE
CITY HALL –1ST FLOOR, BUSHOR CONF. ROOM *OR*
ZOOM MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 20, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (Chair)
Ben Traverse
Melo Grant (via Zoom)

OTHERS PRESENT:

Keaton Knowles
Hayley McClenahan
Phil Edgerley
Zach Williamson
Caleb Manna
Laura Wheelock
Jake Ryan

1.0 AGENDA

1.1 motion to amend/adopt the agenda

Councilor Shannon called the meeting to order at 5:50 PM.

MOTION by Councilor Traverse, SECOND by Councilor Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 PUBLIC COMMENT (VERBAL)

2.1 Public Comment (verbal)

None.

3.0 CONSENT AGENDA

3.1 motion to adopt the consent agenda and take the actions as indicated

3.2 Communication: BPD, re: March – Tibetan Association of Vermont – waive the reading, accept the communication, and place it on file.

3.3 Communication: BPD, re: Road closure for emergency vehicles during solar eclipse – waive the reading, accept the communication, and place it on file.
3.4 Communication: BPD, re: COTS Walk – waive the reading, accept the communication, and place it on file.
3.5 Communication: BPD, re: UVM Commencement – waive the reading, accept the communication, and place it on file.
3.6 Indoor and Outdoor Entertainment Permit Renewals (2024-2025): see attached list – approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.
3.7 Tobacco License and Tobacco Substitute Endorsement Renewals (2024-2025): see attached list – approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals as listed.

MOTION by Councilor Traverse, SECOND by Councilor Grant, to adopt the consent agenda and take the actions as indicated for items 3.1-3.7.

VOTING: unanimous; motion carries.

4.0 DELIBERATIVE AGENDA

4.1 Indoor Entertainment Permit Application (2024-2025): Taco Gordo, 208-212 North Winooski Avenue

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve the 2024-2025 Indoor Entertainment Permit Application for Taco Gordo with all standard conditions.

VOTING: unanimous; motion carries.

4.2 Indoor Entertainment Permit Application (2024-2025): Tank Studio, Inc. (Tank Recording Studio), 322 North Winooski Avenue

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve the 2024-2025 Indoor Entertainment Permit Application for Tank Studio, Inc. (Tank Recording Studio) with all standard conditions.

VOTING: unanimous; motion carries.

4.3 Special Event Indoor and Outdoor Entertainment Permit Application (two days only): Zero Gravity Brewery

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve the two day only Special Event Indoor and Outdoor Entertainment Permit Application for Zero Gravity Brewery, May 25 and 26, 2024.

DISCUSSION:

- **Councilor Traverse asked about the extent to which the Applicant has engaged with the close neighbors to make them aware of this event. Jake Ryan replied on behalf of the Applicant that they are engaging neighbors through Front Porch Forum and will continue to do outreach in the lead-up to the event. Councilor Shannon noted that there had been issues with sound in the past at this location, and Mr. Ryan replied on behalf of the Applicant that they have reconfigured where the stage is to address those sound issues.**

VOTING: unanimous; motion carries.

4.4 Special Event Outdoor Entertainment Permit Application (three days only): BCA, City's solar eclipse event

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve the three day only Special Event Outdoor Entertainment Permit Application for BCA, City's solar eclipse event, April 6-8, 2024.

DISCUSSION:

- Festival and Event Director Williamson provided a brief update on BCA's solar eclipse event planning. He said that they will be hosting a public information session tomorrow night in Contois Auditorium at 6:00 PM. He discussed the collaboration between various departments and activities related to planning the eclipse event. He noted an educational event next week in Contois Auditorium where several professors will give free lectures on social, cultural, and historic dimensions and aspects of solar eclipses. He spoke about events that will be held during the weekend of the eclipse. He said that they are estimating between 30,000 and 80,000 visitors on the day of the eclipse.

VOTING: unanimous; motion carries.

4.5 CityPlace Burlington – Encumbrance Application – Bank and Cherry Street Right-of-Way – DPW

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve and recommend that the City Council approve the Second Amendment to the Construction Encumbrance License Agreement between the City and CityPlace Partners, dated October 2022, requesting to extend the term date to expire April 1, 2025, and to further recommend that the City Council authorize the Mayor to enter into a Second Amendment of the License Agreement with the Applicant for use of the right-of-way outlined in Attachment E, subject to review by the City Attorney's Office.

DISCUSSION:

- Councilor Traverse asked if this changes the existing encumbrance. Excavation Inspector Manna replied that there are no substantive changes and that this is an extension. He noted that they have not heard concerns from neighboring businesses. Senior Engineer Wheelock noted that while this encumbrance supports the private project, it also supports the public improvement work on both Bank and Cherry Streets over the next several years.

VOTING: unanimous; motion carries.

4.6 Department of Public Works – Main Street and Winooski Ave Parking Lot – Encumbrance Permit Request – DPW

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve and recommend that the City Council approve the Encumbrance Application for the parking lot located at the intersection of Main Street and S. Winooski Ave, requesting use of the parking lot and parking spaces for construction activities and equipment staging, and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

DISCUSSION:

- Senior Engineer Wheelock noted that an encumbrance permit had been previously approved by the License Committee and City Council for this location, but that DPW has since worked with the contractor and revised the arrangement to make use of more space behind Memorial Auditorium to free up more parking spaces on Main Street and Winooski for continued public parking.

VOTING: unanimous; motion carries.

5.0 ORDINANCE: AN UPDATE TO CHAPTER 23. PEDDLERS AND SOLICITORS

5.1 Ordinance: An Update to Chapter 23: Peddlers and Solicitors

Assistant City Attorney McClenahan noted that this committee had asked the City Attorney's Office in January to look at this chapter of the ordinance to identify inconsistencies across the different areas of the City where peddling occurs. She said that the draft before the License Committee tonight discusses the City's general peddling license, licensure on the Church Street Marketplace, licensure in the Central Peddling District in the Downtown Core, peddling at University Place, as well as a provision for separate approval of a peddling license in and around parks. She noted that there is additionally an Appendix D to the ordinance that specifically lays out a separate process for approvals of events in parks (but not specifically related to peddling). She said that within this draft, she identified the differences between peddling in the City in general and peddling in the Church Street Marketplace, in terms of application differences, fee differences, and other differences in requirements. She said that she also identified pain points that have been raised to her office's staff, in terms of peddling as it relates to City-sponsored events or larger events in the City that have received a special entertainment permit (for example, the BTV market that occurs in City Hall Park). She cited a particular issue where applicants will obtain a special event permit from BCA for a City-sponsored event, but then also need to go through the secondary process of seeking a peddler license. She noted that when this ordinance was initially drafted, there may have been certain reasons why certain sections of the City were treated differently in the context of peddling.

Councilor Traverse outlined the two main issues from his perspective. He said that one of these is updating the ordinance with coordination from other departments, such as BCA and BPRW, to ensure consistency and clarity in how folks are peddling in the City, in parks, and for other special events around the City. He said that it would be helpful for the City to clarify in the peddler ordinance a process to approve peddler licenses for repeat events and regular events. He said that the other issue around this is equity, noting that there are different processes for peddlers in the Church Street Marketplace, parks, and University Place. He said that it would be good for the Committee to decide whether it wants to update the ordinance to accommodate events and to create more equity for the different application processes. He asked whether the Committee should hold onto it and work on it or whether it should send it to the Ordinance Committee and ask them to work on it. Councilor Grant said that she thinks this Committee should start the work on this. She agreed that there are inequities here, in terms of which peddler licenses are enforced and how it is enforced. She said she would like to hear feedback from CEDO, as well as the Parks Department, on their perspective on requirements and exceptions for peddlers' licenses. She noted equity issues in how some licenses require a background check (which is expensive) and others don't, and that this could potentially disqualify certain vendors in future.

Councilor Traverse said that he will work on proposed edits to send back to Assistant City Attorney McClenahan for consideration, after which they can be sent to the full Committee. He said that his substantive edits would be around alignment with allowing more flexibility around events, and bringing all processes in alignment with whichever existing process is the least restrictive. Councilor Shannon suggested checking in with the Church Street Marketplace on their perspective on peddlers and this ordinance.

Fire Marshal Edgerley noted that when there is a waterfront special event, the fire marshals are tasked with checking each peddler for extinguishers, making sure their tents are staked properly and weighted down, and any propane tank cylinders are secured. He said that those are some stipulations that should be included in the ordinance. Councilor Grant noted that peddlers on the waterfront park are exempt from licenses, which is one of the equity issues she is concerned with.

6.0 ADJOURNMENT

5.01 Motion to adjourn

Meeting adjourned at 6:33 PM.