

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

MEMBERS PRESENT:

Joan Shannon (Chair)
Melo Grant (via Zoom)
Marek Broderick

OTHERS PRESENT:

Keaton Knowles
Lori Olberg
Hayley McClenahan
Caleb Manna
Taryn Maitland

1.0 AGENDA

1.1 motion to amend/adopt the agenda

Councilor Shannon called the meeting to order at 5:43 PM.

MOTION by Councilor Broderick, SECOND by Councilor Grant, to amend adopt the agenda as follows:

- **add to the consent agenda item 3.10 Communication: BPD, re: May 25, 2024 Block Party;**
- **add to the consent agenda item 3.11 Special Outdoor Entertainment Permit Application for Juneteenth Celebration;**
- **add to the consent agenda item 3.12 Umbrella Entertainment Permit Application for JazzFest.**

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 as amended and take the actions as indicated

3.2 Communication: BPD, re: 4-13-2024, Half Marathon Road Race – waive the reading, accept the communication, and place it on file.
3.3 Communication: BPD, re: April 25, 2024, HOPE Works: March – Take Back The Night - waive the reading, accept the communication, and place it on file.
3.4 Communication: BPD, re: May 4, 2024, National Eating Disorder Association (NEDA) Walk - waive the reading, accept the communication, and place it on file.
3.5 Communication: BPD, re: May 17 – May 20, 2024, UVM Commencement - waive the reading, accept the communication, and place it on file.
3.6 Communication: BPD, re: May 18, 2024, Nation MS Society Walk - waive the reading, accept the communication, and place it on file.
3.7 Communication: BPD, re: May 25, 2024, Vermont City Marathon - waive the reading, accept the communication, and place it on file.
3.8 Communication: BPD, re: July 13, 2024, MadFreedom Inc., Parade - waive the reading, accept the communication, and place it on file.
3.9 Communication: BPD, re: August 3 & 4, 2024, Lake Champlain Dragon Boat Festival - waive the reading, accept the communication, and place it on file.
3.10 Communication: BPD, re: May 25, 2024, Block Party - waive the reading, accept the communication, and place it on file.
3.11 Special Event Outdoor Entertainment Permit Application (one day only): OKAY! OKAY! And REIB, Juneteenth Celebration, Various Locations around the City, Saturday, June 15, 2024, 11 am – 11 pm – approve the one day only special event outdoor entertainment permit for OKAY! OKAY! And REIB for Saturday, June 15, 2024, 11 am – 11 pm, Juneteenth Celebration, Various locations around the City.
3.12 Umbrella Entertainment Permit Application (June 5 – 9, 2024): Flynn Center for Performing Arts, JazzFest, Various locations around the City – approve the umbrella entertainment permit application for Flynn Center for Performing Arts, JazzFest, June 5-9, 2024, Various locations around the City.

MOTION by Councilor Grant, SECOND by Councilor Broderick, to adopt the consent agenda and take the actions as indicated for items 3.1-3.12.

VOTING: unanimous; motion carries.

4.0 DELIBERATIVE AGENDA

4.1 111 Saint Paul Street – Outdoor Seating Encumbrance Permit Application – Devil Takes A Holiday – DPW

MOTION by Councilor Grant, SECOND by Councilor Broderick, to approve and recommend that the City Council approve the Encumbrance Application for DJINN LLC d/b/a Devil Takes A Holiday at 111 Saint Paul Street requesting use of the sidewalk for an outdoor seating area 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:

- **Excavation Inspector Manna said that the previous business in this space, Monarch and the Milkweed, had held this encumbrance permit, but since the business changed to Devil Takes A Holiday, they are looking to continue the same use and configuration of outdoor seating, including small tables and chairs near the entrance. He noted that there is ample sidewalk clearance in that area, with 8 feet of space from the tables and chairs to the curb.**

VOTING: unanimous; motion carries.

4.2 Special Event Indoor and Outdoor Entertainment Permit Application (one day only) Despacito, Tank Studio Inc. and Goldenjunk, LLC, May 25, 2024, 5 pm – 12 am, Plex – Art Event

MOTION by Councilor Grant, SECOND by Councilor Broderick, to approve the one day only special event indoor and outdoor entertainment permit application for Despacito, Tank Studio Inc and Goldenjunk LLC, May 25, 2024, 5 pm – 12 am.

VOTING: unanimous; motion carries.

4.3 Special Event Outdoor Entertainment Permit Application (one day only): The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, “Country for a Cure” benefit concert

MOTION by Councilor Broderick, SECOND by Councilor Grant, to approve the one day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, “Country for a Cure” benefit concert.

VOTING: unanimous; motion carries.

4.4 Special Event Indoor and Outdoor Entertainment Permit Application (one day only): CannaPlanners LLC, June 14, 2024, 6 pm – 11 pm, 1 Lawson Lane, Office Party

MOTION by Councilor Broderick, SECOND by Councilor Grant, to approve the one day only special event indoor and outdoor entertainment permit application for CannaPlanners, LLC, June 14, 2024, 6 pm – 11 pm, 1 Lawson Lane, Office Party.

VOTING: unanimous; motion carries.

4.5 Special Event Outdoor Entertainment Permit Application (one day only): South End Get Down, June 29 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian’s Auto

MOTION by Councilor Broderick, SECOND by Councilor Grant, to approve the one day only special event outdoor entertainment permit application for South End Get Down, June 29, 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian’s Auto.

VOTING: unanimous; motion carries.

4.6 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot

Councilor Shannon noted that there have been some comments received from constituents regarding this event, given there were some concerns about noise from last year’s event. She noted that the Applicant explained in a recent email about efforts to mitigate noise pollution for this year’s event, including configuring the speakers differently, and making further efforts to reach out to more neighbors ahead of time to notice the event. Councilor Shannon suggested that the Applicant consider additional outreach on Front Porch Forum to notice the event to a broader audience.

MOTION by Councilor Broderick, SECOND by Councilor Grant, to approve the one day only special event outdoor entertainment permit application for the Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot.

VOTING: unanimous; motion carries.

4.7 Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, September 6 – 7, 2024, Art Hop

MOTION by Councilor Grant, SECOND by Councilor Broderick, to approve the two day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, September 6-7, 2024, Art Hop.

VOTING: unanimous; motion carries.

4.8 Tobacco License Application (2024-2025): Three Five 45 Community Store & Kitchen, 1563 North Avenue

MOTION by Councilor Broderick, SECOND by Councilor Grant, to approve the 2024-2025 Tobacco License Application for Three Five 45 Community Store & Kitchen, 1563 North Avenue.

VOTING: unanimous; motion carries.

4.9 Outdoor Entertainment Permit Renewal (2024-2025): Orlando's, 1 Lawson Lane

Councilor Shannon noted that the City has had some problems with Orlando's in the past. She said that she would be willing to renew their permit with their current hours, but wouldn't be willing to renew their permit with extended hours, given past issues between the City and the business, and the fact that the Applicant is not present.

Councilor Grant spoke about the efforts the Applicant has implemented to mitigate noise pollution, and said that she would be willing to consider extending their hours on some nights. She said that she would like to hear more from the Applicant about their plans prior to approving any extension, and also noted that she has not heard any recent complaints regarding Orlando's from constituents. She also noted concerns about equity, given that there are neighboring businesses that have more extended hours.

MOTION by Councilor Grant, SECOND by Councilor Broderick, to postpone this item until the next License Committee meeting and requested that the Applicant be present for that discussion.

VOTING: unanimous; motion carries.

4.10 Waiver Request re: Food Truck Ordinance for Saturday, June 15th – Juneteenth Producer on behalf of REIB

Taryn Maitland spoke on behalf of OKAY!!OKAY!!, noting that this request is to waive the part of the ordinance that prohibits food trucks from City Hall Park, similarly to what was done for the eclipse event in April. She said that there are several vendors that had been able to participate in Juneteenth in years prior, but that because events were moved to City Hall Park, they would be unable to participate under the current ordinance. She said that they are hoping to have an exception granted for the day of the Juneteenth event for a food truck vendor or two. Assistant City Attorney McClenahan noted that a special time-limited amendment to the ordinance was granted by the City Council for one-time only eclipse-related events. She said that there was an application process for a special 24-hour license. She said that a waiver is not available under the ordinance without further action from the City Council, which is why the special license was the solution for the eclipse event. She said that that special license was available to anyone who wanted to peddle in the downtown core for the eclipse day, versus this proposal for a discrete vendor or two. Councilors expressed support for granting this ordinance amendment for a one-time event. They

discussed that this ordinance should be overseen by either BCA or the Business/Workforce Development Department, and staff said that they will be explicit within the ordinance about what staff would be working on it.

MOTION by Councilor Grant, SECOND by Councilor Broderick, that the License Committee respectfully recommends that the City Attorney draft an ordinance substantially modeled after that of the eclipse day event, to allow for accommodating food trucks for Juneteenth around City Hall Park.

VOTING: unanimous; motion carries.

5.0 ADJOURNMENT

5.1 Motion to adjourn

Meeting adjourned at 6:18 PM.