

**BURLINGTON CITY COUNCIL LICENSE COMMITTEE
CITY HALL –1ST FLOOR, BUSHOR CONF. ROOM *OR*
ZOOM MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 14, 2023
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Melo Grant (via Zoom)

OTHERS PRESENT:

Lori Olberg
Kyle Clauss
Caleb Manna

1.0 AGENDA

1.1 motion to amend/adopt the agenda

Councilor Shannon called the meeting to order at 5:45 PM.

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

- **add to the agenda item 4.8: Tobacco License Application and Tobacco Substitute Endorsement Application (2023-2024):
RGS Nepali Market, 1563 North Avenue**

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: Block Party, Drew Street, Friday, June 9, 2023, 5:00 pm – 8:00 pm – waive the reading, accept the communication and place it on file.

3.3 Communication: BPD, re: Festival of Fools, August 4-6, 2023, various times/locations – waive the reading, accept the communication, and place it on file.

MOTION by Councilor Grant, SECOND by Councilor Shannon, to adopt the consent agenda and take the actions as indicated for items 3.1-3.3.

VOTING: unanimous; motion carries.

4.0 DELIBERATIVE AGENDA

4.1 Tobacco License Application (2023-2024): Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve the 2023-2024 Tobacco License Application for Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street

VOTING: unanimous; motion carries.

4.2 Special Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, 2nd Annual "Wallflower Fest" Anniversary Party in the adjacent/adjoining parking lot, August 20, 2023, 4 pm – 11 pm

Lauren MacKenzie spoke on behalf of the Applicant. Councilor Shannon thanked her for reaching out to the neighbors and making sure that they were aware of and comfortable with the event.

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve the one day only special outdoor entertainment permit application for the Wallflower Collective, 2nd Annual "Wallflower Fest" Anniversary Party in the adjacent/adjoining private parking lot, August 20, 2023, 4 pm – 11 pm.

VOTING: unanimous; motion carries.

4.3 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, September 24, 2023, in the adjoining parking lot (private), LGBTQ "Dyke Day" Queer Organized VT Pride Event, 4 pm – 10 pm

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve the one day only special event outdoor entertainment permit application for the Wallflower Collective, September 24, 2023, 4 pm – 10 pm, in the adjoining parking lot (private), LGBTQ "Dyke Day" Queer Organized VT Pride Event.

VOTING: unanimous; motion carries.

4.4 95 Saint Paul Street – Encumbrance Permit Application – Café Dim Sum – DPW

Councilor Shannon asked how wide the sidewalk is, and Excavation Inspector Manna replied that it is about ten feet from the base of the building to the curb and that the building is unique in that it has windows that are two feet inset from the outside of the sidewalk. He noted that the seating area would be about 4 feet wide and would encroach upon the sidewalk by about 2 feet. Councilor Shannon noted that there have been issues in other areas where other permittees have not kept to the defined area. She asked what the process is supposed to be when there is a violation of the permit. Excavation Inspector Manna said that the City can rely on the legal agreement for compliance. He also noted that City staff will conduct a site visit if they receive a complaint. Councilor Shannon noted that the Applicant just barely meets the ADA

requirements for this permit. She requested that the Applicant be vigilant about ensuring that their seating area does not encroach upon more sidewalk, given the tight space.

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve and recommend that the City Council approve the Encumbrance Application for Café Dim Sum at 95 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.

VOTING: unanimous; motion carries.

4.5 Birdseye Building Company – 288 Maple Street – Encumbrance Permit Application – DPW

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve and recommend that the City Council approve the Encumbrance Application for Birdseye Building Company requesting use of the public right-of-way for construction related parking as detailed in Attachment C, 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.

VOTING: unanimous; motion carries.

4.6 Burlington Bike Share Encumbrance Application – Bird Rides Inc. – DPW

Councilor Grant asked where this is located and what exactly it entails. Jeremy Lynch spoke on behalf of the Applicant and said that this is a bicycle share company which allows the renter to drop the bicycle at multiple locations and allows for rental by the minute. He said that this would be generally in the downtown area and in the UVM and Champlain campus areas. Councilors Shannon and Grant expressed concern about this program, given that the number of bicycle thefts has skyrocketed in the City in the last few years. Councilor Shannon asked about the liability to the rider if the bicycle is stolen. Mr. Lynch replied that neither the rider nor the City are liable for stolen bicycles. He spoke about the security features of the bicycles that deter theft. He noted the areas where the bicycles can be ridden, saying that they are programmed to prevent riders from biking around the Church Street area.

Phil Edgerley asked how the bikes are being charged. Mr. Lynch replied that the batteries are removable and rechargeable that way, and will be charged off-site.

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve and recommend that the City Council approve the Encumbrance Application for Bird Rides Inc. requesting use of public right-of-way space for an electric bike fleet, and to authorize the Mayor to execute the attached Encumbrance Permit and License Agreement, subject to review by the City Attorney's Office.

VOTING: unanimous; motion carries.

4.7 Whiting-Turner Encumbrance Application – Burlington High School – DPW

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve and recommend that the City Council approve the Encumbrance Application for Whiting-Turner requesting to occupy a portion of public right-of-way on North Avenue and Institute Road as detailed in Attachment C, and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

VOTING: unanimous; motion carries.

4.8 Tobacco License Application and Tobacco Substitute Endorsement Application (2023-2024): RGS Nepali Market, 1563 North Avenue

MOTION by Councilor Grant, SECOND by Councilor Shannon, to approve the Tobacco License Application and Tobacco Substitute Endorsement Application for RGS Nepali Market, 1563 North Avenue.

VOTING: unanimous; motion carries.

5.0 OTHER BUSINESS

5.01 Verbal Comments

6.0 ADJOURNMENT

6.01 Motion to adjourn

Meeting adjourned at 6:31 PM.