BURLINGTON CITY COUNCIL LICENSE COMMITTEE
CITY HALL –1ST FLOOR, BUSHOR CONF. ROOM *OR*
ZOOM MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 12, 2023
DRAFT

MEMBERS PRESENT: Joan Shannon
Ben Traverse
Melo Grant

OTHERS PRESENT: Lori Olberg
Kyle Clauss
Phil Edgerley
Caleb Manna

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0. ## AGENDA
    1. motion to amend/adopt the agenda

Councilor Shannon called the meeting to order at 6:29 PM.

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

- **remove from agenda item 4.01 (it is now on consent);**
- **add to the agenda item 4.06 Indoor Entertainment Permit Application (2023-2024): Halvorson's Upstreet Café;**
- **add to the agenda item 4.07 Outdoor Entertainment Permit Renewal (2023-2024): Orlando's Bar and Lounge;**
- **add to the agenda item 4.08 Tobacco License and Tobacco Substitute Endorsement License Application (2023-2024): The Herb Closet**

VOTING: unanimous; motion carries.

0. ## PUBLIC COMMENT (VERBAL)
    1. Public Comment (verbal)

None.

0. ## CONSENT AGENDA

3.01 motion to adopt the consent agenda and take the actions as indicated
3.02 Communication: BPD, re: Half Marathon Race, April 8, 2023 – waive the reading, accept the communication and place it on file.
3.03 Communication: BPD, re: Walk, April 29, 2023 – waive the reading, accept the communication, and place it on file.
3.04 Communication: BPD, re: COTS Walk, May 7, 2023 – waive the reading, accept the communication, and place it on file.

3.05 Communication, BPD, UVM Commencement, May 19-May 22, 2023 – waive the reading, accept the communication, and place it on file.
3.06 Tobacco License Renewals (2023-2024): see attached list – approve the 2023-2024 Tobacco License renewals as listed.
3.07 Indoor and Outdoor Entertainment Permit Renewals (2023-2024) – approve the 2023-2024 Indoor and Outdoor Entertainment Permit Renewals (see attached list) with all standard conditions.

MOTION by Councilor Traverse, SECOND by Councilor Grant, to adopt the consent agenda and take the actions as indicated for items 3.01-3.07.

VOTING: unanimous; motion carries.

0. ## DELIBERATIVE AGENDA

4.01 Outdoor Entertainment Permit Application (2023-2024): Butter, 1127 North Avenue (now on consent, it is a renewal—remove from Deliberative Agenda)
** agenda item removed from deliberative agenda**

4.02 Outdoor Entertainment Permit Application (2023-2024): Elk's Club, 925 North Avenue
Licensing, Voting, and Records Coordinator Olberg noted that the Applicant is requesting an end time of 9:00 PM.

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve the Outdoor Entertainment Permit Application for the Elk's Club, 925 North Avenue with all standard conditions and with an amendment that the end time on each listed day be 9:00 PM instead of 2:00 AM.

VOTING: unanimous; motion carries.

4.03 Tobacco License Application (2023-2024): True 802 Cannabis

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to approve the 2023-2024 Tobacco License Application for True 802 Cannabis.

VOTING: unanimous; motion carries.

4.04 Silver Maple Construction - 381 South Union Street - Encumbrance Permit Application – DPW

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve and recommend that the City Council approve the Encumbrance Application for 381 South Union Street requesting use of the public right-of-way for construction related parking as detailed in Attachment A, 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 noted that anything longer than 60 days requires a special encumbrance permit from the City of Burlington. He said that Silver Maple Construction is looking to make use of two on-street parking stalls on Union Street for construction-related vehicles and access of property until September. He said that the parking limitation is only during the working day and that the space will be open to the public after business hours and on weekends.**

VOTING: unanimous; motion carries.

4.05 Center Street - Daily Planet - 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 Daily Planet requesting use of the public right-of-way for an outdoor seating structure as detailed in Attachment A, 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 noted that this request has come before the License Committee in prior years as well. He said that DPW is supportive of this request, since the Applicant's use of it brings vitality to that portion of the downtown. Councilor Shannon asked whether the parking configuration requested still makes the most sense, and Excavation Inspector Manna said that they looked into reconfiguring it but that this arrangement still makes the most sense and results in the least net loss of parking.**

VOTING: unanimous; motion carries.

4.06 Indoor Entertainment Permit Application (2023-2024): Halvorson's Upstreet Café

Licensing, Voting, and Records Coordinator Olberg noted that the Applicant has typically filed for an Outdoor Entertainment Permit but that now they are applying for an Indoor Entertainment Permit.

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve the 2023 - 2024 Indoor Entertainment Permit Application for Halvorson's Upstreet Cafe with all standard conditions.

VOTING: unanimous; motion carries.

4.07 Outdoor Entertainment Permit Renewal (2023-2024): Orlando's Bar and Lounge

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to approve the 2023-2024 Outdoor Entertainment Permit renewal with all standard conditions.

DISCUSSION:

- **Councilor Traverse recalled that Orlando's has run into issues with the City Council over the past year. He noted that the complainants' issues at the time were that the outdoor entertainment was running past its permitted time of 10:30 on weekdays. He noted that the application before the License Committee has the same hours that had previously been requested (10:30 on weekdays and 11:00 on weekends) and asked if the Applicant can commit that that will work for them. Sean Beauvais, the Applicant, said that they will work with bands to ensure that sets end by the times outlined in the permit. Councilor Traverse noted that other establishments have outdoor entertainment permits with different stop times, even though they are close by, and he said he would like to explore having consistent stop times for outdoor entertainment permits in the Downtown area.**
- **Councilor Shannon noted that Orlando's only began offering outdoor entertainment during Covid and that residents who were renting in that area had not anticipated the noise, unlike with residents renting near other establishments who have had longstanding outdoor entertainment activities, such as Red Square and Radio Bean. She said that in terms of the various entertainment permit hours, they were tailored to allow them to fit into the neighborhoods in which they are located.**
- **Councilor Grant asked about whether there have been complaints about Vermont Pub and Brewery or Red Square. Councilor Shannon said that there have not been formal complaints about either establishment, and noted that some establishments have outdoor entertainment permits that they don't fully take advantage of.**
- **Councilor Grant asked whether the Applicant has identified why employees were lax about playing later. Mr. Beauvais replied that the nature of entertainment is organic and that they have tried to respect the permit hours while allowing entertainment to wrap up a song, for example. Councilor Grant said that she**

would be open to extending the permit hours to midnight on the weekends, in order to support the business.

- **Councilor Shannon noted that the Council suspended Orlando's outdoor entertainment permit for two weeks due to violations. She said that Orlando's should work to establish a good track record prior to extending hours.**

MOTION TO AMEND by Councilor Grant, SECOND by Councilor Traverse, to extend Orlando's Outdoor Entertainment Permit hours to 12:00 AM on Friday and Saturday nights.

DISCUSSION OF AMENDMENT:

- **Councilor Traverse said that he had voted in favor of the suspension at City Council because the Applicant clearly violated the terms of their outdoor entertainment permit as it stood. He said that he is sympathetic to the fact that Orlando's permit ends earlier than other permits in the area, and would like to extend it to midnight, with the understanding that all outdoor entertainment would cease by midnight.**
- **Councilor Shannon said that expanding the hours for an establishment that has blatantly violated the City's rules isn't appropriate, and will be concerning to the adjacent residents on Pine Street.**

VOTING ON AMENDMENT: 2-1 (Councilor Shannon dissenting).

DISCUSSION ON RESOLUTION AS AMENDED:

- **Councilor Traverse noted that one of the standard conditions for approval of an entertainment permit is that the permittee is not exempt from noise ordinances (after 10:00 PM on weekdays and after 11:00 PM on weekends), so those would still be applicable.**

VOTING ON RESOLUTION AS AMENDED: 2-1 (Councilor Shannon dissenting).

4.08 Tobacco License Application and Tobacco Substitute Endorsement License Application (2023-2024): The Herb Closet

MOTION by Councilor Traverse, SECOND by Councilor Grant, to approve the 2023-2024 Tobacco License Application and Tobacco Substitute Endorsement License Application for The Herb Closet.

VOTING: unanimous; motion carries.

0. ## OTHER BUSINESS

5.01 Verbal Comments

The License Committee discussed their upcoming schedule. They also continued discussing cannabis regulation and what the City's zoning authority is with respect to a number of the components of that regulation (such as signage and advertisement).

0. ## ADJOURNMENT

6.01 Motion to adjourn

Meeting adjourned at 7:32 PM.