



Local Control Sub-committee Meeting - Tuesday, December 15, 2015 - 4:45 pm - Conference Room 12, City Hall 12/15/2015

Local Control Sub-committee Meeting - Tuesday, December 15, 2015 - 4:45 pm - Conference Room 12, City Hall (Tuesday, December 15, 2015)

Generated by Ashley Bryce on Friday, December 18, 2015

Members present

Adam Roof, Tom Ayres, Max Tracy

Meeting called to order at 4:45 PM

1. Agenda

Action, Procedural: 1.01 Motion to amend/adopt agenda as follows: Pingala Cafe & Eatery Applications are now 3.01 and 3.02

motion to amend/adopt agenda as follows: Pingala Cafe & Eatery Applications are now 3.01 and 3.02

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy

2. Consent Agenda

Action (Consent), Procedural: 2.01 motion to adopt agenda taking actions as indicated

Resolution: motion to amend/adopt agenda taking actions as indicated

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy

Action (Consent), Communication, Information: 2.02 Communication: C/T Office, re: Catering Log

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking actions as indicated



**Local Control Sub-committee Meeting - Tuesday, December 15,
2015 - 4:45 pm - Conference Room 12, City Hall
12/15/2015**

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy

Action (Consent), Communication: 2.03 Communication: State of Vermont Liquor Control Board, re: Burlington Country Club Settlement Agreement

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy

Action (Consent), Communication: 2.04 Communication: DLC, re: Zero Gravity-License suspension, 12/2/15

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy

Action (Consent), Communication: 2.05 Communication: DLC, re: Zero Gravity-License suspension, 12/4/15

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy



Local Control Sub-committee Meeting - Tuesday, December 15, 2015 - 4:45 pm - Conference Room 12, City Hall 12/15/2015

3. Applications: 802 Club & Lounge

Action, Discussion: 3.01 First Class Restaurant/Bar Liquor License Application (2015-2016): 802 Club & Lounge, 191 College Street amend agenda to 4.01 and 4.02

Jordan Handy was there representing 802 Club and Lounge. He stated the club would have local music, 80's, 90's and work with non-profit to do fundraisers. His client had issues running night clubs in the past.

Ayres stated its prevue of this committee's recommendation to city council for approval. He explained what this meeting does and that it would have to go to City Council for full approval.

Ayres asked what they envisioned of the bar and how many nights?

Handy responded they would be open Wednesday through Sunday and maybe some special events on other nights. They will be running until 2 a.m. and want to provide a similar outlet like Nectar's for local artist. An environment from big level but provide outlets for local talent.

Ayres inquired about the media attention from the closure of the Venue Night Clubs in South Burlington and Colchester. When they closed the Venue last year Mr. Couture wanted to talk to media of this. He wanted to discuss the reasons for the allegations of repeated fights and overcrowding.

Handy responded that Mr. Couture had only two citations; one from stabbing out in the parking lot. He stated this was very difficult for a business to control patrons that leave the business, takes a weapon from their own vehicle and harm another. Those type of situations are difficult to handle. In the past they have made mistakes on how to handle and now are making necessary corrections. Handy also compared Zen Lounge as an example. 802 Club are going to increase their staff, as ordinance stated they need 1 for every 100 patrons, they will be having 1 for every 75. The staff will have extra training other than the DLC training. They will have private trained staff and security. They have hired a professional club manager with 18 years of club experience, to help manage the nightclub. He understands the proper way to handle a night club. They are working on ways on how to respond to different situation. They have learned from their mistakes at the Venue. They don't want to make the same mistakes.

Ayres inquired then about the number of instances of extreme overcrowding at the Venus in South Burlington, how do they account for that?

Handy responded there were two specific incidents. It was believed to be a miscommunication between staff and a misunderstanding. Fire Department and Zoning Department had a different count. They will have multiple staff counting now.

Ayres asked how they arrived at the estimate capacity of 375 plus patrons with the absence of fire marshals and police.

Handy stated based on private outlay of property, provided to the fire department.

Olberg asked if it was fire or building inspector.

Handy responded they would like to take some time to get back to the board on this, so they give a correct answer.

Ayres requested they talked to the police and fire to figure this out.

Roof requested them to clarify their schedule of operation. Asked if their intention was to not to operate seven days a week?

Handy responded that operations will be mainly Wednesday through Sunday, if they are able to get a big name musician, they would like the flexibility to open Monday or Tuesday.

Roof inquired again about the overcapacity piece, he wanted an explanation on the miscommunication or misunderstanding.

Handy explained that the management at the time had difficulties communicating to their staff. They want to make sure these mistakes don't happen again. He stated it was hard to explain how this miscommunication occurred. They will now increase staff on nights they intend to have larger amount of attendants and hire additional security to stay on top of this issue.

Roof questioned the incident with the police, when police are called, how important for client to use police or resources. When police are called, it is an indicator that this some sort of responsibility from the bar.



Local Control Sub-committee Meeting - Tuesday, December 15, 2015 - 4:45 pm - Conference Room 12, City Hall 12/15/2015

Handy stated in the past they made mistakes with their relationship with City Council and Police. They will allow them to patrol and allow them to patrol through property. If matters come up they will make sure they call the police to come control this.

Roof asked how they will manage the underage drinking.

Handy explained they are offering one night a week for under 21, the staff will do recommended training through the state. He stated they can only do so much with technology that is available. Their first concern is complying with City and State Laws.

Tracy inquired about how they planned to work with neighbors and the impact this will have on them. How will they keep people under control, noise not a problem and sidewalks open?

Handy tried to address this the best he could. He said they would increase staff, anticipate more with patrons they will increase more. They will have better control over this business then last time. Downtown has residential area but also big for entertainment.

Tracy inquired about public communications, do they have any examples of ways they helped issues and concerns from South Burlington.

Handy did not have an answer for this but complaints will be able to be made on their website and facebook. HE stated it is hard to satisfy all but they will try their best to balance the ability to respect the neighbors.

Tracy asked if they had a noise disturbance. Also how they would the communication work if they had complaints?

Couture responded basically in first six months being open in South Burlington, there were supposed to go back in front of City Council but they were never asked to go back in until two months before closing. For 18 months there was no meeting because they had no concerns.

Tracy inquired about closing time, how they will manage this as most cops are on corner of Church and Main. This will be challenging for the police.

Handy responded if there are enough trained staff members they should be able keep it controlled. They have a significant amount invested into this and they want to provide the best for the city. Couture has had 7 previous businesses in 16 years and most been very accomplishing. He has taken steps to not have same problem as Venue.

Tracy asked more specifically on when its 2:00, you're at capacity, side walk is wider but pretty narrow how you operationally get people out.

Handy responded he could not speak directly as it might take some time to know the best way. Most people don't seem to congregate outside the building but they will have well trained staff to handle patrons. This will be something that will have to be approached after it occurs.

Tracy inquired about the training.

Handy responded the staff will have original training from state. They will provide staff with private training for bouncers, also Green Mountain Concert Service will give private training.

Tracy asked about the issues with events and the character of the events.

Handy explained they wanted events similar to Nectar's, show of talents from local community but provide larger names. No phone parties or chip and dales, no raves, and only have 80-90's music, mainly bands.

Tracy stated he had a former employee contact him stating that they had not been paid.

Handy stated he did not know how to defend this concern without details, they have changed management style, hired professional manager from outside to help run this business. They are trying to learn from their mistakes and show the community they have more.

Roof asked Mr. Couture how often he plans on being at the club.

Handy responded every night.

Roof inquired about the alley ways, how they will be used.

Couture explained the entrance is off Church Street Marketplace. Like Red Square they open it up to fun entertainment. They would have some entertainment, maybe Friday and Saturday nights. Maybe projection screens on wall of snowboarding and skiing graphics.

Roof stated alley ways don't always have much public access, asked if they were planning on closing down access.

Handy explained that would come to legal right away, insurance liability. They would need to look into this before



Local Control Sub-committee Meeting - Tuesday, December 15, 2015 - 4:45 pm - Conference Room 12, City Hall 12/15/2015

answering.

Couture jumped in said it is fire lane so it cannot be closed.

Roof inquired about the trash and disposal, as clubs do have a lot of this.

Handy stated they are trying to have less impact on the environment and do more recycling.

Ayres asked about the two citations, if the board could have more detail.

Handy believed there was a fight altercation that he could not speak of but Matt will speak later.

Ayres asked if they listened to neighbors and communicated effectively to the neighbors. Have they reached out to neighbors prior to filing their application or the police?

Couture replied they have not reached out to the police. He stated they haven't done much until they knew if they could get approved for a liquor license. Only reached out to Matt Gonyo.

Ayres inquired about the present status, fire marshal or permitting process that needs be completed before actions can be taken and the timeline of building.

Handy replied it's owned by Handy's, completion is April time frame but most likely be after that.

Ayres questioned to whom the potential manager is and what his qualifications are.

Brandon Barbareau responded he had been in the music industry, Titan Music Management in Switzerland. He was brought into this deal from a previous experience in Venue. He is looking for good management team to take over. He has his own team do a background check on Mr. Couture. He thinks it's best to work in the State of Vermont. Currently in Shelburne and interested in working in this market.

Ayres asked Gonyo to come up and answer questions about previous situations.

Matt Gonyo is an investigator with Vermont DLC. He started by stating The Venue, Colchester location had 5 violations. Their license was issued December 2010.

- 3/21/11 General Regulation #16

- 4/19/11 General Regulation #16 and 17a

- 6/12/11 Selling to Minor

- 6/20/11 General Regulation #13

- 11/16/11 General Regulation #16

Surrendered license 10/25/13

Venue in South Burlington:

- 3/5/14 General Regulation #17

- 3/12/14 General Regulation #36 Brawl Disturbances

- 12/4/14 General Regulation #3d Training Issue

- 4/15/15 Conditions set on license from City of South Burlington

Surrendered 11/17/15

Roof asked if this was an acceptable amount in a period of time, as in average.

Gonyo responded it is standard for these places, it's not outside of the norm.

Tracy responded compared to Burlington specifically.

Gonyo stated restaurants or stores do not get much attention as they don't have many customers. Lot of the infractions or concerns are focused on certain locations.

Roof asked if DLC goes to certain places with concerns.

Gonyo said based on history this particular management and license being considered. Recommendation is put a 6 month review over period of time to review license.

Ayres introduced Officer Paul Glynn and asked him to give brief introduction and what he thinks.

Glynn stated he has worked for BPD for 25 years in downtown area. He is district commander, his responsibilities are dealing with issues during the day and night time down town. Only referenced issues with capacity history. Fracture of relationship with South Burlington, because of miscommunication and misunderstanding rules. Rules are simple. Over consumption, overcrowding and bouncers refusing to let police in to do inspection. Such a poor track record to require more stipulations. He would not like to see the City make a mistake. Adding 375 intoxicated patrons, huge capacity issues. Based on names of acts which could be reoccurring, how will they be able to control people outside the establishment.



Local Control Sub-committee Meeting - Tuesday, December 15, 2015 - 4:45 pm - Conference Room 12, City Hall 12/15/2015

From what he had heard, Mr. Couture had let people come back in there were kicked out because they were big spenders. Altercation of stabbing occurred first inside then pushed outside. Based on what he had read, heard and was told this is going to be problem. He stated this is not a small bar it is a big thing. He would caution moving forward.

Couture responded those were valid points from his standing point and concern. In the alley way he asked Officer Glynn how could they make the situation better and keep patrons safe. He stated he would shift his staff to the alley and direct traffic out to Main Street. Compliance problems. What could they as a night club better their relationship with BPD and to regulate; to not let it get out of control.

Glynn stated it's the number of people that the club wanted to add to the mix.

Tracy requested that there is to be a meeting between manager, owner, fire, police and DLC.

Open to public for questions or statements:

Kara Alnasrawi; 198 College Street, Boutique. She exclaimed she doesn't know about adding this character to this area. She has an establishment, she locally owns small business, and they close early and its quiet street. She questioned the location, it is in the midst of dining and shopping district. One staff member for every 75 patrons. She has a huge glass window in front of the store. Her store is everything, she wondered if customers will still go since the bar next door will be opening at 1 and she doesn't close until 7.

Sarah Giannoni; Ward 3 Counselor is concerned about comparison to Red Square in representing down town area, it's extremely noisy. She asked what is acceptable and how have they done outreach and get feedback from neighbors.

Marian Fritz; Landlord in Burlington stated she is owner of 12 buildings downtown of which three are across from this establishment. As land lord, it is increasingly difficult to put people into these apartments. Courtesy on both sides to make this work. This location is different than the previous business Venue. Colchester and South Burlington were not so close to neighbors. She believed this will not be a different concern then the issues they had with Venue. She has 50 apartments on this block and she will lose tenants with this outdoor stuff going on. She is concerned with many patrons coming out on Church Street and going through her owned parking lot. Volume of noise now tenants can't sleep and adding 375 will make this harder. She recommended saying no.

Joe Keenan; Assistant Fire Marshal stated as for inspections and occupancy he had not seen an area for the size of this capacity. Building itself has the fire protections required. It may need upgrade for this capacity. To put that type of occupants in this building there is a lot of steps he stated.

Karen Drabkin – 198 College Street stated she will move out, she been living in the building for more than 8 years. As a young professional living downtown she cringed after hearing another club opening.

Ayres stated they needed more answers and detailed answers from Matt on what the specific violations are. He strongly suggested reaching out to neighbors, police, fire and DLC before bringing issue back to this committee. No communication before now. Serious expressions of concerns with police, fire and neighbors. A place needs to be put in place.

Motion to Deny

Motion by Max Tracy, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Max Tracy

Nay: Adam Roof

Action, Discussion: 3.02 Outside Consumption Permit Application (2015-2016): 802 Club & Lounge, 191 College Street



Local Control Sub-committee Meeting - Tuesday, December 15, 2015 - 4:45 pm - Conference Room 12, City Hall 12/15/2015

4. Applications: Pingala Cafe & Bakery

Action, Discussion: 4.01 First Class Restaurant/Bar Liquor License Application (2015-2016): Pingala Cafe & Bakery, 1 Mill Street, Suite 138

Trevor Sullivan, owner present.

approve 2015-2016 1st Class Restaurant/Bar Liquor License Application for Pingala Cafe & Bakery with all standard conditions

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy

Action, Discussion: 4.02 Outside Consumption Permit Application (2015-2016): Pingala Cafe & Bakery, 1 Mill Street, Suite 138

Suspend rules at 4:55 p.m. Commissioners Roof and Tracy

approve 2015-2016 Outside Consumption Permit Application for Pingala Cafe & Bakery

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy

5. Adjournment

Action, Procedural: 5.01 Motion to adjourn
motion to adjourn at 6:15 p.m.

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy