



City Council License Committee Meeting, Wednesday, November 4, 2020, 4:30 pm ****VIRTUAL MEETING **** **11/4/2020**

DRAFT MINUTES

City Council License Committee Meeting

****VIRTUAL MEETING ****

Wednesday, November 4, 2020 4:30 pm

Please click the link below to join the webinar:

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****If you would like to speak at Public Forum, please email lolberg@burlingtonvt.gov prior to the start of the meeting****

Generated by Holli Bushnell on November 6, 2020

Members present

Jack Hanson, Jane Stromberg, Chip Mason

Others present: Lori Olberg, Joy Hovestadt, Holli Bushnell, Matt Paradise, Sean Beauvais, Brandon Mossman, Matt Doliver

Meeting called to order at 4:33pm

1. Agenda

Action, Procedural: 1.01 Motion to amend/adopt agenda

motion to amend/adopt agenda as follows: no additional written material for agenda item 4.01 per Assistant City Attorney Hovestadt

Motion by Jane Stromberg, second by Jack Hanson

Final Resolution: Motion Carries

Yea: Jack Hanson, Jane Stromberg



City Council License Committee Meeting, Wednesday, November 4, 2020, 4:30 pm ****VIRTUAL MEETING **** **11/4/2020**

2. Public Comment (verbal)

Action, Procedural: 2.01 Public Comment (verbal) Public forum was opened at 4:34pm

As no one wished to speak, public forum was closed at 4:36pm

3. Consent Agenda

Action (Consent), Procedural 3.01 motion to adopt the consent agenda and take the actions indicated

Action (Consent) Communication, Information 3.02 Communication: BPD, re: Halloween Bike Ride, Sunday, October 25, 2020, 2pm-3pm. Recommended Action: waive the reading, accept the communication and place it on file.

Motion by Jane Stromberg, second by Jack Hanson

Final Resolution: Motion Carries

Yea: Jack Hanson, Chip Mason, Jane Stromberg

4. Deliberative Agenda

4.01 Hearing Regarding Outdoor Entertainment Permit for Orlando's Bar and Lounge

Action, Public Hearing

Assistant City Attorney Hovestadt instructed the committee on the purpose of the hearing – to determine whether the outdoor entertainment permit for Orlando's should be suspended or revoked pursuant to Burlington Code of Ordinances 19-18. She will remain present to provide any necessary legal advice. The hearing will begin with any additional statements from the public followed by statements from Orlando's and any witnesses. Throughout the hearing both committee members and Orlando's will be allowed to ask questions. Hovestadt requested that Councilor Hanson swear in witnesses and he agreed to do so. At the conclusion of the hearing the committee will deliberate in private and then issue a written decision.

Councilor Mason asked Hovestadt to detail the actions the committee could take. Hovestadt explained that the committee could chose to do nothing or make a recommendation to the full council to either suspend or revoke the permit. She provided the committee with a list of reasons to suspend or revoke the entertainment permit – violation of any ordinance



City Council License Committee Meeting, Wednesday, November 4, 2020, 4:30 pm **VIRTUAL MEETING ** 11/4/2020

or law, violation of the condition of the permit, material misrepresentation or failure to disclose material information in their application, or if the operation of the premise has become the proximate cause of an increase of disturbance on the premise or in the immediate vicinity of the premise. Councilor Hanson opened the floor to anyone who wished to speak.

Holli Bushnell reiterated that the volume of music at Orlando's Bar and Lounge continues to be extremely loud and disruptive to residents in the area. She also informed the committee that on 42 occasions over the course of 71 days (from the first sworn complaint on 8/4 until the second sworn complaint on 10/14) Orlando's ceased their music after 11pm as stipulated in their entertainment permit. She also detailed instances of graffiti, destruction of property, and public urination.

Mason asked if Bushnell could provide the committee with the late closures. Bushnell emailed these dates and times to Hovestadt who provided them to the committee.

Owners Sean Beauvais and Brandon Mossman called Matt Doliver, musician and sound technician employed by Orlando's, as their witness, he was sworn in by Hanson. Doliver detailed his own credentials and explained the importance of places to play, work, and make money during Covid-19. He stated that in his performances at Orlando's they have always ended at 11pm and has used a decibel reader to monitor sound (keeping the volume around 80 decibels). He affirmed that Orlando's is doing everything in their power to keep the sound level low and to end on time, stating that when he handles the sound he monitors the volume constantly. He also mentioned that he has been working with Mossman to design a sound panel board to block the sound from the alleyway. Doliver stated that this sound panel is an extensive and expensive endeavor, but they are willing to make the investment so they can hold outdoor performances next year.

Beauvais himself was sworn in and made a statement that since the first sworn complaint he's done everything in his power to improve the situation. He's done research to make check the zoning of his establishment and make sure he's complying with city sound guidelines. He has also purchased a decibel reader to insure the volume never exceeds the maximum of 80 decibels. Due to cost and the uncertainty of the pandemic he chose not to invest in sound dampening equipment. He stated that he would be willing to invest in sound dampening equipment if he had assurances that his outdoor entertainment permit would approved next year.

Brandon Mossman stated that this weekend will likely be the last weekend they are able to hold outdoor entertainment. He also stated that they plan to work on the design for sound dampening over the winter, but that they don't want to spend the money to develop something unless they are certain they'll be able to re-open.

Mason asked if there would be any impediment to assigning an earlier stop time, from 11pm to 10:30pm. Beauvais stated that 8 to 11 is an industry standard timeframe. Hanson asked if the music had extended beyond 11pm since obtaining the outdoor entertainment permit. Beauvais stated that there may have been nominal later stoppage times (within 5 to 10 minutes of 11pm), but since the second complaint he has tried to be diligent in stopping on time.



City Council License Committee Meeting, Wednesday, November 4, 2020, 4:30 pm **VIRTUAL MEETING****** **11/4/2020**

The committee chose to deliberate in executive session following the Local Control Subcommittee meeting. A written recommendation will be issued on Thursday, 11/5/2020 and the recommendation will go before the full City Council on 11/9/2020.

5. Other Business

There was no other business at this time.

6. Adjournment

Action, Procedural: 6.01 Motion to adjourn

Motion to adjourn at 5:25pm

Motion by Jane Stromberg, second by Chip Mason.

Final Resolution: Motion Carries

Yea: Jack Hanson, Chip Mason, Jane Stromberg