Local Control Commission Meeting - Monday, October 29, 2018, 7:00 pm, Contois Auditorium, City Hall 10/29/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

LOCAL CONTROL COMMISSION

MINUTES OF MEETING

October 29, 2018

MEMBERS PRESENT: Kurt Wright (Council President) – Ward 4

Jane Knodell – Central District

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Justin St. James, Assistant City Attorney

Jordan Redell, Mayor's Office

Olivia LaVecchia, Mayor's Office

Lori Olberg, C/T

Amy Bovee, C/T

Neale Lunderville, CEDO

Chapin Spencer, DPW

John Vickery, City Assessor

OTHERS PRESENT: Norm Fischer

Paul Dame

Charlie Baker

Andy Montroll

1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting of the Local Control Commission to order at 7:15 PM on October 29, 2018.

1.01 Agenda

MOTION by Councilor Deane, SECOND by Councilor Roof, to approve the agenda as presented. VOTING: unanimous; motion carried.

2.0 CONSENT AGENDA

2.01 Amend/Adopt Agenda and Take Action as Indicated

2.02 Expand Liquor License (2018-2019), Queen City Brewery, 703B Pine Street

2.03 Expand Outside Consumption Permit (one day), Halvorson's, 11/3/18

MOTION by Councilor Deane, SECOND by Councilor Roof, to adopt the consent agenda (Items 2.01, 2.02, 2.03) and take the actions indicated. VOTING: unanimous; motion carried.

3.0 DELIBERATIVE AGENDA

3.01 First Class Restaurant/Bar Liquor License Application (2018-2019): BDM Enterprises, LLC, d/b/a/Orlando's Bar & Lounge, One Lawson Lane, Suite #10

MOTION by Councilor Deane, SECOND by Councilor Roof, to approve the First Class Restaurant/Bar Liquor License Application (2018-2019) for BDM Enterprises, LLC, d/b/a Orlando's Bar & Lounge, with the following conditions:

- **All city permits must be closed out**
- **Contingent upon Fire Marshall approval**
- **With all standard conditions**
- **No partner on the license shall be convicted of a misdemeanor or felony criminal charge, and if any partner on the license is convicted of a misdemeanor or felony criminal charge BDM Enterprises, LLC, d/b/a Orlando's Bar & Lounge, shall be subject to an immediate suspension/revocation hearing before the Local Control subcommittee, and further if any partner on the license receives a misdemeanor or felony criminal charge BDM Enterprises must disclose the criminal charge to the Local Control subcommittee within 14 days of the charge.**
- **The conditions of approval apply to the First Class Restaurant/Bar Liquor License Application, Outside Consumption Permit Application, and the Indoor Entertainment Permit Application.**

DISCUSSION:

- **Councilor Deane explained the discussion with the applicant on past offenses and future plans. The restrictions on the license were explained. The liquor license will be up for renewal in April, 2019.**
- **Councilor Bushor asked for clarification that the stipulation on convictions applies to any new partners. Councilor Deane said the intent is no further offenses. The City Attorney's Office drafted the condition.**
- **Councilor Pine said people deserve a second chance, but there is no guaranteed right that a permit will be granted. A permit is a privilege and the city needs to protect the people.**

VOTING: unanimous; motion carried.

3.02 Outside Consumption Permit Application (2018-2019): BDM Enterprises, LLC, d/b/a Orlando's Bar & Lounge, One Lawson Lane, Suite #10

MOTION by Councilor Deane, SECOND by Councilor Roof, to approve the Outdoor Consumption Permit Application (2018-2019) for BDM Enterprises, LLC, d/b/a Orlando's Bar & Lounge, with the following conditions:

- **All city permits must be closed out**
- **Contingent upon Fire Marshall approval**
- **With all standard conditions**
- **No partner on the license shall be convicted of a misdemeanor or felony criminal charge, and if any partner on the license is convicted of a misdemeanor or felony criminal charge BDM Enterprises, LLC, d/b/a Orlando's Bar & Lounge, shall be subject to an immediate suspension/revocation hearing before the Local Control subcommittee, and further if any partner on the license receives a misdemeanor or felony criminal charge BDM Enterprises must disclose the criminal charge to the Local Control subcommittee within 14 days of the charge.**
- **The conditions of approval apply to the First Class Restaurant/Bar Liquor License Application, Outside Consumption Permit Application, and the Indoor Entertainment Permit Application.**

DISCUSSION:

- **Councilor Knodell noted the time period for the outside consumption is 4 PM to 2 AM. Councilor Deane said the time period is typical for the area and consistent with the adjacent businesses.**
- **Councilor Dieng asked if the applicant needs to reapply for a permit if there is a change in partners. Councilor Deane said the Local Control Commission needs to be notified of any changes. This information is understood by the applicant and is part of the permit application.**

VOTING: unanimous; motion carried.

4.0 ADJOURNMENT

MOTION by Councilor Deane, SECOND by Councilor Roof, to adjourn the meeting. VOTING: unanimous; motion carried.

The Local Control Commission meeting was adjourned at 7:30 PM.

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