



City Council License Committee Meeting, Tuesday, September 29, 2020, 5:30 pm VIRTUAL MEETING **If you would like to speak at Public Forum, please email lolberg@burlingtonvt.gov prior to the start of the meeting**

DRAFT MINUTES

Tuesday, September 29, 2020

Licensing Sub-committee Meeting,

Local Control Sub-committee Meeting, Tuesday, August 4, 2020, 6:00 pm.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86869134715>

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Minutes generated by Holli Bushnell on October 2, 2020

Members present

Jack Hanson, Jane Stromberg, Chip Mason

Others present: Lori Olberg, Joy Hovestadt, Amy Bovee, Jay Fisher, Blayne Patterson, Sam Watson, Jay Fisher, Norm Baldwin, Caleb Manna, Jennifer Jorgenson, Katy, Thea Lewis, Sarah Guth.

Meeting called to order at 5:41 pm

1. Agenda

Action, Procedural: 1.01 motion to amend/adopt agenda:

Motion by Jane Stromberg. Second Chip Mason

Final Resolution: Motion Carries

Yea: Jack Hanson, Jane Stromberg, Chip Mason

2. Public Comment (verbal)

Action, Procedural: 2.01 Public Comment (verbal)



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Moved to follow consent agenda

3. Consent Agenda

Action (Consent), Procedural: 3.01 Motion to amend/adopt agenda taking the actions as indicated

motion to amend/adopt agenda taking the actions as indicated: Hearing Regarding Appeal of Address Change for 161 Austin Drive, Unit 15 **AGENDA ITEM REMOVED**

Action (Consent): Communication: 3.02 Caleb Manna, Excavation Inspector, DPW, re: Champlain Parkway Skate park - Encumbrance Application

Action (Consent): Procedural: 3.03 Motion to remove from the agenda Sworn Complaint Regarding Orlando's Bar and Lounge (15 mins.) **AGENDA ITEM REMOVED**

Motion by Jane Stromberg, second by Chip Mason

Final Resolution: Motion Carries

Yea: Jack Hanson, Jane Stromberg, Chip Mason

Public Forum:

Jay Fisher – neighbor to skate park build. Expressed frustration that park has not been put through permitting process and has caused issues with surrounding businesses. Feels the area is inappropriate for a skate park. There have been a tremendous amount of issues in that area with activities around the skate park.

Sam Watson asked if his testimonial had been provided to the committee. It has.

4. Other Business

Discussion of Champlain Parkway Skate Park





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Norm Baldwin provided the committee with a report on activities and unpermitted building at skate park. He spoke with individuals present and informed them that they needed to cease any building projects and remove building materials. He reports that there is other activity in the area that may be contributing to issues. There are many risks associated with the location as well as a general issue with building without following procedure. Baldwin does not support the permit moving forward, specifically due to the fact that there is no insurance policy held by the skateboarding community.

Caleb Manna informed the committee that use of the space has been extremely limited in the past and that recently no one has been approved to do so.

Sam Watson, one of the petitioner, thanked Norm and Caleb for their support during this process. He acknowledged that the quarter pipes are the most ambitious projects built to date. The area was authorized as a skateboarding space back in the 1990s, but that authorization has lapsed. The skating infrastructure has been expanded over time, and that expansion has been done without permits. They are not trying to shut the parkway project down. The city of Burlington has not taken action in that area over the last 20 years which has encouraged skaters to continue using the space. Watson also commented that he feels skaters have helped to prevent negative activity in the area rather than cause the issues depicted by Norm.

Hanson asked if the skaters were hoping to just have the existing infrastructure to remain or if they're looking to continue development. Watson confirmed that they are not looking to develop further, they simply wish to remain there – to exist until the highway projects resumes.

Jennifer Jorgenson reports that there is noise but it hasn't been problematic or something she felt the need to complain about in the past, but this summer things changed. It's no longer safe and clean in the park. There's broken glass, excrement, and tons of refuse, and they have experienced trespassing, and theft. The space is not regulated and there are people who are not being good stewards of the space.

Sarah Guth lives nearby and uses space. She appreciates the work that the skateboarders have done and wonders if there's a way the community can support the work they're doing.

Katy lives on South Crest Dr, echoes what Jennifer and Jay said earlier. Has happily co-existed with skateboarders for 10 years, but this summer things became problematic. Hasn't been able to use the area because it's covered in glass. Went through her own zoning process this summer and was happy to do so, but is frustrated that the people building in the skate park skipped that whole process. Is very uncomfortable with contaminated soil being spread around the lot.

Thea Lewis lives on Home Ave and has talked with both Blayne Patterson and Sam many times. Has been using the space since 2003 and has never had an issue with the skateboarders. In the last 18 months things have changed. Some of the



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skateboarders have been able to control themselves and be responsible users of the space, but others have not and have caused many issues. Doesn't use the space as much as she used to due to risks from refuse. Wants to make sure that the space is regulated so objectionable behavior disappears.

Norm Baldwin responded to Katy's concern about soil issues. The barrier between topsoil and contaminated soil was breached but DPW was able to contain it.

Mason responded that regardless of past practice, the use has now been identified and the city attorney reports that there must be an insurance policy naming the city as an additional insured. If there is no insurance policy there is no way to make the space viable.

Hanson asked what the options are moving forward. Baldwin returned that there must be an insurance policy or the city is liable for anything that happens there. Under other circumstances they would be able to provide limitations and guidelines, but they can't consider the request without an insurance policy. Hovestadt added that for the city to move forward they would need to apply design standards to structures to protect the city's liability. Mason reiterated that without the insurance it is not possible to move forward.

Blayne Patterson added that he has started his own skate park building company and is in the process of getting insurance. This project was a community venture funded and worked on by volunteers, but moving forward they will have insurance. Hanson commented that the item could be revisited once insurance has been acquired but without insurance it cannot be approved at this time. Mason returned that the space cannot remain in its current state without insurance. The committee needs to make a decision and refer it to the full council.

Baldwin reiterated that the city is liable for any issues that may come up at the skate park. If the committee does not approve the proposal the items in the park must be removed by DPW.

Stromberg asked if the city might be able to store some of the materials for the skate park so that Watson and Patterson may be able to come back with a new proposal and insurance in the future. Baldwin returned that the items need to be removed because they're physically built into the roadway.

Hanson asked if the city is liable for injuries that occurred on all the other structures on the site or if the quarter pipes are the only issue. Baldwin was unsure if there had been previous approval for the structures on the site. He was certain, however, that the quarter pipes are not permitted or approved. In years past people have allowed structures to be built there without process. What's there is there, but what is happening today needs to be addressed.

Caleb Manna commented that the city is happy to engage in future conversations involving unused right-of-way space, but



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they are currently bound by the limits of the application that was submitted.

Mason moved to deny permit application based on applicants inability to meet insurance requirements

Motion by Chip Mason, second by Jane Stromberg

Final Result: Motion carries

Mason expressed concern about who will take responsibility for the site if the permit is denied. Hovestadt commented that DPW's lawyer is aware of the situation. Baldwin returned that it should be DPW who removes the structures.

Mason moved to amend his motion to indicate that DPW takes responsibility for the lot and the removal of structures.

Motion by Chip Mason, second by Jane Stromberg

Hanson asked if there was a way to return the materials. Baldwin returned that it is a poured concrete structure, a one time use material, and that it cannot be returned

Final Result: Motion carries

Hanson expressed concern that other issues beyond skateboarders and built structures have not been addressed. He asked what the next steps should be. Baldwin commented that there is a procedure in place to manage homeless encampments that the city can implement. Additionally, DPW expects that there will be dumping on the site. There is only so much DPW can do to maintain it. If the city invests in other uses on the site it diminishes the goals of the parkway project which is the city's priority. Hovestadt commented that the ongoing issues might be a more appropriate subject for the public safety committee. Watson commented that it might be appropriate to include BPRW in the conversation.

Baldwin explained that the city has partnered with the state of Vermont to purchase this land as part of a highway project. Nothing can be built or developed on that land without having a conversation with the city's partners. Hovestadt commented that the committee can recommend that public safety committee examines the care and use of the space.

Mason moved to amend his motion to refer the public safety concerns present at "contract 1" for further investigation.

Motion by Chip Mason, second by Jane Stromberg

Final Result: Motion carries





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Vote on original movement as amended

Final Result: Motion carries

Yea: Jack Hanson, Chip Mason, Jane Stromberg

Recommendation will be on full council agenda for 10/5/2020.

6. Adjournment

Action, Procedural: 6.01 Motion to adjourn

Motion to adjourn at 7:06 pm

Motion by Chip Mason, second by Jane Stromberg.

Final Resolution: Motion Carries

Yea: Jack Hanson, Chip Mason, Jane Stromberg