



City Council License Committee Meeting - Wednesday, September 16, 2015 - begins after the Local Control Subcommittee Meeting adjourns - Contois Auditorium, City Hall 9/16/2015

Chair Ayres opened the City Council License Committee Meeting at 4:14 pm.

Present: Councilor Adam Roof, Lori Olberg, Staffperson; Gregg Meyer, Assistant City Attorney; Councilor Tracy arrived at 4:23 pm; Gene Bergman, Senior Assistant City Attorney; Ron Gore, DPW; Erik Hoekstra, Redstone; Natalie Miller and Nathan Hartswick, Vermont Comedy Club; Dominic Metcalfe, Vermont Distillers; Lou Dimasi, Oktoberfest.

Councilor Roof made a motion to introduce amendment to agenda to remove 4.02 Zero Gravity's Indoor Entertainment Permit Application and supplement with a one day special event permit application: Saturday, October 31, 2015, 5:00 pm – 11:00 pm, second made by Chair Ayres.

Chair Ayres opened Public Forum at 4:18 pm:

*Bill Keogh, 21 Alder Lane: neighbors come and go peacefully. This application states that indoor entertainment would be up to midnight 7 days a week. Now application for only Halloween, Zero Gravity was miss step and totally intolerable. We are here to protect the quietness of our neighborhood.

*Barbara Collins ran into owner of building, Jim Lampman of Zero Gravity ran into him at Art Hop, tried to have discussion about the application. They have never gone to him about applying for this, he is totally against it. This issue is not going to go away. It is not personal against them. Quiet time is essential to people's health. Violating noise ordinance we all established together. Nice summer night, with windows open trying to relax and put kids to sleep. Keep music indoors to entertain only those people not make noise for neighbors.

*Councilor Shannon stated that now on the table is a one day special event permit only. Text Jim Lampman, owner, he does not want to oppose permit. A lot of alarm due to permit to midnight 7 days a week. Zero Gravity does not intend to use that. They have been very cooperative. All they want is one day permit for indoor permit. She is supportive of permit as long as garage doors are closed.

*Ellen Anderson, Linden Terrace no problems with special permits. Problem with Arts Riot it was so loud at 9:00 pm at night, tried to put my daughter to bed and windows were closed and she still could not fall asleep. We need discuss how late we should allow that is reasonable. But it is indoors not outdoors with garage door shut.

*Jim Turnbaugh, Birchcliff Parkway – what a turn out tonight, a lot effort went into a rally. Very difficult for people to come out to these meetings. Transparency of location of events will be. Clearer understanding of details before we can make decision. Now with doors being closed helps.



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*Bob McGowan, neighbors on noise level and what we are trying to establish as a neighborhood. School 300 yards away. Public safety concern of students walking by this area. How is neighborhood supposed to be adapt? Property owner next to Zero Gravity why would you want entertainment that close. Night club entertainment at another destination for night clubbing. How will City police handle that?

*John St. Francis, Cherry Lane, spoke with Code Enforcement. Police input on how they will handle it. Quiet, safe neighborhood filled with lots of children. If they have night entertainment down here people will have to drive. Traffic concern on Halloween with kids trick - treating. People impaired driving down the roads with kids out.

*Matt Wilson, co-Owner Zero Gravity, we have pulled back full entertainment we only want one special event. We do not want to do music events very infrequent special event. We are sorry for the loud noise for the Art Hop we were not trying to be loud with the doors open. On this special event we will have doors closed. We are trying to make traffic less in the neighborhood by posting local traffic signs. Permission from Jim Lampman to use his parking lot to park cars. To cut down on any traffic on that evening.

*Laura Turnbaugh , Birchcliff Parkway: What side of building is the event taking place. I would like some clarity on this. My council woman has not answered this. She is very concerned of traffic on Halloween night. I believe Zero Gravity has been great about working with us.

*Gene Cloutier, an audio engineer for 40 years. People have to realize normal speaking voice is 79 Dbs. What I propose is to do a test with doors closed and get a Db reading. Up it by 10 from regular voice. Set a parameter, if they exceed that then you can go in and tell them they need to turn down.

*Nancy Schwartz, 22 Alder Lane, moved here 18 years ago to come home to quiet neighborhood. Pleased with Zero Gravity. Concern with many children safety on Halloween with this special event. The drinking and driving on that particular night.

Chair Ayres closed the Public Forum at 4:48 pm.

3.01 Councilor Roof made a motion to approve the consent agenda, taking the actions as indicated, second by Councilor Tracy. Motion passed unanimously.

4.01 Councilor Roof made a motion to approve 2015-2016 Indoor Entertainment Permit Application: Vermont Comedy Club, 101 Main Street, second by Councilor Tracy. Following conditions in place: all City permits closed out, Fire Marshal approval and all standard conditions. Types of entertainment: comedian-improv, standup and sketch comedy shows. Hours: Sunday through Tuesday: 6:00 pm – 11:00 pm; Wednesday: 6:00 pm – 12:00 am; Thursday through Saturday: 6:00



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pm – 1:30 am. No dancing, no amplified music. Motion passed unanimously.

4.02 Zero Gravity Special Entertainment Permit Application: Saturday, October 31st, 5 pm-11 pm.

Matt's explanation of event: 2nd page of application of where event will be taking place.

What part of the facility the event will be taking place. Entry through main tap room, bar will be at Birchcliff Parkway side of building. Amend permit to close garage doors, would like to keep both garage doors facing Pine Street be closed. With Art Hop it was in the loading dock with door open, so we are changing set up.

What are expectations of parking. Owner Jim Lampman has allowed parking to occur in the South End Kitchen parking lot.

Can we address the parking issue? Can we stipulate that?

Assistant City Attorney Meyer believed that the Police Department can deal with parking, traffic issues. Committee does not have authority to not let traffic down city streets. The permit applicant can contact and discuss with Police Department how to make it safer.

Can make condition of permit to discuss safety with Police Department?

Entertain motion to amend permit to stipulate that the garage doors or any external doors will remain closed throughout the performance. Further amend the permit to say it will be granted pending discussion on traffic egress and safety issues in the neighborhood with police authority.

Moved by Councilor Roof and seconded by Councilor Tracy. Motion passed unanimously>

4.03 Outdoor Entertainment Permit Application: Oktoberfest, Waterfront Park, 9/24 – 9/27.

Councilor Roof made a motion to approve, second by Councilor Tracy.

Assistant City Attorney Meyer shared that waterfront park typically has permitting done through the Parks and Recreation Department. Making sure they have application through them. Lou Dimasi stated that they have been working closely with them.

4 police on grounds and 2 ambulances.

Newer event, have you talked to people that do Vermont Brewer's festival.

Lou DiMasi, we have reached out to many different festivals, to create something safe.

Motion passed unanimously.



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4.04 License Agreements: 101 Main Street, Armory Patio and Bicycle Rack Project 2015-2025; 101 Main Street, Armory Pavers.

Councilor Roof made a motion to approve, second by Councilor Tracy.

Senior Assistant City Attorney Bergman and Ron Gore on behalf of DPW. Spoke specific to safety. Erik Hoekstra on behalf of the licensee. Draft resolution to go to Council that incorporates that would be this action to the approval. This would go to the Council for October 13th. This basically incorporates the two agreements. Council action is required. Here to deal with any legal stuff. If any questions can come to me. We ask recommend for approval from city council on the 13.

Ron Gore – We been working long time with this project. Pine Street up to Main the side walk area all have been taking into consideration with this proposal. PW is happy with it.

Have you address with any one with disabilities?

Worked many different plans coming down the street. Erik worked with patios and made some smaller.

Erik – This creates bike racks, 1 St Paul, 3 on Main Street to help pro fill our obligation to the DRV. License for a small area of pavers that stick out into the side walk; patio in effort to create right of way.

Chair Ayres appreciates the extension down the street.

Senior Assistant City Attorney Bergman stated that this is a ten (10) year agreement. If we have problems, it gives time for this to work and with the cost.

Motion passed unanimously.

5.01 Verbal Comments: no other business

6.01 On a motion by Councilor Tracy, second by Councilor Roof, the City Council License Committee unanimously adjourned at 5:19 pm.

