



City Council License Committee Meeting, Wednesday, September 8, 2021, begins right after the Local Control Sub-Committee Meeting adjourns ****IN PERSON, Location change: Bushor Conference Room, 1st floor, City Hall NO LONGER HERE:**

DRAFT MINUTES

City Council License Sub-Committee Meeting

****VIRTUAL MEETING ****

Wednesday, September 8, 2021 immediately following Local Control Sub-Committee Meeting

Generated by Holli Bushnell on September 9, 2021

Members present

Chip Mason, Joan Shannon, Jack Hanson (via phone)

Others present: Lori Olberg, Hayley McClenahan, Caleb Manna, Grace Ciffo, Jack Nedde, Meyomesse Ross,

Meeting called to order at 5:05pm

1. Agenda

Action, Procedural: Motion to amend/adopt agenda as follows: add to the consent agenda item 3.08 Communication: BPD, re: Pride Center of Vermont Parade, September 5, 2021, King Street with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 3.09 Communication: BPD, re: Buddy walk for Down Syndrome March, September 26, 2021, Battery Park with the action to "waive the reading, accept the communication and place it on file"

Motion by Joan Shannon, second by Jack Hanson

Final Resolution: Motion Carries

Yea: Jack Hanson, Joan Shannon, Chip Mason

2. Public Comment (verbal)

Action, Procedural: 2.01 Public Comment (verbal) Public forum was opened at 5:06pm. As no one wished to speak the public forum was also closed at 5:06pm.



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3. Consent Agenda

3.01 Action, Procedural: 3. motion to adopt the consent agenda and take the actions as indicated

3.02 Communication: BPD, re: University of Vermont First Year Move-in, August 26 - 27, 2021. Waive the reading, accept the communication and place it on file

3.03 Communication: BPD, re: Block Party, August 28, 2021, Cherry Lane. Waive the reading, accept the communication and place it on file

3.04 Communication: BPD, re: Criterium Bike Race, Monday, September 6, 2021, Various Streets Within Downtown. Waive the reading, accept the communication and place it on file

3.05 Communication: BPD, re: Block Party, September 11, 2021, on the cul-de-sac at the end of Killarney Drive. Waive the reading, accept the communication and place it on file

3.06 Communication: BPD, re: Block Party, September 12, 2021, Locust Terrace, from Locust Street to 142 Locust Terrace. Waive the reading, accept the communication and place it on file

3.07 Communication: BPD, re: Block Party, September 18, 2021, Curtis Avenue, in front of 124 Curtis Avenue. Waive the reading, accept the communication and place it on file

3.08 Communication: BPD, re: Pride Center of Vermont Parade, September 5, 2021, King Street. Waive the reading, accept the communication and place it on file

3.09 Communication: BPD, re: Buddy walk for Down Syndrome March, September 26, 2021, Battery Park. Waive the reading, accept the communication and place it on file

Motion by Joan Shannon, second by Jack Hanson

Final Resolution: Motion Carries

Yea: Jack Hanson, Joan Shannon, Chip Mason





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4. Deliberative Agenda

4.01 Action: Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: Encumbrance Application - State of Vermont Division of Historic Preservation - Historical Marker. Approve and recommend that the City Council approve the Encumbrance Application for State of Vermont Division of Historical Preservation requesting use of the City right-of-way for a historical marker located at 86-90 Archibald Street and authorize the Mayor to execute a License Agreement in substantial conformity with the License Agreement attached—subject to approval by the City Attorney's Office—on behalf of the City of Burlington.

Caleb Manna was present to answer any questions. He explained that this is a standard historic marker and is similar to a marker previously approved by the committee.

Motion by Joan Shannon, second by Jack Hanson

Final Resolution: Motion Carries

Yea: Jack Hanson, Joan Shannon, Chip Mason

4.02 Action: Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: Wright and Morrissey - 79 Pine Street - Construction Barricade Fencing on Pine Street. Approve and recommend that the City Council approve the Encumbrance Application for Wright and Morrissey, requesting use of the City right-of-way for construction fencing located at 77-79 Pine Street and authorize the Mayor to execute a License Agreement in substantial conformity with the License Agreement attached—subject to approval by the City Attorney's Office—on behalf of the City of Burlington

Caleb Manna was present to answer any questions as well as Grace Ciffo and Jack Nedde from Nedde Real Estate. Ciffo explained that Nedde is seeking an encumbrance area for their new construction project at 77-79 Pine St (apartment building). They will pay \$1 per square foot for the area they will be encumbering. The space encumbered will be approximately 1821sqft and it will take up 2 existing general parking spaces and 1 handicap accessible parking space. All three spaces will be inaccessible during encumbered period.

Caleb Manna added that the area of encumbrance will be fenced off and the immediate need of the request is to drive sheet piles into the site and excavate for the future foundation. Meters will be calculated at the maximum daily rate. The length of the encumbrance will last until November of next year, and they don't anticipate impacts to cut through areas although pedestrians will be re-routed across the street.

Councilor Mason for an explanation why the encumbrance is needed. Manna explained that for worker and public safety they need to have a buffer zone to install the sheet piles safely. This is the necessary amount of space required to build the building that's been approved.



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Councilor Hanson asked if there will be signage to indicate that the cut-through is still available? Ciffo confirmed that the area is further south than the cut through to Cherry Street. This will not impact anything but cut-throughs to their own property.

Motion by Joan Shannon, second by Jack Hanson

Final Resolution: Motion Carries

Yea: Jack Hanson, Joan Shannon, Chip Mason

4.03 Peddler License Renewal: Fast Food Good Food

Meyomesse Ross was present to answer any questions. Councilor Shannon reviewed Ross's history of repeatedly setting up in locations that are not allowed by his license and questioned his renewal considering his frequent disregard for the peddler guidelines/ordinances. Ross explained that he moved his location during Covid-19 when downtown was shut down. He was trying to safely social distance and remain open so he could stay in business. He indicated that when downtown reopened he returned to his spot in the central district. He also explained that he received no state or federal assistance during lockdown and he was struggling to keep his business afloat.

Mason asked if the applicant had received a copy of the sworn complaint or any notification from the city concerning his violation of the ordinances. Ross confirmed that he had not. He reiterated that the only reason he moved was because of Covid. Mason stated that Ross should not have moved locations without asking permission or at the very least talking to the city employee who handles peddlers. Should Ross violate the ordinances again he will likely lose his license.

Councilor Shannon stated that she felt like she was being lied to as Ross has a history of previous violations and shared serious concerns about Ross's lack of communication with the city and track record of making up his own rules. She asked that, should he find himself in a similar position again he come to the city, the licensing committee, and ask for our guidance and assistance. She suggested issuing a probationary 2 month license with a review of license compliance every 2 months.

Hayley McClenahan from the City Attorney's office questioned if a temporary license can be issued according to the ordinances. Lori Olberg commented that the committee has been able to issue temporary licenses and licenses with special conditions in the past.

Councilor Hanson asked if the license how long his current license has been expired for. The license ended June 1, 2021. Hanson commented that this means the applicant has been operating without a license this since June. Hanson commented that, based on the history of regular issues, he is not comfortable issuing a license.

Councilor Mason stated that he is comfortable doing a 2 month license and checking back in after that time period. He is loath to deny the license overall as it is a major source of income for Ross. Mason reiterated that Ross should ask for permission the next time he's having an issue.

Councilor Shannon commented that Councilor Hanson is completely justified in not wanting to issue this license, as would all committee members be. That said, she is comfortable with a 3 month probationary license to be checked in on for the foreseeable future. The committee needs to see compliance.



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Councilor Shannon moves to issue a 3 month license with review after 3 months to renew for an additional 3 months. Councilor Mason seconds.

Councilor Hanson shared his history on the license committee with Fast Food Good Food. Based on what he's heard today and what the applicant plans to do in the future. In the previous hearing the applicant was given a brief suspension in hopes that the applicant would correct his behavior. That behavior did not change. To have no action at all with a renewal isn't going to solve the issue.

Councilor Mason agreed with Councilor Hanson's frustrations, however, he did not want to put Ross out of business. This would be his last chance.

The new license will be issued for September through November. Ross will need to reapply for another license for November (June 1 through November 30). The city will issue a refund of \$100 to cover the license for 6 months (June through November). The city will not require the applicant to have another background check run at the time of his reapplication. The applicant is requested to attend the November meeting.

Motion by Joan Shannon, second by Chip Mason

Final Resolution: Motion Carries

Yea: Joan Shannon, Chip Mason Nay: Jack Hanson

The item will be on a future city council deliberative agenda to be determined by the city council president.

5. Other Business

6. Adjournment

Action, Procedural: 6.01 Motion to adjourn

Motion to adjourn at 6:01pm

The meeting was adjourned by order of the chair, Councilor Mason





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