



City Council License Committee Meeting - Wednesday, May 11, 2016, begins right after the Local Control Sub-committee Meeting, Conference Room 12, City Hall 5/11/2016

City Council License Committee Meeting - Wednesday, May 11, 2016, begins right after the Local Control Sub-committee Meeting, Conference Room 12, City Hall (Wednesday, May 11, 2016)

Generated by Ashley Bryce on Friday, May 13, 2016

Members present

Adam Roof, Tom Ayres, Gregg Meyer, Lori Olberg, Matt Gonyou, Laura Wheelock, Dena Prim, Joe Keenan, Amir Jusufagid, Sani Pasagic, Gina Riccitelli, PJ McHenry, Jeff Nick, Ron Redmond

Meeting called to order at 4:55 PM

1. Agenda

Action, Procedural: 1.01 Motion to amend/adopt agenda

motion to amend/adopt agenda as follows: note written material for agenda item 3.06

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

2. Consent Agenda



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Action (Consent), Procedural: 2.01 Motion to amend/adopt agenda taking the following actions as indicated
Resolution: motion to amend/adopt agenda taking the following actions as indicated

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.
Final Resolution: Motion Passes
Aye: Adam Roof, Tom Ayres

Action (Consent), Communication: 2.02 Communication: BPD, re: Half Marathon Unplugged, April 9, 2016
Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.
Final Resolution: Motion Passes
Aye: Adam Roof, Tom Ayres

Action (Consent), Communication: 2.03 Communication: BPD, re: Kid's Day Parade, May 7, 2016
Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.
Final Resolution: Motion Passes
Aye: Adam Roof, Tom Ayres



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Action (Consent), Communication: 2.04 Communication: BPD, re: Burlington Farmer's Market, May 7th to October 29th, 2016

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Action (Consent), Communication: 2.05 Communication: BPD, re: Burlington Wine and Food Festival, June 18, 2016

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Action (Consent), Communication: 2.06 Communication: BPD, re: Vermont Brewer's Association, July 15th and July 16th, 2016

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres



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Action (Consent), Communication: 2.07 Communication: BPD, re: Burlington Labs - Friends of recovery VT
Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Action (Consent): 2.08 Umbrella Entertainment Permit Application (June 3-12, 2016): Burlington Discover Jazz Festival, various entities within the City

Resolution: approve umbrella entertainment permit application for Discover Jazz Festival, June 3 -12, 2016

motion to amend/adopt agenda taking the following actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

3. Deliberative Agenda

Action, Discussion: 3.01 Sworn Complaint: Jane Bayley Brown, re: Nectar's
AR motion to move toward discussion, second by TA

Motion approved

Jane Bayley Brown present for complaint against Nectar's. JB stated that she was new to Burlington and the music from Nectar's was coming directly towards her residence, over the old Mill Plant between the Court House and the Court Plaza. JB stated that in the summer, Nectar's opens their garage doors/windows and often moves their bands to the front of the building to play so the music is very loud and often goes until 2 am. JB did not file a complaint last summer but after going to her condo meeting it was clear that it was disturbing other residents as well. JB was elected by the condo board



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to file an official complaint with the City. TA asked JB if anyone from her condo association had any direct conversations with the owners of Nectars regarding this complaint. JB responded that one condo member had a few conversations with Nectar's in the past but nothing that was officially documented. TA asked the board if there have been any other noise complaints against Nectars in the past few years and no one was aware of any. TA explained that if there is a pattern of similar complaints against an establishment then they would pursue a resolution. TA stated that this was the first official complaint against Nectars. TA recommended that JB introduce herself to the owners of Nectars and try to work something out with them first. LO will pass along the contact information to JB.

Action, Discussion: 3.02 Special Event Outdoor Entertainment Permit Application (one day only): Arts Riot, 400 Pine Street, Friday, May 29, 2016, 12 pm - 10 pm

approve one day only special event outdoor entertainment permit application for Arts Riot: Friday, May 29, 2016, 12 pm - 10 pm

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Action, Discussion: 3.03 Peddler: Arts Riot, re: Travelling

PJ McHenry explained that they had purchased a food truck that is registered, inspected and insured. It is currently away for some finishing touches so Jane from Health Department has not yet been able to give final inspection. She had looked at it when first bought to go over things that needed to be changed. Scheduled for Jane to see it next week.

Tom Ayres – Asked what the intent is for traveling.

PJ McHenry – explained he is wanting to go to the Burlington High School for sporting events. Burton has food trucks for employees, currently scheduled in to be there for Mondays. Working on parking in front of his business the Arts Riot. After last meeting with License Committee about parking out front, he went to try to get more information he was informed to contact Damion Roy for vender parking. Sent Damion Roy email two weeks ago with no response.

Chapin Spencer stated he would get an answer on this as it has been discussed. They are looking into the needs of this road and parking.

Tom Ayres stated that there are specific areas that vendors cannot park with in.

PJ McHenry explained the intention is if they cannot park in front of their business they will park on the private property next to Arts Riot.

Laura Wheelock - Explained that it is Public Road at the High School to not park on the road as it is a right of way.

PJ McHenry stated he hopes he will be on the field but if not he will talk to Damion Roy on that as well.

approve travelling request for Arts Riot

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres



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Action, Discussion: 3.04 Peddler: Jam Bakery, re: Travelling
approve travelling request for Jam Bakery

Motion by Adam Roof, second by Tom Ayres.
Final Resolution: Motion Passes
Aye: Adam Roof, Tom Ayres

Action, Discussion: 3.05 License Agreement: Ri Ra Irish Pub, Use of Temporary Free Standing, Double-sided Retractable Awning
approve Ri Ra Irish Pub License Agreement for Licensee Use of Temporary Free Standing, Double-sided Retractable Awning

Motion by Adam Roof, second by Tom Ayres.
Final Resolution: Motion Passes
Aye: Adam Roof, Tom Ayres

Action, Discussion: 3.06 License Agreement: 29 Church Street *material to be sent under separate cover*
Gregg Meyer explained that it is a right-of-way and receiving a construction encumbrance.
Jeff - Cherry and Church Street corner, south facing side Cherry Street and west side Church Street. 1400 sq. ft. challenging space to lease. Requesting two entrances. Having doors on both sides of the building will be helpful. Grade access and accessibility into the building. Talked to BPD they believed adding additional door will help for the safety of people going in and out of the building. 62 ft. frontage since City Sport left, looked at splitting building up and needed to have two entrances.
Jeff - CVS will take all retail space and State of Vermont will be renting space in back room. They need to be ADA compliant. JN stated they struggled with lowering floor plate due to space below is occupied. ADA requires bricks raising up. Much less of impact on church street bricks. Steps on Cherry Street.
Laura – Changing grades, slopes, cross pitches on Church Street. Negotiated on Church Street for ADA accessible



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requirement for flat spot in front of the doors. Stairs internal in the building on Cherry Street the grade is lower than what it is on Church Street. Then brought up the idea of bringing the stairs out into the right of way. Existing tree they want to preserve, and grate around tree will need to be walkable space. If stairs are to be in front there will still be 8 1/2 feet between them and the grate. To make this work they will need to change the grate to be walkable. Understanding to entertain stairs. Snow removal is a concern. License agreement indicated they will be responsible for stairs and around them for removal. 10 year term for license agreement for stairs, pay church street rate for renting patio space as an annual fee. 20X30 cherry street 20X60 church street. Temporary construction through August.

Jeff - Had Contractor meeting not going with concrete railing but to use stainless steel railings.

Adam - Construction timeline?

Jeff - CVS be in middle of August. JUNE – 6 weeks, hopefully done mid-July.

Laura - Minimize stair present on Cherry Street as access to church for pedestrians.

Adam - Bricks be the same color as Church Street. Look like patch work?

Tom - Use of same bricks?

Laura - Preserve as many bricks as possible to use to do the work. There will be spare bricks from where the stairs will be going in.

Adam - From pictures there is a yawning will that still be here.

Jeff - Permanent yawning is gone 3 remaining post come out. No CVS yawning yet. Would be convenient to get out of the building when Church Street is packed.

Tom - Requested that someone that knows this project to be at City Council meeting on Monday to explain and answer any questions. Most typical question is how pedestrians will make it through. Also there has been some rumbling about 10-15 year encumbrances in case they bring this up.

Laura - Agreement is worded to give an anticipated 10 year right of way, and DPW can take back right of way if needed

approve license agreement for 29 Church Street, condition if need be

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

4. Other Business

