Local Control Sub-Committee Meeting and Work session re: Liquor License Process, Tuesday, January 17, 2017, 4:45 pm, City Assessor's Office, Public Records Room, City Hall 1/17/2017

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Generated by Ashley Bryce on Friday, January 20, 2017

Members present
Tom Ayres, Adam Roof
Others present
Lori Olberg, Gregg Meyer, Jason Zullani, Don Uholowicz, Laura Wheelock, Matt Walters, Mike Hulbert, Matthew Gonyo, John Sucharzewski, Barry Simays, Janice Santiago

Meeting called to order at 4:58 PM

1. Agenda

Action, Procedural: 1.01 Motion to amend/adopt agenda
motion to amend/adopt agenda at 4:58 PM

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

2. Consent Agenda

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

motion to amend/adopt consent agenda taking the actions indicated

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

Action (Consent), Communication, Information: 2.02 Communication: C/T Office, re: Catering Log
Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt consent agenda taking the actions indicated

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

Action (Consent), Communication: 2.03 Communication: DLC, re: MCC Entertainments LLC, Board Hearing on January 18, 2017
Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt consent agenda taking the actions indicated

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

Action (Consent), Communication: 2.04 Communication: DLC, re: Scuffer Steak and Ale House, Violation of Education Regulation #3d, license suspension, Friday, January 6, 2017 and mandatory DLC training
Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt consent agenda taking the actions indicated

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

Action (Consent), Communication: 2.05 Communication: DLC, re: The Gryphon, Underage Alcohol Beverage Sale, 1st offense, letter of warning
Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt consent agenda taking the actions indicated

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

3. Deliberative Agenda

Action, Discussion, Information: 3.01 First Class Restaurant/Bar Liquor License Application (2016-2017): Dedalus Wine Group, 388 Pine Street
Moving retail shop to 388 Pine Street adding a wine bar. 950 sq ft of space. Full service, chef, full menu. Hours are 4-11 pm, 7 nights a week. Matt has looked at this space. Space needs to be controlled with the large retail area. About a month away from opening.

approve 2016-2017 First Class Restaurant/Bar Liquor License Application for Dedalus Wine Group with the following conditions: Fire Marshal approval, all City permits need to be closed out and all standard conditions

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

4. Work session re: Liquor License Process

Discussion: 4.01 Clarify on the powers of the Committee/the City in relation to the State
Attorney Meyer stated his legal analysis is Montpelier has the responsibility for the ultimate approval or denial of a license. Councilor Roof inquired of what the ability the City has, he asked about the establishment needing to go to the City not directly to the State. Asked if once they go through the City and been approved they go to the State to be approved. What if a revocation comes up the City has limited powers.
Attorney Meyer stated under statues the license committee does have authority over suspension, but revocation needs be

done by the DLC. Dual jurisdiction for revocation. DLC is set up more formally then the City is.
Gonyo stated DLC cannot enforce any local ordinances. Violations to DLC general regulations are in DLC jurisdiction, conditions on the permit from License Committee has pure jurisdiction.
Ayres asked if they were to suspend an establishment for a local violation, could appeals will be held.
Meyer stated the appeals will go through Rule 75 to Superior Court.
Roof asked what jurisdiction to what licenses. As Third Class License the City does not have jurisdiction.
Lori stated she runs state criminal record check and DMV check. Recent DUI for owner, usually receive conditions. Nobody has been denied a license for background check.
Meyer stated DLC has a checklist for the City to follow. State makes final determination. LC only grants conditions for final approval by DLC.
Ayres asked if they become aware prior to acting on a license that there is a paper investor, the Board has any capacity to act on it.
Roof asked if state is a safety net, on few situations that there are allegations someone was funding an establishment. Does the board have authority to ask owners these questions?
Meyer stated Board should be able ask questions.
Ayres asked if they could ask if they are sole investor.
Meyer said if they say yes, but hear it is not true, send to DLC to follow up.
Lori requested maybe on the new applicant application they have another question to ask this. What if someone says they are sole owners which come to find out they are not. With dishonesty if it can be sent to DLC for further review. Matt, Meyer and Lori will work together to work on wording.
Meyer stated maybe application to be sworn under oath so they have to be truthful.
Roof request board has more power with the findings from the past to help DLC with denial or approvals.

Discussion: 4.02 What licenses can be issued?
First Class, Second Class, Class Four, Entertainment Indoor and Outdoor, and Outside Consumption. Catering is approved by Fire Department, they go into space during summer time to renew their inspection.

Discussion: 4.03 How can licenses be revoked?
Talked about with 4.01.

Discussion: 4.04 What conditions on licenses may be imposed by the City?
Gonyo replied hours of operations, entertainment types, noise issues, if board has justifiable reason the board can put conditions on the license.
Meyer Vermont Title 7, Local control commissioners - Entertainment, noise, hours. Public nuisance example fights. Can take actions against liquor license as far as suspension.
Conditions state City Permits closed out, fees to City paid, Fire Marshall approval.
Ayres asked about new licensees, how much leeway, to limit hours after new owners buy an establishment or live entertainment. Lobbying and argument, City Council can approve conditions, the owners can appeal to Council why they shouldn't have this condition. If Council does not approve they can go to court. Minimize the number of establishments that do entertainment in downtown area. Hard to put conditions on already approved licensees.

Meyer replied the Board can put conditions on any new establishment, though the establishments do have a right to appeal.

Discussion: 4.05 How can the application/renewal process for liquor licenses be updated to improve efficiency for City staff and applicants?
Roof asked Lori if the renewal process could be improved by doing more online.
Lori replied process is at an all time high. Applicant used to come into a big meeting where many couldn't make it. Now applicants have renewals mailed and they can come in on their time and they rather have this process. If some are not in before the deadline she sends out a reminder email.

Discussion: 4.06 How can the application/renewal process for liquor license be updated to improve public safety in Burlington?
Simays stated the Fire Department does establishment inspections the summer prior to renewal.
Roof began to talk about how he believed the License Committee could do more. Issues about sexual assault and sexual abuse. Been in touch with an organization called safe bars. Provide training for staff to help prevent sexual assault. A new trend that is affect, Safe Bars bring training to establishments. Would like to know if this would be good for Burlington and pros and cons for it. A partnership is required. Cabernet training that occur is this information brought up?
Gonyo didn't believe many establishments would take this training as he has hard time getting owners to go to quarterly meetings.
Roof introduced Janice Santiago from Steps to End Domestic Violence, training has occurred at Mule Bar in Winooski. This gives code word for customers to say to bar tenders for help to get out of a bad situation.
Board would like to move forward with working with the downtown community to start training. They believe it could be worked in with the Cabernet training that is required by all establishments.

5. Other Business

Communication, Discussion, Information, Procedural: 5.01 Verbal Comments

6. Adjournment

Action, Procedural: 6.01 Motion to adjourn

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