



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

LOCAL CONTROL SUB-COMMITTEE

WEDNESDAY, NOVEMBER 17, 2010

CITY ASSESSOR'S OFFICE, PUBLIC RECORDS ROOM, CITY HALL

5:10 P.M.

PRESENT: Commissioner Vincent Dober, Commissioner David Berezniak, Clerk/Treasurer's Office, Scott Schrader and Carole Bourneuf, Lt Art Cyr, Burlington Police Department

Commissioner Dober called the meeting to order at 5:10 p.m.

ABSENT: Commissioner Emma Mulvaney-Stanak

1. AGENDA

A motion was made by Commissioner Berezniak to approve the agenda and seconded by Commissioner Dober.

Vote: 2-0

2. CONSENT AGENDA

2.01. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:
Request for Catering Log

*waive the reading, accept the communication and place it on file

2.02. COMMUNICATION: Renee Warren, Administrative Secretary, Department of Liquor Control, Education, Licensing & Enforcement Division, re: Simon's Store Battery Park, November 2, 2010, Written Warning re: violation of Education Regulation 3(d)

*waive the reading, accept the communication and place it on file

A motion was made by Commissioner Berezniak, seconded by Commissioner Dober, to accept the communication and place it on file.

Vote: 2-0

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2010-2011):

Sansai, Inc., d/b/a Sansai Japanese Restaurant (formerly Taste of Burlington), 112 Lake Street

A motion was made by Commissioner Berezniak to approve the application for Sansai, Inc., seconded by Commissioner Dober.

Open for Discussion: Commissioner Berezniak discussed the issue of property taxes on this property. Applicant

Persons with disabilities who require assistance or special arrangements to participate in programs and activities of the Clerk Treasurers Office are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made.

will not be responsible for any outstanding personal property taxes because there is no purchasing of equipment with this restaurant.

Fire inspection has not been completed. Sansai, Inc. will try to get this scheduled by January 1, 2011. Need to schedule DLC inspection at the restaurant. Commissioner Dober suggest to Mr. Russo to contact Lori Olberg about information that needs to be completed.

A motion was made by Commissioner Berezniak to approve the application pending fire approval, seconded by Commissioner Dober.

Vote: 2-0

3.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011):

Sansai, Inc., d/b/a Sansai Japanese Restaurant, 112 Lake Street

Commissioner Berezniak made motion to approve outside consumption permit application for Sansai, Inc., pending approval of the fire inspection, seconded by Commissioner Dober.

Vote: 2-0

Commissioner Dober discussed the process of City Council meeting and for Christopher Russo to attend. Meeting starts at 7:00 p.m. if anyone on the Council should have questions, Mr. Russo should be in attendance for answers. This would be the final approval from the License Committee. Commissioner Berezniak commented that the Fire Marshall needs to sign off before a license is issued.

4. FIRST CLASS CABARET LIQUOR LICENSE APPLICATION (2010-2011):

Remy Cooper, LLC, d/b/a ½ Lounge, 136 ½ Church Street

4.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011):

Remy Cooper, LLC, d/b/a ½ Lounge, 136 ½ Church Street*

Commissioner Berezniak made a motion to approve the first class cabaret liquor license application and also move the 4.01 outside consumption permit, seconded by Commissioner Dober.

Open for Discussion: Commissioner Dober had requested from Attorney Fuller the citation for Mr. Mike's restaurant (Luke Dousevicz and Boudee Luangrath are the same owners). Mr. Dousevicz stated two over capacities that were dealt with and handled with a three-day suspension – approximately four months ago. Regarding ½ Lounge, Fire Marshall came earlier in the week to sign off inspection. Nothing is changing regarding ½ Lounge other than the ownership. Commissioner Berezniak discussed the noise issue. The neighbors want the noise out and City is trying to put the emphasis back on the club owners to keep the noise down.

Commissioner Dober spoke regarding Mr. Luangrath's probation. Mr. Luangrath received a C and N (Careless and Negligence) everything will be cleared as of end of November. Commissioner Dober stated a stipulation will be needed from Parole Officer indicating he feels it is OK for Mr. Luangrath to have a liquor license. Commissioner Dober is concerned about Mr. Luangrath owning a bar. Commissioner Dober spoke regarding one more condition he would like to put on that there be no new alcohol related charged and that they are on the watch list.

Commissioner Berezniak asked that with the owners having two establishments will they be splitting their time to

cover both places. Mr. Dousevicz stated that one will be at one establishment while the other owner is at the other especially during Thursday, Friday and Saturday nights.

Commissioner Dober approved with conditions that no new alcohol related charges or citations go to the licensees. They are also on a watch list for no further citations. Motion was passed unanimously.

Vote: 2-0

5. OTHER BUSINESS - none

6. ADJOURNMENT – Commissioner Berezniak made a motion to adjourn the meeting seconded by Commissioner Dober at 5:30 p.m.

CITY COUNCIL LICENSE COMMITTEE
WEDNESDAY, NOVEMBER 17, 2010
5:30 P.M.

PRESENT: Same

ABSENT: Same

Councilor Vincent Dober called the meeting to order at 5:30 p.m.

1. AGENDA

Councilor Berezniak moved to accept the agenda, seconded by Councilor Dober.

Vote: 2-0

2. CONSENT AGENDA

2.01. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Kountry Kart Deli (**1st violation**), October 27, 2010, Tobacco Sale to an Underage Person/Sale of Tobacco Products Prior to Receiving Training, **License Suspension will occur on Thursday, December 9, 2010**

*waive the reading, accept the communication and place it on file

2.02. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Dot's Market (**1st violation**), October 27, 2010, Tobacco Sale to an Underage Person

*waive the reading, accept the communication and place it on file

2.03. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Champlain Farms, 219 Shelburne Road, October 28, 2010, Tobacco Sale to an Underage Person

*waive the reading, accept the communication and place it on file

2.04. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Pine Street Deli, October 28, 2010, Successful Underage Tobacco Purchase Compliance

Survey/Sale of Tobacco Products Prior to Receiving Training, **License Suspension will occur on Thursday, December 9, 2010**

*waive the reading, accept the communication and place it on file

2.05. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Finelli, LLC, October 28, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.06. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Kampus Kitchen, October 28, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.07. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Cumberland Farms #8019, 454 Riverside Avenue, October 28, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.08. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Kinney Drugs #29, October 28, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.09. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Kerry's Kwik Stop, October 28, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.10. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Price Chopper #165, October 28, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

Councilor Berezniak moved to approve the consent agenda and to waive the reading, accept the communication and place it on file, seconded by Councilor Dober.

Vote: 2-0

3. INDOOR ENTERTAINMENT PERMIT APPLICATION (2010-2011):

½ Lounge, 136 ½ Church Street*

Councilor Berezniak made a motion to approve indoor entertainment permit application for ½ Lounge, seconded by Councilor Dober.

Open for Discussion: Councilor Dober made a motion to approve with the same conditions as previously discussed, seconded by Councilor Berezniak.

Vote: 2-0

4. COMMUNICATION: Lieutenant Art Cyr, Burlington Police Department, re: Supplementary Report—Pacific Rim: Entertainment Permit Required/Overcrowding

Councilor Berezniak moved to place the communication on file, seconded by Councilor Dober.

Open for Discussion: Lt. Cyr spoke regarding report on Pacific Rim. Pacific Rim received two violations a couple of Friday nights ago. Lori Olberg (Clerk/Treasurer's Office) sent email asking if a ticket had been issued. Lt. Cyr stated they did not – a written warning was issued along with a safety check violation. Met with owner that night and explained what was going on and forwarded the case to Lori. That was it. This is a first time violation and Lt. Cyr stated he has never had a problem with Pacific Rim. They are now on written notice and if there is an issue down the road, there are no excuses and then you can go after financial fines.

Vote: 2-0

5. OTHER BUSINESS: Lt Cyr explained his new program. As follows:
- City is working with three primary businesses: Rasputin's, Club Lift and Metronome
 - Trial for this program will be on Sunday, Monday, Tuesday and Wednesday nights.
 - Age for this program: 18+ year olds.
 - Stipulation: no more than 40 kids at an event/per establishment
 - Staying away from traditional party nights (Thursday, Friday and Saturday nights)
 - Still allow permits on special occasions (graduation, Christmas party, company party, etc.). Permits will still be permitted for Thursday, Friday or Saturday night.
 - One permit per Thursday, Friday or Saturday night

Lt. Cyr stated this is a trial run and if it doesn't work, the City and businesses will go back to drawing board and figure something else.

Councilor Berezniak asked regarding 40 at the door – after entering, will there be a line forming. Lt. Cyr said no lines, once the 40 are in the establishment, you are in. Once you leave, you cannot reenter.

6. ADJOURNMENT: On a motion by Councilor Berezniak, seconded by Councilor Dober the meeting was adjourned at 5:43 p.m.