

LICENSE HEARING MINUTES
The Lexington, 1096 Grand Avenue
Thursday, November 29, 2012, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Marcia Moermond, Legislative Hearing Officer

The hearing was called to order at 10:00 a.m.

Staff Present: Kristina Schweinler, Department of Safety and Inspections (DSI)

Applicant: Richard Yannarelli, Jr.

Others Present: Leslie McMurray, Payne Phalen District Five Planning Council

Yannarelli's: Request to add an Entertainment A license to the existing Liquor On Sale - 100 Seats or less, Liquor On Sale - Sunday, Malt Off Sale, Restaurant (3) - 13-50 Seats, and Cigarette/Tobacco licenses

Ms. Moermond stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received two (2) letters of concern which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Moermond said she will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Ms. Schweinler stated that there were no existing license conditions; the recommended license condition was as follows:

1. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or nonamplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment." (includes karaoke). Entertainment A license does not allow for patron and/or performance dances.

The Payne Phalen District Five Planning council submitted a letter stating they voted to reject this application. DSI recommends approval of the license.

Ms. Moermond invited Mr. Yannarelli to explain his business plan.

Mr. Yannarelli stated that the establishment had been in existence since 1963 and he began working there in 1972. He decided to add karaoke for entertainment in order to better compete with other bars in the area. He understood that the biggest concern for the neighborhood was security. He currently employed two security staff working the shifts from 8 p.m. to bar close to wand patrons for weapons when they entered the bar at the two separate entrances. Security personnel also walked through the parking lot and alley area approximately every 15 minutes to deter any criminal activity. He also had motion-sensitive flood lights installed in the parking lot. There was a security camera located at the front door of the building that captured activity approximately half a block down Payne Avenue and half a block down Maryland Avenue. He said if he were granted the entertainment license, he would likely hire three more security personnel as well as additional wait staff and bartenders. He was personally familiar with most of the police officers who patrolled the area and had an informal agreement with them to make frequent drives through the alley to keep a lookout for any problems. Since the smoking ban had gone into effect and smokers were forced outside to smoke, there had been an increase in behavioral problems with 'groups' of individuals congregating outside the bar. As a result, he assigned security personnel to monitor the smokers outside the bar to deter any problem behavior caused by groups or individuals.

Ms. Schweinler stated that Ramsey County and the City of Saint Paul were collaborating on a project known as the Payne Maryland Project to build a community center for the neighborhood. Some properties were slated for demolition to widen Maryland Avenue and it was her understanding that Yannarelli's was slated for taking by the county sometime in 2013. Mr. Yannarelli went on to explain that he had been in negotiations with the county regarding his property and it was not yet determined when his building would be taken as part of this project. He likely had a year, at best, remaining at this location before he would have to find a new location for his bar or retire from the business altogether.

Ms. McMurray arrived and distributed materials from the district council meetings regarding the license application. Ms. Moermond recessed the hearing in order to review the information submitted by Ms. McMurray on behalf of the district council.

Ms. Moermond reconvened the meeting and said that in reviewing the documents, dates were not provided on any of the materials. She asked Ms. McMurray how much notice was given to an applicant requesting they attend a district council meeting to discuss their license application with the board or committee. Ms. McMurray responded that generally notices were mailed out four to five days prior to a meeting; this was done primarily to meet the members' availability to attend. Ms. Moermond noted that according to the minutes from the meetings, Mr. Yannarelli had failed to attend one of the two of meetings. She said she could not weigh this against the applicant since she believed four to five days notice was inadequate time to rearrange ones schedule.

Ms. McMurray said that she had talked with Mr. Yannarelli on the phone and had met with him the day before the hearing to discuss the concerns of the neighborhood. One of the main issues was that the doors to the establishment remain closed; anyone could see straight through to the bar from the street when the doors are propped open. The other concern was that the bar would provide adequate security coverage. There were a number of occasions when fights began in the

bar and then spilled out into the street; if there were security personnel, it could help prevent some of these situations. It was also her information that all of the plans for the new community center had not been finalized as far as the county acquiring this building as part of the project; she hoped that this would not factor into the decision in determining the license request.

Mr. Yannarely responded that he had explained his plans prior to the arrival of Ms. McMurray and it was his intention to hire additional employees if the license were granted, including hiring additional security personnel.

Ms. Schweinler stated that in reviewing the police calls for service, she did not believe the calls were excessive and were not always related to activities to the bar.

Ms. Moermond stated that condition number one recommended by DSI states as follows:

1. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or nonamplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment." (includes karaoke). Entertainment A license does not allow for patron and/or performance dances.

Ms. Moermond said she was recommending the following conditions be added to the license:

2. No live bands are allowed as a part of this Entertainment A license.
3. Security will be provided from 8:00 P.M. until close. Security shall wand every customer and check all hand bags and packages entering or re-entering the establishment.
4. Doors will not be propped open and will remain closed every night from 8:00 P.M. to closing.
5. Security will patrol the back parking lot every 1/2 hour.
6. The license holder shall maintain the video surveillance camera at the entrance of the building. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Dept. immediately upon request. In addition, if the Saint Paul Police Dept. responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have technology available to make the copy at the time of the request and shall have it for the Police without delay. In other cases, if the SPPD or the Dept. of Safety and Inspections request copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.

Mr. Yannarely stated that he agreed with the conditions as proposed by Ms. Moermond. Ms. Moermond said she will recommend to the City Council that they approve the license with the aforementioned conditions.

The hearing adjourned at 10:55 a.m.