

LICENSE HEARING MINUTES
Saint Paul Event Center, 627 Smith Avenue South
Tuesday, December 8, 2015, 11:00 a.m.
Room 41, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 11:00 a.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Applicant: Mahamud Mahamed, applicant/owner

Others Present: David Bryant, 399 Baker Street West; and Cary Kimmel, 405 Baker Street West

Saint Paul Event Center: Dance or Rental Halls

Ms. Vang 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 a letter of concern/objection 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. Ms. Vang noted that the applicant submitted the signed Conditions Affidavit on October 22, 2015.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang 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.

Mr. Fischbach reviewed the recommended license conditions:

1. The Rental Hall license is issued to this location for a rental hall use only, as defined under Chapter 405 of the City of Saint Paul Legislative Code.
2. Licensee agrees not to rent the building to, operate, and/or allow to be operated on the premises any use that meets the definition of a "public dance hall" as defined respectively under Chapter 405 of the City of Saint Paul Legislative Code.
3. Licensee acknowledges having received a copy of Chapter 405 of the City of Saint Paul Legislative Code.
4. The hall and the entire licensed premises must be closed by 1:00 a.m. No patrons, guests or members of the public shall be on the licensed premises after the closing time.
5. The licensee, Mahamud Mahamed, shall be responsible for making sure that patrons, guests and members of the public exiting the hall do so in a quiet and orderly fashion, so as to not disturb the adjacent neighbors.
6. The licensee, Mahamud Mahamed, shall be responsible for insuring that one or more security persons are on duty at all functions taking place at the hall. Said security shall remain until all patrons, guests and members of the public have left the area, and shall insure that no one leaving the hall loiters around or near the building.

7. The licensee, Mahamud Mahamed, shall provide a telephonic means to contact both the licensee and the on-site manager at all times that the hall is being used. The numbers for contact are: On-Site Manager = (612) 250-3237; Mahamud Mahamed = (612) 250-3237; Rental Hall phone = (612) 250-3237.
8. There shall be no parking in the alley immediately north of the building by anyone associated with the hall. In addition, the City will enforce the no parking ban for residents.
9. The licensee, Mahamud Mahamed, shall be responsible for clean up of the outside area immediately adjacent to the hall on a daily basis.
10. There shall be no sale of liquor or beer to anyone on the premises at any time. The City will consider the collection of an entry fee or admission charge or donation collected when alcohol is being served or consumed on the premises to be a sale of alcohol and such sale will be deemed a violation of this condition.
11. There shall be no sale, consumption, or possession of liquor or beer on the part of underage persons. The licensee, Mahamud Mahamed, shall be subject to adverse license action if a minor sells, consumes or has in his/her possession any alcoholic beverage on the premises.
12. No alcoholic beverages, including beer, spirits, or wine shall be taken outside the hall.
13. The licensee shall post a copy of the license in a place visible to all patrons, guests and members of the public.
14. The licensee, Mahamud Mahamed, has been advised of and is aware of the provisions of Chapter 267 of the Saint Paul Legislative Code relating to the excessive consumption of Police services, and shall be subject to the provisions in the event of repeated police calls to the hall to deal with problems arising out of rental of the hall.
15. Any violation of any of the foregoing conditions shall be grounds for adverse action against all licenses held by the licensee, including suspension and revocation.
16. The license holder shall maintain video surveillance cameras inside and outside the establishment. 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 Department (SPPD) immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to 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 Department of Safety and Inspections (DSI) requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.
17. The licensee agrees to have the number of cameras, their placement, the recording quality, and lighting supporting the video surveillance system reviewed by the SPPD. Video surveillance equipment (i.e., cameras, recording equipment, lighting, etc.) installation and/or modification(s) shall be completed in accordance with SPPD recommendations prior to license issuance, and maintained in compliance thereafter.

The West Side Community Organization submitted a letter of support. The building received a certificate of code compliance from the Building Department on May 15, 2015. Zoning recommended approval for rental hall use only. Fire would issue a certificate of occupancy once the license was approved.

Mr. Fischbach said that the only use which was approved was for rental hall use only and if the applicant wished to obtain a dance hall license, a conditional use permit would be required. He explained that the building had been vacant since 2011 and became tax forfeit when it was purchased by Mr. Mahamed in 2014. License conditions 4 through 15 were conditions on the previous license.

Conditions 1 through 3 and conditions 16 and 17 were added to the license for Mr. Mahamed. As for parking, current zoning did not require any off-street parking for a rental hall at this location.

Ms. Vang asked Mr. Mahamed whether he understood and agreed to all of the proposed conditions to the license. She also asked him to explain his business plan.

Mr. Mahamed responded that he clearly understood the conditions and had no intention of using the facility for dance rental as dancing was not permitted under the license. He was very aware of the past history of the building and its negative impact on the neighborhood. He explained that he planned to rent the hall for weddings, birthdays, anniversaries and private get-togethers. All food service at parties would be catered. He also was not seeking a liquor license; however, liquor would not be prohibited from being served at private parties. His plan was to manage the business by contracting out events and he or a manager would be present for every party. There would also be one coordinator assigned for every event and one security guard would be required for every 50 people in attendance. The hours of operation would be Sunday through Thursday, 9:00 a.m. to 11:00 p.m. and Friday and Saturday, 9:00 a.m. to 1:00 a.m. Although the building had two floors, only one party would be permitted to rent the facility for an event on any given day. He held an open house for the neighborhood at the end of August to obtain feedback from the community on what they would like to see for this facility. He also met with the community council, WSCO, to present plans for his business. After his presentation, the community council submitted a letter of support. He understood the concerns over parking by the neighbors and obtained signed parking agreements with Bank Cherokee, Capital View Café and Lucas Pillman. This was at an additional cost to him; in addition, he was required to provide insurance coverage and cleanup of the sites after events.

Ms. Vang invited the neighbors to testify.

Mr. Kimmel presented a letter prior to the hearing which is made a part of this record. His primary concerns were over parking in the neighborhood and noise from people leaving the facility in the early morning hours. He suggested Mr. Mahamed consider closing at 11:00 p.m. every day of the week. Mr. Mahamed responded that in order to remain competitive in the market, he would need to be open until 1:00 a.m. on Friday and Saturday nights.

Mr. Bryant presented a letter prior to the hearing which is made a part of this record. His primary concerns were over parking in the neighborhood and noise from people leaving the establishment. He also brought up the past history of the property and the events that occurred during the RNC.

Mr. Mahamed said that it was his desire to peacefully co-exist with his neighbors. He suggested they meet for coffee on a quarterly basis, if not more frequently, to discuss any issues of concern and for the neighbors to learn of any big events planned at the facility.

Ms. Vang read into the record an email in opposition received from Anne Facente, 628 Ottawa Avenue, which is made a part of this record. Ms. Vang also read into the record a letter of support received from Hally Turner, 792 Smith Avenue.

Ms. Vang stated that after reviewing the records and testimony presented, she will recommend to the City Council that they approve the license with the proposed conditions which are as follows:

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The hearing adjourned at 12:20 p.m.

The Conditions Affidavit was signed and submitted on October 22, 2015.