

**LICENSE HEARING MINUTES**  
**Cheers Pub, 1067 Hudson Road**  
**Monday, April 12, 2021, 10:00 a.m.**  
**Remote Hearing Due to COVID-19**  
**Nhia Vang, Deputy Legislative Hearing Officer**

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 10:02 a.m. A roll call was made to confirm attendees.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI), Eric Hudak, Department of Safety and Inspections (DSI) and Yaya Diatta, Department of Safety and Inspections (DSI).

Licensee: Dao Hoang, Applicant/Owner

License Application: Liquor on Sale – 100 seats or less, Liquor on Sale – Sunday, Entertainment (B), and Gambling Location

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received two (2) correspondence of concern/objection that was submitted during the notification period, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that 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.

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report. He said this was a license for Liquor on Sale – 100 seats or less, Liquor on Sale – Sunday, Entertainment (B), and Gambling Location. Staff has reviewed the application and is recommending two conditions, that are carry over conditions on the existing license.

1. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.
2. No liquor sales and/or service is allowed outdoors (on either public or private property) without prior written approval and additional licensing from DSI.

Mr. Fischbach said that there was no correspondence received from the District Council. Building – not applicable, Licensing – approved with conditions, zoning is – approved, and DSI recommends approval with conditions. Condition #1 regarding video surveillance camera, St. Paul Police Department (SPPD) has approved and the inspection was done the beginning of March.

Ms. Vang asked how many cameras were there? Mr. Fischbach said that typically security plans are not part of public information. The SPPD officer does a floor plan and lists the area that the cameras cover. They go over everything with the applicant and made sure they were in working order.

Ms. Vang asked if the applicant needed to submit an updated plan annually and if was standard for every business when talking about updated camera equipment? Mr. Fischbach said it was standard language developed a year or two ago with the City Attorney's office. Only a change of ownership would trigger a re-review of the camera system.

Ms. Vang asked the owner if she understood and agreed to the conditions and whether she had any questions. Ms. Hoang said that she understood the conditions and agreed with to the conditions. The surveillance camera system is a really good system as well as placement. SPPD has approved everything. She is confident with the cameras and has staff (the bartenders) who know how operate the equipment for recordings and have access to her office. They would be able to produce copies if videos are needed.

Ms. Vang asked Ms. Hoang to formally introduce herself. She understands that she is a co-owner and would like to know how she will manage the business and how it will be run. Ms. Hoang responded that she took over the building on January 3, 2021 and co-owns the business. Since the pandemic and government orders, she has not been opened since then. She has brought the kitchen up to code and submitted to the health department for approval. She has informed the bartenders to keep everything tight and if there is a problem, they needed to let Ms. Hoang know immediately. If something happens outside after the business close at 11:00 p.m., the bartenders need to shut the doors and not let anyone in. They are told to contact SPPD if necessary and then notify her as soon as possible after the incident. She has over 20 years of experience running bars and restaurant establishments and has no problem with the conditions and in assisting SPPD with anything they should need from her to do their job.

Ms. Vang said that she was glad to hear that Ms. Hoang wanted to maintain a safe environment for her staff, business and patrons and appreciated her efforts. Ms. Hoang was asked to elaborate on her background. Ms. Hoang said that she has been an owner for over 20 years. She owned Tracks Bar and Grill on 1964 University for 15 years. In 2017, she relocated to 1091 Rice Street which has been operational for 3 years and is named Tracks Bar and Grill. She has conditions attached to those licenses and has been compliant. She also owns other bars in St. Paul, i.e., Bleachers Bar in Maplewood and the Social Tavern in Hastings.

Ms. Vang inquired on how Cheers Pub would be managed given Ms. Hoang's other businesses.

Ms. Hoang said that she will hire a manager for Cheers Pub who will assist with the management and bartending. The manager lives within a mile so he can get to the bar quickly if needed. Currently, she has 8 staff to manage the front house and back house. Cheers Pub will open Monday to Saturday from 8:00 a.m. to 11:00 p.m. Going forward, the hours will be 8:00 a.m. to 1:00 a.m. and 10:00 a.m. to 1:00 a.m. on Sundays.

Ms. Vang asked about staff and parking spaces. Ms. Hoang stated that they have about 5-6 parking spaces in back and with staff living in the area, parking has not been a problem.

Ms. Vang encouraged Ms. Hoang to establish relationship with the district council so that they can be of assistance to the successful management of Ms. Hoang's business.

Ms. Vang asked about alcohol awareness training. Ms. Hoang said that they will be meeting with Tony for IBA training soon and that all her staff will be trained to card her patrons. Drivers licenses are scanned.

Ms. Vang asked about the Gambling license. Regarding the gambling license, Ms. Hoang stated that they will be selling pull tabs and providing bingo and meat raffles through Hill Murry, a non-profit organization.

Ms. Vang inquired about the Entertainment license and whether Ms. Hoang knew the difference between an entertainment A and B license. Ms. Hoang stated that A does not allow dancing with a jukebox and B allows dancing. She applied for B because she wants to offer karaoke and occasionally live music. Because of COVID, karaoke is not scheduled. In the future, karaoke be offered on Saturday's. When business returns to normal and karaoke is scheduled, she has put together an exit plan with security. Per the submitted floor plan, the basement cannot be accessed by customers. Customers must remain on the main floor. The main floor on the plan includes the kitchen, bar, and dining area. The dart board, golf games and dance floor will be located by the ATM machine per the floor plan. When dancing occurs, the tables near the area will be pushed back for clearance. She estimates the space would allow about 100-120 people. With COVID restrictions, the space allows for 50% or 60 people.

Ms. Vang asked about the bathroom area. Ms. Hoang said there are two restrooms. The women's bathroom has two stalls and the men has one stall and one urinal and everything is handicap accessible.

Ms. Vang verified that Ms. Hoang's co-owner was Kevin Vou. She then asked about trash pick-up days and times. Ms. Hoang stated trash is picked up on Tuesday's in the morning and her staff does cleanup in the morning as well.

Ms. Vang asked how past crime activities at the location will Cheers Pub be and understands that the number of calls in the Police Incident reports cannot be attributed to Cheers Pub directly but to the general area.

Mr. Hudak said there were a number of incidents in and around the area in the summer, impromptu parties in Leo's Chow Mein parking lot, there were also large groups of people congregating in the vicinity, including some shots fired, all in the area of Leo's and by Mounds Sports Bar. So. Because of these activities, a series of meetings were held to evaluate the problems, with DSI, SPPD, the owners of Leo's and Mounds Park Sports Bar, and Ward 7. It was determined that Leo's should improve their lighting area and a letter went out making suggestions on how to mitigate the problems, encouraging calls to police and for the two owners to partner to help address the problems. There was a previous incident in which the previous owner of 1067 Hudson Road couldn't supply DSI with a requested video and DSI had to issue a first offense fine for \$500. As a result, the previous owner had to close his business early but eventually he had to sell.

Ms. Vang was encouraged to hear that Ms. Hoang was working with SPPD to address incidents and that she was developing and maintaining a good relationship with DSI, ward office and District Council.

Mr. Hudak mentioned that there was a meeting held with Ms. Hoang, Mr. Vou, SPPD, DSI and the Ward 7 office on March 26<sup>th</sup> and is confident that with Ms. Hoang's experience, Cheers Pub will be managed to conform with the neighborhood.

Ms. Vang asked if there were any other issues with the parking area. Mr. Diatta stated no, not at this time regarding zoning.

Ms. Vang wanted to know how the lighting issue worked out at Leo's. Mr. Hudak stated that Leo's fixed their lighting and brought it up to zoning standards.

Since there was no one else in attendance at the hearing to testify. Ms. Vang read the 1st letter of objection that was received on March 1, 2021 from Mr. Lazaro Valencia. Summary of the letter indicated safety concerns for the himself, his family and neighborhood especially with intoxicated people.

Ms. Hoang was asked to respond to the concern raised and she said that this business is a change in ownership, and not a proposal for another bar in the area. She believes that the complainant may have misinterpreted the ownership. Also, she cannot control people out on the streets or when customer exit her bar. She is aware that people can be loud and the only thing that she can do is to make sure that her bartenders do not overserve customers.

Ms. Vang then read the next objection from Mr. Ler Thin. A summary of the email indicates that having a liquor store in the area would increase traffic and cause inconvenience to the area. Mr. Thin was invited to attend the hearing per consultation with License Hearing Coordinator Janis Peterson, but he declined the invite. Ms. Hoang was asked to respond and indicated that the issue he raised was not relevant because she was not opening a liquor store. Ms. Vang said despite Cheers Pub not being a liquor store, the issue of increased traffic should be noted and could apply in this instance. She asked Ms. Hoang to be mindful of increased traffic and to inform her customers as necessary.

Ms. Harr, Legislative Aide to Ward 7 Councilmember Prince, was asked if she would like to add anything to the discussion. Ms. Harr stated that she has not heard anything from anyone regarding concerns in the neighborhood, so she doesn't have anything else to add except that she believes that Cheers Pub have an approach that is responsible in dealing with past and future problems.

Ms. Vang concludes that she does not believe that additional conditions were warranted at this time. She noted that since Ms. Hoang understood and agreed to the existing conditions on the licenses, especially the awareness to work with DSI and SPPD to make surveillance videos readily available when asked. Ms. Vang was satisfied with Ms. Hoang's plan and testimony about how to manage Cheers Pub well going forward to minimize neighborhood impact. She will be recommending approval of the license application with agreed-upon conditions. Ms. Hoang was asked if she had any questions and informed that the next step would entail a recommendation to the City Council for approval under the consent section of the Council's agenda.

Ms. Vang verified with DSI staff if there was a signed conditions affidavit and that it be shared with licensing staff.

The hearing was adjourned at 10:46 a.m.

The Conditions Affidavit was signed and submitted on April 5, 2021.