

LICENSE HEARING MINUTES
Johnny Baby's, 981 University Avenue W.
Monday, March 5, 2018, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

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

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

Licensee: Jonathan Price and Cynthia Marek - Applicant/Owners

License Application: Liquor On Sale - 2 AM Closing

Legislative Hearing Officer Nhia Vang gave the following information about the hearing: 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 a letter of concern/objection, 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, Ms. Vang will develop a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda at the City Council meeting.

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. The City Council is the final authority on whether the license is approved or denied.

Kristina Schweinler, Department of Safety and Inspections (DSI), gave a staff report. She said the applicant had a 2 a.m. license a few years back, and it was discontinued and they were re-applying. She said DSI's recommendation was for approval. Ms. Vang noted that the license conditions sent out in the notification were different from those in the staff report. Ms. Schweinler confirmed that they were the same and conditions 5 and 6 were now reflected in condition 5.

1. Bar employees will daily police the perimeter of the property for trash and bottle pick-up.
2. All patrons will be checked for weapons (wanded) prior to entry, while security is on duty.
3. The license holder will employ properly trained security personnel who will be on duty seven (7) days a week from 8PM to closing. The security guards will adhere to the following guideline.
 - a. The security guards will not socialize with patrons and will not be allowed to drink alcoholic beverages while on duty.
 - b. The security guards will wear identifying clothing.
 - c. The security guards will conduct outside sweeps of the building and parking lot at least twice an hour, while on duty and weather permitting, to disperse and discourage loitering adjacent to the licensed establishment.
4. Criminal histories or background checks will be conducted on all security personnel.

5. 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.

Co-owners Jonathan Price and Cynthia Marek introduced themselves for the record.

In response to questions from Ms. Vang, Mr. Price said they had been in business since May of 2004. He said they at some point didn’t pay and didn’t have the 2 a.m. license but weren’t aware of it. He said they had a customer fatally wounded in the parking lot and were cited, and paid a penalty of \$500. He said they waited a period for emotions to settle before re-applying. Mr. Price and Ms. Marek said there had been staff turnover and terminations since they opened. They said they both provided day-to-day management, and were currently open seven days a week from 3:00 p.m. to 1:00 a.m. Ms. Marek said her responsibilities were behind the house doing financials and inventory, etc., and Mr. Price was operations. Mr. Price said they had 11 employees. He said most employees were from the neighborhood but they were from all over. Ms. Vang said she noticed from the site plan that there were 23 parking spaces. Ms. Schweinler said it was University Avenue so parking was not a requirement.

Ms. Vang asked how negative incidents were handled and relationship with the police department. Mr. Price said that depending on specific issues, he would handle them on a case-by-case basis. He said sometimes it was a permanent ban and sometimes a temporary ban for customers who were misbehaving, and if it was an issue that couldn’t be handled by staff they called for assistance from the St. Paul Police Department (SPPD). Ms. Vang asked about security staff and whether security would change with the additional hours. Mr. Price said it would not change, and they would be adding staff. He said they typically had two to three security personnel on a busy night. Ms. Schweinler said they also employed off duty St. Paul police officers in the parking lot on Fridays and Saturdays.

Ms. Vang noted that there had been no enforcement action taken against the business, so they’d been managing the business well. She asked about the business patrons. Mr. Price stated that about 95% of his customer base was African Americans, with a wide age range. He said on Fridays and Saturdays, it was age 23 and up. He said the older crowd came in earlier in the evening and the younger crowd started to come in after 8:00 p.m.

In response to questions from Ms. Vang, Mr. Price said employees has received alcohol awareness training. Ms. Marek said they used a scanner for IDs. Mr. Price said most customers were regulars and knew the routine.

Ms. Vang then asked about behaviors that had led patrons to be banned and whether it was patrons who were already inebriated when they came in. Mr. Price said intoxicated people weren’t allowed in because they would become his liability. He said patrons were banned for behaviors they knew were not allowed such as fighting and drug sales. Ms. Vang asked who made that call. Mr. Price said his staff had the authority, but typically he was there. Mr. Price said they currently had a policy that if you fight at Johnny

Baby’s you’re banned for good, and with that policy they’d seen that behavior diminish probably 95% or 98%. Ms. Vang asked how safe they felt at the business. Mr. Price said he felt safe. Ms. Marek said they had a good relationship with the licensing department and police department that any time they felt unsafe, the police were called. Mr. Price said he got the occasional threat in the heat of the moment, but didn’t feel he had to be looking over his shoulder as he went out the door. Ms. Marek said the customers felt it was a safe place to come in.

Ms. Vang asked Mr. Price and Ms. Marek to respond to the letter of concern. Mr. Price said he agreed with the letter writer. He said he currently had his maintenance people do the entire block of Chatsworth between University and Sherburne, and a half block north to the alley of Chatsworth and a half block east and west on Sherburne. He acknowledged that on Fridays and Saturdays when they were crowded, customers tend to park on Sherburne and Chatsworth and he knew they were throwing trash and it was his responsibility to clean it up. He said he did have an issue with going into the alley. He said his customers didn’t use the alley, and any concerns about trash in the alley should be taken up with the City. Ms. Marek said she and Mr. Price felt their neighbors were one of their biggest assets because they allowed them to have a business there. She said they responded to neighbors’ requests and did the best they could to work hand in hand with their neighbors. Ms. Schweinler said they’d made major improvements to the property. Ms. Vang asked whether it was the City’s practice to specify a street for cleaning. Ms. Schweinler said it wasn’t. Mr. Price said they currently did outdoor sweeps. He said one thing he had an issue with was customers pulling up and staying in their car; he said that didn’t bring him any money and he asked them to come in or move along. He said they already dealt with the concern related to video surveillance and kept video for 30 days. Ms. Schweinler said it was addressed in the license conditions. Mr. Price said he felt they were already addressing everything in the letter, and his only concern was that he didn’t think it was his responsibility to clean the alley.

Ms. Vang asked about the last statement in the letter of objection related to having staff walk the 900 block and asking people not to sit on neighborhood steps. She said she felt that was too intrusive. Mr. Price stated that normally SPPD did that on Fridays and Saturdays, but on other days it wasn’t his customers. Ms. Vang said she felt it was beyond what any business should be asked to do and would put the employees at risk. Ms. Marek said that wasn’t even near their property.

Ms. Vang read into the record that the letter in concern was received on February 1 and was from Jean and Edouarda Opatrny at 962 Sherburne. She also read an email received from Caty Royce at the Frogtown Neighborhood Association on March 2, indicating that the business had received unanimous support and noting that it was unusual for the district council to have 100% African Americans in attendance in support of the license request.

Ms. Vang asked the applicants whether there were any additional questions about the existing license conditions and understanding. Mr. Price said they’d discussed them and didn’t have any questions and agreed with the recommended conditions.

Ms. Vang said based on DSI’s recommendation and the applicants’ work with City staff and police to make the business safe and secure for their employees, she would recommend that the City Council approve the license with the existing conditions.

The hearing was adjourned 10:20 a.m.