

LICENSE HEARING MINUTES
RAS Restaurant & Lounge, 2516 7th Street W
Thursday, August 4, 2016, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:05 p.m.

Staff Present: Eric Hudak and Kris Schweinler, Department of Safety and Inspections (DSI)

Applicant: DJ Bedasso, on behalf of Zinash Amde, the Applicant/Owner; Paul Lelii, attorney representing Mr. Bedasso and Ms. Amde

Others Present: Michael Lindsay, 1344 St. Paul Avenue #5; Jack Dobier, 1745 Graham Avenue #405

RAS Restaurant & Lounge: Application for a Gambling Location license to be added to the following existing licenses: Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor Outdoor Service Area (Patio) and Entertainment (B) licenses. The license will allow a charitable organization to sell pull tabs, tip boards, raffle tickets, and operate a paddle wheel at RAS Restaurant & Lounge once the organization has obtained a State of Minnesota Gambling Control Board Premise Permit

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.

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.

Ms. Schweinler stated reviewed the existing license conditions:

1. The licensee shall provide and maintain working video surveillance cameras and recorders on the premises (both inside and outside) in accordance with Saint Paul Police Department (SPPD) recommendations. The number of cameras, their placement and their quality must be approved by SPPD; and there shall be adequate lighting to support the camera placement. This equipment must be in operation during all business hours. Tapes/recordings must be maintained for a minimum of thirty (30) days, and there shall be an employee on-staff at all times with the ability to make them immediately available to the SPPD and/or the Department of Safety and Inspections (DSI) upon request. Video surveillance equipment shall be installed prior to the issuance of any license(s).
2. The licensee shall provide an adequate security staff from 9:30 p.m. until 2:30 a.m. (or until all customers/patrons have left the premises, including the parking lot area) every Friday and

Saturday night to ensure a safe and secure environment for the public and their employees.

Security personnel are in addition to bartenders, servers, and cooks (staff assigned to these duties are not considered part of the security staff), and shall wear clothing that clearly identifies them as security. The licensee and security staff shall be responsible for monitoring both the interior and exterior of the premises, and shall patrol the parking lot area on a regular basis.

3. Last call shall be given no later than 1:30 a.m., and the licensee shall ensure that all patrons have left the premises (including the parking lot area) no later than 2:30 a.m.
4. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.
5. The food and beverage (both alcoholic and non-alcoholic) service to the patio must stop at 10:00 PM each night of the week. Patrons will be allowed to smoke on the patio until 2:00 AM.
6. The licensee shall post signs in Ethiopian and English in their restaurant and on Sibley Manor property to communicate to their customers that there shall be no parking on Sibley Manor property.
7. The licensee shall keep all windows and doors closed whenever entertainment is provided.
8. No audible entertainment may be provided outside the establishment (e.g., the patio seating area).
9. The licensee shall contract for weekly trash service.
10. The license holder shall make sure that all refuse and trash that is on the premises and/or surrounding sidewalk is removed from the licensed premises, and the surrounding sidewalk by noon on a daily basis.
11. Licensee agrees to maintain the off-street parking lot area in a manner consistent with the approved site plan on file with the Department of Safety and Inspections dated 02/27/2013. This includes maintaining the striping of the parking lot, compact and handicap parking space signage, vehicle curb-stop parking barriers, trash container fencing, and bike rack.
12. Licensee agrees to maintain a barrier sufficient to prevent customer and/or employee vehicles from parking and/or driving on the separate parcel of vacant land with property identification number 212823140004 (located immediately behind this property). The current approved barrier is the curb-stop parking barriers as shown on the approved site plan on file with DSI dated 2/27/2013. Further, licensee agrees to obtain prior written site plan approval from DSI, and to make all necessary improvements to this vacant parcel of land as required under this approval process, before using this property in any manner (e.g., parking of customer and/or employee vehicles, allowing access to this vacant parcel of land from their property, placement of trash/recycling containers, etc.).

The Highland District Council submitted a resolution in opposition dated June 2, 2016 recommending denial of a Gambling Location license due to the licensee's past violation of license conditions. (*Resolution and supporting document from the district council is made a part of this record.*) Building and zoning inspection requirements were still in process; licensing was recommending approval subject to compliance with license conditions.

Mr. Lelii stated that he was an attorney representing the owners of the restaurant and bar; he also lived in the neighborhood and never experienced any problems with this establishment.

Mr. Bedasso stated that his wife was the owner/applicant and he managed the business. They purchased the property in 2008 and at that time, had a gambling license which had been held by the previous owner. They decided to discontinue the gambling license because it was against their religious beliefs. Based on customer requests, he decided he now wanted to pursue a gambling license in order to install an electronic pull tab machine. This would not only be a means of entertainment for

his customers but would also help a charitable youth organization. He could not remember the name of the organization. The representative from the organization failed to appear at the hearing.

Ms. Vang asked Mr. Bedasso about his business: hours of operation, number of employees, security, monitoring parking lot, litter, trash pick-up, deliveries, etc. Mr. Bedasso responded that the hours of operation were 11:00 a.m. to 2:00 a.m.; he employed approximately 14 people. He hired off-duty police officers who were responsible for security inside the bar and restaurant as well as the parking lot. He was responsible for cleaning up the parking lot and had an employee who also helped pick up trash/litter around the property. Unfortunately, he experienced frequent dumping in the lot. Trash service was once per week and if there was extra stuff from people dumping, he would call his hauler for additional service. Liquor deliveries were usually once per week; as for food, he would purchase what he needed from specialty stores.

Ms. Vang asked how he addressed issues concerning noise. Mr. Bedasso stated that summer months were generally more of a problem as many people who were customers of his establishment lived in the apartment buildings near his restaurant. Security officers would tell patrons outside to keep the noise down when people were leaving. Friday nights had been a very big problem when he had hip-hop music, especially with customer behavior. He had since stopped having hip-hop entertainment on Friday nights and the problems subsided. On Saturday nights, they had cultural events catering to the Ethiopian community, which included music, and generally did not have any issues with customer behavior. Related to noise, Ms. Vang asked what time they stopped service on the patio. Mr. Bedasso responded that food service ended at 10:00 p.m. however, the patio was still open for people who smoked.

Ms. Vang asked Ms. Schweinler if additional parking was required for a gambling license; Ms. Schweinler responded that no additional parking was required. Ms. Vang asked whether there had been any recent police calls for service; Ms. Schweinler responded that the only activity on the police report from the past year were “advise only” and off-duty officers. Ms. Vang asked about the number of complaints received by DSI regarding this establishment; Ms. Schweinler responded that no complaints had been received for this location within the past year. Ms. Schweinler said that as part of the hearing process, she and Mr. Hudak inspected the property and found the dumpster enclosure to be in need of repair and there was trash underneath the deck area which needed to be removed. A letter was sent to the owner on July 27, 2016, listing the deficiencies, with a compliance date of August 28, 2016. Mr. Bedasso stated that he would take care of the issues immediately.

Ms. Vang read into the record an email received from Kelly Flaherty and Joseph Gilbert, 1707 Sheridan Avenue (*said email is made a part of this record*). Ms. Vang then invited members of the audience to testify.

Mr. Lindsay stated that he is a member of the Highland District Council, representing grid 9, and read into the record a resolution from the district council in opposition of the gambling license (*said resolution is made a part of this record*). Ms. Schweinler responded that if phone call complaints were being made to the district council, those complaints were not being forwarded to DSI for investigation and compliance.

Mr. Dobier stated that he is a member of the Highland District Council, representing grid 11, and had also served on the zoning committee for the district council. He believed the main issues surrounding the establishment were activities which occurred outside of the restaurant as well as the negative appearance of the exterior of the property. More specifically, the issues were noncompliance with the

current license conditions, garbage, fighting and basic fear for well-being due to the clientele of the restaurant.

Ms. Vang asked Mr. Bedasso whether he participated in the district council. Mr. Bedasso responded that he did not. Ms. Vang encouraged Mr. Bedasso to get involved with the district council and attend their monthly meetings. This would give him an opportunity to work with the neighbors who live in the area and to find out what their concerns may be and to inform the community what events were taking place at his establishment.

Ms. Vang asked who the non-profit organization was. Mr. Hudak responded that the non-profit was Adonis Eco Housing and it was his understanding that they were currently under investigation with the state. Mr. Lelli responded that if there was a problem with the non-profit, they would find another organization.

Ms. Vang stated that she would withhold her recommendation until questions regarding the non-profit organization were resolved.

The hearing adjourned at 3:30 p.m.

Post-hearing information was provided to Ms. Vang from DSI staff concerning the non-profit organization. Adonis Eco Housing, the original charitable organization attached to the gambling location withdrew their license from the State. The new gambling organization, licensed by the State of Minnesota, which would be operating at RAS Restaurant & Lounge would be Twin Cities Metro Chapter UNICO National. After reviewing the records and testimony presented, Ms. Vang will recommend to the City Council that they approve the license with the existing conditions:

1. The licensee shall provide and maintain working video surveillance cameras and recorders on the premises (both inside and outside) in accordance with Saint Paul Police Department (SPPD) recommendations. The number of cameras, their placement and their quality must be approved by SPPD; and there shall be adequate lighting to support the camera placement. This equipment must be in operation during all business hours. Tapes/recordings must be maintained for a minimum of thirty (30) days, and there shall be an employee on-staff at all times with the ability to make them immediately available to the SPPD and/or the Department of Safety and Inspections (DSI) upon request. Video surveillance equipment shall be installed prior to the issuance of any license(s).
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The Conditions Affidavit was signed and submitted on June 30, 2016.