

LICENSE HEARING MINUTES
Bad Weather Brewing LLC, 414 7th St W
Thursday, Oct 12th, 2017, 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: Kris Schweinler, Department of Safety and Inspections (DSI)

Applicant: Joe Giambruno, Applicant/Co-Owner, Bad Weather Brewing LLC

Others Present: Naomi Austin, Mark Hegmauer and Mark Fangmeier of the Little Bohemia Neighborhood Association on behalf of the neighborhood.

Bad Weather Brewing, LLC Add an Entertainment (A) license to the existing Malt On Sale (Brewery Taproom), Liquor On Sale – Sunday, Liquor-Outdoor Service Area (Patio), and Malt Off Sale (Brewery) licenses

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 letters of concerns/objections 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's office for 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 and then invite interested parties to testify whether they were in support or opposition. 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.

Mrs. Kris Schweinler reviewed the license conditions:

Recommended License Conditions:

1. Licensee acknowledges that the licenses issued only permits the sale, service, and or consumption of beer which has been brewed by the licensee on these premises.
2. Licensee acknowledges that the beer service area is limited to the location shown on the approved plan on file with DSI. Any changes to the service area requires prior written approval from DSI.
3. There shall be no amplification of music or broadcasted events outside the building without prior written approval from the Department of Safety and Inspections (DSI).
4. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or non-amplified 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.

Building permits were not applicable; licensing was recommending approval of the license application; and zoning recommended approval with conditions.

Ms. Vang asked whether additional parking would be required by for adding an Entertainment A license to the existing licenses. Staff responded that under the zoning code, no additional parking was required.

Ms. Vang asked Mr. Joe Giambruno to talk about his business: history, hours of operation, number of employees, etc. Mr. Giambruno stated that he is one of the owners. They moved to Saint Paul about two years ago from Minnetonka. When they rehabbed the building, in addition to serving their brew, they always intended to apply for the Entertainment A license. They envisioned a venue that could offer small music show, i.e., offering acoustic guitar for their patrons. They don't want to change the venue too much from their laid-back coffee shop feel. They want to enhance the experience for their patrons and have no intention of offering rock bands shows. They want to provide acoustic music in the background especially for events like weddings. In addition, they would like to provide a space for local musicians who may want to play for events like a charity event. They don't foresee having acoustic guitar playing in the corner of the business to be disruptive to the patron's experience which is why they applied for the lower tier Entertainment A license. Mr. Giambruno acknowledged supporters from the Little Bohemian who were in attendance and submitted letters from surrounding residents. Considering the concerns raised by residents, Mr. Giambruno wants to close entertainment shows two hours earlier than the venue's closing. Music times would end at 8 PM on weekdays and at 10 PM on weekends. He reiterated that the noise level should be no different than it currently is when playing Pandora or other music stations on stereos through the speakers. He also presented this suggestion at the neighborhood meeting and those residents in attendance did not have any comment on this his suggestion. He was also willing to work with residents should noise level becomes an issue to measure the decibel levels with a sound device. He believed that a few neighbors may take him up on his offer to check the sound level from their home to verify that the decibel levels were disruptive. Also, depending on how the noise level goes, he may, at some point, adjust the entertainment show to later hours if the noise levels were satisfactory to surrounding residents. *(Mrs. Schweinler interjected that if there is a request to change any conditions to the license, an application for adjustment and neighborhood notification would be required.)*

Ms. Vang read into the record the three contested emails: Jeffrey Austin resident, 457 W. 7th; Tracey Wasson Poletes, no address indicated; Paulette Myers-Rich & David Rich, 469 Main Street, Beacon, NY 12508 *(Emails were made a part of this record)*, and two letters of support: Joseph Alton, The Growler Magazine, 1035 7th St. West; and Little Bohemia Neighborhood Association *(Letters were made a part of this record.)* Mr. Giambruno was asked if he would like to respond to the concerns raised.

Mr. Giambruno responded to the concern raised about the signage for "no left turn" because it was always being knocked down. He stated that they were asked to put up the sign as part of the original conditions. Ms. Vang encouraged Mr. Giambruno to consider having some staff to help manage traffic during busy events and to call the police observations are made for traffic infractions. Hopefully, taking these actions may help with the failures of drivers to observe the "no left turn" signage that were raised in the emails. Mr. Giambruno was also asked to provide maps showing their patrons where they can park and to better communicate with patrons about permit parking areas.

Ms. Vang invited the attendees to come forward to testify. Mr. Mark Fangmeier, 455 Benfil Street, from the Little Bohemia Neighborhood Association testified on behalf of the neighborhood. Mr. Fangmeier noted he was in great support of the venue and business since the owners had turned this old ugly tire shop into a new vibrant building that provided a gathering place for families. This license would add to the vibrancy and allow local artists to showcase their talents. The neighborhood is becoming an arts community and is excited for Bad Weather to get the Entertainment “A” license. He noted that Mr. Giambruno is invested in the community and had previously attended the neighborhood meetings to answer questions and concerns.

Ms. Naomi Austin, also a member of the Little Bohemia Neighborhood Association, testified on behalf of the neighborhood and spoke to the positive influence Bad Weather had on the neighborhood. Ms. Austin noted Mr. Giambruno’s professionalism as being textbook and how he and his partners have incredibly transformed the vacant building from being an eye sore to a place of vibrancy. She noted that the vacant tire shop also had a huge and hideous sign that Bad Weather took down. Since the building had been rehabbed, the business has improved the neighborhood which is attracting younger families to move in adding vibrancy to the community. She is particularly pleased to have this establishment in the neighborhood which allows family to walk to the location.

Ms. Vang asked about the makeup of Little Bohemia Neighborhood Association. Ms. Austin and Mr. Fangmeier indicated that it is made up of homeowners, business owners, any neighbors from the area who has concerns. Their members fluctuate but typically they have about 12-20 active members. They have about 200 people on their email list and have about Facebook followers.

Ms. Vang asked Mr. Giambruno about noise from the business and its impact on the neighborhood. He stated that when the weather is nice, they like to have the doors open. Mr. Giambruno does not believe that the noise would be greater than other businesses. He again offered decibel level readings to those neighbors who have concerns. Ms. Vang discussed with Mr. Giambruno that in light of the business adding an Entertainment A license that they keep the garage doors, doors and windows closed during musical events to minimize noise impact to the neighborhood. She also noted that recently, Bad Weather sought a sound level variance which was passed by the City Council with conditions and would like Mr. Giambruno to adhere to similar expectations. Ms. Vang urged him to keep the garage doors closed during music events but indicated that if noise becomes an issue that a condition could be added to have all doors and windows closed any time there was a music event. Mr. Giambruno acknowledged his understanding. He also went on to address how to solve the parking issues and believed that there needs to be more conversations before a workable solution is found.

Ms. Vang then reviewed the business’ history and police incident reports and noted several areas where incident reports were written but unrelated to the business. Ms. Schweinler added that listed item in the police incident report is not indicative of the business’ management but that the report is based on the address which has an odd layout of the block and its adjacent addresses. Mr. Giambruno noted for the record that in the two years that Bad Weather has opened, they have only had to ask two people to leave the business for behavioral issues. All Bad Weather Staff are required to go through alcohol training to ensure they are not over serving patrons.

Ms. Vang stated that after reviewing the testimonies, received emails/letters, and documents, she will recommend to the City Council that they approve the license with the existing license conditions:

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Mr. Giambruno was agreeable to the conditions and was asked whether he had signed the conditions affidavit.

The hearing adjourned at 10:44 a.m.

The Conditions Affidavit was signed and submitted on Oct 13th, 2017.