

LICENSE HEARING MINUTES
Willard's Liquors, 738 Thomas Avenue
Monday, May 11, 2020, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
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 10:00 a.m. A roll call was made to confirm attendees.

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

Licensee: Arlene Favors and Curtis Favors, Co-applicant/ Co-owners

License Application: Add an Entertainment (A) license to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Gambling Location licenses

Other(s) Present: Willie Taylor, neighboring property owner

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 correspondence of concern/objection, which triggered this hearing. She said she would not read the letter of objections, since Mr. Taylor was in attendance and would be offering his testimony.

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.

Ms. Vang asked Mr. and Ms. Favors whether they had any questions about the process. Mr. Favors said they did not.

Kris Schweinler, Department of Safety and Inspections (DSI), gave a staff report. She said the Class A Entertainment definition was amplified or non-amplified music and/or singing by performers without limitation as to the number of performers, and group singing participated in by patrons of the establishment which is usually karaoke. It did not allow for the licensee to

provide a dance floor for customers to dance on. She said DSI recommended approval with the seven existing conditions, and the Class A Entertainment would be the eighth condition.

Existing License Conditions

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. The License holder will use metal detecting devices to prevent the introduction of weapons into the establishment.
3. The License holder will check identification of patrons to ensure that no one under 21 years of age is served alcoholic beverages.
4. The License holder will employ properly trained security personnel, who will be on duty every day from 7:00pm until closing. The security guard(s) will adhere to the following guidelines:
 - 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 and/or arm bands to be easily identified as security personnel for Willard's Liquors.
 - c) The security guards will conduct outside sweeps or walk-arounds at least twice an hour while on duty to disperse or discourage people from excessive hanging out or loitering adjacent to the licensed establishment, and especially in the doorway to the establishment.
 - d) Security guards will ask patrons to park legally adjacent to the establishment and will call police to enforce parking regulations if necessary.
 - e) Security and bar personnel will meet with police on a regular basis to discuss security problems and concerns.
5. The License holder will lock the doors to the establishment at 1:30am.
6. The back door will remain locked after 5:30pm to prevent entry. (This is to allow for deliveries.)
7. Criminal histories or background checks will be conducted on all security personnel to eliminate any candidates who have a criminal history from working as security guards.

Recommended Additional License Conditions

8. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or nonamplified 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.

Ms. Vang asked whether there was a petition requirement for Entertainment A. Ms. Schweinler said no.

Ms. Vang confirmed with the applicants that they understood the condition for the Entertainment A license.

Ms. Vang asked whether anything had changed since the licenses were granted last June. Mr. Favors said no. Ms. Vang asked whether they were now cemented in their management practices and the purchase of the property. Ms. Schweinler said Mr. Favors had purchased the building at the time he made the application, along with several other buildings owned by the previous property owner.

Ms. Vang asked the applicants whether they had renovated the space. Mr. Favors said there were also apartment upstairs and five other units adjacent to the building - two duplexes and a single-family home, all purchased at the same time. Ms. Vang asked if the buildings had shared parking or just street parking. Ms. Schweinler said the business was grandfathered and had no parking requirement. Mr. Favors said there was off-street parking for all their tenants.

Ms. Vang asked where on the site plan the Entertainment A activity would take place. Mr. Favors said they wanted to have karaoke and live music from time to time. He said the juke box they had was as loud as any karaoke or live music. Ms. Vang asked where the juke box was located. Mr. Favors said it was in the center of the bar, with speakers in every corner of the bar. He said the juke box was equipped for karaoke, but they would like to hire karaoke entertainment. Ms. Vang asked how often they planned to have these events. Mr. Favors said probably once a month tops, for karaoke. He said if there was anything on Sunday, it might be for a birthday. Currently the only thing on Sunday was during football season.

Ms. Vang asked if there had been staffing changes since they'd been open. Mr. Favors said they'd had some turnover in security and bartenders. Ms. Vang asked whether the security plan had changed. Mr. and Ms. Favors said they had five or six security staff that rotated - two on weekends, and one Sunday through Thursday, as stated in their conditions.

Ms. Vang asked if they were also a restaurant. Mr. Favors said they served pizza and snacks; he said they had the Department of Health license. Ms. Vang asked if there was a full kitchen. Mr. Favors said not a full kitchen. Ms. Schweinler said it wouldn't be classified as a restaurant.

Ms. Vang noted 146 items on the police incident report since last April. She said there were a lot of proactive police visits but there was some disorderly conduct; she asked whether it was just the area or specific to the operation. She asked how security was managing people as they entered and exited the establishment. Mr. Favors said they had stepped up with more training for security with wandering and checking in and out. He asked about the 146 calls. Ms. Schweinler said most were proactive police visits. She said there were some disturbances and suspicious persons. She said they had used the business address but could have been the intersection or in the street. She said there was an administrative investigation in February which was DSI doing condition checks. There were calls for lost and missing property, 911 hang-ups, and alarms. She

said there was the bar, the apartments above, and tenants next door and traffic advisories which could mean the intersection.

Mr. Favors said most police interaction had been police asking for video of the block; he said their video surveillance on the block was very good and they were proactive and helpful with police. He said there was not a lot of hoopla happening inside the bar, but they couldn't control what happened in the neighborhood. He said even during this COVID-19 era there was still lots of police action in the neighborhood. He said he had been at the bar every day doing painting, remodeling, and cleaning, and something was going on five days a week at least. Ms. Favors added that they weren't even open.

Ms. Vang asked Ms. Schweinler whether the February 21 administrative investigation resulted in enforcement action. Ms. Schweinler said no.

Ms. Vang asked for more information about stepping up security and wand training; she asked how often it was done and if the training was done internally. Mr. Favors said it was internal and they hired someone who currently worked with department of corrections. He said staff were trained, but everyone had their own way, and they were trying to get a universal way. He said they were looking into getting a doorway metal detector, a middle of the road one that actually scanned.

Ms. Vang asked how security staff were patrolling the exterior when people were leaving or entering. Mr. Favors said they patrolled hourly around the perimeter and down the block. He said they tried to assist ladies to their cars. There was no smoking inside, so there were constantly people outside. There was a sign on the door saying customers would be checked every time. Mr. Favors said they tried very hard to keep it intact, but it was never good enough for the neighborhood. He said they owned properties in the neighborhood and didn't want a problem. He said they went out of their way to make it as safe as possible. He said as Ms. Schweinler knew, they were open to any and all suggestions to try to accommodate.

Ms. Vang said STAMP showed complaints mainly having to do with patrons loitering outside the establishment, so she wanted to know how staff was managing the activity outside. She said in terms of complaints of music coming out of the establishment, she didn't know whether there was a formal look from the department in terms of checking the volume. She asked how that was managed and whether it was set to a particular level. Ms. Favors said they kept the door shut. Mr. Favors said when the doors and windows were shut, the decibel level went down, but if the doors kept opening and closing, you're going to hear something. He said they chose not to stay open very late. He said they did what they could. In terms of decibels, it was a small place and it could only be so loud. He said as far as loitering, the best they could do was encourage people to move along, but they could only encourage so harshly before they themselves created a problem.

Ms. Vang and the applicants reviewed the STAMP activities report together. Ms. Schweinler referred to April 28, 2020, a report of being open for business. Ms. Favors said they were not open. Ms. Schweinler noted that Mr. Favors had said he was doing remodeling. Mr. Favors said he was there every day. Ms. Schweinler said there were no police reports that they were open. Ms. Vang said she just wanted to make sure the applicants saw the types of complaints coming

in. She said in terms of the doors, she wanted to be sure they were aware and cognizant. She said the applicants wanted to improve their business, and whether they lead into any kind of adverse action, just so they were aware and doing what they could to minimize any impact to the community. Ms. Schweinler said her observation was that the doors and windows were generally closed while the business was open, so music coming out of the bar was intermittent when the door was open for people to walk in and out. She said people outside smoking might be what neighbors were seeing as people gathered outside. She said if there was a group of people outside, there should be security out there with them. She said she had been there in the evenings and there were loud car stereos at that intersection. She said there was a stop sign there, and there was an enormous amount of bass coming out of some of those cars that were stopped. There was nothing Mr. Favors could do about that. Mr. Favors said he was there every day, and a minute didn't go by when that (loud car stereos) didn't happen. Ms. Favors said there was a four-way stop at the intersection.

Ms. Vang said that gave her perspective to share with the City Council member.

Ms. Vang asked the applicants if they'd shared their contact information with neighbors. She said she wanted to see where they were with developing their community engagement. Mr. Favors said they'd had a plan for a little hotdog and hamburger thing, basically for the kids, before this (COVID-19 pandemic) happened. He said they were vested in the neighborhood, so it was to their benefit to be neighborly. He said they were open to any and all suggestions from their neighbors. Their door was always open, and they were there every day. Ms. Vang asked whether they had been managing the business themselves. Mr. Favors said yes.

Ms. Vang opened the public hearing for Mr. Taylor to share his concerns. Mr. Taylor said he was in opposition to any additional entertainment at that location. He said it was a community where families were moving in with young kids and making improvements to their properties. He said he knew the owners of the establishment were trying to do the right thing and keep order, but as Mr. Favors had said, he had no control over patrons once they walked outside the door. No amount of security would stop that. He said there was a parking problem; when he went to his property it was hard to find a parking spot. People made a lot of noise, there were boomboxes, it was awful. It didn't make a good impression on young kids in the community when there was an establishment like that. He said basically he was against the whole establishment being there. If they were going to add additional activities in the facility, they would attract different people. People came out drunk and noisy, and it was not a very good situation with the establishment being there. He said he liked the community. A lot of young families were moving into the area, and they had kids up and down the street all day long, especially in the summer, and that was the worst period for activities that were disruptive. He reiterated that he was against the building being there. He said the owners were doing the best they could, but they couldn't control people once they left the building.

Ms. Vang confirmed with Mr. Taylor that, although the owners were working hard and there were conditions in place to ensure they were managing the business in a responsible manner, in his opinion entertainment should not be given to these business owners. Mr. Taylor said that was correct. Ms. Vang said she was trying to see if there was any way they could shape conditions that would make it work. She said it wasn't going to be 100%; it was at the intersection and in

the community, and everybody shared the responsibility of maintaining the safety and security of the location. She said she didn't know what would work given that Mr. Taylor felt nothing would work, but she wanted to find a solution or middle ground to make everybody somewhat comfortable.

Mr. Taylor asked how adding this activity would improve the business. Mr. Favors said the amplification of noise wouldn't drastically increase. A lot of people from the neighborhood came to the bar, and if anything, it would create a lighter atmosphere for them. The more people who enjoyed themselves inside, would leave the establishment enjoying themselves. He said they were not doing it to make a ton of money. It was a neighborhood bar and there were only so many dollars, but it would be something different for the people in the neighborhood to do.

Mr. Taylor asked what the conditions were on the business. Ms. Vang said conditions were listed on the notification letter. Mr. Taylor asked if there was a time limit, if the business got a certain number of complaints. Ms. Schweinler said complaints had to be verified by the police department, and if DSI received a report of a condition violation from the police department, DSI would take adverse action. She reviewed the adverse action fines and penalties. She noted the seven existing conditions and the Entertainment A condition. She suggested that conditions could be modified so doors and windows would have to remain closed whenever entertainment was offered. She said she didn't know whether limiting the times when entertainment could be offered was reasonable or not.

Mr. Taylor asked who was responsible when people left the establishment and caused a problem out on the street. Ms. Schweinler said the police department should be called. She said they had always told licensees that it was unsafe for them to be the ones calling, it should be the neighbors that were witnessing the activity. Mr. Taylor asked whether the establishment could be held liable if a person walked outside the building and shot someone. Ms. Schweinler said if someone walked outside the building and shot someone, she'd be questioning their wandering capabilities, but if someone went to their car and got a gun and shot someone, that was not the licensees' responsibility. Mr. Taylor said his point was that if that establishment wasn't there, that type of person wouldn't be there to begin with. It was a magnet. Ms. Schweinler said not necessarily; she said that would be the case for any bar in St. Paul. She said the location was within a residential area and had been there for well over 40 years. Mr. Taylor said that didn't mean it should stay there. Ms. Schweinler said as long as they were doing their job the right way and hadn't had any adverse action, they were allowed to stay there and do business.

Mr. Favors said he understood Mr. Taylor's concerns. He said they had been shut down for two months, and there was still police action, and there had been a shooting every week in that neighborhood. They hadn't even been open and there was nothing they could do about that. Mr. Taylor said he understood there was nothing Mr. Favors could do, and that Mr. Favors was a businessman and wanted to keep his business going. Mr. Favors said he welcomed Mr. Taylor to come to the bar and see for himself. They were trying to change the neighborhood into something light and friendly instead of something frowned upon. He said Willard's did have a stigma they were trying to get past. He said they had come a long way and needed the help of people like Mr. Taylor in order to come further.

Ms. Vang asked Mr. Taylor if he had any more questions. Mr. Taylor said no. Ms. Vang closed the public hearing.

Ms. Vang said she liked the idea of doors and windows remaining closed when there was entertainment; she acknowledged that would not completely address the concerns. She asked the applicants if they would be willing to have that added. Mr. Favors said that was fine. He said it was a brick building and it muffled the sound, but they would be happy to keep the doors closed as much as possible and the windows definitely closed. Ms. Favors said when they had entertainment it was later, and the doors and windows were shut anyway. Mr. Favors said they had central air.

Ms. Vang asked Ms. Schweinler to re-draft Condition 8 with that modification.

Ms. Vang said given that there were no other concerns raised which could be shaped into any more conditions, she was comfortable that the applicants had been managing the business well in the time they’d been operating. She strongly encouraged them to explore the metal detector they were contemplating, and to continue to do training with security staff in terms of protecting patrons and staff, and to utilize calling police for incidents not within their control. She said she would be recommending that the City Council issue the license with the number 8 condition being modified.

The hearing adjourned at 10:46 a.m.

The Conditions Affidavit was signed and submitted on May 12, 2020.