



Legislation Details (With Text)

File #: PH 11-8 **Version:** 1

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In control: City Council

Final action:

Title: Approving adverse action against all licenses held by Cherry's Minnehaha Tavern, Inc., d/b/a The Cherry Pit located at 735 White Bear Avenue N. in Saint Paul.

Sponsors: Kathy Lantry

Indexes:

Code sections:

Attachments: 1. Notice of Council Hearing.pdf, 2. Uncontested License Matter form.pdf, 3. License Group Comments Text.pdf, 4. License Condition Affidavit dated 7-21-06.pdf, 5. SPPD CN #11-005-349 dated 1-9-2011.pdf, 6. Supplemental CN #11-005-349 dated 1-9-2011.pdf, 7. 1st Electronic mail dated 1-10-2011.pdf, 8. 2nd Electronic mail dated 1-10-2011.pdf, 9. Notice of Violation.pdf, 10. Request for public hearing.pdf, 11. SPLC Section 409.26.pdf, 12. SPLC Section 310.05 (m).pdf

Date	Ver.	Action By	Action	Result
4/20/2011	1	City Council	Motion of Intent	Pass

Approving adverse action against all licenses held by Cherry's Minnehaha Tavern, Inc., d/b/a The Cherry Pit located at 735 White Bear Avenue N. in Saint Paul.

AMENDED 4/20/2011

WHEREAS, adverse action was taken against all licenses held by Cherrys Minnehaha Tavern, Inc. d/b/a The Cherry Pit (License ID #20040000032) for the premises located at 735 White Bear Avenue North in Saint Paul by Notice of Violation dated February 8, 2011, alleging that during a proactive visit by Saint Paul Police on January 9, 2011, the officers observed after hours display and consumption of an alcoholic beverage by an employee in violation Saint Paul Legislative Code § 409.26 (b) (6) and the licensee was unable to provide the videotape concerning the incident because the DVR was not plugged in that night in violation of license condition #1.

WHEREAS, this is the first violation so the licensing office recommended a \$500.00 matrix penalty for both violations and modification to license condition #1; and;

WHEREAS, licensee did respond to the Notice of Violation on February 16, 2011, to request a public hearing which was held on April 20, 2011; now, therefore, be it

RESOLVED, license condition #1 will be modified to read as follows: *License holder shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department (SPPD) immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or the Department of Safety and Inspections (DSI) requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.*

FURTHER RESOLVED, Cherrys Minnehaha Tavern, Inc. d/b/a The Cherry Pit is hereby ordered to pay a \$500.00 matrix penalty for after hours display and consumption of alcohol and failure to provide videotape in violation of license condition #1. Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution. Upgrade of video equipment must be completed by August 1, 2011.