

Good Neighbors Report

To: PS&L Committee

From: Attorney Nhu H. Arn

RE: **Taste of Soul, 501 6th Street**

Meeting date(s): Tuesday, December 15, 2020 and March 2, 2021

PS&L agenda date: Tuesday, March 9, 2021

Departments attended: Attorney, Police, Building, Health, and City Development

License requested: Class "B" and "Class B" (beer and liquor)

History of events:

12/12/20 Meeting: Initially, Taste of Soul, LLC., submitted an alcohol beverages application solely under the name of its agent, Renee Miller. The license application omitted the name of its president and vice president, Damien and Rebecca McCray, as the true owners of the business. At the time the application was submitted, Ms. Miller was asked by the city clerk's office multiple times whether there were any other individuals associated with the business, to which Ms. Miller responded no. Ms. Miller attended the good neighbors meeting by herself in December. A thorough review of the application at that time revealed that Rebecca McCray was in fact an officer for the LLC and should have been named on the application. Thereafter, it was also revealed through police reports that Taste of Soul, LLC. was actually owned and operated by Damien and Rebecca McCray, both of whom appeared to be intentionally left out on the license application. Ms. Miller and Mr. McCray were subsequently informed that as a result of the failure to disclose Damien and Rebecca McCray on the original license application, a new application would have to be submitted. Ms. Miller thereafter informed Attorney Arn that she was no longer willing to serve as agent for the LLC.

1/2/21 Potential ordinance violation: On this date, the police department received a complaint that Taste of Soul was open and serving alcohol without a license. An officer was dispatched but unable to substantiate these allegations. The bar was occupied by staff and a band playing/rehearsing at the time, but no alcohol was being served. As the building did not have an occupancy permit at the time, no one was allowed to be in the building. Mr. McCray received a warning from the Building Department. Mr. McCray informed the officer that he did have a private party for friends and family the day before on New Year's Eve, but states he did not serve or sell alcohol.

3/2/21 Meeting: Taste of Soul, LLC., submitted a second application with the city clerk's office in February of 2021, this time listing both Damien McCray and Rebecca McCray. Both attended the good neighbors meeting, along with Deandre Smith, who serves as director/manager of the LLC. The following topics were discussed at this good neighbors meeting:

- 1) Omission on initial application. When asked why the initial application listed only Renee Miller and neither Rebecca nor Damien McCray, the McCrays denied knowing who Renee Miller was. The McCrays stated they did not know that they were required to list themselves on the application, despite the first page of the license application asking for the name of the president, vice president and members of the limited liability company, along with each person's home addresses.
- 2) Criminal records.
 - a. Damien McCray has a lengthy criminal history that includes multiple counts of resisting or obstructing a police officer and possession with intent to deliver cocaine. He states he was last released from federal prison in 2017 and that he completed federal probation/parole in February of 2019. He states he has been working full time at a clothing store since then. Mr. McCray is deemed disqualified for a license under the city's policy guidelines due to his criminal record, unless the committee finds that he has been rehabilitated. If the committee finds that Mr. McCray is disqualified for a license due to his record and has not been sufficiently rehabilitated, no license may be granted to Taste of Soul, LLC., unless and until the limited liability company cuts all ties to Mr. McCray.
 - b. Rebecca McCray also has a criminal history, with the last conviction being in 2012 for a drug offense, after which she completed 3 years of probation. At the time of this report, her criminal background check had not been completed and as such, it is unclear whether she is disqualified under the city's policy guidelines. Since Rebecca McCray would be serving as agent for the licensee, the committee must find her to be of satisfactory "character, record and reputation," in order to grant a license.
- 3) Lack of experience. All three individuals, Damien McCray, Rebecca McCray and Deandre Smith, state that they have no experience whatsoever managing a bar or restaurant. They also state that they have never even worked in a bar, but that they are hoping to learn from their landlord and other mentors. The lack of experience may be particularly problematic if the owners/managers turn out to be uncooperative with police when problems arise.
- 4) Potential issues relating to noise/music. The McCrays indicate that they intend to have live music, but that bands would stop playing music at midnight every night, even on weekends. All three individuals were put on notice that there might be complaints regarding noise from downtown residents, and that they should stick with their plans to end all live music by midnight.

- 5) Potential video gambling machines. When was whether the three “amusement devices” in their license application were gambling machines that pay out something of value, city staff received conflicting information. Rebecca McCray initially stated that the person would have to go to the bar to cash out, but Damien McCray quickly insisted that the machines do not pay out. Both were warned that gambling machines are illegal in “Class B” premises and that a violation could possibly constitute a criminal offense.
- 6) Premises description is amended. To clarify the premises description, the application has been amended to state “first floor building including back kitchen area, and basement storage.” If the committee approves, it should be with this noted amendment.
- 7) Currently operating as a restaurant. The premise is currently operational as a full restaurant and has the maximum capacity of 75. The owners were reminded that due to COVID restrictions, the capacity is currently maxed out at 50%, or 37 patrons.
- 8) Lt. Smith from the police department provided the owners tips on how to deal with noise complaints and crowd control. He reiterated that they should not be afraid to call the police for help and asked for cooperation.
- 9) Attorney Arn provided a summary of the most important local and state laws concerning alcohol beverages regulations to all three individuals at the meeting and emailed a link to the relevant ordinances/statutes thereafter.

Overall summary:

Based on all of the above, city staff has some concerns regarding the credibility and truthfulness of the applicant(s). The lack of experience of the owners and managers, all of who state they have never worked at a bar, is also problematic. That said, the premise has been operating as a restaurant for a few months now without any issues. If the committee does grant the license, it should consider placing conditions on the license such as closing at 2:00 a.m. every night (as indicated on their license application) and prohibiting live music after midnight.

Options for committee:

- Approve the license application.
- Approve the license application with certain conditions, such as abiding by the hours of operation (as stated on the license application) and no live music after midnight
- Deny the license application based on the committee’s concerns.
- Defer the license application and request more information or documentation.