

# WHITTIER ALLIANCE - Community Issues Committee - MEETING MINUTES

September 10<sup>th</sup>, 2007 – 6:00 P.M. - 8:30 P.M.

Whittier International Elementary School

**Present** Michaela Ahern, Nimco Ahmed (CM Aide), Tesla Aldrich, Andy Baird, Shirley Bernu, Marilyn Bigbear, Mahamed Cali, Erica Christ, Lori Chu, Wendy Darst, Don Davis, Felino de la Pena, John Donahue, Lisa Braun Dubbels, Abdulah Elmi, Cheryl English, Sadie Facion, Brian Foster, Chris Gottshall, Verne Greenlee, Doreen Hartzell, Cory Hinz, Yuyudhan Hoppe, Paula Horan, Fatima Jama, Peter Jochimsen, David LaViolette, Chris Ledoux, Denise and Ervin Locke, Robert Lilligren (Councilmember), Larry Ludeman, Linda Martin, Lara Merrill, Warren Nelson, Becky Olson, Jim Roscoe, Jauna Schneider, David Schuster, Mary Simpson, Jeffrey Thomson, Sabah Yusuf, Cindy Wong, Bryan Wood

**Speakers** Wayne Butzer (Vera's Café), Steven Rondstvedt (Sabri/Leonard Properties) Peter Roos and Arlyn Lomen (Wendy's Four Crown), CCPSafe Sarah Mahmud

**Staff** Marian Biehn, Josie Shardlow, Eric James

Call to Order at 6:15 by Chair Destin Nygard. The Conflict of Interest & Standard of Conduct policies were noted. Minneapolis Police were moved later in the agenda. The presentation on 109 East 26<sup>th</sup> Street, Joe's Chicken Shack was noted as postponed to October. **Motion** to approve the amended agenda **carried**. A **motion** to approve the August 13, 2007 minutes **carried**.

## Announcements/Community Comments & Discussion

A resident reported his catalytic converter was stolen twice on his truck.

A neighbor living on 28<sup>th</sup> and Pleasant near Sabri's property said they've been living 16 years and there is no reason they should not be able to park in front of their building. Sabri's patrons are blowing the stop signs. The City sold the property to him for \$150k, now where are the 200 parking spaces he would provide. Why is Sabri able to put a pool hall into Karmel and purchase up properties when there has been no improvement into the community? Sabri did not attend their National Night Out as well. The neighbor asked CM Lilligren why the City continues to do business with Sabri. She said Mid. Mach is supposed to be commercially zoned. CM said Sabri planned additional floors on Karmel Plaza and residential units but they did not happen. The City and neighbors have been watching him. The pool hall has been shut down three times with the community's help. As far as the way the City does business, it's a pain and they must continue to follow-up all the time. However since Sabri owns property, the City must do business with him.

The neighbor brought up the bribery conviction. She said Sabri is a slum landlord and he and his tenants are disrespecting the neighborhood. The traffic patrol officers are not enforcing the street. A neighbor said he was almost hit on the street by a patron from Karmel and a solution must be made to the problem. A neighbor said the traffic issues generated by Karmel Plaza are way out of control. The demand for parking by the plaza patrons is sucking up all the spaces on the n'hood. The way the area streets are laid out is unique and making it difficult. Jim Roscoe said a traffic discussion meeting was held last year and asked the CM to hold another. The CM would like to bring the whole slate of staff to address this situation. Jim said the area is "going to hell in a hand bag." A neighbor encouraged the CM not to just give the residents there lip-service. The CM acknowledged and noted he deals with Sabri in his own n'hood.

A neighbor said if or when Karmel Village goes online, traffic will be worse. Jim said the issues should be brought up to MPD and the CCP Safe. He would like to invite MPD again to sit on his porch and watch the issues unfold. A neighbor who talked about critical parking said 75% of the block must agree and be approved by the City Council. A neighbor said many of Sabri's properties are getting shut down, why is he able to continue? CM Lilligren also clarified that Sabri can buy a building—the city does not oversee private property sales and transactions. He is allowed to do that. The City steps in once a project is underway to assure that what was proposed is actually being done or that the use is a proper use or licenced. In the case of Karmel Plaza the neighborhood and the city were very involved in enforcing the contract and only allowing the approved plan to be built. The city did not allow and had Sabri remove an additional floor that he tried to put on to Karmel plaza. The city uses a disproportionate amount of resources for enforcement on Sabri projects.

A neighbor said his stolen bike was recovered by the Police. A neighbor said 311 West 28<sup>th</sup> Street is clearly abandoned and causing issues. The four-plex next door may wish to buy the property.

**Whittier Green Fair – October 13, 2007:** The Green Fair will have tips and information for homeowners, businesses, renters, etc. It will be at First Christian Church 3201 1<sup>st</sup> Ave. The fair will help residents cut down on energy use and each person's environmental footprint.

**Fall Fundraiser - \$10 Lousy Bucks:** Erica said Whittier Alliance has two major fundraisers each year. There is a good fundraising base but residents are lacking! The Alliance understands people in this n'hood can't give a lot of money but please consider giving to the Alliance. As a non-profit organization, it is open to residents five days a week, implements NRP funds for improving the n'hood.

**Josie: Restorative Justice/Fall Clean Up:** Residents are invited to attend a discuss the impact of offender's crimes on the n'hood sponsored by Resotative Justice on Sept 19.. The community then decides what the offender will do to right their wrong. A lot of crimes are committed in Whittier and more residents from here are needed. The Annual **Neighborhood Clean-Up** is September 29<sup>th</sup> from 10am-noon. Meet at Whittier Park, go clean with bags and brooms, and come back for free food.

2901 Lyndale Avenue South – Vera's Café – Wayne Butzer (owner)

*Application for a wine and beer license.* Destin encouraged residents to attend the formal public hearing at the City later. Wayne presented. Vera's has been around for several years. He wishes to stay competitive with his neighbors. He has no criminal record. The license would allow him to sell wine and strong beer but no hard liquor. 60% of the sales must be from food. He applied only to serve until 11pm and not 2am. A resident asked what the license means in terms of revenue. Wayne said only a handful of coffee-shops in town don't have wine and beer license. Currently Vera's is suffering road construction on the Greenway and Lyndale Avenue. They are down 30% in sales. He's hoping to increase revenue. A resident asked about Wayne's sales plan. A resident said she chooses a place like Acadia because of its expanded selections of beer. Jim Roscoe supports Vera's and understands more franchise competition is coming in. Acadia for example survives Starbucks by offering wine and beer. A resident said gardeners are always working down by the Greenway and would hate to lose Vera's. Larry Ludeman voiced concerned about hours. A special license would need to be applied to stay until 2am. Wayne's food is purchased and picked up. Beverages are personally handed. Vera's will continue adding to its home-style menu but has no full kitchen, just a prep area. A patron voiced support of Vera's and the garden. He knows Wayne and said he is a good business man. A resident said Vera's reputation is very good throughout the City.

**CI 1 Motion: The Whittier Alliance Community Issues Committee moves to support the wine and beer license at 2901 Lyndale Avenue South, Vera's Café. Motion carried 33 / 1 / 1.**

Marian reported businesses down at Lyn-Lake are heavily impacted by construction. Friendly patronage would be appreciated.

**2848 Pleasant Avenue South – Midwest Machinery/Karmel Village – Jeff McElmury (Sabri / Leonard Properties) - The presenters were not present.** A resident asked if this would be an appropriate time for a motion of no-confidence be passed. The Chair noted the Board makes the final approval and passes that decision to City Hall as a pre-ponderance of facts. The City is bound mostly by what policies and laws say to make final decisions. Jim said a no-confidence vote would state the n'hood does not have confidence in the developer's intent or the neighborhood past or current experience of the developer providing a quality building, using fair labor practices and following building codes. The reports of tenant problems have persisted for a long time and the parking and traffic problems still exist. That area has been left to deteriorate. We need to let everyone know that we are concerned about the outcome of the Midwest Machinery (Karmel Village) redevelopment and what might get approved.

*The agenda item was postponed until later in the meeting.*

**325 East Franklin Avenue – Wendy's – Peter Roos & Arlyn Lomen**

Peter Roos working with Wendy's Four Crown said they are intending to expand operating hours. The store was opened last winter. He said they take their operation very seriously; they have been good neighbors with only a few police calls. The store closes Sunday-Thursday at 9pm and Friday-Saturday 11pm. They are looking to extend to midnight on weekdays and 1a.m. on weekends. They do not want a bar crowd. The way the building is set-up buffers them from the noise issues with late hours. Peter is evaluating what they will do in terms of service operation (ie: drive-through only). Marian reviewed the Franklin area. The BP gas station at Franklin & 3<sup>rd</sup> is only open until 10pm. Kalun restaurant closes early. CVS has a drive-through restriction of 10 or 11pm. Since the Pedestrian Overlay was approved these businesses are now non-conforming which means they need to ask permission for extended hours.

Felino de la Pena, who lives close to Wendy's, supports the extended hours because he has been there wanting food after 10pm. His concern is that their employees should tell harassing people to leave. Felino says the operation has been fairly quiet. Franklin is not what it used to be 2-3 years ago. Jim voiced concern an establishment that stays open late gives loiterers an excuse to stay around. He notes he does not live near there but a business that opens late does not help the n'hood. He is concerned whether hours would continue to be extended after this is approved (ie: 24 hours). A resident felt that she does not have enough information to vote. She called on nearby neighbors to speak up. The extended hours present more trash and more poor driving in the area due to the bar crowd. The owner said his employees have a regular system to pick up trash.

The manager of Fair Oaks Apartment reported there were fourteen 911 calls from Wendy's from March 26, 2007 to September 3, 2007. She suggested hiring a security officer. The presenter said 14 calls in 5 months does not necessarily demonstrate Wendy's needs a security officer. The manager said people will be wandering down Franklin near Loaves and Fishes and hanging around there. The area is not high commercial like Lake Street. Erica Christ said she is surprised Wendy's does not have a lot of garbage, they keep clean. The area is very dark and it's nice to have Wendy's lights on. There is not a lot of traffic going to Clinton. It is mostly on Franklin Avenue. She was against opening it up in the beginning but the trash issues have not come up. A neighbor said of the trash he has picked up in his yard, only one wrapper was from Wendy's and the rest were from McDonalds. He also noted the corner has improved and none of his fears were realized. Students also patron the business. A neighbor said it's not fair to blame Wendy's and she said it was the nicest Wendy's she has seen, well-designed.

She doesn't believe the n'hood suffers from traffic and the business has a false bad reputation. In terms of hours, major crime incidents have occurred on Franklin any time of the day even before closing. The apartment manager noted the 911 call descriptions including unwanted persons, rowdy patrons, narcotics, and possible assault weapons. Roos said many 911 calls are registered at their address even if the incident is not occurring at the Wendy's itself and his employees should call 911 when they need to. Paula Horan noted that if extended hours are supported it would give the city precedent to approve other requests along Nicollet. The Ped Overlay was implemented to avoid drive through uses. A resident noted the jobs Wendy's provide in the n'hood. A resident asked the owner to train their employees to be able to tell people to not be nuisances (ie: loud music, etc). Roos said the configuration of the store buffers sound from the nearby apartment. The Chair inquired with the CM. He said the Wendy's is asking for an expansion of a non-conforming use and the approval would transfer to a new owner. If there is a violation (untenable, unlivable) then

the City may revisit. The City cannot require a security officer though they can encourage it. A resident encouraged citing the City sound ordinance on the building. Jim commented light pollution is not needed on Franklin.

**CI 2 Motion: The Whittier Alliance Community Issues Committee moves to support the conditional-use permit at 325 East Franklin Avenue, Wendy's, to extend hours from 10 p.m. to midnight Sunday to Thursday and 11 p.m. to 1 a.m. Friday to Saturday (expansion of non-conforming use in a Pedestrian Overlay District), on the condition of providing signage to tell drivers to turn down their music (citing City sound ordinance). Motion carried 17 / 14 / 3.**

#### **Fifth Precinct Report – CCP Safe Sarah Mahmud**

The CCP Safe reported the crime status in Whittier is good. Robberies and burglaries are down. In the Precinct, violent crimes are down but burglaries are up. She reminded everyone to lock, secure, and close doors and windows. The maps are not official because they may include businesses across the street on borders such as Lake and Lyndale – they are helpful in giving residents a picture of incidents. For more information, email Sarah. The City Attorney's office can now do Community Impact statements online for residents to write about the impact of crimes on them. Misdemeanors are handled by the City. *November 6: Next Block Leader Training, October 25: Rental Property Owner informational and networking session, tba: Condo Owner Workshop.*

A resident said a serious assault occurred on the owner of AZIA. Sarah said it's under investigation. A resident asked why burglaries are down. Sarah said many criminals and suspects are out there, many are opportunists, and she is not sure why it's down in Whittier. A resident asked about 28<sup>th</sup> and Pillsbury, a crack house that's returning. A resident's daughter was hit by an adult and got away. Contact Sarah and she will investigate.

A resident at 26<sup>th</sup> and Blaisdell reported her home was burglarized and knew the perpetrators watched her habits; they stole her wedding ring, as well as electronics. She called WCCO because she felt like people needed to know and not to be critical of the Police; she needed to put a face on the incident. She was upset she could not protect her children and is struggling to stay in the neighborhood; her husband is considering leaving because safety cannot be ensured.

Jim said the CCP Safes are stressed with situations and voiced how the n'hood appreciates Sarah and how they need more people. The CM said the Council had proposed to eliminate the CCP program but did not happen. At the next budget session they will bring it back up. Residents urged CM Lilligren to advocate for more police for the neighborhood.

#### **2848 Pleasant Avenue South – Midwest Machinery/Karmel Village – Jeff McElmury (Sabri / Leonard Properties)**

*The presenter was present at 7:42 p.m.* Stephen Rondstvedt, present for Sabri Properties, said the project has changed in the following ways: no fifth floor, reduction of 102 to 92 rental units so units can be larger, and the structure and façade will remain the same. The architects are still working on drawings and he has no more information. The Chair said it was not clear whether Sabri was going to the City. Rondstvedt said they are not asking for variances anymore and not asking the CI for anything. A neighbor wanted clarification on the new project and asked about parking. Karmel Village will have all on-site parking and is all rental with some guest parking. A neighbor voiced concern about parking. The Chair reviewed the proposal. The conditional-use permit and previous site plan review was voted down at the Aug CI and Board meetings. The neighbor voiced concern about the make-up of that area of the neighborhood changing—much more traffic, more commercial uses, higher density. The area is mostly single-family, duplexes and four-plexes. How does Sabri get approve to build a massive building? The CM said Sabri has not been given approval to build anything yet. The previous Machinery Lofts proposal was approved at 58 units. The previous developer brought forward a similar project 2 years ago for 120 units and was not supported- he then reduced it to 90 units and was denied.

The Chair asked for residents to bring new ideas forward as to what the redevelopment should be. Jim said many meetings have occurred with recommendations made and now the residents want to know what has been done with them (hazardous waste, abatement, parking, traffic studies, density etc). He says the current proposal is a rehash of the original and is not progressing. The Chair said the n'hood has taken opposition already. Jim cited the Aug board motion and the recommendation of the Development Review group limiting the number of units yet the proposal remains the same, he wants an agreement to be reached. A resident asked if a traffic study has been done yet. Sabri has asked for it and want it but have not received word yet-the City will decide if one is needed. The resident asked if Sabri will be by-passing n'hood process and recommendations and going directly to the City. Rondstvedt responded yes. The resident **moved a vote of no confidence** with the developer Sabri Properties based on the lack of interest in and consideration for the neighborhood recommendations, not attending Development Review Group meetings as recommended, reported tenant abuses in the current Karmel mall and code violations and citations of other properties on the block which are regulatory violations reflecting the developer's practices.

**CI 3 Motion - Discussion:** Rondstvedt stated the fifth floor removal will only remove five units. Parking needs are done by City calculations which are one per units. It is unknown whether people will pay for parking. The developer stated he was busy with other projects and doesn't have time to come to meetings. A resident asked if Sabri ever came himself-- no. A representative from the Somali community who knows Karmel businesses voiced the Somali community's concern with the traffic and parking problems. They have asked for more parking from Sabri which was not given. Karmel has asked Sabri to treat his tenants well. He voiced concern over the Karmel Village proposal when Sabri does not sign leases. Sabri has done a lot of good for the Somali community but they have lots of problems with the developer as a landlord. There can be a compromise but the way Sabri treats the Somali community must be brought to the City.

Rondstvedt said City requirements will be performed as needed such as parking studies. A resident asked what supervision will be done with the construction which initially was performed without permits and was hazardous to residents and the Greenway. Rondstvedt said he cannot answer those questions; he is not in charge of the project. A question was raised about what was being

done about the environmental contamination in the building and the labor practices. A resident asked if follow through will go through the City. The CM said a public hearing is not usually done for a site plan review. The staff will be reviewing the plan. A resident said the n'hood should send public comments and perhaps that will influence City Hall. The CM was surprised work was going on in the site when no approvals have been made. Rondestvedt said a demolition permit was pulled but the CM said a site plan review should have been triggered if so. A resident asked if September 15<sup>th</sup> for Karmel Village was the start date as reported at the August meeting. Rondestvedt said he did not know. She asked if Sabri Properties purposely appoints different people from its company to attend meetings so that each person does not know the full details or information for the n'hood. The developer stated he has been to two meetings. Another Somali attendee called Sabri a coward for not attending himself and for not sending people who could answer questions honestly.

A resident suggested a large parking lot be built on the Midwest Machinery site which would solve all the current issues and asked the developer to see if that was feasible. A resident asked why a truckload of windows went into the site when nothing has been approved for the sight. A lot of work is going on inside but there is only a minor permit issued. The workers and the work going on looks like more than what is permitted. A resident implored Basim Sabri to be a man and show up himself, for his neighbors. Rondestvedt said he was not going to come. Marian said Rochelle Barrett has identified herself as the development coordinator. The developer said the Sabri office can answer specific questions. Jim asked the CM regarding the daycare business and voiced concern about the additional children and buses which already stop on the street. The CM did not have details on requirements for daycare usage. Jim said small group discussions have been civil but the developer hasn't taken into consideration the recommendations of the neighborhood and what is best for the neighborhood.

Rondestvedt said he respects the n'hood and does not dismiss n'hood concerns. A resident asked where his ethics were. Rondestvedt said this is his ethic but he is not going to alter the project because it's not asking for any public money or requesting anything outside of R-5 zoning. In looking at the Greenway, everything on the north side of the Greenway has become high-density housing and the City opened the can of worms when they rezoned the entire area. He did not do this, it came as it was. He wants to put in millions of private financing into a vacant building with a walled in area. The vacant building is not good for the n'hood, it might be quiet but it is unused. He does not know if there is a common ground that can be reached. If City departments tell the developer something different then they'll take action. The project is well below the site requirements of what is allowed. They are not exceeding height requirements. 58 units as recommended is not economically viable.

A former tenant of Karmel Square said he was swindled out of his space at Karmel and his goods trashed by Sabri -his store inventory was thrown in the trash. He said the n'hood should not give Sabri another business. A resident said the developer should be building high-density buildings in North Minneapolis where there is demand. A Somali representative thanked the developer for providing opportunity to the Somali community but many are being treated unlawfully and losing their businesses at whim. They are forced to work with Sabri. The Somali community is looking at the same future but not with these practices. Basim Sabri gets his money from the Somali community so he would not be able to do what he is doing if it weren't for them. Jim said he has spoken with the Karmel business owner who was thrown out of his Karmel space several times over the past years. Jim said that Abula had told him the situation of being evicted from his space in Karmel and losing his inventory. This is an example of many of the alleged victimizations that the neighborhood has heard about. Basim does have the power to do a lot of good but Karmel Village is not an example of a good thing-- Basim takes advantage of people who don't know their rights-- he will continue to victimize people. Karmel Village tenants will be trapped, taken advantage because they have one option (per Mohamed, tenants are told by Sabri they don't have to pay rent but then he kicks them out the next month for not paying rent.) Sabri has a history of doing this and many have testified to this. This is where the motion of no confidence comes from.

Paula Horan asked what market studies have been done to support the current plan of this many rental units. Rondestvedt said nothing formal has been done. They surveyed local businesses. He said, addressing Jim's comment, he was not going to apologize for Sabri's actions but the committee should be careful in talking about people being victimized. He cited a long period of agreements made with Somali businesses which were not fulfilled and missed rent. The Councilmember said in his six years of service, he has heard many stories about problems with Sabri from Karmel business tenants but remarkably nothing on the public record because the commercial tenants are vulnerable to retaliation. The motion was fully re-stated. The CM summarized a statement for the public record. Jim moved a friendly amendment based on the summary. **Motion to amend carried.**

**CI 3 Motion: Whittier Alliance Community Issues Committee moves a vote of no confidence of developer Basim Sabri/Sabri Properties for past and current development practices, specifically:**

- 1) **lack of willingness to work with the neighborhood**
- 2) **disregard of project recommendations**
- 3) **current and past cited code violations of properties (ie: 29<sup>th</sup> & Pleasant)**
- 4) **the developer's history of treatment of his commercial tenants**

**CI 3 Motion carried 28 / 0 / 3.**

Rondestvedt said the last amendment came from a Councilmember and was read by someone else. *(Similar comments from other attendees earlier in discussion)*

**Meeting adjourned at 8:30 p.m.** Minutes submitted by Eric Fu-Wah James, Whittier Alliance.