



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD 10**  
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**Economic Development Committee**

Hon. Jennifer Prince, Chair  
Hon. Shanelle Washington, Vice-Chair

Thursday, September 12, 2019

Economic Development Committee Members Present: Shanelle Washington, Mari Moss, Cheryl Smith, Victoria Horsford, and Joshua Clennon, and Jennifer Prince  
Community Board Members: John Lynch

The meeting began at 6:40 PM.

**1. SLA Renewal Applications**

- My Image Studios LLC., d/b/a “Harvist/Mist Harlem,” 46 West 116<sup>th</sup> Street, New York, NY 10026 – Wine & Beer License.  
Alex Victor , the Attorney for My Image Studios, Walter Edwards, one of the Owners and Co-Developer of the Kalahari, and Carl Pemberton, Harvist/Mist Harlem General Manager, attended the meeting. MIST opened in 2012 and employs approximately thirty people in part-time and full-time positions. The current event manager has been with MIST since the founding. Most of the employees used to live in the surrounding neighborhood, many live in Harlem or in the Bronx.

Hiring is done through Indeed, word of mouth, sometimes open houses, and Mr. Edward’s connections. Mr. Edwards has been in the community as a business owner since 1947. He is the co-developer of the Kalahari and Chair of the Harlem Business Alliance. MIST has had a number of events supporting non-profit organizations and charitable efforts.

Since last coming to the community board, there has not been a significant changes to the business model or interior. MIST submitted a complete renewal questionnaire, floor plans, certificate of occupancy, and 2012 petition signatures from the original 2012 wine and beer application, and letters of support from the original 2012 application.

There is one pending SLA violation that relates to three noise violations from nine months ago; they are meeting with SLA in two weeks.

The Kalahari has both of the General manager and the owners phone numbers’ and they have an open-door policy. The General managers tries to take care of any violations as quickly as possible.

Police Officer Grieve, the Neighborhood Coordinating Officer(NCO) for the 28<sup>th</sup> Precinct, attended the meeting at the request of their supervisor at the 28<sup>th</sup> Precinct. One of their duties as Neighborhood Coordinating Officer, is to respond to community complaints. For a duration of time MIST generated a significant number of community complaints. Using 3-1-1 records, the officers respond to chronic 3-1-1 locations, meaning that MIST had five 3-1-1 calls within a 30-day period. The NCO works with the DEP to assist them when they were writing their noise violations. Officer Grieve checked today, and there are four noise violations issued in November( 2018), January(2019) , and April(2019) – totaling around \$30,000. All of the violations are still open today. Pursuant to their enforcement duties the NCO

submitted two SLA violation reports to the SLA. One was a “focal point” violation – when a licensed premise has so many contacts with police over a certain duration of time. The SLA violations report was submitted on January 2<sup>nd</sup>. Officer Grieve read the body of the report. Since 5/19/2018, MIST has received approximately 19, 311 calls for excessive noise. The DEP in cooperation with the 28<sup>th</sup> precinct issued three summonses on two separate occasions. Additionally, Officer Grieve explained that there was a complaint of grand larceny from credit card theft, a complaint of harassment from a MIST employee who got into an altercation for blocking traffic unlawfully for MIST patrons, and five directed patrols to the location.

Officer Grieve was present for one license premise inspection at MIST and they only wrote them-up for one violation, which was hiring an unlicensed security guard. One of the practices that they noticed while they were on the premises, was that many of the security guards were misrepresenting themselves as security guards – they only had fire watchman card. The officers used their discretion and only wrote one summons to the manager, Mrs. Wesley. It was their belief that one of the security guards misrepresenting themselves, was also a convicted felon with numerous drug charges dating back to the 1990’s.

Committee Member Shanelle Washington asked whether MIST employees and the precinct have a relationship and whether the NCO reaches out to MIST, and whether MIST staff are aware of the 28<sup>th</sup> Precinct’s regular build-a-block meetings. Officer Grieve, having talked with his supervisor, was asked to share that, generally speaking, when MIST has events they rarely contact the precinct in advance. He added that he was in conversation this week with an attorney representing the Kalahari, and the attorney shared that there is current litigation regarding MIST’s outstanding common fees. He was unable to speak to the exact amount and details of the litigation.

Mr. Pemberton, the General Manager at MIST, shared that on a weekly basis Officer Ariel Castillo is emailed a list of all upcoming events and the expected attendance. He said that the only time the 28<sup>th</sup> precinct has ever shown-up prior to an event, was when they had problem with someone they thought was going to be at their facility.

Committee Member Washington suggested that the board facilitate a meeting to encourage collaboration between the NCO and MIST.

Officer Montalvo, who is Officer Grieve’s partner, agreed with Committee Member Washington. They have built a relationship with the residents in the Kalahari. He suggested that the issues stemmed from the turnover of management. He requested that they establish a more concrete staff member that they can contact. There have been times when there have been lines from the entrance to the corner Lenox Avenue and police had not been informed prior. When they have a heads-up they can make sure there are enough police resources available to support the event.

Committee Member Mari Moss reminded the Officer that the Manager of MIST said he sends a weekly email with event information to Officer Ariel Castillo. Officer Montalvo explained that Officer Castillo is the Community Affairs Officer.

Officer Grieve reminded the meeting that their primary concern was responding to residents’ numerous noise complaints. The noise from the studios is entering residents’ apartments and affecting their quality of life. The people at DEP enforcement have issued three summonses. Issuing additional summonses is not in-line with their enforcement priorities. Three summonses are enough to get a judgement against a business. The DEP are in the process of securing an order from the judge to seal the DJ equipment until the summonses are paid and a noise mitigation plan was put in place.

Committee Member Jennifer Prince asked Officer Grieve to share what they believed best practices were for a business to work with NCO. Officer Grieve said the best practice would be for the business to share event information with Community Affairs, which MIST is already doing. Officer Grieve also suggested, requesting law enforcement presence if they believe it will be necessary. Committee Member Cheryl Smith asked for the recommended time-frame for the information. Officer Grieve responded that the information would be needed at least a month in advance to allow for review of the plan and scheduling staffing.

Mr. Edwards shared that he met with the inspector of the 28<sup>th</sup> precinct seven or eight months ago. At that time, the inspector asked that the emails go to Officer Castillo, to allow the precinct to assist with crowd control. The precinct has Mr. Edwards number and cell number. There has been an incident where there

was a group that the precinct thought was appearing there (at MIST) and the precinct called Mr. Edwards and told him they didn't want them there. The event was cancelled. There was an incident where the secret service for a Prime Minister of a Country was impeded. Officer Grieve hoped that they could improve the relationship moving forward.

Committee Member Jennifer Prince asked about any summons or violations for exterior noise amongst the issues and the 3-1-1 complaints. Officer Greive responded that they have not written any summonses for exterior noise because of the way DEP works. DEP has not done any sound readings outside of the building. To his recollection the majority of the 3-1-1 complaints were (interior) noise complaints from residents, double-parked cars, and complaints about inebriated MIST patrons. The gathered 3-1-1 complaints are only covering six months. At the Community Counsel meetings they discuss major crimes not 3-1-1 complaints.

The Attorney for MIST shared that they are aware of DEP visiting the premise three times, which led to the SLA violations. They are also aware of the grand larceny for the used credit card. They are also aware of the 3-1-1 complaints, and when the SLA gave them the log of calls, the vast majority came out as unfounded. DEP came back a fourth and fifth time to the premises and MIST was not issued summonses because MIST was found to be compliant. MIST has already taken steps to lower the sound to make sure they are compliant. The sound proofing is a part of the litigation that was mentioned.

Committee Member Shanelle Washington asked if a member of MIST could attend the build-a-block meetings or Council meetings. Mr. Pemberton responded that this is a possibility and he remembers that MIST used to host neighborhood meetings that the police were a part of. Mr. Pemberton has been on staff three years and as the General Manager and has never really spoken to the Officers. Officer Montalvo responded that when he goes to MIST to respond to complaints they always ask to speak with the manager. Officer Montalvo explained that they generally have no issues with unruly patrons. Officer Grieve and MIST staff exchanged information to meet and continue communication.

A resident from the building shared that the original space was not geared toward loud music. There have been four (business) residents in the space. There are times when the weekend crowd is very bad and scary. A resident recalled that after having dinner at the bar, they could not walk out the restaurant without being basically assaulted. Several women standing at the entrance would not move aside and they started an argument and the resident subsequently vowed that they would never return to MIST again.

A resident who has lived in the Kalahari since 2009, a former frequent patron of MIST, shared that the relationship between the Kalahari and residents is at odds and they refuse to go to MIST. Their issue was with double parking and parking in front of the fire hydrant which is a safety issue for building residents. They spoke with the MIST staff and suggested they put a sign in the window to discourage the parking. They have experienced both an indifference and contempt toward the residents of the Kalahari. They spoke to concerns about security and basic civility. They characterized the relationship with MIST as one of conflict, ongoing antagonism, and out right contempt for the fact that they are sharing a building. They do not believe that the community board should lend their support to the renewal of a wine, beer license.

An original resident recalled that the original plan for MIST was that it would be a place for showing films of the African Diaspora. The residents used to frequent the space for coffee. They have witnessed a significant change in the past three or four years.

An original resident spoke about attending meetings with the original management company about briefings 11 years ago. The original founder discussed security with the residents. Harvist/ MIST was originally a neighborhood restaurant and café where residents felt comfortable and felt at home patronizing the restaurant. When there are certain Hip Hop DJ's the music is louder than when there is Jazz. The walls are practically vibrating because of the music. They only people directly impacted by the sound are on the lower floors on the north side of the building. They also shared information about a constant issue with parking at the hydrant since the new management. They spoke with Mr. Pemberton about the concerns. They asked whether the community board was aware of the near-riot and the stabbing. They have a memo where they wrote and outlined everything about the near-riot they witnessed. They don't believe any lady would appreciate a crowd of people blocking an egress on a city street. The doors in and out of MIST and Kalahari are often blocked.

A letter was read from a resident sharing their experience with the rise and fall of MIST. The coffee shop

scene has ended and there are often large groups of MIST patrons drinking and smoking on the street. There are frequent altercations that require police calls and the current management is not a good neighbor.

A resident reiterated that the issuance of a wine and beer license is a privilege and not a right. The residents hoped to communicate that their experience has been that if the license is granted there will be no incentive on the part of MIST to change, what is a demonstrated pattern and practice of contempt.

Committee Member Jennifer Prince asked if the MIST representatives could share more about how they have worked or plan to work with residents to address concerns having heard the concerns from residents. General Manager Pemberton, said he has personally addressed any concerns from residents. A resident living on the fourth floor complained about the cigarette smoke going up to their windows. They thusly instructed the security guard to ensure people did not smoke in front of the building. When patrons leave, security is directed to move them down the street. They can move them from the front of MIST to the edge of their property. If patrons gather in front of the Kalahari and the Kalahari does not have security, there is nothing more they can do. In terms of double parking, they have also instructed security to make sure they do not allow anyone to park in front of the hydrant. They said they have to be reactionary (instead of preventative) because unless it is brought to their attention they do not know there is a problem.

With regard to the parking, Officer Grieve clarified that they also give a lot of the houses of worship the ability to have accessible parking for patrons which often results in allowing double parking.

Mr. Edwards said he is hearing things he hadn't heard before. As the Developer of the building he does not hide from people, his number is available, and he has been contributing to the community since 1947. He is open to speaking with anyone. The attorney for MIST agreed that there is an opportunity to be proactive and speak further with the security company. This is now the first opportunity to hear certain complaints from the community.

Committee Member Cheryl Smith asked about the issues with security. The General Manager clarified that they terminated the relationship with the security once the incident took place. The incident with the security guards occurred during an advanced screening of a show for HBO. Two thousand people showed up to attend the screening.

Officer Grieve explained that they met with the manager, Kira Wesley. They asked Mrs. Wesley who was the head of security. She clarified that the head of security was not there and introduced them to the security manager for the evening. The Security Manager produced their fire guard card, not their security guard license. The officers only wrote the one summons to the manager instead of two for both the manager and security manager. It seemed to be a purposeful misrepresentation because the security manager at the time had prior felony convictions, which would have barred him from being registered with the Department of State as a security guard with New York State. Officer Montalvo explained that they handle the calls with a lot of discretion – both with residents and the business. Officer Grieve further stated that they are not advocating one way or another they are just stating the facts that are known to them.

Committee Member Shanelle Washington asked if the board had facilitated mediation before. Officer Grieve clarified that if the board would like to suggest mediation the city-backed mediation services. However, the on-going litigation would impede on mediation.

Committee Member Jennifer Prince asked about the referenced shift in management or event types that occurred over the past three or four years. Mr. Pemberton shared that the shift people were referring to might have occurred when the former management decided to part ways with the restaurant Madiba. That was about three or four years ago, when Mr. Pemberton was working with MIST as a consultant. Due to business being dead and nothing going on which was why it was so quiet. One of the residents disputed the lack of business and said that Madiba was a destination and Mark was not taken care of. Mr. Edwards clarified that Madiba was a total failure and was causing many problems. Mr. Edwards said he is invested in the community and had he been approached with an issue he would have handled it then. He reiterated that his number is at the concierge and is available to everyone. He is willing to do what is necessary to make residents comfortable and make the business run as it should. But he cannot respond if he doesn't know about it. His concern, when he visited the precinct was that they were not getting in touch with him despite having his number.. He is the one who is ultimately responsible. When Madiba left, Mr.

Pemberton was hired and asked to liven-up the place and bring in some activity.

Committee Member Joshua Clennon asked how the loss of the wine and beer license would affect employment. Mr. Pemberton shared that he would likely have to lay off 10 employees. Committee Member Mari Moss asked about catering licenses to which Mr. Pemberton and Mr. Edwards shared that it sometimes occurred.

Committee Member Shanelle Washington asked if there were any Kalahari residents who were in support of the renewal. A letter of support from a resident was emailed to the community board office. A resident shared that without speculating, they felt confident that a significant majority would not support the renewal.

Committee Member Jennifer Prince asked Officer Grieve if they could review future agendas to share their information about businesses.

Mr. Victor, attorney for MIST, asked whether we proposed if they have a quarterly meeting between the NCO and Mist. The committee clarified that they would speak further about their recommendation but would like to see more up to date letters of support and are hopeful for the partnership between the NCO and the MIST Staff.

- A resident who lives around the corner from the Shrine shared that they had a similar complaint on a lower level. They believe everything has gotten much more out of control (at Shrine). They are aware of the importance of calling 3-1-1. We asked that she return to a future meeting so that we can include it on the agenda and make time to discuss the concerns and possibly facilitate a meeting with Shrine. The resident said they are very impressed with what had happened during this evening's meeting.
- The committee began discussing MIST. Community Board Member John Lynch stated that he is the Vice-President of the Board of Managers for the Kalahari. He is here as a Board Member not representing the Board of Managers. He shared that there was a stabbing and a near-riot. (The CB 10 District Manager) Shatic received emails about the riot the following day. Mr. Lynch witnessed it – it was the end of an event and multiple fights broke-out all around the street and the police were called. There was a stabbing and there is often public intoxication outside of MIST. It is public record that MIST owes and have not paid rent in months. They are like the fourth operator, preceding them there was never a noise problem. They got rid of the coffee shop which was a nice neighborhood place. Now it is either a big event or it is dark. It lost the whole neighborhood (feeling). The new managers are not good neighbors; they are non-communicative and contemptuous.
- The committee discussed the concerns regarding security, noise, crowd control, and overall better partnership practices. The committee discussed the lack of quorum and the materials MIST submitted, and the action-items from the meeting. The committee also discussed that the NCO was present and that they shared information that the committee and board would have found useful in prior meetings.
- Committee Member Victoria Horsford asked for more clarity on the litigation. Community Board Member John Lynch, shared that MIST is in severe arrears of paying common charges and noise summonses from DEP. Mr. Edwards is not as involved anymore and has been a great partner in the past. The building did a position a few years ago asking that Mist be given a full liquor license to help to increase their business. They have said that they will make the residents aware of events, but do not.
- The committee also discussed whether non-committee members can be counted toward quorum.
- The Committee agreed that they will monitor progress with the partnership between the NCO, MIST, and the residents. The committee will follow-up with MIST about new letters of support and records of their charitable donations. The committee will also commit to working more with the NCO on their reporting and sharing information to help strengthen meetings. The committee would like the NCO to be a frequent presence at economic development meetings.
- Regarding the other renewals, Committee Member Cheryl Smith asked about the notices of public hearings and missing restaurants. She had not seen a notice in Chai Wali. The notice was sent over a month ago; the application was sent to the community board office on August 6th. The committee will track the restaurants that do not attend the scheduled meetings.
- A1 Asian Fusion Inc., d/b/a “ A1 Asian Fusion,” 2071 Adam Clayton Powell Jr., Boulevard (Wine, Beer

License Renewal); 115 Restaurant Corp., d/b/a “Row House,” 2128 Frederick Douglass Boulevard (Full Liquor License Renewal); Chai Wali Inc., d/b/a Chai Wali, 274 Lenox Avenue (Wine & Beer License Renewal) were scheduled to attend the economic development committee meeting and did not attend.

## **2. Old Business**

- The office followed up about the letters of support for Musette Wine Bar, so the resolution will be presented to the general board during the October meeting. Three of the five authors of the letters of support responded. Each of the three respondents said that their support did not change given that Mozell Watson is not involved in the new business venture.
- Committee Member Mari Moss presented the survey for business owners and communities to help with gathering information to help to inform the board’s work, new initiatives, and priorities. Mari also shared the commercial districting report from SBS which shows all the vacant businesses in the community. It was originally sent out to the board by either Shatic or Juanita.

## **3. New Business**

- Committee Member Cheryl Smith asked that Whole Foods come to our next committee meeting. It is important to bring community concerns to the business. Dr. Smith wants to learn more about their practices and to get a sense from them of their perception of business. There are some residents who have commented on the police presence in Whole Foods. It would allow us to hear about how business is going, what is their vision and plans for moving forward. Also, Best Market, formerly Best Yet has been purchased by a large entity over the past few months. It would be good to hear from them as well to give an update. Lastly, Olive Market on the east side of Fifth Avenue on 125<sup>th</sup> Street. They came to the board when they started for some reason. They have also transitioned and it might be interesting to have them come to a future meeting as well.
- Committee Member Joshua Clennon’s shared that there will be an MWBE procurement and resource workshop on September 27<sup>th</sup> at the State Office Building.
- Committee Member Shanelle Washington share that the NAACP will be doing an informational forum on the economic fundamentals and opportunities on legalizing marijuana.

## **4. Adjournment**

**The meeting was adjourned at 8:39 PM**