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# Housing authority padlocks doors at Waterside's Bar Norfolk

NORFOLK

More than a decade ago, two nightclub operators were recruited to Waterside by the city, with the hope of attracting young patrons. Now, Norfolk's leaders want Bar Norfolk and Have a Nice Day Cafe banished.

This morning, housing officials shut down Bar Norfolk, a day after padlocking the doors and evicting the owners and employees of Have a Nice Day Cafe.

Kevin Martingayle, a Virginia Beach attorney who represents both nightclubs, said Norfolk Redevelopment and Housing Authority officials padlocked Bar Norfolk around 9 a.m. today. Housing officials said both nightclubs violated terms of their leases by opening and serving alcohol after the City Council rescinded their right to serve alcohol.

Martingayle said he's not sure what legal remedies he will pursue.

"It happened without so much as a courtesy call from anybody," he said. "The city has shown what appears to be a deliberate attitude to handle this by ambush."

In a legal filing today in Norfolk Circuit Court, the city is also seeking an injunction. The city is asking the court to order the two bars to stop selling or serving alcohol or provide entertainment in Waterside.

Both nightclubs had their permits to serve alcohol rescinded by the City Council on Tuesday. Bar Norfolk was closed Tuesday, but reopened Wednesday night and served alcohol. Hundreds of young adults poured into the venue while hundreds more waited to get inside.

Mayor Paul Fraim said Norfolk Redevelopment and Housing Authority officials, at the city's request, reviewed the lease with Have a Nice Day Cafe. He said they determined the bar violated the lease when it opened Tuesday night and served patrons alcohol.

"They made the decision to lock the doors," Fraim said of the redevelopment authority.

Waterside is owned by Waterside Associates, which is essentially an arm of the authority. Shurl Montgomery, the authority's executive director, did not return phone calls Wednesday.

Fraim said the actions of the city and authority are appropriate.

"Literally, it's about the city's ability to enforce its own laws. You would expect the city to move as

firmly and as quickly as it can."

Martingayle said city officials "need to calm down, take a deep breath and stop acting like bullies."

Alan Albert, a Norfolk attorney who also represents the nightclubs, said police officers showed up Wednesday afternoon at Have a Nice Day Cafe and ordered everyone out. The doors were padlocked and signs put up that said "closed until further notice."

Signs remained on the outside advertising "Sexy Saturday" and "Wednesday Hot Body Contest" promotions.

"This is the first time in 25 years I've heard where a landlord has locked out a tenant in this fashion," Albert said.

Albert said that a "multimillion-dollar lawsuit" will be filed against the redevelopment authority, perhaps as soon as today.

City Attorney Bernard A. Pishko said he expects to file a lawsuit today asking the Circuit Court to order the clubs to cease serving alcohol, which owners said would put them out of business.

Martingayle said Have a Nice Day Cafe was closed Wednesday, minutes after a conference call was held among three city attorneys, three attorneys for the bars and Circuit Judge Norman A. Thomas.

The city attorneys did not mention the impending eviction of Have a Nice Day Cafe, Martingayle said.

"The city is acting like an impetuous child," he said.

Pishko said the city also will ask the ABC Board to rescind state licenses to serve alcohol. He plans to ask the General District Court to impose fines against Have a Nice Day Cafe for opening in defiance of the council vote.

City officials said that over the years, both venues repeatedly flouted city codes, including serving underage drinkers. Have a Nice Day Cafe was cited Tuesday night for selling untaxed cigarettes and fire code violations.

"I think that speaks volumes about the attitude management has there about obeying the law," Pishko said.

Norfolk began working this summer to turn around Waterside's image, renovating empty restaurant and store spaces to accommodate community events and trying to attract families to the riverfront pavilion during the day.

Martingayle said that when the city recruited both bars, "they knew they are all about young people and good times. That was all well and good when they were desperate to fill that space. Now that they've decided to change direction, they've decided to run them out of business."

According to state ABC records, since 2006, Bar Norfolk has been cited 28 times for alcohol

violations, with 17 dismissed. The others, which ranged from allowing intoxicated people to remain on the premises to improperly refilling bottles of alcohol, resulted in fines totalling \$6,750.

During the same time, Have a Nice Day Cafe received three violations, only one of which - for failing to turn in annual sales reports from 2007 - resulted in a fine, of \$500.

By comparison, Jillian's which is also in Waterside, has received no ABC violations since 2006. Jillian's was granted a new license to serve alcohol, known as a special exception, by the council on Tuesday.

Other downtown clubs, such as Scotty Quixx, also haven't been cited, but Fahrenheit, a bar on Granby Street, has been fined \$3,250 over the past few years for violations ranging from improperly conducting happy hour to disorderly conduct because of noise.

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