CLERK–TREASURER DEPARTMENT

To: Mark Russell
City Council President

From: Charles E. Hagood
Clerk-Treasurer

Date: March 11, 2014

Subject: Set Public Hearing

It is requested that the City Council set a public hearing at the March 13, 2014 City Council Meeting for March 27, 2014 City Council Meeting to hear the appeal of Mr. Tommy Howell appealing the decision of the Liquor License Review Committee denying a Retail Liquor Lounge Entertainment License to Club Upscale, LLC dba: Club Upscale, at 2021 Golf Road, Huntsville, AL 35802 at the March 6, 2014 Liquor License Review Committee Meeting.

March 10, 2014

Mr. Dennis G. Cole
308 Fountain Circle
Huntsville, Alabama 35801

RE: Notice of Appeal
Club Upscale
2021 Golf Road
Huntsville, Alabama 35802

Mr. Cole,

On behalf of Club Upscale, LLC and Tommy Howell, accept this letter at written "notice of appeal" with respect to the action taken by the City of Huntsville License Review Committee on March 6, 2014.

Tommy Howell

Tommy Howell
Club Upscale, LLC

Dennis G. Cole
Revenue License Inspector

HUNTSVILLE

Office of Clerk-Treasurer

March 7, 2014

Alabama ABC Board
Montgomery, Alabama

Gentlemen : Club Upscale LLC
Club Upscale
2021 Golf Rd
Huntsville Al. 35802

I, Dennis G. Cole, hereby certify that the City of Huntsville has received the application described above for a **Lounge Retail Liquor** license, and that the same has been **DENIED** as of March 6, 2014 by the License Review Committee on behalf of City Council of the City of Huntsville in accordance with the ordinances of the city applicable thereto.

Yours truly,

Dennis G. Cole
License Review Committee
Chairman

City of Huntsville, Alabama
Supplemental Privilege License Application
Approval for Alcoholic Beverage

New Establishment	**XXX**	**Location Change**
Ownership Change		**Classification Change**

Taxpayer Name:	Club Upscale LLC
Location Trade Name:	Club Upscale
Location Address:	2021 Golf Rd, Huntsville Al. 35802
Date of Application:	February 19, 2014

License Classification: Lounge Retail Liquor (entertainment)

DEPARTMENT	RECOMMENDATION	AUTHORIZED SIGNATURE	DATE
Clerk Treasurer			
Police			
Planning			
Fire	APPROVED	SEE ATTACHMENT	3/3/14
Fire	Seating Capacity # 700		
Finance	APPROVED	SEE ATTACHED	2/20/14
Zoning (Planning)	H.I.	Lisa L Leddo	2/20/14
Zoning Adm.	# Parking Spaces DENIED	SEE ATTACHED	2/26/14
Zoning Adm.	Permitted Use		
Health	Permit #47-01-	Letter of Intent	

REMARKS/COMMENTS:
This applicant would like for the City of Huntsville to approve a Lounge Retail Liquor (entertainment) license at this address. This location held a 2012 license at this address as a Restaurant Retail Liquor establishment, under the name R2Z #18517.

Dennis G. Cole
License Inspector

Marie Bostick
Manager
Planning Administration

HUNTSVILLE

Department of Urban Development

February 26, 2014

Tommy Howell
Club Upscale LLC
2021 Golf Rd
Huntsville, AL 35802

RE: City of Huntsville Privilege License Application
2021 Golf Rd

Dear Mr. Howell:

A privilege license for you to operate Club Upscale LLC at 2021 Golf Rd cannot be issued at this time. Zoning Administration of the City of Huntsville has denied your application because of insufficient parking based on the requested use. A minimum of 420 parking spaces would be required for an capacity of 700 people. If you have any questions regarding this denial, you may contact Zoning Administration at 256-564-8008.

Respectfully,

Jim McGuffey
Zoning Enforcement Coordinator

City of Huntsville, Alabama
Supplemental Privilege License Application
Approval for Alcoholic Beverage

New Establishment	**XXX**	**Location Change**
Ownership Change		**Classification Change**

Taxpayer Name:	Club Upscale LLC
Location Trade Name:	Club Upscale
Location Address:	2021 Golf Rd, Huntsville Al. 35802
Date of Application:	February 19, 2014

License Classification: Lounge Retail Liquor (entertainment)

DEPARTMENT	RECOMMENDATION	AUTHORIZED SIGNATURE	DATE
Clerk Treasurer			
Police			
Planning			
Fire	Approved	[illegible]	3-3-14
Fire	Seating Capacity # 700		
Finance	Approved	See Attached	2/20/14
Zoning (Planning)	H.I.	[illegible]	2/20/14
Zoning Adm.	# Parking Spaces _____		
Zoning Adm.	Permitted Use _____		
Health	Permit #47-01- _____	Letter of Intent	

REMARKS/COMMENTS:
This applicant would like for the City of Huntsville to approve a Lounge Retail Liquor (entertainment) license at this address. This location held a 2012 license at this address as a Restaurant Retail Liquor establishment, under the name R2Z #18517.

Dennis G. Cole
License Inspector

City of Huntsville, Alabama
Supplemental Privilege License Application
Approval for Alcoholic Beverage

New Establishment XXX **Location Change**

Ownership Change **Classification Change**

Taxpayer Name: Club Upscale LLC

Location Trade Name: Club Upscale

Location Address: 2021 Golf Rd, Huntsville Al. 35802

Date of Application: February 19, 2014

License Classification: Lounge Retail Liquor (entertainment)

DEPARTMENT	RECOMMENDATION	AUTHORIZED SIGNATURE	DATE
Clerk Treasurer			
Police			
Planning			
Fire			
Fire	Seating Capacity #____		
Finance	Approved	See Attached	2/20/14
Zoning (Planning)	H.I.	Lisa L Leddo	2/20/14
Zoning Adm.	# Parking Spaces 200 *	for [illegible]	2.26.14
Zoning Adm.	Permitted Use yes	for [illegible]	2.26.14
Health	Permit #47-01-_____	Letter of Intent	

REMARKS/COMMENTS:
This applicant would like for the City of Huntsville to approve a Lounge Retail Liquor (entertainment) license at this address. This location held a 2012 license at this address as a Restaurant Retail Liquor establishment, under the name R2Z #18517.

* insufficient parking based on capacity at 700

* DENIED

Dennis G. Cole
License Inspector

Cole, Dennis

From: Noblitt, Stacy
Sent: Thursday, February 20, 2014 8:36 AM
To: Cole, Dennis
Subject: RE: CLUB UPSCALE LLC

Approved.

STACY NOBLITT
Supervisor - Tax Administration
Finance Department
City of Huntsville
(256) 427-5197 (w)
(256) 427-5064 (f)
STACY.NOBLITT@huntsvilleal.gov
www.huntsvilleal.gov

Confidentiality Notice: This message and any accompanying attachments may contain confidential information about City of Huntsville, Alabama business matters and are only intended to be received and used by the intended recipient. If you received this message in error, please notify the sender that you received it by contacting the sender, and then destroy this message. Using this information for purposes other than intended may constitute a violation of the laws of the State of Alabama and the City of Huntsville.

From: Cole, Dennis
Sent: Wednesday, February 19, 2014 2:15 PM
To: Noblitt, Stacy
Subject: CLUB UPSCALE LLC

City of Huntsville
Alcoholic Beverage License
Supplemental Application

Liquor: Restaurant Retail (No Entertainment) _____ Restaurant Retail (With Entertainment) _____
Lounge Retail (No Entertainment) _____ Lounge Retail (With Entertainment) ✓
Retail Package _____ Special Event _____ Special Retail_____ Club _____

Malt or Brewed Beverage:

Retail Beer Off-Premise _____ BrewPub _____ Special Event _____ Special Retail _____
Retail Beer On/Off Premise (With Food) ____ Retail Beer On/Off Premise (Without Food) _____
Retail Beer On/Off Premise (With Food and Entertainment)_____
Manufacturer _____ Warehouse_____Wholesale_____

Wine: Retail Wine Off-Premise _____ Pub _____ Special Event _____ Special Retail _____
Retail Wine On/Off Premise (With Food) ____ Retail Wine On/Off Premise (Without Food) _____
Retail Wine On/Off Premise (With Food and Entertainment)__ __
Manufacturer _____ Warehouse_____Wholesale_____

I. OWNING ENTITY INFORMATION:

Individual ___ Corp. ___ Partnership ___ L.L.C. ✓

A. Federal Tax ID# 4 6 - 4 6 6 9 7 0 1 NAICS Code _____

B. Name of Applicant(s) (Tommy Howell) Club Upscale LLC

C. List all persons having any ownership interest in this business or list Corporate Officers:

NAME	TITLE	% OWNERSHIP
Tommy Howell	Owner/Manager	100%

D. Corporations must give the place and date of incorporation or issuance of Certificate of Authority from the Secretary of State to do business in the State of Alabama.

County of Record	Date Recorded	Book #	~~Page #~~
Madison	January 24, 2014	20140131000052430	

E. Attach a copy of the corporation papers or Certificate of Authority.

F. List Name of the manager(s) Tommy Howell

G. Has the owning entity ever had an Alcoholic Beverage License in the City of Huntsville before?
Yes___No ✓ If **yes**, explain_____

H. Has the owning entity (or any share holder if this is a corporation) ever had an Alcoholic Beverage License revoked, suspended or denied before? Yes____No ✓ If **yes,** attach a letter of explanation.

II. LOCATION INFORMATION:

A. Business Name: Club Upscale

B. Location Address: 2021 Golf Rd Huntsville AL 35802

C. Business Mailing Address: 1201 Kildare St. NW Huntsville AL 35801

D. Date ownership of business changed: 1-24-14

E. Previous ownership, business name, and license number of the last license at this location.
The Horse,

F. Name of landlord/owner, address, and telephone number, of the property where this license is desired.
Brazelton Properties, 2021 Clinton Ave W Ste C Huntsville AL 35805

G. List all types of entertainment, and all other activities desired at this location.
Dance, Theatre productions, live music

H. Does any person listed on this application have any pecuniary interest, either directly or indirectly, with any other business establishment that has an alcoholic beverage license in the city of Huntsville? NO If yes, please attach a statement with the name and address of the business and describe the extent of the interest.

III. PROPERTY INFORMATION:

A. State square footage and give a brief description of the building structure 15,000 sq. ft
Lounge Area, Dancefloor, Main Bar, Back Bar w/ seating

B. Number of parking spaces available at this location. 250

C. Total seating capacity of business establishment 700

D. Will there be outdoor/patio seating? NO If so, attach a detailed drawing of outside seating plan.

E. Estimated percentage of food and/or grocery sales: 0 %, and beverage sales: 100 %.

F. List the business hours of operation 7-2am Thur-Sun shows by scheduling other time

G. List the hours of alcoholic beverage sales 7-2 Th-Sun & @ scheduled events

I hereby swear or affirm that the information contained in this application is true and correct. I also swear or affirm that there are not any hidden partners, shareholders, or others with any hidden interest in this business.

Tommy J. Howell
Signature of Applicant

Sworn to and subscribed before me this 18 day of Feb., 2014.

Jennifer B. McKay
Notary

4/26/2017
Date Commission Expires

JENNIFER B. McKAY
NOTARY PUBLIC
MY COMMISSION EXPIRES 4/26/2017
ALABAMA STATE AT LARGE

FORM REVISED 11/14/2013

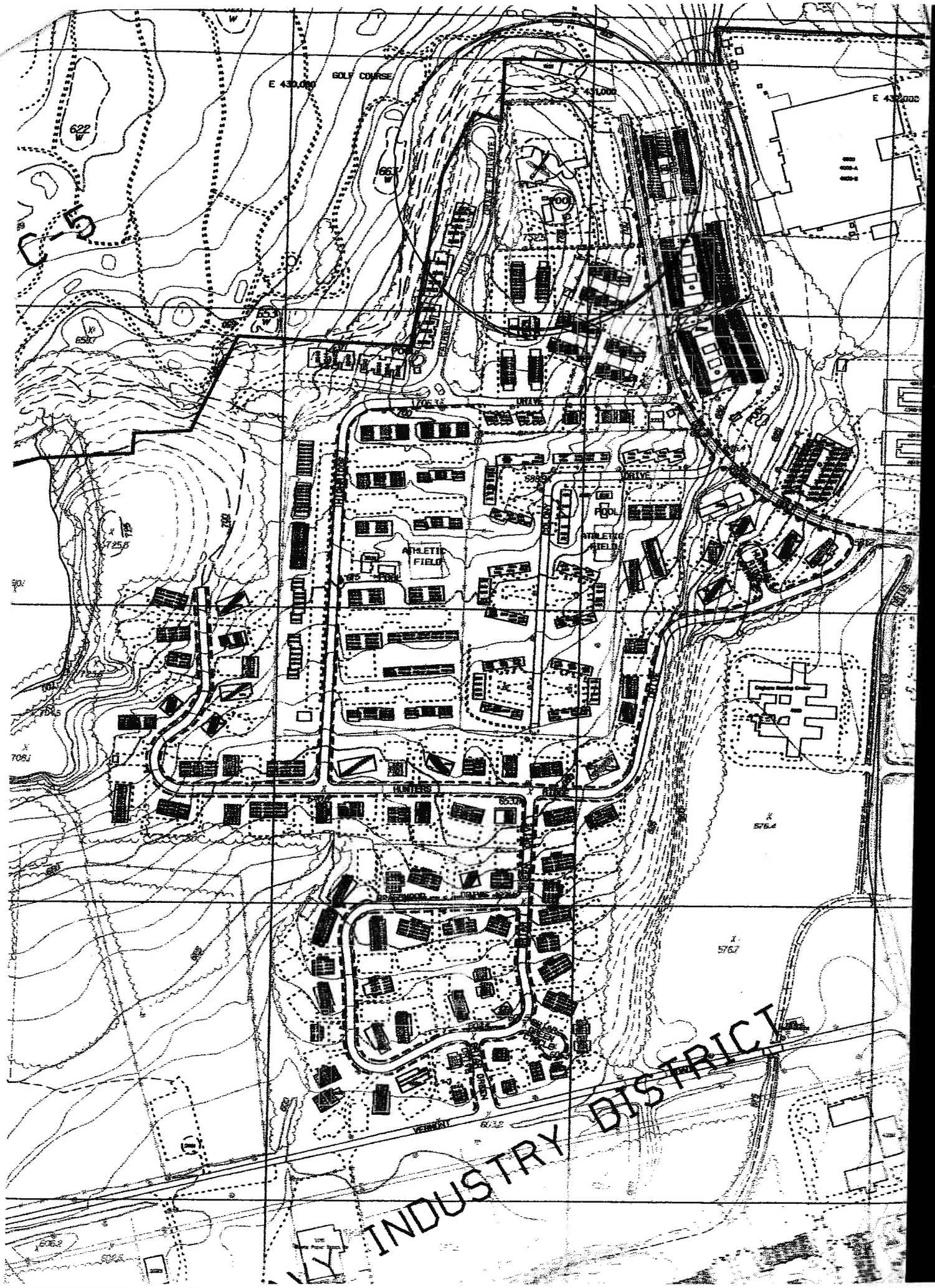
Alcoholic Beverage Background Request

Date:	**February 19, 2014**
Applicant:	**Club Upscale LLC**
D.B.A.	**Club Upscale**
Location Address:	**2021 Golf Rd**
Applying for:	**Lounge Retail Liquor (entertainment)**

Please do a background check on the following person(s).

Tommy Joe Howell **AL DL#4872211**	**M**	**03/16/64**

Thanks
Dennis



GOLF COURSE
E 430,000
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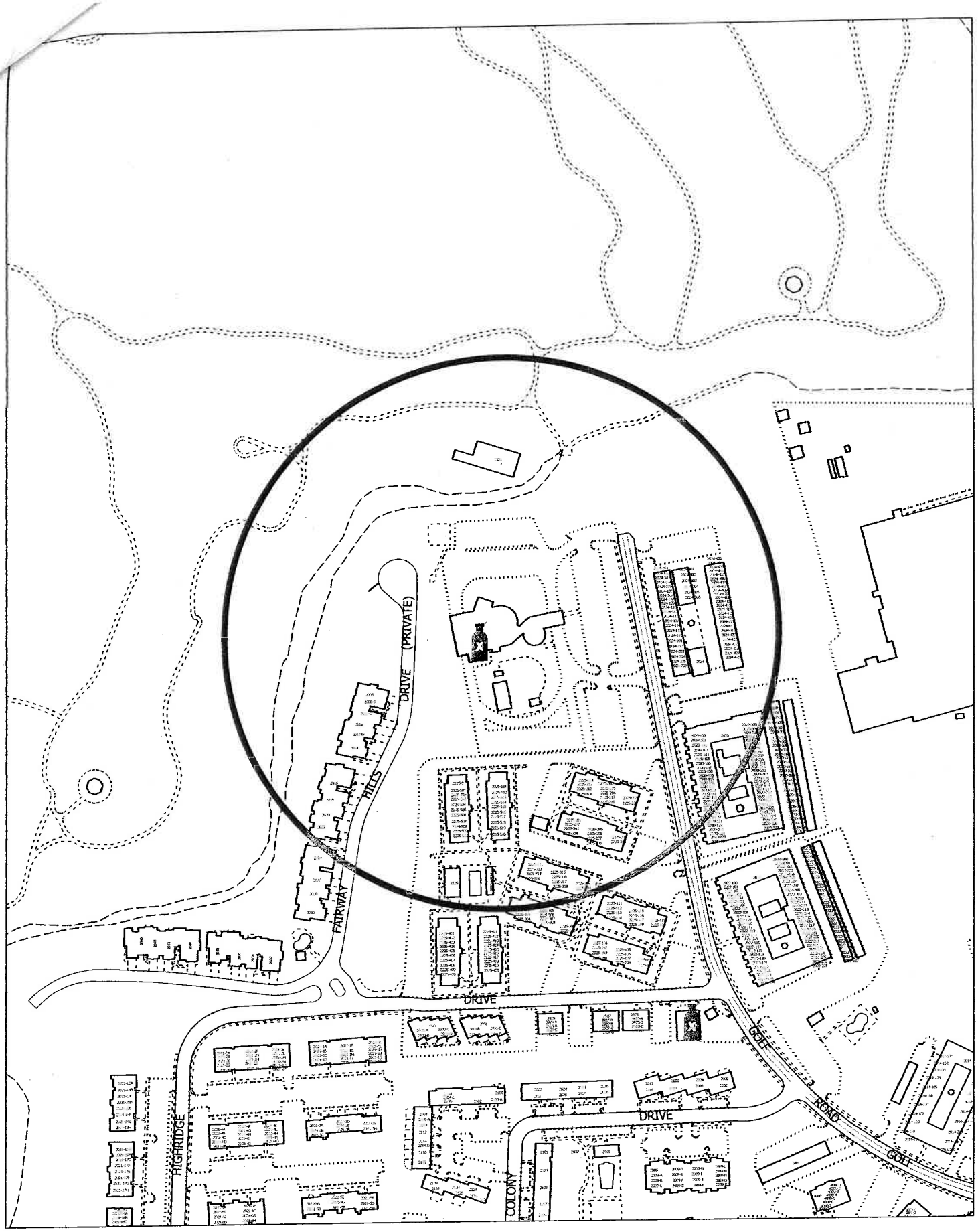
E 432,000
622
C-5
POOL
DRIVE
ATHLETIC FIELD
HUNTERS
VERMONT
INDUSTRY DISTRICT



Time: 2/19/2014 1:18:39 PM
Session: C:\Users\dennis.cole\Documents\GTViewer Sessions\Dennis.gts

COH Geographic Information Systems (GIS)

NOTICE OF APPLICATION AND CERTIFICATION

You are being notified that **CLUB UPSCALE LLC** doing business as **Club Upscale** located at **2021 Golf Rd, Huntsville AL. 35802,** has applied with the City of Huntsville to operate and sell alcoholic beverages as a **Lounge Retail Liquor (entertainment) establishment.**

This application will be reviewed by the City of Huntsville License Review Committee at a meeting on the 7th Floor in the City of Huntsville Conference Room, City of Huntsville Municipal Building, located at 308 Fountain Circle, Huntsville AL. 35801 at 4:00 p.m. on **March 6, 2014.**

As stated in the City of Huntsville Code: **Written notice is required to all current owners of real property, as shown in the records on file in the Madison County Tax Assessor's office (256-532-3350), and occupants of residential dwellings, which are located within 500 feet of the property to be licensed, which includes the proposed licensee's parking area, as measured from the external boundary of the property to be licensed. A list of all persons notified must be given to the Clerk Treasurer's Office**

Notice must be sent via U.S. Mail and notice shall be received at least one week before the meeting at which the application is scheduled to be acted upon. Any Huntsville resident, business owner or member of the public may be heard concerning this application. Any action taken by the committee may be appealed to the City of Huntsville City Council by filing a written "Notice of Appeal" with the Clerk-Treasurer's Office prior to the next regular scheduled meeting of the Council. Deliver the "Notice of Appeal" request to: **City of Huntsville, Attention: Dennis G. Cole at 308 Fountain Circle, Huntsville, AL. 35801.**

I certify that I have mailed a copy of this "notice" as required above. I also certify that I have reviewed the charted area concerning the existence of churches, schools, kindergartens and day care.

Yes ____ No ✓ Church (state address if yes)_____

Yes ____ No ✓ School (state address if yes) _____

Yes ____ No ✓ Kindergarten (state address if yes) _____

Yes ____ No ✓ Day Care (state address if yes) _____

2-24-14

Date

Tommy G. Howell

Signature of applicant or representative

For general information about this notice you may call Dennis G. Cole at 256-427-5093.

Note:

A formal notice was mailed to Park Place Apartments as shown on the attached list. The Main Office at the complex was unable to give a list of the apartment numbers to mail to the occupants.

CITY OF HUNTSVILLE STATUS CONFIRMATION FORM
(Form No. SCF-1)

FOR INTERNAL OFFICE USE ONLY

CONFIRMATION INFORMATION: _____

SECTION 1. GENERAL INFORMATION. Please provide the following information:

1.1 Individuals full legal name: Tommy Joe Howell

1.2 Name of business or trade name (if applicable): Club Upscale LLC

1.3 City of Huntsville current taxpayer identification number (if available): 46-4669701
(*Please note that if this number has been assigned by the City and if you are renewing your business license, the number should be listed on the renewal form.*)

SECTION 2. PRIOR CONFIRMATION. You will **not** need to complete Section 3 of this form if you are able to truthfully check any one of the following (which will be verified by the City):

- ☑ I am a **citizen of the United States** and in the past have provided the City of Huntsville with my written declaration of citizenship and a copy of the required documentation demonstrating the same.
- ☐ I am a **non-citizen, national of the United States** and in the past have provided the City of Huntsville with my written declaration of U.S. national status and a copy of required the documentation demonstrating the same.
- ☐ I am an **alien who is a lawful permanent resident of the United States** and in the past the City of Huntsville has verified the same with the federal government.

If you checked any of the above selections, then you do **not** need to complete Section 3 of this form. Simply provide the date of declaration and demonstration or verification: _____ and sign and date this form below here:

Signature: Tommy Howell Date: _____

SECTION 3. STATUS DECLARATION AND DEMONSTRATION. Please complete this section as instructed:

3.1 Declaration. Under penalty of perjury, the undersigned hereby declares that: (please check the category that applies to you, select only one):

- ☐ I am a **citizen of the United States.**
- ☐ I am a **non-citizen, national of the United States.**
- ☐ I am an **alien lawfully present in the United States.**

_____
Declarant's Signature *Date*

3.2 Documentation. Based on what category you selected above in Section 3.1, please state what form of documentation you provided indicating your status (for a list of appropriate documentation, please see **the City of Huntsville Status Confirmation Information Sheet**):

_____
_____
_____

Please note: A photo i.d. may also be required as well as name change documentation, such as a marriage certificate, a divorce decree, or a probate name change document, if the document you provide does not reflect your current name.

CITY OF HUNTSVILLE, ALABAMA REPORT OF OWNERSHIP FORM

A. **General Information.** Please provide the following information:

- Legal name(s) (include "doing business as", if applicable): Tommy Joe Howell / Club Upscale
- City of Huntsville current taxpayer identification number (if available): 46-4669701
  (Please note that if this number has been assigned by the City and if you are renewing your business license, the number should be listed on the renewal form.)

B. **Type of Ownership**. Please complete the un-shaded portions of the following chart by checking the appropriate box below and entering the appropriate Entity I.D. Number, if applicable (for an explanation of what an entity number is, please see paragraph C below):

Type of Ownership (*check appropriate box*)	Entity I.D. Number & Applicable State
☐ Individual or Sole Proprietorship	Not Applicable
☐ General Partnership	Not Applicable
☐ Limited Partnership (LP)	Number & State:
☐ Limited Liability Partnership (LLP)	Number & State:
☑ Limited Liability Company (LLC) (Single Member)	Number & State: 46-4669701 AL
☐ LLC (Multi-Member)	Number & State:
☐ Corporation	Number & State:
☐ Other, please explain:	Number & State (if a filing entity under state law):

C. **Entity I.D. Numbers.** If an Entity I.D. Number is required and if the business entity is registered in this state, the number is available through the website of Alabama's Secretary of State at: www.sos.state.al.us/, under "Government Records". If a foreign entity is not registered in this state please provide the Entity I.D. number (or other similar number by whatever named called) assigned by the state of formation along with the name of the state.

D. **Formation Documents.** Please note that, with regard to entities, the entity's formation documents, including articles or certificates of incorporation, organization, or other applicable formation documents, as recorded in the probate records of the applicable county and state of formation, ***are not required unless:*** (1) specifically requested by the City, or (2) an Entity I.D. Number is required and one has not been assigned or provided.

Please date and sign this form in the space provided below and either write legibly or type your name under your signature. If you are signing on behalf of an entity please insert your title as well.

Signature: Tommy Joe Howell Title (if applicable): Manager/Owner

Type or legibly write name: Tommy Joe Howell Date: 2-3-14

CityOfHuntsville
CITY OF HUNTSVILLE
Clerk Treasurer's Dept. 055
1405001-1 02/19/2014 120
Wed Feb19,2014 01:02 PM

Name: CLUB UP SCALE

002 - PRIVILEGE LICENSE $100.00
Tran Nbr: 140500101 0011 0013
GL: 01-0000-3020-0000 $100.00

192 - BACKGROUND INVESTIGAT-
ION FEE $25.00
Tran Nbr: 140500101 0011 0014
GL: 01-0000-3018-0000 $25.00

2 ITEM(S): TOTAL: $125.00

Check GF (Chk# 1105) $125.00
Total Received: $125.00

Thank You!

**********CUSTOMER COPY**********