APPROVED 9/11/2014 to set Public Hearing for 9/25/2014

Charles E. Hagood, CMC
Clerk-Treasurer

HUNTSVILLE

Tommy Battle
Mayor

To: Mark Russell
City Council President

From: Charles E. Hagood
Clerk-Treasurer

Date: September 8, 2014

Subject: Set Public Hearing

It is requested that the City Council set a public hearing at the September 11, 2014 City Council Meeting for September 25, 2014 City Council Meeting to hear the appeal of the Liquor License Review Committee denying a Retail Liquor Lounge Entertainment License to Bragelton Properties, Inc. dba Plush Horse at 2021 Golf Road, Huntsville, AL 35802 at the September 4, 2014 Liquor License Review Committee Meeting.

Subj: **liquor license, former Plush Horse**
Date: 9/5/2014 11:53:12 A.M. Central Daylight Time
From: DHBrazelton@aol.com
To: dennis.cole@huntsvilleal.gov

Dennis,

I want to appeal the denial of a Lounge Retail Liquor (entertainment) license for the Plush Horse, 2021 Golf Rd., Huntsville, AL 35802. Hopefully we can get it on the agenda for September 25.

Thanks,

Dewey H. Brazelton
Brazelton Properties, Inc.
P.O. Box 528
Huntsville, AL 35804
(256)539-6411 office
(256)656-8889 cell
(256)539-9459 fax

RETAIL
LIQUOR
LOUNGE
with entertainment

HUNTSVILLE

Dennis G. Cole
Revenue License Inspector

Office of Clerk-Treasurer

September 5, 2014

Alabama ABC Board
Montgomery, Alabama

Gentlemen : Brazelton Properties Inc
Plush Horse
2021 Golf Road
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 with entertainment** license, and that the same has been **DENIED** as of September 4, 2014 by the License Review Committee on behalf of the 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:	Brazelton Properties Inc.
Location Trade Name:	Plush Horse
Location Address:	2021 Golf Road, Huntsville Al. 35802
Date of Application:	August 20, 2014

License Classification: Lounge Retail Liquor-entertainment

DEPARTMENT	RECOMMENDATION	AUTHORIZED SIGNATURE	DATE
Clerk Treasurer	Denied	[signature]	9-4-14
Police	Denied	[signature]	9-4-14
Planning	Denied	[signature]	9-4-14
Fire	Approved	See Attachment	8/31/14
Fire	Occupancy Load ~~Seating~~ Capacity # 586		
Finance	Approved	See Attachment	8/21/14
Zoning (Planning)	H.I.	[signature]	8/21/14
Zoning Adm.	# Parking Space 245 *	[signature]	8-25-14
Zoning Adm.	Permitted Use yes	[signature]	8-25-14
Health	Permit #47-01-	Letter of Intent	

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

* insufficient parking based on occupant load

[signature]
Dennis G. Cole
License Inspector

~~118~~
120

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

New Establishment XXX **Location Change**

Ownership Change **Classification Change**

Taxpayer Name: Brazelton Properties Inc.

Location Trade Name: Plush Horse

Location Address: 2021 Golf Road, Huntsville Al. 35802

Date of Application: August 20, 2014

License Classification: Lounge Retail Liquor-entertainment

DEPARTMENT	RECOMMENDATION	AUTHORIZED SIGNATURE	DATE
Clerk Treasurer			
Police			
Planning			
Fire	APPROVED	[signature]	9-3-14
Fire	Seating Capacity #		
Finance	Approved	See Attachment	8/21/14
Zoning (Planning)	H.I.	[signature]	8/21/14
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 license at this address. This location was last licensed in 2012 as Restaurant Retail Liquor with entertainment establishment, under the name R2Z, Inc. #18517.

OCCUPANCY LOAD 586

[signature]
Dennis G. Cole
License Inspector

Cole, Dennis

From: Noblitt, Stacy
Sent: Thursday, August 21, 2014 10:34 AM
To: Cole, Dennis
Subject: RE: ALCOHOLIC BEVERAGE COVER PAGE BRAZELTON PROPERTIES INC

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

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From: Cole, Dennis
Sent: Thursday, August 21, 2014 9:27 AM
To: Noblitt, Stacy
Subject: ALCOHOLIC BEVERAGE COVER PAGE BRAZELTON PROPERTIES INC

LIQUOR LICENSE REVIEW COMMITTEE MEETING
HELD SEPTEMBER 4, 2014
CITY COUNCIL CONFERENCE ROOM, 7TH FLOOR

The Liquor License Review Committee met September 4, 2014 on the 7th floor of the City Council with the following people present:

Dennis Cole, Chairman, Clerk-Treasurer's Office
Jim McGuffey, Planning Department
Sgt. Mark Roberts, Police Department
Lisa Leddo, Planning Department
Michelle Jordan, Planning Director

The following applications were voted on:

APPLICANT	CLASSIFICATION	LOCATION
Madison County Volunteer Lawyers Program dba Pro Bono Brew	special event (10-2-14)	320 Church St
Sherry Ann Smith dba Ann's Sports & Grill	retail beer & wine on/off premise w/food	3228 Lodge Rd #F & G
Vinnie Denise Bolden dba Club Boss (change of ownership)	restaurant retail liquor license w/entertainment	1407 Jordan Lane
Brazelton Properties, Inc. dba Plush Horse	retail liquor lounge w/entertainment	2021 Golf Rd

The above applications of Pro Bono Brew & Club Boss were unanimously approved by this Committee with Club Boss being held until sales tax issues are resolved.

The application of Ann's Sports & Grill was postponed by Sgt. Roberts until the September 18 meeting for the purpose of pulling records to see how many service calls were made to this location previously.

Mr. Randy Tichenor was present to oppose Ann's Sports & Grill stating he opposed this type of license. He said he lived in the neighborhood for over 40 years. He questioned if any business could have a liquor or beer license if they were within a certain distance from a residential neighborhood?

Chairman Cole informed him on a restaurant there was no restrictions but on a lounge there was.

Mr. Tichenor stated there was a lounge where this business has applied and he believes they didn't have a license. Chairman Cole said he was correct. Mr. Tichenor stated those folks were gone and he didn't know if this is the same people or not.

Chairman Cole said this was a woman applying for this license, and she had passed the background check, but Sgt. Roberts said this same woman had run this business before at this location.

Sgt Roberts said it is a C-1 with no entertainment.

Mr. Tichenor stated he can see a problem if this license is granted since others gathered in the parking lot and he was awaken at 3:00 or 4:00 o'clock in the morning hearing people arguing and throwing bottles. He also said there was a church on the other side of the building and Dawson Elementary down the road.

The application of the Plush Horse was denied by the Planning, Police, and Clerk-Treasurer's Offices.

Ms. Stacy Bell was present to state her opposition against the Plush Horse. She said she had many concerns since she owns a condo close by. She is concerned with the noise and recent shooting and this incident was on the news. She's heard there will be security but that may not be the case and the 500 and 300 buildings are very close to the establishment and are not sound proof. She doesn't want to come home to loud music, and she goes to bed around 9:00 or 10:00. She is also concerned about safety. She stated people have rented the building out for private parties.

Mr. Kevin Heard, attorney for Mr. Brazelton, was present along with Mr. Dewey Brazelton.

Mr. Heard stated Ms. Bell moved there knowing the Plush Horse was already there and had been long before and should be there. He stated Mr. Brazelton came before this Committee and asked for approval and was willing to comply and no efforts they won't undergo to respect all property owners. He said denial means Dewey has a piece of property he can't do anything with. It will be vacant and no tax dollars and he can't put anybody to work. He stated rental was denied before, and he wants to do something positive with this property that will help him and draw dollars back into the city.

Sgt. Roberts asked if there had been any changes since the City Council appeal to the parking lot?

Mr. Heard said you have inspected the parking and it has lighting and if you want to postpone, we can go out and show you.

Again, Sgt. Roberts asked if there were any changes inside or outside done after the May 8 Council meeting?

Mr. Brazelton stated the parking lot had been striped off and there were 358 spaces at last meeting.

Sgt. Roberts said so there are no improvements since that date and Mr. Heard stated right.

Sgt. Roberts asked if there was anything else anybody wanted to say before they vote?

Mr. McGuffey informed everyone he went to the Plush Horse today and counted 245 parking places and you can't count gravel.

Mr. Brazelton asked why you can't count gravel?

Chairman Cole stated the occupancy is 568.

Mr. Brazelton said he didn't have a sprinkler system and you are grandfathered in and there is green space in the back.

Chairman Cole informed Mr. Brazelton there are two different codes.

Mr. Heard asked if there were 245 spaces counted today and Mr. McGuffey said yes. Mr. Heard asked why he couldn't count gravel and Mr. McGuffey said this did include lighting.

Sgt. Roberts said when the classification changed from restaurant to lounge, a whole new rule kicks in and you have to meet the current ordinances.

Mr. Brazelton stated he had 34 lights.

Mr. Heard said it seems like it is oriented justification in not counting gravel spaces and saying he doesn't have green space. He said Will Culver's calculation was 358 spaces. He asked if he could show them a plan for this?

Mr. McGuffey stated if you change the parking lot by 5%, you are triggering new lighting and landscape ordinance.

Chairman Cole asked for the vote count and Mr. McGuffey, Sgt. Roberts, and Mr. Cole all denied the application. Chairman Cole stated this was denied based on the same information the Council saw previously, and they were working off the ordinances they are bound by and all businesses go by the same ordinances. He stated nothing had changed on the parking situation. He informed Mr. Brazelton and Mr. Heard they could appeal this decision by giving him an appeal letter which would go to the Council and be placed on the agenda.

Chairman Cole noted the minutes of the May 8 Council meeting will be included with this application and made a part of the record.

The following applications are for introduction only:

APPLICANT	CLASSIFICATION	LOCATION
Sabine Collins Cool dba Hildegard's Biergarten	restaurant retail liquor license	1010 Heathland Dr
HOA Restaurant Holder, LLC dba Hooters of Huntsville (change of ownership)	restaurant retail liquor license w/entertainment	4729 University Dr
Wal-Mart Stores East LP dba Wal-Mart #375 (change of location)	retail beer & wine off-premise license	3031 Mem Pkwy S
Wal-Mart Stores East LP dba Wal-Mart #3185	retail beer & wine off-premise	4226 Oakwood Ave

B G Craft, LLC dba Liquor Express & Craft Beer Store	retail liquor lounge license	1812 University Dr

There being no further business before this Committee the meeting was adjourned.

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Barbara Bell, Clerk for Liquor
License Review Committee

LIQUOR LICENSE REVIEW COMMITTEE MEETING
HELD AUGUST 21, 2014
CITY COUNCIL CONFERENCE ROOM, 7TH FLOOR

The Liquor License Review Committee met August 21, 2014 on the 7th floor of the City Council with the following people present:

Dennis Cole, Chairman, Clerk-Treasurer's Office
Jim McGuffey, Planning Department
Sgt. Mark Roberts, Police Department
Lisa Leddo, Planning Department

Absent: Michelle Jordan, Planning Director

The following applications were voted on:

APPLICANT	CLASSIFICATION	LOCATION
Whitesburg Corner, LLC dba Walton's Corner Southern Cooking	retail beer & wine on/off premise license	4901 Whitesburg Dr
Red Lobster Restaurants, LLC dba Red Lobster #0159 (change of ownership)	restaurant retail liquor license	1818 University Dr
MJ Shogun Group, LLC dba Shogun Japanese Steak-house (change of ownership)	restaurant retail liquor license	3991 University Dr
Homegrown, LLC dba Big Spring Crush	special event license (Sept 27, 2014)	Big Spring Park East
BG Craft, LLC dba Liquor Express & Craft Beer Store	retail liquor lounge license - Class II (package)	1812 University Dr
Jackson Conference Center, LLC dba Jackson Center Nature Conference	special event (10-1-2014)	600 Genome Way #A
Mullins Enterprises, Inc. dba Mullins Restaurant	restaurant retail liquor license	607 Andrew Jackson Way

The above applications were unanimously approved by this Committee with one exception for Mullins Restaurant. The license was approved but they will need a special exception to have entertainment.

The following applications are for introduction only:

APPLICANT	CLASSIFICATION	LOCATION
Om Varahi, Inc. dba Parkway Chevron	retail beer & wine off/ premise only license	4964 Mem. Pkwy N

Madison County Volunteer Lawyers Program dba Pro Bono Brew	special event (10-2-14)	320 Church St
Sherry Ann Smith dba Ann's Sports & Grill	retail beer & wine on/off premise w/food	3228 Lodge Rd #F & G
Huntsville Young Professionals, Inc. dba The Haunt	special event (10-24-14)	901 Kennamer Dr
W & N, Inc. dba Envy Entertainment & Restaurant	restaurant retail liquor license w/entertainment	200 Oakwood Ave #J
Vinnie Denise Bolden dba Club Boss (change of ownership)	restaurant retail liquor license w/entertainment	1407 Jordan Lane
Texas de Brazil Hsv Corporation dba Texas de Brazil	restaurant retail liquor license	350 The Bridge Street #124
Huntsville Golf Club, LLC dba Huntsville Country Club (change of ownership)	club liquor license	2601 Oakwood Ave
Brazelton Properties, Inc. dba Plush Horse	retail liquor lounge w/entertainment	2021 Golf Rd

There being no further business before this Committee the meeting was adjourned.

_____

Barbara Bell, Clerk for Liquor License Review Committee

Day was Ms. Batson, who had gotten it as a gift for her mother, Ms. Jackie Reed, noting that Mother's Day was coming up on the weekend. He asked Ms. Reed to come to the podium, stating that she could sit by him.

Councilman Kling stated that he had a certificate to present to Ms. Reed, recognizing this event. He stated to Ms. Reed that he wanted to wish her a Happy Mother's Day and stated that he was glad to have her on the podium with him.

Ms. Reed thanked Councilman Kling, stating that she had been longing to be on this side of the desk for many, many years. She stated that she would like to thank her family, her son, daughter, daughter-in-law, and two grandsons, for their support over the years that she had been attending Council meetings.

President Russell stated that items 15.a, 15.t, and 15.v had been deleted from the agenda. He stated that the Administration had asked for unanimous consent on items 14.b, 14.c, and 14.d so that these items could be voted on at this meeting.

President Russell stated that the next item on the agenda was Public Hearings to be Held.

START President Russell stated that it was the time and place in the meeting for the continuance of the public hearing on 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, d/b/a Club Upscale,

at 2021 Golf Road, Huntsville, AL 35802, at the March 6, 2014, Liquor License Review Committee Meeting, which hearing was set at the March 13, 2014, Regular Council Meeting, and continued at the April 10, 2014, Regular Council Meeting, until this date.

President Russell asked if there was anyone present in the audience who would like to explain why they needed this license, if there was anyone present from Club Upscale.

Mr. Dewey Brazelton, 1311 Governors Drive, Southeast, appeared before the Council, stating that he owned this real estate and was leasing it to Club Upscale. He stated that they had been denied a license and, therefore, they had appealed it to the Council, in order to get a license. He stated that he had purchased this property in 1970, that he had had it 44 years, and that it had been a club, had been a place of assembly, for 44 years. He stated that they had been giving them a hard time about getting this license, and that he had met with the City Attorney and several other persons, and he had told them that they needed to give them a license or they could buy the property, and that he would sell it to them for 50 cents on the dollar, but that if he had to go to court, it would be full price.

Mr. Brazelton stated that he believed there were some other persons in the audience who wanted to speak who would like to have a club at the location.

Ms. Terri Michal, 115 Mill Creek Crossing, Madison,

appeared before the Council, stating that she actually had a lot of knowledge of this subject because she was a DJ, that she had been a DJ for 13 years and had worked in the building under discussion, that she had been familiar with it for at least the last 10 years. She stated that there were some things that she felt were important for the Council to know and that she hoped that after learning this information, perhaps they would decide to take another vote on this matter.

Ms. Michal stated that one thing that most people were not aware of was that since Vieux Carre had closed down, the GLBT community had had no place to go where there was a dance floor. She stated that they desperately needed a dance floor, because at this time these persons either went to Nashville or to Birmingham and spent their money or they went to other straight clubs in the city. She stated that the problem with this was that it was not their community, and that there were misunderstandings at times between the two communities. She stated that she knew personally that it had been very dangerous for the GLBT community to be in these other clubs. She stated that her friend Brian had had his head rammed through a car window because he was in the wrong place.

Ms. Michal stated that this building was important to the GLBT community, that they were familiar with the building, that there was history there. She stated that they talked a lot about history in the city and noted that it was not just the mainstream that had a history. She stated that in the past

when this had been an GLBT club, she did not believe there had been many problems, although, of course, at every club there were some problems. She continued that she did not believe the history of serious problems had been under the GLBT community. She stated that everyone involved in this project understood that it would have to be run clean and run professionally in order to get people to the club. She stated that she believed this was going to be a good addition to the community, that it would be an addition to Huntsville because of the revenue that it would bring in, that people would stop going out of the city and they would stay in the city and spend their money.

Ms. Michal stated that she also wanted to talk about the history of the building, noting that she did not believe any of the Council members had probably ever stepped in the building. She stated that it was a beautiful building and that it had a rich history of entertainers, that famous entertainers had entertained on that stage. She continued that it was a beautiful and unique building and that it had a beautiful view.

Ms. Michal stated that one of the biggest problems was parking, noting that she had had a party there about three years prior and had had 450 people. She stated that she understood that at this time Mr. Brazelton had met those needs in parking. She stated that she really felt strongly that this was a safety issue, that the GLBT community needed it, and that she also believed it would be a money-making prospect.

Ms. Michal stated that when she had first moved to

Huntsville, two buildings had stood out to her, with one being the old library downtown and the other being the subject building on Golf Road. She stated that, unfortunately, the old library, which had been such a unique building, was no longer there. She asked the Council members to please understand the history, and respect the history, of the building on Golf Road and what it meant to a certain community in the city and why it was so desperately needed by them.

Ms. Linda Ferguson, 2225 Golf Road, Unit 214, appeared before the Council, stating that she was President of the Homeowners Association for the 100 units in the area in which she lived. She stated that after the prior Council meeting where she had commented on this matter, she had talked with Mr. Dewey Brazelton after the meeting, and he had explained to her that this was, in fact, going to be a gay club, and he had promised her that they would place signs stating that persons could not park on her property and that there would be an off-duty police officer on duty.

Ms. Ferguson stated that because of the bad history, along with what residents in the area had had to go through in the prior four years, everyone was still up in arms about this, because of the noise and the beer bottles being thrown over their fences, noting that they had to pay extra money to have someone come and clean up their property when they were already paying $200 a month in Homeowners Association fees. She stated that persons just did not want the club up there.

Ms. Ferguson stated that she was sympathetic to Mr. Howell because she felt it would be fine if it was a gay club, noting that there had been a gay club there when she had first moved to the area 10 years prior and they had had no problems at that time. She asked, however, in the long range, how long would it be a gay club, or when it would revert back to being leased to anyone and everyone who wanted to go up there and have a party and destroy the whole neighborhood. She stated that they were looking at the long term on this, not just the short term.

Ms. Ferguson stated that she had talked to the residents in the area after the last meeting to let them know what Mr. Brazelton had said, concerning help with the safety features, et cetera, and that they were all still opposed to this, because of what had happened in the prior four years, in particular.

President Russell asked Ms. Stamper to get Ms. Ferguson's petitions.

(Submission by Ms. Ferguson)

Ms. Carolyn Woolnough, Sutton Place, appeared before the Council, stating that she could confirm, as Ms. Ferguson had stated, that it got very, very noisy up there, and that it was unpleasant. She stated that her window looked out directly on the building, and that she had seen persons urinating in the parking area just under her window. She stated that she understood that Golf Road was not sufficient for the traffic, that it was only two lanes, and the police had said that it was

not enough to have that sort of traffic up at the top. She stated that this was not a good place for this.

President Russell asked if there was anyone else in the audience who would like to address the Council on this issue.

There was no response.

President Russell asked if any of the City departments would like to be on the record, the Clerk-Treasurer's Office, Zoning Administration, or the Fire Marshal.

Mr. Dennis Cole appeared before the Council, stating that he was with the License Review Committee. He stated that he would like to give a license history of the subject location. He stated that since 1996, they had received four applications for a lounge, with live entertainment, at this location. He stated that the previous applicants had been denied for various reasons. He stated that through the same time period, since 1996, the License Review Committee had approved several restaurant licenses. He stated that a lot of people kept referring to it as a "club license," but stated that what they had been issuing for the location was a restaurant license.

President Russell asked if there were any other City departments who would like to be on the record.

Mr. Jim McGuffey appeared before the Council, stating that he was the Zoning Coordinator. He stated that they had denied the license based on parking, for the reason that this particular application was a 60 percent ratio, noting that as a lounge, this was based on occupant load. He stated that with

the requested occupant load, they had gotten down to 586, which he noted would require 352 parking places. He stated that there were currently 205 parking places, so it was deficient over 100 parking places, which was the reason they had denied the application.

Mr. Dewey Brazelton again appeared before the Council, stating that the persons who were complaining had moved up there beside the club, that the club had been there when they had bought a place or moved in and that they knew there was a club there. He continued that Councilman Culver and he had gone to the location on the prior day, and Councilman Culver had counted the parking places and had counted 358. He stated that that was how many parking places they had at this time. He stated that when Mr. McGuffey had counted the parking places, they had not been lined off, that markings were missing, and he really would not have been able to tell on this. He stated that they had now marked the spaces off, and there were 358.

Mr. Brazelton stated that if any of the Council members had any questions of him, he would be happy to answer them.

Councilman Culver stated that he certainly had heard what the residents were saying concerning this situation on Golf Road. He stated that he did want to say that he had known the Brazeltons for some 30-plus years and that they had always been outstanding citizens in the community. He stated that he was aware that Mr. Brazelton had had multiple businesses in

Huntsville, some of which he had frequented in the past, and they had been very well-run establishments.

Councilman Culver stated that he did want to say to the community, and the HOA president, that he understood they were okay with a particular club going in the location. He continued that they did not want to judge what might happen with this particular club based upon some bad experiences in the past.

Councilman Culver stated that he had nothing but the utmost confidence in Mr. McGuffey in everything he was doing with the City, and also the things he had done for him personally. He continued that, however, he was concerned about the parking issue, because he knew that they, the City of Huntsville, could not violate their own ordinance. He stated that when Mr. Brazelton had contacted him, he had gone to the location, and they had walked the area.

Councilman Culver stated that he wanted to share what he had found concerning the parking spaces that were marked off. He stated that if one stood directly in front of the building, on east side 1, there were approximately 6 spaces on one side and 5 on the other side, and then there were 10 spaces. He continued that east side 2 had approximately 94 spaces, noting that the pool had been closed in and there were 26 spaces in the pool area. He stated that these were all spaces that were not the added spaces. He continued that if one went to the west side of the building, the right side, there were

approximately 93 spaces on west side 1, and then a little further west there were approximately 77 spaces. He stated that these were spaces that had been originally designated as spaces. He stated that then when one came down to the east side of the building, in front of the building, there had been 71 new spaces added. He stated that with all these spaces, he had come up with 358 spaces.

Councilman Culver stated to Mr. McGuffey that perhaps he would be able to go back to the location and revisit this situation, noting that he did not know if the new spaces had been factored in. He stated that Mr. Brazelton had created parking in front of the building where the grass had been and that he had created that same amount of green space further back to the south side of the business, in order to save green space. He stated that unless he was in error, that, seemingly, there might be enough spaces there, perhaps seven or eight more spaces than would be required. He asked Mr. McGuffey if he would have the opportunity to perhaps go back and revisit this situation.

Mr. McGuffey stated that they would surely like to revisit it if Councilman Culver felt it was necessary. He continued that, however, they had counted the spaces during the current week, after the striping. He stated that the issue they had was that they could not count any of the gravel spaces, due to the fact that they were installed without their knowledge and that the ordinance stated that if the parking lot was improved

more than five percent, the entire parking lot must be in compliance with lighting and landscaping. He continued that the parking lot was not compliant with lighting and landscaping, so that by adding these spaces, it was actually making it worse from a zoning ordinance perspective.

Councilman Culver asked what it would take for the spaces to be in compliance.

Mr. McGuffey stated that, first of all, there were no lights in the parking lot, so that there was no lighting, and that landscaping had been lost due to the increase in parking spaces. He stated that he did not know what the numbers were in order to say what the issues would be, but they would definitely have to add lights, and most likely have to add more landscaping.

Councilman Culver asked Mr. Brazelton if he would be able to accommodate this.

Mr. Brazelton stated that, first of all, Mr. McGuffey was wrong. He continued that he had paid the Utility company for 34 outside lights in the location. He continued that that had been going on for 30 years. He stated that there were two street lights right in front of the part where they had just put the gravel, so that there were 36 lights in the parking lot. He stated that evidently Mr. McGuffey had gone in the daytime rather than going at night.

Councilman Culver asked Mr. McGuffey how many additional lights might be needed.

Mr. McGuffey stated that he was not certain how many lights would be needed to satisfy the ordinance, that an engineer would have to calculate that information.

Councilman Culver stated that what he was getting at was that rather than to see an empty building, which could become an eyesore, that there could be some use out of it, especially since this particular club had not been problematic for neighbors in the past. He continued that the employment of an off-duty officer or two most likely would assist in rectifying a lot of the concerns. He stated that he was hoping that somehow they could work with Mr. Brazelton on this matter.

Councilman Culver stated to Mr. Brazelton that he would also have to work with the City to try and make this property workable in terms of, from what he understood, just a couple more lights and some landscaping, to get it in compliance.

Mr. McGuffey stated that if that was the option that Mr. Brazelton chose to go, but still if he was deficient in parking, the only additional remedy would be the Board of Adjustment, to apply for a variance for parking, for insufficient parking.

Councilman Kling stated to Mr. McGuffey that they had heard there were 358 parking spaces. He asked how many parking spaces were required for this to be in compliance.

Mr. McGuffey stated that it would be in compliance if there were indeed 358 parking spaces. He stated that they needed 352, based on the occupancy load of 586.

Councilman Kling stated that he wanted to make sure he understood this. He stated that based upon what they had heard from the residents, that the format of the club being discussed was not a problem, that it had historically been quiet for the neighborhood. He stated that he believed the issue that was coming up was that the liquor license would not restrict that format, and that while that format was quiet and compatible with the neighborhood pretty much, there was nothing that would prohibit it from changing to a rock-and-roll format, or something with loud people coming in and out. He asked if someone could confirm this or tell him he was wrong about this.

Mr. Joffrion stated that that was correct.

Councilman Kling stated that based upon the history of the neighborhood, he was not going to support this license. He stated that previously there had been some discussion about the City purchasing this facility, noting that it could be a great neighborhood asset, and that, of course, it would get the club out of the equation. He stated that there was a possibility that the building could be utilized as a recreational facility, or, if not, the area would make a beautiful park. He stated that this was an idea he would certainly find agreeable.

President Russell asked if there were any other departments that would like to be included on the record.

Assistant Fire Marshal George Daigle appeared before the Council. He stated, concerning the history of the building, that Mr. Brazelton had asked them to come out and do a

calculation for an occupant load, and that was where the 586 occupant load had come from, noting that it was by the use and the floor plan of the building.

Assistant Fire Marshal Daigle stated, concerning Fire Department Issues, that without proper parking, many times there would be on-street parking, which he noted could affect their fire-fighting capabilities for the adjacent apartments.

Sgt. Mark Roberts of the Huntsville Police Department appeared before the Council, stating that he wanted to talk a little bit about the impact involved in this matter. He stated that he believed some persons might get confused about what was being requested. He stated that the license that was applied for at this time was for alcohol and entertainment only. He stated that since 1996 at the Plush Horse, there had been a restaurant with entertainment and alcohol. He continued that the usage had changed.

Sgt. Roberts stated that in the past, since 1996, they had actually denied this type license at this location, noting that the owners had resolved this by changing to a restaurant with entertainment. He stated that when they were talking about a lounge with just entertainment, these were the ones in the history of Huntsville they had always had the most problems with, noting that they were there for one reason, and that was drinking. He stated that the City's zoning ordinances had always put such entities away from residential neighborhoods in the past.

Sgt. Roberts stated that this was a unique situation in that the zoning of the subject area was Heavy Industry. He stated that, however, one could see that what surrounded this club was strictly 100 percent residential. He continued that this club was one of the largest clubs in the city occupancywise. He stated that persons would usually be there for one thing, drinking, that they would not be there for eating.

Sgt. Roberts stated that Councilman Culver had said that they had never had problems at that location but stated to Councilman Culver that they had had problems at the location, on numerous occasions. He continued that he wished Councilman Culver could be there when his phone ran at night, concerning the parking issues. He stated that one of the biggest problems they had had at the Plush Horse for the entire history had been parking, noting that they had never had enough parking. He stated that this had been grandfathered prior to this time, noting that it had been in existence so long that the old parking regulations held for the club. He continued that they had met these requirements in the past. He stated that they had changed these regulations because of the problems they had had at lounges with alcohol. He continued that they had boosted those up to 60 percent, noting that one could see the problems they had had.

Sgt. Roberts stated that the majority of the problems that had happened at the subject club had happened in the parking

lot and associated with all the residents around the area. He stated that when the parking lot got full, the persons would park in the condo parking lot, noting that these residents had called him every night concerning this matter. He stated that the residents had had to literally impound those vehicles themselves, and that they were threatened by the persons that parked there. He stated that there had been shots fired in those parking lots, in their condominiums or their apartments, by persons who were associated with the club.

Sgt. Roberts stated that what he was saying was that this did impact the area. He stated that he realized that in the past this club had been grandfathered. He continued that they had denied these type licenses in the past.

Sgt. Roberts stated that he also wanted to talk a little bit about the area. He stated that at this time, the Huntsville Police Department had started an initiative, that they had started it at Golf Road. He continued that they had started an initiative on crime and quality-of-life issues, to make that a better place.

Sgt. Roberts stated that this was one impact that would result in more calls for service and more crime and more persons moving out of the area.

Sgt. Roberts stated that they had been consistent in the past to deny these type licenses when it upset neighborhoods. He continued that he would give an example of this. He stated that they had just gone through this in denying a license that

was impacting a neighborhood in Councilman Culver's district. He stated that it had the proper zoning, but it was impacting that neighborhood negatively, and they had denied that license. He stated that Councilman Showers had had a club in his district on Max Luther many years prior, and that it was going to be a large-scale club that would impact an assisted living in the area, and they had denied that license, and that Councilman Showers was one of the proponents of that. He stated that they had also had a license not too long prior that was going to be on South Parkway that was going to impact that residential neighborhood negatively, and they had denied it. He stated that President Russell was aware of what it had been like in Five Points, with the parking, and stated that they had taken care of those problems with ordinances that affected that.

Sgt. Roberts stated that what he was saying was that they had always protected their neighborhoods in the past. He stated that he believed this was one time that they might be able to make a difference if they did not approve this license, for that reason.

Sgt. Roberts stated that if they were to get this license, rather than a restaurant or a different type of license, they could not hire an off-duty officer, because they were not allowed to work at these type establishments.

Sgt. Roberts stated that one could see the history of this, noting that they had been very consistent about

protecting the neighborhoods.

President Russell asked if there was anyone else who wished to address the Council on this particular issue.

There was no response.

President Russell asked Mr. Joffrion if he could advise the Chair as to whether he had met all the requirements of a public hearing.

Mr. Joffrion replied in the affirmative.

President Russell stated that the public hearing was closed.

President Russell stated to the Council members that if there were no vote taken on this matter, the decision of the Liquor License Review Committee would stand. He stated if someone wanted to overturn this decision, they would have to make a motion to overturn it.

Councilman Kling reiterated that it had been mentioned off and on over the years about the City buying this property for recreation purposes. He asked what the price would be, stating that he was aware there would have to be an appraisal done. He asked Mr. Brazelton how much they were talking about.

Mr. Brazelton stated that the last appraisal he had had on the property was $1.2 million, noting that it had five acres of land and most likely more parking than any place in the city. He stated that he had made the statement recently when he had met with the City Attorney that whatever the appraisal would be, he would sell it to the City for 50 cents on the dollar,

and he would take a tax write-off for the other 50 percent.

President Russell asked if there was any Council member who wished to overturn the decision of the Liquor License Review Committee on this matter.

There was no response.

President Russell stated that, therefore, the decision of the Liquor License Review Committee would stand.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the demolition of an unsafe building, constituting a public nuisance, located at 613 Kennan Road, NW.

President Russell recognized Mr. Ken Benion, Director of Community Development.

Mr. Benion stated that the above resolution would declare the building at 613 Kennan Road, NW, an unsafe building and grant them permission to demolish it. He continued that, by State law, this would allow them to sell the property at a tax sale if the owner did not pay the cost of demolition. He stated that this building had been inspected by an independent contractor, and it had been determined that it was not economically feasible to repair. He stated that the owner had been notified of the proposed action and might wish to speak at this time.

Mr. Benion displayed photos of the property, stating that this was basically a hoarding situation in which a fire occurred. He asked for the Council's support in allowing them

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# 72 - 1392525 NAICS Code 722410

B. Name of Applicant(s) BRAZELTON PROPERTIES INC.

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

NAME	TITLE	% OWNERSHIP
DEWEY H. BRAZELTON	PRESIDENT	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	8/28/1991	0156	0650

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

F. List Name of the manager(s) Dewey ~~HANK~~ BRAZELTON

G. Has the owning entity ever had an Alcoholic Beverage License in the City of Huntsville before?
Yes ✓ No____ If yes, explain 1970 TO 1986

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: PUSH HORSE

B. Location Address: 2021 Golf Rd

C. Business Mailing Address: P.O Box 528 HUNTSVILLE, AL 35804

D. Date ownership of business changed: _____

E. Previous ownership, business name, and license number of the last license at this location. #18517 ?
R22 Inc 2004- 2012

F. Name of landlord/owner, address, and telephone number, of the property where this license is desired.
BARZELTON PROPERTIES 2565396411 2021 Golf Rd HSV.

G. List all types of entertainment, and all other activities desired at this location. _____
D.J.

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 Bld 11,000
7,000 in main Room

B. Number of parking spaces available at this location. 358

C. Total seating capacity of business establishment 299

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: 1 %, and beverage sales: 99 %.

F. List the business hours of operation 7:00 AM Till 2:00 AM

G. List the hours of alcoholic beverage sales 7:00 AM Till 2:00 AM

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.

Dewey W. Brazelton
Signature of Applicant

Sworn to and subscribed before me this 19 day of August, 2014.

Mary Ann Thompson
Notary

Jan 9, 2016
Date Commission Expires

FORM REVISED 11/14/2013