

Public Hearing set on 9/24/2015  
for 10/8/2015



# HUNTSVILLE

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Dennis G. Cole  
Revenue License Inspector

Clerk-Treasurer Department

September 18, 2015

Alabama ABC Board  
Montgomery, Alabama

Gentlemen : A M Booth's Lumberyard LLC  
A M Booth's Lumberyard  
120 D Cleveland Avenue  
Huntsville, Al. 35801

I, Dennis G. Cole, hereby certify that the City of Huntsville has received the application described above for a **Restaurant Retail Liquor** license, and that the same has been **DISPROVED** as of September 17, 2015 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  
Investigator

The Star of Alabama

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

**New Establishment**

**Location Change**

**Ownership Change**

xxx

**Classification Change**

**Taxpayer Name:** A.M. Booth's Lumberyard LLC  
**Location Trade Name:** A.M. Booth's Lumberyard  
**Location Address:** 120 D Cleveland Avenue, Huntsville Al. 35801  
**Date of Application:** July 24, 2015

**License Classification:** Restaurant Retail Liquor (entertainment)

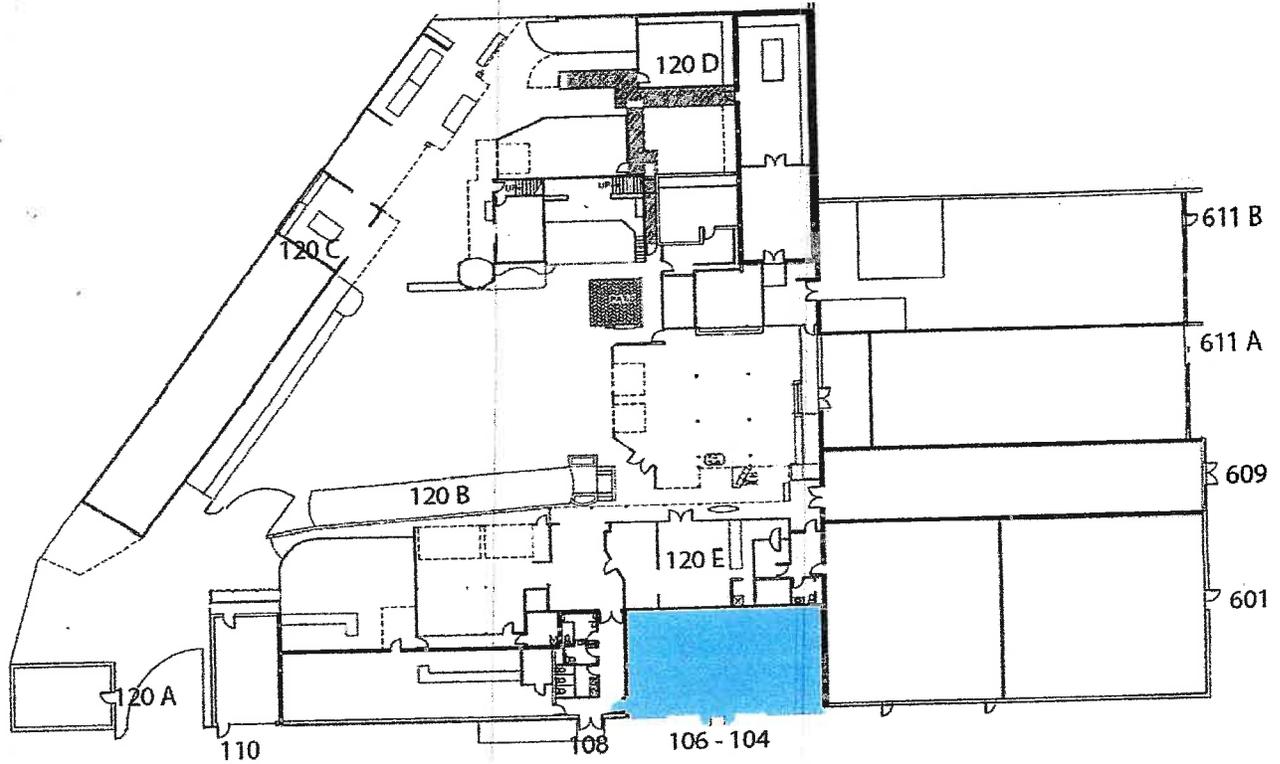
DEPARTMENT	RECOMMENDATION	AUTHORIZED SIGNATURE	DATE
Clerk Treasurer	<u>Disapproved</u>	<u>[Signature]</u>	<u>9/17/15</u>
Police	<u>DISAPPROVED</u>	<u>[Signature]</u>	<u>09/17/15</u>
Planning	<u>APPROVED</u>	<u>[Signature]</u>	<u>9/17/15</u>
Fire	<u>APPROVED</u>	<u>SEE ATTACHED</u>	<u>9/11/15</u>
Fire	Seating Capacity # _____		
Finance	<u>Approved</u>	<u>SEE ATTACHED</u>	<u>8/7/15</u>
Assigned Zoning	<u>C3</u>	<u>[Signature]</u>	<u>8/11/15</u>
Zoning Adm.	Parking Spaces <u>N/A</u>	<u>[Signature]</u>	<u>8-14-15</u>
Zoning Adm.	Permitted Use <u>YES</u>	<u>[Signature]</u>	<u>8-14-15</u>
Health	Permit #47-01- _____		

Letter of Intent \_\_\_\_\_

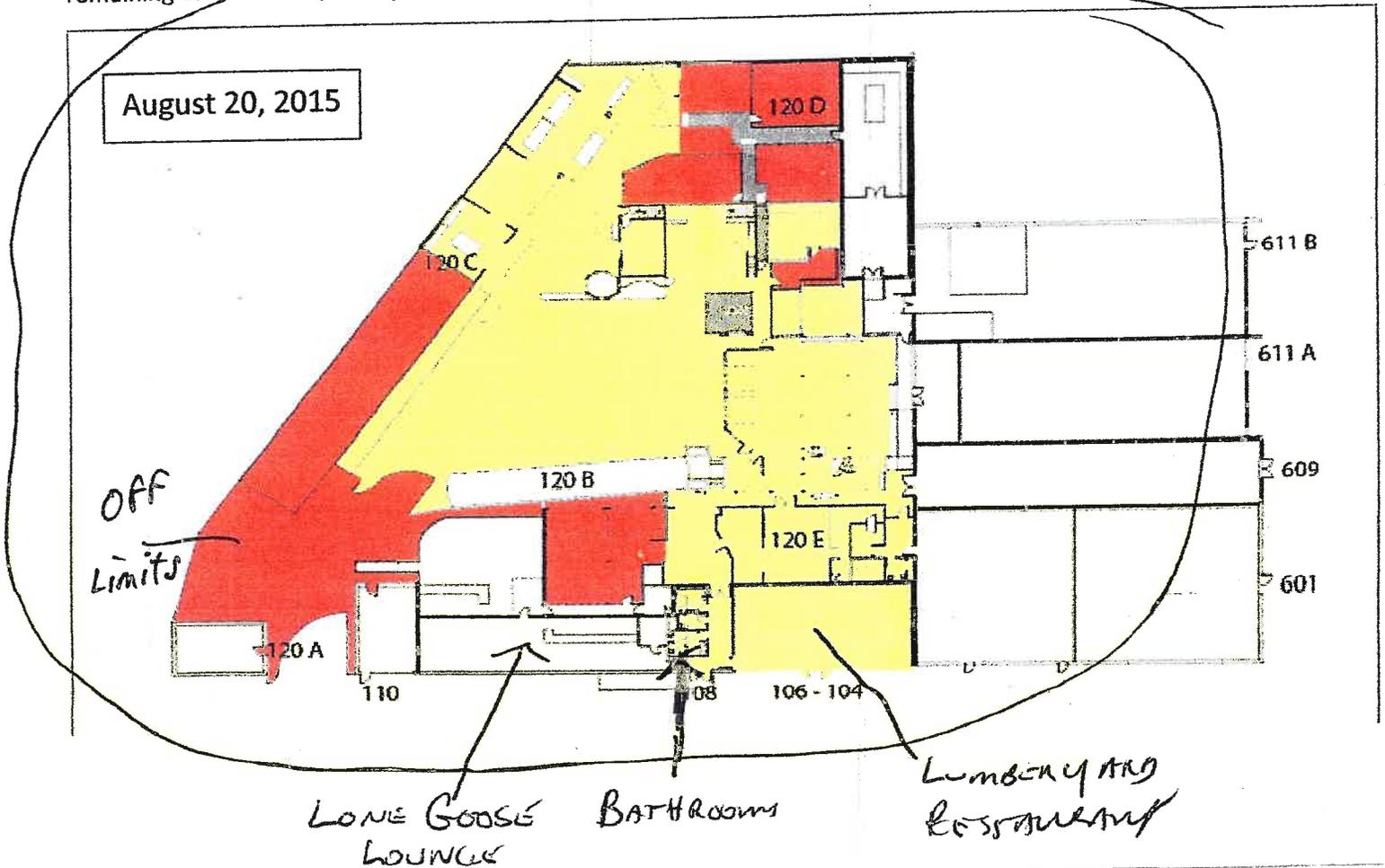
**REMARKS/COMMENTS:**

This applicant would like for the City of Huntsville to approve a Restaurant Retail Liquor with entertainment license at this address. This applicant holds a Special Retail License at 120-C Cleveland Avenue but will turn it in if this application is approved.

[Signature]  
Dennis G. Cole  
License Inspector



104-106 Cleveland is a brick/concrete block 1500 sq. ft. structure with storefront glass and side exit into common hallway separated with fire doors. The kitchen has been in working order since it was remodeled in 2011. The Lumberyard event bar (120E) is a 1000 sq. ft conditioned frame building with a health department approved bar. The remaining estimated 12,000 sq.ft. is comprised of covered and open areas currently licensed as a Banquet Hall.



LIQUOR LICENSE REVIEW COMMITTEE MEETING  
HELD SEPTEMBER 17, 2015  
CITY COUNCIL CONFERENCE ROOM, 7TH FLOOR

The Liquor License Review Committee met September 17, 2015 on the 7th floor in the City Council Conference Room with the following people present:

Kevin Flory - Chairman -Clerk-Treasurer's Department, voting member  
Dennis Cole, Clerk-Treasurer's Department  
Michelle Jordan, Planning Department, voting member  
Ashley Nichols, Planning Department  
Johnny Hollingsworth - Police Department  
Jim McGuffey, Planning Department  
Captain Corey Harris, Police Department, voting member  
Fire Marshall, Dan Wilkerson

The following applications were to be voted on:

<u>APPLICANT</u>	<u>CLASSIFICATION</u>	<u>LOCATION</u>
Corner Crossing, LLC dba Sure Save Pharmacy	retail beer & wine off- premise only license	30694 Hwy 72W
A M Booth's Lumberyard, LLC dba AM Booth's	restaurant retail liquor license w/entertainment	120-D Cleveland Ave
Janice M. Roberson dba Hickory House (change of ownership)	restaurant retail liquor license	303 Oakwood Ave
Copper Line Beverages, LLC dba Wind Mill Beverages (change of ownership)	retail liquor lounge class II license (package store)	13136 Mem Pkwy S
Touchstar Cinemas, Inc. dba Touchstar Cinema	restaurant retail liquor license	5905 University Dr
Deja Vieux, Inc. dba Dja Vieux	retail liquor lounge license/no entertainment	1204 Posey St

The above applications of Sure Save Pharmacy, Hickory House, Wind Mill Beverages, and Deja Vieux were unanimously approved by this Committee.

The applications of Am Booth's Lumberyard and Touchstar Cinema were disapproved by this Committee.

Ms. Janice Roberson was present for the application of the Hickory House.

Mr. Doug Smith and wife, Joy were in attendance for the application of AM Booth's Lumberyard.

Chairman Flory asked for discussion on AM Booth's Lumberyard.

Mr. Cole stated regarding AM Booth's Lumberyard that he and Officer Hollingsworth had gone out to this establishment and paid a visit. They had questions and some were addressed by the Fire Department personnel. He said there are rooms being shared with the Lone Goose, and this is an issue. There are also concerns with the patio area. He further stated once inside the front entrance you can go in several ways to get into the rooms. He said this may have to have blocked access into the main premises since they are using a common area also used by the Lone Goose.

Mr. Smith stated he had been operating this way for sometime and didn't understand what had changed.

Mr. Cole stated then he didn't have a sandwich bar and now he has a special retail license and things under that have changed.

Chairman Flory asked what type of license he previously had, and Mr. Smith said he was never open to the general public. He had food night when the food trucks came over. He thought he could do small concerts but was told he couldn't so he closed this down. He mainly does weddings, fund raisers, Christmas parties with limited invitations.

Officer Hollingsworth stated once you are on the inside it was all special events but now he wants a deli and to get to this space you are in a common area and the ABC Board will not allow this. He suggested he may have to have staffing at the door.

Mr. Smith informed the Committee he won't be selling alcohol in the front part at all. He wants to expand the kitchen and now where there can be 65 people, he wants little tables on the side for 15. He wants to take the wall out and have big coolers for events.

Chairman Flory pointed out this application was submitted in July and he has done nothing regarding the construction yet.

Mr. Smith stated he had very complicated issues with the Fire Department and architectural plans. He has some plans he hasn't submitted but turned in the overall view plans. He wants to get this all done as quickly as possible.

Fire Marshall Wilkerson stated he asked for plans in March. He said he had some preliminary plans to look at but then plans changed and he just got acceptable plans a couple of weeks ago. He said the Engineering Department is looking at it and the Building Department is waiting for a review.

Mr. Smith stated the Lone Goose's lease is up in March and he plans to take that part over for entertainment. He has a train car he bought three years ago, and this establishment is different from everybody else's.

Officer Hollingsworth asked Mr. Smith if he was able to get an agreement on buying the diner?

Chairman Flory stated he had to sell 50% food, and Mr. Smith said that wouldn't be a problem. It will also be non-smoking for children's events.

Chairman Flory stated again no move has really been done, and this has been delayed since July. He stated this Committee can vote today and see how this goes.

Mr. McGuffey asked if Fire Marshall Wilkerson has the authority to go out and close this business down if he doesn't do what he says he will do?

Mr. Cole stated they don't normally okay a license before the Fire Department approves it. If he does what he says on the plans, we are okay with it, but there is still some work to be done.

Chairman Flory asked Mr. Smith if he could continue operating now?

Mr. Smith stated he would not be able to use these spaces and they were hoping this would get them through a slim winter season. He further stated he has new fire doors specially ordered and has every intention of improving the area and making things work, and he's done major clean-up of the property.

Mr. Cole said the license can be approved pending all departments checking off on this.

Mr. Smith told the Committee he had addressed all issues of life safety except the Meridian Street issue.

Officer Hollingsworth said the ABC folks will not let two licensees share a building.

Fire Marshall Wilkerson said normally a license isn't issued until the work is complete and they haven't gone back for another inspection because things aren't corrected. He said the third exit that goes to Meridian Street is a problem and until that exit is fixed, he is limited to only a 250 person capacity.

Officer Hollingsworth asked if he can't do business until he gets a license, could he get a license for corrections?

Mr. McGuffey stated if Fire Marshall Wilkerson can go in the business at any time and close it down, that should be motivation for Mr. Smith to get all this done.

Fire Marshall Wilkerson said since he signed off on the alcohol he's been treated a little differently and Mr. Smith's attitude has changed with issues.

Mr. Smith said he wants to focus on the life saving issues first and submitted plans and everybody said it would work. Then he was told to add a fire wall, replace fire doors and submitted plans for all this. He says he has done what he was told to do.

Fire Marshall Wilkerson stated the plans are in the Inspection Department with Andrea Passeur and will be held for two more weeks.

Mr. Cole asked Mr. Smith if he had renewed his state license for next year? Mr. Smith replied his license will expire October 1, and he has but was told they won't refund any money, and if the license is not used, he can get a refund.

Chairman Flory said they can pass this with no license issued until everything is met or have it approved on the books but he cannot operate.

Mr. Smith says he has events scheduled and closing is best.

Officer Hollingsworth asked if the state liquor license states his license is only for weddings?

Mr. Cole informed him the title designated for the Lumberyard is a banquet hall and our license is good until January 31 of next year. The issue is with the State also.

Fire Marshall Wilkerson said since he is closed now and he can't operate, he can go out in the morning and do an inspection.

Mr. Cole asked Fire Marshall Wilkerson if he can close them down at any time, and his answer was the only business the Fire Marshall has closed down before was because of fire issues.

Chairman Flory stated there are two options: First, it can be approved to operate the way it is now until all is done, or other option is disapprove.

Mr. Cole informed the applicant he has the right to appeal this Committee's decision to the City Council if disapproved.

Mr. Smith stated he is purchasing a new kitchen to add private parties and he can't afford to do all these plans and can't do anything until March of next year.

Mr. Cole stated he could run the restaurant now since he has purchased a license yesterday, but this is without alcohol.

Mr. Smith told the Committee this was asking for a lot. He's been a good citizen and transformed the corner and improved the neighborhood.

Chairman Flory stated it was time to move forward and take a vote. The Clerk's Office disapproved, Michelle in Planning approved, Captain Harris in Police disapproved. The applicant was told he can give a letter to Chairman Flory if he wishes to appeal the decision and it will be placed on the Council agenda for October 8.

Ms. Roberson with the Hickory House was informed by Officer Hollingsworth her background check had been approved, but she is the only person approved, and if the building is open, she has to be in there. He said her brother was denied and can be an employee but not in charge of anything.

Mr. Cole stated Ms. Roberson could hire other managers and she wouldn't have to be on the premises at all times but every manager has to be approved by the Police Department.

Ms. Roberson said probably the bartender will be in charge, and again it was stressed he needs to be checked out by the police.

Mr. McGuffey stated she has to produce 50% food sales. He said the entertainment was karaoke and it can be live entertainment but it has to go through the planning Department and the Board of Adjustment. He thinks this might be active for two more months but anything other than a radio needs approval. Entertainment has to stop at 11:00 o'clock and you must obey the noise ordinance.

Chairman Flory told Ms. Roberson to come see him next Friday for her license.

The application for Touchstar Cinema was disapproved since there is an ordinance that governs movie theaters and nobody under the age of 21 can be in the area per Officer Hollingsworth. The patrons have to be either 21 or above or there has to be a physical barrier. The applicant was asked to return information regarding this and to submit a menu and has done neither.

The following applications were for introduction only:

<u>APPLICANT</u>	<u>CLASSIFICATION</u>	<u>LOCATION</u>
Sharrack's Lounge, Inc. dba Players Club (new managers)	retail liquor lounge license w/entertainment	3709 Governors Dr
Adam Stephens Whole Foods Market (new manager)	retail beer & wine off- premise only license	2501 Mem Pkwy SW
Madison County Volunteer Lawyers Program dba Pro Bono Brews	special event license (10-23-15)	320 Church St
Ozcorp, LLC dba Bandito Burrito Co.	retail beer & wine on/off premise license	7193 Hwy 72 W

Officer Hollingsworth informed the Committee the application of Players Club which is introduced needs to come in at the next meeting. He is operating his business with an unauthorized manager who has two felony convictions.

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

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Barbara Bell, Clerk for Liquor  
License Review Committee