Livingston Mayor/City Council Meeting

April 27, 2020

Members Present:	Mayor Thomas M. Tartt, III Council Members; James H. Patrenos, Jr., Joe D. Moore, Iola Williams, and Carl Sudduth.
Members Present by Phone:	Felecia Lucky
Members Absent:	None.
Others:	James C. Dial, III, City Administrator; Randy Walters, City Inspector; Brenda and Parke Edwards; Dee Outlaw; Allison Adams, Realtor/ Ann Payne's daughter; Chip Caudle, Delta Chi Alumni; Byron Thetford, University of West Alabama; Kristan Cunningham, University of West Alabama and Fraternity Advisor.
Press:	NONE.

I. Invocation

Given by Council Member Carl Sudduth

II. Public Hearing for 501 North Washington Street Rezoning / Mrs. Ann Payne

Mayor Tartt states for the purpose of this meeting the council will skip down on the agenda to the Public Hearing for the rezoning of Mrs. Ann Payne's house on 501 North Washington Street. Mayor Tartt asks Randy Walters to tell the audience about the location up for rezoning. Mr. Walter states that Mrs. Ann Payne's property is located on US Hwy 11 conjoined with the University of West Alabama. The house is currently zoned for R-1 to B-3.

Board member Williams asks Mr. Walters to please explain what a R-1, or 1-N is to the general public. Mr. Walters' states that R-1 is for a single-family dwelling residential only home, and being a 1-N zone means it is Institutional.

Mayor Tartt introduces Byron Thetford with the University of West Alabama. Mayor Tartt asks that Mr. Thetford explain how everything will be laid out differently now. Mr. Thetford states that if this rezoning motion is approved then the house will come under his purview. The activities that Delta Chi will do at the house will be under governance. Those that have been here for years will know there have been other things happen with housing, and in the last four years Mr. Thetford states he has seen them redone and become NIC which is a different government structure and answers to a lot of different things. Over the last few years, there have been changes concerning the laws concerning their housing. Mr. Chip Caudle has been made aware of the laws from the Delta Chi National Organization, so anything that falls under activities will fall underneath Mr. Thetford and the University whether it is in the new house or the property that they own now.

Mayor Tartt asks if Mr. Thetford and Mr. Chip Caudle will allow with the fencing. Mr. Thetford states part of the agreement is to expand the steel fence to include this property, the steel fencing will run along US HWY 11 stopping at Pickens Street around Hardees'. The property will also have a driveway put in the back, so they'll be able to enter from the back side of the University of West Alabama Seldon Parking Lot. Mr. Chip Caudle adds that they will have a gate on the driveway with a University lock on it, so if it needs changed it will only be used for deliveries or services. The Delta Chi Chapter not only has an organization at the University, they have a National Organization they have to answer to. They once lost their Chapter at University of West Alabama; they did everything to get it back. This loss keeps the Chapter from doing things that they should not be doing. Mr. Caudle states there will be nothing in the front except a privacy fence, there will be nothing to do with Hwy 11. Mr. Caudle also states this will reduce any issues around the curve because they will be going out of the back onto the University. Delta Chi is also planning on putting a small parking lot behind the house for anyone who is not in school that would like to come visit. Mr. Caudle states there will only be 4 to 7 people living in the house.

Board member Williams asks if Delta Chi purchases this house, would it be under the University's rules and regulations, and the University Police Department. Mr. Thetford states yes, since it is in the fence line of the University, it is considered University Jurisdiction.

Board member Patrenos asks Mr. Thetford if any fraternal organization now falls under the University. Mr. Thetford states yes. Board member Patrenos asks if he rented to a fraternity, would that fall under the University when it is technically off campus. Mr. Thetford states the City of Livingston's Police will be called first from a dispatcher's procedures; then, if anything were to be punishable it would be punished under the guidelines of the University student conduct.

Board member Williams states she remembers Delta Chi having a house at one time along Hwy 11, and asked what happened to it. Mr. Caudle states the lease ran out, and it was the University's property. Mrs. Brenda Edwards asks if the lost their lease because they lost their charter because of bad behavior. Mr. Caudle states they lost their charter way after they lost their lease. Board member Moore asks what happened to the second house Delta Chi had on campus. Mr. Caudle states they lost that when the Delta Chi alum pulled the Charter. Mrs. Edwards asks if the Delta Chi's still own their land in that area, and why they don't just build their own house on the land that they own. Mr. Caudle states they do not have the funds available to build their own. Mrs. Edwards asks what happened to the Delta Chi account used to build a house and/or to be used on materials if they were to build one. Mr. Caudle states they have never purchased it or had any contracts for the land. Mr. Parke Edwards speaks his concerns over people parking in his yard across the street, and with people having to cross the traffic on the highway. Mayor Tartt states the front of the fence with the gate will not be open. The reason the gate is going to be there is for emergency vehicles and deliveries.

Mrs. Edwards states her concern is with the noise because the house between Mr. Dee Outlaw and the Edwards home was previously occupied by sorority girls and the police have been called numerous times because of parties and loud noises. They have blocked the entire street. Mayor Tartt states Mrs. Edwards has brought up his argument for a fraternity even being there. Mrs. Edwards asks if anyone on the council would like a fraternity house moving in to their neighborhood. Board member Williams states she would not. Mayor Tartt states his point is if it is not a fraternity house, there could be worse.

Mrs. Edwards asks how. Mayor Tartt states earlier Mrs. Edwards stated a sorority house in the neighborhood that wasn't rezoned to be a University property; therefore, the University could not step in. If the property gets rezoned, the University can have more control of the Chapter. Mrs. Edwards states she disagrees.

Mr. Dee Outlaw states he has lived in a fraternity house in college, same as Board member Patrenos and Mayor Tartt, and now at his age he would not want to live by one. Mr. Outlaw states he is here to live peacefully in retirement. Mrs. Edwards states in response to Mr. Outlaw, the first set of students behind them were athletic training students and they had no problem. Then whenever they moved out, sorority girls moved in and they had a big social there. During this social there was parking in Mr. Gilliand's yard, the end of Hudson Street, sidewalks, and the Edwards yard and sidewalk. Mrs. Edwards also states the council needs to do for their citizens who made a commitment and a choice to live here. The college students aren't doing that, they are coming to have fun and some get a degree then leave.

Board member Williams asks Mrs. Allison Adams if the house is for sale, can the University buy it and do something else with it rather than saying it is a fraternity house. Mr. thetford states that he isn't the one who can make that decisions, but to his understanding is if the University were to purchase the home it could possibly be in the same situation. Mr. Caudle states he doesn't feel they are asking for anything that can't be done across the road. Mr. Caudle also states they just came forth to be honest about it being a fraternity house. Across the street there are houses with three or four students living in it, and the University doesn't have any control over it.

Board member Williams asks why does it have to be a fraternity house, why can't they just buy it and live in it. Mr. Caudle states they were going to do that, but felt with it being a fraternal organization they needed to step forward and be completely honest. Mr. Caudle also states they could have just bought the house as it. Mrs. Edwards states in most towns when they go through the rezoning process, they don't put it on a white piece of paper where it can only be read if you are walking down the sidewalk. Mayor Tartt states it was also in the paper up to four weeks.

Mrs. Allison Adams states if you know Mrs. Ann Payne's, she has the only property on that side of Highway 11 that does not belong to the University. It is over two acres; people have approached her to put restaurants there. Mrs. Payne is needing to move closer to her kids, or she would live at that house forever. The first proposal was if on Hudson Street was zoned to multi, they could put a unit for ten to twelve students in a house. Mrs. Payne stated she did not want that for anyone living there, it wasn't fair. Mrs. Adams also states with the old Delta Chi house she remembers a guy that would sit outside to listen and enjoy every part they had. Having a fraternity house is a part of college life. There are alumni's that do visit regularly. The Delta Chi's have the highest Greek rating on the campus. They are scholars and athletics. They have been doing things on their own, raising over $1,600.00 (sixteen hundred dollars) in cancer research being one of them. There is a patio on the back side of the house facing the University campus where they will be holding their gatherings. Mrs. Adams states her approach will be in the trash and eye sores. The Delta Chi's have agreed to have a professional yard service once a month, they will also do adopt-a-mile on both sides of the property. If the sound is an issue, there are commercial housing on the other side of the street closer to than Mrs. Payne's, there is also a train that goes by throughout the day and night.

Mr. Outlaw states he isn't against the Delta Chi's having a house, he is against any fraternity moving into the neighborhood. Mr. Outlaw states a neighborhood isn't the place for a fraternity house. Mayor Tartt comments before it comes to a vote, council member Sudduth is a Delta Chi Alumni from the University of West Alabama Chapter so therefore, he cannot vote on this conclusion he abstains. Mayor Tartt states he has received letters from Mrs. Amanda Gilliand, Mrs. Joni Outlaw, and also Steve Canpora all stating they oppose this rezoning.

Mayor Tartt states all he can think is around the time he was in a fraternity house, they had neighbor around 60 to 65 years old. If anyone knows them personally, he believes they would say they didn't have a problem with the fraternity house. After everything you can always have a bad bunch come through. But the difference now is with the rezoning there are new regulations for the fraternity and it being on the University campus it will be a lot easier to control Mayor Tartt states he believes the best practice for that house is to do this rezone so they can be more controlled. If it doesn't pass the property owner can lease it to multiple students, and the roads would be open to Highway 11. Mr. Caudle states at any time the University can ban the Delta Chi Chapter. The University will hold disciplinary to the Chapter.

Board member Patrenos asks because it is an University organization it falls under the University Police, would the University Police be the one to answer any problems at the Delta Chi house, and if the Delta Chi's don't follow the rules and regulations can the University pull the Chapter from that school Mr. Caudle states yes. Board member Patrenos then states the University can either have control over this house or not.

Mrs. Edwards states she and her husband, Parke Edwards, both oppose. Mayor Tartt asks if any more questions or comments. Board member Williams states she is still trying to figure out why they can't just buy the house and not call it a fraternity house. Mayor Tartt states if they just buy the house, the University can't have control over it. Board member Williams asks for something in writing. Mr. Caudles states he will get it in writing. Board member Williams asks if something goes wrong, can the city depend on Mr. Caudle and the University to do something about it. Mr. Caudle states yes.

Board member Williams states she thinks they need to table this decision; she does not feel she is ready to make a decision. Board member Williams motions to table the Council members Public Hearing rezoning decision for another two weeks. Board member Lucky second the motion. All members say "aye". Board member Sudduth abstain. Motion carried.

III. Approval of Agenda

Approved as presented.

III. Approval of Minutes

1. March 27, 2020
2. March 30, 2020
3. April 13, 2020

Board member Patrenos motions to approve minutes as presented, Board member Sudduth seconds motion. All members say "aye". Motion carried to approve the minutes as presented.

IV. Police Report

No comments from Chief Tolliver.

Board member Williams asks how the citizens have been with the curfew. Chief Tolliver states overall it is going well, they haven't had any major issues.

V. Ambulance Report

No comment.

VI. Sunday Alcohol Sales

Mayor Tartt asks City Administrator Dial if he has found a time to start the sales on Sundays. City Administrator Dial states 10:00 A.M. Board member Patrenos motions to have an ordinance to start Sunday alcohol sales starting at 10:00 A.M. Board member Williams seconds motion. All members state "aye".

VII. COVID-19 Testing

Mayor Tartt wants the thank the University of Alabama, the University of West Alabama, and Alabama Power for making the COVID-19 testing available for our area. As well as the University of Alabama Medical Clinic. They have screened over 220 people. Mayor Tartt also wants to thank Chief Brunson and Chief Tolliver as well as the city employees. Chief Tolliver states he wants to make sure that the City of York has an officer on duty at the time of the testing, if not he wants to send someone from City of Livingston Police Department.

VII. UCS Letter of Support

Mayor Tartt states the letter is just an informative for a USDA loan for the Charter school supported by him. Board member Moore asks where is the property they are looking at. Mayor Tartt states the location is by Twin Oaks, back towards Country Club Road.

VIII. Loss Control Division

Letter on loss control on workmen's compensation reads the City of Livingston receives the gold award. The gold award means the ratio is below 5% more than 5 years.

VIIII. Thank You- Mary Alice Snider

Letter of thanks from Mrs. Mary Alice Snider for the support during the loss of her husband and retired Fire Chief Mr. John Snider.

X. Citizen Comments

Board member Williams states thanks to everybody, but especially Mayor Tartt for his leadership during this difficult time.

There being no further business to discuss, meeting is adjourned.

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Thomas M. Tartt, III
Mayor

ATTEST:

_____

James C. Dial, III
City Administrator

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20200430110335629

Type License: 020 - RESTAURANT RETAIL LIQUOR **State:** $300.00 **County:** $150.00

Type License: **State:** **County:**

Trade Name: THE BRASS MONEY **Filing Fee:** $50.00

Applicant: TAVIS ENTERPRISES LLC **Transfer Fee:**

Location Address: 110 FRANKLIN ST LIVINGSTON, AL 35470

Mailing Address: 405 W REMBERT ST DEMOPOLIS, AL 36732

County: SUMTER **Tobacco sales:** NO **Tobacco Vending Machines:**

Type Ownership: LLC

Book, Page, or Document info: BOOK 2020 PAGE 260

Date Incorporated: 01/31/2020 **State incorporated:** AL **County Incorporated:** MARENGO

Date of Authority: 01/31/2020 **Alabama State Sales Tax ID:** R010597475

Federal Tax ID: 84-4498986

Name:	Title:	Date and Place of Birth:	Residence Address:
TAVIS ANSON TARVER 7666316 - AL	MEMBER	12/02/1988 MERIDIAN, MS	TAVIS TARVER DEMPOLIS, AL 36732

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: TAVIS TARVER
Business Phone: 205-499-5932
Fax:

Home Phone: 601-504-4073
Cell Phone: 205-499-5932
E-mail: tavisent@gmail.com

PREVIOUS LICENSE INFORMATION:
Trade Name: THE BRASS MONKEY
Applicant: THE BRASS MONKEY SALOON STUDY HALL LLC

Previous License Number(s)
License 1: 010832060
License 2:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20200430110335629

If applicant is leasing the property, is a copy of the lease agreement attached? YES
Name of Property owner/lessor and phone number: JARED STEGALL 205-499-8790
What is lessors primary business? PROPERTY OWNER
Is lessor involved in any way with the alcoholic beverage business? NO
Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES
Is the business used to habitually and principally provide food to the public? YES
Does the establishment have restroom facilities? YES
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
Building Dimensions Square Footage: 2600 Display Square Footage:
Building seating capacity: 50 Does Licensed premises include a patio area? YES
License Structure: SINGLE STRUCTURE License covers: OTHER
Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20200430110335629

Signature page

Initial each	
TT	In reference to law violations, I attest to the truthfulness of the responses given within the application.
TT	In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.
TT	In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.
N/A	In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.
N/A	In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.
N/A	In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.
TT	In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.
TT	The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.
TT	I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Tavis Tarver

Signature of Applicant: Tavis Tarver

Notary Name (print): Tiffany Cannon

Notary Signature: Tiffany Cannon

TIFFANY CANNON NOTARY My Comm. Expires June 8, 2023 ALABAMA STATE AT LARGE PUBLIC

Commission expires: 6.8.2023

Application Taken: 4/30/20 App. Inv. Completed: Forwarded to District Office:

Submitted to Local Government: Received from Local Government:

Received in District Office: Reviewed by Supervisor: Forwarded to Central Office:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20200430110335629

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club
Does the club charge and collect dues from elected members?
Number of paid up members:
Are meetings regularly held?
How often?
Is business conducted through officers regularly elected?
Are members admitted by written application, investigation, and ballot?
Has Agent verified membership applications for each member listed?
Has at least 10% of members listed been confirmed and highlighted? Agent's Initials:
For what purpose is the club organized?
Does the property used, as well as the advantages, belong to all the members?
Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail
Is it for 30 days or less?
More than 30 days?

Franchisee or Concessionaire of above?
Other valid responsible organization:
Explanation:

Special Events / Special Retail (7 days or less)
Starting Date: Ending Date:
Special terms and conditions for special event/special retail:

Other Explanations
License Covers: The license will only cover the bottom floor.

Receipt Confirmation Page

Receipt Confirmation Number: 20200430110335629

Application Payment Confirmation Number: 58514746

Payment Summary	
Payment Item	**Fee**
Application Fee for License 020	$50.00
Total Amount to be Charged	$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	**County Fee**	**State Fee**	**Total Fee**
020 - RESTAURANT RETAIL LIQUOR	$150.00	$300.00	$450.00
			$0.00
Total Amount to be Charged	$150.00	$300.00	$450.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: SUMTER
Business Type: LLC
Trade Name: **THE BRASS MONEY**
Applicant Name: **TAVIS ENTERPRISES LLC**
Location Address: 110 FRANKLIN ST
LIVINGSTON, AL 35470
Mailing Address: 405 W REMBERT ST
DEMOPOLIS, AL 36732
Contact Person: TAVIS TARVER
Contact Home Phone: 601-504-4073
Contact Business Phone: 205-499-5932
Contact Fax:
Contact Cell Phone: 205-499-5932
Contact Email Address:
Contact Web Address: