

HUNTSVILLE CITY COUNCIL MINUTES

Special Session - December 5, 2024 - 3:05 p.m.

**City Council Chambers, City Hall
Huntsville, Alabama**

Members Present: **Mr. John Meredith, President**
 Dr. Jennie Robinson
 Mr. Bill Kling
 Mr. David Little
 Ms. Michelle Watkins

City Attorney: **Mr. Trey Riley**
City Clerk: **Ms. Shaundrika Edwards**

President Meredith called the meeting to order at the time and place noted above.

This Special Session of the Huntsville City Council was called by President Meredith for the purpose of holding a public hearing on revocation of licensure for alleged Ordinance violations related to Case No. 402.

President Meredith said this was a public hearing concerning the revocation of licensure for Joe Lester Dennis, Jr., doing business as Hideaway Bar & Grille, in Case No. 402, based on the alleged grounds set forth in a Memorandum of the Huntsville Chief of Police.

President Meredith recognized Mr. Josh Graff, legal counsel for the City.

Mr. Graff said he was an Assistant City Attorney with the Prosecutors Office for the City of Huntsville.

Mr. Graff said the Council had met about this time in the prior year for a similar type license revocation, concerning Club 3208, and they had told them at that

time that was not the only club they were looking into and that they would continue to look into clubs and businesses that were acting outside of their licenses.

Mr. Graff said they were here today for Hideaway Bar & Grille, 3228 Lodge Road. He said the owner, Joe Dennis, Jr., was contacted by law enforcement, that law enforcement had received complaints from citizens that activity at this location included topless and nude dancers, and in response to those complaints, they had done several investigations, and the Council would see a short video clip. He said the videos, obviously, were much longer, based on the duration the undercover officers were there, but they had shortened it down to about five minutes, and the Council members would be able to see in clear detail what was going on during normal business hours.

Mr. Graff said Mr. Dennis operated as the sole petitioner for the business, which was licensed as a restaurant, with retail liquor. He said it had had an entertainment license as well; however, recently, the board did not grant a request for that special exception for live entertainment, so that live entertainment was not supposed to be happening at all.

Mr. Graff said this business was located within a C-1 zoning district, and just so they had it on the record, the Neighborhood Business C-1 District was primarily intended to serve the day-to-day needs of surrounding residential neighborhoods with retail goods and personal services, that it was to be a restricted commercial district, offering a limited range of goods and services combined with low-intensity businesses and professional offices and upper-story apartments. He said the goal was to encourage the location of small-scale businesses in districts conducive to the establishment and growth of locally owned businesses. He said it was further the intent of these regulations that neighborhood businesses under C-1 District zones be limited in size in order to best serve their intended purpose, to minimize the impact of

noise, light, traffic, trash, and other pollutants on nearby residents and encourage pedestrian use.

Mr. Graff said he believed the Council members would be able to see that the activity that was going on in this business probably was not encouraging pedestrian use for families in residential areas, conducting this type of business with just walk-in traffic to come in and see this type of activity, with their families.

Mr. Graff said this business was located near a residential development, that it was approximately 200 feet from the Gentily Forest community, which was a single-family residential area.

Mr. Graff said what they were asking for at this time was for the Council to revoke the license of this establishment, under the authority of Section 15-56(a), particularly subsections (2) and (4).

Mr. Graff said the Council would hear from the officers who had conducted these investigations, and he said they were undercover when it began, and then they had gone in with the alcohol board to conduct an inspection after the undercover investigations were concluded. He said they would hear from Officer Zefen Riggins and Officer Hartis Lowman.

Mr. Graff said at this time, he would like to play the video they had put together so the Council would have an understanding as to what the officers were going to testify to.

(Videos shown.)

Mr. Graff said that from the video, the Council members could obviously see what kind of activity was taking place, and he said he did not know if they had paid attention to the time stamp, but this was not at midnight or at 1, 2, or 3 in the morning, that it was at 10 o'clock in the evening, when most businesses were still open. He said they had heard Mr. Dennis tell the officer he did not put things out in

public, that he handed out individual flyers to people, and Mr. Graff said he did that because he knew what he was doing was wrong. He said they had also heard Mr. Dennis's wife say she was the second owner and ask why they were killing their business at this time, that this was a private party, and she had asked why they did not come on Monday when the girls were there and catch them in the act. He said she knew what was going on, that she knew the girls were there on Monday, and she knew what they were doing, and she told the officers that, and it was unsolicited, that she had just provided that to the officers.

Mr. Graff said this was unlike Club 3208, which kind of secreted their girls in the back and had their security watching over them while they did their dances for individuals at the bar, and for the officers, that they could see they were doing it right out in the open, right in the middle of the establishment, that they could see at every corner, at every place around that bar and the back wall, there were piles of money lying on the floor, and each pile of money represented another dance, and that was at least what they were doing every Monday, if not other days of the week.

Mr. Graff said he thought this was far outside of their business license, that was for a restaurant and liquor sales, that their license for live entertainment had already been pulled back, that they were not even supposed to have dancers there that were fully clothed.

Mr. Graff said that on those grounds, they were asking the Council to revoke this license for 36 months.

Mr. Graff said the officers involved would give the Council members some more details about what they had seen.

Mr. Graff said Officer Hartis Lowman would speak first, and then Officer Zefen Riggins.

Officer Lowman said they had done an operation for Club Hideaway

because they had gotten complaints from neighbors, and he was assuming other participants that were in there, letting them know they had these illegal activities going on. He said that as they had seen in the video, there were dancers around, and they were sectioned off, and the money was in that dancer's section. He said as they were interacting with them, he did not have to ask any of the women to come up to him and start dancing, that they were on their own activities. He said it showed in the second video that the female removed her mesh clothing that covered up her nipples and showed her nipples, that the more money he threw, she removed the tape from the second nipple, and both her nipples and breasts were exposed, as well as her vaginal area.

Councilmember Watkins asked Officer Lowman if he was in uniform or if he was undercover.

Officer Lowman said he was undercover.

Councilmember Robinson said in the original complaint, in addition to the complaint naming prostitution, and stripping, exotic dancing, and selling illegal narcotics, it also mentioned using underage women and selling alcohol to individuals under the legal age, and she asked Officer Lowman if he observed any of that.

Officer Lowman said he did not know the age of the females. He said as far as what he got from the dancers, they told him they were in college.

Officer Riggins said he would give his testimony concerning his very short interaction with Joe Dennis's wife, Ms. Veronica Dennis. He said when they had done the final club check, they had enough probable cause to go in the club and advise them of their wrongdoings, and he was approached by Ms. Veronica, and she told him who she was, that she told him she was the wife of the owner, Joe.

Officer Riggins said that he knew some of the Council members' questions would be why they had shut them down for an hour. He said that was more of a

liability, with there being drinking and liquor involved in these establishments they did these club checks on, and they had citizens with them, the fire marshals, and ABC was there that night, so this was more of a safety precaution, that it was, "Hey, give us an hour. Shut down your business and let them do their investigation, and then you can get back to doing what you were doing."

Officer Riggins said that during that interaction, the main takeaway was that Ms. Veronica, without being questioned, as Mr. Graff had stated, had gone out of her way by saying, "Why didn't y'all come on a Monday while these dancers are here?" He said that proved she knew exactly what was going on. He said in his interaction with her, he never said a specific date or a day that they did these club checks, and it was for that very reason, just to catch her and see what she knew, and she admitted the wrongdoing she was aware of.

Councilmember Kling asked if it was correct that the one-hour check they had done at this club, for safety purposes, was similar to what they had done in the past, and what they would do in the future, at other clubs, under similar circumstances.

Officer Riggins said it absolutely was. He said they had done club checks since this investigation, and that was the default "go to." He said when they had citizens who worked for the City on property where there were beverages that could cause people to think irrationally, and they might have to write citations, and emotions could get pretty heavy, that was just what they asked, "Let's shut it down for an hour, and let them go in and do their evaluation, and us finish our investigation, and then y'all can go back to opening up shop."

Mr. Graff said that concluded their witnesses.

President Meredith said that next would be the Taxpayer's presentation.

Mr. Joe Dennis introduced himself and his wife, Veronica. He said he was

an electrical engineer and had graduated from Florida State, that he was from Florida and had lived in Huntsville for about 16 years. He said he did not have a record, that he held a Secret clearance, and he had held TS clearances and CompSec clearances, that he had worked overseas for the government, and to aid other governments, that he had done electrical defense work since 2001. He said he might have gotten a speeding ticket or two in his 16 years of living in Huntsville.

Mr. Dennis said he wanted to set the record straight, that Mr. Graff had said his entertainment license was revoked, but it was not, during that time. He said he also wanted to say that during those times, he had hired a promoter who promoted those days, and he had assured him, during the conversations they had, that as long as they wore this or wore that, everything would be okay.

Mr. Dennis said as soon as this happened, he fired everybody, that he fired the promoter, and he fired everybody associated with the situation, that he got rid of them.

Mr. Dennis said he had always complied with everything the City had asked him to do, that Zoning and Variance had asked him to do things with his parking lot, with the noise, and things as far as parking was concerned, that sometimes the parking was out in the street, and emergency vehicles could not get through. He said he had done everything in his power to not only make them happy but to also make the neighborhood happy.

Mr. Dennis said he had owned the Hideaway for almost three years, two years and eight months or so, and he now understood there had been some history with the previous owner, and if he had known all that, he would have probably changed the name, or he would have changed the name, because that was not who he was, and that was not who he had associated with throughout his life, that he had no criminal record whatsoever. He said that with this, however, he did now have a criminal

record, that he was charged with a felony, and because of it, he could not go back to engineering if he wanted to. He said he did not want this one infraction for the last almost three years he had owned the club to be the culmination of what it was.

Mr. Dennis said he had never been belligerent when Variance had asked him to do something, that he had gone above and beyond, that when they had been citing things about people parking in the street, he had asked his landlord to make him an entirely new parking lot, and paid for all of that, to get it done, to make sure those cars had another place to go and park; and as far as the noise, he made sure his 10 o'clock ordinance was obeyed. He said he did have an issue because he shared that parking lot with two other establishments, that there was a barber shop there, and they barbecued all the time on that property, and there were booming cars that came in and just sat there. He said Sacs was another club, and they also shared that parking lot, and it was hard for him to control both of those establishments, in order to make sure that nothing went over into the neighborhood.

Mr. Dennis said through this whole infraction, the ABC Board had come through, and he had satisfied their issues and grievances; and the Fire Department had come through, and he had satisfied everything they wanted him to do, that whatever they had found, they had given him a month or so, or whatever, to fix the issue, and he had done that. He said even the Finance Department for Huntsville had come in, and he had passed that.

Mr. Dennis said he wanted to let the Council know he was running a legitimate business, or at least trying to. He reiterated that when that incident had occurred, he had fired everybody. He said he did not have any flyers, that he did not know where that came from. He said they could check his website, that they could check his IG, that they could check any of that, that that was something he had never done.

Mr. Dennis said this had impacted his business. He said they had asked him to

close at 12:00, and he had done that, that he had tried to do everything they had asked him to do, and he had not done it begrudgingly, that he had done it because that was what they had asked him to do.

Mr. Dennis said he did not want this one mistake to end something he and his wife had put a lot of treasure and capital into, to support themselves. He said he had quit his job, that he was working for a defense company before they bought the Hideaway, that he was making a nice salary, and he left it when they purchased the Hideaway, to make sure it survived. He said that was not a place where one could get off at five and go and try to manage it, that it was an absolute full-time job. He said his wife would attest to that.

Ms. Veronica Dennis said that as she believed they could see on her face, from the video, she had no idea it was a felony. She said she had no record of anything, that she had to stay aboveboard for her job that supported their family. She said she understood Monday nights were a special night, but every other night wasn't. She said she had spent the last two and a half years trying to make it a better business. She said she did not stay around that side of town, that she lived in Madison, but she had invested in the Hideaway, that what she loved about it was that it was a place where you could go in a neighborhood and feel comfortable and just have a nice meal and a nice drink, and that was why she thought it was a business they could invest in.

Ms. Dennis said that, stupidly, they did not know all the rules, that she did not know it was a felony, and once they found that out, it was, like, that was their whole world. She said they knew nothing more than to be law-abiding citizens, so to take this mistake and ruin their lives was really hard, that it was hard to stomach. She said she understood it hinged on her saying she was aware, but it was just ignorance, and she pled that, that she did not know they would be where they were at this time, that

as Mr. Dennis had said, that was never their intention, that they just wanted to have a nice business where people could come and have a drink and have a good time, and that was all they had been trying to do.

Ms. Dennis said they had stepped into a business they were not real sure of, and in Alabama, when they were both not from Alabama, so it was all new to them, and it had been very hard lessons for the past three years, but they would never try to do something that would embarrass themselves, embarrass their community, or hurt each other.

Mr. Dennis said he wanted to put forth to the Council that he had not been in trouble since any of this.

President Meredith asked Mr. Dennis if there was any documentary evidence he would like to present to the Council.

Mr. Dennis replied in the negative. He said, however, he had a question concerning the complaints he kept hearing about. He said he was aware the officers could not tell him who they came from, but if they could give him some information, and it was enough information so he could go forth and do something, because he did not want to be a menace to his neighborhood, or anything like that. He said they kept saying complaints, and he asked if it was one person making a thousand complaints or a thousand people making one complaint. He said he had asked for this information, not as a person trying to get back, but trying to fix it, because he did not want to be an issue to his community. He said this had impacted his business so much that for the last two years, at Thanksgiving, he had given a free meal, but he could not do it this year because it was just not in the budget.

Councilmember Little asked if it was Mr. Dennis's contention that the promoter had told him that this was okay.

Mr. Dennis replied in the affirmative, and he said when he had a direct

conversation with the promoter, his claim was that as long as they had certain clothes on, or certain pasties on, or whatever, he was okay, and he had left it at that.

Mr. Dennis said when all that happened, he had fired everybody, that he had fired the promoter, and he had fired everybody that was associated with it. He said he did not know any of the girls, that he did not hire them, or whatever the situation was, but he had dismantled that entire thing.

Councilmember Little asked if this was a local promoter or if he was from out of town.

Mr. Dennis said he was local.

Councilmember Robinson asked Mr. Dennis if it was correct that he had said the promoter told him that as long as they were wearing opaque clothing and their breasts were covered.

Mr. Dennis said he had said as long as they were clothed, that he had not gone into deep detail, but he said as long as they were clothed, and they were not showing all this, everything would be okay.

Councilmember Robinson asked, then, if when Mr. Dennis had sat there and seen them remove their clothing and remove the pasties and dance for money, he had tried to stop them.

Mr. Dennis said he did not see her taking off anything, that when he was walking around there, they were clothed. He said he was not there, like, that he was there, but he was not taking dances, that he was not doing whatever, that he was not doing any of that kind of stuff, that he was not even looking at the girls, that to be honest, he was watching the game that was on.

President Meredith asked if there was anyone from the public who would like to speak concerning this matter.

Mr. Wiley Day, Sr., said he lived in Madison, but it was really Huntsville,

that it was one of those districts that ran way out.

Mr. Day said this was not so much in support of wrongdoing, that it was in support of the people he knew. He said he had met the Dennises a few months prior, and he and his wife had invited them into their home because they were good quality citizens. He said most of the Council members were aware he was in the ministry, that he was an ordained minister, so he was not present to speak on behalf of any nudity, but he had met with Mr. Dennis personally, and he had specifically asked him the questions that he was sure had been raised, and Mr. Dennis had assured him, No. 1, about the promoter, and he had asked him, "What did he share with you?" He continued that they had heard the testimony concerning this.

Mr. Day said what he had done was to go out there two or three times, because he wanted to observe it himself, to see if there was anything unusual that was going on in the operation, because he did not want his name associated with something that was not consistent with the rules and regulations of the city he had been a part of since 1969. He continued that he was very confident that Mr. Dennis and his wife were doing everything possible to make certain that this type of activity did not occur, and he asked Mr. Dennis if he was aware. He said Mr. Dennis had said he hired a promoter, and the promoter had assured him that it was okay to have people to come in and to perform but certainly not to display any organs, or whatever.

Mr. Day said he had asked Mr. Dennis if he was there. He continued that he believed what had been shown earlier in the meeting were two different films, and one of them obviously did show Mr. Dennis in the establishment, but if they were to go back and look, they would find that in the film where they said there was some exposure, that was not Mr. Dennis, if they went back and looked at it more closely.

Mr. Day said he was appearing more so on behalf of the person, as to what he knew they had done, and the type of people they were. He said he was glad to hear

them say they took responsibility, that even though they hired a promoter, they took responsibility for the fact it happened at their establishment, and because it happened, for them to terminate the promoter immediately. He said some people could argue that it was because they got caught, but he thought it was because they were not aware, that they were ignorant to the fact of what transpired, and when this happened, they immediately corrected the action, that they got rid of the promoter, and it was his understanding that that activity did not go on beyond that particular day.

Mr. Day said he thought this was almost like a table of penalties, and if the penalties fit the crime, and if there was any redemption. He said he was just asking the Council to take a look at it from that perspective, if they had taken corrective action after something took place, and if this type of activity had continued. He said he did not know if they had continued to have undercover to see if there was ongoing activity of this sort, or if there had been any major incidents at the establishment. He said these were some of the questions he had asked, that he had asked if over the years, HPD had had to come out to the establishment because of all types of disorderly conduct, and it was his understanding that was not the case. He said he was hoping the Council would take that into consideration.

Mr. Day said he was not trying to minimize one incident, because one incident could be serious, but if it was a situation where it was not because the Dennises were promoting it, that it was a promoter, for his own self interest, that was doing so, and Mr. Dennis terminated that immediately, then he was just hoping that could be a factor the Council would consider.

Councilmember Watkins said to Mr. Day that she did not catch the part he had said about the video, and she asked what he had said they could see if they went back and looked at the video.

Mr. Day said what he was saying was he saw Mr. Dennis walk in, and they had flashed, he believed, that it was the owner, and he had seen him take a seat, and then he thought there was another video, and he did not see Mr. Dennis as part of that, where it looked like the person may have pulled down their top. He said that was what he was observing, and he said he had not seen it before, that this was his first time seeing it, and he was trying to observe on his own, because he did not want to be associated with something that was not right. He said that was his observation, and his observation could be wrong, but that was what he thought he saw. He said it looked like it was two separate videos.

Ms. Janeese Lewis appeared before the Council, stating she was pretty much raised on the north side of Huntsville, that she had been in the community for quite some time, and she worked with youth, with children, so she was very big on how the community fostered an environment for their own.

Ms. Lewis said the area in which this business was located had not always been seen in a positive light, and she had not really ventured into that area. She continued that she could tell them as she had come to learn about the Hideaway in a very short time, maybe in the last six to eight months, if that, her experience had only been positive. She said she was not a nightlife person, but she had found that this was an environment where she could go and kind of relax, as a professional, and not worry about her character being questioned. She said she was not there for what they were here for at this time, but she could tell them that the steps Mr. Dennis had made to ensure that his business was something for the community had been done, and were being done.

Ms. Lewis said she knew what it was like to be an entrepreneur and to venture out into something unknown, and as had been stated, they were engineers by trade, and entertainment was completely different from what they were doing. She said

there was a lot to be learned when someone was opening and establishing something new, and, as Mr. Day had said, she thought grace needed to be granted because it took a little bit of trial and error to get some things right. She said she thought that anyone who was willing to better their community and bring diversify and uphold the values and bring something positive, that she had seen Mr. Dennis trying to help his employees, to make sure they had childcare so they could work, so they could better themselves. She said she had seen nothing but positivity. She continued that she understood that sometimes someone could hire people who did not always share the vision of what they were trying to do, or might not take the same routes they would take to get them to their end goal.

Ms. Lewis said she thought this was definitely something that was an issue, but she thought it was something that deserved correction without demolishing it, that not everything needed to be destroyed, that some things needed to be rehabbed, some things needed to be polished, and some things just needed to be instructed. She said she thought the City owed it to anyone who was trying to better it and bring more value to it, and who could use a hand. She said she thought at some point, they had all been somewhere where they didn't do it right and needed some instructions on how to do it, and some grace to get there.

Ms. Lewis said she lived on Grizzard Road, that she was around the corner, and she traveled through where this establishment was to get to her second residence, through Harvest. She said she had not had issues with traffic, that she had not had noise complaints, or any issues, that it had not disturbed her life, that, like she had said, it had enriched it. She said she might go there a couple of times a week, and she brought her professional friends there, just because there had been a change in the atmosphere. She said she could grab something to eat, and it was pretty good, and she could listen to a little music, that she did not have to worry about the crowd, that

she did not have to worry about her safety, that there were security guards and things there.

Ms. Lewis said she was just asking that they not take away something that had been positive, something that was still trying to grow. She said two years in a lifespan of what a business could be was still very early, and she was just asking that they give a little leniency and have a little faith.

President Meredith asked if there was anyone else from the public who would like to speak.

President Meredith asked Officer Lowman to come to the microphone.

Councilmember Robinson said she thought a lot of this came back to Mr. Dennis, that he had said this was an honest mistake, that they didn't know the requirements, that they were told the requirements by the promoter. She said she had asked why Mr. Dennis did not jump up and stop the girls from doing what they were doing, and he maintained he was not there, but what the Council had been provided said that on May 13th, a plainclothes officer spoke with Mr. Dennis inside the Hideaway, and Mr. Dennis said the girls would perform sexual favors for money, and specifically referenced one of the females present at the place of business, and Mr. Dennis also sat and continued to talk with the plainclothes officer while the girls danced with customers and collected money.

Councilmember Robinson asked Officer Lowman if he had observed Mr. Dennis there as the girls were dancing.

Officer Lowman replied in the affirmative.

Councilmember Robinson asked if the girls removed their covering.

Officer Lowman said the night the officer spoke to Mr. Dennis, they did not remove their covering, but there were buttocks and areolas showing through the

mesh.

Councilmember Robinson said it said Mr. Dennis told the officer, whom she assumed was Officer Lowman, that the girls would perform sexual favors for money, and it said Mr. Dennis also sat and continued to talk with the plainclothes officer while the females danced with customers and collected money, so perhaps it was not Officer Lowman, that it might have been one of the other officers that was there. She said this was on May 13th that Mr. Dennis was present. She said Mr. Dennis was saying he didn't know, that he didn't know about the rules, or he knew about the rules, but he did not know the girls were breaking them, and the Council had a statement that said an officer was there, and she was just trying to determine if Mr. Dennis knew this or not.

Officer Lowman said on the video that Mr. Dennis was speaking to him, he said, "You have got to know the rules. You can't have dancing girls and alcohol." He said that to him, as an officer, he was acknowledging, "We can't do it like this. This is not how you do it."

Councilmember Robinson said, then, Mr. Dennis was present when the girls were doing it.

Officer Lowman said that was correct.

Councilmember Robinson said in the material the Council had, it indicated that on Saturdays, the owner would purchase an Airbnb to get women from out of town to dance and strip, in exchange for money, and some women would go to the Airbnb to conduct sexual favors for narcotics or money.

Officer Lowman said that was correct, but that was not stated by Mr. Dennis, that he had not stated that.

Councilmember Robinson said it was in their statement, and she asked if that was what they had gathered from a customer.

Officer Lowman said that was correct. He said that was in the second video, which Mr. Dennis was not in. He said that was a customer telling him all that, but Mr. Dennis never stated that.

Councilmember Robinson asked Officer Lowman if he had found any evidence that that was actually true.

Officer Lowman replied in the negative.

Councilmember Robinson said what they had, then, was evidence that the girls were stripping, that they were doing it in exchange for money.

Officer Lowman said that was correct.

Councilmember Robinson said that was a clear violation of the Alabama Obscenity Code, and that was why the license was being revoked, not because of complaints from people, but Officer Lowman had seen the evidence of it.

Officer Lowman said that was correct.

President Meredith said he would say "potentially" revoked at this point.

Councilmember Robinson said that was correct.

Councilmember Watkins said she wanted to see the video again, with Mr. Dennis, the video where Mr. Dennis was talking, and he was in the video.

(Video shown.)

Councilmember Watkins asked Mr. Dennis what he meant by "You've got to know the rules. You can't serve alcohol and have girls."

Mr. Dennis said he was not sure of the context, of the way it was edited, but he would like to point out that during that section right there, that girl was not removing anything, that she was not naked, or whatever. He said he was not sure of the context, and all he could say was that during the explanation, when he was talking to the promoter, they had talked about that. He said he understood that the rules were as long as they were clothed, or they were not walking around naked, that they

had clothes, that they had pasties and stuff, then everything was okay. He said that was the context in which he understood the rules, or that was what was explained to him, under that context.

Councilmember Watkins asked if on the video on 5/13, because that was where Mr. Dennis was talking, if they could play it and show them if the girls' breasts were exposed.

Officer Lowman said it was a separate video.

President Meredith said they would queue it up.

(Video shown.)

Officer Lowman said before the next video started, he wanted to point out that under Statute 13A-12-200, it stated, "... show or allow to be shown for entertainment purposes the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals...." He said in the video, the one where Mr. Dennis was, the female never removed her top, that all you could see was her buttocks, and you could see her areolas through the clothing. He said on that one, she never purposely pulled down her top.

President Meredith said they did not need to see that video.

President Meredith recognized Mr. Graff.

Mr. Graff said when they were before the Council on the previous club he had mentioned, they had explained to the business owner that they were not the only ones they were looking at, and they would not be the only ones they would look at in the future, and they had made a promise to the Council that they would continue to look for businesses that were acting outside their authority, based on their license, and specifically those types of facilities that were promoting the exploitation of women.

He said they had a duty in the city, and his end was on the prosecution side. He said so everybody was clear, the felony charge Mr. Dennis was facing was not through the City of Huntsville, that it was through the County of Madison, and Mr. Dennis would have to deal with the District Attorney on that issue.

Mr. Graff said whether it was one complaint or a hundred complaints, one person or 100 people, the simple fact was that complaints were made, or a complaint was made, and officers had done what they were trained to do and what their responsibility was, and what the citizens of Huntsville paid them to do, that they had gone out and conducted an investigation, and they found violations of the licenses that were issued to Mr. Dennis and his wife. He said it was not one infraction, that they had seen at least two, and the officers had heard before they even knew about the infractions that they were going on. He said Mr. Dennis had only gotten caught once, and he had to deal with that.

Mr. Graff said Mr. Dennis was absolutely right, that he had looked into his record, and he did not have a criminal record, and he thought he had had two speeding tickets in his whole life. He said he did not see him as a menace to society; however, as a business owner, he had a duty to make sure the actions he was allowing within his establishment were allowed, and not the word of some promoter who brought women around to strip, and potentially perform prostitution as well. He said he knew I-40 was a little ways away, but I-40 was one of the three corridors in the human trafficking triangle in this country, and what he did not want, and what he assumed the Council and the rest of the city did not want, was for Huntsville to be known as a place where someone could go and find these clubs and engage with women who were stripping or involved in prostitution.

Mr. Graff said other witnesses had mentioned that they wanted to protect children and have a nice community to live in, and he said it should be known that

this establishment was about 1,000 feet from Dawson Elementary School. He said if they wanted to protect their communities and be good stewards and take care of the children and the people within the communities, they should not condone businesses like this. He said most of the testimony about how this was a good business came after they got caught and after they were found to be in violation. He said he hoped they had cleaned up their act and did not allow this type of activity after being caught.

Mr. Graff said it was Mr. and Mrs. Dennis's obligation to know the rules, and he asked why they would ask a promoter, why they would not go to the City ordinance office or go to local law enforcement. He said Mr. Dennis was a very educated man, that he was an engineer. He said one could go online and look at the statutes, that one could go online and look at the City ordinances. He said in asking the promoter what the rules were, he was going to tell them whatever he wanted to to make a buck and keep that money flowing in. He said Mr. Dennis had a duty to find out what the rules were, and he failed to do that. He reiterated that he did not think Mr. Dennis was a bad person, but he had obviously made some mistakes.

Mr. Graff said the City had a duty to be consistent, as well, and they had had other businesses come before the Council that their business licenses were revoked for similar activity, and he thought in the spirit of their obligation to the city and to the residents, they had to be consistent in how they enforced the rules, that they had to be consistent in following through with criminal activity, charging those people and correcting that activity, and protecting citizens and those people who were brought into the city from being exploited.

Mr. Graff said the City's position was that the Dennises were in violation of their licensing agreements, and they were asking that the Council revoke their business license for 36 months.

President Meredith recognized Mr. Dennis.

Mr. Dennis said he was glad Mr. Graff had brought some of those issues up. He said he had asked people around him, including Officer Savage and Officer Davis, if there was anything else he needed to do, or whatever the situation was.

Mr. Dennis said in his profession, accuracy was everything. He said the first time he had met Officer Savage and Officer Davis, they had come to his establishment, and they were saying all kinds of things to him, that they were saying things like, "Yeah, you don't have any windows in your establishment. That's against an ordinance." He continued that they actually took out a measuring stick and said, "Yeah, the slope of your concrete is bad," and "You have an issue with these exit doors; and you need to cut your DJ booth in half; and you need to cut your stage in half." He said they were telling him all kinds of things, and he had believed them, and he had gone out of his way to try and fix everything they asked him to fix. He said he had asked them to write it down, not because he was being belligerent, but because he was an engineer, to write it down so he could address everything they were telling him, and they had refused, that they would not do it, that they had given him the runaround.

Mr. Dennis said he had gone to the Fire Department, to that chief, and he had taken a video of his establishment, to ask about it, that they were telling him to do this and do that. He said they had said, "Oh, man, you don't have to do that. Your building was built in 1970. If I asked everybody to do that, nobody would be within the ordinance," or whatever the ordinance was.

Mr. Dennis said this was him asking those people in authority, that were over him, that he was asking them, and not because he was trying to be one way or the other, that he was trying to run a good establishment, and a safe establishment. He said the first time he met those officers, they were telling him things that were not true. He said he had said to Officer Davis, "With all the things you are telling me, you

must want me to shut down,” and Officer Davis had said, “Well, maybe you should think about it.” He said that was two years ago.

Mr. Dennis said his irritation was that they were supposed to serve and protect, and he asked if he was not a citizen also. He said he had asked them, honestly, out of his heart, what was going on, and he had called them. He asked if the Council wanted to see his phone records. He said he had asked them if there was anything else he could do to make sure he was okay, that he had asked both of them, Officer Savage and Officer Davis, because he did not want any trouble, that he did not want any smoke, especially from the legal side. He said he was frustrated because he had asked them, and he had gone to them, and he had done everything he knew how to do, and he had taken the impact to his business and to his family, and, of course, he was apologetic over this one infraction, but that was what had happened. He said his establishment was not messed up previously, that that was a mistake, and he had cleaned it up, and it was the same after that. He said he did not want his business to be destroyed off of one mistake, and he was asking for that mercy. He said he was the best citizen he knew how to be.

Councilmember Watkins asked Mr. Graff if because of Mr. Dennis being there on the 13th, and they had the video, if there was no provision anywhere for him to get probationary status.

Mr. Graff asked if Councilmember Watkins was referring to probationary for the license.

Councilmember Watkins replied in the affirmative.

Mr. Graff said he would leave that up to the Council and what they wanted to do with Mr. Dennis's license status.

Mr. Riley said that was correct, that there was a resolution for the Council to consider, and like with any other resolution, they had the ability to move to amend, or

whatever they wished to do, that it was strictly the Council's decision.

Councilmember Robinson said she had asked and others had asked about whether Mr. Dennis was there, but she guessed it really did not matter whether he was there or not because the Code said it was unlawful for any business establishment or private club to show or allow to be shown for entertainment purposes, and then there was a list of obscene behaviors. She asked if it was correct that whether Mr. Dennis was there or not was really irrelevant.

Mr. Graff replied in the affirmative.

Councilmember Robinson said the business had operated, and Mr. Dennis had allowed it to go on whether he was there or not.

Mr. Graff said the Dennises were the license holders, and if he was not mistaken, one of the business owners, the license holders, had to be there if they were serving alcohol, and he said if that was the case, one of them would have had to have been there every night they were serving alcohol, so for them not to have observed something just seemed kind of impossible to him.

Councilmember Robinson said they had never heard Mr. Dennis deny that the stripping and the dancing for money was going on.

Mr. Graff said he had not heard him.

President Meredith said the public hearing was closed.

Resolution No. 24-955, for revocation of licensure for the Taxpayer in Case No. 402.

President Meredith read the above resolution as follows: That the business licensure for the taxpayer in Case No. 402 be and the same hereby revoked, thereby precluding renewal thereof, for a period up to and including 36 months; and that no new business licensure shall be issued for the same period of time for any business in which any of the principals (as that term is defined in Section 15-31 of the Code of

Ordinances of the City of Huntsville) of the Taxpayer in Case No. 402 is also a principal.

Moved for Approval by Meredith/Seconded by Robinson.

Councilmember Robinson said they had seen evidence provided that criminal activity occurred that rose to the level of a felony, according to a statute of the State of Alabama, and they had not heard any testimony from Mr. Dennis or anyone else that it did not occur. She said they had heard that the Dennises had a stellar background, which made it even more surprising that they would engage in this activity, and they had heard a lot of other excuses, that it was the promoter or somebody else, but the fact was that they permitted it to happen at their business, and to her, that was good reason for revoking the license.

President Meredith said he would like to get some additional information concerning this, as to other businesses that had had this happen, and to see how long their licensure was revoked. He said he thought three years, given this scenario, might be a bit harsh, that as everyone was pretty much in agreement on, these were not bad people, that these were people who made a mistake. He said he believed in second chances, so he would like to see if they could do something a little bit short of three years, but he would need more time concerning this.

Councilmember Kling requested that any Council member who requested additional information or did any additional fact finding would share it with the other Council members, and he would do the same.

President Meredith said he would absolutely do that, that, in fact, he could just make the request and have the presentation presented to the Council at the Regular Meeting of the Council on December 19th.

Councilmember Robinson asked Mr. Riley if it would be legal for the Council members to do individual investigations or if this was their opportunity at

this time.

Mr. Riley said he believed whatever they were doing in deliberating with regard to this matter needed to be done here in the open meeting, but, obviously, they could ask for certain additional information to be presented or considered for them.

President Meredith said that was where he was, that he wasn't going to run around on his own secretly doing this, but he would need to give people time to find out what other businesses fit this model and what their punishments were. He said if they had all that information ready to go at this time, they could do it, but he was trying to give people time to gather the information.

Mr. Graff said he could tell them that their decision on Club 3208 was a revocation for 36 months.

Councilmember Watkins said when she made these kinds of decisions, she wanted to make sure she was well informed, that this was her first hearing, and she had not been briefed on things about alcohol sales. She said she was not aware that an owner needed to be in place when alcohol was being sold, and those were some things she needed to understand before she made a decision. She said that, also, she wanted to talk to the License Department, because she knew they went through a strenuous process when they were giving out licenses, and she asked if when they were giving out licenses, they were telling people exactly what they could do. She said she needed to understand what was processed with the license, if they were explaining this to people, because if she were a new owner, she would need to know these things. She said she was not trying to make this difficult, that she was just trying to make sure she understood.

Councilmember Robinson said in the materials they were provided in advance, on page 4, it was clear it was not about alcohol sales, that it was about the Obscenity Code, and it spelled out the Obscenity Code, and then they saw evidence of

how it was violated . She said they had what they needed.

Councilmember Watkins said she had read it, but she was given one sheet when she got there, and she had had to send someone to get the packet because she did not have it when she got there.

Councilmember Little said he thought the Council should go ahead and vote on this matter, that members could vote against it if they wanted to, but that was the way they had done it in the past, that they would have a public hearing and they would vote on it. He said they had heard the presentations, and they had the videos, and he had read the packet, and he was ready to vote on it.

Councilmember Robinson said it would also be in the interest of the owners, that they needed to know what was going to happen with their business.

Motion to postpone consideration of Resolution No. 24-955 to the next Regular Meeting of the Council, on December 19, 2024.

Motion by Kling/Seconded by Meredith.

Roll-Call Vote:

Ayes: Watkins, Kling, Meredith

Nays: Little, Robinson

Motion Passed.

President Meredith said he would suggest that, with Legal's approval, any questions the Council members had would be funneled through the Legal Department, to provide an answer, and the Legal Department would provide that answer to all the Council members, as well as the question asked by any particular Council member. He asked if that would be acceptable to Legal.

Mr. Riley replied in the affirmative.

Upon motion, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK

(Meeting adjourned at 4:30 p.m. on December 5, 2024.)