

CITY COUNCIL OF TALLADEGA
CITY COUNCIL CALLED MEETING
March 21, 2013 – 9:00 am

The City Council of the City of Talladega met in a called meeting on Thursday, March 21, 2013 at 5:00 pm at the Talladega City Hall Council Chambers. The meeting was called to order and the following were present: Council President Donnie Miller, Councilman Jarvis Elston, Councilman Horace Patterson, Councilman Joe Ballow, Councilman Rick Simpson, and City Manager Brian Muenger.

The main purpose of the called meeting was for a hearing on an appeal of a denied business license to Hearts Group Inc. that had to be held within 15 days of the formal appeal request (dated March 11, 2013).

Resolution #2771 approving travel advances for Angela Lackey and Erica Williams (Police Department) to attend the Southern Software Training in Montgomery, Alabama on March 26-27, 2013.

Motion by Councilman Ballow with a second from Councilman Elston for approval of Resolution #2771. Roll Call. AYES: All.

There was a request from the Talladega Pilgrimage Council for a waiver of fees associated with vendors from Thursday to Sunday (April 11-14, 2013) during the April in Talladega festivities. The Council had previously granted the waiver of fees for Saturday, April 13th only.

Motion by Councilman Patterson with a second from Councilman Ballow approving the waiver of fees for April 11-14, 2013. AYES: All.

Council President Miller opened the appeal hearing directing that both sides would be allowed to state their case, starting with Hearts Group, Inc. and Mr. Charles Obi. Mr. Matt Gossett came forward and stated that he was the attorney for Mr. Obi and that he apologized but Mr. Obi was not present at the moment and had been delayed at the airport and would be arriving in about half an hour. Mr. Gossett also stated that he believe Mr. Obi had in his possession to present today the paperwork (FEIN, LLC, power bill, lease, and license to sell cars in Alabama) to show that there was no misinformation on the business license application. Mr. Gossett stated that Mr. Obi was aware that a worthless check was written for the initial business license and that he understood there were repercussions for operating the business without a license. Also present were two employees of Mr. Obi's, Kevin Chapman and Devlin Cameron.

City Attorney Michael O'Brien stated that the license had been pulled for non-payment and that Mr. Obi and Kevin Chapman had been notified but had continued to operate against State law. Kevin Chapman stated that he and Devlin Cameron were only working on their own personal vehicles and not selling cars. Mr. O'Brien presented the council with a timeline of events leading up to the revoking of the license. Ms. Kim Davidson, Revenue Officer, presented her investigation stating that once the check had been returned for insufficient funds, she had tried to contact the owner on two occasions by going to the place of business and been told that the owner, Charles Obi, had "gone to town and would return shortly". She was also told that Devlin Cameron was the manager of the business. Ms. Davidson upon further investigation found out that the power bill at the business location was in the name of Cameron's Used Cars (a business that had previously been denied a license) and that the property owners (Mr. & Mrs. Milton Abrahams) were negotiating a lease with Devlin Cameron (not Charles Obi). Also, Mr. Obi gave his residence on the application as Devlin Cameron's residence where Mr. Cameron stated he stayed in a Winnebago on his property a couple of days a month. Councilman Patterson asked for clarification that the real reason the license was revoked was more than just the worthless check but also because of the misinformation on the application. Mr. O'Brien stated that yes it was the cumulative effect of all the misinformation.

There was continued discussion of how the business was run, if payroll taxes had been paid, how many cars had been sold, and the need to protect the public from businesses that did not have a responsible or accountable owner. Just as soon as Council President Miller stated that the council had already waited one hour and would wait no more, Mr. Obi arrived (6:15 pm). Mr. Obi apologized and said that his plane had been delayed one hour. Mr. Obi passed around paperwork showing that Hearts Group, Inc. was an LLC owned by him. He stated that he had hired Devlin Cameron to fix up cars so that they could be shipped overseas. Mr. Obi stated that in 2012 he had opened a business selling cars at

902 East North Street and then transferred the electric to the location on Highway 77. Mr. Obi indicated that he had started a business on Highway 77 in February but that unfortunately the check had been returned as is the nature in business at times.

City Manager Brian Muenger read from the City's business license ordinance: "Any willful misrepresentation of a material fact in any application required by this Business License ordinance, or to the Revenue Officer, or to the Finance Director or to any designed department employee in the performance of their duties hereto, is a violation of this ordinance, and shall be deemed a misdemeanor, and in addition to the punishment provided herein, such willful misrepresentation shall be grounds for denial of a license or revocation if one has been issued."

City Attorney Michael O'Brien upon seeing a copy of the lease for the property presented by Mr. Obi stated that he rejected the lease, first because it was only a copy, secondly because it existed in Mr. Cameron's name only and thirdly, because the property was owned by Mr. & Mrs. Abrahams and the lease was only signed by Mr. Abrahams. Councilman Patterson stated that "our function tonight is simple, we have the right to revoke or not revoke and with that in mind I make a motion."

Motion by Councilman Patterson with a second from Councilman Ballow to deny the appeal of the revocation of the business license of Mr. Charles Obi, Hearts Group Inc. Roll Call. AYES: All.

Mr. O'Brien gave a reminder to all present that if business occurred at the location on Highway 77 operating without a license as of tomorrow, they would be arrested.

Motion for Adjournment from Councilman Ballow with a second from Councilman Simpson.

AUTHENTICATION

I, Elizabeth Cheeks, City Clerk of the City of Talladega, Alabama, do hereby attest that the foregoing is a true and correct copy of the proceedings of the City Council of Talladega, Alabama, which met in a called session on Thursday, March 21, 2013, at 5:00 p.m. at City Hall in the City of Talladega, Alabama.

Elizabeth Cheeks, City Clerk