

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING A REQUEST FOR REVIEW OF THE CITY COMMISSION'S ACTION UPHOLDING THE TERMINATION OF THE PRIVILEGE TO SELL, OFFER FOR SALE OR DELIVER OR PERMIT TO BE CONSUMED ON THE PREMISES ANY LIQUOR, BEER OR WINE BEYOND 12:00 MIDNIGHT ON ANY DAY OF THE WEEK AT AMSTERDAM BAR AND RESTAURANT, PURSUANT TO SECTION 113.25 OF THE CITY OF HOLLYWOOD CODE OF ORDINANCES.

WHEREAS, Section 113.25(A)(3), City of Hollywood Code of Ordinances, authorizes the Chief of Police to issue a notice of suspension or termination of the privilege of selling, offering for sale, delivering or permitting to be consumed on the premises of an establishment any liquor, beer or wine, regardless of the alcoholic content, on any day of the week beyond the hour of 12:00 midnight, upon a determination that a person or vendor is operating in a manner harmful to the public health, safety or welfare of the residents based on the provisions of Section 113.26 (B), City Code; and

WHEREAS, the Chief of Police determined that the amount of law enforcement activities and incidents occurring on or about Amsterdam Bar and Restaurant, owned by Amsterdam Bar and Restaurant, Inc. ("Amsterdam") and located at 113 S. 20th Avenue, Hollywood, Florida, more particularly described as follows:

That portion of Lots 45, 46, 47 and 48, in Block 25, TOWN OF HOLLYWOOD, according to the Plat thereof, as recorded in Plat Book 1, Page 21, of the Public Records of Broward County, Florida, described as follows:

Beginning at the SW corner of Lot 48, of Block 25, of the TOWN OF HOLLYWOOD; thence run northerly along the West line of said Block a distance of 46 feet; thence East parallel to the North line of said Block a distance of 85 feet; thence South parallel to the West line of said Block a distance of 46 feet; thence West a distance of 85 feet to the Point of Beginning,

beyond 12:00 midnight on any day of the week is harmful to the health, safety and welfare of the residents of the City; and

WHEREAS, Amsterdam was duly notified of the termination of the privilege of selling, offering for sale, delivering or permitting to be consumed on the premises any liquor, beer or wine beyond 12:00 midnight on any day of the week; and

WHEREAS, in accordance with Section 113.25 (4), City Code, Amsterdam timely requested a hearing before the City Commission to appeal the termination of the privilege; and

WHEREAS, in accordance with City Code Section 113.25 (A)(4), notice of the City Commission hearing was publicly advertised in a newspaper of local circulation, and written notice of the date, time and place of the hearing was sent to Amsterdam, its counsel, and to the owners of all properties located within 300 feet of Amsterdam, at least 14 days prior to the hearing; and

WHEREAS, on February 17, 2021, City Commission met and held a *de novo* hearing to consider Amsterdam's appeal of the decision to terminate the privilege of selling, offering for sale, delivering or permitting to be consumed on the premises of an establishment any liquor, beer or wine beyond 12:00 midnight on any day of the week, based on the criteria in City Code Section 113.26 (B), and

WHEREAS, following a review of the Staff Summary report, supporting documents and materials, all submitted written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria set forth in Section 113.26 (B) of the City Code, the City Commission found that the criteria was met, and the privilege of selling, offering for sale, delivering or permitting to be consumed on the premises of an establishment any liquor, beer or wine beyond 12:00 midnight on any day of the week at Amsterdam was terminated; and

WHEREAS, pursuant to City Code Section 113.25(A)(8), upon termination of the privilege of selling, offering for sale, delivering or permitting to be consumed on the premises of an establishment any liquor, beer or wine beyond 12:00 midnight on any day of the week, a vendor may seek review of such action by the City Commission after six months upon payment of the applicable fee; and

WHEREAS, Amsterdam seeks review of the action taken by the City Commission on February 21, 2021, terminating its privilege of selling, offering for sale, delivering or permitting to be consumed on the premises of an establishment any liquor, beer or wine beyond 12:00 midnight on any day of the week.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the above "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That following a review of the Staff Summary report, supporting documents and materials, all submitted written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria set forth in City Code Section 113.26 (B), the City Commission finds that the privilege of selling,

offering for sale, delivering or permitting to be consumed on the premises of an establishment any liquor, beer or wine beyond 12:00 midnight on any day of the week at Amsterdam is upheld/modified as follows:

Section 3: That the City shall record this Resolution in the Public Records of Broward County, Florida.

Section 4: That this Resolution shall be in full force and effect upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2022.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY