

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING A REQUEST FOR AN APPEAL OF THE TERMINATION OF PRIVILEGE TO SELL, OFFER FOR SALE OR DELIVER OR PERMIT TO BE CONSUMED ON THE PREMISES ANY LIQUOR, BEER OR WINE BEYOND 12 MIDNIGHT ON ANY DAY OF THE WEEK AT POPS OLD TIME BBQ, 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 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 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 of Hollywood Code of Ordinances; and

WHEREAS, the Chief of Police has determined that the amount of law enforcement activities and incidents occurring on or about Pops Old Time BBQ (hereinafter 'Pops'), located at 2602 N. 22nd Avenue, Hollywood, Florida, beyond 12 midnight on any day of the week, are harmful to the health, safety and welfare of the residents of this City; and

WHEREAS, Pops 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 midnight on any day of the week; and

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

WHEREAS, in accordance with 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 Pops, its counsel, and to the owners of all properties located within 300 feet of Pops, at least fourteen (14) days prior to the hearing; and

WHEREAS, on September 3, 2014, City Commission met and held a *de novo* hearing to consider Pops' 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 midnight on any day of the week, based on the following criteria, in accordance with Section 113.26 (B)(3):

- (a) The amount and degree of law enforcement activities generated by the operation of the establishment, both outside and inside, with particular emphasis on the vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees, patrons or others associated with the establishment.
- (b) The adverse effects, if any, the extended hours of operation or other applicable issues have on neighboring properties, especially with respect to patron activities and effects of noise, parking and exterior lighting on nearby residential properties and the city's economic redevelopment efforts.
- (c) Compliance by the business with the requirements of Florida Statutes, the Zoning and Land Development Regulations and the Code of Ordinances of the city.
- (d) Conformance of the premises to applicable fire safety codes, for which premises will be inspected.
- (e) Establishment wholly enclosed, soundproofed, and air-conditioned, with all windows, doors and other openings kept closed, except for normal ingress and egress, such that noise and music emanating therefrom will not disturb surrounding properties between 2:00 a.m. and 4:00 a.m. officers thereof.
- (f) Criminal background check of all applicants and/or corporate officers thereof.
- (g) Conformance to the use requirements as defined herein.

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

Section 1: That the above recitals are true and correct and are incorporated as is set forth in full herein.

RESOLUTION TO CONSIDER REQUEST TO TERMINATE PRIVILEGE POPS

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 Section 113.26 (B) of the City of Hollywood Code of Ordinances, the City Commission finds that the criteria has/has not been 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 midnight on any day of the week at Pops is hereby restored/ terminated/ suspended/ conditioned or restricted.

Section 3: That the City Clerk 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 _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.

JEFFERY P. SHEFFEL, CITY ATTORNEY