

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REVOCATION OF THE LIVE MUSIC EXTENDED HOURS LICENSE PREVIOUSLY ISSUED TO AMSTERDAM BAR AND RESTAURANT, PURSUANT TO SECTION 113.26(D) OF THE CITY OF HOLLYWOOD CODE OF ORDINANCES.

WHEREAS, Section 113.26(D)(1), City of Hollywood Code of Ordinances, authorizes the Chief of Police to issue a notice of revocation of a Live Music Extended Hours License upon a determination that a licensee has either violated a condition of the extended hour license, or that the licensee 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) or (C), City of Hollywood Code of Ordinances; and

WHEREAS, the Chief of Police has determined that Amsterdam Bar and Restaurant (hereinafter "Amsterdam"), located at 113 S. 20<sup>th</sup> Avenue, Hollywood, Florida, violated a condition of its extended hours license (the "extended hours license") in that on December 10, 2016 at 4:30 a.m., an officer with the Hollywood Police Department observed alcoholic beverages being sold by staff and bar patrons consuming alcoholic beverages, as well as multiple alcoholic beverages observed on the bar counter, and the owner was issued a Notice to Appear for such violation; and

WHEREAS, Amsterdam was duly notified of the revocation of the extended hours license; and

WHEREAS, in accordance with Section 113.26(D)(2), Amsterdam timely requested a hearing before the City Commission; and

WHEREAS, in accordance with Section 113.26(D)(2), 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, and to the owners of all properties located within 300 feet of Amsterdam, at least fourteen (14) days prior to the hearing; and

WHEREAS, on June 21, 2017, the City Commission met and held a *de novo* hearing to consider revocation of Amsterdam's extended hours license, and in accordance with Section 113.26(D)(2) determine whether licensee violated a condition of the license or is operating in a manner harmful to the public health, safety or welfare based upon:

- (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.
- (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 herein as if set forth in full herein.

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 have/have not been met, and that Amsterdam's Live Music Extended Hours License is hereby restored/ terminated/ suspended/ conditioned or restricted.

A RESOLUTION CONSIDERING THE REVOCATION OF THE LIVE MUSIC EXTENDED HOURS LICENSE PREVIOUSLY ISSUED TO AMSTERDAM BAR AND RESTAURANT, PURSUANT TO SECTION 113.26(D) OF THE CITY OF HOLLYWOOD CODE OF ORDINANCES.

Section 3: That this resolution shall be in full force and effect upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

RENDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOSH LEVY, 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.

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ALAN FALLIK, ACTING CITY ATTORNEY