

The City Council in and for the citizens of the City of Lake City, Florida, met in a Special Called Regular Session, on April 2, 2012, beginning at 5:30 P.M., in the City Council Chambers, located at City Hall 205 North Marion Avenue, Lake City, Florida.

PLEDGE OF ALLEGIANCE

INVOCATION - Mayor Witt

CALL MEETING TO ORDER

Mayor Witt called the meeting to order at 5:34 P.M.

1. ROLL CALL

Mayor/Councilman	Stephen M. Witt
Vice Mayor/Councilman	Eugene Jefferson
City Council	Jake Hill, Jr.
	Melinda Moses
	George R. Ward
City Attorney	Herbert F. Darby
City Manager	Wendell Johnson
Sergeant-at-Arms	Chief Argatha Gilmore
City Clerk	Audrey E. Sikes

2. BACKGROUND AND PURPOSE OF MEETING

Mayor Witt provided the following background:

The Chief License Inspector, under the provisions of Section 26-44 of the City Code, suspended the business tax certificate of Hole in the Wall of Lake City, Inc., ("Hole in the Wall") for a period of six (6) months, for violating various sections of the City Code in the operation of its business located at 116 NW Railroad Street, as stated in the notice of suspension dated January 20, 2012, copy of which notice is attached hereto.

Kendrick Maeweather, as President of, and on behalf of Hole in the Wall, has requested City Council to hear and consider its appeal relating to the suspension of its business tax certificate. Attached hereto is Hole in the Wall's written request for its appeal to City Council.

The City Council, at its meeting on March 19, 2012, accepted Hole in the Wall's appeal and authorized this hearing.

The purpose of this meeting is to hear and consider Hole in the Wall's appeal of the suspension of its business tax certificate by the City Chief License Inspector in Code Enforcement Case No. 11-32400336.

3. ISSUES TO BE CONSIDERED

Mayor Witt stated the following:

The sole issue to be discussed and considered at this hearing is limited to whether the alleged violations are valid and warrant the suspension of the business tax certificate, but if so, are there mitigation factors and circumstances to justify City Council to either withdraw or modify the suspension entered by the City Chief License Inspector.

4. APPEARANCES PARTIES TO BE HEARD

On behalf of the City:

Larry Lee, Chief License Inspector
Sandra Caslow, Code Enforcement Officer
Frank Armijo, Assistant Fire Chief
Argatha Gilmore, Chief of Police

On behalf of Hole in the Wall:

Kendrick Maeweather, President of Hole in the Wall;
Together with such other parties designated by him

Mr. Maeweather stated he did not have representation when asked by Mayor Witt. Mayor Witt advised Mr. Maeweather that he may call witnesses at the time he is presenting his side of the case.

5. PROCEDURES TO BE FOLLOWED

Mayor Witt established the procedures to be followed.

- A. He stated the City and Mr. Maeweather would both be granted thirty (30) minutes to provide a brief presentation. Should either side need more time, they will be provided such.
- B. Mayor Witt advised all persons speaking on behalf of the issues shall be first duly sworn.
- C. Following the presentation by the City staff relating to the issues, Mr. Maeweather or members of City Council shall have the right to question such person concerning the issues discussed by such City staff member.

- D. Following the presentation by Mr. Maeweather, the City staff or members of City Council shall have the right to question such person concerning the issues discussed by such person
- E. Following all permitted remarks, the hearing shall be closed.

A summation of the public hearing is as follows. A verbatim transcript of the hearing was not accomplished; however an audio recording of the meeting will be maintained in the City Clerk's Office with the summation minutes and in Code Enforcement.

Ms. Sikes administered the oath to Larry Lee, City of Lake City Growth Management Director and Chief License Inspector, of 205 North Marion Avenue, Lake City, Florida. Mr. Lee gave testimony in favor of the case for the City.

Ms. Sikes administered the oath to Sandra Caslow, Code Enforcement Officer, of 205 North Marion Avenue, Lake City, Florida. Ms. Caslow submitted for the record Exhibits 1-29 with certification. Mayor Witt stated that these items would be allowed to be submitted as City Composite Exhibit "A". Ms. Caslow provided testimony in favor of the case for the City.

Ms. Caslow called Assistant Fire Chief Frank Armijo of 2384 Southwest Bascom Norris Dr as a witness, and was administered the oath by Ms. Sikes. Assistant Chief Armijo provided testimony in favor of the case for the City. Mr. Maeweather questioned Assistant Chief Armijo.

Ms. Caslow called Police Chief Argatha Gilmore as a witness. Ms. Sikes administered the oath to Chief Gilmore of Lake City Police. Chief Gilmore asked to submit for the record a copy of an email from Captain Robert Smith dated Tuesday, October 18, 2011 at 7:16 PM. Mayor Witt stated that this item would be allowed to be submitted as City Composite Exhibit "B". Chief Gilmore provided testimony in favor of the case for the City. Mr. Maeweather questioned Chief Gilmore.

At this time, the presentation of the case on behalf of the City had concluded.

Ms. Sikes administered the oath to Kendrick Maeweather of 394 Northeast Fronie Street. Mr. Maeweather gave testimony in favor of the case on behalf of the Hole in the Wall. Mr. Maeweather questioned Mr. Lee and Ms. Caslow.

Ms. Sikes administered the oath to Jesse Caldwell of 622 Northwest Long Street. Mr. Caldwell gave testimony in favor of the case on behalf of the Hole in the Wall.

Mr. Maeweather asked to submit for the record a listing of signatures from the community in support of the Hole in the Wall reopening. Mayor Witt stated that this item would be allowed to

be submitted as Appellate Exhibit "A".

Mr. Maeweather called Mr. Marshall Brown as a witness. Ms. Sikes administered the oath to Mr. Brown of 1363 Northwest Queen Road. Mr. Brown gave testimony in favor of the case on behalf of the Hole in the Wall. Mr. Brown asked to submit into record a map. Mayor Witt stated that this item would be allowed to be submitted as Appellate Exhibit "B".

6. COMMENTS BY MEMBERS OF THE COUNCIL

At this time conversations were suspended due to a medical emergency in the audience.

Members discussed issues in the parking lot and the need for a security plan to ensure public safety. Members discussed concerns with the establishment not having garbage service and not having a place to properly receive mail. Mr. Maeweather stated he has already discussed hiring off-duty Columbia County Sheriff Officers as security.

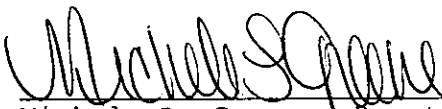
Mr. Darby stated the Council could amend the provision of the suspension but could not amend what Mr. Maeweather intended do as it relates to his business. Mr. Darby added Mr. Maeweather's license has been stayed and is valid and will remain in effect until council members make a decision whether at this date or until a future date. Mr. Darby stated council could choose to let the suspension stand, withdraw the suspension or modify the period of time of the suspension, but cannot modify what the Code says he has to do.


7. DECISION OF CITY COUNCIL

Mr. Hill made a motion to table until the next City Council meeting on April 16, 2012 beginning at 7:00 pm and have Mr. Maeweather put together a plan to put the business into total compliance. Ms. Moses seconded the motion. The motion passed on a unanimous voice vote.

8. ADJOURNMENT

All matters having been handled, the meeting adjourned at 7:35 PM on a motion made and duly seconded.


Michele L. Greene, Deputy City Clerk


Stephen M. Witt, Mayor



City of Lake City

DEPARTMENT OF GROWTH MANAGEMENT

205 NORTH MARION AVENUE
LAKE CITY, FLORIDA 32055

TELEPHONE: (386) 719-5752
FAX: (386) 758-5426

January 20, 2012

Hole in the Wall of Lake City, Inc.
116 NW Railroad St.
Lake City, FL 32055

Attn: Kendrick Maeweather, Registered Agent

Re: Code Enforcement Case Number 11-52400336

Mr. Maeweather and Mr. Weston:

I am notifying you as the owners of the above stated business, that as the Chief License Inspector for the City of Lake City, FL, I am hereby suspending the Business Tax Certificate issued for your business at 116 NW Railroad St., Lake City, FL for the following reasons:

It has been documented in multiple offense reports from the Lake City Police Department that on more than one occasion Police Officers have observed patrons smoking and consuming alcoholic beverages inside this business which is a violation of the Clean Indoor Air Act, a Federal Regulation as well as State and Municipal Regulations for Consumption on Premises.

It has been documented that the Police Department has had contact with citizens at least 10 times since September 18, 2011. On most occasions there was a large crowd in the parking lot to the North of this business; vehicles parking in the grassy area to the north of the parking lot; littering; open container violations in the parking lot. Police reports show 4 simple battery, 2 alcohol offense (except DUI), 1 narcotics, 1 disturbance (non-family), 2 other, relating to the address of this business.

It has been documented by the Lake City Police Department that this licensed premises has been in violation of fire codes for having the front door locked while occupied.

This business location does not have an established waste removal account.

The licensee is in violation of municipal codes, and Florida Fire Prevention Codes. This licensed premises is a nuisance.

Under Section 26-44 of the City Code I am authorized to suspend the business tax certificate issued to this location due to the nuisance conditions being created; the illegal conduct upon the licensed premises; failure to comply with municipal, state fire prevention, and health regulations.

This suspension shall be effective 10 calendar days following delivery of this notice and shall remain in effect for a period of 6 months.

You may appeal my decision to the city council by delivering a written notice of appeal prior to the suspension date to me at 205 N Marion Ave., Lake City, FL 32055. The notice of appeal will then be forwarded to the city council, which shall set a hearing on the appeal and give notice to you at least five days prior to the hearing.

Sincerely,


Larry D. Lee
Growth Management Director

LDL/sdc

I hereby certify that I delivered the foregoing notice to:

Name Hendrick Mae Weather Relationship Business Registered Agent
On date 1-23-12 time being _____

Personal Service

Certified Mail, Return Receipt Requested

709 325 000 2702 3175

Sandra Caslow
Print Name of Code Inspector

Sandra Caslow
Signature of Code Inspector

Signature of Recipient

Date

I hereby certify that I delivered the foregoing notice to:

Name Richard Cole + Janice Bates Relationship Property Owner Co-Trustees
On date 1-23-12 time being _____

Personal Service

Certified Mail, Return Receipt Requested

709 325 000 2702 3201

Sandra Caslow
Print Name of Code Inspector

Sandra Caslow
Signature of Code Inspector

Signature of Recipient

Date

I hereby certify that I delivered the foregoing notice to:

Name _____ Relationship _____

On date _____ time being _____

Personal Service

Certified Mail, Return Receipt Requested

Print Name of Code Inspector

Signature of Code Inspector

Signature of Recipient

Date