

Springfield  
News Leader  
Springfield, MO  
Circ. 65973  
From Page:  
1  
12/24/2009  
17284



800-114  
Records: City, center  
clashed over code issues.

By Kary Booher  
KBOOHER@NEWS-LEADER.COM

The Rev. Larry Rice's protest march to City Hall last week followed a 19-month stretch in which the city has confronted the veterans center on several building code issues, according to documents on file with the city's Building Development Services.

Obtained through a Sunshine request, the records allege that the veterans center has sought without permission to expand beyond its permitted use — business of-

fice — only to see the city intervene.

None of the records, however, document the phoned-in complaints by local attorney Steve Garner that led City Attorney Dan Wichmer to write a Nov. 23 letter to Rice.

The letter urged the center to cease providing overnight shelter, meals and free clothing — and prompted Rice to march in protest to City Hall. Rice has been adamant that the veterans center does not provide overnight shelter.



Wichmer

See **Records**, Page 7A





# Records/Past complaints detailed

Continued from Page 1A

The News-Leader sought the Building Development Services records after Rice confronted Wichmer that afternoon.

But the records weren't immediately available, and City Hall requested The News-Leader submit a Sunshine request.

The genesis of the Sunshine request came from this quote from Wichmer: "Rev. Rice, as we told you for over a year, you don't meet safety codes. It's not an unknown deal. ... Your pattern of operating is such that you tend to disregard the law. You tend to ignore building codes. You tend to ignore safety codes."

Rice also owns the New Life Evangelistic Center at 209 W. Commercial St., and also owns a house at 1900 N. Lyon Ave.

Both facilities have come under fire from the city — the Commercial Street store, which offers free clothing, for providing overnight shelter in early 2007, and the Lyon facility for housing five occupants in 2008.

The Commercial Street center was not zoned as an overnight shelter, and the Lyon house had five unrelated adults living there even though the building is zoned for single-family residential.

Garner, of the law firm of Strong Garner Bauer, confirmed last week that he has been phoning in the complaints. The law firm sits directly south of the Veterans Center, 806 N. Jefferson Ave.

However, Building Development Services Director Nick Heatherly has yet to investigate Garner's claims, meaning Wichmer sent the letter before BDS investigated.

But Wichmer and Heatherly say protocol is to work with building owners first, and Wichmer pointed out that Rice in 2008 asked the city to notify him of complaints.

"Their exact words were, we want to be good to the neighbors around us," Wichmer said Wednesday. "What people don't appreciate is how many times we meet with people at City Hall (to work out issues). We don't want to take action."

Heatherly concurred, saying that a letter or meeting is the initial step.

"We try to give them the benefit of the doubt, asking, 'This is what we're hearing is going on' and, 'This shouldn't be going

on,'" Heatherly said.

Nevertheless, Rice's march to City Hall last week was the latest in the two sides butting heads.

BDS records show the city has received complaints and then confronted the center over building codes at least five times in the past 19 months.

Entries show:

- May 5, 2008: Heatherly observed chairs and tables being taken into the center and then the BDS director posting a "Do Not Occupy" placard at an entrance. That eventually led the center to successfully seek a certificate of occupancy for a "business office," approved Aug. 11, 2008.

- Dec. 19, 2008: A complaint was filed, alleging that men were seen unloading beds into the center.

- Jan. 21, 2009: Heatherly discovered free clothes being sold at the center and explaining that the manager at the time, Mark Hoffman, said the practice would end later that week.

- Feb. 19, 2009: Heatherly and a BDS staffer told the center's then-manager, Mark Hoffman, that the facility would need to make building code requirements and submit the plans to BDS because the stove would constitute a restaurant. Hoffman also 'volunteered' that the center was planning to install a washer and dryer in order to clean the clothes from the Commercial Street store. The meeting came in response to a plumber and electrician seeking city permits for work on a stove and washer and dryer.

- Dec. 11, 2009: Heatherly was unable to verify a phone call from a person claiming to be a volunteer at the New Life Evangelistic Center and saying that a mother and son were living in the building. The caller said the mother was the designated cook.

Heatherly cautioned not to consider each complaint a violation, explaining that what BDS constitutes as a violation may not be a legal violation, if Rice had appealed the findings.

It is unclear if Rice has ever gone through court to appeal BDS' findings.

"You can't just change the use in a structure without seeing all the building codes and fire codes are addressed," Heatherly said.

Springfield  
News Leader  
Springfield, MO  
Circ. 65973  
From Page:  
7  
12/24/2009  
17284

