

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, MAY 13, 2003  
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 6:00 p.m.

**INVOCATION:**

Deputy Mayor Whelchel gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Dave Freudenberg  
Council Member Bill Hager  
Council Member Susan Haynie

Also attending the meeting were:

City Manager Leif J. Ahnell  
City Attorney Diana Grub Frieser  
City Clerk Sharma Carannante

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to amend the agenda to consider the "Proclamations/Presentations" and the "Minutes" immediately after the Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to amend the agenda to delete Item 3.h. (Resolution No. 89-2003) from the Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:
  - a. Airport Authority – two (2) vacancies due to term expirations of Bruce Benefield (resident east of I-95) and Stanford Morris (resident west of I-95), whose terms expire 6/01/03.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to reappoint Bruce Benefield to the position requiring residence east of I-95. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

Mr. Benefield was reappointed to the Airport Authority in the position of a resident east of I-95.

For the position that requires residency west of I-95, Deputy Mayor Whelchel nominated Helen Nerod and Council Member Haynie nominated Edward Posner. Nominations were then closed without objection.

In the voting, Mayor Abrams, Deputy Mayor Whelchel and Council Member Hager voted for Helen Nerod. Council Members Freudenberg and Haynie voted for Edward Posner.

Helen Nerod was appointed to the Airport Authority in the position of a resident west of I-95.

- b. Boca Raton Advisory Board for the Physically and Mentally Challenged – five (5) vacancies due to term expirations of Mary C. Lavallo, Gladys M. Wilde, Margarita T. Castellon, and Lee F. Glynn, whose terms expired 4/23/03, and the resignation of Grace Pertile, whose term expired 4/23/03.

Mona Pincus and Bernadette Krutchik expressed interest in the positions. Mayor Abrams noted that Cleveland Peoples, another applicant, was unable to attend tonight's meeting.

Deputy Mayor Whelchel nominated Jay Van Vechten; Council Member Haynie nominated J. Robert Gordon and Gary Susser; Council Member Freudenberg nominated Bernadette Krutchik; Mayor Abrams nominated Joan Daly. Nominations were then closed without objection.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Jay Van Vechten, J. Robert Gordon, Gary Susser, Bernadette Krutchik, and Joan Daly to the Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

Jay Van Vechten, J. Robert Gordon, Gary Susser, Bernadette Krutchik, and Joan Daly were appointed to the Advisory Board for the Physically and Mentally Challenged.

- c. Education Advisory Board – four (4) vacancies: two (2) due to resignations of Linda St. John-Hunter, whose term expires 7/28/03, and Joseph Abruzzo, whose term expires 7/28/04; and two (2) due to resignation of student “ex officio” member Abraham Obadia and appointment of student “ex officio” member Yuri Konnikov to that of a voting Board member.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to appoint Thomas Vinci to the Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

Thomas Vinci was appointed to the Education Advisory Board.

Council Member Hager left the meeting at 6:15 p.m.

## 2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.g. - Resolution No. 88-2003 / Palm Tran grant for bus shelters) The City Manager explained that the criteria used for the selection of the bus shelters were primarily based on the number of riders and rider requests. Initially, the City was unable to obtain an easement from the property owner for the shelter at the Camino Real site between the Publix and The Addison; however, the property owner is requesting an IDA approval and a shelter will be a condition for that approval.

3. Consent Agenda:

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to approve the Consent Agenda (minus Item No. 3.h., Resolution No. 89-2003 that was removed under 'Amendments to the Agenda'). Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

a. Sealed Bids

- |    |   |           |
|----|---|-----------|
| 1) | Landscape Maintenance for Red Reef Golf Course<br>Requested by Recreation Services<br>Custom Care, Inc.   | \$51,540  |
| 2) | Westinghouse Electrical Spare Parts<br>Requested by Utility Services<br>Erin Electrical Enterprises, Inc. | \$150,000 |
| 3) | Fence Installation for Utility Services Facilities<br>Requested by Utility Services<br>Anything in Fence  | \$93,705  |

b. Sealed Bid Renewals

- |    |   |           |
|----|---|-----------|
| 1) | Grit Removal - Renewal<br>Requested by Utility Services<br>Waste Management of Palm Beaches   | \$63,000  |
| 2) | Wastewater Sludge Polymer - Renewal<br>Requested by Utility Services<br>Polydyne, Inc.  | \$125,000 |
| 3) | Water Treatment Plant Color Reduction Polymer - Renewal<br>Requested by Utility Services<br>Stockhausen, Inc.                                 | \$116,021 |
| 4) | Fence Installation, Removal and Repairs - Renewal<br>Requested by Recreation Services, Municipal Services<br>Anything in Fence                | \$56,200  |
| 5) | Plant Material Services - Renewal<br>Requested by Recreation Services<br>Conco Horticultural, Inc.<br>Sunquest Nursery of South Florida, Inc. | \$155,843 |

c. Intergovernmental Agreements

- |    |   |           |
|----|---|-----------|
| 1) | Anhydrous Ammonia<br>Requested by Utility Services<br>Tanner Industries, Inc.                                 | \$29,680  |
| 2) | Tracker Loader Backhoe - Replacement<br>Requested by Recreation Services<br>Joe Money Machinery Company, Inc. | \$33,721  |
| 3) | Storm Drainage Repair and Rehabilitation<br>Requested by Municipal Services<br>Insitiform Technologies Inc.   | \$200,000 |

d. Resolution No. 84-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Mathews Consulting, Inc. for the purpose of providing consulting engineering services for the installation of a 16-inch reclaimed water main on Airport Road; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 86-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for sale and purchase with Orchard View Development Limited, an Ontario Corporation, for the acquisition of real property in connection with the construction, reconstruction and maintenance of NW 5 Avenue/NW 35 Street; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 87-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the purpose of design and construction of improvements at Federal Highway and NE 10 Street intersection; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 88-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Palm Tran for the purchase of bus shelters; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Orders

- 1) Special Master
  - a) SM (G) Case No. 00-233
  - b) SMG Case No. 02-002012
  - c) SM (G) Case No. 03-00000035
  - d) SM (G) Case No. 03-497
  - e) SM (G) Case No. 02-00003667
- 2) Builders' Board of Adjustment and Appeals
  - a) Order of Decision  
Case No. BBAA-03-2475

j. Receive and File Board Minutes – May 13, 2003

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
March 10, 2003
- 2) Community Appearance Board  
April 1, 2003  
April 8, 2003
- 3) Community Relations Board  
March 24, 2003

- 4) Environmental Advisory Board  
January 29, 2003
- 5) Financial Advisory Board  
April 7, 2003
- 6) General Employees' Pension Board  
March 13, 2003
- 7) Historic Preservation Board  
March 18, 2003
- 8) Library Advisory Board  
March 19, 2003
- 9) Pearl City Blue Ribbon Committee  
February 27, 2003
- 10) Physically and Mentally Challenged Board  
March 6, 2003
- 11) Planning and Zoning Board  
March 20, 2003  
April 3, 2003

**PROCLAMATIONS/PRESENTATIONS:**

Proclamation – National Beach Safety Week – May 19 through May 26, 2003

Recreation Services Director Mickey Gomez, Ocean Rescue Chief Grant McCosh, and Ocean Rescue Captain Clint Tracy accepted the proclamation.

Proclamation – National Safe Boating Week – May 17 through May 23, 2003

A representative from Coast Guard Flotilla 36 accepted the proclamation.

**MINUTES:**

Minutes of the Regular Workshop Meeting of April 21, 2003

Minutes of the Regular Meeting of April 22, 2003

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Freudenberg, to approve the minutes as presented. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

**REGULAR BUSINESS – PART II – QUASI-JUDICIAL PUBLIC HEARINGS:**

4. Resolution No. 82-2003

A resolution of the City of Boca Raton granting conditional use approval for a substance abuse treatment facility on a parcel of land located at 7000 North Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA 02-10)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearings. The City Clerk administered the oath to those who indicated they wished to speak on the petition. Under ex-parte disclosures, Council Member Haynie stated that she had spoken with Diane Hines, Joanne Morrison, and Trina Rasmussen. Mayor Abrams and Deputy Mayor Whelchel indicated that they had both spoken with Diane Hines.

The court reporter identified herself as being employed by Esquire Deposition Services and retained by Michael Weiner of Weiner & Aronson, P.A..

Development Services Senior Planner Chris Kerr distributed an affidavit to Council, in which the two physicians who work at the facility testify that no prescription medication is stored on site or given to the patients on the premises. He then gave the PowerPoint presentation, explaining that this conditional use approval was for an existing facility. The original application was submitted by the Renaissance Institute; however, that establishment was recently purchased by the Caron Foundation of Florida. It was noted that this "changing of hands" would have no impact on the existing operation of the Center, which has been licensed by both the City and the State since 1994. Mr. Kerr explained that this facility provides treatment and rehabilitation services only, and no patients live on the premises; Condition No. 3 of the resolution ensures that residential use would not ensue in the future by prohibiting same. Location, zoning information, access, and surrounding structures were reviewed.

Mr. Kerr explained that this request was before Council in order to comply with Ordinance No. 4649, which addresses substance abuse treatment facilities within City limits. He then outlined the four elements of the ordinance and stated that, since this facility is within the R-B-1 zoning district, conditional use approval is required. This was the first facility to be processed under the new ordinance.

Condition No. 4 was outlined, which limits the size of this Center to the same square footage as what currently exists today; any expansion would require a conditional use approval. Background information on the original site plan approval was provided. It was noted that the property remains in compliance with all property development regulations. In conclusion, no changes were proposed or required as to the uses of the site or to the site plan; approval is necessary in order to comply with Ordinance No. 4649.

Mr. Kerr brought one issue to Council's attention, stating that several months ago Code Enforcement visited the facility, which is licensed for mental health counseling, and found that doctors were prescribing medicine on site; they did not have occupational licenses allowing them to do so. The doctors were cited and required to obtain occupational licenses. Two of the doctors have now received their licensing and are in compliance with the code. Mr. Kerr concluded his presentation and answered questions from Council. Responding to queries from Council, the City Attorney provided information in regard to the possibility of future zoning issues, should the North Federal Highway area be improved and redeveloped, as is being currently discussed in the neighborhood workshops facilitated by Council Member Haynie.

Michael Weiner, the petitioner, spoke on behalf of the Caron Foundation and provided additional details as to the services offered at the facility, expounding on information previously provided by Mr. Kerr. He also utilized a PowerPoint presentation to, among other things, emphasize the unobtrusiveness of the Center. Mr. Weiner also spoke to the criteria established in Code Section 28-102 for approval of a conditional use, stating that this facility met those criteria.

Bradley Miller, a certified planner, spoke in support of the facility and also detailed the criteria in Code Section 28-102, citing compliance by the Center in relation to same.

Sidney Goodman, who is employed at the facility, answered questions from Council as to precisely what type of treatment is provided and what a typical day at the Center would entail.

Anthony Cadiz of the Walker's Cay Homeowners' Association spoke in opposition to the facility, voicing concern over persons congregating in the parking lot. He suggested that, if the North Federal Highway corridor was to be upgraded, Council should begin now by denying this resolution.

Trina Rasmussen, with the Boca Harbor Homeowners' Association, also opposed the facility and voiced concern over loitering.

Lawrence Gabriel, President of the Boca Condo Association, opposed the resolution and expressed concern over police reports, which, he said, showed numerous incidents occurring at that address. He also mentioned that, at the Planning and Zoning Board meeting where this application was reviewed prior

to today, petitions were submitted against the facility. He wished to clarify that some of the four who spoke in opposition at the Planning and Zoning Board meeting represented homeowners.

Pat Castronovo, President of Walker's Cay Homeowners Association, opposed the resolution and noted petitions against approval that had been submitted.

The City Clerk administered the oath to Doris Harrigan, who was not present during the initial swearing in.

Ms. Harrigan, Joseph Pezzo, Dr. Peggy Schneider, Michael Garlick, and Jill Kind spoke in support of the Center, citing personal experiences and the need for this type of substance abuse treatment facility.

Diane Hines, a realtor, supported the concept of the program but questioned the location of the Center.

Frank Feiler also spoke in support of the program's concept, but voiced concern over loitering and stated that police cars were often in evidence at the site.

Mr. Weiner and Dr. Goodman provided additional information to Council as requested; Mr. Weiner rebutted several comments made by the public. Council confirmed with Mr. Weiner that his client agreed to an additional condition related to designating a particular area, away from the street and out of public view, where patients could meet during their breaks. A condition regarding hours of operation was also amenable to Mr. Weiner's client.

The public hearing was then closed.

*Motion was made by Mayor Abrams, seconded by Council Member Haynie, to adopt Resolution No. 82-2003, as revised.*

Responding to Council, the City Attorney provided clarification regarding "conditional use" and "permitted use" within the MC and R-B-1 zoning districts. She also explained that "conditional use" is not indicative of a legal right but is deemed to be a use that can be compatible if it meets the criteria; hence, the necessity for a public hearing. Ms. Frieser then clarified that this application was seeking to comply with Ordinance No. 4649, not challenge it. She noted that this case showed that these types of facilities can exist, consistent with the City's regulation, and that this regulation does not preclude this use within the City. Much discussion continued. Ms. Frieser provided additional information to Council as requested.

*Motion was made by Mayor Abrams, seconded by Council Member Haynie, to amend the resolution to add three new conditions, using language generally consistent with the following: Condition #5 – The applicant shall provide an appropriate area on the property for breaks and for the congregation of individuals outside the building, subject to the review and approval of staff. Condition #6 – No drugs shall be stored or dispensed upon the property. Condition #7 – Use of the facility shall be limited to the hours of 8:00 a.m. to 9:00 p.m. on weekdays, and there shall be no operations on Saturdays or Sundays. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

*The vote on the main motion, to adopt Resolution No 82-2003 as revised and amended, carried 3-1; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Haynie voting yes. Council Member Freudenberg voted no.*

### **REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

#### **5. Ordinance No. 4704**

An ordinance of the City of Boca Raton creating a New Rule 1.70 of Section 2-27, Code of Ordinances, relating to rules of procedure of the City Council; establishing procedural rules for the computation of time periods for the filing and hearing of appeals of board actions to the city council; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney gave a brief presentation, explaining that this procedural ordinance was brought forward at Council's request. This ordinance would provide uniformity in regard to appeal procedures and how the appeal period is calculated. Ms. Frieser recommended adoption.

No one wished to speak at the public hearing.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4704. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

6. Ordinance No. 4705

An ordinance of the City of Boca Raton amending Section 7-41, Code of Ordinances, to prohibit the use of fireworks, pyrotechnic special effects, flame effects, or similar devices inside buildings or other enclosed spaces, and to specify the requirements for outdoor use of fireworks, pyrotechnic special effects, flame effects, or similar devices; providing for severability; providing for repealer; providing for codification; providing an effective date

Assistant Fire Chief Johnson gave the PowerPoint presentation, explaining that this ordinance would amend the Code to regulate more than just fireworks. The proposed ordinance would seek to limit the indoor use of any type of fireworks, pyrotechnic effects, or flame devices, to ensure the safety of the City's residents. The use of outdoor public devices for fireworks would not be affected. However, language was added regarding proper permitting, distance requirements, and uses to ensure that outside displays are conducted safely throughout the City. Chief Johnson outlined the impacts to businesses and residents that passage of this ordinance would create. He then concluded his presentation.

No one wished to speak at the public hearing.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4705. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

**REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:**

There were no items for consideration.

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

7. Ordinance No. 4703

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$19,800,000 general obligation bonds, in one or more series, of the City of Boca Raton, Florida; authorizing the use of the proceeds therefrom for the purposes described in Resolution No. 71-2003; providing the form and terms of the bonds; providing for the payment of the bonds from a tax on all taxable property in the City of Boca Raton; providing for the rights, remedies and security of the holders of the bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of the bonds; and providing for an effective date

Council Member Freudenberg introduced the ordinance.

8. Ordinance No. 4706

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 5.36 acres, more or less, located at 7901 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium); providing for the appropriate revisions of the Future Lane Use Map; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

Council Member Haynie introduced the ordinance.

9. Ordinance No. 4707

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 5.36 acres, more or less, located at 7901 North Federal Highway, as described more particularly herein, from R-B-1 (Motel Business) and B-4 (General Business) to R-3 (Multifamily Residential); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

Council Member Freudenberg introduced the ordinance.

10. Ordinance No. 4708 (Revised 5/13/03)

An ordinance of the City of Boca Raton amending the Fiscal Year 2002-2003 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Council Member Haynie introduced the ordinance.

11. Ordinance No. 4709

An ordinance of the City of Boca Raton creating Sections 23-38 and 23-39, Code of Ordinances; establishing procedures and standards for approval of transportation concurrency exemptions for not-for-profit medical facilities that promote public transportation; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Haynie introduced the ordinance.

12. Ordinance No. 4710

An ordinance of the City of Boca Raton relating to the height of buildings and structures (specifically public utility poles) in single-family residential districts; amending Section 28-2, Code of Ordinances, Definition, "Height Of Building"; amending Section 28-342, "Building Height", Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date

Mayor Abrams introduced the ordinance.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

Robert Powers provided extensive detail related to his research of the citrus canker issue. He stated that the quarantine was applied to the City in a defective manner. In addition, the State had not provided sufficient information to residents and lawn service/landscape business owners as to how to handle the quarantine. He then expounded on risk assessment procedures, as outlined by the State, which must be adhered to by the Department of Agriculture.

John Hagdorn expressed opposition to the transmission line route proposed by Florida Power & Light. He stated that, currently, three different types of power poles run along the Military/Palmetto route. These new, larger poles would be in addition to the existing ones – they would not replace them.

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

There were no items for consideration.

**QUASI-JUDICIAL PUBLIC HEARING/REQUEST FOR VARIANCE FROM CHAPTER 24 – SIGN CODE:**

13. Resolution No. 85-2003

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(b), Code of Ordinances, to construct one (1) additional freestanding sign generally perpendicular to an on-premises frontage at 1200 North Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-03-01)

The City Attorney noted that the same quasi-judicial procedures that governed the public hearing for Resolution No. 82-2003 were still in effect for this hearing. The City Clerk administered the oath to those persons who indicated they would speak on the petition.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. Acreage, location, and zoning information were reviewed. He explained that the property currently contains one (1) freestanding sign, reflecting the names of three tenants, along North Federal Highway, south of an existing driveway. The petitioner was requesting one additional freestanding sign to be located north of a second driveway, at a minimum distance of 250 feet from the existing sign along the same street frontage; only one tenant name (Pan American Bank) would be identified on this sign. The Community Appearance Board reviewed this application and recommended approval. The Board also forwarded the following comments to the Council: 1) the freestanding sign shall be limited to identifying a single tenant name along with the building address number per sign face, and 2) the existing multiple story building sign shall remain, identifying the building address number only. Mr. Zurita concluded his presentation by stating that staff recommended approval and then answered questions from Council.

Philip Modder, Regional President of Pan American Bank, spoke in support of the variance and answered questions from Council.

Seeing no one else come forward to speak, the public hearing was closed.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to adopt Resolution No.85-2003. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

**QUASI-JUDICIAL PUBLIC HEARING/APPEAL OF BOARD DECISION:**

14. Resolution No. 56-2003 (Continued from the March 25, 2003 meeting)

A resolution of the City Council of the City of Boca Raton granting the appeal of Verizon Wireless; authorizing the installation of a Verizon Wireless wall sign at 777 Yamato Road pursuant to Permit No. 03-0659; providing for severability; providing for repealer; providing an effective date

The City Attorney noted that the same quasi-judicial procedures that governed the prior public hearing were still in effect for this hearing. The City Clerk administered the oath to those persons who indicated they would speak on the petition.

Development Services Director Jorge Camejo gave the PowerPoint presentation. He provided background information on this item, explaining that Council had granted an appeal for this application in

January. However, the name granted was, "Verizon;" the word, "Wireless" was removed from the application by Council. Subsequently, the petitioner had submitted a new application, since it was determined that the legal corporate name is, "Verizon Wireless." Mr. Camejo detailed the location and identified surrounding roadways. Various elevations of the building were also reviewed in relation to the proposed sign. Mr. Camejo stated that the Community Appearance Board (CAB) reviewed this latest application in February and denied the request primarily because members felt that placement of the sign on a glass surface was inappropriate. In addition, the CAB intimated that other locations on the building were better suited to a sign. The Board supported Council's original decision on the appeal whereby "Verizon" would be the only identity granted. In conclusion, staff recommended approval of the resolution, which would grant the appeal to use the full legal name, "Verizon Wireless" on the building. Mr. Camejo then provided additional information to Council as requested.

Grant Thornbrough, Chairman of the CAB, explained that, since Council had previously made the determination to identify the company only as, "Verizon," the Board did not feel empowered to contradict Council's decision. Mayor Abrams acknowledged that there were legal issues regarding the corporate name, which were beyond the purview of the CAB.

Dennis Koehler, the local attorney representing Verizon Wireless, provided additional background information and spoke in support of the appeal.

Annette Southern, with Atlas Sign Company, explained her job responsibilities and then gave a PowerPoint presentation in support of the appeal.

Mr. Koehler offered closing remarks and answered questions from Council.

Seeing no one else come forward, the public hearing was closed.

*Motion was made by Deputy Mayor Whelchel, seconded by Mayor Abrams, to adopt Resolution No. 56-2003. Motion carried 3-1; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Freudenberg voting yes. Council Member Haynie voted no.*

#### **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

##### 15. Hedge Violation – 698 East Conference Drive

Development Services Director Jorge Camejo gave the presentation, explaining that this was a request for reconsideration of a fine that was already collected as of January 9, 2003. A timeline of events was detailed from June 2000 to February 2003. Essentially, an adjacent property owner complained that the hedge was overgrown. Code Enforcement verified that the hedge was in violation of the Code; City Code mandates a hedge height of no more than six feet. The property owner was notified. As of November 2000, the hedge was still in violation. A Special Master hearing was conducted on January 10, 2001. The property owner was in attendance and, at that time, the Special Master was told by the property owner that the hedge had been trimmed. When Code Enforcement inspected the property later that day, it was noted that the hedge had not been trimmed and was still in violation. The Special Master then imposed the fine back to the original date, resulting in a fine of approximately \$8,600. Mr. Camejo concluded his presentation by stating that this was an unusual case in that the violation had already been addressed and satisfied; staff was, at this time, looking to Council for direction as to how best to resolve this situation. He then answered questions from Council.

Helena DeBraun, the property owner, asked for additional time to prepare her account of the events that transpired in this case. Her daughter, Anastasia Isgette, urged Council to grant her mother's request.

Mayor Abrams noted that the City Manager had sent a letter to Ms. DeBraun, dated April 9, 2003, informing her of Council's consideration of this matter tonight. His intent in doing so was to clarify that there was no error on the part of City administration.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Freudenberg, to postpone consideration of this item until the June 24, 2003 Council meeting. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

16. Summer Meeting Schedule

After consulting their individual calendars, Council Members agreed to cancel the August 11, 2003 Workshop meeting and the August 12, 2003 Council meeting.

**CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

**MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Haynie requested an update on the property at One North Ocean. Ms. Frieser reported that there continues to be optimistic discussion between the owner of the building and City staff. Ms. Haynie asked for clarification regarding the timeframe as to when this issue was to go before the Board of Adjustment and Appeals. Ms. Frieser stated that the City elected to move the timeframe back and not set the hearing until discussions are complete.

Council Member Haynie referenced a flashing light at the school zone of Boca Raton Elementary School and questioned why it was operating at 9:15 p.m. at night. Deputy Mayor Whelchel also commented on this light, stating that she had learned that it is supposed to flash 24/7. Mr. Ahnell explained that this light is located at the beginning of the one-way street that leads into the school zone. Staff determined that, since there's a permanent 20 mph speed limit on that road, which also narrows due to a speed hump, the light should be flashing at all times. Responding to Council Member Freudenberg's query about the fence that separates the school from the railroad tracks, Mr. Ahnell stated that the fence has been installed.

Council Member Haynie applauded staff for the Safety Safari event, which took place on Saturday.

Council Member Haynie reported that a "Salute to America and Our Armed Forces" pre-baseball game was scheduled for Saturday, May 24, 2003, between the Palm Beach Cardinals vs. the Vero Beach Dodgers at Roger Dean Stadium; tickets are currently available.

Council Member Freudenberg referenced two, slightly-undersized lots on Spanish River Boulevard, west of NW Second Avenue, and suggested that Council direct the City Manager to prepare the necessary paperwork in order to allocate these lots to Habitat for Humanity on the condition that the homes would be built in conformity with the neighborhood. The City Manager clarified that the lots are on the south side of the street. Mr. Ahnell explained a portion of the lot on the north side is to be used to construct a right turn westbound turn lane; an application to sell the remainder of that property to the adjacent property owner would be coming before Council. Council Members expressed that they would first like to visit the site before it is placed before them for consideration.

Council Member Freudenberg mentioned that he was at Camp LeJeune over the weekend and commented on the patriotism in evidence.

Mayor Abrams reported that he and Deputy Mayor Whelchel attended a local Blue Star Mothers rally over the weekend, held in conjunction with the Junior ROTC, and met some of the young men and women, who are back from Iraq. He commented that it was very impressive. Ms. Whelchel mentioned that approximately 90 residents from the Boca community were currently overseas in Iraq.

**ADJOURNMENT:**

*Motion was made by Deputy Mayor Whelchel, seconded Council Member Freudenberg, to adjourn the meeting. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg and Haynie voting yes.*

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:24 p.m. on Tuesday, May 13, 2003.

\_\_\_\_\_  
Steven L. Abrams, Mayor

ATTEST:

\_\_\_\_\_  
Sharma Carannante, City Clerk