

Joan

RESOLUTION NO. 218

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AUTHORIZING ISSUANCE OF RESTAURANT PERMIT TO J. C. SHANLEY'S, INC.

WHEREAS, J. C. SHANLEY'S, INC., has filed a petition and application for issuance of a permit to operate a restaurant and lounge within the Town; and

WHEREAS, the Town Commission has reviewed the application and petition and found it to be acceptable; and

WHEREAS, the petitioner and applicant has represented through its authorized officers that it will comply with the pending late night ordinance of the Town in its proposed form, which is now under review by the Planning and Zoning Board of the Town, and specifically that the petitioner and applicant shall establish and continuously maintain measures ensuring that operation of the restaurant and lounge will not result in public loitering or noise that may intrude upon adjacent residential uses.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, that the application of J. C. SHANLEY'S, INC., for a permit to operate a restaurant and lounge at the location formerly known as "The Foxfire" at Harbour Bay Plaza, Sewall's Point, Florida, is hereby granted, subject to the following:

1. The permit shall be personal to the applicant and nontransferrable. Any transfer of ownership or control of the applicant corporation by DONALD PERRY or MICHAEL LUKAS shall be deemed to be a transfer of the permit in violation of this condition.

2. The applicant shall provide a supplemental application specifically addressing the matters required by this Commission in reviewing the application, as reflected in the minutes of this meeting.

3. The permit will be specifically conditioned upon the applicant's establishment and continuous maintenance of

measures ensuring that operation of the restaurant and lounge will not result in public loitering or noise that may intrude upon adjacent residential uses. Those measures shall include the installation of additional sound insulation within the restaurant and the employment of private security patrolmen, if the Commission hereafter deems such measures to be necessary to fulfill the foregoing requirements based upon actual operating conditions after the restaurant and lounge are open to the public.

4. The building commissioner is hereby authorized to review the supplemental application of the applicant and determine its conformity with the foregoing requirements, and the Town Attorney is hereby authorized and directed to prepare the permit in appropriate form upon the applicant's fulfillment of the foregoing requirements. The permit shall be issued after review and approval by the building commissioner, but without further action by this Commission.

PASSED AND ADOPTED this 14th day of March, 1984.

ATTEST:

JOAN BARROW, Town Clerk

Approved as to form and
correctness:

M. LANNING FOX, Town
Attorney

JOHN C. GUENTHER, Mayor -
Commissioner

GILBERT C. STRUBELL, Vice-Mayor -
Commissioner

ROBERT R. AUNE, Commissioner

CLIFFORD B. DRAKE, Commissioner

HELENA B. TOWL, Commissioner