

9. **CONSENT AGENDA**
 - I. **RESOLUTION 11-046 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT TRADITIONS RESTAURANT, ISLAND BEACH CONNECTION, LLC, 3111 WEST GULF DRIVE; AND PROVIDING AN EFFECTIVE DATE**

Pamela Smith

From: Bill E. Tomlinson
Sent: Wednesday, April 20, 2011 2:41 PM
To: Judie A. Zimomra
Cc: Pamela Smith
Subject: FW: Island Inn

In response to the application for an entertainment license from Island Inn, the Police Department does not have any documented ordinance violations for noise.

*Police Chief William Tomlinson
City Of Sanibel
(239) 472-3111 ext. 226
bill.tomlinson@mysanibel.com*

From: Robert M. Conklin
Sent: Wednesday, April 20, 2011 2:13 PM
To: Bill E. Tomlinson
Subject: Island Inn

No noise violations reported over the past two years.

*Bob Conklin
Sanibel Police Dept.- Records
239-472-3111 x 239*

CITY OF SANIBEL

RESOLUTION 11-046

A RESOLUTION DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE FOR ISLAND BEACH CONNECTION, LLC d/b/a TRADITIONS RESTAURANT LOCATED AT 3111 WEST GULF DRIVE; AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida:

WHEREAS, the applicant, Island Beach Connection, LLC d/b/a Traditions Restaurant, has filed an application requesting an indoor musical entertainment tax receipt to provide entertainment as described in Section 1 below; and

WHEREAS, applicant filed such request on April 18th, 2011, and

WHEREAS, this Council has duly heard and considered this request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida:

Section 1. The application of Island Beach Connection, LLC for an entertainment business tax receipt at Traditions Restaurant, 3111 West Gulf Drive, Sanibel, is hereby APPROVED with the following conditions:

- a. Performances under this business tax receipt are limited to no more than three performers and/or musicians.
- b. Performances must be inside only and the windows and doors (except for entry and departure of individuals) of the structure shall remain closed during all performances.
- c. Entertainment is permitted to be conducted Monday through Sunday starting at 6:30 p.m. and must end by 12:00 A.M., and Sundays between the hours of 11:30 a.m. and 2:00 p.m., New Year's Eve 1:00 A.M.
- d. The annual business tax receipt tax is \$262.50 per year.
- e. Unless the City Manager refers the matter to Council due to noise or other problems related to the business tax receipt, the tax receipt may be renewed annually, at the time other business tax receipts are issued without further Council action.

Section 2. Effective Date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 3rd day of May, 2011.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

4/27/11
Date

Vote of Councilmembers:

Ruane _____
Denham _____
Congress _____
Harrity _____
Jennings _____

Date filed with City Clerk: _____

CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL FL 33957
239-472-9615

LICENSE # _____
CONTROL# _____
LOCATION# _____

APPLICATION FOR BUSINESS TAX RECEIPT () REGISTRATION ()

TYPE OF BUSINESS: RESTAURANT WITH ENTERTAINMENT
NAME OF BUSINESS/TRADENAME/d/b/a: TRADITIONS
LOCATION OF BUSINESS: 3111 WEST GULF DRIVE SUITE #: _____
SANIBEL, FL 33957
MAILING ADDRESS OF BUSINESS: 3111 WEST GULF DRIVE, SANIBEL, FL 33957
TELEPHONE #: 239-472-4559 EMAIL ADDRESS: _____
CHECK ONE: INDIVIDUAL () PARTNERSHIP () CORPORATION (X)
NAMES OF PARTNERS OR CORPORATE OFFICERS: ANDREA MUCCIGA
SHEILA MUCCIGA
CARLO MUCCIGA

Florida State law (205.0535, F.S.) requires that you provide us with your Federal ID number and/or your Social Security number prior to issuance of your license.
FEDERAL ID #: 27-3944854 and/or SOCIAL SECURITY#: _____

NAME OF APPLICANT/OWNER: ISLAND BEACH CONNECTION LLC
ADDRESS OF OWNER/APPLICANT: 3111 WEST GULF DRIVE
CITY/STATE/ZIP CODE: SANIBEL FL 33957 TELEPHONE #: 239-472-4559

DRIVER'S LICENSE #: M220000451854 STATE: FL BIRTHPLACE: Italy BIRTHDATE: 05/25/45
HAVE YOU OR YOUR ORGANIZATION EVER BEEN CONVICTED OF A FELONY OR HAD A BUSINESS OR REGULATORY LICENSE OF ANY KIND REVOKED OR SUSPENDED? YES () NO (X)

ALL CONTRACTORS: No Business Tax Receipt/Registration shall be issued to any contractor unless the applicant shall first present proof of a City of Sanibel Contractor License. Sanibel Contractor License #: _____

ALL SANIBEL BUSINESSES:

WILL THIS BUSINESS BE THE ONLY BUSINESS LOCATED IN THE SPACE YOU PROPOSE TO OCCUPY? YES () NO ()
IS THIS BUSINESS A HOME OCCUPATION? YES () NO ()
IF THIS BUSINESS IS A HOME OCCUPATION, A CERTIFICATION OF COMPLIANCE WITH HOME OCCUPATION REQUIREMENTS FORM MUST BE ATTACHED.

IF THE APPROPRIATE TAX IS BASED ON SUCH FACTORS, PLEASE STATE THE NUMBER OF:

SQUARE FEET _____ RESTAURANT SEATS _____ EMPLOYEES _____
UNITS _____ BICYCLES/BOATS _____ PUMPS _____
DEVICES _____ PIERS/DOCKS _____ OTHER: _____

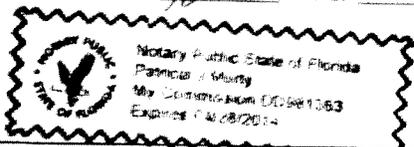
EMERGENCY CONTACT INFORMATION FOR POLICE DEPARTMENT ONLY

NAME OF CONTACT PERSON: PRIMARY CONTACT ANDREA MUCCIGA SECONDARY CONTACT CARLO MUCCIGA
ADDRESS: 14380 Riva Del Lago Drive #704 Same
Fort Myers, FL 33907
TELEPHONE #: 239-481-0399 239-229-1468
ALARM TYPE: (X) NONE () AUDIBLE () TELEPHONE () DIRECT LINE

THE ABOVE FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF APPLICANT/OWNER

SWORN TO AND SUBSCRIBED BEFORE ME THIS 18th DAY OF April, 2011
STATE OF FLORIDA
COUNTY OF LEE



NOTARY PUBLIC - STATE OF FLORIDA (STAMP)

DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY

APPROVED: PLANNING _____ DATE _____ ORDINANCE CODE# _____
APPROVED: BUILDING _____ DATE _____ TAX _____
APPROVED: CITY MANAGER/DESIGNEE _____ DATE _____ PENALTY _____
LICENSE CLERK _____ TOTAL AMOUNT _____

11 APR 19 4:13:26



MURTY & MONK, P. A.
Attorneys At Law

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timmurty@earthlink.net

Robert C. Monk, Esq.
rmonk@murtymonk.com

1633 Periwinkle Way, Suite A
Sanibel Island, FL 33957-4404
Office: 239-472-1000
Fax: 239-472-4449

April 18, 2011

Ms. Charmaine Yeadon
Finance Department
City of Sanibel
800 Dunlop Road
Sanibel, FL 33957

IN RE: Application For Local Business Tax Receipt For Entertainment
Island Beach Connection, LLC dba Traditions Restaurant
3111 West Gulf Drive, Sanibel, Florida 33957

Dear Ms. Yeadon:

Island Beach Connection, LLC dba Traditions Restaurant by this correspondence, wishes to apply to amend its existing Business Tax Receipt to permit live dinner music consisting of no more than three (3) musicians. The light entertainment will be conducted indoors between the hours of 6:30 p.m. and 12:00 a.m., Monday through Sunday and between the hours of 11:30 a.m. and 2:30 p.m. on Sunday within appropriate decibel requirements so as not to disturb adjoining property owners, the guests of the Island Inn or local beach pedestrians.

Thank you for your attention to this matter. Should you require any additional information, please do not hesitate to contact me.

Very truly yours,

TIMOTHY J. MURTY
Attorney at Law

/km