

9. **CONSENT AGENDA**

- g. **RESOLUTION 08-159 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT THE TWILIGHT CAFÉ, BARRIER ISLAND RESTAURANT GROUP L.L.C., 2761 WEST GULF DRIVE; AND PROVIDING AN EFFECTIVE DATE**

MEMORANDUM

Date: November 10, 2008

To: Sylvia A. Edwards, Finance Director

From: Charmaine L. Yeadon, Asst. Finance Director

Re: Business Tax Receipt – Entertainment – Solo Duo & Trios
Twilight Café – Barrier Island Restaurant Group, L.L.C.

Robert W. Parks, Jr., the owner of Twilight Café, Barrier Island Restaurant Group, L.L.C. (the former Riviera Restaurant) 2761 West Gulf Drive, has applied for a business tax receipt to provide entertainment per the attached application.

**Inside Entertainment Solo Duo & Trios
Dining Music daily 7:00 p.m. until midnight
Sunday Brunch 9:00 a.m. to 4:00 p.m.
Holidays & New Years Eve until 1:00 a.m.**

The prior owner of this establishment; the Riviera Restaurant provided entertainment per Resolution 96-018, Tax Receipt No. 09-003600.

The City's business tax ordinance requires City Council approval, which includes placing any conditions on the license Council deems necessary (i.e. hours of operation, Council review or automatic renewal if no problems have been experienced. etc.).

The following is the tax per the Code of Ordinance Section 62-45; 7845: \$262.50

Pamela Smith

From: Robert M. Conklin
Sent: Wednesday, November 12, 2008 2:42 PM
To: Pamela Smith
Subject: Twilight Cafe incidents

Pamela,
The only two incidents I have a record of for Twilight Café are from 2006. One is an alarm call (set off by cleaning crew) and the second an alligator sighting.
That's it!

*Bob Conklin
Sanibel Police Dept.-Records
(239)472-3111 X239*



Sanibel Police Department

800 Dunlop Road
Sanibel, Florida 33957
239-472-3111
Scene Street=W GULF DR
And Scene House Number=2761

Printed On: Wed, Nov 12, 2008

Incident Log Report

<i>Case Number</i> <i>Location</i>	<i>NCIC</i>	<i>Date Reported</i>	<i>Officer</i>	<i>Offense</i>
2006003312 2761 W GULF DR, Sanibel	FL0360300	06/13/2006 23:21	1020	TRAFFIC STOP
2006012666 2761 W Gulf Dr, SANIBEL ISLAND, 416	FL0360300	11/22/2006 17:59	1021	ALARM
2007000730 2761 W GULF DR, SANIBEL ISLAND, 416	FL0360300	01/17/2007 12:05	1018	ALARM
2007002949 2761 W GULF DR, SANIBEL	FL0360300	03/05/2007 15:52	1027	ALARM
2007006634 2761 W GULF DR, SANIBEL	FL0360300	05/24/2007 15:24	1040	DISABLED/ABANDONED VEHICLE
2008001307 2761 W Gulf Dr, Sanibel	FL0360300	02/02/2008 02:24	1074	AREA CHECK
2008002426 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	02/29/2008 03:19	1074	ALARM
2008003605 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	03/25/2008 13:35	1021	ALARM
2008006318 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	05/26/2008 16:38	1073	ALARM
2008008478 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	07/12/2008 07:45	1069	ALARM
2008008713 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	07/18/2008 14:44	1045	ALARM
2008009870 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	08/15/2008 02:47	1081	ALARM
2008009871 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	08/15/2008 02:56	1081	ALARM
2008010400 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	08/27/2008 12:32	1027	ALARM
2008010411 2761 W Gulf Dr, Sanibel, (Riviera Restaurant)	FL0360300	08/27/2008 15:04	1027	ALARM

To: City of Sanibel

From: Barrier Island Restaurant Group L.L.C.

D/B/A Twilight Café

Re: Entertainment License for 2761 West Gulf Dr.

The Twilight Café has entered into a contract with "Thank you for the dance" entertainment, owned by Danny Morgan, to provide entertainment for a period of one year. He will place and supervise the entertainment planned for seven days a week and Sunday brunch. We plan to have live entertainment from 7:00 pm to midnight 7 days a week and from 9:00 am to 4:00 Sundays. We will also have entertainment on holidays and new years eve until 1:00 a.m. Danny will provide an in-house p.a. system with 2 stand alone speakers and one p.a. head. The music will not be audible from the road or surrounding residences and will conform to all codes concerning decibel levels. The acts will range from single performers to trios and will be primarily used as dining music. Danny operates under Sanibel occupational license # ~~09~~-08246 and he is available to meet or attend hearing to answer questions. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "R. W. Parks Jr.", with a large, stylized flourish at the end.

Robert W. Parks Jr.

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

LICENSE #	_____
CONTROL#	_____
LOCATION#	_____

APPLICATION FOR BUSINESS TAX RECEIPT () REGISTRATION ()

TYPE OF BUSINESS: ENTERTAINMENT

NAME OF BUSINESS/TRADENAME/d/b/a: BARRIER ISLAND RESTAURANT GRUP L.L.C. DBA: Twilight CAFE

LOCATION OF BUSINESS: 2761 WEST GULF DR. SUITE #: _____
SANIBEL, FL 33957

MAILING ADDRESS OF BUSINESS: SAME

TELEPHONE #: _____ EMAIL ADDRESS: INFO @ TwilightCAFESANIBEL

CHECK ONE: INDIVIDUAL () PARTNERSHIP () CORPORATION ()

NAMES OF PARTNERS OR CORPORATE OFFICERS: JEANNE M. PARKS PRESIDENT

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 #: 26-3363527 and/or SOCIAL SECURITY#: _____

NAME OF APPLICANT/OWNER: BARRIER ISLAND RESTAURANT GRUP L.L.C.

ADDRESS OF OWNER/APPLICANT: 2761 WEST GULF DR.
CITY/STATE/ZIP CODE: SANIBEL, FL 33957 TELEPHONE #: _____

DRIVER'S LICENSE #: P620-779-69098 STATE: _____ BIRTHPLACE: _____ BIRTHDATE: _____

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 ()

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

	PRIMARY CONTACT	SECONDARY CONTACT
NAME OF CONTACT PERSON:	<u>Robert PARKS</u>	_____
ADDRESS:	<u>14507 CALUSA PALMS DR.</u>	_____
	<u>FORT MYERS FL 33919</u>	_____
TELEPHONE #:	<u>239-565-6407</u>	_____
ALARM TYPE: () 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 4th DAY OF November, 2008.

STATE OF FLORIDA
COUNTY OF LEE

Charmaine G. Zedler
NOTARY PUBLIC - STATE OF FLORIDA
(STAMP)  MAINE L. YEADON
Commission DD 640559
Expires March 31, 2011
Revised Rule 19F, F.S. 19F.01

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

Pamela Smith

From: Terri S. Cummins
Sent: Thursday, November 13, 2008 7:35 AM
To: Pamela Smith
Subject: Twilight Cafe

Pamela there are no Code Violations, that I am aware of at this time, at the above location.

Terri

TERRI CUMMINS

CODE ENFORCEMENT OFFICER

CITY OF SANIBEL

239-472-4136



CITY OF SANIBEL

RESOLUTION 08-159

A RESOLUTION DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT THE TWILIGHT CAFÉ, BARRIER ISLAND RESTAURANT GROUP L.L.C., 2761 WEST GULF DRIVE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the applicant, Robert W. Parks, Jr. 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 November 4th, 2008, 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, Lee County, Florida:

Section 1. The application of the Barrier Island Restaurant Group, L.L.C. for an entertainment business tax receipt at Twilight Café, 2761 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.
- c. Entertainment must end by 12:00 A.M., holidays 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, Lee County, Florida, this 18th day of November, 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler

Kenneth B. Cuyler, City Attorney

11/12/08

Date

Vote of Councilmembers:

Denham	_____
_____	_____
Jennings	_____
Pappas	_____
Ruane	_____

Date filed with City Clerk: _____