RESOLUTION 08-12060

A RESOLUTION DETERMINING LIVE ENTERTAINMENT PERMIT RENEWAL FOR TRULUCK'S SEAFOOD, LLC, LOCATED AT 698 4TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 56-125(i) of the Land Development Code provides for annual renewal of live entertainment permits; and

WHEREAS, by Resolution 07-11653, City Council approved a live entertainment permit on June 6, 2007, for Truluck's Seafood, LLC, located at 698 Fourth Avenue South; and

WHEREAS, Patricia Turner, petitioner, has been authorized by Phil McCabe, the owner of the property, to file the petition for live entertainment under the same conditions adopted in Resolution 07-11653; and

WHEREAS, the Police and Emergency Services Department and the Code Enforcement Division have reported no documented noise complaints for the establishment in the past year; and

WHEREAS, City Council finds that the renewal of the live entertainment permit should therefore be granted;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That live entertainment permit renewal is hereby granted for Truluck's Seafood, LLC, located at 698 4th Avenue South, more fully described as:

The East 100 feet of the North 150 feet of Undivided Block 16, Tier 7, Naples, according to a plat recorded in Plat Book 1 at page 59 (Seaboard Replat), of the Public Records of Collier County, Florida, and

The East 100 feet of the South 150 feet of Undivided Block 16, Tier 7, Naples, according to a plat recorded in Plat Book 1 at page 59 (Seaboard Replat), of the Public Records of Collier County, Florida,

And the West 90 feet of the East 190 feet of the North 150 feet of Block 16, Tier 7, Replat of NAPLES SEABOARD & GULF RAILWAY COMPANY, according to Plat in Plat Book 1, page 59, Public Records of Collier County, Florida.

Section 2. That this approval is subject to the following conditions:

1. Live entertainment is limited to a maximum of two indoor amplified performers playing piano and singing between the hours of 4:00 p.m. and 11:30 p.m. Monday through Saturday, and until 10:30 p.m. on Sunday.
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2. Noise levels shall comply with Code Section 22-37, "Noise."

3. All doors and windows shall remain closed during performances, with the exception that patrons may enter and exit.

4. This live entertainment approval shall expire annually and may be renewed annually.

5. In addition to any other enforcement action or penalty provided by ordinance or law, failure to comply with the conditions contained herein may subject the holder to revocation of the permit, in accordance with the City of Naples Revocation Ordinance (No. 02-9778).

Section 3. That this resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

Date filed with City Clerk: 6-5-08