

**1. Requested Motion:**

**Meeting Date: 10-19-09**

Approve request for the Live Art Baywalk "Christmas on the Bay" Festival in the FMB Bay Walk Area on December 5<sup>th</sup> and 6<sup>th</sup>, 2009 and authorize open containers of alcohol at this event in the designated area of the Festival, as provided in Ordinance 99-15.

**Why the action is necessary:**

The Bay Walk Group/ Brilliantsee, Inc. are requesting Town Councils approval for this special event with alcohol, entertainment and open containers of alcohol in the designated area of the event.

**What the action accomplishes:**

Approves the event and allows alcohol served at this event to be consumed by the public outdoors in public and semi public areas within the scope of the event.

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Community Development  
(Special Events)

**5. Background:**

The event will be a 2 day (December 5<sup>th</sup> and 6<sup>th</sup>) street fair to be held in the area of Old San Carlos Blvd., between Snug Harbor on 1<sup>st</sup> and up to the Yucatan Stand. These streets will be closed off to traffic at 3<sup>rd</sup> Street for the live entertainment, vendors/concession standings serving soft drinks and snacks. Adjacent businesses will be open, serving food and alcohol. These businesses will also be obtaining alcohol extension of premises where needed. The event will start Saturday at 12:00 noon to 10:00 pm and Sunday from 10:00 am to 4:00 pm. Signs will be posted to show the designated area of the event.

See the attached Special Event Permit application submitted by Brilliantsee for this event with details regarding the event.

Participating businesses: Snug Harbor, Matanzas Inn, SOB, Yucatan, The Shipwreck and Island Pie.

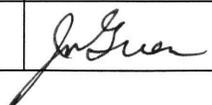
**6. Alternative Action:**

None

**7. Management Recommendations:**

Authorize the event and open containers of alcohol beverages in the designated areas of the event as provided in Ordinance 99-15.

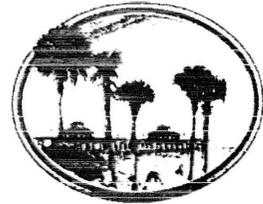
**8. Recommended Approval:**

Finance Director	Public Works Director	Comm. Development Director	Town Attorney	Town Manager
				

**9. Council Action:**

Approved  Denied  Deferred  Other

Town of Fort Myers Beach  
Special Event Application



Describe event including times, dates, activities and general overview of event.  
*Please See Attached Document*

For special events requesting public assistance - define Public Purpose.  
*N/A*

Date of Event	<i>Dec-5th + 6th, 2009</i>
Name of Event	<i>Live Art Baywalk "CHRIS TOMBS on the Bay" Festival</i>
Expected # of participants	<i>1000</i>
Request for Public Assistance	YES <input type="radio"/> NO <input checked="" type="radio"/>
Organization	<i>BRILLIANTSEE, INC.</i>
Contact Person	<i>PAULITA M McFADDEN</i>
Contact Phone #	<i>239-440-9599</i>
Fax #	<i>N/A</i>
E-mail	<i>pmcfadden@Brilliantsee.net</i>
Amount of Request	<i>\$ N/A</i>

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Ordinances # 98-01 and #00-16 and compliance with all items in the Special Event Application.

**FOR GROUPS REQUESTING FINANCIAL ASSISTANCE:**  
FOUR (4) COPIES OF THE APPLICATION AND ALL SUPPORTING DOCUMENTS  
MUST BE SUBMITTED TO THE FINANCE DEPARTMENT NO LATER THAN APRIL 30TH.  
THE REQUEST WILL BE CONSIDERED FOR INCLUSION IN THE NEXT FY BUDGET (OCTOBER - SEPTEMBER)

for office use only:

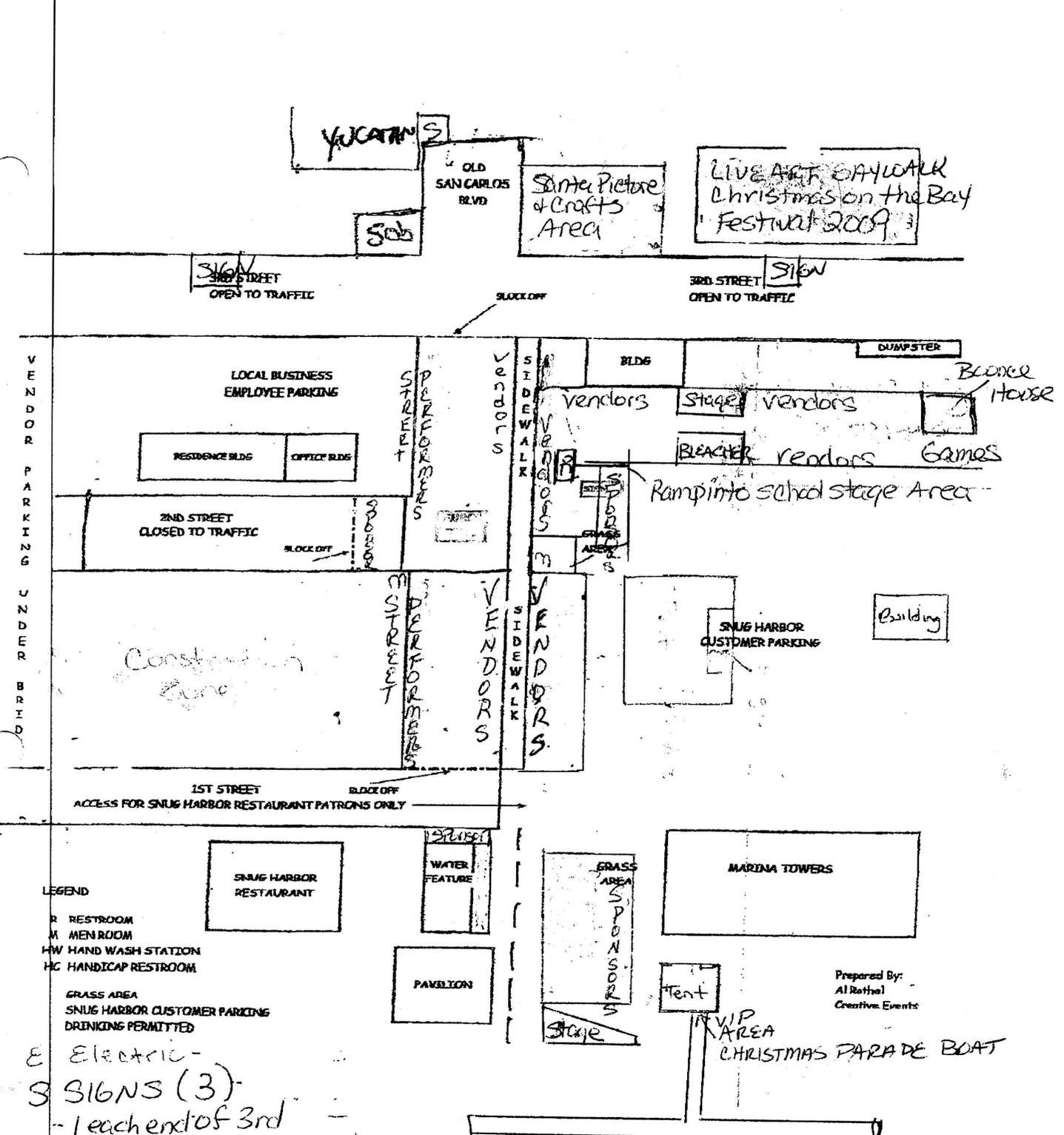
Date received: \_\_\_\_\_  
by: \_\_\_\_\_

To Council Committee: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

The proposed event, Live Art Bay Walk “Christmas on the Bay” Festival 2009 is a “Live Art” (art, dance, music and theatrical) street fair. The event will take place coinciding with the Christmas Boat Parade on Saturday December 5<sup>th</sup> from 12pm – 10pm and Sunday December 6<sup>th</sup> from 10am-4pm. The primary purpose for this event is to showcase the “Bay Walk Area” of Fort Myers Beach while raising funds for ACT (Abuse Counseling Treatment, Inc.). Attached is a map of the proposed events boundaries. The fair will feature the above named placed along the street as specified in the map.

- Continuous Music (guitar player on street or other musical instrument)
- Vendors Art & Craft
- Sponsors (Non- Alcoholic Beverage and Snack example Frito Lay)
- Live Music (For all ages) placed next to Snug Harbor as shown on map.
- Street performers placed as shown on map
- Game, Craft, Santa Picture Area for children (make a Christmas picture frame or draw with an artist or play musical instrument with an artist) games to be kept to basketball throw, baseball throw, beanbag throw type of games.
- Stage for area school performances.

We are requesting street closure of Old San Carlos Blvd. in Ft Myers Beach, FL. from the waterfront to the northern intersection of 3<sup>rd</sup> street and Old San Carlos. Leaving Access to event 1<sup>st</sup> street and 3<sup>rd</sup> street. Street closure is requested beginning 4pm on December 4<sup>th</sup> to 6pm December 6<sup>th</sup> 2009. This will allow setup/cleanup time. We intend to focus our efforts on promoting and using as many local Ft Myers Beach businesses as we are able to. The Ft Myers Beach Bay Walk Group does not go unappreciated as they offer us a venue site to promote the community as a whole both as host and sponsor. Some of these establishments will be applying for extension of premises where applicable so we are requesting authorization of open container at the event in the designated area of the event. We will also provide blockades at the perimeters of the event and posted signs. Proposed sign verbiage “You are now leaving the “Live Art Bay Walk” Event NO ALCOHOL IS PERMITTED PAST THIS POINT. All Local, State and Federal laws as they pertain to open container will apply to anyone past this perimeter.



- LEGEND
- R RESTROOM
  - M MEN ROOM
  - HW HAND WASH STATION
  - HC HANDICAP RESTROOM

GRASS AREA  
 SNUG HARBOR CUSTOMER PARKING  
 DRINKING PERMITTED

E Electric

S SIGNS (3)

- 1 each end of 3rd  
 1 on sidewalk by Yucatan  
 Signs to read you are  
 now leaving the Event Area

"NO ALCOHOL BEYOND THIS POINT"

ALL STATE & FEDERAL LAWS ~~APPLYING~~ as they apply  
 TO OPEN container will be enforced  
 past this point

Prepared By:  
 Al Rothel  
 Creative Events



# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
9/29/09

PRODUCER

**FOR SERVICE CALL:**  
**FRANCIS L. DEAN & ASSOCIATES OF FLORIDA, LLC**  
 OCALA, FLORIDA  
 877/671-3326  
 www.fdeanfl.com

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.**

## COMPANIES AFFORDING COVERAGE

COMPANY  
A RIVERPORT INSURANCE COMPANY

INSURED SPORTS AND REC. PROVIDERS ASSN. PURCHASING GROUP

Brilliantsee, Inc.  
 8582 Manderson Court  
 Fort Myers, Fl. 33912 CERT # SO107217-00

COMPANY  
B

COMPANY  
C

COMPANY  
D

## COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	<b>GENERAL LIABILITY</b>	WRD 180031	12/4/09	12/7/09	GENERAL AGGREGATE	\$ 2,000,000.00
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG	\$ 1,000,000.00
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY	\$ 1,000,000.00
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE	\$ 1,000,000.00
	<input type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS				FIRE DAMAGE (Any one fire)	\$ 300,000.00
					MED EXP (Any one person)	\$ N/A
	<b>AUTOMOBILE LIABILITY</b>				COMBINED SINGLE LIMIT	\$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE	\$
	<input type="checkbox"/> HIRED AUTOS					
	<input type="checkbox"/> NON-OWNED AUTOS					
	<b>GARAGE LIABILITY</b>				AUTO ONLY-EA ACCIDENT	\$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	\$
					AGGREGATE	\$
	<b>EXCESS LIABILITY</b>				EACH OCCURRENCE	\$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE	\$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM					\$
	<b>WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY</b>				WC STATUTORY LIMITS	
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:				OTHER	
	<input type="checkbox"/> INCL				EL EACH ACCIDENT	\$
	<input type="checkbox"/> EXCL				EL DISEASE - POLICY LIMIT	\$
					EL DISEASE - EA EMPLOYEE	\$
	<b>OTHER</b>					

## DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

THE CERTIFICATE HOLDER IS ADDED AS AN ADDITIONAL INSURED BUT ONLY WITH RESPECT TO LIABILITY ARISING OUT OF OPERATIONS OF THE NAMED INSURED DURING THE POLICY PERIOD.

Christmas on the Bay Festival 2009

## CERTIFICATE HOLDER

Ft. Myers Beach Town Hall  
 2523 Estero Boulevard  
 Fort Myers Beach, FL. 33931-3354

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

## AUTHORIZED REPRESENTATIVE

Francis L. Dean

# BRILLIANT SEE

**WOW! It's Brilliant!**

There are a total of 20 Vendors Back parking split on each side of Bleachers and Stage Entrance from 3<sup>rd</sup> street have 50'

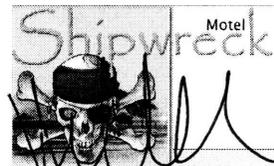
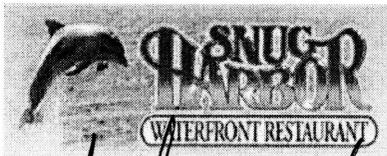


© 2009 Leadlog consulting  
© 2009 Tele Atlas

- Santa 1
- 10x10 PS
- 1 Craft Table
- Shipwreck



The undersigned businesses (Bay Walk Group) approve of the  
Venue Live Art Bay Walk - Christmas on the Bay Festival  
Organized By Anita M. McFadden  
Taking Place (date) December 5<sup>th</sup> & 6<sup>th</sup>, 2009  
We understand that street closures may be involved.



**LEE COUNTY SHERIFF'S DEPT** Tel 477-1830 Fax 432-0268  
15650 Pine Ridge Road, Fort Myers, FL 33908

Parking: 0 \$ ON SITE

Deputies (how many?) SATURDAY 12/5 (2) DEPUTIES FROM NOON TO 10PM  
SUNDAY 12/6 1 DEPUTY FROM 10A-4PM

Traffic Control: WRITE AT LIGHT

Fees: 26 hrs @ \$40<sup>00</sup> per hour \$ 1,040<sup>00</sup> TOTAL

Special Arrangements: CALL STELLA LEMUEX AT  
477-1199 TO ARRANGE DETAIL.

CAPT. MIKE POWELL  
Print Name

CAPT. MIKE POWELL  
Approval Signature

9/22/09  
Date

**FORT MYERS BEACH FIRE DEPT** Tel 590-4206  
17891 San Carlos Blvd., Fort Myers Beach, FL 33931 Fax 432-1554

Fire Guards: (how many?) \_\_\_\_\_

Fee: \_\_\_\_\_

Flammable Vegetation: \_\_\_\_\_

First Aid Equipment: \_\_\_\_\_

Fire Extinguishing \_\_\_\_\_

Equipment: \_\_\_\_\_

Special Arrangements: \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Approval Signature

\_\_\_\_\_  
Date

**FIRE DEPARTMENT**  
**(The Fire Department Serving The Area Where The Event Is To Be Held)**

AFTER REVIEWING THE APPLICATION, PLEASE INDICATE  
BELOW WHAT ARRANGEMENTS YOUR ORGANIZATION WILL  
REQUIRE THE APPLICANT TO COMPLY WITH FOR THEIR EVENT.

Fire Guards (How Many?): See attached letter about CERT personnel.

Fee: 0.00

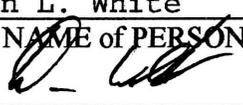
Flammable Vegetation: N/A

First Aid Equipment: CERT Team

Fire Extinguishing: (1) 2A:10BC Fire extinguisher shall be located at  
each cooking location no cooking under tents.

Special Arrangements: All open air tents must have fire extinguisher and  
exit signs posted.

Darren L. White  
PRINT NAME of PERSON SIGNING

  
SIGNATURE

Fire Inspector  
TITLE

09/23/2009  
DATE



# Fort Myers Beach Fire Control District

100 Voorhis Street • Fort Myers Beach, Florida 33931  
Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

Established 1949

## BOARD OF COMMISSIONERS

John Scanlon  
Chairman

Theodore A. (Ted) Reckwerdt  
Vice-Chairman

Betty Goodacre  
Sec./Treas.

Carol Morris  
Fire Commissioner

Joseph Schmid  
Fire Commissioner

FIRE CHIEF  
Mike Becker

September 23, 2009

The Bay Walk Group/Brilliantsee Inc.  
Attn: Anita McFadden

Re: Live Art Baywalk "Christmas on the Bay" Festival

To whom it may concern;

The Fort Myers Beach Fire Control District normally charges fees associated with most special events that are held within our fire district. Recently we have been waiving these fees when we feel the event will not significantly impact our emergency resources by having the organizers use our CERT (Community Emergency Response Team) members. This team is made up of volunteers who can provide basic first responder care and are all certified in the use of AED's and CPR. The only accommodations our team needs is a place to set up their tent, some bottled water for spectators and some chairs. If this is an option you would like to use please feel free to contact our Cert Team Leader Al Agathen directly at 239-357-4295 or he can be E-Mailed at [aagathen@fmbfire.org](mailto:aagathen@fmbfire.org).

Yours in Public Safety,

Darren L. White  
Fire Inspector

**APPROVALS**

**FMB Public Works** – ~~Nicole Olsen~~

Tel 765-0202 Fax 765-0909

Company managing trash removal: AUTHORIZED VENDOR

No. of dumpsters: <sup>MINIMUM</sup> 1 Type of dumpsters: 8 YD

Who is responsible for clean-up and payment: APPLICANT

City right-way Parking Use: YES How many spaces: 23 <sup>From 3RD ST To</sup> <sub>1ST ST:</sub>

Public Works remarks: CONTACT SCOTT BAKER UPON BREAKDOWN AND  
CLEANUP FOR INSPECTION OF AREA ON MONDAY

FMB-Public Works approval: Jack Green Date: 10/2/09

**Florida DEP**: Jennie Cowart  
Pager 1-877-314-132

Tel 332-6975 Fax 332-6969  
email: Jennifer.cowart@dep.state.fl.us

Florida DEP remarks: \_\_\_\_\_

Florida DEP approval: \_\_\_\_\_ Date: \_\_\_\_\_

**FMB Environment Science**: Keith Laakkonen - Tel 765-0202 Fax 765-0591

FMB Environment Science remarks: \_\_\_\_\_

FMB approval: [Signature] Date: 9/23/09

**Turtle Time Inc**: Eve Haverfield

Tel 481-5566 Fax 481-5397

Turtle Time remarks: \_\_\_\_\_

Turtle Time approval: \_\_\_\_\_ Date: \_\_\_\_\_