

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/26/10

SUBJECT: SPECIAL EVENT REQUEST - THE LAST RESORT BAR
 5812 S. RIDGEWOOD AVE.
 BEST CARS – 5816 RIDGEWOOD AVENUE
 PORT ORANGE RV – 5858 RIDGEWOOD AVENUE
 HUNT FOR CARS - 5796 RIDGEWOOD AVENUE

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

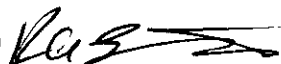

To approve the Special Event Request for The Last Resort Bar, 5812 South Ridgewood Avenue, Best Cars at 5816 Ridgewood Avenue, Hunt for Cars at 5796 South Ridgewood Avenue, and Port Orange RV at 5858 South Ridgewood Avenue, to waive the \$250 surety bond, subject to twenty-five (25) conditions outlined in the attached staff report.

SUMMARY:

Mr. Al Bulling, owner of The Last Resort Bar, 5812 South Ridgewood Avenue, and agent for Best Cars, 5816 Ridgewood Avenue, Port Orange RV, 5858 Ridgewood Avenue and Hunt for Cars, 5796 Ridgewood Avenue, requests approval of a Special Event to be held during Bike Week 2010. The proposed event is planned for a ten (10) day period from Friday, February 26, through Sunday, March 7, 2010. The proposed hours for the event are from 8:00 a.m. to 2:00 a.m., daily. This will be the first Special Event for the Last Resort in 2010. Mr. Bulling is also requesting a one (1) hour time extension for outside music (until 11:00 p.m.) on Friday, March 5 and Saturday, March 6, 2010.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD		Wayne Clark, Director	Date 1-15-10
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY		N/A	Approved as to Form and Legality
CITY MANAGER		Approved Agenda Item For:	1/26/10

COUNCIL ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain

Approved with Modification:



DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: AARON POOL, COMMUNITY IMPROVEMENT MANAGER *[Signature]*
FOR: KENNETH W. PARKER, CITY MANAGER
FROM: DEBORAH FAIRCLOTH, CODE COMPLIANCE INSPECTOR *[Signature]*
SUBJECT: SPECIAL EVENT REQUEST- LAST RESORT BAR, AGENT
5812 RIDGEWOOD AVE.
BEST CARS - 5816 RIDGEWOOD AVE.
PORT ORANGE RV - 5858 RIDGEWOOD AVE.
HUNT FOR CARS - 5796 RIDGEWOOD AVE.
DATE: January 14, 2010

Please schedule this item for City Council consideration on January 26, 2010.

Overview

Al Bulling, owner of the Last Resort Bar, 5812 Ridgewood Avenue, requests approval for a Special Event to be held during Bike Week 2010. The proposed event is planned for a ten (10) day period from Friday, February 26 through Sunday, March 7, 2010. The requested hours for the event are from 8:00 a.m. to 2:00 a.m., daily. The event is planned for the property currently occupied by the Bar, the property to the south, Best Cars at 5816 Ridgewood Avenue, Port Orange RV at 5858 Ridgewood Avenue and to the north, Hunt for Cars, at 5796 Ridgewood Avenue.

Normal operations of the Bar will continue with Mr. Bulling requesting 40 vendors being placed between the properties. Vendors are required to obtain a Temporary Merchant License from the City for \$250 to participate in this event. The outdoor activities for this event are intended to target the crowd attending Bike Week 2010, include the sale of T-shirts, leather, bike accessories, food, and alcohol. Other outside activities proposed for the event include live outdoor music and cream corn wrestling, which will be held on Thursday, March 4, 2010, from 3:00 p.m. until 5:00 p.m. An all day Chopper show is proposed for Saturday, March 6, 2010. Port-o-let facilities are proposed for the event, along with private security provided by the Bar. No additional temporary signage has been requested in association with the event.

Chapter 42, Article IV. Noise Regulations, Section 42-80. General Restrictions of the City of Port Orange Code of Ordinances describes the acceptable sound level limit dBA. The ambient noise level of the Special Event exceeds the acceptable sound level limit dBA. It shall be the responsibility of the permit holder to monitor for noise violations. Any noise complaints shall be verified by a Code Compliance Inspector or Police Officer and dealt

with accordingly. A warning shall be issued and if not corrected or the violation recurs, the Special Event may be terminated. All previous noise violations will be taken into account before permitting future events. Based on the City Council's previous approvals for Biketoberfest 2009, it is staff's understanding that all outdoor music shall cease by 10:00 p.m.

Discussion

The subject proposal has been reviewed by the Police, Fire and Community Development Departments. These Departments had several comments, which are included in the comments listed below.

This event is being held in conjunction with the community-wide special event, Bike Week 2010, with recognized dates of February 26 through March 7, 2010. This is the first Special Event for the Last Resort in 2010.

The Port Orange Code of Ordinances prohibits the serving of alcohol outdoors and indoors past 2:00 a.m.

The applicant submitted a detailed plan showing the locations of vendors, restroom facilities, and parking for automobiles and motorcycles. Any areas not clearly marked should be delineated with a four (4)-foot high orange construction fence or other type of barrier.

Code Violations

There were no apparent code violations at the time of the pre-inspection.

Special Notes

Staff has noted the good performance of the applicant in clean-up after previous events, therefore, we have recommended that the surety bond fee be waived. The applicants have expressed their appreciation.

Please note that in Mr. Bulling's attached letter of request, he asks that the outside music time frame be extended one (1) hour (until 11:00 p.m.) on March 5 and 6, 2010, the last two (2) nights of Bike Week.

Recommendation

Staff recommends **approval** of the Last Resort Bar Special Event request, subject to the following twenty-five (25) conditions:

1. Hours for the event shall be from 8:00 a.m. to 2:00 a.m. The applicant also shall not serve alcohol indoors or outdoors past 2:00 a.m., as required by the Code of Ordinances.
2. Where fences are required to delineate outdoor alcohol serving areas, as well as parking areas for automobiles, motorcycles and the handicapped, a four (4)-foot high

- orange construction fence shall be erected to enclose the event area. All fencing must be in place prior to the site inspection for the event.
3. All outdoor cooking equipment involving liquefied petroleum gas and/or storage cylinders shall comply with NFPA #58 Liquefied Petroleum Gas Code and be approved by the Fire Marshall.
 4. A copy of the applicant's liquor license for outdoor sales of alcohol during this event shall be obtained from the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, prior to the event.
 5. The applicant shall be responsible for all participating vendors with respect to any permit conditions, which may be imposed during permit approval or compliance with applicable state, county and city laws, rules, regulations, codes and ordinances. Therefore, the applicant must screen all participating vendors to ensure compliance with but not limited to the following:
 - a. Article VI of Chapter 18 of the City Code of Ordinances, relating to peddlers and transient merchants.
 - b. Temporary event permits issued by the Department of Business and Professional Regulation, Division of Hotels and Restaurants for all food vendors.
 - c. Required liquor license for a temporary event shall be obtained from the Department of Business Regulation, Division of Alcoholic Beverages and Tobacco.
 - d. Coordination with the Port Orange Police Department, Volusia County and/or the Florida Department of Transportation with respect to traffic control devices or plans.
 - e. Provisions and Standards of the City's Body Art Ordinance, as adopted May 18, 1999.
 - f. Provisions and Standards of the City's Sexually Oriented Businesses Code as adopted June 3, 1997.
 - g. Special Event Fee Resolution 02-3, establishing \$250.00 Temporary Merchant Fee, as adopted January 29, 2002.
 6. Tents used in conjunction with this event shall comply with the requirements set forth in NFPA #102 Standards for Tents and Membrane Structures. Tents or canopies cannot be erected more than forty-eight (48) hours prior to the event, and must be removed within twenty-four (24) hours after the duration of the event. All tents/canopies must maintain at least two (2) exitways in an unobstructed fashion to allow for a continuous path of travel.
 7. If any outdoor lighting or other structural features are to be installed in association with this event, the applicant shall obtain the proper Building Permits from the Community Development Department. Such lighting must be a minimum of twenty (20) foot candles in power to provide a safe environment at night.
 8. Temporary electrical service shall be installed by a certified electrician and shall comply with Article 590 of the current adopted NFPA #70 National Electrical Code. This includes (F) Lamp protection: All temporary lamps shall be protected from accidental contact or breakage by a suitable fixture or lampholder with a guard.
 9. Fire extinguishers shall be provided as outlined in accordance with the NFPA #10 Standard for Portable Fire Extinguishers.

10. All exits and means of egress shall remain accessible and unobstructed and it shall be the responsibility of the applicant to maintain access for emergency vehicles.
11. The applicant shall provide eight (8) port-o-let facilities, with four (4) for females and four (4) for males during the event. A minimum of five percent (5%) of the portable toilets, but no less than one (1) for each sex, shall comply with section 4.22 or 4.23 of the Florida Accessibility Code, i.e. must be handicapped-accessible.
12. All areas being used for this function shall be handicapped-accessible. Handicapped parking is to remain open and accessible for this event. Vehicle areas, including parking, shall be physically separated from pedestrian areas.
13. Tripping hazards shall be removed or isolated from pedestrian traffic.
14. Based on the City Council's previous approvals for Biketoberfest 2010, it is staff's understanding that all outdoor music shall cease by 10:00 p.m. Applicant shall take care in the placement of speakers for amplified music by adjusting them away from residential areas.
15. Additional private security shall be hired for the duration of the event.
16. If there are calls for police service, or if security threats develop, the Police Department shall require additional officers to provide security for this event. The additional officers will be hired at the applicant's expense at \$40.00 per hour with a minimum of three hours.
17. The applicant will hire a police officer to cross pedestrians and monitor congestion during periods of heavy traffic flow, while the event traffic plan is in operation. The anticipated dates, times, and charges for such detail and traffic control devices will be agreed upon by the applicant and the Police Department and paid to the City prior to issuance of the permit.
18. The City's Code of Ordinances prohibits the exposure of any sexual organs at commercial establishments that serve alcoholic beverages. Furthermore, the Florida Statutes prohibit any type of public nudity at such an event.
19. A temporary sign permit shall be required for the one (1) banner permitted for this event. Application shall be submitted by February 15, 2010.
20. No trees shall be removed and the sidewalk shall remain unobstructed at all times. Any sod that is damaged where vendors are placed shall be repaired.
21. The applicant shall contact the Community Development Department to schedule an inspection of the property prior to the start of the event to ensure that the construction fence and any canopies or tents are well secured, and that all other safety measures are in place.
22. Any disturbance of public right-of-way shall be the sole responsibility of the applicant.
23. It is the applicant's responsibility to contact the Community Development Department for an inspection of debris removal within 48 hours after the event. Pending the Council's waiver of the surety bond fee, failure to properly remove debris and restore site to its original condition could require the deposit of a surety bond on any future permits.
24. No more than the requested 40 vendors shall be on this site.
25. Bar shall comply with the approved maximum occupancy requirements within the confines of the bar.

SPECIAL EVENT REQUEST
LAST RESORT BAR
PAGE 5

DISTRIBUTION LIST

Chris Weir, Fire Marshal
Sgt. Chris Besuden, Police Dept.
Applicant
File



CITY OF PORT ORANGE

Department of Community Development

DATE APPLICATION RECEIVED:

11/10

PERMIT NO.:

APPLICATION RECEIVED BY:

1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129 (386) 506-5600 FAX: (386) 506-5699

SPECIAL EVENT PERMIT APPLICATION

(City Ordinance No. 1998-61 & Fee Resolution No. 98-45)

Name of Business/Organization Hosting Event: THE LAST RESORT BAR
 Event Site Address: 5812 S. RIDGEWOOD AVE
 Event Contact Person: AL BULLING
 Address: SAME Phone: 386-762-5147

SPECIAL EVENT APPLICATION REQUIREMENTS

Application for **Major Special Events** must be submitted at least **forty-five (45)** days in advance of the requested event. **Minor Special Events** must be submitted at least **seven (7)** days in advance.

A **Major Special Event** is a special event which, by itself or in conjunction with other events occurring during the same time (such as during a community wide special event), is likely to have a major impact on the community, including but not limited to factors such as traffic, noise, or other aspects of public health, safety and welfare. **Major Special Events** must be approved by City Council. Staff will advise on Council meeting dates and times. If there are outstanding code violations on site, the application will be denied.

A **Minor Special Event** is any special event other than a major special event that has a minor impact on the community and does not require additional city resources such as public safety or public works personnel.

Required Documents:

1. A letter of request.
2. A sketch of the event layout on the property.
3. Proof of ownership.
4. Completed application checklist (attached).

PERMIT APPLICATION FEES

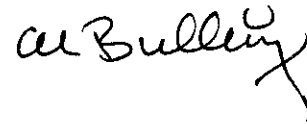
- MINOR SPECIAL EVENTS** (Seven days or less)
\$100.00
- MAJOR SPECIAL EVENTS** (Seven days or less)
\$300.00
- MAJOR SPECIAL EVENTS** (More than seven days)
\$500.00

To The City of Port Orange
01/01/2010

This is a letter of request for special event Bikeweek 2010 from The Last Resort Bar 5812 S. Ridgewood Ave. The dates are from Feb.26 to Mar 07. The event is 10 days from 8am-2am. We are anticipating 40 vendors which include Best Cars, Hunt For Cars, and Port Orange RV. Special events will be Thursday March 4th (Cream Corn Wrestling) and Saturday March 6th (Chopper Show). We will provide 6 Port-O-Lets for public use, and we have our own security for the event. Outdoor music will end at 10pm each night during the event. I would like to extend music for 1 hour on Friday and Saturday, it would be greatly appreciated. If you have any questions please feel free to contact me anytime.

Thank You,

Al Bulling

A handwritten signature in black ink that reads "Al Bulling". The signature is written in a cursive style with a large, stylized 'A' and 'B'.

The Last Resort Bar
5812 S. Ridgewood Ave.
Port Orange, FL 32127
(386) 761-5147
(386) 631-8553 (cell)


DATE

01/07/2010

PORT ORANGE RV AT 5858 + 5840
SOUTH RIDGEWOOD AVE. PORT ORANGE, FL
GIVES PERMISSION FOR LAST RESORT BAR
VENDORS + PARKING FOR BIKE WEEK
2010. DATES FEB. 26TH, 2010 TO
MARCH 7, 2010.

PORT ORANGE RV
RICH HILLIARD

HUNT FOR CARS



**New and Used
Scooters
Used Motorcycles**

Lonnie Hunt
Phone: FAX: 386-224-0677 386-758-1974
5796 Ridgewood Ave. Port Orange, FL 32127

January 07, 2010

To whom it concerns:

Hunt for Cars, Inc. gives permission for The Last Resort to use property located at 5796 South Ridgewood Ave. Port Orange, Fl. The Last Resort has permission to use this property for the period of February 26 through March 07, 2010.

Thank you,
Lonnie Hunt

BEST CARS

Division of Cerame Enterprises, Inc.

5816 South Ridgewood Avenue • Port Orange, FL 32127
Phone/Fax: (386) 788-4801 • email: bestcarsfl@hotmail.com

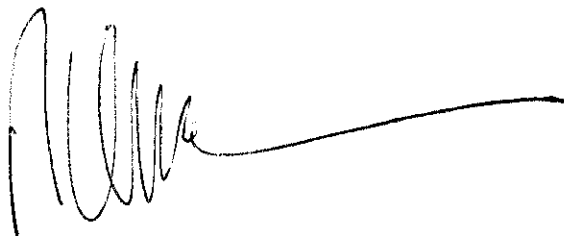
To the City Of Port Orange:

Please let it be known that, as in every other year since the inception of Bike Week, Alfred Bulling of the Last Resort Bar, Inc. will be responsible for the vendors on my property this year in February 2010. He will be responsible for the set-up, clean-up, licensing and permits associated with them and will assume liability for, and control of, them while they are in operation.

If you have any questions, please do not hesitate to contact me at the phone number, address, or email listed above.

Thank You!

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert M. Cerame', with a long horizontal flourish extending to the right.

Robert M. Cerame

US 1 S. RIDGEMOOD AVE.

POINCIANA

PORT ORANGE
R.V.
5858

BEST CARS
5810

DRIVE
WAY

VENDORS

BAR

VENDORS

BAR
LAST
RESORT
5812 BAR

FOOD
VENDORS

STAGE

HUNT
4
CARS
5796