

Minutes of City Council Workshop
Wednesday, February 8, 2017 – 5:15 P.M.
City Council Chambers

Mayor Latham called the workshop to order at 5:15 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty (*late, 6:15 P.M.*) Christine Hoffman
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, Police Chief Pat Dooley, Parks and Recreation Director Mary Ellen Donner, Special Events Coordinator Cathy Butler, City Attorney Susan Erdelyi, City Clerk Laurie Scott, and Assistant City Clerk Catherine Ponson.

Purpose of Workshop

The purpose of the workshop is to discuss festivals.

Discussion

City Manager George Forbes distributed a handout outlining discussion points regarding festivals. He introduced the new Special Events Coordinator, Cathy Butler.

He explained some of the points to discuss should be: avoiding the appearance of conflicts, the reason for holding festivals, and City Council approval of festivals by approving a tentative schedule or reservations. He added there would need to be a system for the application process.

Discussion ensued regarding:

- Revising the definition of festival;
- Festivals affecting business owners;
- Festivals during winter months;
- Changing the number of hours;
- Compliance with requirements of the policy.

Mr. Forbes stated that a conflict of interest statement should be signed that ensures no elected or appointed official or any City staff member will benefit personally or financially from the festival.

Mr. Thomason pointed out in addition to City staff, anyone who serves on a City Board should be prohibited from promoting festivals.

Mr. Forbes continued the discussion by stating the Council needs to decide on:

- Prohibiting Council Members and appointed officials from producing festivals;
- City Council approving reservations;
- The length of the festival being 20 hours or two days;
- Grandfathering;
- Two-year reservations for festivals.

Mr. Forbes suggested there should be an after action report completed after each festival. If there are numerous violations, then the festival will be canceled even if it is grandfathered in.

Mr. Doherty stated that he has dissolved the Celtic Festival and distributed the funds to St. Paul's Catholic Church. He and Mr. Vogelsang have removed themselves from the Articles of Incorporation for Beaches Oktoberfest. He has also removed himself from working with Void Magazine and Red Bull Night Riders. He stated he would not be involved in producing any event on City property for the remainder of his term on the City Council.

Mr. Vogelsang stated that the after action report applying to the grandfathered events gives the City Council the ability to cancel those events. The grandfather clause keeps good producers coming back to Jacksonville Beach.

Mr. Doherty agreed with Mr. Vogelsang and stated it is beneficial to keep the events that have a proven track record.

Mr. Forbes stated the next issue to decide on are the alcohol provisions. Those include:

1. Require festival producers and applicants for temporary liquor license (if different from the festival producer) to provide articles of incorporation and most recent IRS form 990 with the special event application;
2. Liquor licenses should not be "loaned" or "rented" from a third party – amend the Policy to require both the festival producer and the entity that obtains the temporary alcohol permit to be listed as producers and sign the special event permit;
3. For non-profit entities obtaining temporary alcohol permits for festivals, require such entities to document the net profits from alcohol sales distributed to charitable causes. If these are compiled or reviewed by a CPA should be decided;
4. Promoters should be required to provide the City with a full cost accounting report of each festival. Reports should include any funding provided to charities for each event.

Police Chief Pat Dooley reported that Florida State Law has changed to allow nonprofit organizations to obtain 12 temporary liquor licenses per year, three days each. All of the net profits from the sale of alcohol must go to the nonprofit organization.

Chief Dooley added there is no enforcement in place on the state level that checks those funds.

Mr. Doherty stated that there are different classifications of nonprofit organizations that have their profits distributed to the operating budget of that nonprofit organization. He added that asking for the monies that go to charitable causes does not fix the problem. The nonprofit organization is a charity in itself.

Mr. Vogelsang agreed with Mr. Doherty and commented that Items 1 and 2 under the alcohol provisions cover the necessary information.

Mr. Forbes summarized the City's financial considerations which include:

1. Fees and charges do not cover the City's cost of event management and administration by staff;
2. The administrative cost for City Departments that manage festivals and special events;
3. Higher deposit for festivals that do not properly clean up area.

Other considerations reviewed by Mr. Forbes were:

1. Clarify the 50% space rule for priority/VIP seating;
2. Prohibit the fencing or other obstruction around the priority seating area that would obstruct a person's view from outside the priority seating area;
3. Definitions, maximum number of days, dates and times:
 - a. Revise definition of a festival to: An event which is held in the Festival Rental Area, is more than four hours in duration, and includes the consumption, distribution or sale of alcohol;
 - b. Revise the definition of a special event to add that they are four hours or less with no live music or DJ's (only low-volume background music is allowed);
 - c. Allow a maximum of two days for festivals in October – February (except Air Show); one day for festivals in the months of March-September (except Blues Festival limited to two days).
 - i. Remove the 20-hour provision;
 - ii. Only exception would be Air Show;
 - iii. After January 1, 2018, the Blues Festival will be limited to two consecutive days.
 - d. Days & times:
 - i. Festivals: Friday, 5-10; Saturday, noon-10; Sunday, noon-8;
 - ii. Special Events: 6 am to 10 pm.

Ms. Hoffman commented that she would not want to limit the music for a four-hour special event.

Mr. Vogelsang suggested creating a "concert" exception in order for it to fall under the festival policy.

Mr. Thomason stated the definitions need to be clear to avoid confusion.

Mr. Forbes continued by reviewing event planning points as follows:

- Lengthen the period between the application of the special permit for the festival and the festival dates from 60 days to 90 days.
- Increase general, and liquor liability insurance from \$1 million to \$2 million;
- Require drivers driving on the beach to attend a Beach Driver Training course;

- State issued liquor license must be submitted to Parks & Recreation 20 days before the event;
- Event producers/organizers are responsible for obtaining fencing if they need more than the amount available from Parks & Recreation, barricades, trash cans, etc. (Public Works not responsible);
- Requests for police personnel must be submitted 60 days prior to the event;
- Road closure requests must be received by the City 30 days prior to the date of the road closure;
- If Latham Municipal Parking Lot is rented, any electric charging stations must be made available free of charge to anyone charging their car.

Mary Ellen Donner, Parks and Recreation Director, stated there are 125 pieces of fencing stored at the Seawalk Pavilion available for rental at \$500 per day. The promoter is responsible for the setup and removal of the fencing.

Other points reviewed by Mr. Forbes were:

- Festivals and other special events require a great deal of time from the Police, Fire, Parks, Public Works and other City staff to prepare for, run, clean up and tear down after;
- Event producers are often not prepared and expect staff to help set up, run or clean up after their events;
- Event producers don't comply with policy requirements (timelines, payment of fees, clean up, etc.) – current policy offers staff no recourse other than event cancellation when producers don't comply with event requirements.

Mr. Doherty asked if Council Members could receive an accounting breakdown or analysis for:

- The costs associated with the City running its own special events, such as the movie nights.
- The revenue the City receives from special events and festivals.

Mr. Forbes announced there would be a briefing before the next Council meeting and the time would be announced

The workshop adjourned at 7:11 P.M.

Submitted by: Catherine Ponson
Assistant City Clerk

Approved:



William C. Latham, MAYOR

Date: 2/20/17