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Approved Comm. Mtg. on December 18, 2012 CAM# 12-2590	
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Also attached: Copy of CAR Copy of document ACM	
By: forwarded to:	
Initials	
1.) Approved as to Content: Department Director Please Check the proper box: CIP FUNDED _ YES PNO	Capital Improvements defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, inc. major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.
Capital Improvement Projects /	Date:
Finance Director	24.0
Amount Required by Contract/Agreement \$ Fu	nding Source <u>:</u>
Dept./Div Index/Sub-object	Project #
, , , , , , , , , , , , , , , , , , , ,	City Mgr. By:
Harry A. Stewart Cole CopertinoX Robert B.	Dunckel
Ginger Wald D'Wayne Spence Paul G. Ba	angel
Carrie Sarver DJ Williams-Persad	
4.) Approved as to content: Assistant City Manager:	
Bv [.] Bv [.]	
By: By: Stanley Hawthorne, Assistant City Manager Susanne Torriente,	Assistant City Manager
	2013
5.) Acting City Manager: Please sign as indicated and forward :#	
6.) Mayor: Please sign as indicated and forward :# originals to	Clerk.
7.) To City Clerk for attestation and City seal.	A CARACTER AND A CARA
INSTRUCTIONS TO CLERK'S OFF	
8.) City Clerk: retains one original document and forwardsorigin	
Copy of document toOriginal Rout	e form to
Attach certified copies of Reso. # Fill-in date	2
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CITY OF FORT LAUDERDALE

OUTDOOR EVENT AGREEMENT

THIS AGREEMENT is made by and between:

CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida, referred to hereinafter as "City",

and

INTERNATIONAL SWIMMING HALL OF FAME, INC., a non profit corporation operating under the laws of Florida, whose principal place of business is 1 Hall of Fame Drive, Fort Lauderdale, Florida 33316 and who is referred to hereinafter as "Applicant" or "Sponsor".

WHEREAS, the Applicant wishes to hold an outdoor event and has submitted an application pursuant to the requirements of Section 15-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the Applicant is willing to obtain the requisite insurance, and is willing to indemnify and hold harmless the City of Fort Lauderdale for any damage to persons or property that might occur during or as a result of the outdoor event; and

WHEREAS, on December 18, 2012, by Motion, the City Commission of the City of Fort Lauderdale authorized the proper City officials to execute this Agreement.

NOW, THEREFORE, in consideration of the mutual promises made herein, the parties agree as follows:

The foregoing recitals are true and correct, and:

1. Effective Date.

The Effective Date of this Agreement is the date upon which City Commission approval is granted.

2. **Outdoor Event**.

The Applicant is permitted to operate or sponsor the "FORT LAUDERDALE ROUGH WATER SWIM" (referred to hereinafter as the "Event") outdoors only at the location(s) and time(s) set forth in the attached Outdoor Event Agreement Schedule One, which is attached hereto and made a part hereof.

3. General Requirements.

- (1) If the Event includes use of fireworks, in advance of the Event the Applicant shall obtain a fireworks permit from the City's Fire Department. The Applicant shall comply with all applicable state laws regarding the use of fireworks.
- (2) The Applicant shall provide sanitary facilities of the type and in a sufficient number specified by the requirements established by the City's Department of Sustainable Development.
- (3) The Applicant shall coordinate with the City's Department of Sustainable Development who will schedule appropriate City staff to conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems. The Applicant shall permit the City staff to conduct electrical inspections of all electrical facilities.
- (4) If the Event includes the sale or distribution of any food or beverages, the Applicant shall comply with all applicable state, county and City health code requirements.
- (5) If the Event includes use of tents, awnings, or canopies, in advance of the Event the Applicant shall submit current flameproof certificates to the City's Fire Department. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the use of any tents, awnings, or canopies.
- (6) In advance of the Event the Applicant shall submit a written plan to the City Police Department that regards crowd control and traffic direction. The Applicant shall not hold or sponsor the Event until the Police Department has provided written approval of the Applicant's plan. The Applicant shall bear the cost of staff necessary to implement the crowd control and traffic direction plan. Police costs shall be exempt from prior notice requirements.
- (7) In advance of the Event the Applicant shall submit a written plan to the City's Fire Department that regards fire safety and EMS. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the Applicant's plan. The Applicant shall bear the cost of staff necessary to implement the fire safety and EMS plans. Fire and EMS costs shall be exempt from prior notice requirements.

- (8) Unless the Applicant meets the requirements for exception found in Section 15-184 of the Code of Ordinances of the City of Fort Lauderdale, Florida, in advance of the Event the Applicant shall provide a certificate of insurance satisfactory to the City's Risk Manager. The certificate shall show that the Applicant has obtained comprehensive general liability insurance with a policy limit of not less than one million dollars (\$1,000,000.00) combined single limit coverage, which shall include property damage, bodily injury, and death. The "City of Fort Lauderdale" shall be named as an additional insured. If the Event includes the dispensing, serving, sale, or distribution of any alcoholic beverage, the Applicant shall in addition provide liquor liability insurance with a policy limit of not less than of five hundred thousand dollars (\$500,000.00). The Applicant shall not hold or sponsor the Event until the City's Risk Manager has provided written approval of the Applicant's certificate of insurance or insurance policy.
- (9) The Applicant shall indemnify and hold harmless the city for any damage to person or property that occurs during or as a result of the operation of the Event.
- (10) In advance of the Event the Applicant shall submit a written plan to the City's Parks and Recreation Department that indicates the proposed location of any temporary structure, such as a barricade, fence, tent, concession stand, ticket booth, grandstand. The written plan shall include information about the planned removal of any temporary structure after the Event. The Applicant shall not hold or sponsor the Event or erect any temporary structure until the City's Parks and Recreation Department has provided written approval of the Applicant's temporary structure plan. The Applicant shall bear the cost necessary to implement the temporary structure plan.
- (11) The sale, possession, or consumption of any alcoholic beverage at the Event is subject to approval by the City Commission in accordance with Section 15-183 of the Code of Ordinances of the City of Fort Lauderdale, Florida.

4. Restoration of public property.

If the Event includes use of public property the Applicant shall be responsible for, and shall maintain, all areas of the public property used. Maintenance means the prompt and complete removal of Event-generated trash or debris and the repair or restoration of any public property that was damaged as a result of the Event. Public property means real and personal property that is not privately owned and includes, but is not limited to, any sidewalk or paved surface, any tree, plant, shrub, bench, light fixture, traffic signal, parking meter, trash barrel or sign.

The City shall inspect the Event site location(s) for damage within twenty-four hours of the conclusion of the Event and the City shall provide the Applicant with a written report of any

damage found on public property. The report shall state the cost of repair(s) necessary to restore the public property. Within fourteen days of the Applicant's receipt of this report the Applicant shall pay the cost of repair or challenge the City's report by a writing addressed to the Director of the City's Parks and Recreation Department. Resolution of any such challenge shall be made by the City Manager; the Applicant agrees to abide by the City Manager's decision.

5. Reimbursement of expenses.

Should the City incur expenses as a result of the Event the City shall provide the Applicant with an invoice of expenses. Within fourteen days of the Applicant's receipt of any invoice the Applicant shall pay the invoice or challenge the City's invoice by a writing addressed to the Director of the City's Parks and Recreation Department. Resolution of any such challenge shall be made by the City Manager; the Applicant agrees to abide by the City Manager's decision.

6. Authority of the City of Fort Lauderdale City Manager.

The City of Fort Lauderdale City Manager and his designee, the Director of the City of Fort Lauderdale Parks and Recreation Department (referred to hereinafter as "the Director") shall have the authority to suspend all or any part of the Event when the City Manager or the Director determines that the Event, or its attendees, or its spectators, pose(s) a threat to the public health, safety, or welfare. The City Manager also reserves the right to immediately revoke permission and to suspend or terminate the event or any portion of it if any of the elements of the agreement are violated.

7. Compliance with laws.

- (1) The Applicant shall at all times comply with all federal and state laws or statutes, and with the rules, regulations, and ordinances of City and any other governmental agency having jurisdiction including, but not limited to, those relating to noise, building, zoning, gambling, fire protection, liquor regulation, and hours of operation. The Applicant shall further take all precautions and use extreme care to conduct its operations in a safe and prudent manner with respect to its agents, employees and visitors to its Event.
- (2) The Applicant shall comply with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 126), which prohibits discrimination of handicapped individuals by denying them the right to participate in or benefit from the services provided at the Event. The Applicant understands that it is responsible for compliance with this Act. The Applicant guarantees that individuals with disabilities will be able to attend, enter, and use all the facilities at the Event.

(3) The Applicant agrees to secure and pay for all licenses and permits required by any governmental agency having jurisdiction, including City. If the Event includes the use of any item that is or that may be protected from infringement, such as but not limited to copyrights, patents and trademarks, the Applicant shall, in advance of the Event, provide City with documentation that shows that the Applicant has obtained the applicable license, permit or permission and that all associated all fees have been paid in full. The provisions of this paragraph apply specifically, but not exclusively, to ASCAP, BMI, SESAC, and any other similar organization that may require written permission and payment of a fee for use of protected material

8. Transfer of Rights.

To the extent this Agreement creates rights that vest in the Applicant, the Applicant shall not transfer any rights to any other individual or entity.

9. Venue.

Venue to enforce the provisions of this agreement shall be Broward County, Florida.

10. Incorporation.

This Outdoor Event Agreement, together with the attached Schedule One constitute the whole of the Agreement between the parties. The written approvals issued by the various City departments or staff members and the various documents submitted by the Applicant, including the application, are supplemental to this Agreement. In the event of a conflict, the terms of this Agreement control.

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the 1314 day of 100 march, 2013

WITNESSES:

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areso Dema ansco

[Witness print/type name]

CITY OF FORT LAUDERDALE

Mayor

City Manager

ATTEST:

Clerk

Approved as to form: ssistant City Attorney

WITNESSES:

Soluid IVONNE SCHIMID

Witness print/type name

marion C. Washlow

Marion C Washburn [Witness print/type name]

INTERNATIONAL SWIMMING HALL OF FAME, INC.

RICHARDKORHAMMER PRESIDENT [Print/type name and title] TRICHARD KORHAMMER PRESIDENT

ATTEST:

(CORPORATE SEAL)

Secretary

STATE OF _____: COUNTY OF _____:

> MARCIA MEINERS Notary Public - State of Florida My Comm. Expires Oct 13, 2013

Commission # DD 932837 Bonded Through National Notary Assn

The foregoing instrument was acknowledged before me this <u>/</u>3 day of <u>December</u>, 2012, by RICHARD KORHAMMER, PRESIDENT of INTERNATIONAL SWIMMING HALL OF FAME, He/She is personally known to me or has produced ______ as identification.

(SEAL)

Nama Menus

Notary Public, State of Florida (Signature of Notary Taking Acknowledgment)

MARCIA MEINER

Name of Notary Typed, Printed or Stamped

My Commission Expires:

3/20/3

Commission Number

DD 932837

L:\AGMTS\events\2012\December 18th\Fort Lauderdale Rough Water Swim.wpd

Memorandum

To:	Harry Stewart,	City Attorney
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From: Jeff Meehan, Outdoor Event Coordinator

Date: November 21, 2012

Re: Request for Event Agreement

Fort Lauderdale Rough Water Swim _____Please ask your staff to prepare an event agreement for the above named event. Attached to this memo is the application, proof of corporate identification and Schedule 1, which should be attached to the agreement as an exhibit. In addition, the following City Departments have reviewed and approved the plans:

City Police Department has reviewed the application and requires/does not require the applicant to pay for security personnel for crowd control and traffic direction purposes.

City Fire Department has reviewed the application and approved the proposed safety staffing plan (contingent upon compliance with the Florida Fire Prevention Code and passing any required inspections)

City Risk Manager has reviewed and approved the Certificate of Insurance. Comprehensive general liability insurance, one million dollars (\$1,000,000). I liquor liability insurance, five hundred thousand dollars (\$500,000).

____ City Building Department has reviewed and approved the proposed use of temporary structures and electrical facilities.

City Parks and Recreation Department has reviewed and approved the proposed set-up, clean-up plan.

_ Other City Department: 111 has reviewed and approved the proposed plan.

Please contact me at (954) 828-6075 if you have any questions. Thank you.



CITY OF FORT LAUDERDALE OUTDOOR EVENT APPLICATION

\$100 Fee must accompany application

Application in the Banille Grout Complete With DARK in Kort v Desend au DMH te dia Flat as Seord av Standard an

The application will be reviewed by our administrative staff to determine the following criteria:

- 1. Facility requested
- 2. Compliance with City ordinances
- 3. Special permits required
- 4. Charges your organization will incur when City assistance and/or services are required
- 5. Security requirements
- 6. Environmental issues/effects on surrounding areas

PART I: EVENT REOUEST

urpose of event (check equested location: For stimated daily attenda	t Lauderdale Beach	between T	erramar and	SE 5 th Street	er
Requested dates and ti	me of event: DATE	DAY		BEGIN	END
	Jan 5, 2013 PM11:30AM		Sat	9:30	
EVENT DAY 2:				AM/PM	AM/PM
EVENT DAY 3:				AM/PM	AM/PM
SETUP:	Jan 5, 2013		Sat	5;	30 amAM/PM
BREAKDOWN	Jan 5, 2013		Sat	12:00 Noon_	_am/pm
Has this event been he	id in the past? <u>X</u>	(Yes	No		
If yes, please li	st past dates and k	ocations: _4	4 Year		
· <u>·····</u>					

at Alexander Park

PART II: APPLICANT

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Organization name: <u>International Swimming Hall of Fame, Inc</u>
Address: <u>1 Hall of Fame Drive Fort Lauderdale, FL 33316</u> Ci State, Zip:
Phone: 954-462-6536 Fax: _954-525-4031
Non-Profit Organization? X Yes No Tax ID #: EO: 65 - 452
Corporation name: _International Swimming Hall of Fame, Inc
(as it appears in articles of incorporation)
Date of incorporation: <u>1964</u> State incorporated in: FL Federal ID #: <u>59 108 7179</u>
Two authorizing officials for the organization: President:
Secretary: Phone:
Event Coordinator: <u>Bob Duenkel</u> Will you be on-site? <u>X</u> Yes No
Title: Director Phone:954-462-6536 x226 Cell:954-401-1869
E-mail address: bduenkel@lshof.org Fax: <u>954-525-4031</u>
Additional Contact: <u>Bruce Wigo</u> Will you be on-site? _XYes No
Title: <u>CEQ</u> Phone: <u>954-462-6536</u> Cell:
E-mail address: _bwigo@yahoo.com Fax: _954-525-4031
Event production company (if other than applicant):
Address: City, State, Zip:
Contact person:Title:
Phone: (day) (cell)
E-mail address: Fax:

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PART III: EVENT INFORMATION

Are you planning to charge admission? If yes, how much? \$_20.00	_X_YesNo
Are you requesting to fence the event?	YesX_No
Are you planning on having any type of concession? If yes, State Health Dept. must be notified 10 days prior to	YesX_No event. Call John Litscher at 954-632-8094.
Are you planning on selling alcoholic beverages? If yes, how will the beverages be served? (Draft truck, cold provide the served)	Yes X No plate, mini-bar, beer tub, table service, etc.)
Are you planning on serving free alcoholic beverages? If yes, to whom will it be given?	Yes <u>X</u> No
Are you planning to have any type of amusement rides? If yes, name of company:	Yes _XNo
What type of rides are you planning? (All rides must be approved by the State of Florida Bureau prior to opening. Contact Ron Jacobs at jacobsr@doacs.sta	
Are you planning to play or have music? If yes, what music format(s) will be used? (amplified, acou	<u>X</u> YesNo ustic, recorded, live, disc jockey, etc):
Speakers/ Amplifiers	
List the type of equipment you will use (speakers, amplifie	er, drums, etc):
Will you use any type of soundproofing equipment?	Yes <u>X</u> No
List the days and times music will be played: <u>8:00 to 11</u>	<u>:30</u>
How close is the event to the nearest residential use?	lini Condominium
Will your event require road closings? If yes, list requested streets and times in detail :	Yes <u>X</u> No

******PLEASE NOTE******* You are required to secure barricades and/or directional traffic signs for road closings. Please attach a layout of your traffic plan, including the placement and number of barricades, signs, directional arrows, cones, and message boards, as well as the name of the company you will be using. Your traffic plan must be approved by the Police Dept. which may terminate any event occurring without the proper use of barricades.

Will your road closings affect access to parking spaces or parking lots? _____Yes _____No *****PLEASE NOTE****** All road closings which result in loss of revenue from inaccessible parking spaces will be billed to the event organizer and must be paid in full before the event. Please call Keela Black at 828-3794.

Will any recyclable materials be utilized at this event? ____Yes ___Yes ___Yes

EXHIBIT 1 CAM 12-2590 PAGE 3 of 6 (Materials that can be recycled include all clean paper, cardboard, glass, plastic drink containers, aluminum cans, and milk or juice boxes.) Please refrain from the use of Styrofoam plates and cups.

Who will provide clean up services for garbage and recyclables? _____ISHOF Staff

Contact Name: ______ Phone: ________ ****<u>PLEASE NOTE</u>***** All grounds must be cleaned up **immediately** after completion of event. Recyclable materials should be recycled at all City facilities and parks. Recycling service may be provided by your organization, a private company or in some cases by the City of Fort Lauderdale. You are responsible for securing recycling services. Contact Janet Townsend at <u>Jtownsend@fortlauderdale.gov</u> or (954) 828-5956. Will you require electricity? ____Yes _X___No Events requiring electricity are the responsibility of the applicant. All permits must be obtained through the City's Building Department at (954) 828-5191 before setting up. Company: ______ License #: ______

PART IV: APPLICANT'S ACCEPTANCE/SIGNATURE

Name of electrician:

The information I have provided on this application is true and complete to the best of my knowledge.

Before receiving final approval from the City Commission, I understand that I (and the production company, if applicable) must furnish an original certificate of General Liability insurance naming the City of Fort Lauderdale as additionally insured in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the City Risk Manager, and an original certificate of liquor liability insurance in the amount of \$500,000 if alcohol is being served.

Phone: ____

I understand that a Parks and Recreation sponsored activity has precedence over the above schedule and I will be notified if any conflicts arise.

I understand that the City of Fort Lauderdale Police Department will determine all security requirements and that EMS is required by City Ordinance to be onsite during all outdoor events.

I understand that the City has a noise ordinance. If at any time during the event it is determined by law enforcement personnel, code enforcement personnel, parks and recreation personnel, or any other city representative that the entertainment or music is causing a noise disturbance, I will be directed to lower the volume to an acceptable level as determined by City staff. If a second noise disturbance arises during the event, I may be directed to shut down the music or entertainment for the remainder of the event. I agree to ablde by all provisions of the noise control ordinance and understand that my failure to do so may result in a civil citation, a physical arrest, or the shutting down of the event.

<u>Bob</u> Duenkel Name of applicant Director

Title

November 9, 2012 Date

Please <u>email</u> completed application <u>at least 90 days ahead of your planned event</u> to: <u>smoinar@fortiauderdale.gov</u>.

FIRE DEPARTMENT OUESTIONNAIRE

PREVENTION

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1. Are you planning to have canopies (no sides) for this event?YesYo
How many and what sizes?
Name of Company: A building permit is required. Please contact Lt. Strandhagen at 954-828-5080.
2. Are you planning to have tents (with sides) for this event?YesYesXNo
How many and what sizes?
Name of Company:
****<u>PLEASE NOTE</u>**** All permits required by the Florida Building Code must be obtained through the Building Department (Including but not limited to electrical, structural, plumbing). Contact the Building Department at 954-828-6520.
3. Are you planning to have fireworks?YesX_No
Name of company conducting the show:
4. Are you having food vendors?YesXNo
How many and what kind?
A fire extinguisher is required for each food booth. If a propane tank is used for a fuel source, it must be secured on the outside of the booth. A Fire inspection is required for all food booths. If the inspection is during non-working hours the cost will be \$60 - \$70 per hour.
OPERATIONS/EMS
Special Event Detail Guidelines: * One rescue unit/cart for 500 to 5,000 people in attendance (sustained attendance) * Two rescue units/carts for 5,000 to 10,000 people in attendance (sustained attendance) * One more rescue unit/cart per 5,000 additional people * One command person if two or more rescue units/carts are required
The number of rescue units and paramedics is determined according to attendance and other risk factors.
1. Does your event require EMS medical standby services based on the guidelines above? YES NO_X
2. What is your estimated sustained attendance?

-

POLICE DEPARTM	ENT OUESTIO	NAIRE	
1. Does your event require use of police vehicles?		Yes	No_X
2. Is this a new or previously held event?	New	Previous	<u>X</u>
Previous date(s)?44 YEAR			
3. Any established security, traffic, or other appropriate	e plan(s)?	Yes	No_X
If yes, besides Fort Lauderdale Police, who will (private security company, volunteers, etc.)	you be using for	this plan?	
4. Do you have an established detail of off-duty officer If yes, who is your Police department contact?		Yes	NoX
5. Any notable entertainers or special circumstances so	cheduled for you	r event? Yes	NoX
Who/What?			
I understand the off duty rate for Police personnel for The hourly rate and costs to be incurred by the event of Events "Cost Estimate" worksheet developed at the Spe	organizer will be	quoted on the C	ity of Ft. Lauderdale Special

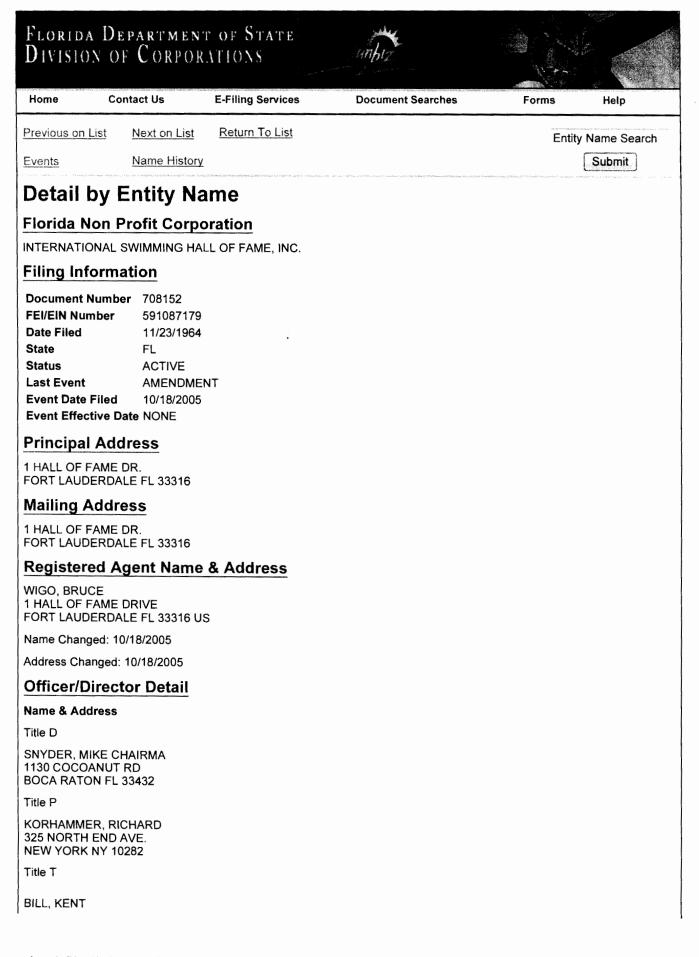
___Bob Duenkel_

_November 9, 2012

Name

Date

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5755 POWERLINE RD. FORT LAUDERDALE FL 33309

Title D

CAREY, DENNIS 19627 N. 101ST ST. SCOTSDALE AZ 85255

Title D

DE VARONA, DONNA 3 AVON LANE GREENWICH CT 06830

Title D

GODFREY, ELDON 2 VARBOW PLACE NW CALGARY, ALBERTA, CANADA T3A-0-B6

Annual Reports

Report Year Filed Date

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SCHEDULE ONE

1	Name of Applicant:	International Swimming Hall of Fame, Inc
2	Name of Outdoor Event:	Fort Lauderdale Rough Water Swim
3	Date of Setup:	Saturday, January 5, 2013
4	Time of Setup:	5:30 AM
5	Date of Event:	Saturday, January 5, 2013
6	Time of Event:	9:30 AM- 11:30 AM
7	Date of Breakdown:	Saturday, January 5, 2013
8	Time of Breakdown:	12:00 PM
9	Event Location:	Fort Lauderdale Beach between Terramar and SE 5th street
10	Road Closings:	No
11	Alcohol:	No
12	Previous Code Violations:	No