



Memorandum

Memorandum No: 19-052

Date: May 29, 2019

To: Honorable Mayor and Commissioners

From: Chris Lagerbloom, ICMA-CM, City Manager

Re: Special Event Policy Recommendations

At the August 21, 2018 City Commission Conference meeting, Nighttime Economy Manager, Sarah Hannah-Spurlock, presented recommendations for changes to the City's outdoor event policy and ordinance. The recommendations addressed the following:

- Better defining what qualifies as a special event or "outdoor event" as noted in Chapter 15 of the Code of Ordinances
- Revising the application deadline to obtain a permit
- Fees
- Event Permit Compliance
- Event Limitation

In response to the presentation, the Commission directed Ms. Hannah-Spurlock to form a special event working group to discuss these issues and bring forward a recommendation to the City Commission. The members of the group and the interests they represent are below:

Genia Duncan Ellis
Luke Moorman
Dylan Lagi
Doug McGraw
Ina Lee
Dan Barnett
Dan Linblade

John Burns
Melinda Bowker
Sarah Hannah-Spurlock and Barbara Smith
Carolyn Bean

Mauricio Hernandez

Riverwalk District
Las Olas Association
MASS District
FAT Village
Beach businesses
Beach Improvement District (BID)
Greater Fort Lauderdale
Chamber of Commerce
Beach Neighborhoods
Downtown Neighborhoods
Special Events Office
Parks and Recreation
Department
Transportation and Mobility
(TAM) Department

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Exhibit 1

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Captain Steven Greenlaw
Captain Ron Tetreault

Police Department
Fire Department

The group met six times with the first meeting taking place on November 30th and the final meeting on May 9th.

Special Event Working Group Recommendations

1. The Outdoor Event definition in Section 15-181 of the Code of Ordinances should be narrowed to include the following edits:
 - a. All events on public property must get a permit unless they are renting pavilion space from Parks and Recreation
 - b. Ribbon cuttings, ground breakings and dedications do not require a permit
 - c. Beach cleanups do not require a permit unless they include other activities, such as food/beverage vendors or entertainment
 - d. Events held strictly on private property do not require a permit
 - e. Athletic events held at parks with the infrastructure to handle such events do not require special event permits (i.e., track meets)
 - f. Walks, runs, and bicycle rides do not require a permit if they follow regular traffic laws, don't require a reserved spot on public property, and don't require road closures or traffic mitigation

Explanation: The current definition reads

Outdoor events shall mean any event held in an area not within an enclosed building on public property, private property, or both, whether operated totally outdoors, on stage, under tents or with the use of temporary buildings or structures, to which members of the public are invited as participants, or spectators, such as but not limited to concerts, festivals, races, walks, triathlons, circuses, carnivals, shows, exhibitions, and any other similar event conducted outdoors.

As certain events have not historically been required to obtain permits, the group recommends removing these events from the definition. In addition, while some event organizers can rent pavilion space through the Parks and Recreation Department (birthday parties, family reunions, etc.), many are too big to rent this space. As such, the only way to reserve space in our parks is through the special event permitting process.

2. Outdoor events should be divided into categories, which determine application deadlines and approval requirements.
 - a. Minor events are those events with a sustained attendance level under 501 with no road closures and no music exemptions. These events would require administrative approval and would not require City Commission approval. The application deadline for these events would remain at 60 days.

- b. Intermediate events are those events with a sustained attendance level under 501 with a road closure and/or music exemption, or a sustained attendance level between 501 and 5,000. These events would require City Commission approval. The application deadline for these events would be 90 days for legacy events (2+ years of history in good standing) and 120 days for all others.
- c. Major events are those events with a sustained attendance level over 5,000. These events would require City Commission approval. The application deadline for these events would be 120 days.

Explanation: About 30% of the City's permitted events are small events that require minimal City services and have a relatively small impact on the surrounding area. The group recommends that these events obtain administrative approval only. These event organizers would still be required to follow the application process, which includes completing an application, providing insurance and security deposits, paying an application fee and any other applicable charges and meeting with the events committee, but they would not require City Commission approval. Eliminating the Commission approval requirement for minor events only, will reduce event lead time, allowing the event organizer more time for event planning, promotion and ticket sales. Intermediate and major events would require longer deadlines so that there is more time between Commission approval and the event date.

Staff comments: This City Commission has commented on several occasions that there is not enough time between Commission approval and the event date. This short window is a consequence of an inadequate application timeline. Fort Lauderdale was the only community surveyed that required approval by the elected body for special events with some exceptions.

- 3. The application fee should be non-refundable unless the event organizer picks another date and location within seven days of cancellation.
 - a. If the applicant requests a change of location, they will be charged half the application fee
 - b. The revised date must be within 500 days of the original event date. Only one change is allowed before the organizer must pay another application fee.

Explanation: An average of 20 permitted events per year are cancelled and upon request, we refund the application fee. The group recommends that organizers for cancelled events not get their application fee refunded and they pay a fee to change locations.

Staff comments: Even when an event is cancelled, staff still spends time processing the application. As per the survey conducted, all cities have non-refundable application fees except Fort Lauderdale.

4. Events on the barrier island that charge admission will be required to pay a surcharge per ticket. Suggested fee would be \$1 for tickets under \$25.01, \$2 for tickets between \$25.01 and \$50, and \$3 for tickets over \$50. The minimum fee would be \$500 per event day.

Explanation: The Commission has asked that fees for beach events be increased. The group recommended a surcharge as the cost can be passed onto the consumer without financially burdening the organizer/promoter. The group believes that consumers are accustomed to surcharges and this will have minimal impact on attendance.

5. All events on the sand will be charged \$500 per day for set-up and break-down of their event.

Explanation: There is a desire to mitigate the impact of the set-up and break-down of an event on the beach and the community.

Staff comments: This recommendation was not supported by the entire group because of the burden it places on the event organizer, especially in light of the positive economic impact of the event on the community. There was also the suggestion that additional fees collected from the event organizer as a result of these recommendations be used to make repairs and improvements to the beach area.

6. Free events on the sand will be required to pay \$500 per event day

Explanation: The City already charges events \$500 a day to use the beach. Paid events would pay the proposed surcharge in lieu of this fee.

7. Instead of applying every 90 days, recurring events will apply every 180 days and will be required to pay the application fee times two.

Explanation: The 90-day rule was implemented to address the concern that recurring events could be considered permanent events and, therefore, a "use" of that property under the ULDR (Unified Land Development Regulations). If the event use is not permitted, the event would then be in violation of the ULDR. This recommendation reduces the burden for the organizer and staff of processing a permit every 90 days, but still addresses the use issues in the ULDR.

8. Add permit compliance language to the ordinance which requires event organizers to comply with components of the application. Failure to comply will result in code citations and/or fines.

Explanation: Currently, permit compliance is addressed with the event agreement, which allows the City to revoke a permit, which isn't always practical or realistic. For example, if an organizer fails to break down their event in the time noted on the application, revoking their permit is ineffective. The group recommends adding permit requirements to the ordinance and being able to issue a warning and then citations for violations.

9. If an event organizer receives three citations in three years, they will need Commission approval to submit another application. It is also recommended that staff send the organizer formal notice after the second citation.

Explanation: This action will improve accountability and the quality of events in Fort Lauderdale.

Staff comments: Please note that improving compliance and increasing enforcement will require additional staff resources.

10. City staff has the authority to reject an event if they find they do not have staff resources to support the event (for example, if there are not enough Police Officers available to work event detail)

Explanation: There are a few weekends a year when there are so many events, it is difficult for Police and Fire to staff details. The group recommends that staff have the authority to reject applications once they've reached their staffing capacity.

11. City traffic staff should provide a few pre-defined routes for walks, runs and parades, from which an organizer must choose. These routes should have the least amount of impact on residential neighborhoods as possible.

Explanation: Having pre-defined routes to choose from would be a welcome service for event organizers and would reduce the time spent accommodating special requests. These routes, developed by the City's traffic and transportation experts, would ensure minimal neighborhood and traffic impact.

These recommendations will be discussed at the June 18th City Commission Conference meeting.

- c: Rhoda Mae Kerr, Interim Assistant City Manager
Linda Logan Short, Interim Assistant City Manager
Alaine E. Boileau, City Attorney
Jeffrey A. Modarelli, City Clerk
John c. Herbst, City Auditor
Department directors
CMO Managers