



SMALL TOWN, BIG BEACH™

Memorandum

Date: January 30, 2020
To: Mayor Craft
City Council
From: Grant Brown
Cc: Steve Griffin
Subject: Hangout Music Festival Assembly Permit Application

ISSUE: Conditional approval of the Public Assembly Permit Application for the staging of the 2020 Hangout Music Festival

BACKGROUND: For the past 10 consecutive years, the Hangout Music Festival has been granted a Public Assembly Permit to stage a music festival at Gulf Place and other various public property and rights of way, bringing significant awareness to Alabama's beaches and the City of Gulf Shores, as well as valuable economic impact to the region. Following review of the 2019 festival and after receiving numerous comments from businesses and residents, the City has identified critical elements that require satisfactory resolution by the event producers that have been included in the Resolution authorizing preliminary approval of the Public Assembly Permit Application:

- I. By not later than April 4, 2020, Hangout Music Fest, LLC (Manager) shall provide to the City (Mayor) the following:
 - 1) Satisfactory Safety & Security Plan approved by the City in its absolute and indisputable discretion
 - 2) All additional required items;
 - a. The complete and finalized list of performers, bands or acts
 - b. The complete and finalized list of vendors, sponsors and exhibitors

- c. The signed Reimbursement Agreement-reimbursing the City for all expenses directly or indirectly incurred by the City and other participating governmental entities in connection with the staging of the Music Fest
 - d. Steps and procedures to be implemented for noise or vibration controls
 - e. Written Sea Turtle Protection Protocols acceptable to the City to include light control of site and vehicles operating at night, fence management and beach activation daily setup/break down procedures to eliminate the disorientation of federally protected nesting sea turtles
 - f. A certificate of insurance with a copy of the Additional Insured Endorsement issued by or on behalf of insurers acceptable to the City conforming Commercial General Liability Insurance coverage for the Music Fest at a limit of liability not less than \$2,000,000 each occurrence, \$20,000,000 annual aggregate, and Commercial Umbrella or Excess Liability Insurance at a limit of liability not less than \$10,000,000 each occurrence, \$10,000,000 aggregate, with the City named as an additional insured on an endorsement
- 3) Written consent to required site evacuation upon determination by the City of imminent adverse weather conditions that are expected to compromise public safety. In addition to full and strict compliance with all safety and evacuation procedures otherwise provided in the accepted Safety & Security Plan submitted by Permittee and approved by the City, the Permittee shall implement immediate shutdown and evacuation of the Site in the event the Mayor or his designated representative, after consultation with the National Weather Service, concludes that weather conditions requiring such immediate shutdown and evacuation are or appear to be imminent and so advises Permittee's Festival Director. By acceptance of the Assembly Permit, Permittee represents, warrants, and agrees that it and its owners, affiliates, contractors and subcontractors will have and assert no claim against the City or any official, officer, agent or employee of the City for any expense, damages, or other economic loss incurred by it or any of its owners, affiliates, contractors, or subcontractors as a result of the determination by the City to require immediate shutdown and evacuation based on the conclusion by the City that weather conditions requiring such shutdown and evacuation were or appeared to be imminent.
- 4) Traffic Control Plan acceptable to City.

- II. That pursuant to Code of Ordinances Section 7-27, Section 7-26 of the Code of Ordinances shall be inapplicable to the approved Festival Site during the Site Usage Period.
- III. That approval and issuance of the 2020 Hangout Music Festival Assembly Permit shall be expressly conditioned on approval of a written plan of mitigation of 2019 problematic issues including, without limitation:
 - a) Negative impacts to residents of Gulf Shores living or occupying property in close proximity to the festival site, including overnight and illegal parking, lewd and obscene behavior, and noise and vulgarity from the festival site bleeding into neighboring areas; and
 - b) Logistical issues arising from the loss of 4.68 acres utilized by the festival historically that will not be available in 2020.

RECOMMENDATIONS: Approve Conditional Public Assembly Permit Application for the staging of the 2020 Hangout Music Festival

BUDGET IMPLICATIONS: The Hangout Music Festival shall reimburse the City for all expenses directly or indirectly incurred by the City and other participating governmental entities in connection with the staging of the Music Fest.

ATTACHMENTS: Draft Resolution, Public Assembly Permit Application and Corresponding Addendum, Map of Festival Site

DEPARTMENT: Recreation & Cultural Affairs Department

STAFF CONTACT: Grant Brown