

**RESOLUTION NO. -2020**

**A RESOLUTION  
AUTHORIZING PRELIMINARY APPROVAL OF A  
PUBLIC ASSEMBLY PERMIT APPLICATION FOR THE  
STAGING OF THE 2020 HANGOUT MUSIC FEST WITH CONDITIONS**

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WHEREAS, since 2010 the City has granted annually a Public Assembly Permit for the staging of the Hangout Music Fest as a proprietary undertaking on the Gulf Shores Public Beach and associated public streets, avenues, alleys, and public places; and

WHEREAS, in 2015 the City Council granted a conditional 11-year non-assignable Franchise to Hangout Music Fest, LLC, as successor to HOMF, LLC, for the staging of the Hangout Music Fest on the Gulf Shores public beach subject to the requirement of an annual Assembly Permit which may be conditioned or denied by the City in its absolute discretion; and

WHEREAS, consent for the 2020 Festival shall be conditioned on the issuance of a separate Public Assembly Permit by the City for the 2020 Music Fest and Site Usage Period in accordance with the expressly conditioned timeline and detailed plan below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 10, 2020 as follows:

**Section 1.** That the “Festival Dates” for the 2020 Hangout Music Festival are May 15-18, 2020; and

**Section 2.** That the “Site Usage Period” is April 27 – May 21, 2020; and

**Section 3.** That by no later than March 5, 2020, Hangout Music Fest, LLC (Manager) shall provide to City (Mayor) a Public Assembly Permit application that includes but is not limited to all permit application requirements as identified in Section 11-26 of the City Code of Ordinances as follows:

- **Sec. 11-26. Permit Application—Required; filing; contents.**

Application for a permit to conduct such assembly shall be made in writing on such forms and in such manner as prescribed by the city clerk...

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Assemblies utilizing city employees for any part of the preparation, execution, and clean-up (such as music festivals and the National Shrimp Festival) shall require a separate agreement with the city for reimbursement of city expenses in association with the event.

Each application shall include at least the following:

- (1) The name of the owner, exact location, legal description and area of the premises on which the assembly is planned and a full description of the proposed activity.
- (2) The name of the owner, exact location, legal description and area of the lands to be used for parking and uses incidental to the activity and/or assembly.
- (3) The dates and hours during which the assembly is to be conducted.
- (4) An estimate of the minimum and maximum number of attendants, vendors, and other persons expected to attend the assembly, together with detailed information supporting such estimate.
- (5) Each application for permit shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective plan of the permittee to provide for the following:
  - a. Police and fire protection.
  - b. Food and water supply and facilities.
  - c. Health and sanitation facilities.
  - d. Medical facilities and services including emergency vehicles and equipment.
  - e. Vehicle access and parking facilities. If the proposed public assembly is expected to require additional parking than can be provided at the location of the assembly, then the applicant must submit plans showing where additional parking will be provided and a letter from the owners of the property granting approval for such use.
  - f. Camping and trailer facilities.
  - g. Illumination facilities.
  - h. Communications plan and facilities.
  - i. Noise control and abatement.
  - j. Facilities for cleanup and waste disposal.
  - k. Insurance and bonding arrangements.

**Section 4.** 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 an 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.

**Section 5.** 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.

**Section 6.** 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.

**Section 7.** That this Resolution shall become effective upon its adoption.

ADOPTED this 10<sup>th</sup> day of February, 2020.

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Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -20 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on February 10, 2020.

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City Clerk