



BOARD OF COUNTY COMMISSIONERS

DATE: January 15, 2013
AGENDA ITEM NO. 29

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature

Subject:

The Friends of Fort De Soto (Friends) 50th Anniversary Concert With Beer and Wine Sales Scheduled for April 5 and 6, 2013 at Ft. De Soto Park.

Department:

Parks & Conservation Resources (PCR)

Staff Member Responsible:

Paul Cozzie, Director

Recommended Action:

RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) REVIEW AND APPROVE THE REQUEST FROM THE FRIENDS TO CONDUCT A TWO DAY CONCERT WITH SALES OF BEER AND WINE AT FORT DE SOTO PARK ON APRIL 5 AND 6, 2013.

Summary Explanation/Background:

The Friends submitted a request in January 2012 to hold a special event at Fort De Soto Park on April 6, 2013 to hold a 50th Anniversary celebration of the park with an expected attendance of approximately 25,000 people. Since the Friends had never previously held an event of this magnitude, they intended to hold a "dry run" concert in September 2012 with an expected attendance of 5,000 people in order to better plan for the April 2013 event. Matthew Gasper, Friends of Fort De Soto Park President, appeared before the Board on June 5, 2012 under Citizens To Be Heard to request a waiver for the sale of beer and wine for the September 2012 event. Mr. Gasper related he needed an immediate decision in order to secure the band. After discussion, the motion to approve the waiver carried by a vote of 5 to 1, with Commissioner Welch casting the dissenting vote. Unfortunately, several days before ticket sales for the event were to begin the band secured for the event, Counting Crows, canceled and the September 2012 event was canceled.

The Friends have decided to move forward with the April 2013 events and met with PCR staff on December 20, 2012 to discuss event details. Included in the meeting were representatives from the Pinellas County Sheriff's Office, Public Safety, Risk Management and the County Attorney's office. Also in attendance were representatives from Big 3 Entertainment Group and Bill Edward Presents, who are the promoters contracted by the Friends to put on the event. The event was discussed and it was agreed that ticket sales would be limited to 15,000. The consensus of the County staff in attendance at the meeting felt the event could be staged with limited issues under guidelines established by the County.

The Friends are again requesting a waiver for alcohol in accordance with Section 90-60 which allows the Board to temporarily waive the prohibition of alcohol within any County-owned or managed lands for a special event or activity in a specified area or place.

Fiscal Impact/Cost/Revenue Summary:

The County will incur no direct costs other than staff participation in planning. The promoter will cover any and all costs related to conduct the event and resulting net revenues will be split between the promoter and the Friends.

Exhibits/Attachments Attached:

June 5, 2012 Board Minutes from Citizens to be Heard
Map of Concert Area for Waiver of Alcohol Prohibition

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CITIZENS TO BE HEARD:

Lenore Faulkner, Madeira Beach, re Pinellas County Schools.

Greg Pound, Largo, re Pinellas families.

Matthew P. Gasper, Tierra Verde, re Friends of Fort De Soto.

- Mr. Gasper distributed a document titled *Event Application for the Friends of Ft. De Soto September 2012 Music & Food Event at Ft. De Soto Park*, a copy of which has been filed and made a part of the record; whereupon, he related that the group wishes to hold a 50th Anniversary Celebration of the Fort in April 2013; that it has an opportunity to secure a band for a "dry run" concert to be held on September 15, 2012; that it is requesting a waiver to allow for the sale of beer and wine, which would be pivotal to the success of the event; and that a decision is needed today in order to secure the band.

At the request of Vice-Chairman Welch, Assistant County Administrator Mark S. Woodard provided input, noting that the County has not received a formal special permit application packet; that, to date, there has not been an event of this magnitude serving alcoholic beverages at the park; that the proposed September event falls within the shore bird nesting season; and that there are other issues to be addressed.

In response to comments by Mr. Woodard, Mr. Gasper indicated that a special event permit application was filed on May 19, 2012 for the September event; that the 50th Anniversary event application was filed on January 26; that September 15 is the next-to-the-last day of the shore bird nesting season; that the concert would take place in the "parade" area in front of the Fort, away from any nesting activity; and that the Friends group would provide watchers to ensure the nesting areas would not be impacted; whereupon, responding to query by Vice-Chairman Welch, he indicated that he has not spoken to the Park Board, but he has spoken to Parks and Conservation Resources Director Paul A. Cozzie.

Responding to query by Vice-Chairman Welch, Mr. Woodard indicated that, while the County Administrator has delegated authority to approve a permit, he is seeking guidance from the Board due to the unique nature and magnitude of the proposal; whereupon, Attorney Bennett recommended that the Friends of Fort De Soto work with the County to "tune up" the permit application, and that the entire package be brought back to the Board for review and adoption of a resolution temporarily waiving the prohibition of alcohol sales in the park.

Vice-Chairman Welch expressed concern regarding the timing of the request, indicating that he was unaware of the request prior to today's meeting; that he would like to have the Park

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Board's input on the issue; and that he is not prepared to make a decision today; whereupon, Mr. Gasper indicated that he had sent an e-mail to all the Commissioners approximately ten days ago; and that it is necessary to have a decision today or lose the opportunity to secure the band for the September 15 event.

Following additional input by Messrs. Gasper and Woodard, Mr. Cozzie related that he is working with Risk Management to develop a special event permitting process; that he has spoken with the County's risk manager regarding the application; that the largest concern for the Friends is the timing relative to scheduling the entertainment; and that if the Board is favorable towards the sale of beer and wine at the event, he believes the other issues can be worked through.

Commissioner Latvala noted that the County has a staff member experienced in addressing the various issues and concerns; that similar activities have been held successfully in Palm Harbor; and that a permit would not be issued until and unless all issues and concerns were addressed.

During discussion and responding to queries by the members, Mr. Gasper related that he anticipates net revenue from the event to be between \$20,000 and \$50,000, which would be invested in the park; that the band, Counting Crows, has offers from two other venues for September 15; that he expects 3,000 to 5,000 people for the September event and 25,000 to 30,000 for the 50th Anniversary event next April; that he has not decided how to address the \$5 parking fee; and that the band fee of \$75,000 and production costs of \$44,300 will be covered through ticket sales and beer and wine concessions.

Following additional discussion with input by Messrs. Cozzie and Woodard, Commissioner Latvala moved, seconded by Commissioner Bostock, that the sale of wine and beer be allowed for a concert to be held on September 15, 2012 in collaboration with the Friends of Fort De Soto and Ruth Eckerd Hall, in accordance with the rules regarding the serving of alcohol on County property and subject to the issuance of a permit that addresses all other issues.

Commissioner Roche noted that the Board would be setting precedent by approving such a large-scale event and requested that the members be kept informed throughout the process, noting that the September event could be the basis for establishing the new special event permitting process; whereupon, Mr. Cozzie clarified that the County is not a sponsor or co-

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sponsor of the event; and that it has no contractual arrangement with the Friends to hold the event.

Commissioner Latvala noted that 2012 is the County's Centennial year, and suggested that the Friends incorporate the County's 100th Anniversary logo in its promotional materials.

Upon call for the vote, the motion carried by a vote of 5 to 1, with Vice-Chairman Welch casting the dissenting vote.

Noting that she shares the Vice-Chairman's concerns regarding the last-minute nature of the request, Commissioner Bostock indicated that staff was aware of the request and wished to bring it to the Board, but did not add it to the meeting agenda; and that the item is in the County Assignment Tracking System (CATS); whereupon, she requested that the internal procedures be reviewed to ensure that all commissioners are kept apprised of relevant CATS communications.



SUPPORTING THE PRESERVATION, CONSERVATION
AND PROMOTION OF FORT DE SOTO PARK

FIGURE ONE

CONCERT AREA
FORT DE SOTO, PINELLAS COUNTY, FLORIDA
SEPTEMBER 15, 2012