Item 24-1318: Proposed Special Event Policy - 2025 Safety and Licensing Committee

Wed, Oct 09, 2024 5:30PM

Alderperson Alex Schultz (District 9) 14:05

Okay, that brings us to 24-1318 the proposed special event policy for 2025. Who am I going to ask this question of? Clerk Lynch, if you'd like to get us up to speed.

Clerk Kami Lynch 14:28

Thank you. So, I've mentioned a few times at this committee over the past year and a half or so that we were looking at the special event process that we currently have and modifying it to better suit the needs of the city, to improve the application process itself for our applicants. And after a lot of that work, we're proposing a whole new, rewritten policy to be effective in 2025. And I did include a memo with the policy, and I hope everyone has had a chance to read it, so I can just—I'll briefly touch on the items that I've separated out to highlight, the major substantial changes of the policy.

Clerk Kami Lynch 15:14

In looking at the policy and rewriting it, the main focus was what are we doing for special events now that maybe are not addressed in the policy? So that's where some of the new provisions are added. And then, how can we change our process to really better suit the needs of the city, to be respectful to the taxpayers, and to make a more uniform, equitable application process for the applicants?

Clerk Kami Lynch 15:46

So, with that, we looked at just one application deadline, no longer doing the number of days out from an event, depending on the size of an event that an application applies, and then street closure or not street closure for fees. Now it's just a 45-day, day out for applications to be due. That allows adequate time for all departmental review and detour routes and things needed for street closures.

Clerk Kami Lynch 16:18

And then the anticipated attendance component. We still want that information, but it's very difficult, I think, for event holders to anticipate attendance, especially when we have things like our wild weather in Wisconsin involved and depending on when these applications are filed, the timing. So, we've we took that anticipated attendance away from basing that any fees related to that or application timelines. We still ask for that information for city services, but that's more streamlined.

Clerk Kami Lynch 16:56

Then the next piece is fees. So, in looking at some of our neighboring communities and the communities of similar size, we looked at what they do for special events. Most other communities—I would almost say that we're the only one that we found that does not charge back anything for the cost of special events. So, we base a lot of our fee schedule and kind of the process and some of the timing requirements consistent with those other municipalities, such as like the city of La Crosse, Eau Claire, Oshkosh. So, we are going back to a charging back for actual services rendered with set rates and set FEMA rates for equipment usage.

Clerk Kami Lynch 17:47

Although charging back for 100% of event costs, that would be a substantial hike from what event holders are paying now, so we're not looking at going there now, and we may never want to go there in the future, but we

do need to start somewhere. So, we have proposed a 25% of actual services rendered charge back for our special events.

Clerk Kami Lynch 18:15

And with that approach, we know we do have some very large events where a lot of city services are utilized, a lot goes into it. Those events are typically approximately 10,000 people or more. So, to address those and not, you know, disproportionately penalize those event holders for having these large events, we looked at doing something that we're referring to as a special event service agreement, and that is allowing the city to negotiate directly with the event applicant on services that will be provided. It allows us to consider all of the unique elements in the event and come to really an agreement, a contract that can be done on a case-by-case basis for each individual event. It could be a five-year agreement. It allows us that flexibility to establish what those chargebacks for services will be. So, it's not a set amount per the enclosed fee schedule. So that way, the large event holders are not seeing a jump from spending, you know, \$1,700 on an application to \$55,000 for their event.

Clerk Kami Lynch 19:40

Then the other provisions in the policy that I just want to touch on is the safety and security revisions. We're trying to really empower the special event holders to have their safety and security plans in place and think about things that they may not think about. When everything goes well, it's easy to not think about worst case scenarios. So, we have a supplemental safety and emergency response plan that was drafted to allow applicants to think of some of those things and to help them along the way plan for some of those needs, and that makes the event holders better prepared and therefore than our city resources, hopefully less utilized for those situations.

Clerk Kami Lynch 20:27

And lastly, for new elements to highlight is the use of city electricity. We have a lot of events that use food trucks, which are a primary source of city electricity in the downtown corridor here with our power poles. And addressing repairs to those and really what those power poles are capable of, so that there's that awareness, so people participating in a special event can know the parameters to use the equipment safely and as it's intended.

Clerk Kami Lynch 21:04

And then just one more cap on that, and we'll see where the questions are. This is an ongoing process. It's a big process. We want to do a lot more with our application process to make it a little bit more streamlined. We—we're working on that. It would be really nice to have an application that would encompass all of the elements of the special events, including our additional permits from various departments, but that's yet to come. We want to get the policy in place and see where we can go from there. If there's any questions, I'm happy to answer them.

Alderperson Alex Schultz (District 9) 21:47

Alder Croatt, if you'd like to...

Alderperson Chris Croatt (District 14) 21:50

Thank you, Chair. I appreciate all the work that's been done on this, Clerk Lynch, and I'm glad to see that we're at this point of presenting something, but I would ask that the committee consider holding this until the next safety and licensing committee meeting. In the spirit of doing committee work at committee, I know Alder Hartzheim had some questions and concerns about this proposal, and she could not attend tonight. So, it's

either hold it at committee or we're probably looking at either a refer back or robust discussion on the council floor about it. So

Alderperson Alex Schultz (District 9) 22:25

Is that a—

Alderperson Chris Croatt (District 14) 22:26

—just a, if it's not a timing issue, I would suggest that we hold it.

Alderperson Alex Schultz (District 9) 22:29

Is that a motion to hold, Alder Croatt?

Alderperson Chris Croatt (District 14) 22:31

That would be a motion to hold. Thank you.

Alderperson Alex Schultz (District 9) 22:33

I second it. There's discussion. Go ahead.

Alderperson Denise Fenton (District 6) 22:38

Just in terms of—and may I direct this to the clerk? So, Clerk Lynch, if—with regards to how long we want to hold this, you said that you are working on a full application. Would it make any sense to hold it for further so that that could be included in here? Or would you be comfortable just holding it to our next meeting?

Clerk Kami Lynch 23:04

I would be comfortable just holding it till the next meeting. I don't think it—the policy itself coincides with the content of our application. It's more the information—we have a special events manual out there right now for special event holders. It's wordy and it's hard to find information, so that's what we're kind of looking at doing. We already have some of those supplementals created. I'm happy to share that if that would be helpful, but I don't think that the policy portion needs to wait for those accompanying documents.

Alderperson Denise Fenton (District 6) 23:42

Okay, thank you.

Clerk Kami Lynch 23:43

And I'm perfectly fine with the motion to hold so that adequate discussion can occur on this item.

Alderperson Denise Fenton (District 6) 23:49

Thank you for that. That clears things up for me.

Alderperson Alex Schultz (District 9) 23:51

Thank you. I have another question for you is, I think it would help us understand the financial impact this new policy would have on both someone who's having a 500-person event or someone who might be having a 10 20,000-person event, so that we at least have some sense of what these organizations have been used to paying and then what they're going to be facing if this policy is implemented. It's—you know, 25% cost to recover, that's an understandable figure, but I don't know what it looks like for some large organizations, and the impact that could have on their programming. Is that something that could be supplied, or maybe it was.

Clerk Kami Lynch 24:33

There is in—and I know there's a lot of attachments for this item. So, try to see which one it is. There is a spreadsheet supply that goes over some of the events. It's not all of them. And one thing, I think we only have—what we have two small events noted on the spreadsheet and costs, but they do focus on some of our larger events that require more city services, and those numbers are for 2023 events. Without the specific mechanism in place for what's tracking and what we're using, these are kind of best estimates for what were used at that time. So, it's a little harder to dig up that information and have it readily available. So, we started this process a while back, and that's why they're the 2023 numbers and not 2024.

Alderperson Alex Schultz (District 9) 25:25

Thank you. I appreciate you bringing that up. I didn't get a chance to get through everything, so that'll help. There's a motion to hold.

Alderperson William Siebers (District 1) 25:34

We have somebody from the audience?

Alderperson Alex Schultz (District 9) 25:37

I think that would be appropriate if we're having discussion here in chambers. So, if there's anybody in the audience who'd like to approach the mic and give us some insight on how it might affect your programming.

Jennifer Stephany (Appleton Downtown Incorporated) 25:59

Thank you. Jennifer Stephany, Executive Director, Appleton Downtown Incorporated. First, I want to thank you for continuing your general, generous partnership on making special events possible. This is kind of a sigh of relief to say, "Okay, we're going to step into this easily." The mayor and I had many conversations about how we go about getting to this point. I just have a couple of clarifying questions that can come back to me in between this meeting and the next meeting. One is a clarification of, does the chargeback replace then the special event fee, or is it on top of the special event fee? And you, you may have already said that, so you—I just want to make sure that we're clarifying. I'm trying, I'm trying to run an example in my head as we're talking about this, so that I know what the comparison is and the increase is. So that's one.

Jennifer Stephany (Appleton Downtown Incorporated) 26:57

The other, the other is in response to the special event service agreement process. How does that happen? What is the timeline for that? What is the recommendation for event holders to start that process? I'll stop there. All right.

Alderperson Alex Schultz (District 9) 27:17

Staff want to answer one or both of those questions?

Clerk Kami Lynch 27:20

Yeah, I can address for the first question about the chargeback replacing the application fee, not exactly. There's just a uniform flat \$75 fee with all applications, plus the police investigation fee. So, if there are no city services rendered, then it would just be \$75 for those events. If there are city services rendered, then that would be an additional cost that would be invoiced after the event. And then for the special event service agreement that process, it's new to us, so I think we are looking at getting going sooner rather than later, because we know that a lot goes into planning these events, but we—it would—I think we're envisioning a type of agreement, or a contract, and then the elements of the application, the application I don't think, would be need to be submitted before we go through this process, but what's required for the services and what could be provided would be discussed at that time.

Alderperson Alex Schultz (District 9) 28:32

Director two, that's what I was looking for. Mr. Mayor.

Mayor Jake Woodford 28:35

So, in terms of the process for negotiating these agreements, you know, one of the things that we were wrestling with as we went through the policy revision process is sometimes we can get caught in the trap of trying to write policy for the exception, as opposed to trying to write policy that that reflects the vast majority of issues or needs that we're trying to meet. And as we talked more about particularly large-scale events in the community, what became clear is that there's just a level of coordination and detail and nuance to those events that doesn't lend itself to sort of blanket policy when it comes to special event management. And when we really think about how many events in the community reach that historic participation of 10,000 or more, it's relatively few events. And actually, we have folks in the room representing a lot of those events. Just in three people in the room, we have a lot of these rep represented already, and actually, we've had had conversations. I've had conversations with each of the folks here in the room as this process has been ongoing. So, I really see that as a collaborative process where we'll get together, put our heads together, and think through how to make these events happen.

Mayor Jake Woodford 30:09

This is not all about cost recovery, necessarily. It's also about thinking critically about the ways that we support events, how we do them, and if there are ways to be more efficient in the way that we have we conduct events in the community, understanding that are just things that come with large scale events that you know are going to require some city services and interventions. But there may be other areas where, when we get into these conversations, we realize there might be a different way to accomplish the same goal and reduce that overall utilization of city services, and that's okay too. But that's the purpose of these conversations and creating a process for those large-scale events, so that we have more of that conversation and well ahead of time.

Mayor Jake Woodford 30:59

So that's really the vision for the process and in terms of specific timelines and deadlines, it will—we'll back our way into that when policy is established. If that 45-day standard window is set, my expectation is that we would, we would be starting those conversations right away. I mean, if the policy does go into effect, my expectation would be, we would be proactively reaching out to large scale event organizers, even at the just after the first of the year, to start those conversations so we get that ball rolling.

Mayor Jake Woodford 31:33

And then and then, in terms of new events, or potential new events that could draw people at numbers of 10,000 or more expected to, we'll be clear about expectations in terms of how long it's going to take to work out those details. And we have great community partners, again, represented in the room here, who will also help us sort out what that process looks like and how much time it takes to get the details hammered out. You know, we can't tell you sitting here today "That's going to be a 30-day process," or "That's going to be a 45-day process." We don't, we don't know that yet, and we will create that together with our with our community leaders, and so then we'll be able to set some dates. But hopefully that's a little more insight in terms of process development.

Alderperson Alex Schultz (District 9) 32:20

It is. There's some other community leaders that we're talking about. Would anybody else like to come up to the mic?

Jennifer Stephany (Appleton Downtown Incorporated) 32:29

In regards to timeline then, just because I know all of us are trying to budget for 2025, if there's conversation that could be had this year yet on some of that process. And also—and this probably only relates to me—but hosting a series event, and where that falls in either the special event agreement bucket or one of the other buckets. I'm feeling a little lost and need a little more clarification. So, appreciate and extra time and thanks.

Alderperson Alex Schultz (District 9) 33:07

Thank you, Jennifer.

Becky Bartoszek (Fox Cities Chamber Of Commerce) 33:12

Thank you so much for giving us the opportunity to talk through this process. Chair, would you mind if I just handed out a little information?

Alderperson Alex Schultz (District 9) 33:19

Sure, go for it.

[Papers are passed around.]

Alderperson William Siebers (District 1) 33:32

Introduce yourself.

Becky Bartoszek (Fox Cities Chamber Of Commerce) 33:41

So, my name is Becky Bartoszek. I'm the president and CEO of the Fox Cities Chamber. So hopefully many of you know that our chamber this year was named the national Chamber of Commerce of the year. That was for two reasons. We brought forward the fact that we have a free membership model where we support small businesses with five or less employees, nonprofits with 10 or less employees, as well as all freestanding restaurants. That was one thing that they looked at. The second thing they looked at is the fact that we were able to bring back Appleton's Octoberfest after covid, and that was largely driven by finding every single efficiency that we can uncover to be able to bring this back as a free community event.

Becky Bartoszek (Fox Cities Chamber Of Commerce) 34:27

I understand that everybody is running into challenges with prices going up and up and up, and we are exactly the same running Octoberfest. Every time we turn around, the bills are going up on porta potties. The bills are going up on golf carts, staging, bands, you name it. But the reason why the Chamber of Commerce works so diligently and put so many of our resources towards putting this program together is the impact it truly has on our community. Last year, the tourism convention bureau was able to purchase new software, and we were able to work with the CVB and State Statistics and for the first time, actually figure out the economic impact that the two days of License to Cruise and Octoberfest have on the Fox Valley, and believe it or not, it's a cash event, and only looking at credit cards, the economic impact is \$43.2 million in two days.

Becky Bartoszek (Fox Cities Chamber Of Commerce) 35:30

You know, we take a big chance. We take a big risk every year when we spend 150 to \$200,000 putting this program together and praying that we don't have rain. But we know in our partnership with all of the aspects of the City of Appleton, we take that leap of faith together, knowing that it is a great thing for our community. I don't know if all of you know this, but our Octoberfest for 42 years has been spelt with a C, because that is for community, and that is what is different about Appleton's Octoberfest.

Becky Bartoszek (Fox Cities Chamber Of Commerce) 36:04

So, I completely understand where you have to look at a policy to adjust. You know, prices are rising everywhere. But please bear in mind that we do sent have some events like this that are a huge give back, and there is zero revenue in it. Specifically for Octoberfest, I will speak on behalf, every dollar of profit, or every dollar that we can squeak out each year goes into a grant program and supports nonprofits in our community, and we have given back over \$3 million in to support our nonprofits, including, you know, our police department, a huge investment in Houdini Plaza, just making sure that we're making our community as strong as possible. So just wanted to share our input, just because we truly, truly want to be able to continue to bring this event forward and have that impact on our community.

Alderperson Alex Schultz (District 9) 36:58

Thank you. Anybody else? Okay.

Dave Willems (Mile of Music Organizer) 37:16

—Willems. Really, I just [indecipherable]. Thought maybe we had it there on purpose. Heartened to hear the conversation about more conversation, just in the sense that—and I know we're in a different category, that the three of us represent three of the bigger events, and we just heard some great words about the granddaddy of them all so, but we, we just were in Houdini Plaza the other day looking at—with the park and rec department—looking at the possibility of some sort of a could we do a seasonal stage? Could we do another so that we could have a weekly series in Houdini Plaza? So, it was a music series that was visible for the community and accessible for the community. Stuff that happens at Jones Park is great. It's one of our best festival stages, but it's not visible as much as stuff that happens on the Avenue and so forth. And we all know and have had conversation about the resources it takes from the city.

Dave Willems (Mile of Music Organizer) 38:14

I think it's a unique partnership when the city, which is a business, but also is a community, you know, organization can partner with an organization like we have here. There's different aspects of those organizations. You know, there's Jen is a 501c6 I think, as by nature, as well as a 501c3. There's Octoberfest and what they do. And then there's Mile of Music which is a kind of a for-profit nonprofit joint venture to make this happen. We've never broken even. We've always had the shortfall that we've always had to put our own money into it. Common misnomer is that Mile of Music is making money hand over fist. It's a wildly popular event, but not a wildly successful one, and I would just take minimally successful as our goal into the future.

Dave Willems (Mile of Music Organizer) 39:01

So, we do realize that, and I mentioned this to the mayor the other day, I think trying to meet somewhere in the middle. It sounds like that's what you're saying tonight, that we're going to have some conversation about that, and that's heartening to hear. I do think having some input would have been good to this point, but it also hasn't really addressed us yet. That's coming. And I do think that one of the comments made by Alderperson Schultz was about looking at some numbers. I think it would be pretty easy and pretty quick to be able to get a fairly good feel for what those numbers would be. I know when we met with the police department this past year, they already had a pretty good feel for what they were, what their cost was to support Mile of Music. There would be two or three other departments, I think that would have to put some numbers together. So, we could have a—we could use Mile of Music as a as a test project, or we could use one of the other projects. But that would probably give you, as committee members, some really good information in making a vote on this topic. I don't think any of us in the room are opposed to the idea of having a really good discussion about it. So, thank you.

Alderperson Alex Schultz (District 9) 40:08

Thank you. Appreciate that input. Anybody on committee want to add anything to the discussion at this point? Alder Doran?

Alderperson Chad Doran (District 15) 40:17

Thank you. Just a couple of questions, I guess. The sort of biggest one, sort of off the top was in the memo, and I think clerk Lynch talked about, the city sort of choosing to try and recoup 25% of the costs. Just curious how staff arrived at that number, or that percentage, as far as cost goes. And someone can correct me if I'm wrong. I guess my recollection was back when we were discussing reviewing this, Council had asked for information on what recouping 100% of the cost would be. Not necessarily suggesting that's the route we go, but I guess I'm just wondering how we arrived at that 25% number instead.

Clerk Kami Lynch 41:09

I can address those. So, the comparable communities that we looked at, they all do 100%, or they differentiate for nonprofits, which is difficult in determining what is a nonprofit, also in, you know, legal aspects of that. So, we wanted it to be something that was reflective of the resources that the city puts in without being burdensome on the applicants. 25% seem to be to be reasonable in correlation with the event fee structure that we had before, especially when most of our events would come in. So, the current fees structure is basically the further out that you apply for your event, the less it costs. So, it seemed to capture kind of right in the middle where events can't apply too far out because they don't have all their information, and we can't accept an incomplete application. So, the 25% seem to be about that those costs for some of our smaller events, and then we just thought it was a reasonable starting point, really the 25% when all of our comparables use the 100%

Alderperson Chad Doran (District 15) 42:30

Okay. I'm curious, I guess I guess I'd still—I don't know how my colleagues feel, but I'd still like to know what that 100% would be. I—again, I mean, I think part of the issue here is we don't know, and have not heard and maybe we will at some point from some of the community groups that host events—we don't even know if 25% is is going to, you know, for some of them to not be able to hold events anymore. I imagine the more we go, the more likely it would be that some groups may not be able to host events anymore. I recognize the balance that we want to try and strike here, you know, and the value that having these community events bring to the community as well, but it just feels like, I guess, unless we know we're not—I'm not sure what, how we benchmark what makes sense or not, other than we just feel like 25% sounds right. I guess I'm not really comfortable sort of using that as the point that we just say, "Let's start with 25% and see where we go." Having a little bit more information feels a little bit better to give us, I guess, something to something else to look at.

Alderperson Denise Fenton (District 6) 43:40

I've got a point of order here. We have a motion to hold on the table, and it sounds like we're involved—we're into some pretty serious discussion. I'm going to ask the attorney, what—where are we here?

Zak Buruin (Assistant City Attorney) 44:02

Um, that is correct regarding the motion. Safer thing would be to address these matters after the motion is held, if there's a new motion on the on the table, if it doesn't pass, if the motion to hold doesn't pass. I don't—I think this is pertinent enough to the motion that I don't see there being an issue with the discussion. So, I think it's appropriate, but it would be, I think, up to the committee and the chair at this point to decide if it's gone too far afield. I don't think it's beyond what's appropriate.

Alderperson Denise Fenton (District 6) 44:42

Okay.

Alderperson Alex Schultz (District 9) 44:42

I think we're okay in the sense that we're just trying to gather some information on this particularly from staff, get some input from potential impact, or the discussions that we're going to have with community leaders. I do feel it's a little bit starting to get into the weeds if we're talking about a percentage point and the specifics of the policy being proposed, because that's something I think we need to do outside of this once we bring it back up.

Alderperson Denise Fenton (District 6) 45:05

I think the mayor is raising his—

Mayor Jake Woodford 45:07

Chair, if I may.

Alderperson Alex Schultz (District 9) 45:10

Yes, please.

Mayor Jake Woodford 45:11

Again, I'd just like to reiterate a point that the clerk made, which is, there is a table in your materials that includes actual costs. So, I've heard this request now a couple of times from members of the committee, and I would just point out that the information is in your packet, and that is based on estimates of actual costs for various city services. The clerk has organized them by department. And so that gives you a sense of what we're talking about here.

Mayor Jake Woodford 45:40

So rather than, rather than note specific events in the in the header column, they're really more organized by categories of events, to give the committee and community more of a general sense of the impacts of various types of events. But these are real numbers from real events in the community, and you see the total cost at the at the bottom line in terms of in terms of city services. We've—the clerk has also gone so far as to note the number of employees who are involved in in supporting various events. So that information is in your packet.

Mayor Jake Woodford 46:18

My suggestion would be also for members of the committee at future discussions if there is some science to the percentage that you believe would be appropriate for us to use, I would welcome that input. We would welcome that input. What we're again trying to do here is it put forward a recommendation for consideration that provides a reasonable starting point that tries to strike a balance, recognizing that some cost recovery is necessary, and in some cases also having that conversation with event organizers about the nature of their event and the impact that it has on the community, because there are different ways to organize events. Now Mile of Music, Octoberfest, Farmers Markets, those are, those are different but, but there are lots of events that involve elaborate street closures and significant services that this might generate some conversation about how we might accomplish the same goals in different ways and be less impactful.

Mayor Jake Woodford 47:22

So again, if there's some, if there's some rubric that I'm not aware of that the committee has access to, I would welcome it, because we're—to put it plainly, we're doing our best here to try and bring forward a recommendation that strikes that balance. So again, would welcome the input.

Alderperson Alex Schultz (District 9) 47:41

Thank you, Mayor. Clerk Lynch did you have anything else to add?

Clerk Kami Lynch 47:44

Mayor Woodford covered most. I just wanted to reiterate that the spreadsheet that you have in your materials is actual costs from 2023. It's probably just a little bit lower since tracking costs for vehicles wasn't really done as rates weren't assigned until we got the FEMA rates in the fee schedule. But these are the actual events. So, the numbers highlighted at the bottom—actual costs proposed—25% of that would be those that would be subject to the 25% charge back. 25% of the numbers in yellow would be the cost.

Alderperson Alex Schultz (District 9) 48:26

All right, thank you. We'll have to do some deeper dives into the information and have these discussions. I think at this point, there's a motion to hold on the table. It's seconded.

Alderperson Chad Doran (District 15) 48:35

Chair, I have one more question, if I may.

Alderperson Alex Schultz (District 9) 48:38

Yes, you may.

Alderperson Chad Doran (District 15) 48:40

The other big question, and I can save the rest for later, since we are holding this, but I just wanted to sort of get a sense for the future discussion how—a little bit more about how the special event agreement will work for the larger events. I guess I'm just curious will—based on what was in the memo, it sounds like staff and the groups putting on the large events are kind of going to negotiate what that looks like. Is—does that then come forward to committee and Council for approval, or is it just simply an agreement between staff and the organizers? I guess that just part wasn't clear. So, I'm curious what, how staff envisioned that working at this point.

Alderperson Alex Schultz (District 9) 49:21

Clerk Lynch, you want to answer that one or ...?

Clerk Kami Lynch 49:24

My assumption, it would be the same as our contracts that Council does have to approve. So, there'd be a threshold amount where it's required to come through Council, otherwise it would be done just through staff.

Alderperson Alex Schultz (District 9) 49:37

Okay. Thank you. Motion to hold and a second. All those in favor say aye. Aye. Opposed? Motion carries five zero. Thank you everybody for that.