

Judge sides with county on Freedom Hill parking fees

Concert promoter must give up 25 percent of revenue.

By Chad Selweski Macomb Daily Staff Writer

Macomb County has scored a series of victories in its ongoing legal battle with Hillside Productions, the company that runs summer concerts at Freedom Hill County Park.

A federal judge has ruled that the county is entitled to more revenues from parking and ticket sales than was asserted by Hillside.

U.S. District Judge Robert Cleland decided that the county deserves its 25 percent share of parking revenues when special offers by Hillside may exclude the separate collection of a \$5-per-car fee. Those deals may involve season ticket holders, tickets purchased through the Ticketmaster service, and concert sponsors who receive special deals.

The county is still trying to determine how ticket vouchers, offered at numerous merchants across the county, factor into the parking revenue situation. Hillside has routinely offered free or discount tickets for the amphitheater's lawn area at numerous concerts, with free parking as part of the deal.

Hillside had argued in court that only fees collected by parking attendants at Freedom Hill on concert days must be shared with the county on a 75 percent -25 percent basis, with Hillside securing the largest portion of the proceeds.

The judge also decided that the county's 1 percent share of revenues from ticket sales includes the lawn area of the amphitheater, which seats nearly 3,000 people. Hillside had argued that the lawn area does not entail any reserved seats, so the county's revenue share did not apply to those ticket sales.

Hillside filed a \$250 million lawsuit against the county in April 2006, claiming ongoing money disputes and "harassment" killed a deal to sell a 90 percent interest in the Freedom Hill amphitheater to Palace Sports and Entertainment. The county responded with a countersuit claiming that Hillside had defrauded Macomb of revenues owed for parking, ticket sales, catering and advertising.

No dollar estimates were attached to the judge's newest ruling, as the county is still trying to decipher Hillside's income.

County officials declined to comment on the judge's June 14 decision, and Hillside representatives could not be reached for comment.

Cleland's ruling also concluded that Hillside must pay any local property taxes levied on the amphitheater and must pay maintenance costs for cleaning up the concert area. In addition, the judge rejected a Hillside claim that terms of the amphitheater contract were entered into by the concert-production company "under duress."

In March, Hillside registered a victory in court when Cleland ruled that the 75-25 sharing of parking revenues applies to all events at Freedom Hill, not just concerts.