

## **MEMORANDUM**

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August 6, 2014

**TO:** Honorable Mayor and City Commissioners

**VIA:** Kenneth Fields, City Manager

**FROM:** Katie Kinloch, Administrative Assistant

**SUBJECT:** Lake Wales Art's Council Special Event "Make It Magical" 2014

**SYNOPSIS:** The approval of the special event permit application will allow the Lake Wales Art's Council to hold a holiday event "Make It Magical" on December 5, 2014 between the hours of 5:00 p.m. and 8:00 p.m. and allow for the temporary closing of the Marketplace, a portion of Stuart Avenue and several city parking lots in the downtown area.

### **RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Approve the special event permit application from the Lake Wales Art's Council to hold a holiday event "Make It Magical" on December 5, 2014 between 5:00 p.m. and 8:00 p.m. with set up beginning at 4:00 p.m.
2. Approve the temporary closing of the following:
  - Close a portion of Stuart Avenue from South Market Street to Scenic Highway (SR17) for carriage rides
  - Close the Marketplace, the Marketplace parking lot, and both city lots on the east end of Stuart Avenue at Scenic Highway (SR17)
  - Close the alley between Stuart Avenue and Park Avenue from SR17 to First Street
  - Close off several parking spaces on the west side of South Market Street at Stuart Avenue for food vendors

### **BACKGROUND**

Jean Donaldson, Executive Administrator of the Lake Wales Art's Council, submitted a special event permit application to hold their third annual holiday event "Make It Magical" on December 5, 2014 between 5:00 p.m. and 8:00 p.m. in the downtown area. Set up time for the event will begin at 4:00 p.m. with clean up and take down after 8:00 p.m. This event will provide a holiday destination for the entire family and will feature musicians and vocalists, numerous craft and food vendors in the Marketplace and a horse and carriage ride along Stuart Avenue. Local downtown restaurants will remain open providing a variety of food and refreshments and local shops will stay open as well giving the public an opportunity to shop while attending a special holiday event.

The Lake Wales Art's Council is requesting the temporary closing of a portion of Stuart Avenue from South Market Street to Scenic Highway (SR17), the temporary closing of several parking spaces on the west side of South Market Street at Stuart Avenue, the temporary closing of the Marketplace and the Marketplace parking lot, the temporary closing of the alley between Stuart Avenue and Park Avenue, and the temporary closing of the two city lots on the east end of Stuart Avenue at Scenic Highway (SR17).

The City's special event review staff has reviewed the application and has no issues with the event. The Streets Department will close the streets, parking lots, provide additional trash containers, and at the conclusion of the event, they will empty the trash containers and transport them back to the storage location. The Art Council may request the assistance of the Lake Wales Police Department with off-duty officers for security reasons only. Any trash clean up during the event will be the responsibility of the Art Council. Insurance has been provided as required. The Art Council will be responsible for sanitary facilities and a dumpster.

#### **OTHER OPTION**

Do not approve this special event permit application or the request for the temporary closing of a portion of Stuart Avenue, the Marketplace or three city parking lots.

#### **FISCAL IMPACT**

The total cost for in-kind services from the City is in the proposed budget for FY14/15 in the amount of \$237.00 of which the Art Council would be responsible for 25%.

#### **ATTACHMENTS**

Special Event Permit Application  
Notarized Agreements of Financial Responsibility  
Event Location Drawing and Layout

# City of Lake Wales Application for Special Event Permit

Sponsor La Lake Wales Arts Council

Name of Event Make it Magical

Description Downtown Community holiday event

Location Downtown Lake Wales - Stuart + Park Aves.

Beginning Date 12/5/14 Ending Date 12/6/14 Hours of Operation 5-8:00

*setup + take down extra hours*

Sponsor Contact Jean Donaldson

Mailing P.O. Box 608

City Lake Wales State FL Zip 33859-0608

Sponsor Type non-profit Contact Phone # (863) 676-8426  
(non-profit civic, professional, educational, religious, etc./ commercial)

Indicate manner in which each will be handled; if City assistance is requested, please indicate. (if item is not applicable, indicate "N/A")

Sanitary facilities rentals

Parking n/a

Site preparation Lake Wales Arts Council + City to block off streets

Site clean-up Lake Wales Arts Council

- Will vehicular traffic control be required?  No  Yes (Requires coordination with city Police & Public Works departments)
- Will pedestrian control be required?  No  Yes (Requires coordination with city Police & Public Works departments)
- Will city street(s) be closed?  No  Yes (Requires Commission approval)
- Will state road(s) be closed?  No  Yes (Requires permit from Dept of Transportation)
- Will add'l trash receptacles be required?  No  Yes (Requires coordination with BFI)
- Will tent(s) be erected?  No  Yes (Requires building permit & inspection)
- Will temporary structure(s) be erected?  No  Yes (Requires building permit & inspection)
- Will electrical service be installed?  No  Yes (Requires electrical permit & inspection)
- Will live animal(s) be included in event?  No  Yes (Requires coordination with city Code Enforcement Officer)
- Will amusement ride(s) be operated?  No  Yes (Requires permit from Dept of Agriculture & Consumer Services)
- Will food vendor(s) be utilized?  No  Yes (Requires health permit & county occupational license)
- Will craft or other vendor(s) be utilized?  No  Yes (Requires county occupational license)

*horse + cart rides*

- Attachments. (items marked "x" are required with all applications; indicate additional attachments)
- Diagram showing site location & layout, parking areas, traffic patterns, electrical, etc
  - Agreement to Assume Financial Responsibility for Injury or Damage
  - Legal description & notarized letter of consent (required for event on private property)
  - Dept of Transportation Road Closing Permit (required for state road closing)

Sponsor has received a copy of Ordinance 93-02 and understands that Sponsor will be required to show proof of Liability Insurance and will be required to reimburse City for costs associated with Special Event unless such requirements are specifically waived by the City Manager in granting the permit. City occupational license fees are required for some events as specified in Ordinance 93-02.

Jean Donaldson  
 Signature of Sponsor's Authorized Representative  
*Executive Administrator*

7/18/14  
 Date



CITY OF LAKE WALES
FACILITY USE APPLICATION, CONTRACT AND PERMIT FOR
AGREEMENT TO ASSUME FINANCIAL RESPONSIBILITY FOR INJURY OR DAMAGE

Applicant: Lake Wales Arts Council Event: make it magical Location: Downtown

The Sponsor (hereinafter referred to as "the permittee"), shall indemnify, defend, and hold harmless the City of Lake Wales (hereinafter referred to as "the City"), and all of its officers, agents, and employees from any claim, loss, damage, cost, change, or expense arising out of any acts, actions, neglect, or omission by the Permittee, its agent, employees, or subcontractors during the performance of the permitted event, whether direct or indirect, and whether to any person or property to which the City or said parties may be subject, except that neither the Permittee nor any of its agents, employees, or subcontractors will be liable under the agreement for damages arising out of the injury or damage to persons directly caused or resulting from the SOLEY negligence of the City or any of its officers, agents, or employees.

Permittee's obligation to indemnify, defend and pay for the defense or at the City's option, to participate and associate with the City in the defense and trial of any damage claim or suit and any related settlement negotiations, shall be initiated by the City's notice of claim for indemnification to Permittee. Permittee's inability to evaluate liability or its evaluation of liability shall not excuse Permittee's duty to defend and indemnify within seven days after such notice by the City is provided by registered mail. Only an adjudication or judgement after highest appeal is exhausted specifically finding the City SOLELY negligent shall excuse performance of this provision by Permittee. Permittee shall pay all costs and fees related to this obligation and its enforcement by the City. City's failure to notify Permittee of a claim shall not release the Permittee of the above duty to defend.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless the City from and against any and all loss, damage, cost, and expense arising in any manner on account of the exercise or attempted excise by said Permittee of the aforesaid rights and privileges.

During the event, the Permittee shall observe all safety regulations of the City, and the Permittee shall take measures to ensure the safety of the public.

In case of non-compliance with the City's requirements in effect as the approved sate of the permit resulting from this agreement, said permit is void.

Jean Donaldson
Signature of Sponsor or Authorized Representative of Sponsor

7/18/14
Date

Jean Donaldson
Printed Name

State of Florida
County of Polk

The forgoing instrument was acknowledged before me this 18th day of July, 2014 by

Jean Donaldson



Jacob C Dykxhoorn
Signature of Notary Public-State of Florida
Jacob C Dykxhoorn
Name of Notary Typed, Printed, or Stamped

(NOTARY SEAL)
Personally Known X OR Produced Identification
Type of Identification Produced:



LAKE WALES ARTS COUNCIL  
PRESENTS

MAKE IT  
*Magical*



Dec.  
5<sup>th</sup>

FOOD • VENDORS  
MUSICAL ENTERTAINMENT



↑  
N

N. market street

coffee house  
Task of  
take wales food  
Vendor

businesses were open 2012

Parkings lot

Park Avenue

Del

1st

Vendors 10-12

Close City lot  
Vendor parking

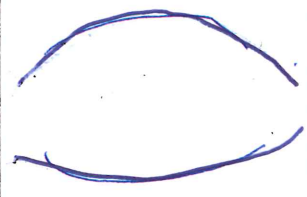
Portalettes 3-4

Arcade  
entertainment on balcony

SR 17

Alley

Alley



Arcade  
Cafe

Arcade

bank

food vendors

Stuart

block  
DE

close street

Food Vendor

S. Market Street

children's activity

entertainment on balcony

Vendors - 2  
Parkings lot - Close  
Santa w onderland

horse cart

Parkings lot - Close

Central Avenue