

## MEMORANDUM

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**DATE:** February 6, 2014

**TO:** Honorable Mayor and City Commission

**VIA:** Kenneth Fields, City Manager

**FROM:** Jennifer Nanek, Assistant to the City Manager/Deputy City Clerk

**SUBJECT:** American Legion Post 71 Special Event Permit Application  
Request to close city lot for Carnival

**SYNOPSIS:** The post – event approval of the Special Event Permit Application will allow the American Legion to host a Kid’s Carnival during the Mardi Gras activities, allow for the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue.

### RECOMMENDATION

The American Legion Post 71 requested that the City Commission take the following action:

1. Approve the Special Event Permit application for the American Legion Post 71 to host a Kids’ Carnival beginning Friday, February 13 from 6:00 p.m. -11:00 p.m. and ending Saturday, February 14, 205 at 10:00 p.m.
2. Approve the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue for the carnival to be set up beginning on Monday, February 9, 2015 through Saturday, February 14, 2015. The carnival will tear down on Sunday February 15, 2015.
3. Approve the waiver of the business tax of \$750.00 for the carnival as the American Legion is non-profit and the tax can be waived by the commission.

### BACKGROUND

This event was announced at the February 3, 2015 City Commission meeting and consented to by the commission. This official approval is after the fact.

Ira Anderson, Commander for the American Legion Post 71 submitted a Special Event Permit Application to host the Florida Carnival and More Inc’s Carnival during the Lake Wales Mardi Gras event. They are requesting the temporary closing of the City lot near SunTrust bank at the intersection of First Street and Tillman Avenue beginning on February 9, 2015 for the set up of the carnival and continuing until February 15, 2015 when the rides and games will be taken down and removed.

The carnival, if approved, will be from 6:00 p.m. to 11:00 p.m. on Friday, February 13 to Saturday, February 14, 2015 all day until 10:00 p.m.

The American Legion is also requesting a waiver from the City Commission for the business tax for the carnival (per Chapter 14, Sec. 14-114) for \$750.00 (per Chapter 19, Sec. 19-130). Chapter 14, Sec. 14-114 provides for an exception when the event is sponsored by a local nonprofit civic, professional, educational, or religious organization. The local business tax may be waived with prior approval of the city commission.

City staff has reviewed the application and has found no issues with its approval as long as certain conditions are met as follows:

- The American Legion will be responsible in providing a dumpster and sanitary facilities at the site.
- The American Legion will be responsible in making sure that Florida Carnival and More Inc. has the required permit from the State of Florida Division of Hotels and Restaurants and an annual permit from the State of Florida Department of Agriculture Division of Consumer Services.
- A Certificate of Liability insurance is required naming the city as additionally insured.
- The American Legion is responsible in making sure that Florida Carnival and More Inc. cleans up the trash during and at the end of the day, and that the city lot is cleaned of all trash when the carnival is concluded. The Streets Division will place trash containers at this location, however, the City will not be providing clean up services.

#### **OTHER OPTIONS**

Do not approve the carnival, the temporary closing of the city lot or the waiver of the business tax.

#### **FISCAL IMPACT**

This event was not budgeted in FY14/15 for in-kind services. The American Legion Post 71 will pay in-kind services that might be provided by the City at 100%.

#### **ATTACHMENTS**

Special Event Permit Application  
Contract with Florida Carnival and More Inc.  
Copy of Insurance  
Location Map of City lot

# City of Lake Wales Application for Special Event Permit

Sponsor LAKES WALS Memorial Post 71, AMERICAN Legion

Name of Event Mund. GRAS

Description CARNIVAL

Location SUN Trust Lot

Beginning Date Feb 9<sup>th</sup> 2015 Ending Date 16<sup>th</sup> Feb 2015 Hours of Operation 10 to 12pm

Sponsor Contact ANDY ANDERSON

Mailing 43 W. PARK AVE

City LAKES WALS State FL Zip 33853

Sponsor Type NON-profit Contact Phone # (863) 589 5689  
(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 porta LOTS

Parking FL CARNIVAL

Site preparation FL CARNIVAL

Site clean-up FL CARNIVAL

- 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)

- 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.


  
 Signature of Sponsor's Authorized Representative

1-29-15  
 Date

Florida Carnival & More, Inc.  
7378 W. Atlantic Blvd.  
Margate, FL 33063  
1-305-746-5531  
Contract

1. This contract made and entered into this the 29<sup>th</sup> DAY OF January 2015 FLORIDA CARNIVAL & MORE, INC. CITY OF MARGATE, STATE OF FLORIDA party of the first part and AMERICAN LEGION Post 71, CITY OF LAKE WALES, STATE OF FLORIDA party of the second part.
2. Party of the first part agrees to present amusement rides and attractions in the city of LAKE WALES, State of FL for the period of 3 Days commencing 02/13/15 to 02/15/15 for ANNUAL MARCH EVENTS.
3. Party of the second part agrees to flourish all licenses and permits as required by city, county, state, law, police protection, water, toilet facilities, dumpster, ticket sellers and suitable location of grounds shown as SUN TRUST PARKING LOT LAKE WALES FL DOWNTOWN that all shows, riding devices, concessions, and minor privileges shall be under management and control of party of the first part.
4. That as a consideration for the above mentioned party of the first part agrees to pay party of the second part the sum of 20 % OF GROSS RECEIPTS OF ALL RIDES SUPPLIED BY FLORIDA CARNIVAL & MORE, INC. after any applicable sales tax.  
**PAYMENT TO BE MADE AT THE CLOSE OF EACH DAYS BUSINESS**
5. Party of the first part to be granted exclusive privilege to confection stand (cotton candy, popcorn, candy apples, snow cones, funnel cakes, corn dogs, lemonade, etc.) and any and all games and side show attractions at no fee to first part.
6. That it is mutually agreed by both parties hereto that there is no other contract or promise, written or verbal existing between them and the contract is subject to the approval of the first party either by wire or letter.
7. In case of sickness or death of any performer, then party of the first part shall have a reasonable length of time to replace such act or performer. In case of railroad or delay, fire, flood, cyclone, epidemic or any unforeseen occurrence over which the party for the first part has no control, then they are not to be held for damages by party of the second.
8. SEE SPECIAL ARRANGEMENTS MADE ON PAGE 2 OF CONTRACT.
9. This contract entered into and signed by the duty authorized representatives.

  
\_\_\_\_\_  
Date 01-29-15  
Florida Carnival & More, Inc.

  
\_\_\_\_\_  
Date 01-29-15  
Party of the second part

IRA ANDERSON  
  
\_\_\_\_\_  
Date 01-29-15  
Party the second part  
ED PERKINS

Florida Carnival & More, Inc.  
7378 W. Atlantic Blvd.  
Margate, FL 33063  
1-305-746-5531  
Contract

SPECIAL ARRANGEMENTS:

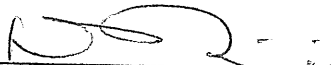
\* Florida CARNIVAL WILL SET UP ON THE TUESDAY BEFORE  
AND HAVE INSPECTIONS BY THE STATE FROM WED TO FRIDAY  
AND COVER ALL FEES.

\* Florida CARNIVAL WILL PROVIDE INSURANCE FOR ANY AND ALL  
ATTRACTIONS ON SITE.

\*

Rides and Slides@aol.com

10. This contract entered into and signed by the duty authorized representatives.

  
\_\_\_\_\_  
Florida Carnival & More, Inc. Date 01-29-15

\_\_\_\_\_  
Party of the second part Date \_\_\_\_\_

\_\_\_\_\_  
Party the second part Date \_\_\_\_\_



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
1/29/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>Kaliff Insurance</b> <b>2009 NW Military Hwy</b>  <b>San Antonio TX 78213</b>	<b>CONTACT NAME:</b> Madge Blurton <b>PHONE (A/C, No, Ext):</b> (210) 829-7634 <b>FAX (A/C, No):</b> (210) 829-7636 <b>E-MAIL ADDRESS:</b> madge@kaliff.com	
	<b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>	
<b>INSURED</b> <b>Florida Carnival Rides &amp; Games</b> <b>7378 W Atlantic Blvd.</b>  <b>Margate FL 33063</b>	<b>INSURER A:</b> United States Fire Insurance	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:** 2014      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR VVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS			
A	GENERAL LIABILITY			USP164333	10/16/2014	10/16/2015	EACH OCCURRENCE \$ 1,000,000			
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000			
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000			
	GEN'L AGGREGATE LIMIT APPLIES PER:									PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY	<input type="checkbox"/> PRO-JECT	<input type="checkbox"/> LOC							GENERAL AGGREGATE \$ 5,000,000
										PRODUCTS - COMP/OP AGG \$ 5,000,000
										\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$			
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$			
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$			
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$			
							\$			
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR					EACH OCCURRENCE \$			
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$			
							\$			
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS OTH-ER			
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				E.L. EACH ACCIDENT \$			
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$			
A	Accident Benefit Policy			US266393	10/16/2014	10/16/2015	\$10,000 Med \$2,500 AD&D			

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
ADDITIONAL INSURED AS RESPECTS TO INSURED'S OPERATIONS:

Sun Trust, First & Center Streets, Lake Wales, FL  
American Legion, Lake Wales, FL and  
Lake Wales, FL

For the Dates: February 10 - 16, 2015  
Event: Mardi Gras Lake Wales, FL

**CERTIFICATE HOLDER**      **CANCELLATION**

<b>Sun Trust, First &amp; Center Streets</b> <b>Lake Wales, FL</b> <b>American Legion, Lake Wales, FL and</b> <b>Lake Wales, FL</b>	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	<b>AUTHORIZED REPRESENTATIVE</b>  Mitchell Kaliff/MADGE <i>Mitchell H. Kaliff</i>



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	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
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For the Dates: February 10 - 16, 2015

Event: Mardi Gras Lake Wales, FL

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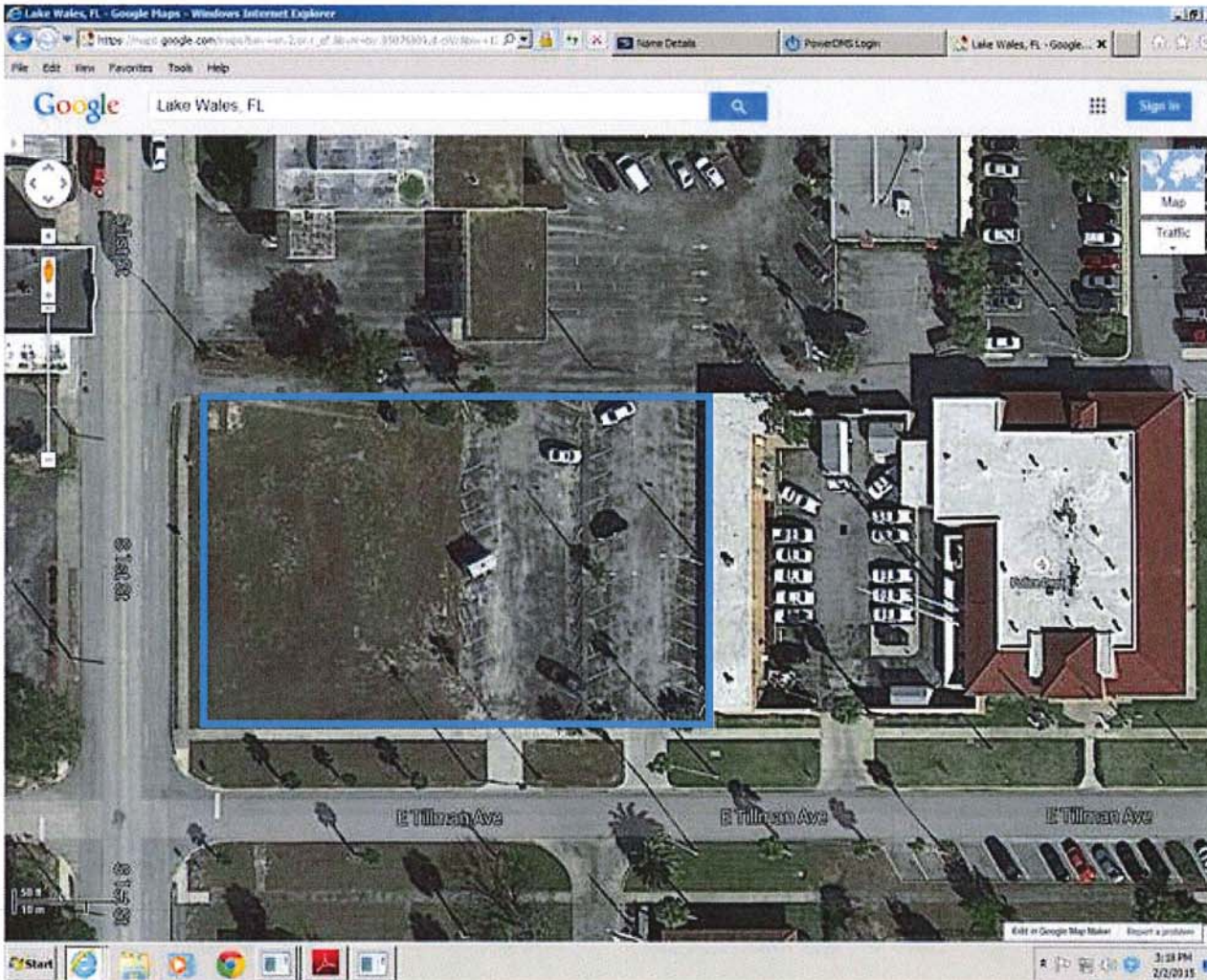
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	<b>AUTHORIZED REPRESENTATIVE</b>  <b>Mitchell Kaliff/MADGE</b> <i>Mitchell H. Kaliff</i>

## Jennifer Nanek

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**From:** David Black II  
**Sent:** Monday, February 02, 2015 3:30 PM  
**To:** Jennifer Nanek; Beverly Pennington; Henry Croley; Joseph Jenkins; Margaret Swanson; Patricia Johnson; Sandra Davis; Teresa Allen; Troy Schulze; Vincent Crawford; Zaillet Suri  
**Subject:** RE: Mardi Gras Carnival

I am good as long as it does not extend past these boundries.



David Black, Lieutenant  
Lake Wales Police Department  
133 East Tillman Avenue  
Lake Wales, FL 33853  
863-678-4223 ext. 277

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