



CITY COUNCIL ACTION REPORT

September 22, 2009

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief
David J. Roberts, Assistant Fire Chief

SUBJECT: Macy's Fireworks Permit Application

Background:

Macy's at Oakland Mall along with Zambelli Fireworks, Inc., of New Castle, Pennsylvania, have submitted a permit application for a public fireworks display to celebrate the beginning of their holiday shopping season. Macy's and Zambelli are requesting the Troy City Council grant a permit for an approximate fifteen-minute public fireworks display to occur on Friday, November 6, 2009, at 7:00 PM in their west parking lot. Macy's west parking lot will accommodate the necessary distances required for the display.

Financial Considerations:

The Fire Department will arrange to have Fire Station #4 on standby at the event along with the necessary number of Fire Prevention Division staff member(s) to help ensure fire safety. Fire Department costs will be off-set by the \$125.00 Fireworks permit fee as required by ordinance.

Legal Considerations:

Michigan's Fireworks Law requires that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township. City Council has previously granted permission for a fireworks display for previous years' events at Oakland Mall, as well as for the annual Troy Daze festival at Boulan Park.

Policy Considerations:

The permitting process and subsequent fire department standby are consistent with City Council's goal of enhancing the safety of the community.

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Options:

Staff recommends that City Council issue a fireworks permit to Zambelli Fireworks, Inc., for a public fireworks display. Enclosed for Council's review are the permit application and permit to be signed and issued; certificate of insurance; and a request letter to Council from Urban Retail Properties, LLC.

Prepared by David Roberts, Assistant Fire Chief
G:\Data\09-803\My Documents\Word\Macy's Fireworks Agenda Item.docx

Application for Fireworks Display Permit
 Michigan Department of Labor & Economic Growth
 Bureau of Fire Services
 P.O. Box 30700
 Lansing, MI 48909
 517-241-8847

Authority: 1968 PA 358	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
Compliance: Voluntary	
Penalty: Permit will not be issued	

<input checked="" type="checkbox"/> Public Display		<input type="checkbox"/> Agricultural Pest Control	DATE OF APPLICATION 9/22/09
NAME OF APPLICANT Zambelli Fireworks Mfg. Co.		ADDRESS PO Box 1463 New Castle Pa 16103	AGE (18 or over)
IF A CORPORATION, NAME OF PRESENT W. Douglas Taylor		ADDRESS same	TELEPHONE NUMBER
IF A NON-RESIDENT APPLICANT, NAME OF MICHIGAN ATTORNEY OR RESIDENT AGENT		ADDRESS	TELEPHONE NUMBER
NAME OF PYROTECHNIC OPERATOR Dave Evans		ADDRESS 950 Wampum Ave. Ellwood City PA	AGE (18 or over) 61
NO. YEARS EXPERIENCE 14+ years	NO. DISPLAYS 200+	WHERE Throughout the United States	
NAME OF ASSISTANT to be determined		ADDRESS	AGE
NAME OF OTHER ASSISTANT		ADDRESS	AGE
EXACT LOCATION OF PROPOSED DISPLAY parking lot of Oakland Mall - Troy, MI (See map attached)			
DATE OF PROPOSED DISPLAY 11/6/09		TIME OF PROPOSED DISPLAY 7 pm	
NUMBER OF FIREWORKS	KIND OF FIREWORKS TO BE DISPLAYED		
1200	3" Aerial Display Shells		
402	4" Aerial Display Shells		
15	Barrage Cakes		
MANNER AND PLACE OF STORAGE PRIOR TO DISPLAY (Subject to Approval of Local Fire Authorities)			
delivered day of display			
AMOUNT OF BOND OR INSURANCE (To be set by local government) \$10 Million		NAME OF BONDING CORPORATION OR INSURANCE COMPANY Britton-Gallagher & Associates, Inc.	
ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY 6240 SOM Center Road, Cleveland, OH 44139			
SIGNATURE OF APPLICANT <i>W. Douglas Taylor</i>			

Instructions for Application for Fireworks Display Permit

Applications shall be made to the city or village council or commission of the township board. A permit shall be issued only as a result of legal action by the council, commission or board. A permit shall be valid only for use within the limits of the issuing political jurisdiction.

1. The applicant may be a person representing an organization, group, firm or corporation, or self. If the applicant is also the operator, enter the same name in Operator's section.
2. A non-resident applicant shall appoint a Michigan attorney or resident agent in writing to be the applicant's legal representative upon whom all process in any action or proceeding may be served.
3. The pyrotechnic operator is the person in charge of the display. The council, commission or board shall rule on the competency and qualifications of the operator before granting a permit and may require an affidavit from the applicant as to the operator's experience, former pyrotechnic accidents, criminal record, sobriety, etc.
4. Indicate the total amount of fireworks proposed for the display, such as 10 aerial bombs, 30 aerial rocket bursts, etc.
5. Indicate the manner and place of storage within the political jurisdiction of fireworks that are ready for display, just prior to the display in the area of exhibition. The council, commission or board shall obtain approval from the local fire authorities of the manner and place of storage before any permit is issued.
6. The issuing political jurisdiction shall set the amount of and proof of bond or insurance for the protection of the public to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation, or any agent or employee of the applicant. The applicant shall assure the bond or insurance required is provided.

Permit for Fireworks Display
 Michigan Department of Labor & Economic Growth
 Bureau of Fire Services
 P.O. Box 30700
 Lansing, MI 48909
 517-241-8847

Authority: 1968 PA 358 Compliance: Required Penalty: Misdemeanor	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
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This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

<input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Agricultural Pest Control		
ISSUED TO Zambelli Fireworks Mfg. Co.	AGE (18 or over)	
ADDRESS PO Box 1463 New Castle PA 16103		
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION Macy's		
ADDRESS 111 North State Street, Chicago IL 60602		
NUMBER AND TYPES OF FIREWORKS 1200 3" Aerial Shells 402 4" Aerial Shells 15 Barrage Cakes		
EXACT LOCATION OF DISPLAY Parking lot of Oakland Mall - Troy, MI		
CITY, VILLAGE, TOWNSHIP Troy, MI	DATE 11/6/09	TIME 7 pm
BOND OR INSURANCE FILED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		AMOUNT \$10 Million

Issued by action of the council commission board of
 city village township of _____ on the _____ day of
 _____ 20 _____

(Signature and Title of Council/Commission/Board Representative)

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/22/2009

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406
 Britton-Gallagher and Associates, Inc.
 6240 SOM Center Rd.
 Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURED
 Zambelli Fireworks Mfg. Co., Inc.
 PO Box 1463
 New Castle PA 16103-1463

INSURERA: Lexington Insurance Co
 INSURERB: Granite State Insurance Co. 23809
 INSURERC: Arch Specialty Ins Co
 INSURERD:
 INSURERE:

COVERAGES

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	1619391-01	2/1/2009	2/1/2010	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	X	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS GARAGE LIABILITY <input type="checkbox"/> ANY AUTO	CA93488081	2/1/2009	2/1/2010	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
C	X	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$	UFP0024525	2/1/2009	2/1/2010	EACH OCCURRENCE \$ 9,000,000 AGGREGATE \$ 9,000,000 \$ \$ \$ WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				

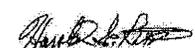
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Display Date: November 6, 2009 Rain Date: n/a
 Location: parking lot of Oakland Mall, Troy, MI
 Macy's Oakland Mall; City of Troy, MI are named as additional insureds in regards to the above display

CERTIFICATE HOLDER

CANCELLATION

Macy's
 111 North State Street
 Chicago IL 60602

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE 

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

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).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

RESIDUAL

CRASH OUT
244 ST.

Caltrans 2000
(Ramp 2000)

RETENTION BASIN

RAIL STATION

44' DIA

J.C. PENNEY
(3 LEVEL)
304,000 SF, G.S.

TBA

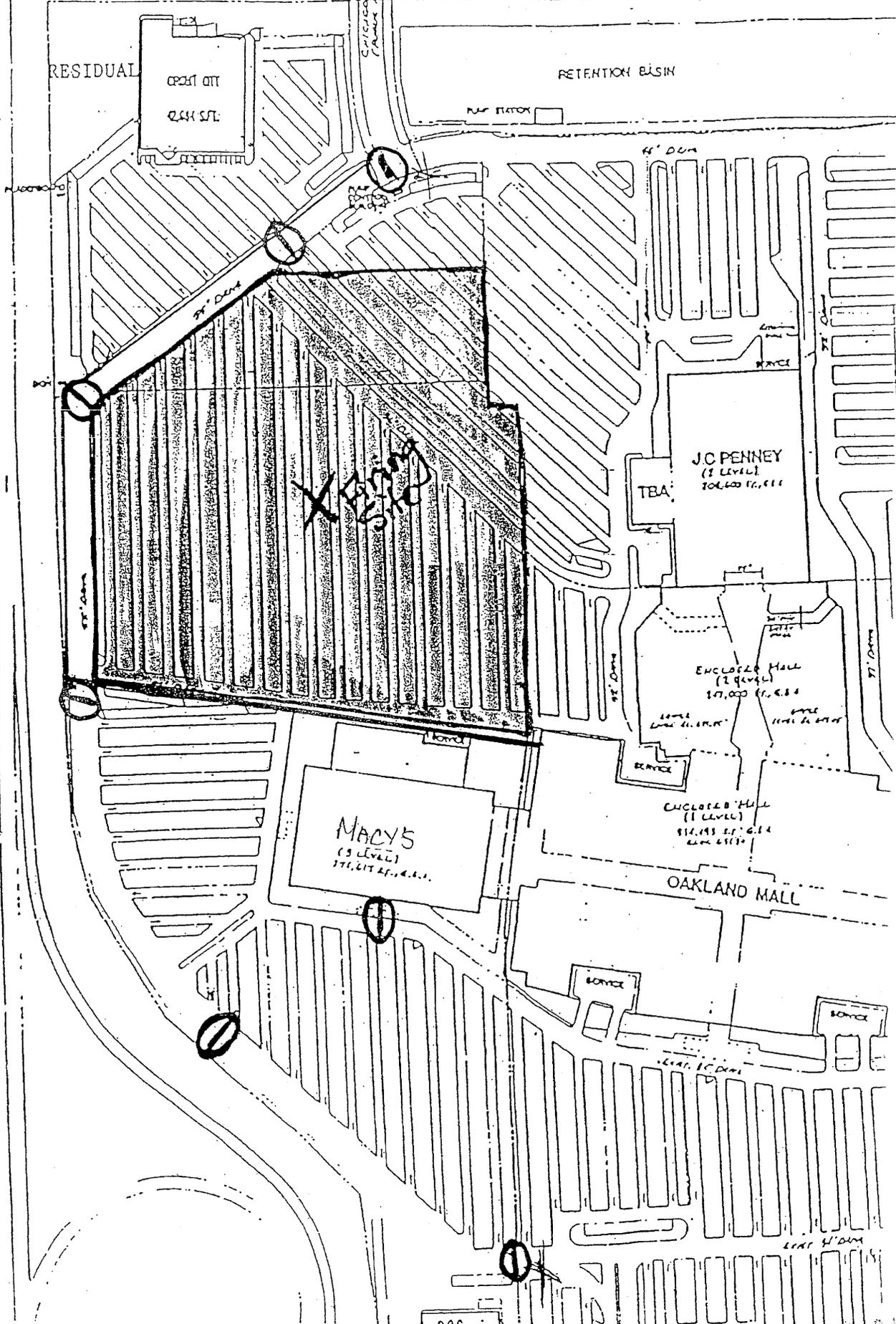
ENCLOSURE HALL
(2 LEVEL)
27,000 SF, G.S.

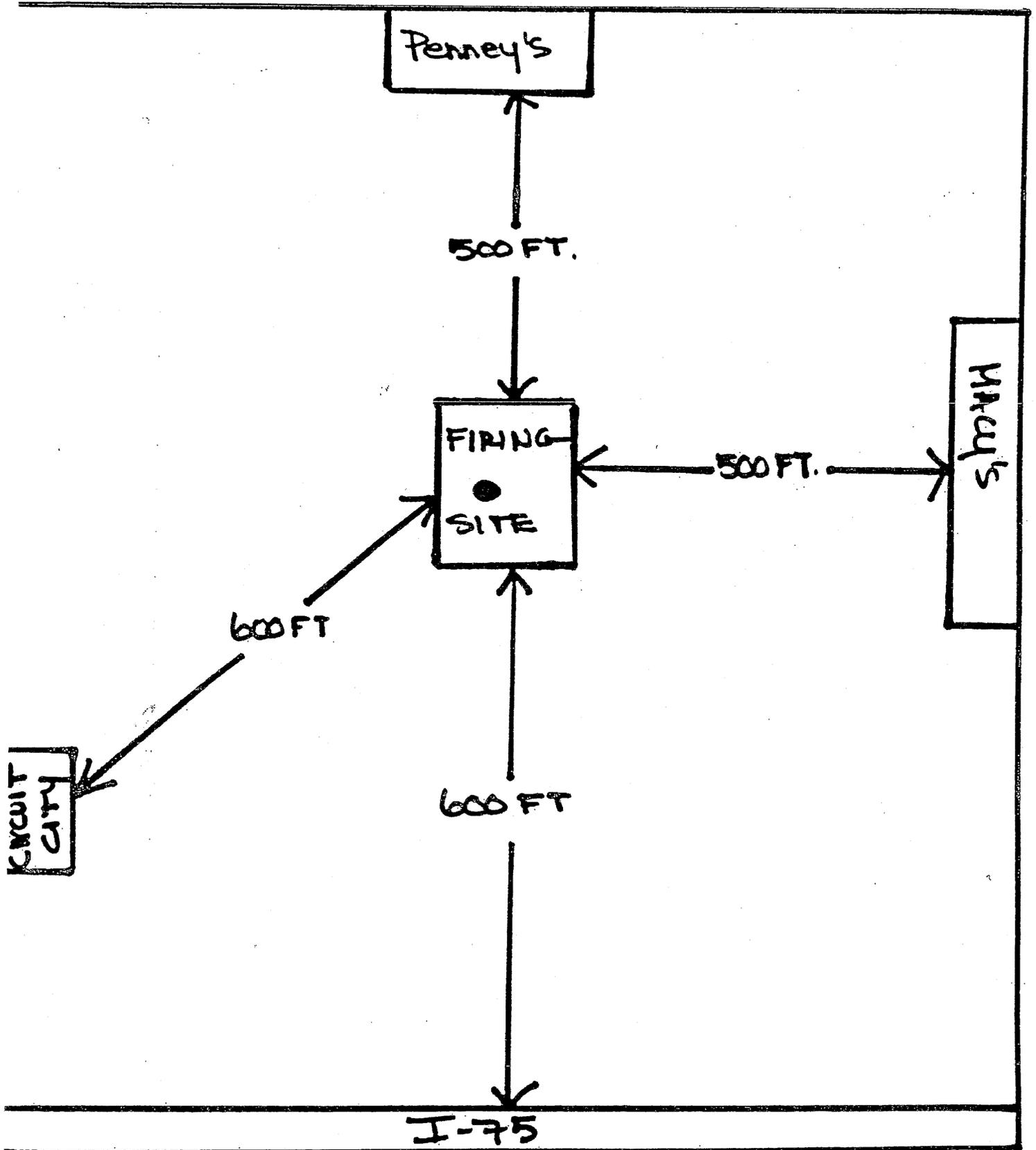
ENCLOSURE HALL
(1 LEVEL)
914,193 SF, G.S.
2000 0110

MACY'S
(3 LEVEL)
177,617 SF, G.S.

OAKLAND MALL

LINE 44' DIA





* AREA WILL BE BARRICADED/NO ONE ALLOWED INSIDE SHOOTING AREA OTHER THAN ZAMBELL EMPLOYEES.

URBAN



September 11, 2009

City Council
Of The City Of Troy
500 W. Big Beaver
Troy, MI 48084

Ladies and Gentlemen of City Council,

This letter serves as a formal request for approval of the Macy's Fireworks event on Friday, November 6, 2009 at 7pm in the Oakland Mall parking lot. In allowing Oakland Mall to host the Macy's Fireworks, both the City of Troy and the shopping center benefit from the positive publicity created by an event of this degree.

We hope you share our enthusiasm and stand in approval.

Respectfully,

Urban Retail Properties Co. of Michigan

A handwritten signature in black ink, appearing to read "Timothy W. Olson".

Timothy W. Olson
President, Management Division

URBAN RETAIL PROPERTIES, LLC

1169 Clarendon Drive | Marietta, Georgia 30068 | (440) 310-2233 | www.urbanretail.com