

## **CITY COUNCIL AGENDA ITEM**

#### **REQUESTED COUNCIL MEETING DATE 06/01/2010**

SUBJECT:	MAJOR SPECIAL EVENT REQUEST - TNT FIREWORKS @ COUNTRYSIDE PLAZA - 3830 S. NOVA ROAD						
DEPARTMENT:	COMMUNITY DEVELOPMENT						
RECOMMENDED	MOTION:						
	irework's Major Special Events on the attached staff i	vent request and to waive the \$2 report.	50 surety bond, subject to				
SUMMARY:							
hold a fireworks sale	e located at Countryside Pl ning June 25, 2010, and co	uest from Les Ditchek, representa laza, 3830 S. Nova Rd. Mr. Ditche ntinuing through July 4, 2010. The	ek is requesting permission				
ATTACHMENTS:	[] Ordinance [] R	esolution [] Budget Resolut	ion				
[X] Other [] Suppo	ort Documents/Contracts A	Available for Review in Manager's	Office				
DEPARTMENT HE	AD WAR	Wayne Clark Community Development Director	Date 5/21/10				
FINANCE DEPART	rment N/A	Approved as to Budget Requirements	Date				
CITY ATTORNEY	N/A	Approved as to Form and Legality	Date				
CITY MANAGER		Approved Agenda Item For:	6/1/10				
COUNCIL ACTION	l: [ ] Approved as Reco	ommended [ ] Disappr	oved				
[ ] Tabled Indefinite	ely [ ] Continued to Date	e Certain [ ] Approve	ed with Modification:				



#### DEPARTMENT OF COMMUNITY DEVELOPMENT

#### **MEMORANDUM**

TO:

WAYNE CLARK, DIRECTOR OF COMMUNITY DEVELOPMENT

FOR:

DATE:

KENNETH W. PARKER, CITY MANAGER

FROM:

DEBORAH FAIRCLOTH, CODE COMPLIANCE INSPECTOR  $\mathcal{OF}$ 

**SUBJECT:** MAJOR SPECIAL EVENT REQUEST – TNT FIREWORKS @ COUNTRYSIDE PLAZA – 3830 S. NOVA RD.

...

MAY 18, 2010

Please schedule this item for City Council consideration on June 1, 2010.

#### Overview

Mr. Les Ditchek, representative for TNT Fireworks, requests approval to conduct a Major Special Event at 3430 S. Nova Road at the Countryside Plaza. The dates for the sale are June 25, 2010, through July 4, 2010 from 10:00 a.m. to 10 p.m. daily.

The event is proposed for the parking lot of Countryside Plaza located at 3830 S. Nova Rod. TNT Fireworks is requesting approval to begin installing a 30 x 45 tent in the parking lot as shown on the attached site plan on June 23, 2010, and removing the tent by July 6, 2010. All drive lanes will be open and a port-o-let facility will be provided for customer and employee use.

Private security will be provided throughout the night. Mr. Ditchek will be responsible for removing any trash or debris from the site.

#### Discussion

The subject proposal has been reviewed by the Community Development, Police, and Fire Departments. The Fire Marshal has safety concerns regarding consumer fireworks and "safe and sane" sparkler products. Their comments, which are included as conditions, are listed below.

#### **Code Violations**

There were no apparent code violations at the time of pre-inspection.

#### **Special Note**

Staff recommends that the surety bond fee be waived. The site is kept in good order with no apparent trash or debris problems. The applicant has expressed his appreciation.

#### Recommendation

Staff recommends **approval** of the TNT Fireworks Display at Countryside Plaza located at 3830 S. Nova Road, subject to the following eleven (11) conditions:

- 1. Plan set for tent compliant to 2007 Florida Fire Prevention Code.
- 2. Letter of intent to comply to FS § 791 for sales of State Fire Marshal approved sparkler products only (received)
- 3. Inventory listing (received)
- 4. Provide approved containment/storage area.
- 5. Provide No Smoking signage and monitor.
- 6. Provide proper Exit signage.
- 7. Provide proper Fire Extinguishers with current inspection tag posted.
- 8. Provide signage prohibiting minors from purchasing sparkler products.
- 9. If a generator is needed for lighting, conditions will be set by the Fire Marshal for correct placement for public safety.
- 10. Protect all tripping hazards.
- 11. Periodic inspections will be made to assure compliance. This includes inspection of storage containment.
- 12. Vendor shall assure that purchasers shall be over the age of 21 (via picture I.D.) and supply a sparkler safety sheet to each customer specifically keeping such products out of reach of children. It is understood by the Fire Marshal that once these items are purchased, the burden of responsibility is placed on the purchaser. However, all efforts shall be made, from the seller to the purchaser, to act responsibly and not allow children to light these pyrotechnic products.
- 13. If approved, a fee of \$250 for a Temporary Merchant License will be required payable to the City of Port Orange before this permit is issued.

#### DISTRIBUTION LIST

Chris Weir, Fire Marshal Sgt. Chris Besuden, Police Dept. Applicant File



# CITY OF PORT ORANGE Department of Community Development

APPLICATION RECEIVED BY:

1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129 (386) 506-5600 FAX: (386) 506-5699

### SPECIAL EVENT PERMIT APPLICATION

(City Ordinance No. 1998-61& Fee Resolution No. 98-45)

Name of Business/Organization Hosting Event: TNT FIRFILMSrKS					
Event Site Address: 3830 S. Nova RD					
Event Contact Person: LES DITCHEK , EDNA CERTZ					
Address: 1521 SHADOW PINES DR. N.SB. Phone: 954-325-7024 LES					
904-237-3350-EDNA					
SPECIAL EVENT APPLICATION REQUIREMENTS					
Application for Major Special Events must be submitted at least forty-five (45) days in advance of the requested event. Minor Special Events must be submitted at least seven (7) days in advance.					
A Major Special Event is a special event which, by itself or in conjunction with other events occurring during the same time (such as during a community wide special event), is likely to have a major impact on the community, including but not limited to factors such as traffic, noise, or other aspects of public health, safety and welfare. Major Special Events must be approved by City Council. Staff will advise on Council meeting dates and times. If there are outstanding code violations on site, the application will be denied.					
A <b>Minor Special Event</b> is any special event other than a major special event that has a minor impact on the community and does not require additional city resources such as public safety or public works personnel.					
Required Documents: 1. A letter of request. 2. A sketch of the event layout on the property. 3. Proof of ownership.					
4. Completed application checklist (attached).					
PERMIT APPLICATION FEES					
MINOR SPECIAL EVENTS (Seven days or less) \$100.00					
MAJOR SPECIAL EVENTS (Seven days or less) \$300.00					
MAJOR SPECIAL EVENTS (More than seven days) \$500.00					



May 17, 2010

City of Port Orange

To Whom It May Concern:

This is a letter of intent for our request to run a **State Approved Sparklers** (ONLY) sale. We will sell from a 30x45 tent with a lease from the land owner. Lease is attached.

Location: Country Side Plaza, 3830 S. Nova Road

Dates: set up date for tent 6/23 and take down will be 7/6

Sale period will be 6/25 thru 7/4 10am – 10pm daily

Handicapped port-o-let on site

Private security will be provided for night time

All debris will be removed prior to closing

I have had a meeting with Chris Weir, the Fire Marshal, and he is absolutely fine with the sale of the sparklers. Chris was familiar with what I do, the tents, and the product from South Florida.

Our Company supplies Wal Mart; Winn Dixie and Publix in Port Orange and it is the exact same product the stores are selling that we will sell.

Attached is a site plan; flame certificate for the tent; application; seasonal retailer for the specific location from the state; a copy of our wholesale license and a check for \$500.00

Sincerely,

Les Ditchek Area Manager

954-325-7024

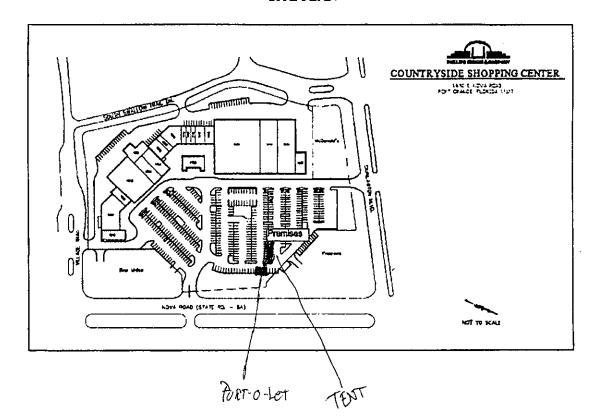
Attachments

### TNT FIREWORKS

A Tent Placement Worksheet must accompany each and every Lease Agreement STAND / TENT PLACEMENT WORKSHEET

	ADDRESS		KD-		
	CITY Port ORA	nge STATE /	FL	ZIP <u>37129</u>	
	TENT / STAND SIZE				<del></del>
	STORE NAME / LOC	ATION# <u>COONT</u>	rySde Sa	ping Center	<u>.</u>
	STAND / TENT SET	JP DATES BETWEEN	6-23 A	ND <u>624</u>	
	STAND / TENT TAKE	DOWN DATES BEWT	EEN <u>7-5</u> NORTH	AND 7-4	
	5701	es Bi6	LOTS	570R63	m Couplys
Does not block rive lan	INDICATE LOCATION A SPECIAL INSTURCTION		30UTH		I'RESTONE TIRE
	SIGNATURE			DATE	
	SIGNATURE	STORE MANAGER OR  AREA MANAGER	LAND LORD	DATE	•
	WHITE _ TNT	YELLOW - AREA MANA	AGER PINK	– STORE MANAGES	R/LAND OWNER

Exhibit A SITE PLAN



# STATE OF FLORIDA DEPARTMENT OF FINANCIAL SERVICES DIVISION OF STATE FIRE MARSHAL TALLAHASSEE, FLORIDA CERTIFICATE OF REGISTRATION SEASONAL RETAILER



THIS CERTIFIES THAT:

THT FIREWORKS/JAMES WALKER

4511 HELTON DRIVE FLORENCE, AL 35630-

HAS REGISTERED TO THE PROVISIONS OF FLORIDA STATUTES TO ENGAGE IN THE BUSINESS OF SELLING SPARKLERS AT RETAIL, FROM JUNE 20 THROUGH JULY 5 AND DECEMBER 10 THROUGH JANUARY 2 AT THE FOLLOWING LOCATION.

LOCATION: 3830 South Nova Road CI Port Orange, Florida 32168 VOLUSIA

Chief Financial Officer

| 03 | 18 | 2010 | 07 | 63 | 18205000012010 | 1820500001 | 200.00 | 01 | 31 | 2011 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2

FFF 383:0 CD

# STATE OF FLORIDA DEPARTMENT OF FINANCIAL SERVICES DIVISION OF STATE FIRE MARSHAL TALLAHASSEE, FLORIDA CERTIFICATE OF REGISTRATION WHOLESALER OF SPARKLERS



THIS CERTIFIES THAT:

AMERICAN PROMOTIONAL EVENTS DBA TNT FIREWORKS

6255 S E 78TH STREET

OCALA, FL 34472-

HAS REGISTERED PURSUANT TO THE PROVISIONS OF FLORIDA STATUTES TO ENGAGE IN THE BUSINESS OF SELLING SPARKLERS TO A RETAILER.

Chief Financial Officer

02 01 2010 07 62	Marion	56506500012005	1818300001	1000.00	01 31 2011	1
Issue Date Type Class	County	License/Permit Number	Application #	Taxes & Fees	Expire Date	1