



AGENDA 7a
Internal Memo DATE 9-3-19

August 19, 2019

TO: Mark C. Meyers, City Administrator

FROM: Shelly Stibitz, City Clerk

A handwritten signature in blue ink, appearing to read "Shelly Stibitz".

SUBJECT: Intersection Solicitation Permit

Norton Shores Firefighter, Eric Wentzloff, applied for an Intersection Solicitation Permit to conduct a fundraiser that would benefit the Muscular Dystrophy Association. He is requesting approval to conduct a Fill the Boot campaign soliciting donations on Friday, October 11th from 4 p.m. to 7 p.m. and Saturday, October 12th from 10 a.m. to 1 p.m. at two of the six permissible intersections. The date requested is available and their application and evidence of insurance determined to be satisfactory.

The application is attached for consideration at the September 3, 2019 regular City Council meeting.

Attachment



Norton Shores City Clerk

4814 Henry Street
Norton Shores, MI 49441
(231) 798-4391

Intersection Solicitation Permit

Form with fields for Organization Name (Muscular Dystrophy Association), Chairperson (Eric Wentzloff), Address (161 N Clark St, Chicago, IL), Phone (517-706-0348), Email (AWentzloff@mdausa.org), Dates & Hours (October 11th 4pm-7pm & October 12th 10am-1pm), Locations (Norton Avenue at Roosevelt Road, Seminole Road at Lake Harbor Road), Description of Reason (The Fill the Boot campaign for MAA), Insurance (See attached certificate), and Agreement to Code of Ordinances.

I do hereby affirm that the information provided on this permit is true and complete to the best of my knowledge.

Signature of Applicant: [Signature]
Signature of Chairperson: [Signature]

Date: 8/6/2019
Date: 8/6/2019

THIS PORTION IS FOR CITY USE ONLY

Table with columns: CITY-CLERK, POLICE DEPARTMENT, CITY COUNCIL, RECOMMEND APPROVAL (Yes/No), DATE (8/19/2019)

REASON FOR DENIAL:

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – STATE OR GOVERNMENTAL
AGENCY OR SUBDIVISION OR POLITICAL
SUBDIVISION – PERMITS OR AUTHORIZATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<p>State Or Governmental Agency Or Subdivision Or Political Subdivision:</p> <p>Any State or Political Subdivision if required by a signed contract or agreement</p>
<p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p>

A. Section II – Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

- a. The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

2. This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or
- b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

- 1. Required by the contract or agreement; or
- 2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



Norton Shores Fill the Boot Safety Plan

Dates: Friday, October 11 and Saturday, October 12, 2019

Time: Friday – 4pm-7pm, Saturday – 10am-1pm

Locations: Seminole Rd/Lake Harbor Rd and Norton Ave/Roosevelt Rd, Norton Shores

Contacts:

Event Coordinator- Eric Wentzloff
MDA Coordinator- Amanda Wentzloff
MDA Office – Greater MI MDA (517) 706-0348

The Fill the Boot campaign for MDA is a 65-year American tradition that takes place in thousands of cities across the United States and Canada. It has been a very positive and successful fundraising effort by Fire Fighters for a well-known and well-respected National non-profit organization.

- ❖ Fire Fighters have raised over \$650 million for MDA since 1954.
- ❖ Fire Chiefs and administrations across the country fully support the MDA Fill the Boot program as a Department wide, on-duty program. They realize the positive community relations and PR it generates and such benefits as encouraging positive interactions with the communities they serve while helping a great charitable cause.
- ❖ 100% of the collected funds go to the local Greater Michigan District MDA chapter, and the money stays local to help children and adults with neuromuscular diseases.

Discussion

Norton Shores Fire Fighters would like to request approval from the City Manager and Fire Chief to fill the boot off-duty at the following intersection.

Locations

Intersections being proposed for approval in 2019 are:
Seminole Road and Lake Harbor Road
Norton Avenue and Roosevelt Road

These intersections were chosen because of the speed limit, sidewalks available, and four way stop. If approved, MDA and Norton Shores Fire Fighters will partner to ensure all safety measures are followed.

Safety Measures

It is the top priority of Norton Shores Fire Fighters to provide the safest possible environment for the citizens and its members; this operation would be no different. The proposed intersection for collection was chosen because of the safety factor. All members wear safety vests for maximum visibility; and crews use signage and high visibility apparatus parked nearby.

The Muscular Dystrophy Association offers insurance to all members of the Department collecting for Fill the Boot that has a \$5,000,000 aggregate policy.

Finally, Norton Shores Fire Fighters will take all necessary precautions to ensure that our members are not exposed to any unnecessary risk.



Fill the Boot Event Timeline (Friday):

3:30pm: Arrive at Fire Station 1 and load supplies

3:45pm: Head to set up intersection, safety briefing, put up signs and cones

4:00pm: Start of Event: Fire Fighters will be instructed to be on street when it is safe, and only approach cars that are offering donations to MDA.

6:45pm: Start removing signs.

7:00pm: Event complete. Pick up all supplies and trash, fire fighters to meet back at station 1 to turn in all funds. All funds will be secured and counted at Fire Station 1.

Fill the Boot Event Timeline (Saturday):

9:30am: Arrive at Fire Station 1 and load supplies

9:45am: Head to set up intersection, safety briefing, put up signs and cones

10:00am: Start of Event: Fire Fighters will be instructed to be on street when it is safe and only approach cars that are offering donations to MDA.

12:45pm: Start removing signs.

1:00pm: Event complete. Pick up all supplies and trash, fire fighters to meet back at station 1 to turn in all funds. All funds will be secured and counted at Fire Station 1.



Purpose of Safety Plan

- Identify and understand all risks
- Educate personnel on best practices in order to remain safe while participating in Fill the Boot
- Ensure all personnel are consistent in following safety guidelines
- Allow Norton Shores Fire Fighters Fill the Boot efforts to increase in dollars raised while decreasing risk of injury

Preparing for Fill the Boot

- All intersections must be formally identified prior to the start of the campaign
- Each intersection must meet the following criteria:
 - High yielding
 - Good traffic control with traffic light/stop sign
 - Good visibility
 - Ability to access vehicular traffic from a safe place (i.e. median, curb, etc.)
- No collections will be made in any intersections after dark or in inclement weather where visibility may be limited
- The Fire Department and MDA Coordinators will ensure that all personnel are familiar with the normal flow of traffic at their collection site
- Signs provided by the MDA (both truck banners, Caution signs, and smaller posters) must be used to alert drivers of upcoming collection points

All personnel operating within or near roadways must

- Wear department-issued hi-vis reflective vests (MDA can also provide if needed)
- Wear helmets
- Wear proper footwear
- Have plenty of water available
- Be 18 years of age and older
- Do not block or inhibit the flow of traffic
- Remain alert to your surroundings at all times
- Boots will be emptied every 30 minutes or as necessary to avoid any incidents.



Past year's donations to MDA from Norton Shores Fill the Boot efforts

2018 - \$2,001

2004 - \$1,500

Where the Money Raised Goes

The Muscular Dystrophy Association currently services 63 clients in Muskegon County, 11 of those in the City of Norton Shores and more than 4,000 in the State of Michigan.

- ❖ MDA funds Care Centers at:
 - Mercy Health St. Mary's
 - University of Michigan
 - Michigan State University
 - Beaumont Children's Hospital
 - Children's Hospital of Michigan
- ❖ MDA annually organizes two Summer Camp in Michigan (Camp Cavell in Lexington and Sherman Lake in Augusta) for over 160 kids ages 8 - 17. Nationally, it costs MDA an average of \$2,000 to send a kid to camp. In Michigan, it costs on average around \$1,000.
- ❖ MDA also has support groups, research and advocacy, clinical trials and resources to assist families and patients.



State Legislative Support

Wording of the Michigan House Bill 4160 (Public Act 112)

If there is a concern about putting Norton Shores Fire Fighters in a compromised position with the City of Norton Shores to collect in the right-of-way against any established anti-panhandling ordinances, this concern has been addressed by the creation of the law at the state level.

Sec. 676b. (1) Subject to subsection (2), a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section does not apply to persons maintaining, rearranging, or constructing public utility facilities in or adjacent to a street or highway.

(2) Subsection (1) and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:

- (a) The charitable or civic organization complies with applicable local government regulations. A local government may enact or enforce regulations restricting, but not prohibiting, the activity described in this subsection.
- (b) The charitable or civic organization maintains at least \$500,000.00 in liability insurance.
- (c) The person is 18 years of age or older.
- (d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.
- (e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

Link to the Bill

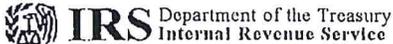
<http://legislature.mi.gov/doc.aspx?2017-HB-4160>

Positive Impacts

-Community Support: Another positive impact of allowing Norton Shores Fire Fighters to collect at the intersection would be the increased exposure of the Fire Department to the citizens and visitors of Norton Shores. One of the largest benefits to the Department during Fill the Boot is our ability to connect on a one-on-one level with citizens and visitors in Norton Shores. Most citizens we encounter look forward to the Fire Fighter's annual Fill the Boot drive and praise their willingness to stand for long hours collecting for children and adults with muscular dystrophy – it's a great tradition. Citizens willingly donate their money to help fill the Fire Fighters' boots.

Each of those donations can be viewed as the public's way of showing their support of the program.

-Impactful publicity: Norton Shores Fire Fighters and MDA distributes press releases to publicize Fill the Boot and provide public awareness of the campaign



Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077989886
Feb. 25, 2019 LTR 4168C 0
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BODC: TE

MUSCULAR DYSTROPHY ASSOCIATION
% JENNIFER BUZALSKI VP FINANCE
161 N CLARK ST STE 3550
CHICAGO IL 60601-3333



026465

Employer ID number: 13-1665552
Form 990 required: Yes

Dear Taxpayer:

We're responding to your request dated Nov. 16, 2018, about your tax-exempt status.

We issued you a determination letter in July 1952, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3).

We also show you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Sections 509(a)(1) and 170(b)(1)(A)(vi).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

In the heading of this letter, we indicated whether you must file an annual information return. If you're required to file a return, you must file one of the following by the 15th day of the 5th month after the end of your annual accounting period:

- Form 990, Return of Organization Exempt From Income Tax
- Form 990EZ, Short Form Return of Organization Exempt From Income Tax
- Form 990-N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or Form 990-EZ
- Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation

According to IRC Section 6033(j), if you don't file a required annual information return or notice for 3 consecutive years, we'll revoke your tax-exempt status on the due date of the 3rd required return or notice.

You can get IRS forms or publications you need from our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions, call 877-829-5500 between 8 a.m. and 5 p.m.,

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Feb. 25, 2019 LTR 4168C 0
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161 N CLARK ST STE 3550
CHICAGO IL 60601-3333

local time, Monday through Friday (Alaska and Hawaii follow Pacific time).

Thank you for your cooperation.

Sincerely yours,

Stephen A. Martin

Stephen A. Martin
Director, EO Rulings & Agreements

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CUT OUT AND RETURN THE VOUCHER IMMEDIATELY BELOW IF YOU ONLY HAVE AN INQUIRY.
DO NOT USE IF YOU ARE MAKING A PAYMENT.

CUT OUT AND RETURN THE VOUCHER AT THE BOTTOM OF THIS PAGE IF YOU ARE MAKING A PAYMENT,
EVEN IF YOU ALSO HAVE AN INQUIRY.



The IRS address must appear in the window.

Use for inquiries only

BODCD-TE
4077989886

Letter Number: LTR4168C
Letter Date : 2019-02-25
Tax Period : 000000

INTERNAL REVENUE SERVICE
P.O. Box 2508, Room 4010
Cincinnati OH 45201
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131665552

MUSCULAR DYSTROPHY ASSOCIATION
% JENNIFER BUZALSKIVP FINANCE
161 N CLARK ST STE 3550
CHICAGO IL 60601-3333

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The IRS address must appear in the window.

Use for payments

BODCD-TE
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Letter Number: LTR4168C
Letter Date : 2019-02-25
Tax Period : 000000

INTERNAL REVENUE SERVICE
OGDEN UT 84201-0102
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161 N CLARK ST STE 3550
CHICAGO IL 60601-3333

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