

City Commission Ad Hoc Committee
Parks and Public Land Use and Noise Ordinance



6:00 p.m.
Thursday, January 16, 2014
Second Floor Training Room
400 Boardman Avenue
Traverse City, MI 49684
Posted and published: 1-9-14

If you are planning to attend the meeting and you have a disability requiring any special assistance at the meeting, please notify the City Clerk, immediately.

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Benjamin C. Marentette, CMC, City Clerk
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
Email: tcclerk@traversecitymi.gov
Web: www.traversecitymi.gov

Agenda

1. Consideration of approving the minutes from the December 16, 2013 meeting.
2. Discussion regarding events in the Open Space:
 - Event footprints
 - Fees
 - Event parking – operational vehicles and trailers
 - Event liaison – concept and fees
3. Discussion regarding noise regulation.
4. Discussion regarding fees for using city parking lots.
5. Discussion regarding review of High Impact Events.
6. Public Comment.
7. Adjournment.

**City Commission Ad Hoc Committee:
Parks and Public Land Use and Noise Ordinance
Minutes
Meeting of December 16, 2013**

A meeting of the City Commission Ad Hoc Committee: Parks and Public Land Use and Noise Ordinance was called to order on Monday, December 16, 2013 at 1:00 p.m. in the Commission Chambers, 400 Boardman Avenue, Traverse City, Michigan.

The following Commissioners were present, constituting a quorum: Ross Richardson, Barbara Budros and Gary Howe.

The following Commissioners were absent: None.

Staff in attendance: Jered Ottenwess, Makayla Vitous, Lauren Tribble-Laucht, Benjamin Marentette, Katie Lowran, Lauren Vaughn and Dave Green.

Commissioner Richardson served as Chair of this committee.

1. The first item being: “consideration of approving the minutes from the December 2, 2013 meeting.”

It was moved by Howe, seconded by Budros that the minutes from the December 2, 2013 meeting be approved.

Carried Unanimously.

2. Next item being: “Discussion regarding the Parks and Public Land Use Policy, Fees, and Noise Regulations.”

By consensus, city staff will prepare policy language regarding uses of the Open Space in “pods” and to develop related fees.

3. Next item being “public comment.”

Deni Scrudato, 422 E. State Street
Mike Jackson, 217 Sixth Street
Brian Haas, 227 E. Tenth Street
Andy McFarlane, 716 Washington
John Scrudato, 422 E. State Street
Barbi Ance, 808 Grove
Lauren Vaughn, Parks & Recreation Supervisor
Rick Shimel, 608 S. Union Street
Sam Porter, 426 W. 8th Street
Seamus Shinnors, 410 Seventh Street

Michael Moran, 2880 Victoria Drive

The meeting was declared adjourned at 2:24 p.m.

Benjamin C. Marentette, City Clerk
Acting Secretary

Prepared by:
Katelyn Stroven
Administrative Specialist

DRAFT

Memorandum

The City of Traverse City



TO: City Commission Ad Hoc Committee on Parks and Public Land Use and Noise:
Commissioner Ross Richardson, Chairman
Commissioner Barbara Budros
Commissioner Gary Howe

COPY: Rob Bacigalupi, Downtown Development Authority Executive Director
Lauren Tribble-Laucht, City Attorney
Benjamin Marentette, City Clerk
Dave Green, Director of Public Services
Michael Warren, Chief of Police

FROM: Jered Ottenwess, City Manager

DATE: Thursday, January 9, 2014

SUBJECT: PARKS AND PUBLIC LAND USE AND NOISE AD HOC COMMITTEE MEETING

High Impact Event Footprints in Open Space:

At the last ad hoc committee meeting on December 16, 2013, the committee discussed High Impact Event footprints in the Open Space. Attached is a map showing four quadrants of the Open Space. With the exception of the National Cherry Festival, all other High Impact Events have used two quadrants.

Question: Does the committee want to consider recommending a maximum number of quadrants a High Impact Event may use or, in other words, a minimum number of quadrants that would remain open?

Fees for High Impact Events in the Open Space:

Below are the High Impact Event fees for the Open Space that were presented at the last ad hoc committee meeting:

First day fee	Each add'l day fee	First day fee – charitable organizations	Each additional day fee – charitable organizations	Sale of Alcohol Fee – for each event day alcohol is sold
\$1,000	\$500	\$750	\$375	\$500

Basis for fees – first day fee is \$1,000 (average cost of reviewing and permitting such events); charitable organizations, as defined by the Internal Revenue Service, receive a 25% discount.

The each additional day fee is ½ the given first day fee.

Events that sell alcohol are currently charged \$500 per *event*. There appeared to be consensus at the last ad hoc committee meeting to recommend changing that fee to \$500 per event *day* when alcohol is sold. An additional consideration the committee has raised would charge for alcohol sales on a different basis, for example, by quantity sold or event participants. City Attorney Lauren Tribble-Laucht has raised legal concerns that fees the city charges must correlate with the city services being provided. For example, the city has established costs for administering the permitting process; and the city can substantiate a flat fee, such as \$500; however, there are significant challenges with correlating quantity of sales and/or number of attendees with the cost of services the city is providing. Additionally, charging based on the quantity of alcohol sold might expose the city to liability because of the potential argument that the city would be selling alcohol.

Question: How does the committee wish to address this issue? Keep the charge at \$500 per event? Charge \$500 per event day? Something else?

At the December 16, 2013, meeting, the committee discussed fee incentives related to use of space, specifically whether there should be an incentive, through a lesser fee, for events that have a smaller footprint in the Open Space. **Questions:** If that is the committee's recommendation, what shape would the committee like that to take? What factors should be taken into consideration? For example only, should an event that uses one quadrant, rather than two, receive a 25% or 50% discount? Are certain quadrants more valuable than others?

There has also been discussion about differentiating between charitable non-profits, non-charitable non-profits and for-profit organizations, but no clear consensus to date. I have concerns about differentiating contractual arrangements between various partner event organizers, for example, charitable organizations that partner with a for-profit entity. I suggest a discount for charitable organizations that are solely operating the event, or eliminating the discount altogether.

Question: Does the committee wish to make a recommendation in this respect?

Parking:

Event organizers pay for bagged parking meter spaces as any other user would. Otherwise, parking fees are not part of the current fee structure. The permitting process will now incorporate much more scrutiny over the amount of "operational vehicles/trailers" needed at the Open Space. The number agreed to in the permit will be strictly enforced by the city during the event.

Question: Are there any other areas the committee would like staff to explore regarding parking?

Finally, Commissioner Howe has raised several questions that are not addressed within this memo that you may consider incorporating as part of the discussion at the meeting. Specifically, these questions relate to the justification for charging fees, impact of fees, consultation with

event organizers, and proportionate event revenue sharing. Please note the City Attorney's same concerns apply with proportionate event revenue sharing as do with a fee based on the quantity of alcohol sold, as described above – that is, that the city's fee must correlate with the service provided.

Event Liaison:

City Clerk Benjamin Marentette met with Events North, an event management company, and discussed having Events North serve in an event liaison capacity. The services they would provide include:

- Assessing applications as requested by the city;
- Attending event planning meetings as necessary;
- Recommending measures to the city for event organization to minimize negative impacts, to the extent possible

The City Clerk and Events North believe Events North's service scope would be specific to the up-front review of an event and not include serving as an on-site manager. (This is their busiest season and having them serve as an on-site manager would likely create an unrealistic expectation of what they would be able to handle on site, such as noise complaints, cars parked where they shouldn't be, etc.)

Commissioner Budros has inquired about the possibility of using the Code Enforcement Officer for event liaison services. Staff feels that it is important to use an event planning specialist for pre-event planning, however, the Code Enforcement Officer could be used for event oversight functions, i.e. being present on-site to ensure compliance with site plan requirements. At this time, I would like to leave open the possibility that we would utilize either Events North or the Code Enforcement Officer depending on the event being held. For example, established events will require less on-site supervision and event planning expertise than first-time events. Thus, the Code Enforcement Officer, who does not have that expertise, would be more appropriate to use for the established event whereas it would be valuable to have an event planning specialist for the first-time event.

We do not envision the event liaison having a cell phone that the public could contact as that would create an unrealistic expectation that the liaison could solve issues that likely aren't within their purview and likely couldn't be solved by them at that time. Rather, we would publish an email address to which individuals could address all complaints or feedback. That email address would provide an automatic response suggesting individuals contact the Police Department if they believe their issue is urgent and that the Police Department will respond as they are able, balancing the inquiry with other competing requests for police response. The automatic response would also indicate that city staff will follow-up with them as soon as practical and all concerns will be reviewed when conducting the post-event review.

Fees for Event Liaison:

The fees for Events North are \$95 per hour. Recognize that this is a specialized service that would most often be provided during an event planner's busiest season. The rate the city would

charge for the Code Enforcement Officer would typically be \$50 (overtime rate with fringe benefit costs).

We envision High Impact Events requiring two hours of up front time by Events North – which would entail event application review, initial consultation with the City Clerk’s Office and attendance at the primary Event Planning Meeting.

Question: Does the committee concur with this approach, which would include raising the application fee by \$200 to include the two hours of up-front involvement by Events North?

Application fees are currently:

All others	\$200
Charitable Organizations	\$ 25

Other services, such as on-site review by city staff of permit conditions during the event would be invoiced on an as-needed basis following the event. This would be communicated to event holders along with an estimated charge and they would be responsible for paying these costs.

Noise Regulation:

One concept for noise regulation that has been discussed is adding a regulation for C-Scale Noise. If the city is to pursue this concept, training is needed for the Noise Control Officer; and the deadline for registering for that training is getting close.

Question: Does the committee want to pursue the concept of regulating C-Scale Noise? Is there some other type of noise regulation the committee would like to pursue?

Fees for use of city parking lots:

Beyond the application fee, the city does not currently charge for events to use a city parking lot, such as the Microbrew Fest using Lots B and T (Farmer’s Market location).

DDA Executive Director Rob Bacigalupi suggests that events be charged the following as a permit fee:

- Metered spaces - \$1.31 per space per day
- Permit Spaces - \$1.34 per space per day

The above fees are based on the revenue per space, which correlates with the cost to manage and maintain the spaces. For purposes of example, use of Lots B & T would be \$348 per day.

Question: Does the committee wish to recommend a fee structure for use of parking lots to the City Commission, such as the above fee structure? Should there be an extra charge if alcohol is being sold, such as \$500 per event day alcohol is sold?

Public Review of High Impact Events:

The City Clerk's Office facilitates the event review process, including facilitation of the event planning meetings – those meetings are attended by various departments/agencies that collectively discuss the logistics of the event. (These departments/agencies include staff from Parks and Recreation, Streets, DDA/DTCA, Engineering, Police, Fire, BATA.)

There has been some discussion regarding the fact the events are largely approved administratively and that the public may not have the opportunity to comment on an event before it takes place.

Question: Does the committee want to recommend that all first-time High Impact Events be approved by the City Commission? For informational purposes only, please recall that the City Clerk is required to notify the City Commission of all (new and repeat) High Impact Event applications and any Commissioner can require that the Commission be the approving body.

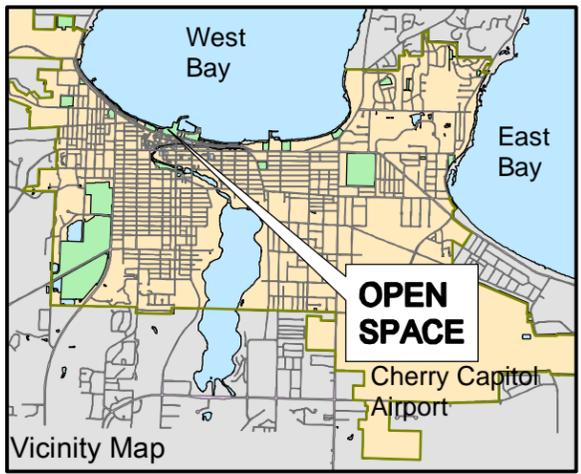
OPEN SPACE QUADRANT LAYOUT



Legend

- Open Space Quadrants
- Sidewalks
- Park Improvements
- TART existing
- Park boundary
- City Parking Lot
- Park Land
- Restrooms

Scale: 100 50 0 100 Feet



GROUP NAME: _____

CONTACT: _____

PHONE NUMBER: _____ - _____ - _____

EVENT NAME: _____

EVENT DATE: ____ / ____ / ____

DATE REQUESTED: ____ / ____ / ____

APPROVED: _____

COMMENTS: _____