



Notice

City Commission Regular Meeting

7:00 pm

Monday, February 3, 2014

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 01-30-14

Meeting informational packet is available for public inspection at the Traverse Area District Library, City Police Station, City Manager's Office and City Clerk's Office.

The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Makayla Vitous, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4440, TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

City Commission:

c/o Benjamin C. Marentette, CMC, City Clerk

(231) 922-4480

Email: tcclerk@traversecitymi.gov

Web: www.traversecitymi.gov

400 Boardman Avenue

Traverse City, MI 49684

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.

Welcome to the Traverse City Commission meeting!

Agenda

Any interested person or group may address the City Commission on any agenda item when recognized by the presiding officer or upon request of any Commissioner. Also, any interested person or group may address the City Commission on any matter of City concern not on the Agenda during the agenda item designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Commission.

Pledge of Allegiance

1. Roll Call

2. Consent Calendar

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and placed elsewhere on the agenda for full discussion and such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

- a. Consideration of approving minutes of the Regular Meeting of January 21, 2014, and Study Session of January 27, 2014. (Approval recommended)
(Jered Ottenwess, Benjamin Marentette)

- b. Consideration of adopting a resolution accepting a \$232,000 Great Lakes Fishery Trust Grant to fund environmental, engineering and design work for a new, universally-accessible multi-purpose pier in West Grand Traverse Bay at the mouth of the Boardman River and approving the related budget amendment. (Adoption recommended) (Jered Ottenwess, Russell Soyring) (5 affirmative votes required)
- c. Consideration of adopting a resolution establishing 2014 transient rates for the Duncan L. Clinch Marina. (Adoption recommended) (Jered Ottenwess, Dave Green)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Consideration of a report from the City Commission Ad Hoc Committee on Park and Public Land Use and Noise Regulation and recommended changes. (Commissioner Ross Richardson; Chair, Commissioner Barbara Budros, Commissioner Gary Howe, Jered Ottenwess, Benjamin Marentette)

4. New Business

- a. Consideration of adopting a resolution authorizing a contract for payment in lieu of taxes as requested by Craig Patterson – Woda Group. (Jered Ottenwess, Polly Cairns) (5 affirmative votes required)

- b. Consideration of authorizing an amendment to the Employment Agreement for City Manager to provide for City Manager travel outside of a 25 mile radius of the city, be made by rental car or mileage reimbursement. (Jered Ottenwess) (5 affirmative votes required)
- c. Consideration of renaming the former Veterans Memorial Park at Division and Bay Street as *Slabtown Corner* and naming the dog park within the park at Division and Bay Street as *Wag's West*, as recommended by the Parks and Recreation Commission. (Jered Ottenwess, Dave Green)

5. Appointments

- a. Consideration of re-establishing the City Commission Ad Hoc Committee to make a recommendation regarding sidewalk cafés. (Jered Ottenwess, Benjamin Marentette)

6. Reports, Announcements and Correspondence

Please note: For this section of the agenda, when an actual report is included or expected, the item will be underlined.

- a. Reports, announcements and correspondence from the City Manager.
 - Report regarding state regulations regarding a hotel tax.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 - 1. Report from the Mayor serving on the Downtown Development Authority.
 - 2. Report from Commissioners serving on the Light and Power Board.

3. Report from the Mayor and Commissioner serving on the Planning Commission.
 4. Report from Commissioners serving on other boards.
 5. Minutes of the Traverse City Light and Power Board meeting of December 10, 2013.
- e. Reports and correspondence from non-City officials.
1. Monthly Operations Report for the Wastewater Treatment Plant from CH2MHILL for December 2013.
 2. Minutes of the History Center Board of Directors meeting of January 7, 2014.

7. Public Comment

- a. Reserved.

None.
- b. General.
- c. Mayor and City Commissioners.

8. Adjournment

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 3, 2014

DATE: JANUARY 30, 2014

FROM: JERED OTTENWESS, CITY MANAGER *mv*

SUBJECT: MINUTES

Attached are minutes from the following meetings of the City Commission:

- January 21, 2014, Regular Meeting
- January 27, 2014, Study Session

The City Clerk recommends that these minutes be approved. The following motion would be appropriate:

that the minutes of the January 21, 2014, Regular Meeting and January 27, 2014, Study Session, be approved.

JJO/kes

k:\tcclerk\city commission\minutes



**Minutes of the
City Commission for the City of Traverse City**

Regular Meeting

January 21, 2014

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were present, constituting a quorum: Mayor Michael Estes, Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary L. Howe, Ross Richardson (arrived at 7:02 p.m.), Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

As requested by Commissioner Ross Richardson, Agenda Item 2(j) was removed from the Consent Calendar for full discussion.

2. Consent Calendar

Moved by Carruthers, seconded by Easterday, that the following actions as recommended on the amended Consent Calendar portion of the Agenda be approved:

- a. The minutes of the January 6, 2014, Regular Meeting and January 13, 2014, Study Session, be approved.
- b. The independent auditors report as provided by representatives of Abraham and Gaffney for Fiscal Year 2012-2013, which ended June 30, 2013, be accepted.
- c. The City Manager be authorized to issue a confirming service order for

\$12,125.96 to Molon Excavating, Inc., for the emergency sewer repair at 712 and 714 Barlow Street, with funds from the Special Improvements Fund.

- d. The City Clerk be authorized to issue a Major Street Use Permit to the Traverse City Film Festival for the 2014 Traverse City Winter Comedy Arts Festival, for the closure of portions of Front and Cass Streets as outlined in the City Clerk's January 14, 2014, communication.
- e. The City Commission adopt General Schedule #23, *Election Records*, which was approved by the Michigan Administrative Board on November 26, 2013.
- f. The Mayor and City Clerk execute a unit prices contract with Grand Traverse Construction in the amount of \$118,811, more or less, at the unit prices indicated in its bid, for the 2014 Woodmere Pump Station Repair and DPS / Pump Station Power Project, with funds available in the Wastewater Fund and Garage Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.
- g. The City Manager be authorized to issue a confirming purchase order in the amount of \$30,783.66 to Lemmen Oil Company for 10,002 gallons of dyed #2 diesel fuel without additives priced at \$3.07775 per gallon with funds available in the Garage Fund.
- h. The City Manager be authorized to issue a confirming purchase order in the amount of \$26,877.76 to Lemmen Oil Company for 10,015 gallons of unleaded gasoline priced at \$2.68375 per gallon with funds available in the Garage Fund.
- i. An amendment to the Traverse City Code of Ordinances, *Rules of Procedure*, Section 1324.04, which will remove the Board of Zoning Appeals Rules of Procedure from the Zoning Code and establish the Rules of Procedure as a separate document of the Board of Zoning Appeals as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on February 18, 2014.
- j. Removed from the Consent Calendar.

CARRIED unanimously.

Items removed from the Consent Calendar

a.

Consideration of declaring five Department of Public Services' trucks surplus and authorizing a purchase order for replacement trucks and related chassis.

The following addressed the Commission:

Jered Ottenwess, City Manager
Dave Green, Director of Public Services

Moved by Richardson, seconded by Werner, that the City Manager be authorized to declare surplus five trucks (#57, #69, #73, #87 and #90) and issue a purchase order to Signature Ford in the amount of \$180,155.00 for the purchase of five new Cabs and Chassis (#57, a Ford F350, dual rear wheel, #73, a Ford F550, dual rear wheel, and #69, a Ford F350), with funds available in the Garage Fund.

CARRIED unanimously.

3. Old Business

3(a).

Consideration of enacting an amendment to the Traverse City Code of Ordinances which would revise the hours of operation for mobile food vendors.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Howe, that an amendment to the Traverse City Code of Ordinances, *Mobile Food Vending Hours of Operation*, Section 865.08, which would revise the hours of operation allowed for Mobile Food Vending Units operating on private property in commercial areas from 7 a.m.

to 11 p.m. to 6 a.m. to 3 a.m., which was introduced on January 6, 2014, be enacted with an effective date of January 31, 2014.

Rick Buckhalter, 932 Kelley Street – expressed opposition

CARRIED unanimously.

4. New Business

4(a).

Consideration of adopting a resolution for coordination of emergency response activities and appointing Gregg Bird as Emergency Management Coordinator.

The following addressed the Commission:

Jered Ottenwess, City Manager

Gregg Bird, Grand Traverse County Emergency Management Coordinator

Moved by Richardson, seconded by Easterday, that the Emergency Management Resolution, which establishes a planning and coordination process with respect to natural and man-made disasters, be adopted.

CARRIED unanimously.

5. Appointments

5(a).

Consideration of appointing a City Commission Ad Hoc Committee to review the National Cherry Festival's proposed letter of agreement outlining the festival's requests for city resources for the 2014 National Cherry Festival.

Moved by Carruthers, seconded by Budros, that an ad hoc committee be established to meet with the National Cherry Festival to discuss and make recommendation regarding the 2014 National Cherry Festival; and that Commissioners Easterday, Werner and Richardson be appointed to the committee,

with Commissioner Easterday to serve as Chair and that the City Manager call the meetings.

CARRIED unanimously.

5(b).

Consideration of appointing a City Commission Ad Hoc Committee to develop a possible ballot proposal to use Brown Bridge Trust Fund dollars for parks purposes.

Moved by Werner, seconded by Easterday, that a City Commission Brown Bridge Trust Fund Ad Hoc Committee be established to make recommendation regarding a potential ballot proposal for voter approval to use Brown Bridge Trust Fund dollars for parks purposes; and that Commissioner Howe, Mayor Pro Tem Carruthers and Mayor Estes be appointed to such committee, with Commissioner Howe to serve as Chair, with the committee set to expire July 22, 2014.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Report from the Mayor serving on the Downtown Development Authority.

2. Report from Commissioners serving on the Light and Power Board.
 3. Report from the Mayor and Commissioner serving on the Planning Commission.
 4. Report from Commissioners serving on other boards.
 5. Report from the City Treasurer/Finance Director regarding a duplicate BATA millage that was included on winter tax bills for the city residents in Leelanau County.
 6. Code Enforcement Officer Annual Report for 2013.
 7. Minutes of the Planning Commission meetings of December 3, 2013, and December 18, 2013.
 8. Planning Commission Annual Report for 2013.
 9. Minutes of the Human Rights Commission meeting of December 9, 2013.
 10. Minutes of the Act 345 Retirement System meeting of November 20, 2013.
- e. Reports and correspondence from non-City officials.
- None.

7. Public Comment

The following addressed the Commission:

1. Reserved.

None

2. General.

Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

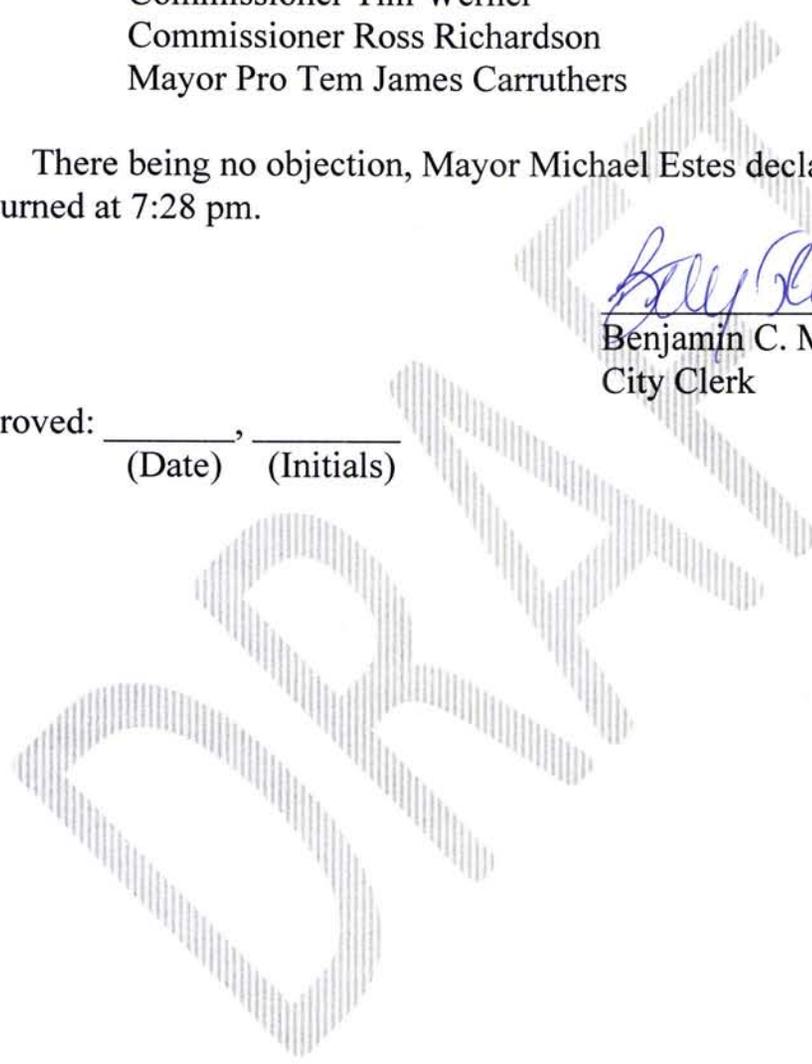
Commissioner Tim Werner
Commissioner Ross Richardson
Mayor Pro Tem James Carruthers

There being no objection, Mayor Michael Estes declared the meeting adjourned at 7:28 pm.



Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)





Minutes of the
City Commission for the City of Traverse City
Study Session
January 27, 2014

A study session of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 6 p.m.

The following Commissioners were present, constituting a quorum: Mayor Michael Estes, Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

Mayor Michael Estes presided at the meeting.

1. Consideration of trial and settlement strategy in connection with litigation associated with the Brown Bridge Dam Deconstruction Project.

Moved by Richardson, seconded by Budros, that the City Commission enter into closed session immediately to consider trial and settlement strategy in connection with litigation associated with Brown Bridge Dam Deconstruction Project.

Roll Call:

Yes – Budros, Easterday, Howe, Richardson, Werner,
Carruthers, Estes.

No – None.

CARRIED unanimously.

The City Commission entered into closed session at 6:02 p.m.

The City Commission returned to open session at 7:00 p.m.

2.

Discussion regarding Brownfield incentives in connection with the Corridors Master Plan.

The following addressed the Commission:

Jered Ottenwess, City Manager
Jean Derenzy, Grand Traverse County Planning and Development Deputy Director

3.

Discussion regarding implementation status of the Bayfront Plan.

The following addressed the Commission:

Jered Ottenwess, City Manager
Russell Soyring, City Planning Director
Tim Ervin, NorthSky Nonprofit Network Consultant
Rick Buckhalter, 932 Kelley Street
Marsha Smith, 529 Washington Street

4.

Discussion regarding leasing the city-owned building at 517 Wellington Street for potential services to the homeless population.

The following addressed the Commission:

Jered Ottenwess, City Manager
Peter Starkel, Safe Harbor and Goodwill Homeless Street Outreach Program
Elizabeth Whelan, 422 Webster Street, Boardman Neighborhood Association
Robin Pearson, 523 Webster Street
Rick Buckhalter, 932 Kelley Street

Tom Emmott, 617 Lincoln
John Cunningham, 145 East Twelfth Street
Mike McDonald, 10843 Talon Court, Peninsula Township, Past Chairman of
Safe Harbor Steering Committee
Ryan Hannon, 3753 South Airport Road West, Garfield Township,
Homeless Outreach Coordinator for Goodwill Industries and Safe Harbor
Steering Committee Chairperson
John Daniels, 601 Bloomfield Road
Jim Dickson, 5145 Arrowhead Court, Acme Township, Safe Harbor

5. Announcements from the Deputy City Clerk.

The following addressed the Commission:

Katie Lowran, Deputy City Clerk

6. Public Comment.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street

There being no objection, Mayor Estes declared the meeting adjourned at
8:38pm.



Katie Lowran
Deputy City Clerk

Approved: _____, _____
(Date) (Initials)



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 3, 2013

DATE: JANUARY 30, 2014

FROM: JERED OTTENWESS, CITY MANAGER *mv*

SUBJECT: GRANT – BOARDMAN RIVER MULTI-USE PIER

Attached is a memo from City Planning Director Russell Soyring indicating the city has been awarded a \$232,000 Great Lakes Fishery Trust grant for final design, engineering and environmental work associated with the possible construction of a 550' long universally-accessible multi-use pier in West Grand Traverse Bay at the mouth of the Boardman River. No direct match is required for this grant.

The city is not obligated to construct the pier by accepting this grant. If desired to move forward with construction of the pier once the studies funded by this grant are complete, we intend to seek full grant funding for the actual construction, including associated permitting costs.

I recommend the following motion (5 affirmative votes required):

that the resolution accepting the Great Lakes Fishery Trust grant in the amount of \$232,000 for final design and environmental work associated with the possible construction of a universally-accessible multi-use pier in West Grand Traverse Bay at the mouth of the Boardman River be adopted; and that the City Manager be authorized to execute all related agreements; and further that a budget amendment in the amount of \$232,000 be made in the Capital Projects Fund to reflect the receipt and expenditure of the grant proceeds.

JJO/bcm

K:\tcclerk\city commission\grants\boardman river pier great lakes fishery trust acceptance

copy: Russell Soyring, City Planning Director



City Planning Department

TO: JERED OTTENWESS, CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR *Russ Soyring ml*

SUBJECT: RESOLUTION OF SUPPORT TO ACCEPT GREAT LAKES FISHERIES TRUST GRANT

DATE: DECEMBER 26, 2013

The City of Traverse City has been awarded \$232,000 Great Lakes Fisheries Trust Grant for final design, engineering, environmental studies and related work for construction of a Multi-Use Pier located in Grand Traverse Bay at the mouth of the Boardman River. The time period allowed for project completion is June 1, 2015.

The scope of work for the Great Lakes Fisheries Trust Grant is to begin the environmental study and review process to replace the existing sheet pile wall near the mouth of the Boardman River with a new universally accessible multi-purpose pier that will be approximately 15 feet wide and will project 550 feet into Grand Traverse Bay. The field review phase will include a shoreline survey, bathymetric survey, lake bottom geotechnical investigation and shoreline geotechnical investigation. The shoreline study phase will include a sediment transport analysis and wave study. There will also be a public outreach phase that precedes the design and engineering phases.

The scope of work for this grant does not cover permitting costs associated with the project and does not cover construction costs for the pier.

A Resolution of Support has been drafted for consideration by the City Commission.

RAS:ml



**RESOLUTION ACCEPTING
the GREAT LAKES FISHERY TRUST GRANT,
FOR THE TRAVERSE CITY PIER PROJECT**

Upon motion made by _____, and seconded by _____, the following Resolution was adopted:

RESOLVED, that the City of Traverse City, Michigan, does hereby accept the terms of the Project Agreement as received from the Great Lakes Fisheries Trust, and that the City of Traverse City does hereby specifically agree, but not by way of limitation as follows:

1. To authorize the sum of \$232,000 dollars toward construction and related costs to complete the project according to the Project Agreement with the TRUST,
2. To maintain satisfactory financial accounts, documents, and records and to make them available to the TRUST for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN)
) ss
COUNTY OF GRAND TRAVERSE)

I, Benjamin C. Marentette, Clerk of the City of Traverse City, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Great Lakes Fisheries Trust, which Resolution was adopted by the Traverse City City Commission at its regular meeting of February 3, 2014, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC
City Clerk

Date



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 3, 2014

DATE: JANUARY 30, 2014

FROM: JERED OTTENWESS, CITY MANAGER *mv*

SUBJECT: 2014 ANNUAL TRANSIENT MARINA RATES

Attached is a memo from Director of Public Services Dave Green regarding the proposed 2014 transient marina rates for the Duncan L. Clinch Marina.

Due to the fact that the Duncan L. Clinch Marina was partially funded with a State Waterways Commission Grant, the State of Michigan establishes a range of docking rates (Schedules A through F) from which we are allowed to choose as it relates to the marina. The 2014 Transient Rates as provided by the Michigan Waterways Commission is attached. As explained in the attached memo from Mr. Green, he recommends that the transient marina rates remain the same as last year, as listed under Schedule D.

I recommend the following motion:

that the Resolution Establishing Fees for the Duncan L. Clinch Marina Transient Rates 2014, be adopted.

JJO/kjl

copy: Dave Green, Department of Public Services Director

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director *DJG*
DATE: January 24, 2014
SUBJECT: 2014 Transient Annual Marina Rates

Back in December, I asked for City Commission approval for various rates we are going to charge customers that visit and use the Duncan Clinch Marina including rates for the seasonal boaters, boat launch fees, and sewage pump out fees. Typically, City Commission approval for the Transient Boater Rates would have been included in that request but the State had not forwarded the required data to us. I stated at that time that I would be back for transient boater approval and here I am.

The State establishes a range of docking rates (A thru F) from which communities are allowed to choose depending on the amenities and local demand at any particular marina for both seasonal and transient boaters. We have been using the values listed under range D (see attached document), as have the other marinas on Grand Traverse Bay, and would like to continue using this range of values for the 2014 boating season. This year, as was the case for the seasonal rates, the State has determined to leave those values, or transient rates, the same as the 2013 rates and we recommend doing the same with our rate schedule.

They have, however, changed the way transient slips are defined for the 2014 season. In lieu of using the length of the vessel as the barometer for calculating the fee to charge, they have changed back to using the length of the slip for the calculation. This will allow Harbormasters to set the fee based on the slip used and eliminate them needing to fix the fee to the size of the boat, which often varies depending on what criteria you are looking for (actual size with attachments versus manufacturer size).

Please submit the attached resolution containing the 2014 transient slip rates to the City Commission for approval.

2014 Transient Rates

Michigan State Waterways Commission

Slip Length	A	B	C	D	E	F
25	\$19	\$22	\$30	\$32	\$40	\$51
26	\$20	\$23	\$31	\$34	\$42	\$53
27	\$20	\$24	\$33	\$35	\$43	\$55
28	\$21	\$25	\$34	\$36	\$45	\$57
29	\$22	\$26	\$35	\$37	\$46	\$59
30	\$23	\$26	\$37	\$39	\$48	\$62
31	\$23	\$27	\$38	\$41	\$50	\$64
32	\$24	\$28	\$40	\$42	\$51	\$66
33	\$25	\$29	\$41	\$43	\$53	\$68
34	\$26	\$30	\$42	\$45	\$54	\$70
35	\$26	\$31	\$43	\$46	\$56	\$72
36	\$27	\$32	\$45	\$50	\$58	\$74
37	\$28	\$33	\$46	\$51	\$59	\$76
38	\$29	\$33	\$47	\$52	\$61	\$78
39	\$29	\$34	\$51	\$58	\$62	\$80
40	\$30	\$35	\$53	\$59	\$64	\$82
41	\$31	\$36	\$54	\$61	\$66	\$84
42	\$32	\$37	\$55	\$62	\$67	\$86
43	\$32	\$38	\$57	\$64	\$69	\$88
44	\$33	\$39	\$58	\$65	\$70	\$90
45	\$34	\$40	\$60	\$67	\$72	\$92
46	\$35	\$40	\$63	\$68	\$74	\$94
47	\$35	\$41	\$64	\$70	\$75	\$96
48	\$36	\$42	\$65	\$71	\$77	\$98
49	\$37	\$43	\$67	\$73	\$78	\$100
50	\$38	\$44	\$68	\$74	\$80	\$103
51	\$38	\$45	\$69	\$75	\$82	\$105
52	\$39	\$46	\$71	\$77	\$83	\$107
53	\$40	\$47	\$72	\$78	\$85	\$109
54	\$41	\$48	\$73	\$80	\$86	\$111
55	\$41	\$48	\$75	\$81	\$88	\$113
56	\$42	\$49	\$76	\$83	\$90	\$115
57	\$43	\$50	\$78	\$84	\$91	\$117
58	\$44	\$51	\$79	\$86	\$93	\$119
59	\$44	\$52	\$80	\$87	\$94	\$121
60	\$46	\$53	\$82	\$89	\$96	\$123
61	\$47	\$54	\$83	\$90	\$98	\$125
62	\$48	\$55	\$84	\$92	\$99	\$127
63	\$49	\$55	\$86	\$93	\$101	\$129
64	\$49	\$56	\$87	\$95	\$102	\$131
65	\$50	\$57	\$88	\$96	\$104	\$133
66	\$51	\$58	\$90	\$98	\$106	\$135
67	\$52	\$59	\$91	\$99	\$107	\$137
68	\$52	\$60	\$92	\$101	\$109	\$139
69	\$53	\$61	\$94	\$102	\$110	\$141
70	\$54	\$62	\$95	\$104	\$112	\$144
71	\$55	\$62	\$97	\$105	\$114	\$146
72	\$55	\$63	\$98	\$107	\$115	\$148
73	\$56	\$64	\$99	\$108	\$117	\$150
74	\$57	\$65	\$101	\$110	\$118	\$152
75 ft or greater	\$0.77	\$0.88	\$1.36	\$1.48	\$1.60	\$2.05



**RESOLUTION ESTABLISHING FEES
FOR
DUNCAN L. CLINCH MARINA
TRANSIENT RATES AND PUMP-OUT FEES
2013 2014**

- Because, the Department of Natural Resources, State Waterways Division has set the ~~2013~~ 2014 transient rates. ~~The sewage pump-out fee will be \$6.00 per connection to a holding tank less than 30 gallons and \$12.00 for tanks over 30 gallons; and~~
- Because, the City of Traverse City abides by these rates set by the State Waterways Commission for state-assisted mooring facilities; and
- Because, the fees represent the charge that must be levied for transient moorage at municipal marinas, per the Department of Natural Resources State Waterways Division; now, therefore, be it,

RESOLVED, the City Commission of the City of Traverse City does hereby establish the following transient boat slip rates for the ~~2013~~ 2014 season at Duncan L. Clinch Marina in accordance with the Department of Natural Resources State Waterways Division:

**CITY OF TRAVERSE CITY
2013 2014 TRANSIENT SLIP RATE SCHEDULE**

<u>Boat Size Slip Length</u>	<u>2013 2014 Fee</u>
25 Feet and Under	\$32.00
26 Feet	\$34.00
27 Feet	\$35.00
28 Feet	\$36.00
29 Feet	\$37.00
30 Feet	\$39.00
31 Feet	\$41.00
32 Feet	\$42.00
33 Feet	\$43.00
34 Feet	\$45.00
35 Feet	\$46.00
36 Feet	\$50.00
37 Feet	\$51.00
38 Feet	\$52.00
39 Feet	\$58.00
40 Feet	\$59.00

(Resolution on Transient Fees for Marina)

<u>Boat Size</u>	<u>Slip Length</u>	<u>2013</u>	<u>2014</u>	<u>Fee</u>
41 Feet				\$61.00
42 Feet				\$62.00
43 Feet				\$64.00
44 Feet				\$65.00
45 Feet				\$67.00
46 Feet				\$68.00
47 Feet				\$70.00
48 Feet				\$71.00
49 Feet				\$73.00
50 Feet				\$74.00
51 Feet				\$75.00
52 Feet				\$77.00
53 Feet				\$78.00
54 Feet				\$80.00
55 Feet				\$81.00
56 Feet				\$83.00
57 Feet				\$84.00
58 Feet				\$86.00
59 Feet				\$87.00
60 Feet				\$89.00
61 Feet				\$90.00
62 Feet				\$92.00
63 Feet				\$93.00
64 Feet				\$95.00
65 Feet				\$96.00
66 Feet				\$98.00
67 Feet				\$99.00
68 Feet				\$101.00
69 Feet				\$102.00
70 Feet				\$104.00
71 Feet				\$105.00
72 Feet				\$107.00
73 Feet				\$108.00
74 Feet				\$110.00
75 Feet or more				\$1.48/ft

I hereby certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on February 3, 2014, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 3, 2014

DATE: JANUARY 30, 2013

FROM: City Commission Ad Hoc Committee on Parks and Public Land Use and Noise Regulation:

Commissioner Ross Richardson, Chair

Commissioner Barbara Budros

Commissioner Gary Howe

Handwritten signature of Ross Richardson in blue ink.

SUBJECT: PARK AND PUBLIC LAND USAGE AND NOISE REGULATIONS

Overview:

On November 18, 2013, the City Commission established a Commission Ad Hoc Committee to review the city's Park and Public Land Use Policy and Noise Ordinance; we were appointed to serve on that committee. The committee has held four official meetings where public comment was taken. City Manager Jered Ottenwess, City Attorney Lauren Tribble-Laucht and City Clerk Benjamin Marentette provided key staff resources to this committee.

This memo will address the committee's primary focus areas and our recommendations.

Recommendations adopted by full Commission since committee inception:

Frequency of Events:

At the December 16, 2013, Regular Commission Meeting, the Commission adopted the committee's recommendations to reduce the number of High Impact Events in city parks. Specifically, the recommendations adopted were:

- For the Open Space and Clinch Park, with the exception of the National Cherry Festival, there may be only one High Impact Event in June, none in July and one in August in each of these two parks. This

provides a reduction of up to two events per park from June 1 through August 31

- Prohibited high impact events in city parks on Memorial Day and Labor Day and the Friday, Saturday and Sunday preceding these two holidays as well as July 3, 4, and 5.

Fees for High Impact Events:

With respect to fees, the committee's focus was on the Open Space, the city's primary park. City Attorney Lauren Tribble-Laucht has indicated that the city's permit fees must correlate with the services being provided. Therefore, City Clerk Benjamin Marentette analyzed the city's costs associated with reviewing permits.

The City Clerk's Office manages the review process, coordinating communication and review across multiple departments and agencies (such as Police Department, Fire Department, Parks Division, Streets Division, Engineering, BATA, DDA, DTCA and others). The cost of this review process averages \$1,000. Initially, the cost was estimated at \$400 which was the original basis for fees. The city also has other costs associated with events such as the additional maintenance needed for our parks, above-average demand on city staff for certain events, etcetera.

Recommendation regarding High Impact Permit fees for the Open Space: based on the average city cost of \$1,000 for reviewing High Impact Events, *the committee recommends the following fee structure for High Impact Events at the Open Space:*

Fee for first day of Open Space use:	Fee for each additional day of Open Space use:	Fee for each day alcohol is sold:
\$1,000	\$500	\$350

This recommendation changes the fee structure for High Impact Events in the following ways:

- Eliminates a separate fee category for charitable organizations, charging the same fee for all users
- Increases the first day fee from \$400 (\$200 for charitable organizations) to \$1,000
- Increases the each additional day fee from \$100 (\$50 for charitable

- organizations) to \$500
- Establishes a fee of \$350 per day alcohol is sold rather than \$500 for the entire duration of park use

The average event in the Open Space occupies the Open Space for a total of four days – two days for set up and take down and two days for the actual event. Under the recommended fee structure, such an event that sold alcohol both days, the permit fee would be \$2,700. Under the current fee structure, the fee would be \$1,200, or \$850 for a charitable organization.

Further recommendations regarding fees for park use: The city currently has four permit fee “tiers” established for city parks that conceivably could host a High Impact Event. Those tiers all give a 50% discount for charitable organizations.

The committee recommends eliminating the separate High Impact Event fee category for charitable organizations in all city parks.

Additionally, the application fee for a charitable organization is currently \$25 and for all others is \$200. The committee also recommends eliminating the separate application fee category for charitable organizations.

Recommendation for High Impact Event Permit fee for events in city parking lots: Beyond the application fee, the city does not currently charge for events that use city parking lots, such as the Microbrew Fest, which uses Lots B and T (Farmer’s Market location) for a weekend in February. DDA Director Rob Bacigalupi indicated the revenue for metered spaces is \$1.31 per space per day and for permit spaces is \$1.34 per space per day. For purposes of example, these fees would result in a permit fee of \$348 per day for use of Lots B and T.

The committee recommends a permit fee for High Impact Events in city parking lots of \$1.31 and \$1.34 per space per day for each metered space and each permitted space, respectively. Additionally, for events held in city parking lots, the committee recommends a fee of \$350 per day alcohol is sold.

Open Space Event Footprint:

Attached is a map of the Open Space showing four different quadrants in the Open Space. With the exception of the National Cherry Festival, events use a maximum of two quadrants of the Open Space, which demonstrates that this is a practical

limit on the amount of space needed.

Recommendation regarding event footprints in the Open Space: to ensure there is open space when events are occurring for passive recreational use, *the committee recommends that the policy be amended to limit the number of quadrants a High Impact Event may use to a maximum of two.*

Event Approval Process and Event Management:

Similar to street closures, the City Clerk's Office manages the permitting process for High Impact Park Events. This process involves scrutiny of site plans for logistical purposes. The City Clerk's Office conducts review meetings where the event holder and multiple departments and agencies discuss logistics together to ensure a safe, smooth event that is in compliance with city regulations and expectations. Agencies and departments included are the Police Department, Fire Department, Parks Division, Engineering, Streets Division, BATA, DDA, DTCA and others. Following events, debriefs are held as necessary and the information is tracked from year-to-year to ensure continuous improvement of events. The City Clerk's Office will increase its focus on placement of portable toilet facilities, trash management and vehicles/trailers being placed in the park.

As an administrative function, the City Clerk's Office may engage a third-party events management company to assist in the up-front review of events, as necessary. This does not require any action by the Commission. Going forward, to ensure compliance with established permit conditions, city staff, such as the Code Enforcement Officer, will be assigned to ensure the permit conditions are being followed, such as the agreed-upon site plan.

The city will establish an email address which will be published prominently for the public to express their thoughts about an event. The contact information for the event organizer (including cell phone) will be published prominently. The email address will provide an automatic response indicating city staff will follow-up; and if their email is regarding an urgent matter where they believe Police assistance is necessary, that they should contact either 9-1-1 or the Police Department's non-emergency number, recognizing that the Police Department must prioritize its responses within the city and therefore, in some cases, the Police may not be able to respond to a non-emergency inquiry, such as a noise complaint.

Currently, for High Impact Events three days or less in duration, the City Clerk

approves the permits administratively; however, the City Clerk is required to email the Commission with information about a pending application and any one Commissioner can require that the Commission be the approving body.

Recommendation regarding approval process for High Impact Events: In the interest of ensuring the public has the opportunity to comment on new High Impact Events, *the committee recommends that the Park and Public Land Use Policy be amended to require that the Parks and Recreation Commission review and provide any recommendations to the City Clerk for consideration.* It should be noted that the Parks and Recreation Commission is an advisory body; and therefore, it's involvement would be to provide a public forum for first-time events and provide recommendations to the City Clerk. The Parks and Recreation Commission would not have the authority to approve or deny applications.

With respect to trash management, we recommend the policy remain the same where the event holder is responsible for trash/waste management. The event review process will entail additional focus regarding trash management. For the National Cherry Festival and Traverse City Film Festival, which are required to have agreements approved by the City Commission, special trash/waste management provisions can be negotiated in those agreements to ensure city interests are met.

Noise: in 2013, the city received 22 noise complaints regarding events in city parks (through Central Dispatch, calls to the non-emergency Police telephone number or to Noise Control Officer Scott Maxson). With the exception of applause, when Officer Maxson has measured the noise associated with events, none have been in violation of the city's Noise Ordinance.

Currently, the city's Parks and Public Land Use Policy establishes C-Scale limits (recommended by Rutgers University). C-Scale measures noise generally considered to be annoying to the human ear. The city's noise ordinance does not address C-Scale, nor has the city has not monitored C-Scale noise levels.

Recommendation regarding noise regulation: *the Committee recommends that the city monitor noise based on the C-Scale limits in the Park and Public Land Use Policy and report back to determine how C-Scale should be enforced, once data can be analyzed.*

We recommend the following motion:

That the Resolution Establishing Fees for Park and Public Land Use be amended as generally described in the January 30, 2013, communication from the City Commission Ad Hoc Committee on Parks and Public Land Use and Noise Regulation and as submitted with the February 3, 2014, meeting materials; and further that the Parks and Public Land Use Policy be amended to provide that a maximum of two quadrants in the Open Space may be used for High Impact Events and that the Parks and Recreation Commission review and provide recommendations to the City Clerk regarding first-time High Impact Park Use Event Applications.

:BCM

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copy: Rob Bacigalupi, DDA Executive Director
Dave Green, Director of Public Services
Michael Warren, Chief of Police

CITY OF TRAVERSE CITY

PARK AND PUBLIC LAND USE POLICY

I. PURPOSE

The purpose and intent of this Policy are as follows:

- (a) The purpose of this Policy is to manage and regulate Events (High Impact Events and Low Impact Events) including those sometimes known as festivals, on City parks.
- (b) It is intended to regulate them as to time, place, and manner and not as to content.
- (c) It is recognized and appreciated that Events and festivals have become an important addition to the culture and vitality of Traverse City, and that they make a valuable contribution to the economic and social well-being of the City.
- (d) It is recognized and appreciated that the City's parks and open spaces are used by residents and visitors for recreational enjoyment in their natural state.
- (e) It is acknowledged that the City is charged with the responsibility to manage its assets, including City parks, responsibly and equitably so that they may be enjoyed for all of the purposes above described and further that overuse of City parks may result in damage which prevents any use of the parks.
- (f) This Policy is intended to strike a balance between use of City parks for organized Events and recreational enjoyment in order to protect all City parks for their individual primary purposes and in particular, the Open Space for its primary and historic purpose of passive recreation and open space, i.e., free of structures and obstructions.
- (g) It is intended to keep bay front parks available for views of Grand Traverse Bay both from that space and across that space for the rest of the City.
- (h) It is recognized that the summer daylight hours are the most desirable time of the year to protect this Open Space use.
- (i) It is recognized that the National Cherry Festival has an important place in the history and society of Traverse City and that the Cherry Festival's interruption of the Open Space primary use has long been recognized as a benefit to and an integral party of this City's culture, making that interruption justified.
- (j) It is recognized that the Traverse City Film Festival has an important place in Traverse City and that the Film Festival's interruption of the Open Space primary

use is de minimus as it primarily occurs during the evening hours and outside of the most desirable time to protect the Open Space use.

- (k) It is important to recognize that even sites that have accommodated High Impact Events are for general public recreational use first, thus the regular use of a park must be respected.
- (l) Most City parks accommodate a variety of uses including both active and passive recreational opportunities that may occur on a casual and/or organized level.
- (m) The majority of parks have not been designed to accommodate large-scale Events, as many lack the necessary amenities, such as, washrooms, parking, and/or access to water or power to support High Impact Events.
- (n) In addition, most parks have differing features and requirements; thus, what is appropriate in one park may not be appropriate in another.
- (o) An objective of this Policy is to match events to an appropriate park site. This is accomplished by delegating to the City Manager the authority to establish Individual Park Guidelines and determine which parks are eligible for High Impact Events and which parks are eligible for other categories of Events.
- (p) It sets forth the conditions within which sponsors and users of City parks may use the City of Traverse City's parks and seeks to protect the citizens of Traverse City's use and investment in its City parks.
- (q) It regulates the frequency of Events in parks and establishes priority for holding Events.

II. DEFINITIONS

The following words and phrases shall have the corresponding definitions:

- (a) "City Clerk" means the person acting as City Clerk of the City of Traverse City or his or her designee.
- (b) "City Manager" means the person acting as City Manager of the City of Traverse City or his or her designee.
- (c) ~~"For Profit Organization" means a partnership, corporation or unincorporated business organization which is not an official non-profit corporation.~~
- (d) "Parks" means those City-owned and officially dedicated parks as shown on the attached map or public land owned by the City of Traverse City, excluding streets.
- (e) "Parks and Recreation Division" shall mean the City of Traverse City Parks and

Recreation Division, under the direction of the Parks and Recreation Superintendent.

- (f) "Parks and Recreation Commission" shall mean the City of Traverse City Parks and Recreation Commission, which is established under Chapter 277 of the City's ordinances, appointed by the City Commission for the City of Traverse City and serves in an advisory capacity.
- (g) "Event" means a planned activity to use a park. This includes those activities which have an attraction to the public, such as games or amplified sound. Events are categorized as High Impact Events or Low Impact Events.
- (f) "Park Use Permit" or "Permit" means a permit granted by the City to regulate park properties used for Events.
- (g) "Open Space" means the park located north of Grandview Parkway, from Parking Lot VB on the West to the Marina and Marina Seasonal Parking Lot on the East.
- (h) "City Sponsored Event" means an event where the City of Traverse City completes and submits the Permit Application.
- (i) "High Impact Event" means an event generally considered to be open to the public regardless of whether a fee for admission is charged with one or more of the following elements: use of City personnel requested or required; commercial or for-profit financial benefit; includes significant infrastructure such as set up of large tents, stages, amusements, concessions etc.; sale of alcohol.
- (j) "Low Impact Event" means an event two days or less in duration, excluding set up and tear down with no commercial or for-profit financial benefit, which does not include use of city personnel, sale of alcohol or significant infrastructure in the park.

III. PERMIT REQUIRED

An Event shall not be held or announced as going to be held at a park until and unless a Park Use Permit has been issued pursuant to this Policy.

IV. NATIONAL CHERRY FESTIVAL

Because of its unique place in the history and culture of Traverse City, the National Cherry Festival is allowed annually for up to eight (8) consecutive days, excluding set-up and tear-down, which will be addressed in the Letter of Understanding, and is exempt from other provisions of this Policy. The National Cherry Festival will only be allowed if there is a Letter of Understanding with the City addressing the entire operation of the National Cherry Festival at the Open Space, other City sites and parks. The National Cherry Festival shall have first priority on park usage even if its application is received after another application for the use of the same park.

V. TRAVERSE CITY FILM FESTIVAL

Because of its demonstrated benefit to the City of Traverse City and its de minimus impact on the primary purpose of the Open Space, the Traverse City Film Festival is allowed annually for up to eight (8) consecutive days, excluding set-up and tear-down, which will be addressed in the Letter of Understanding, and is exempt from other provisions of this Policy provided that the Traverse City Film Festival's use of the Open Space continues to have a de minimus impact on the primary purpose of the Open Space as determined by the City Manager. The Traverse City Film Festival will only be allowed if there is a Letter of Understanding with the City addressing the entire operation of the Traverse City Film Festival at the Open Space, other City sites and parks. The Traverse City Film Festival shall have first priority on park usage even if its application is received after another application for the use of the same park, except for the application of the National Cherry Festival.

VI. HIGH IMPACT EVENTS

High Impact Events are subject to the following:

- (a) A High Impact Event may have a duration of up to three (3) consecutive days, excluding set-up and tear-down, which will be addressed in the Permit Application. Additional days may be requested in the Permit Application for a total of eight (8) consecutive days, excluding set-up and tear-down. The proposed permit holder for any High Impact Event with a duration of more than three (3) consecutive days (excluding set-up and tear-down) shall contract with the City for cost reimbursement and other obligations to the City; such contracts must be approved by the City Commission. High Impact Events shall be allowed three (3) days for set-up and tear-down combined. Any event that requires more than three (3) days for set up and tear down, shall receive approval from the City Commission. The permit holder shall be charged for each day they are utilizing the park, including for set up and tear down. The City Clerk shall provide a copy of the application and a synopsis for all first-time High Impact Events to the Parks and Recreation Commission; the Parks and Recreation Commission shall review the application and provide any recommendations or comments for consideration of review of the application to the City Clerk; for applications that require City Commission approval, the Parks and Recreation Commission recommendations/comments shall be provided to the City Commission.
- (b) A High Impact Event shall only be held on a City park if it is a park that the City Manager has determined to be eligible for High Impact Events based on its size, surroundings and history.
- (c) Except for the Open Space, eligible parks may have only one High Impact Event with a duration of more than three (3) consecutive days per year.
- (d) The Open Space may have one High Impact Event with a duration of more than three (3) consecutive days between Memorial Day weekend and Labor Day weekend in addition to the National Cherry Festival and the Traverse City Film Festival.

- (e) High Impact Events may coincide with another Event if all Events mutually agree to share the same park in writing and provide a copy of their written agreement with the Permit Application. The written agreement shall become part of any permit issued.
- (f) There shall be a suitable period of time between scheduled Events at a park.
- (g) No more than two High Impact Events shall be held per park per month. If a High Impact use spans two months, it shall be counted against the month where the greatest number of days are used (including setup, tear down, and actual event dates); if a tie, then it shall be counted against the month in which the first day of park use occurs (including setup).
- (h) For Clinch Park and the Open Space, with the exception of the National Cherry Festival and Traverse City Film Festival, there may be one High Impact Event in June, none in July, and one in August.
- (i) There shall be no High Impact Events in city parks on Memorial Day and Labor Day and the preceding Friday, Saturday and Sunday; and there shall be no High Impact Events in city parks on Independence Day, the day before and the day after Independence Day.
- (j) No High Impact Event in the Open Space may use more than two quadrants as defined by the map on file with the City Clerk and attached hereto.

VII. LOW IMPACT EVENTS

- (a) Examples of Low Impact Events include but are not limited to weddings, family reunions and walks/running races which do not include commercial activity, picnics, school functions.
- (b) A Low Impact Event may be held on a City park only if it is a park that the City Manager has determined to be eligible for such an Event based on its size, surroundings and history and there shall be a suitable period of time between scheduled Events at a park.
- (c) Low Impact Events may coincide with another Event if all Events mutually agree to share the same park in writing and provide a copy of their written agreement with the Permit Application. The written agreement shall become part of any permit issued.

VIII. EXEMPT ACTIVITIES

General public use for recreation is exempt if it does not involve the reserving or setting aside of any park or part of a park and does not include organized games, fixed signs, sound broadcasting equipment, tents, bleachers or similar items. Brief use for movie or television production and

other photographic activities is exempt unless in the opinion of the City Manager the activity will disrupt normal use. City-sponsored Events and instructional recreation programs endorsed by the City are exempt. Permission for an exempt activity is automatically revoked if the user violates any law, ordinance or park rule or regulation adopted pursuant to the Traverse City Code of Ordinances.

IX. PERMIT APPLICATIONS

Permit applications must be completed by the Applicant and the person or sponsoring organization who will be the Permit Holder and submitted to the City parks and Recreation Division. The Parks and Recreation Division shall forward fees collected to the Treasurer's Department. The Parks and Recreation Division shall administer all Low Impact Events. Applications regarding all other Events shall be forwarded by the Parks and Recreation Division to the City Clerk's Office immediately upon receipt for processing. Such applications and the submittal of the applications shall comply with the following:

- (a) Time. Applications shall be filed ninety (90) days before an Event that is a High Impact Event. If an Application is filed more than one year before the Event, it shall be renewed in writing on the dates directed by the City Manager or it may be deemed untimely and withdrawn. If an Application is not submitted in compliance with the 90 day deadline, the application process may not be completed in time for the event to be held. The City may deny a permit automatically if the Application is not timely submitted.
- (b) Signature. The application shall be signed under oath or affirmation by the adult person who will attend and be in charge of the Event and activity or who can bind the organization requesting the permit.
- (c) Permit Holder. The application shall specify the name, address, and telephone number, cell phone number, e-mail address of the Permit Holder who shall be the sponsoring organization or individual and other information deemed relevant or necessary.
- (d) Fee. All applications, except for fee-exempt Low Impact applications, shall be accompanied by a non-refundable park usage application-processing fee. The City Commission by resolution and after recommendation of the City Manager shall establish application fees. The application fee shall be paid at the time of making the application. Applications submitted without the required fee shall automatically be deemed incomplete. Payment for any services to be provided by the City over normal service may be charged to the Applicant or Permit Holder. The application and permit fee shall be set by the City Commission by resolution. Certain High Impact Event applicants, when required, shall submit a security deposit in an amount determined by the City Clerk. The City Clerk may require such a deposit to be made in the form of a bond or certified check.

(e) Insurance. Unless waived by the City Clerk or City Commission, all Permit Holders shall provide insurance as follows:

- (1) Comprehensive general liability insurance - \$1,000,000 per occurrence and such additional insurance and coverages as may be required by the City Clerk for special activities.
- (2) The policy shall name the City of Traverse City as an additional insured in the policy coverage and shall include an endorsement to the policy naming the City of Traverse City as additional insured. Any amendment to or cancellation of such insurance shall require no less than thirty (30) days written notice provided to the City Clerk of such cancellation and/or amendment.
- (3) The duration of the insurance shall encompass the total length of time any equipment is placed on City property or the duration of the event, whichever is longer.
- (4) Suitable proof of insurance shall be submitted to the City Clerk prior to the Event taking place. In addition, the Applicant and Permit Holder shall execute a hold harmless and indemnification provision agreeing to hold the City and its officials, employees and volunteers harmless and to indemnify the City in the event of a claim resulting solely or partially from the Event or activity applied for.

(f) Description of Event. The Event shall be described with such detail as required on the forms supplied. The description shall include a detailed site plan.

(g) Noise Containment Plan. A plan for noise and vibration containment shall accompany the application.

(h) Filing Date. An application shall not be deemed to be filed until the City Clerk, or for low impact events, the Parks and Recreation Division staff, states in writing that it is complete. The date of such writing shall be the date of filing of that application. Once an application has been deemed complete. High Impact Events shall be processed in accordance with the City Clerk's procedure; Low Impact Events shall be processed by the Parks and Recreation Division in accordance with that Division's procedure.

X. PRIORITY OF APPLICATIONS

Applications for Events shall be considered and decided on a first come-first serve basis as of the date they are filed and deemed complete. An application shall be decided promptly after it has been properly and completely filed. Permit Holders with granted reservation requests shall have the scheduling priorities and rights as provided in this Policy.

XI. RESERVATION REQUESTS

If an Applicant wishes to hold an Event annually, after it is held for the first time the Permit Holder may request that the dates be reserved at a particular park for subsequent years. Reservation requests may be granted if a prior Permit has not been violated, the Permit Holder has fulfilled all obligations to the City and the Event has not created any unreimbursed expense or burden to the City. A non-refundable reservation fee established by the City Commission may be charged. If dates are reserved, an application from that Permit Holder will be given preference over all other applications for those dates and park. If the Reservation holder has not been issued a Permit or entered into a contract with the City for the Event at least 120 days before the Event is scheduled to occur, the Reservation shall be void. Reservation requests for more than three (3) years in advance will not be accepted. Reservation requests may be revoked by the City Manager based on the health, safety and welfare of the City, such as construction or development activities at that park, the elimination or reduction of City employees or resources needed to service the Event, or any reason stated in this Policy for not granting the initial request or permit application.

XII. REVIEW OF PERMIT APPLICATIONS

(a) Permit applications for High Impact Events shall be approved or denied by the City Clerk or his or her designee after a staff review of the permit application in accordance with the procedure adopted by the City Clerk. Permit applications for Low Impact Events shall be approved or denied by the Parks and Recreation Division. The reviewing department/division may add conditions to any permit issued. Whenever there is ambiguity as to the application of this policy, city staff shall apply it in the most restrictive fashion.

(b) Appeal. Any person denied a Permit pursuant to the provisions of this Policy may appeal to the City Manager in writing, stating the reasons why the Permit should be granted. The City Manager shall respond to the appeal in writing within 10 days of receiving it. The City Manager may grant or deny the Permit. An Applicant may appeal the decision of the City Manager to the City Commission in writing, stating the reasons why the Permit should be granted. The City Commission may grant or deny the Permit after a public hearing at the next available City Commission meeting, and such decision shall be final. The City Commission may elect on its own motion to review any determination of the City Manager, City Clerk or Parks and Recreation Division in granting or denying a Permit.

XIII. STANDARDS

The standards for granting approval of a Permit application are the following:

- (a) The activity is consistent, or can be by imposing conditions agreed to by the applicant be made consistent, with City guidelines that apply to the park where the Event will take place. Individual Park Guidelines shall be adopted by the City Manager.
- (b) The activity will not unreasonably interfere with or detract from the general public's enjoyment of the park or nearby public land.

- (c) The activity will not unreasonably disturb normal activity on surrounding private land.
- (d) The activity will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.
- (e) The activity does not cause a violation of any law, ordinance, rule, or regulation.
- (f) The facilities desired have not been reserved for other use on the date and hour requested in the application.
- (g) The activity will not cause damage to water, beaches, trees, benches, landscaping or other natural or man-made components of the park.
- (h) The activity does not entail extraordinary or burdensome expense of operation by the City.
- (i) The activity does not materially impact the characteristics or functions of environmentally sensitive resources or properties.
- (j) The activity will not be exclusive, in whole or in part, but will be open to the general public without charge. Sporting contests such as volleyball may charge a participant fee.
- (k) The activity shall not occur so soon before or after another Event that it creates a burden on the park facility, City staff or resources, or so soon that it unreasonably impedes the primary general public use of the park.
- (l) The Event complies with all other provisions of this Policy.

XIV. GENERAL CONDITIONS

The following general conditions apply to all Events. Additional special conditions may be imposed in the Permit. All terms and representations specified in the permit application are automatically special conditions to the Permit unless changed or superseded by the general conditions or an additional condition.

- (a) **Equipment and Signs.** No other property, equipment or signs are to be used by participants in the park, public land, and adjacent property or water except as listed in the permit. No signs shall be erected in violation of any City ordinance. Placement of such equipment shall be coordinated with the City Manager. Unless authorized by the City Manager, all property, equipment and signs shall be removed from the park on any day during which the Event, setup, or removal is not being conducted.

- (b) Cleanup. The Applicant and Permit Holder shall promptly and completely cleanup and restore the site immediately following the Event or activity.
- (c) Set Up and Removal. Set up and removal shall occur promptly and the time allowed therefor shall be restricted in the Permit.
- (d) City Cost. Damage to public properties or the City's cost incurred in cleanup and repair shall be the responsibility of the Applicant and the Permit Holder. Payment of any such assessment shall be due within thirty (30) days. The City Manager may require a bond, letter of credit, or cash deposit as security for cleanup and restoration.
- (e) Tents. If tents are used, the tent material shall be composed of noncombustible and flame-resistant fabric in accordance with the City Fire Code and erected to meet wind load requirements of the State Construction Code.
- (f) Advertising. Any advertising or public announcements of the Event that occurs before all necessary approvals from the City have been obtained, is not permitted. No signs are allowed in the City rights-of-way.
- (g) Time of Events. The Permit shall specify the days and hours of the event. Unless otherwise indicated in the Permit, all Events are limited to the hours of 10:00 am and 10:00 pm daily. The City Manager may approve a time extension for good reason.
- (h) Time of Amplified Sound. Unless otherwise allowed in the Permit, amplified music or sound shall be limited to no more than a total of six hours including normal breaks taken between the beginning and end of individual music performances between 10:00 am and 10:00 pm.
- (i) Noise. The Application shall include a current, active plan for the containment of noise and vibration attributed to the Event. Special conditions may be placed on any amplified sound to preserve the rights and enjoyment of those adjacent or near the Event. The City noise ordinance applies to all Events. This shall include but not be limited to amplified music and speech, construction, and sounds emanating from groups or crowds connected with the Event. No person shall cause, suffer, allow, or permit the operation of any amplified sound reproduction device in such a manner that it crosses a real property line of the park and raises the total sound levels by the permissible sound level limits set forth below when measured within a building.

**AMPLIFIED SOUND REPRODUCTION DEVICE
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS**

Indoors across a real property line
dB(C) ABOVE
INTERIOR AMBIENT SOUND LEVEL

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

- (j) Excavation. No digging, staking or any other ground disturbing activity shall be performed except as authorized in the permit and upon prior notification to the City Manager. Trenching, excavating, or other disturbance of the ground surface will require the applicant to notify MISS DIG to appropriately mark all areas where obstructions exist prior to disturbing the surface area.

- (k) Trash and Toilets. Portable toilet and trash receptacles shall be provided, as necessary, for all Events based on the anticipated size of the Event. These shall be provided at the expense of the Permit Holder. The number, type and location of all receptacles and toilets shall be listed on the Permit. At least one portable toilet must be ADA compliant/handicap accessible. The Permit Holder is responsible for the clean up of the area and removal of trash from the site.

- (l) Recycling. It shall be the policy of the City of Traverse City to encourage recycling whenever possible. The mandatory provision of an area(s) utilizing source separation containers for primary recycling materials shall be provided at all High Impact Events. A list of primary recycling materials shall be determined by the City Manager. The number and location of such area(s) shall be shown on the Permit.

- (m) Commercial Activity. Only incidental commercial activity is allowed for Low Impact Events. All such incidental commercial activity shall be under the control of the Permit Holder and shall not be operated independently by third parties unless the third party operated commercial activity is allowed in the Permit.

- (n) Vehicles. No trucks or other motor vehicles are allowed at the park except in designated parking lots or except those conveying specialized equipment for the Event and allowed in the Permit.

- (o) Lights. No strobe lights or flashing lights are allowed. All lighting shall be directed at the Event and to the extent practical away from areas where the activity is not occurring. Portable or vehicle mounted generators are not allowed unless shielded from view and hearing by appropriate means approved by the City

Manager.

- (p) Site Plan. Applicants shall provide a detailed site plan depicting facility locations, if any, to be used or installed during the Event.
- (q) References. In the event an applicant does not have history with the city in conducting an event, the city may require three (3) professional references be provided and verified by the City Clerk; additionally, in such instance, the applicant shall deposit with the City the City's anticipated out-of-pocket expenses prior to the permit being issued. If three (3) professional references are not available, an event planning committee consisting of at least three (3) city residents shall be established by the applicant; and the contact information for the event planning committee shall be provided on the application.

XV. REVOCATION OF USE

In addition to the penalties provided by Ordinance, a Permit may be revoked in writing at any time by the City Manager if it is determined that the holding of the Event authorized by the permit is no longer in the best interest of the public health, safety and welfare, or there has been a misrepresentation in the application or any material misstatement by the Applicant, or there has been a failure to follow this Policy, or other City ordinance, State law, or any condition attached to a Permit. The Applicant or Permit Holder whose Permit is revoked by the City Manager may appeal to the City Commission in writing within three (3) days. All activities under the permit will be suspended pending such appeal. Anyone acting pursuant to a permit that has been revoked or suspended shall be deemed to be trespassing, may be removed by City Police, and may, at the discretion of the City Manager, be charged with criminal trespass. In the event that a Permit has been revoked pursuant to the provisions of this section, the Applicant or Permit Holder shall be not be granted a Permit under this policy for two years following the date of revocation.

I hereby certify that the above Policy was adopted by the City Commission on March 16, 1998, and was amended in its entirety, at a regular meeting of the City Commission on March 17, 2008, and December 17, 2012, at a regular meeting of the City Commission and amended at the December 16, 2013, regular meeting of the City Commission and February 3, 2014, Regular Meeting of the City Commission, at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, City Clerk



***Resolution Establishing Fees
For Park and Public Land Use Applications and Permits***

- Because, the city maintains, preserves and enhances its parks and public land for general public enjoyment; and
- Because, the city identifies the need to balance its desire to attract quality events that add to community experience and increase economic activity with its own financial constraints; and
- Because, the city has studied its costs in coordinating events that occur in its parks and public land, and desires to recover a portion of those costs; and
- Because, the Park and Public Land Use Policy provides that the City Commission may establish by resolution fees for use of the city’s parks and public land; therefore, be it

Resolved, that the following fee structure for Parks and Public Land Use Permits be amended:

<u>Item:</u>	<u>Fee:</u>
<u>Low Impact Events:</u>	
Low Impact Event Permit (where no city services are needed and only minimal infrastructure/equipment is set up in the park.	No fee
All other Low Impact Event Permits- city resident	\$15.00
All other Low Impact Event Permits – non-city resident	\$25.00
<u>High Impact Event Application & Reservation Fees:</u>	
High Impact Event Application – Charitable Non Profit	\$25.00
High Impact Event Application – <u>All Others</u>	\$200.00
High Impact Event Reservation Fee	\$200.00

held at the Commission Chambers, Second Floor,
400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk

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

North Arrow: N



CITY OF TRAVERSE CITY

GROUP NAME: _____

CONTACT: _____

PHONE NUMBER: _____

EVENT NAME: _____

EVENT DATE: _____

DATE REQUESTED: _____

APPROVED: _____

COMMENTS: _____



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 3, 2014

DATE: JANUARY 30, 2014

FROM: JERED OTTENWESS, CITY MANAGER *mv*

SUBJECT: 10597 EAST TRAVERSE HIGHWAY - PILOT (PAYMENT IN LIEU OF TAXES)

The City of Traverse City has received the attached request from P. Craig Patterson, Senior Vice President of WODA Group, LLC, for a Payment in Lieu of Taxes (PILOT), for a proposed 102 unit multi-family development to be located on approximately 15 acres at 10597 East Traverse Highway.

Under State Statute and City Ordinance, the City Commission can grant a PILOT for a low income housing tax exemption that applies an annual service charge instead of the development paying normal property taxes for those portions of the property that are occupied by persons of low income as determined by the rules of the United States Department of Housing and Urban Development. In this case, the developer has committed to providing 100% of the housing units to persons of low income. The PILOT is a fixed percentage of "net sheltered rents" and can range from zero percent to ten percent. The city has traditionally used the ten percent amount; and ten percent is the figure included in the draft resolution.

The construction of the housing development must commence within one year from the effective date of the resolution.

Examples of such developments where the Commission has approved a payment in lieu of taxes before include Bay Hill Apartments, Woodmere Ridge (927 Woodmere Avenue); and 36 units at Building 630 (part of Building 50) at the Grand Traverse Commons.

Attached is a memo from City Assessor Polly Cairns outlining this request. As explained by the City Assessor, the table on the following page outlines the governmental revenue scenarios associated with this request. It should be noted that these would be new revenues to the city.

Status of property: (A) traditional tax payer or (B) PILOT	Total annual governmental revenue (tax or PILOT payment)	Amount of annual revenue realized by city
(A) Traditional tax payer	\$386,000	Approximately \$50,000
(B) PILOT	\$55,000-\$57,000	Approximately \$752

I recommend the following motion (5 affirmative votes required):

that the Resolution Granting Tax Exemption for 10597 East Traverse Highway for the proposed 102 unit multi-family development to the WODA Group, LLC, establishing Payment in Lieu of Taxes (PILOT) for affordable housing, be adopted.

JJO/bcm

K:\tcclerk\citycommission\resolutions\pilot_10597 East Traverse Highway

copy: Polly Cairns, City Assessor

Mr. Craig Patterson, WODA Group, LLC, Senior Vice President

MEMORANDUM

CITY OF TRAVERSE CITY



ASSESSING DEPARTMENT

TO: JERED OTTENWESS, CITY MANAGER

FROM: Polly Cairns, City Assessor Polly Cairns
Digitally signed by Polly Cairns
DN: cn=Polly Cairns, o=Assessing Office,
ou=City of Traverse City,
email=pollycairns@traversecity.gov, c=US
Date: 2014.01.30 13:34:43 -0500

SUBJECT: Request for PILOT- Payment in Lieu of Tax from WODA for property located at: 10597 East Traverse Highway Parcel ID 45-51-033-042-00

DATE: January 30, 2014

It is acknowledged that this request is a proper public purpose to provide low income housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with City Ordinance No. 431, now Chapter 881 - Low Income Housing Tax Exemption, and State Housing Development Act of 1966 (1966 PA 346, as amended, MCL 125.1401, et seq).

The City of Traverse City is authorized by this Act to establish or charge service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed taxes that would be paid but for this Act.

As proposed, the subject property qualifies for this tax exemption. In lieu of normal property taxes, an annual service charge for public services is paid. This payment in lieu of taxes (pilot) is based on the requested ten percent (10%) of the net shelter rents received after allowance for utilities paid, as is typical City policy. That charge shall not exceed the amount that normal taxes would have generated. Payment in lieu of tax is spread amongst the various taxing units in the manner consistent with State Statute.

Per information obtained from the letter P. Craig Patterson, Senior Vice President of WODA, the anticipated PILOT payment will be between \$55,000 and \$57,000, upon completion of construction, as 100% low income.

Based on construction costs supplied estimated tax based on 2013 millage rates would approximate \$386,000 taxes, of which approximately \$50,000 would be attributable to City's millages, assuming completion at 100% low income.

Based on an average of the anticipated PILOT payment between \$55,000 and \$57,000, of \$56,000, the City's portion would be approximately \$752.

A location map is located on the second page for reference purposes.



woda

Opening New Doors

*Development
Construction
Management*

229 Huber Village Blvd., Suite 100 • Westerville, OH 43081 • Tel: (614) 396-3200 • Fax: (614) 396-3243

January 10, 2014

Mr. Jered Ottenwess
City Manager
City of Traverse City
400 Boardman Avenue
Traverse City, Michigan 49684

Re: PILOT Request; 10597 East Traverse Highway

Mr. Ottenwess,

In follow up to our conversation this week, I would like to formally request a 10% PILOT be approved for our proposed 102 unit multi-family development situated on 14.94 acres at 10597 East Traverse Highway. This development will have affordable rents to help working families obtain quality and energy efficient housing. An approved PILOT will significantly improve our chances of receiving MSHDA funding for this \$15,000,000 development.

Our construction plan proposes the development of 17-three story walk-up residential buildings plus a community building for residents and guests. Landscaping, building design, outdoor amenities and storm-water management will be per the conditional zoning PUD that has already been approved. When completed, the new units will have Energy Star appliances, water-saving faucets/toilets and will be highly insulated with other "green" features which will help the finished community qualify for Enterprise Green Communities certification.

To fund the construction, we will seek housing tax credit financing from MSHDA. As part of the application process, MSHDA requests that developers seek a PILOT from the local municipality. The PILOT helps ensure the long-term financial stability of the property plus helps the developer increase their chances of receiving funding for the project. The Woda Group, Inc. (developer) plans to submit a funding application to MSHDA on February 14.

The Woda Group, Inc. is requesting a 10% PILOT for 16 years be adopted for the proposed development at 10597 East Traverse Highway. Based on the annualized rent

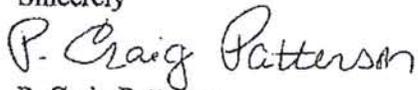
Page 2

for the development, it is anticipated that the annual PILOT payment will be between \$55,000 and \$57,000. The annual payment can be made at any date the city prefers.

Without a PILOT, it will be near impossible for Woda to receive funding. Each developer competes against other developers in the state to win funding. Historically, for new construction projects, only the projects that receive a local PILOT receive MSHDA funding.

I appreciate you considering this request and I look forward to making a formal presentation to city leadership at an upcoming Commission meeting.

Sincerely

A handwritten signature in cursive script that reads "P. Craig Patterson".

P. Craig Patterson,
Senior Vice President



**Resolution Granting Tax Exemption
for the WODA Group, LLC, Low Income Housing Development at
10597 East Traverse Highway**

- Because, on December 4, 1995, the City Commission enacted City Ordinance No. 431 (now Chapter 881) (hereinafter referred to as "Chapter 881"), which establishes a class of housing developments pursuant to the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401 et seq.; MSA 16.114(1) et seq.) which are exempt from the payment of property taxes and in lieu thereof pay a service charge; and
- Because, the WODA Group, LLC, through its Senior Vice President, P. Craig Patterson of 229 Huber Village Boulevard., Westerville, OH 43081 ("sponsor"), has applied to the City for a determination that a proposed multiple family development sponsored by it, and to be known as the Low Income Housing Development at 10597 East Traverse Highway, is entitled to the exemption from taxes authorized by Chapter 881; now therefore, be it
- Resolved, that the proposed housing development to be known as the Low Income Housing Development at 10597 East Traverse Highway sponsored by the WODA Group, LLC, (the Sponsor) and which is to be located on Permanent Parcel No. 45-51-033-042-00, is within the class of Housing Developments entitled to an exemption under Section 4 of Chapter 881, based upon the following determinations:
- a. Construction of the proposed Housing Development shall be commenced after the effective date of Chapter 881 and within one year from the effective date of this resolution, or the resolution shall be void and of no effect.
 - b. The proposed Housing Development will receive financing in part through a loan secured by a first mortgage on the Housing Development (the "Mortgage").
 - c. The proposed Housing Development will apply to receive construction and permanent financing from Low Income Housing Tax Credits from the Michigan State Housing Development Authority (the "Authority").
 - d. For the life of the Low Income Tax Credits, 100% of the dwelling units in the proposed Housing Development will be restricted to Occupancy by persons of Low Income as defined by Section 881.03 of Chapter 881 and the United States Department of Housing and Urban Development. Rental rates for these dwelling units will be similarly restricted.
 - e. Prior to commencement of construction, the Sponsor shall provide satisfactory evidence to the City that it has received a reservation from the

Authority of Low Income Housing Tax Credits under §42 of the Internal Revenue Code of 1986; and, further be it

- Resolved, that in lieu of property taxes, and effective when permits have been issued for those units, the Sponsor shall pay an annual service charge equal to ten percent (10%) of the "Annual Shelter Rents" as defined in Section 881.03(b) of Chapter 881 for that portion of the Housing Development Occupied by Person of Low Income; and, further be it
- Resolved, that in granting application for occupancy in the Housing Development, the Sponsor shall give first priority to those qualified applicants who are Traverse City Residents. This paragraph is subject to the Sponsor's compliance with all Fair Housing laws and regulations; and, further be it
- Resolved, that annually the Sponsor shall provide the City Assessor with a copy of the independent annual audit furnished to the Authority which covers the prior year's operation of the Housing Development within 120 days of the end of Sponsor's fiscal year, which shall be the same as the calendar year. If the audit discloses that the service charge paid in the prior year for the portion of the Housing Development occupied by Persons of Low Income was greater or less than the percent of Annual Shelter Rents required to be paid by this Resolution, the Sponsor shall pay any shortfall or receive a credit against the current years' service charge as appropriate; and, further be it
- Resolved, that the tax exempt status granted by this Resolution shall remain in effect for so long as the Mortgage loan remains outstanding and unpaid and the low income housing tax credit use restriction remains in effect, not to exceed 16 years, unless otherwise terminated pursuant to Chapter 881 or this Resolution; and, further be it
- Resolved, that all portions of Chapter 881 are hereby incorporated by reference; and, further be it
- Resolved, that this Resolution may be assigned by the Sponsor only to subsequent owners of the Housing Development who shall agree to abide to its terms. If not assigned, to and accepted by subsequent owners of the Housing Development, it shall automatically terminate; and further be it
- Resolved, that the Mayor and City Clerk execute a contract with the sponsor providing the tax exemption and acceptance of payments in lieu of taxes as defined within this resolution, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.

YEAS: _____

NAYS: _____

I hereby certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on February 3, 2014, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 3, 2013

DATE: JANUARY 30, 2014

FROM: JERED OTTENWESS, CITY MANAGER *mv*

SUBJECT: CITY MANAGER EMPLOYMENT AGREEMENT – VEHICLE TRAVEL

My employment agreement as currently written requires that any travel outside of a 25-mile radius of the Governmental Center be accomplished either by using a rental car to be reimbursed by the city or by utilizing a car from the city's pool of cars.

The city does not have vehicles in its pool of cars that could be used for business travel. In certain cases, using a rental car would cost the city more than providing me with mileage reimbursement for using my personal vehicle. Therefore, I recommend that my employment agreement be revised to allow for me to obtain mileage reimbursement for travel in my personal vehicle outside of a 25-mile radius of the Governmental Center, whichever is in the best interest of the city. I recommend the reference to use of a city vehicle for such travel be eliminated.

I recommend the following motion (5 affirmative votes required):

that the Mayor and City Clerk execute the First Amendment to Employment Agreement for City Manager with Jered Ottewness (original agreement authorized May 20, 2013), to provide that the City Manager may receive mileage reimbursement for travel in his personal vehicle or car rental reimbursement for travel outside of a 25-mile radius of the Governmental Center, whichever is in the best interest of the city, such amendment subject to approval as to form by the City Attorney.

JJO/bcm

K:\tcclerk\city commission\employment agreements\ottenwess employment agreement first amendment

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY MANAGER

This First Amendment ("Amendment") to the Employment Agreement for City Manager dated _____, 2013 (the "Agreement") by and between the CITY OF TRAVERSE CITY, a Michigan municipal corporation, whose address is 400 Boardman Avenue, Traverse City, Michigan 49684 (the "City") and Jered Ottenwess, of _____, Traverse City, Michigan, 49684 (the "City Manager") is made this ____ day of _____ 2014.

The parties hereby agree to amend the Agreement in the following manner:

Paragraph 10, Car Allowance, shall be amended to read in its entirety as follows:

10. Car Allowance. In addition to other compensation, the City Manager shall receive two hundred fifty dollars (\$250.00) per month as car allowance. There shall be no mileage reimbursement paid for travel within a 25 mile radius from the governmental center. Any business related travel outside of a 25 mile radius shall be accomplished by rental car, the cost of such rental to be reimbursed by the City, ~~or by utilizing a car from the city's pool of cars or by use of the City Manager's personal vehicle, in which case mileage will be reimbursed by the City pursuant to the City's policy, whichever is in the best interest of the city.~~

All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the date and year first above written.

Jered Ottenwess

By: _____

THE CITY OF TRAVERSE CITY

By: _____

Michael Estes, Mayor

By: _____

Benjamin C. Marentette, City Clerk

Approved as to Form:

Lauren Tribble-Laucht, City Attorney



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRAURY 3, 2014

DATE: JANUARY 30, 2014

FROM: JERED OTTENWESS, CITY MANAGER *mw*

SUBJECT: RENAMING OF FORMER VETERANS MEMORIAL PARK AND NAMING THE DOG PARK ENCLOSURE AT SAME PARK

Consistent with the Naming Policy for Parks and Other City-Owned and Operated Facilities, the Parks and Recreation Commission has recommended that the City Commission declare that the former Veterans Memorial Park be renamed to *Slabtown Corner* and that the dog park enclosure at the same park be named *Wag's West*. Attached is a memo from Parks and Recreation Superintendent Lauren Vaughn summarizing the process undertaken by the Parks and Recreation Commission, as well as, a map depicting the areas.

The former Veterans Memorial Park was relocated to 11th Street and renamed the *Grand Traverse Area Veterans Memorial Park*.

I recommend the following motion:

that the former Veterans Memorial Park be renamed *Slabtown Corner* and that the dog park enclosure in that same park be named *Wag's West*, as recommended by the Parks and Recreation Commission.

JJO/kjl

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copy: Dave Green, Department of Public Services Director

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

FROM: Lauren Vaughn, Parks and Recreation Sup't.

RE: Renaming of the former Veteran's Memorial Park and naming of the Dog Park enclosure at the same park

DATE: January 27, 2014

In the fall of 2011, the process began to create a dog park at the site of the former Veteran's Memorial Park. At about the same time, the Grand Traverse Area Veteran's Coalition created a new memorial park on a portion of the City parkland at the Grand Traverse Commons near the intersection of Elmwood and 11th Streets. The Veteran's Coalition requested that the City remove the name Veteran's Memorial Park from the park at the corner of Bay and Division Streets to avoid confusion between the two parks. The large cluster of Veteran's memorials was moved from the original Bay and Division St. location, to the new location on 11th Street. The new memorial location is named the "Grand Traverse Area Veteran's Memorial Park".

In April of 2012, a request was sent to the Record-Eagle to place a notice in the paper that the City was looking for suggestions for a new name for the park. The request was for a name that did not include a reference to the new dog park, since there are many other activities that take place at the park. Due to an error in the article in the paper, which did not indicate that we were looking for names that had no reference to the dog park, we received 131 different names that all were dog park related. We only received 16 names that did not refer to the dog park. The Parks and Recreation Commission decided that they would recommend one name for the dog park enclosure and another name for the park itself.

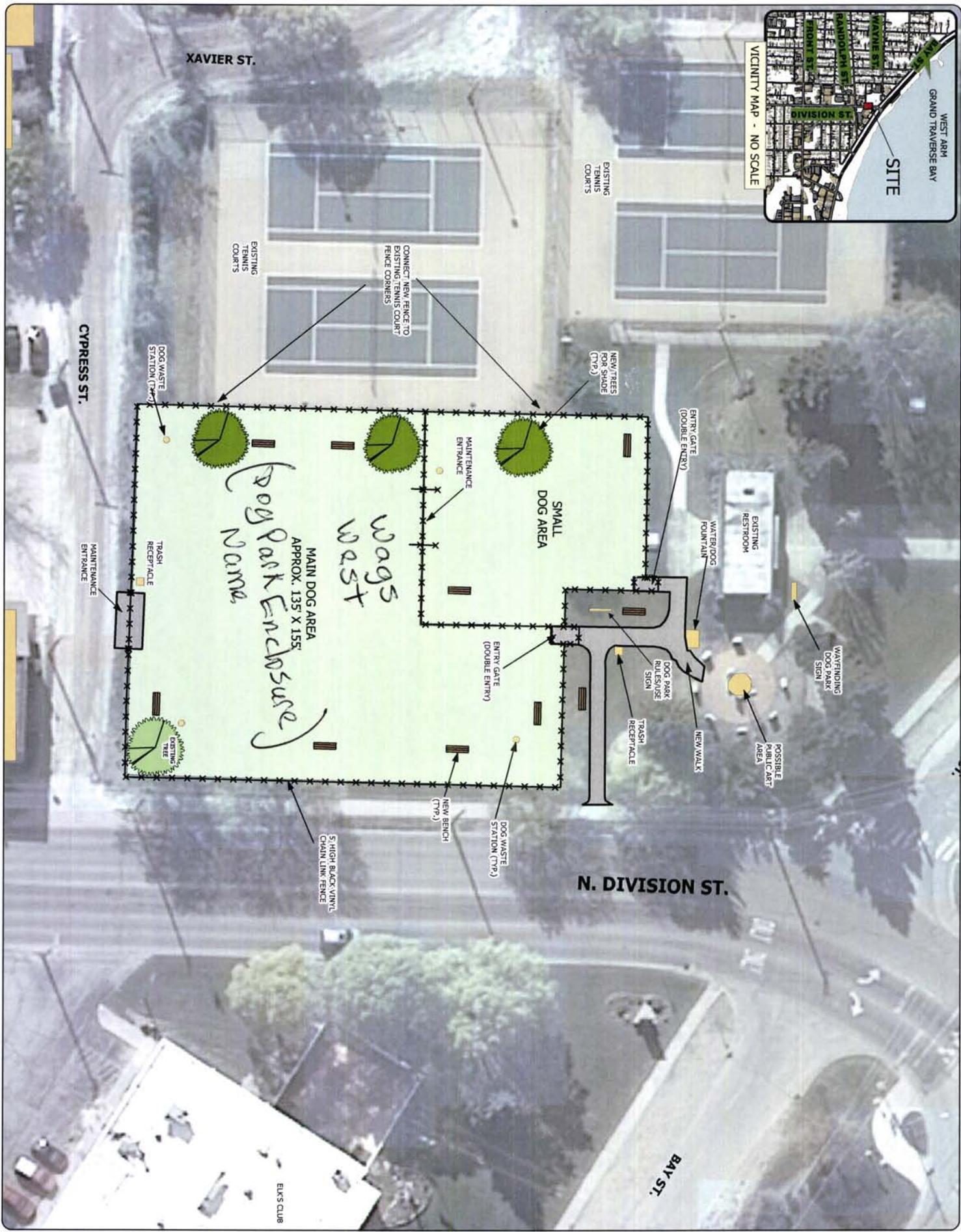
After a several month process, the Commission is recommending the name, "Wag's West" for the dog park enclosure. This is one of the 131 names suggested by the public.

The Parks and Recreation Commission considered various names for the park and created a short list of recommended names that were submitted to the Slabtown Neighborhood Association for their review and recommendation. They were also asked to suggest other names if any came to mind. At their meeting

on October 16th, the neighborhood did not provide any new names but thought Slabtown Park or Bayview Park would be good choices. At the Parks and Recreation Commission meeting of November 7, 2013 a discussion was held and a motion was made to recommend the name "Slabtown Corner", for the former Veteran's Memorial Park. The Slabtown neighborhood president, Mike Gaines, was contacted about the proposed name. He thought the name was great and said he was sending the proposed name to the association members and told them that it would be discussed at the January 9 Parks and Recreation Commission meeting, in case anyone wanted to come and speak.

A public hearing was held in accordance with the Park and Public Space Naming Policy on January 2nd, and it was on the agenda for the January 9th meeting as well. There were no comments on the proposed names on either date. The Commission passed a motion to recommend to the City Commission that the former Veteran's Memorial Park be renamed "Slabtown Corner" and that the dog park enclosure within the park be named "Wags West".

Please seek City Commission approval to adopt these names.





The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 3, 2014

DATE: JANUARY 30, 2014

FROM: JERED OTTENWESS, CITY MANAGER *mv*

SUBJECT: AD HOC COMMITTEE – SIDEWALK CAFÉ

The Sidewalk Café Ad Hoc Committee was originally established on August 5, 2013, and included Commissioner Barbara Budros, Commissioner Jeanine Easterday, and Mayor Pro Tem James Carruthers serving as Chair. The purpose of the ad hoc committee is review the city's sidewalk café regulations and propose any changes to the City Commission. The committee's work is still underway, therefore, I recommend that it be reestablished.

I recommend the following motion:

that a City Commission Sidewalk Café Ad Hoc Committee be reestablished (originally established on August 5, 2013) to make a recommendation regarding sidewalk cafés; and that Commissioners _____, _____ and _____, be appointed to such committee, with Commissioner _____ to serve as Chair, with the committee set to expire August 3, 2014.

JJO/kjl

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copy: Rob Bacigalupi, DDA Executive Director
Dave Green, Director of Public Services
Russ Soyring, City Planning Director

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

FROM: Lauren Tribble-Laucht, City Attorney *LL*

DATE: January 23, 2014

SUBJECT: Bed/Hotel Tax – Traverse Area Convention and Visitors Bureau

In 1984 the Traverse City Area Convention and Visitors Bureau (“Visitors Bureau”) filed its Articles of Incorporation with the State of Michigan. It appears the Visitors Bureau was created and established under the Community Convention or Tourism Marketing Act (Act 395 of 1980, MCL 141.871 et seq) (the “Act”). The Act allows the Visitors Bureau to adopt a marketing program and collect from the owners of hotels within its jurisdiction an assessment (not to exceed 5% of the room charges) to pay the costs of the marketing program.

Pursuant to the Act a marketing program may include provisions for the following:

- establishing and paying the costs of advertising, marketing, and promotional programs to encourage convention business or tourism in the assessment district;
- assisting hotels in promoting convention business or tourism;
- acquisition of personal property considered appropriate by the bureau in furtherance of the purposes of the marketing program;
- hiring and payment of personnel employed by the bureau to implement the marketing program;
- contracting with organizations, agencies, or persons for carrying out activities in furtherance of the purposes of the marketing program;
- programs for establishing and paying the costs of research designed to encourage convention business or tourism in the assessment district;
- incurring any other expense or cost which the board, in the exercise of its reasonable business judgment, considers reasonably related to promotion of the convention business or tourism within the assessment district; and
- procedures for election of the board.

The money collected by the Visitors Bureau can be disbursed *only* for the expenses properly incurred by the Visitors Bureau with respect to the marketing programs developed by it under the Act.

In short, the test of the appropriate use of assessment funds is if those funds are used to the direct benefit or in the best interest of the lodging facilities (i.e. hotels) within the assessment district. The mechanism for making the judgment of what is appropriate is that the board of directors approved the expenditure. Under the Act, the Visitors Bureau does not have any specific responsibilities toward the local unit of government. Some visitors bureaus offer a seat on their board of directors to a local unit of governmental office such as the mayor or a city commissioner, but there is no obligation under the Act to do so.

The City cannot force the Visitors Bureau to share, disperse, or spend its revenues as those actions are completely governed by its marketing plan. There are presumably no provisions or in the Visitors Bureau's marketing plan for the disbursements of assessment moneys to the City at this time.

Feb 3

**TRAVERSE CITY
LIGHT AND POWER BOARD**

Minutes of Regular Meeting
Held at 5:15 p.m., Commission Chambers, Governmental Center
Tuesday, December 10, 2013

Board Members -

Present: Jim Carruthers, Jeff Palisin, Patrick McGuire, Jan Geht, Bob Spence
Absent: John Taylor, Barbara Budros

Ex Officio Member -

Present: Jered Ottenwess, City Manager

Others: Tim Arends, Karla Myers-Beman, Jessica Wheaton, Tom Olney, Scott Menhart

The meeting was called to order at 5:15 p.m. by Chairman McGuire.

Item 2 on the Agenda being Consent Calendar

None.

Item 3 on the Agenda being Unfinished Business

None.

Item 4 on the Agenda being New Business

4(a). Consideration of approving minutes of the Regular Meeting of November 12, 2013.

Moved by Carruthers, seconded by Palisin, that the Board approves the minutes of the regular meeting of November 12, 2013.

CARRIED unanimously (Taylor, Budros absent).

4(b). Consideration of privileged & confidential client/attorney communications.

Moved by Carruthers and seconded by Geht that the Light and Power Board enters into Closed Session to consider privileged and confidential attorney/client communications immediately following public comment.

Roll Call:

Yes: Carruthers, Palisin, McGuire, Geht, Spence

No: None

CARRIED unanimously (Taylor, Budros absent).

4(c). Consideration of Staff Recommendation to Retire the M-72 Wind Turbine.

The following individual addressed the Board:
Tim Arends, Executive Director

Moved by Spence, seconded by Geht, that the Board authorizes the Executive Director to retire the M-72 windmill turbine and begin the decommissioning process.

Public Comment:

- Jack Kelly, 10100 East Avondale Lane, Non-Ratepayer

CARRIED unanimously (Taylor, Budros absent).

4(d). Discovery Center Use of Coal Dock Presentation.

The following individuals addressed the Board:
Tim Arends, Executive Director
Mike Wills, Discovery Center Great Lakes
John Noonan, Great Lakes Children's Museum

Board Member Geht recused himself from the discussion surrounding the Discovery Center's proposal due to a conflict of interest.

Moved by Carruthers, seconded by Palisin, that the Board directs the Executive Director to work with the City Manager in convening a study session with the City Commission to discuss the future of the coal dock, its ownership, and specifically the Discovery Center's proposal.

Public Comment:

- Marsha Smith, 529 Washington Street, Ratepayer
- Jay Brusak, 1994 Carroll Road, Non-Ratepayer
- Michael Smith, 524 Bay East Drive, Non-Ratepayer
- Cindy Brusak, 1994 Carroll Road, Non-Ratepayer
- George Crew, 8336 S. Lakeview Road, Non-Ratepayer
- Jack Kelly, 10100 East Avondale Lane, Non-Ratepayer
- Jan Warren, 606 W. 10th Street, Ratepayer
- Dave McGinnis, 10671 Center Road, Non-Ratepayer
- Christine Crissman, Elk Rapids, Non-Ratepayer
- Rick Buckhalter, 932 Kelley Street, Ratepayer
- John Tanner, Kalkaska County, Non-Ratepayer

CARRIED (Taylor, Budros absent, Geht abstained from discussing or voting on this matter).

Item 5 on the Agenda being Appointments

None.

Item 6 on the Agenda being Reports and Communications

A. From Legal Counsel.

1. W. Peter Doren discussed an eminent domain issue at 743 Boyd Avenue.

B. From Staff.

1. Tim Arends presented the Strategic Planning Focus Group results.
2. Bob Dyer, from RTD Consulting, made an energy supply presentation.
3. Karla Myers-Beman presented the June 30, 2013 Year-End Financial Report.

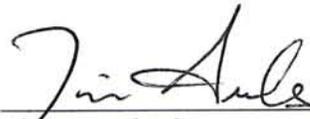
C. From Board.

None.

Item 7 on the Agenda being Public Comment

-Rick Buckhalter, 932 Kelley Street, Ratepayer

There being no objection, Chairman McGuire declared the meeting adjourned at 8:27 p.m. and entered into Closed Session.



Tim Arends, Secretary
LIGHT AND POWER BOARD

/jw



FEB 3

MONTHLY OPERATING REPORT

TO: Jered Ottenwess, Traverse City Manager
Mike Slater, Grand Traverse County

COPY: Grand Traverse County Board of Public Works
John Bowman, CH2M HILL, Regional Business Manager
Dave Green, Director of Public Services

FROM: Casey Rose, CH2M HILL Project Manager *CR*

DATE: January 10, 2014

SUBJECT: Monthly Operations Report for December 2013

Attached is a copy of the report to the state, which we submit electronically.

The data sheet showing flows and loadings from the Townships, the City, and the Septage Plant for November is attached to this report. Also attached is financial information as of the last Friday in November.

TRAVERSE CITY

OPERATIONS AND PROJECTS

The treatment plant continued to be in compliance for December 2013. The boiler pipe replacement project has begun, and the pipe work has been completed. Ground restoration will be completed in the spring.

Gram Positive bacteria are still present and the diversion pipe continues to be utilized.

Currently, we are performing Hypo maintenance cleans on all 8 trains every week, and every third week we are performing a citric maintenance clean on all 8 trains. I have noticed that if we do a Hypo clean on trains every two weeks our permeability declines, it is not enough anymore. This could be a sign of ageing membranes.

Maintenance

Digester #5 recirculation pump is back in service.

Front Street Pump No. 4 is back in service with a new logic board installed in the variable frequency drive (VFD). We have sent the old board out to be evaluated and possibly rebuilt (critical spare part).

Staff worked with remote programmer to identify software issues that kept MBR control system from reacting to inputs from operators.

The rusted guard on the GBC discharge was replaced with a rubber flap that does not corrode.

Snow removal including clearing space around the front gate consumed a lot of time in December. The time spent was captured on the monthly facility PM work order.

The 200-HP blower motor was pulled for rebuilding.

IPP

We inspected Phil's on Front after they objected to the NOV they received for contributing to the grease plug on October 28th. We also inspected Cold Stone Creamery, who shares a lead to the sewer with Phil's. A warning NOV was issued to Cold Stone, but the bulk of the fault for the grease remained with Phil's.

We received a call from the owner of Sorellina's in response to the October 28th NOV. He said he would install a grease trap in the kitchen, but we've received nothing written to that effect. We are attempting to follow up with him for the document.

There hasn't been a response from State Street Grill for their part in the October 28th grease plug. Several calls have been made to speak with a manager but have not received a call backs. A site inspection will be scheduled.

The discharge permit for the Hotel Indigo was reissued, and the 2013 third quarter numbers were sent to the City Treasurer for invoicing.

Another attempt to contact Patty Dixon of Ambrosia Café for the inspection manhole, and there was still no response. A package detailing efforts to bring Ambrosia Café into compliance was submitted to the City Manager for elevated enforcement.

Contact was attempted with Brewery Ferment again but haven't received a response. A similar package was prepared for the City Manager for elevated enforcement, but realized that a formal NOV was never issued to them for a failure to progress. A NOV was prepared and submitted. They have until January 20th to respond, before we elevate the enforcement.

We toured Amical in response to a Health Department memo received related to their kitchen upgrades. It was discovered was that their grease trap is only plumbed to one of the compartments of their sink. Their rinse sink and dishwasher are hooked directly to the sewer discharge line. They also share a lead to the sewer with North Country Outfitters and there is no inspection manhole. They report not drainage problems. A follow up email was sent, telling them that it's likely they are discharging grease and advised them on some kitchen Best Management Practices to reduce this. Justin Roy was also notified of the situation, which will

have his maintenance crew run their camera down that section of sewer to look for signs of grease.

The annual SIU inspections for the year were completed, and wrote follow up letters to all but Munson Medical Center were sent. Additional sampling was completed and when the results are in an inspection letter will be sent.

Jena Hullman, who is opening Elixir Café on Union Street, was contacted to determine if there was a grease trap or inspection manhole at this location. We are awaiting a response.

OTHER

Woodmere liftstation repairs will be going to bid soon. A Pre-Bid meeting was held on January 2nd.

Radio communication upgrades with the Front Street Liftstation have been completed. We will continue to monitor for the month of January and if there are no issues we will discontinue the AT&T dedicated phone line in February.

GRAND TRAVERSE SEPTAGE FACILITY

Operations

Total flow from the Septage Facility to the Regional Plant was 318,300 gallons in December.

One of the overhead doors in the loading bay failed to close after the hauler exited. Several pipes froze in the bay and needed to be replaced.

Maintenance

The logic that controls the exit garage doors has been modified to close them 5 minutes after they are triggered from the control panel by a truck driver when they leave.

MAILING ADDRESS: 606 Franklin Street
 Traverse City, MI 49684
 FACILITY: Traverse City WWTP
 LOCATION: 606 Hamnah
 Traverse City, MI 49686

MONITORING GROUP: 001A

COUNTY: Grand Traverse

Monitoring Period : 2013-12-01 To: 2013-12-31

NO DISCHARGE FROM SITE: ()

Parameter	Quantity or Loading		Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
	Average	Maximum	Minimum	Average				
pH	*****	*****	6.9	*****		0	3X Weekly	Grab
PARAM CODE: 00400 Mon. Site No.: 001A Stage Code: I	*****	*****	6.0 Minimum Daily	*****	S.U.		3X Weekly	Grab
Dissolved Oxygen	*****	*****	8.5	*****		0	3X Weekly	Grab
PARAM CODE: 00300 Mon. Site No.: 001A Stage Code: I	*****	*****	4.0 Minimum Daily	*****	mg/l		3X Weekly	Grab
CBOD5 Minimum % Removal	*****	*****	98.9	*****		0	Monthly	Calculation
PARAM CODE: 80091 Mon. Site No.: 001A Stage Code: K	*****	*****	85 Minimum Monthly % Removal	*****	%		Monthly	Calculation
Total Suspended Solids Minimum % Removal	*****	*****	97.5	*****		0	Monthly	Calculation
PARAM CODE: 81011 Mon. Site No.: 001A Stage Code: K	*****	*****	85 Minimum Monthly % Removal	*****	%		Monthly	Calculation
Name/Title of Principal Executive Officer Or Authorized Agent Casey Rose/ Project Manager Signature of Principal Executive Officer Or Authorized Agent Elizabeth Hart Telephone No 231-922-4922 Date (MM/DD/YY) 2014-01-17								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

When completed mail this report to: PCS-Data Entry, MDEQ-WD, P.O. Box 30273, Lansing, MI, 48909-7773

GENERAL REPORT COMMENT:

Until 12/20/13, we were setting two fecals a day five days a week. After 12/20/2013 we collected and analyzed two Fecal Coliform samples three days per our permit)a week (Excluding 12/2/2013, because we did not run the diversion pipe that day we set 1 fecal sample.) Effluent concentrations reported above are flow weighted concentrations calculated from two effluent streams per Scott Blairs letter to the DEQ on 3/11/2013 and approved by John Draminski on 3/11/2013 via e-mail (Excluding 12/2/2013, because we did not run the diversion pipe that day) Please note, that weeks that included a holiday we sampled and analyzed Total Phosphorus 3days/week instead of the 5 days/week we normally sample and analyze Total Phosphorus while we are using the GBC Filtrate Diversion Pipe.

Non-Numeric Code Legend (for monthly data entry purpose)	
*A	Sampling Equipment Failure
*B	Insufficient Flow for Sampling
*C	Laboratory Problem/Error
*D	Laboratory Results Not Received in Time for Report
*E	This Effluent Limit Not Applicable this Reporting Period
*F	No Operations this Reporting Period
*G	Monitoring is a Permit Condition/Not Required this Reporting Period
*Y	Fecal Coliform (too numerous to count)
*T	Alternative to TTO Monitoring

Stage Code Legend	
I	Final Effluent
K	Percent Removal

Traverse City Regional Wastewater Treatment Plant 2013-2014

	December			Year-to-date	
	Budget	Actual	Variance	Total Budget	Total Actual
CHEMICALS	15,583	-40	15,623	93,495	89,853
DUES AND SUBSCRIPTIONS	40	230	-190	241	389
EDUCATION, TRAINING, MEETINGS	465	355	110	2,790	5,701
ELECTRICITY	33,170	37,357	-4,187	199,020	206,202
EMPLOYEE EXPENSE	602	2,947	-2,345	3,610	7,538
INSURANCE	2,534	2,591	-58	15,202	16,099
LABOR	71,464	68,564	2,900	424,175	398,245
OPERATING EXPENSES	19,578	32,808	-13,230	117,268	143,661
OUTSIDE SERVICES	2,458	6,937	-4,478	14,750	49,694
SOLIDS HANDLING	460	561	-101	99,360	49,531
SUPPLIES	1,417	1,478	-62	8,500	3,574
TELECOMMUNICATIONS	739	671	69	4,435	4,310
TRAVEL COSTS	1,725	1,194	531	10,351	18,770
UTILITIES-OPERATIONS	1,713	465	1,247	10,275	3,193
Total Cost	151,947	156,118	-4,171	1,003,473	996,758
REPAIRS (included in the above)	9,167	18,091	-8,924	55,000	58,515

Minutes
History Center of Traverse City
Board of Directors
7 January 2014

Call to Order: Chairman Steve Harold called the meeting to order at 4:00 in the Board Room.

Roll Call:

Present: Dennis Kent, Steve Morris, Peg Jonkhoff, John Di Giacomo, Jim Warner, Steve Harold, Jordan Lindberg, Bruce Wiegand, and Stephen Siciliano

Absent: None

Staff: Bill Kennis

Secretary's Report:

Secretary Stephen Siciliano presented the Minutes from the December 10, 2013 meeting. The Minutes were reviewed and no changes were made. Motion to adopt the minutes as presented was made by Dennis Kent, second by Steve Morris. Motion carried unanimously.

Treasurer's Report:

Treasurer Steve Morris reported that the Center was able to restore \$8,000 to the Petertyl Fund that had been authorized to be used for operational expenses at the December 10th Board meeting. Steve then shared the following documents with the Board:

- History Center of Traverse City Profit and Lost Statement, January through December 2013
- History Center of Traverse City Profit and Lost Statement, January through December 2013 with the Perry Hannah Book's income and expenses removed
- History Center of Traverse City Balance Sheet as of December 31, 2013

The Center Profit and Lost Statement, 2013, with the Perry Hannah Book's income and expenses removed, showed that the Center had a deficit of \$53,015.51 for the year.

Steve Morris reported that he continued to work with the financial records of the Center with the goal of presenting a more complete historical picture of the Center's financial information in the near future.

The three reports were reviewed by the Board. Motion to place the reports on file as presented was made by Peg Jonkhoff, seconded by John Di Giacomo. Motion carried unanimously.

Center staff was excused for the Board to go into executive session.

Executive Session:

Steve Harold reported on the significant decline in the Center's cash on hand from June 2011 to December 2013. The Center balance fell from approximately \$100,000 to the current level of \$23,000. He also shared that previous Board action and the Bylaws called for a minimum of \$30,000 to be held in the Petertyl Fund. The current fund balance is only \$15,000.

We also discussed the current assets and expenses of the budget and concluded that reorganization of personnel was required to keep the Center sustainable in fiscal year 2014. Given the 2013 deficit and current financial situation, we concluded that it would be necessary to reduce staffing and the gravity of the situation would require the elimination of the executive director position.

As a result of the discussion, Bruce Wiegand made the following motion:

The position of executive director of the History Center of Traverse Center be eliminated through the restructuring of the Center staff effective January 7, 2014. The incumbent shall be offered full salary and benefits through February 28, 2014 on the condition that he signs a release of liability.

Peg Jonkhoff seconded the motion. Motion carried unanimously.

The Board invited Bill Kennis into the meeting to inform him of the Board's decision to eliminate his position effective immediately. Board expressed regret that the financial situation of the Center necessitated this action. On behalf of the Board, Steve Harold thanked Bill for his service and informed Bill that his salary and benefits would be continued through February 28, 2014 provided he sign a release of liability that will be sent to him shortly.

The Board then turned to prepare for the next meeting. The agenda for the next meeting will include a review of a revised 2014 budget, the determination of what programmatic priorities should be retained and which ones should be discontinued, and further discussion on what partnerships should be considered in the near future.

Our next meeting will be held in the Board room on January 14, 2014 at 5:30 PM.

The meeting adjourned at 5:40 PM.