



CITY OF TRAVERSE CITY

Minutes

Regular Meeting of City Commission

November 6, 2006

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 Linda Smyka, Mayor Pro Tem Rick Csapo, Jody Bergman, Matthew Schmidt, Denise Scrudato, Ralph L. Soffredine.

The following Commissioner was absent: Scott C. Hardy.

The Pledge of Allegiance was recited.

Mayor Smyka presided at the meeting.

Announcements by the Mayor, City Manager, and City Commissioners.

There being no objection, Mayor Smyka moved Agenda item 2(d) to be considered as Old Business 3(b).

Item 2 on the Agenda being Consent Calendar

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

- a. Minutes of the Regular Meeting of October 16, and Study Session of October 30, 2006, be approved.
- b. The Mayor and City Clerk be authorized to execute a three-year Agreement

with American Waste in the amount of \$4,950 per year for waste collection services at various City-owned locations, with services to be rendered under this initial three-year Agreement to commence December 1, 2006, and continue through November 30, 2009, and to reserve the option for a renewal of this proposal, mutually agreed upon by both parties, for a period of up to six additional years, in two-year increments, with such Agreement subject to approval as to form by the City Attorney and as to substance by the City Manager.

- a. The City Manager be authorized to issue a confirming purchase order in the amount of \$14,868.38 to Brenner Oil Company for 9,300 gallons of unleaded gasoline priced at \$1.59875 per gallon with funds therefor being available in the Garage Fund.

- d. Moved to Old Business 3(b).

CARRIED unanimously. (Hardy absent)

Item 3 on the Agenda being Old Business

3(a).

The next item being “Consideration of trial and settlement strategy in connection with *City of Traverse City v Incochee Woods Development, LLC*. (Grand Traverse County Circuit Court No. 06-25303-CH),” the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Csapo, seconded by Scrudato, that the City Commission enter into closed session immediately following the public comment portion of the Agenda to consider the trial and settlement strategy in connection with *City of Traverse City v Incochee Woods Development, LLC*, (Grand Traverse County Circuit Court No. 06-25303-CH).

Roll Call:

Yes - Bergman, Csapo, Schmidt, Scrudato, Soffredine, Smyka.

No - None.

CARRIED unanimously. (Hardy absent)

3(b).

The next item being from the Consent Calendar, "Consideration of authorizing a contract for the Phase Three Renovation Project of the Traverse City Opera House Packages 1A and 1B," the following individuals addressed the Commission:

Richard Lewis, City Manager
Karrie Zeits, Deputy City Attorney

Moved by Soffredine, seconded by Csapo, that the Opera House Donation Resolution be adopted with funds therefor available in the City Opera House Fund.

CARRIED unanimously. (Hardy absent, Bergman abstained.)

Item 4 on the Agenda being New Business

4(a).

The next item being "Consideration of a Resolution from the Human Rights Commission opposing State Ballot Proposal 2," the following individuals addressed the Commission:

Mayor O'Connor, Human Rights Commission Co-Chair, 539 Webster Street
Rick Buckhalter, 518 West 12th Street
Bill Vockel, 4797 Ridgewater Run, Long Lake Township
Scott Sieffert, 859 East Eighth Street

Moved by Soffredine, seconded by Scrudato, that the Traverse City Human Rights Commission Resolution opposing State ballot proposal no. 2 be received

and filed.

CARRIED unanimously. (Hardy absent)

4(b).

The next item being “Consideration of trial and settlement strategy in *McIntire & Schmidt v Lewis, Schmidt, Scrudato, Soffredine, Hardy, Bergman, Csapo, Smyka*. (Grand Traverse County Circuit Court Case No. 06-25415-PD),” the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Schmidt, seconded by Bergman, that the City Commission enter into closed session immediately following the public comment portion of the Agenda to consider the trial and settlement strategy in connection with *McIntire & Schmidt v Lewis, Schmidt, Scrudato, Soffredine, Hardy, Bergman, Csapo, Smyka* (Grand Traverse County Circuit Court No. 06-25415-PD).

Roll Call:

Yes - Csapo, Schmidt, Scrudato, Soffredine, Bergman, Smyka.

No - None.

CARRIED unanimously. (Hardy absent)

4(c).

The next item being “Consideration of update from Grand Traverse County Emergency Management and its presentation of a Certificate of Appreciation to the Traverse City Police Department,” the following individuals addressed the Commission:

Richard Lewis, City Manager

Keith DeYoung, Grand Traverse County Emergency Management Deputy

Director
Chief Michael Warren, Traverse City Police Department

No action was taken.

Item 5 on the Agenda being Appointments

5(a).

The next item being “Consideration of appointments by the Mayor to the Downtown Development Authority, subject to approval by the City Commission,” the following individuals addressed the Commission:

Jim Carruthers 218 West 11th Street
Rick Buckhalter, 518 West 12th Street
Karrie Zeits, Deputy City Attorney
Richard Lewis, City Manager

Moved by Bergman, seconded by Soffredine, that the Mayor’s reappointment of Bruce Rogers, Peter Schmitz, and Rick Stein, each to a four-year term expiring September 15, 2010, on the Downtown Development Authority, be approved.

CARRIED unanimously. (Hardy absent)

5(b).

The next item being “Consideration of accepting resignation of Jason P. Eckerly from the City Planning Commission and consideration of establishing an ad hoc interview committee to make a recommendation to fill the seat,” the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Schmidt, seconded by Bergman, that the resignation of Jason Eckerly from the Planning Commission dated October 18, 2006, be accepted; and

further that an ad hoc interview committee be established to make a recommendation regarding appointment to one unexpired three-year term (seat previously held by Jason Eckerly) expiring November 10, 2008, on the Planning Commission; and further that the Mayor's appointment of Mayor Smyka, Commissioner Scrudato and Commissioner Soffredine to serve upon such Committee be approved, with Commissioner Soffredine to call the meetings.

CARRIED unanimously. (Hardy absent)

5(c).

The next item being "Consideration of accepting resignation from Michael Wills as an alternate member of the Board of Zoning Appeals and consideration of establishing an ad hoc interview committee to a make a recommendation to fill the seat," the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Bergman, seconded by Schmidt, that the resignation of Michael Wills from the Board of Zoning Appeals dated October 13, 2006, be accepted; and further that an ad hoc interview committee be established to make a recommendation regarding one unexpired three-year alternate member term (seat previously held by Michael Wills) expiring June 30, 2009; and further that Commissioners Hardy, Scrudato and Soffredine be appointed to serve upon such Committee, with Commissioner Hardy to call the meetings.

CARRIED unanimously. (Hardy absent)

Item 6 on the Agenda being Reports and Communications

The following were received and filed:

- a. From the City Manager.
 1. Bits & Pieces
- b. From other City officials, boards and committees.

1. Report from the Mayor serving on the Downtown Development Authority Board.
 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 Attorney.
 6. Minutes of the Light and Power Board meetings of September 12 and October 10, 2006.
 7. Minutes of the Downtown Development Authority Board of Directors meeting of September 15, 2006.
 8. Minutes of the ACT 345 Retirement System Board meeting of August 30, 2006.
 9. Minutes of the Election Commission meeting of October 5, 2006.
- c. From non-City officials.
1. Wastewater Treatment Plant Monthly Operations Report for September 2006 from Operations Management International, Inc., (OMI).
 2. October 17, 2006, thank you letter from TC-TALUS Chairman James P. Lagowski regarding Memorandum of Understanding regarding the Grand Traverse Area Land Use and Transportation Study (LUTS).
 3. Minutes of the Traverse Area District Library Board meetings of September 14, 26 and 28 , 2006.

Item 7 on the Agenda being Public Comment

The following individuals addressed the Commission:

Jim Carruthers, 218 West 11th Street
Chris Maxbauer, 503 West Eighth Street
Rick Buckhalter, 518 West 12th Street
Debra Curtiss City Clerk
Commissioner Ralph Soffredine

The City Commission entered into closed session at 8:12 pm.

The City Commission returned to open session at 9:06 pm

There being no objection, Mayor Smyka declared the meeting adjourned at 9:07 pm.

Debra A. Curtiss, CMC, City Clerk

Approved: _____, _____
(Date) (Initials)