

Memorandum of Understanding
August 16, 2013

Parties to the Agreement

TAMARACK: *The Best of West Virginia*

The City of Morgantown on behalf of the Morgantown Municipal Airport

Purpose

This Memorandum of Understanding is entered into as a joint agreement for the promotion of TAMARACK: *The Best of West Virginia* and the City of Morgantown on behalf of the Morgantown Municipal Airport to raise awareness of West Virginia's talented craftspeople, artisans and food producers.

The purpose is to promote West Virginia through handmade West Virginia products and to cross-promote Tamarack and the Morgantown Municipal Airport.

Responsibility for Product

TAMARACK: *The Best of West Virginia* holds harmless the City of Morgantown from any liability for the product in the display cases, except in the case of gross negligence. Tamarack will replenish product as it is needed. Because of limited production on many handmade items, Tamarack cannot guarantee the availability of specific items.

Security

The Morgantown Municipal Airport will conduct daily visual inspections of all four (4) locking cases to ensure that the units are locked and undisturbed.

Sales

The Morgantown Municipal Airport will conduct sales on a daily basis during normal working hours. The Morgantown Municipal Airport will collect West Virginia sales tax as follows: 6% for consumer products, 0% for food products.

Discounts

No discounts will be offered on items sold through the Morgantown Municipal Airport.

Payment

The Morgantown Municipal Airport shall maintain records of all sales and remit payment to Tamarack within ten (10) days after the end of each month. Payment should include gross sales less the 5% commission charged by the Morgantown Municipal Airport in addition to the full West Virginia State sales tax on the gross sales amount. Tamarack will be responsible for reporting and remitting taxes collected to the State of West Virginia. Payments should be made payable Tamarack and remitted to:

Tamarack
Attn: Dwight Trent
One Tamarack Park
Beckley, WV 25801

Signage

Tamarack will create signage for placement above the large cherry display. Tamarack will also develop signage to clearly indicate the price of items in all the display cases. The price will be the price charged by the Morgantown Municipal Airport to the customer and the airport's commission will be a 5% reduction of this price. Prices will be similar to the price charged by Tamarack at their other sales locations. The Morgantown Municipal Airport will develop signage to direct visitors and guests to the FBO for purchase and payment of products.

Marketing Materials

Tamarack will be permitted to display and distribute appropriate marketing materials at the Morgantown Municipal Airport. In turn, Tamarack will promote the availability of product at this location on Facebook and through its e-mail newsletter at least once per quarter.

Lighting

The Morgantown Municipal Airport will be responsible for ensuring that lighting in all four (4) locking display units is operational during normal business hours.

Term of Agreement

Commencing September 1, 2013, this marketing and promotional agreement will remain in effect through August 31, 2014, being renewable with a written agreement by both parties after the initial time commitment.

Termination

Either party may terminate after the initial time commitment of one (1) year with a written notification of 30 calendar days.


Cheryl Hartley - Tamarack General Manager

9-23-13
Date

Jeff Mikorski - City Manager

Date