Notice
City Commission Regular Meeting

7:00 pm

Monday, November 18, 2013
Commission Chambers, Governmental Center
400 Boardman Avenue
Traverse City, Michigan 49684
Posted and Published 11-14-13

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. 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 November 4, 2013. (Approval recommended) (Jered Ottenwess, Benjamin Marentette)

b. Consideration of authorizing a contract for a Hickory Hills Master Plan. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

c. Consideration of declaring a 2002 Ford Bucket Truck surplus and authorizing a purchase order for its replacement, for use by the Streets Division. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

d. Consideration of authorizing a purchase order for replacement filter cartridges for the stormwater filtering system at East Bay Park with the cost to be paid for by a grant from the United States Environmental Protection Agency. (Approval recommended) (5 affirmative votes required) (Jered Ottenwess, Alex Yockey)

e. Consideration of authorizing an amendment to the agreement with CH2MHILL OMI for base fee and direct cost fee increases in connection with its management and operation of the Traverse City Wastewater Treatment Plant. (Jered Ottenwess, Dave Green) (5 affirmative votes required)

f. Consideration of authorizing a change order to the Fluoride Upgrade System Project to perform an alum system upgrade at the Water Treatment Plant. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

Items removed from the Consent Calendar

a.

b.

c.

3. Old Business

a. Consideration of introducing an amendment to the Traverse City Code of Ordinances to establish various regulations regarding noise within the city, including regulating "C-Scale Noise"; discussion regarding proposed amendments to the Parks and Public Land Use Policy and fees for the Open Space. (Jered Ottenwess, Lauren Trible-Laucht, Benjamin Marentette, Michael Warren)

b. Consideration of adopting resolutions authorizing grant agreements with the Michigan Department of Environmental Quality for a stormwater and wastewater asset management program, including a local match. (Jered Ottenwess, Larry LaCross)

4. New Business

a. Consideration of introducing an amendment to the Traverse City Code of Ordinances which would rezone the properties at 221 Cass Street and 215, 223 and 229 Washington Street from C-4a to C-4b in connection with the *Washington Place* development, which would allow buildings to be 60 feet by right and 68 feet by Special Land Use Permit, rather than 45 feet in height, as recommended by the City Planning Commission. (Jered Ottenwess, Russell Soyring)

b. Consideration of adopting a Resolution Concurring with a Brownfield Plan for 647 East Eighth Street (located at the corner of Eighth Street and Railroad Avenue), which would make the property eligible for Brownfield Redevelopment tax incentives. (Jered Ottenwess)

c. Consideration of adopting a Resolution Concurring with a Brownfield Plan for 147 East Eighth Street (located at the northwest corner of Eighth Street and Cass Street), which would make the property eligible for Brownfield Redevelopment tax incentives. (Jered Ottenwess)

5. Appointments

a. Consideration of re-establishing the City Commission Ad Hoc Committee to make a recommendation regarding providing water bottle filling stations at the Open Space. (Jered Ottenwess)

b. Consideration of appointment by the Mayor with approval of the City Commission to the Housing Commission. (Mayor Estes, Jered Ottenwess, Katie Lowran)

c. Consideration of accepting the resignation of Mayor Pro Tem James Carruthers from the Brown Bridge Advisory Committee as the City Commission's representative and appointing a City Commission representative to fill the vacancy. (Mayor Pro Tem James Carruthers, Jered Ottenwess, Katie Lowran)

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.

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 Act 345 Retirement System Board Meeting of August 28, 2013.

6. Minutes of the Historic Districts Commission Regular Meeting of September 26, 2013.

7. Minutes of the Traverse City Light and Power Board Regular Meeting of October 8, 2013.

8. Communication from the City Treasurer/Finance Director regarding Tax Tribunal Refunds dated November 11, 2013.

e. Reports and correspondence from non-City officials.

None.

7. Public Comment

a. Reserved.

None.

b. General.

c. Mayor and City Commissioners.

8. Adjournment

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JJO JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- November 4, 2013, Regular Meeting

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

that the minutes of the November 4, 2013, Regular Meeting, be approved.

JJO/kes
k:\tcclerk\city commission\minutes

Minutes of the

City Commission for the City of Traverse City

Regular Meeting

November 4, 2013

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 MaryAnn Moore, Jody Bergman, Barbara D. Budros, James Carruthers, Jeanine Easterday, Michael J. Gillman.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

Mayor Pro Tem MaryAnn Moore was acknowledged by Mayor Michael Estes for her service on the City Commission from November 9, 2009, to November 11, 2013; and she was presented a plaque from the city for her service.

Commissioner Michael Gillman was acknowledged by Mayor Michael Estes for his service on the City Commission from November 9, 2009, to November 11, 2013; and he was presented with a plaque from the city for his service.

As requested by Mayor Pro Tem MaryAnn Moore, Agenda Item 2(e) was removed from the Consent Calendar for full discussion.

2. Consent Calendar

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

a. The minutes of the October 21, 2013, Regular Meeting, be approved.

b. The City Manager be authorized to issue a confirming purchase/service order in the amount of $30785.81 to Lemmen Oil Company for 10004 gallons of dyed #2 diesel fuel without additives priced at $3.07735 per gallon with funds available in the Garage Fund

c. An amendment to the Traverse City Code of Ordinances, *Internal Illumination of Projecting and Suspended Signs*, Sections 1476.08(b)(2)(E) which would allow for the internal illumination of projecting and suspended signs made of metal with individual routed letters or logos, which was introduced on October 21, 2013, be enacted with an effective date of November 14, 2013.

d. The City Manager be authorized to approve payment in the amount of $17,756.25 to Grand Traverse County for the city's portion of services conducted by American Waste as a result of the significant March 2012 winter storm, and that a budget amendment be made to reduce Contingencies by $18,000 and increase the Streets Administration Budget by $18,000 to provide the necessary funds for this payment.

e. Removed from the Consent Calendar.

f. The Resolution Approving a Request from Mediterraneo, LLC, d/b/a Pepe Nero (Giorgio Lo Greco) for a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 800 Cottageview Drive, Ste. 300 in the Grand Traverse Commons, be adopted.

g. The City Manager be authorized to exchange two 2010 Model C480 Holder Tractors and upgrade to two 2010 Model C992 Holder Tractors and approve a confirming purchase order in the amount of $13,900 to cover the fee required to complete the exchange with Holder Tractors, Inc. of Ottawa, Canada, with funds available in the Garage Fund.

h. The City Manager be authorized to declare a 2009 Ford Crown Victoria (Car #11) surplus and issue a purchase order to Shaheen Chevrolet of Lansing in the amount of $29,317.00 for the purchase of a 2014 Chevrolet Tahoe 4x4 to be used by the Police Department, with funds available in the Garage Fund.

CARRIED unanimously

Items removed from the Consent Calendar

a.

Consideration of authorizing a purchase order for overhead garage doors at Fire Station Number One.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Moore, seconded by Easterday, that the City Manager be authorized to issue a purchase order to Affordable Door and Gate in the amount of $14,052.35 for the Overhead Garage Doors at Fire Station #1, 500 West Front Street, with funds available in the Traverse City Fire Department Capital Improvement Fund.

CARRIED unanimously.

3. Old Business

None.

4. New Business

4(a).

Consideration of a recommendation from the Parks and Recreation Commission that the fees for Hickory Hills Ski Area not be adjusted for the 2013-2014 ski season.

The following addressed the Commission:

Jered Ottenwess, City Manager

DRAFT

Moved by Carruthers, seconded by Moore, that the Resolution Establishing Fees For Hickory Hills Ski Area for 2013-2014 Season be adopted.

Tim Werner, 608 West Seventh Street, Grand Traverse Ski Club Vice President – expressed support

CARRIED unanimously.

4(b).

Consideration of authorizing a one-year extension of the agreement for TART Trails to use city equipment to remove snow from the TART Trail (between Carter Road and Bunker Hill Road) for the 2013-2014 season, with the city to be paid a rental rate for use of the equipment on portions of the TART Trail extending outside of the city limits.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Budros, that the Mayor and City Clerk execute an amendment to the agreement with TART Trails (originally authorized November 5, 2012), for it to clear the TART Trail using city equipment during the 2013/2014 winter season, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

Lee Kurt, Traverse Area Recreational Trail Planning and Program Director– made general comments

CARRIED unanimously.

5. Appointments

None.

6. Reports and Communications

The following were received and filed:

a. Reports, announcements and correspondence from the City Manager.
   - Clinch Park Project Update

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. Quarterly Financial Report from the City Treasurer/Finance Director for the fourth quarter that ended June 30, 2013.

   6. Minutes of the Act 345 Retirement System Board Meeting of July 31, 2013.

   7. Minutes of the Traverse City Light and Power Board Meetings of September 10, 2013, and September 24, 2013.

e. Reports and correspondence from non-City officials.

   None.

7. Public Comment

The following addressed the Commission:

1. Reserved.

   Scott Hardy, representing Traverse City Area Public Schools regarding "The TCAPS Bond Issue."

2. General.

   Christine Maxbauer, 503 West Eighth Street, Grand Traverse County Commissioner
   Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

   Commissioner Jeanine Easterday

There being no objection, Mayor Michael Estes declared the meeting adjourned at 7:48 pm.

Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: HICKORY HILLS MASTER PLAN

Attached is a memo from Director of Public Services Dave Green indicating the recommendation from the Hickory Hills Group, recommending a contract with SE Group for it to prepare the Hickory Hills Master Plan.

As mentioned by Mr. Green, at the August 5 City Commission meeting, the City Commission approved the request for proposals and provided its conceptual support for providing 50% funding for a study that would not-exceed $32,000 in total cost, provided Garfield Township, Preserve Hickory, and Grand Traverse Ski Club each provided 25%, 12.5% and 12.5%, respectively.

The Master Plan will provide the following deliverables:

- Inventory of existing assets at Hickory
- Synopsis of previous studies
- Community input plan -- focusing on potential future uses, management structure and funding
- Future use options – with a focus on the operating model, examining operating, capital and long-term maintenance costs
- Development scenarios – looking at a mix of uses
- Alternative management structure – focusing on governance, administrative capability, ownership and resource allocation

It is anticipated that the results of this study will be presented to the City Commission around the end of April 2014.

I recommend the motion on the following page (5 affirmative votes required).

That the Mayor and City Clerk execute a contract with SE Group for the preparation of a Hickory Hills Master Plan in the amount of $32,000, with the city to provide $16,000 in funding, Garfield Township to provide $8,000 in funding, Preserve Hickory and Grand Traverse Ski Club to each provide $4,000 in funding, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney, with the city's funding available in the Parks Division Budget.

JJO/bcm
e-copy: Dave Green, Director of Public Services
Mac McClelland, Hickory Hills Group – mac@otwellmawby.com
Chuck Korn, Garfield Township Supervisor
Brian Van Den Brand, Garfield Township Deputy Planner – bvandenbrand@garfield-twp.com
Maureen Madion – maureenmadion@gmail.com
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Memorandum

The City of Traverse City
Department of Public Services

TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director

DATE: October 30, 2013

SUBJECT: 2013 Hickory Hills Master Plan Contract Authorization

At the August 5, 2013 regular meeting of the City Commission, the Commission passed a motion that authorized a Hickory Hills Master Plan Request for Proposals be conducted contingent upon Garfield Township , Preserve Hickory and the Grand Traverse Ski Club funding 25%, 12.5% and 12.5%, respectively, of the cost of the study with the City picking up the remaining 50%. All three parties agreed to fund their share of the study and an advisory team, "The Hickory Hills Group", comprised of City, Garfield Township, the Grand Traverse Ski Club and Preserve Hickory members, was created to develop and advertise the RFP with a scheduled opening on Tuesday, October 15, 2013.

Proposals were received and opened on the 15th with six firms submitting complete packages. The Hickory Hills Group spent the next nine days independently reading, reviewing and scoring the proposals using an evaluation worksheet (copy attached) mirroring Section 7 in the RFP that laid out the criteria to be used for selection process. (See attached page 12 of the RFP) The Hickory Hills Group then met on October 29, 2013 to compile the independent scores, discuss the strong and weak points of the individual proposals and then, hopefully, reach a consensus on the firm the group as a whole felt submitted the best proposal.

A consensus was reached and the Hickory Hills Group members all agree that the SE Group from Burlington, Vermont submitted the best overall proposal, has a clear understanding of the task, has significant experience with similarly-sized winter recreation facilities and is well staffed to complete the work.

Please request City Commission approval for a contract in the amount of $32,000.00 with the SE Group for the Hickory Hills Master Plan with said amount to be funded 50% by the City, 25% by Garfield Township, 12.5% by Preserve Hickory and 12.5% the Grand Traverse Ski Club.

EVALUATION WORKSHEET
HICKORY HILLS MASTER PLAN

No Response	0
Poor	1
Fair	2
Average	3
Good	4
Excellent	5

FIRM: _____

EVALUATOR: _____

I. Management (15%)

To what extent will the management structure insure the successful completion and quality of the project? _____

How reasonable are the staff hours allocated to each task? _____

How reasonable is the project timeline? _____

II. Tasks (30%)

How responsive is the proposal to each of the task requirements? _____

Does the proposal identify specific considerations in the tasks? _____

What is the extent of the firm's understanding of the problem of preparing community recreation master plans? _____

How well are alternative approaches described and how innovative are those approaches? _____

III. Prior Experience (30%)

To what extent does the staff assigned to the project have experience and talent to assure successful project completion? _____

To what extent has the firm been involved in similar projects? _____

IV. Cost (25%)

How reasonable is the total project cost? _____

To what extent are the costs accurately allocated between the tasks? _____

How is the project cost compared to other proposers? _____

7. Criteria for Selection

All proposals received shall be subject to an evaluation by the Issuing Office. This evaluation will be conducted in a manner appropriate to select a firm for the purpose of entering into an agreement to perform this project. The following factors will be considered in the selection:

a. Management (15%)
- To what extent will the management structure insure the successful completion and quality of the project?
- How reasonable are the staff hours allocated to each task?
- How reasonable is the project timeline?

b. Tasks (30%)
- How responsive is the proposal to each of the task requirements?
- Does the proposal identify specific considerations in the tasks?
- What is the extent of the firm's understanding of the problem of preparing community recreation master plans.
- How well are alternative approaches described and how innovative are those approaches?

c. Prior Experience and Personnel (30%)
- To what extent does the staff assigned to the project have experience and talent to assure successful project completion?
- To what extent has the firm been involved in similar projects?

d. Cost and Price Analysis (25%)
- How reasonable is the total project cost?
- To what extent are the costs accurately allocated between the tasks?
- How is the project cost compared to other proposers?

8. Reports

The firm will provide the City Project Manager with monthly update reports. The monthly update reports should be a brief summary of work conducted in the last month and anticipated tasks and target completion dates for the next month. The report should also include problems, real or anticipated, which should be brought to the attention of the City Project Manager, and notification of any significant deviation from previously agreed-upon work plans will be reported as needed. A monthly and cumulative total of billable hours must also be included in each report.

Substantive reports on the following specific tasks will be provided to the City Project Manager for review by the Advisory Team.

MEMORANDUM

DATE: November 11, 2013

TO: David Green, DPS Director

FROM: Mac McClelland, Hickory Hills Group MAC

SUBJECT: Hickory Hills Master Plan Consultant Recommendation

The City of Traverse City, Charter Township of Garfield, Grand Traverse Ski Club, and Preserve Hickory are collaborating in the funding and development of a long range master plan for Hickory Hills Recreation Area. The budget for the Master Plan was established at $32,000. As part of the funding approval process, all parties agreed to solicit proposals from professional recreation planning firms to prepare the Master Plan. The procurement process and contract would be managed through the City, with the assistance and guidance of an advisory team comprised of representatives of each of the four parties the Hickory Hills Group (the "Group"). The Group also includes two members of the City – Township Recreational Authority as observers.

The Group has been meeting to develop the goals, objectives and work scope for the development of the RFP, which was prepared in cooperation with Julie Dalton, City Purchasing Agent. The RFP included the maximum contract amount of $32,000 for three reasons: First, the budget was fixed, and proposals over this amount could not be considered; second, proposals with costs much lower would not likely meet the objectives of the project, and third, the most effective way to get comparative proposals is for proposers to outline how much can be done within budget.

RFPs were sent to seventeen (17) consultants, and advertised in the Traverse City Record Eagle. Six (6) proposals were received by the Tuesday, October 15, 2013 deadline. An evaluation team of twelve representatives reviewed and evaluated the proposals in accordance with the following criteria included in the RFP: Management (15%), Tasks (30%), Prior Experience (30%), and Cost Allocation (25%).

The following are the results of the scored evaluation:

FIRM	SCORE
SE Group, Burlington VT	75.17
UP Engineering and Architects, Houghton MI	73.99
Landscape Architects & Planners, Inc, Lansing MI	73.56
Beckett Raeder, Ann Arbor MI (TC Office)	62.72
Integrated Design Forum, Traverse City MI	59.42
Fleis & VandenBrink, Grand Rapids, MI (TC Office)	53.56

A meeting of the Group was held on October 29 to review the scores and discuss the proposals. After careful analysis and significant discussion of the strengths of each proposal, the Group agreed to recommend SE Group to the City Commission for contract award.

The Group had a series of specific questions or comments with regard to the proposal and asked a subcommittee to schedule a conference call with SE Group. These questions/comments included the importance of a final presentation, providing for early community input, the multiple parties involved and working with the Group, and data development for management options. Dave Green, Mac McClelland, Brian VandenBrand, Rob Larrea, and Maureen Madion participated in the conference call with Adam Portz of the SE Group. The parties came to an understanding of the questions and comments and the subcommittee recommended to move forward with the recommendation.

I want to thank all the members of the Hickory Hills Group for their insight, effort, and continued commitment to the future of Hickory Hills.

Recommendation

Authorize contract award to SE Group of Burlington VT for the development of a Master Plan for Hickory Hills Recreation Area in an amount of $32,000, with funds from the City (50%), Garfield Township (25%), Grand Traverse Ski Club (12.5%) and Preserve Hickory (12.5%)

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: 50 JERED OTTENWESS, CITY MANAGER

SUBJECT: 2013 STREETS DEPARTMENT AERIAL BUCKET TRUCK PURCHASE

Attached are memos from Dave Green, DPS Director, and Scott Meteer, Garage Superintendent, requesting approval to purchase a 2014 Dodge chassis with a thirty foot Altec aerial bucket for the Streets Department, and declare a 2002 Ford F450 with a Versalift aerial bucket surplus. This vehicle would be purchased through the MIDEAL Program, which is a state program that provides competitive pricing for entities to take advantage of across Michigan.

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

that the City Manager be authorized to declare a 2002 Ford F450 (Truck #67) surplus and issue a purchase order to Altec Industries of Indianapolis, Indiana in the amount of $115,014.00 for the purchase of a 2014 Dodge chassis with a thirty foot Altec aerial bucket to be used by the Streets Department, with funds available in the Garage Fund.

cc: Dave Green, DPS Director
Scott Meteer, Garage Superintendent

Memorandum

The City of Traverse City
Department of Public Services

TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director

DATE: November 11, 2013

SUBJECT: 2013 Streets Department Aerial Bucket Truck Purchase

Attached is a memorandum from Scott Meteer, Garage Superintendent, explaining the process he would like to follow in order to purchase a new bucket truck for the Streets Department. This truck is used for sign installation and tree trimming and is a scheduled replacement. This vehicle is available through the State's MIDEAL program through Altec Industries.

Please request that the City Commission declare a 2002 Ford F450 bucket truck (truck #67) surplus and approve a purchase order to Altec Industries in the amount of $115,014.00 for a 2014 Dodge bucket truck with a thirty foot Altec aerial bucket with funds available in the Garage Fund.

MEMO

To: Dave Green
From: Scott Meteer SM
Garage Superintendent
Subject: Equipment Replacement
Date: November 4, 2013

Truck number 67, a 2002 Ford F450 with a Versalift aerial bucket on it was due for replacement in January 2010. This unit is used by the Streets Department. I would like to replace it through Altec. The MiDeal price quote for a 2014 Dodge chassis with a thirty foot Altec aerial bucket and necessary options is $115,014.00.

Please request of the City Commission permission to issue a purchase order in the amount of $115,014.00 to Altec Industries of Indianapolis Indiana for the above chassis and aerial boom.

Also, please request that the old #67 be declared surplus so that it may be disposed of.

This is a planned purchase and funds are available in the Garage fund.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: 50 JERED OTTENWESS, CITY MANAGER

SUBJECT: 2012 EAST BAY PARK STORMWATER IMPROVEMENTS PROJECT FILTER REPLACEMENT ORDER

Attached is a memo from Tim Lodge, City Engineer, requesting approval to purchase 45 replacement cartridges for the above project. With this purchase, at a discount using our grant funds, the City Engineer expects we will have a filter inventory/supply of 4-10 years, including the existing and purchased filters. (There are many scenarios that will affect filter performance, hence the range of expected years of inventory.)

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

that the City Manager be authorized to issue a purchase order to Fabco Industries in the amount of $33,750.00 for 45 replacement cartridges with funds available in the Capital Projects Fund, to be reimbursed by the Great Lakes Restoration Initiative Grant program.

JJO/bcm
e-copy: Tim Lodge, City Engineer
Alex Yockey, City Engineering
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Memorandum

The City of Traverse City
Engineering Department

TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer

DATE: November 7, 2013

SUBJECT: 2012 East Bay Park Stormwater Improvements Project
Filter Replacement Order

We have received pricing for 45 filter replacements for the Helix Cartridge Filter System installed in East Bay Park earlier this year. The filter replacements are anticipated to be required every 2 to 5 years. These are manufactured, replaceable high flow cartridges effective at treating pathogens (e-coli) using treated foam filter media and increased contact time (through helix design). The cartridges also help remove sediment, hydrocarbons, and nutrients.

We have received reduced pricing of $250.00 per filter, $11,250.00 total if we order the replacements at this time and the cost can be included in our grant reimbursement. We are requesting to proceed with acquiring the replacement cartridges prior to the grant completion date of December 31.

The work is part of our involvement in the Great Lakes Restoration Initiative Grant "*Michigan-Watershed Center-East Bay Park Remediation*". This grant program is administered by the Environmental Protection in collaboration with the Watershed Center, our local water quality partner. All of the expenses in this request will be reimbursed by the grant.

Therefore, it is recommended that a purchase order be issued to Fabco Industries in the amount of $33,750 for 45 replacement cartridges with funds to be reimbursed by the aforementioned grant.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: WASTEWATER TREATMENT PLANT AGREEMENT AMENDMENT

In 2012, the city entered into a new agreement with CH2MHILL for operation of the Wastewater Treatment Plant, following a bidding process. That process resulted in a $81,341 reduction in the base fee we were paying CH2MHILL. The agreement requires the rates be renegotiated annually.

Under the agreement, there is a base fee and a total direct cost fee. The total direct are the estimated costs to run the plan, including items such as utilities, chemicals, repairs, repair parts, labor, etc. If the total direct costs actually exceed the agreed-upon amount, CH2MHILL covers the difference. If the total direct costs fall below the agreed-upon amount, 60% of the difference is refunded to the city and 40% is retained by CH2MHILL.

The base fee is the actual amount paid to CH2MHILL for their services including direct costs. In other words, the base fee is the actual cost to operate the plant (direct costs) plus a profit margin. Any cost incurred over the actual/direct costs is borne by OMI and reduces their profit.

Attached is a memo from Director of Public Services Dave Green recommending an amendment to the agreement, which would increase the base fee by 3.5%. As explained by Mr. Green, because of the additional labor needed to manage the issues associated with the aging membranes at the plant, we believe this increase is justified. As also indicated by Mr. Green, CH2MHILL has proposed a 1.7% increase in the direct costs.

With these increases, the total payment to CH2MHILL is below (by $3,308) the amount paid in 2011/2012, prior to the rebid of this contract.

The Grand Traverse County Board of Public Works (BPW) has approved this amendment; and the BPW will cover its proportionate share based upon flow (approximately 50%); and the city will pay the remaining portion (approximately 50%).

The following table shows total payment paid to CH2MHILL for its operation of the Wastewater Treatment Plant over the past five years, as well as the amount proposed for this year – these payments include both the base fee and the total direct cost fee.

Fiscal Year	Total payment
2013-2014 (Proposed)	*$2,307,561(Proposed)*
2012-2013	$2,229,528
2011-2012	$2,310,868*
2010-2011	$2,310,868
2009-2010	$2,356,256
2008-2009	$2,311,176

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

That the Mayor and City Clerk execute Amendment No. 1 to the Agreement with CH2MHILL for Operations, Maintenance and Management Services, at the Wastewater Treatment Plant (originally authorized March 5, 2012) for the period of July 1, 2013, to June 30, 2014, which would increase the base fee by 3.5% and increase the Direct Cost 1.7%, with the total payment to be $2,307,561, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney.

e-copy: Dave Green, Director of Public Services
Casey Rose, CH2MHILL Project Manager

K:\tcclerk\city commission\agreements\wastewater treatment plant operation amendment.doc

Memorandum

The City of Traverse City
Department of Public Services

TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director

DATE: November 11, 2013

SUBJECT: Wastewater Treatment Plant Agreement Amendment No. 1 (2013-2014)

Attached is a letter from Casey Rose, CH2M HILL OMI Project Manager for the Traverse City Regional Wastewater Treatment Plant, along with a draft Amendment to the Agreement for Operations, Maintenance and Management Services for the Traverse City Regional Wastewater Treatment Plant and Pumping Stations dated July I, 2012.

Paragraph 4.3 of the agreement named above calls for an annual negotiation of the Base Fee and estimated Total Direct Cost of operating the Plant. Because of increased operational costs associated with aging membranes at the plant, permeability problems with gram positive bacterial infection and increased electrical and labor costs CH2M HILL is requesting a 3.5% increase to the Base Fee for the 2013-2014 contract year. Although this is 1.65% above the contract default amount of 1.85% we feel due to the circumstances brought on by the aging membranes it is a fair increase. The increase will bring the base fee up to $2,307,561 which is still below the Base Fee of $2,310,869 paid to CH2M HILL for the 2011-2012 contract year.

CH2M HILL is requesting a Direct Cost increase from $1,917,347 to $1,951,430, which is a 1.7% increase this year and falls below the 1.85% default percentage allowed in the agreement. We feel this increase is also a fair number for all parties involved.

The County Board of Public Works approved Amendment No. 1 at their November 7, 2013 regular meeting.

Therefore, I recommend that the following motion would be appropriate:

The Mayor and City Clerk be authorized to execute Amendment No. 1 to the Agreement for Operations, Maintenance and Management Services for the Traverse City Regional Wastewater Treatment Plant and Pumping Stations dated July I, 2012 between the City of Traverse City and CH2M HILL OMI, for the period July 1, 2013 to June 30, 2014.

CH2M HILL
606 Hannah Avenue
Traverse City, MI 49686
Tel 231.922.4921
Fax 231.922.8170

CH2MHILL.

October 21, 2013

Mr. Jered Ottenwess
Traverse City Manager
400 Boardman Ave
Traverse City, MI 49686

RE: Contract Year 24 Amendment

Dear Mr. Ottenwess:

Per the Contract, dated July 1, 2012, each year the base fee and estimated Total Direct Cost shall be negotiated. If a rate cannot be agreed upon, the base fee and the estimated Total Direct Cost will be determined by the application of the Employment Cost Index, and the Consumer Price Index in accordance with the formula used in Appendix G of the Contract. This year the increase would be 1.85% per default.

CH2M Hill is requesting a 3.5% increase to the base fee for 2013-2014. This would increase the base fee from $2,229,528 to $2,307,561, which is below the base fee of $2,310,869 from 2011-2012 contract year. CH2M Hill considered the following factors in regards to this request. There has been an increase in operations cost associated with the aging membranes. Permeability problems increased electrical cost, and labor cost most significantly this past year. During recent inspections of the membranes, CH2M Hill staff has discovered some failing membranes, and have been making repairs, or removing the damaged membranes from service. CH2M Hill is in the process of working with GE on a membrane replacement strategy that is in the best interest of the City, but anticipates operations cost to continue to increase until membranes are replaced.

The estimated Total Direct Cost would increase from $1,917,347 to $1,951,430, which is a 1.7% increase this year. This means CH2M Hill's budget to operate the treatment plant increased 1.7% over last year. The difference between Base Cost and Direct Cost would be CH2M Hill's margin, or 15.4%. The lower the percent increase for the Total Direct Cost, the higher the risk for CH2M Hill. Per the contract any Direct Cost over $1,951,430 would be paid 100% by CH2M Hill. This cost would come from our margin. Any savings under Total Direct Cost would be rebated back to the City at 60%. Due to the uncertainty with the increased cost of operating the aging membranes, CH2M Hill is asking for the 3.5% increase in Base Fee to limit our financial risk.

Please find the enclosed Amendment for your review and execution. If you would like to discuss further please contact me at your convince. I look forward to speaking with you.

Sincerely,

Casey Rose
CH2M Hill Project Manager

cc: John Bowman, CH2M Hill Regional Business Manager
Dave Green, Traverse City DPS Director
Lauren Trible-Laucht, City Attorney

Printed on Mohawk Via paper, which is 30% post consumer waste.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: 2013 WATER TREATMENT PLANT ALUM FEED SYSTEM UPGRADE PROJECT

Attached is a memo from Director of Public Services Dave Green recommending a change order to the contract with DHE Plumbing and Mechanical to perform an upgrade to the Water Treatment Plant's Alum Feed System. The Alum Feed System Upgrade is required as part of the city's corrective action plan issued by the Department of Environmental Quality in connection with the Significant Deficiency Violation Notice the city received.

The alum feed system is a key component of the Water Treatment Plant. Alum serves as a coagulant for components within the water that need to be removed. The system currently in place is antiquated and needs to be replaced.

It is advantageous to complete this work through a change order for the contract we have with DHE Plumbing and Mechanical for the Fluoride Feed System Upgrade Project, because time is of the essence and the pricing obtained from this contractor who is already working in the plant in close proximity to the Alum Feed System is approximately $15,000 below the expected cost for such a project, based on estimates from Prein and Newhof, the engineering firm engaged by the city to conduct the Water System Reliability Study.

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

That the Mayor and City Clerk execute a unit prices change order to the contract with DHE Plumbing and Mechanical for the Fluoride Feed System Upgrade Project (originally authorized June 17, 2013) to complete the 2013 Water Treatment Plant Alum Feed System Upgrade Project in the amount of $35,000, more or less, with funds available in the Water Fund, such change

-Motion continued on the following page-

order subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/bcm
K:\tcclerk\citycommission\agreements\change order 2013 water treatment plant alum feed system Upgrade
e-copy: Dave Green, Director of Public Services
Art Krueger, Water Treatment Plant Superintendent

Memorandum

The City of Traverse City
Department of Public Services

TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director

DATE: November 11, 2013

SUBJECT: 2013 Water Treatment Plant Alum Feed System Retrofit

Attached is a memorandum from Art Krueger, Water Treatment Plant Superintendent, requesting City Commission approval to issue a change order to DHE Plumbing and Mechanical that would give them authorization to upgrade the plant's alum feed system, including new pumps, piping, day scale and other related appurtenances. The importance of this upgrade became evident in the September 27, 2013 Significant Deficiency Violation Notice issued to the City by the Michigan Department of Environmental Quality. In order to expedite the alum upgrade project, we obtained pricing from DHE, who was the low bidder on a similar project as this, the Plant Fluoride System Upgrade Project, and still under contract with the City, to do the work.

Therefore, it is recommended, to add this work to the existing contract with DHE Plumbing and Mechanical and that the proper City officials be authorized to execute a Change Order, in the amount of $35,000.00, more or less, to cover this work, with funds available in the Water Fund

Memorandum

City of Traverse City
Water Treatment Plant

TO: Dave Green, DPS Director

FROM: Art Krueger, WTP Superintendent

DATE: November 12, 2013

SUBJECT: Alum Feed System Retrofit

As you are aware, a malfunctioning alum pump caused the recent Significant Deficiency Violation Notice (SDVN) issued to the City by the DEQ on September 27, 2013. As required, the City submitted Corrective Action Plan to the DEQ on October 24, 2013. This Plan outlines the necessary tasks to be completed and provides target deadlines. One of the first critical tasks is to replace the existing alum feed system as soon as practical since it is antiquated and unreliable. The following tasks have been completed since the SDVN was issued:

- Completed an Alum Feed System Retrofit design with the assistance of the consulting engineering firm Prein & Newhof. This includes complete replacement of the three (3) existing unreliable alum pumps with new reliable Blue-White peristaltic pumps, a digital floor scale to accurately measure hourly usage from the day tank and new piping and appurtenances for the alum feed system up to the existing pipe header. The new alum feed system is designed to communicate with the future planned SCADA system.

- An Act 399 construction permit application was submitted to the DEQ on November 6, 2013 and is pending approval in the next two weeks.

Therefore, in order to expedite the construction of the new alum feed system to restore reliability at the Water Treatment Plant and protect the health, safety and welfare of the public; we request City Commission's approval to complete this work. The anticipated project completion date is by December 31, 2013.

Recommendation: Approve to amend the current construction contract for the Fluoride System Upgrade Project with DHE Plumbing & Mechanical by Change Order in the amount of $35,000.00 to complete the Alum Feed System Retrofit Project.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 8, 2013

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: SPECIAL EVENTS IN CITY PARKS AND NOISE ORDINANCE

At the September 23 Study Session, the Commission discussed key issues with respect to special events. The Commission asked staff to bring recommendations to the new Commission for its consideration which would specifically address the following:

1.) Reducing the **frequency** of events, specifically at the Open Space
2.) Increasing the **fees** for use of the Open Space
3.) Cleanup of **trash** associated with events in city parks
4.) Changing the way the city regulates **noise** within the city, or establishing a "low frequency noise limit", which would largely address the noise that can be considered disturbing or annoying

With respect to Items #1-3, attached is a memo from City Clerk Benjamin Marentette outlining staff's recommendations to address these issues. Additionally, the City Clerk summarizes the current framework as well as other changes recommended, which were developed by staff now that nearly one year has passed since the policy was revamped.

With respect to Item #4 regarding noise, attached is a memo from City Attorney Lauren Trible-Laucht outlining staff's recommendation. It is important to keep in mind that while the recommendation regarding noise levels addresses noise that is annoying or disturbing to the human ear by using a benchmark established by noise experts and various communities throughout the country, it is unrealistic that these amendments will eliminate all complaints regarding noise in the city. Rather, the proposed amendments will create an additional tool – one not currently available – for enforcing noise frequencies that are particularly disturbing.

For the Commission meeting on November 18, I recommend the following format:

1. General opening comments by the City Manager and a review of the noise ordinance, Park and Public Land Use Policy amendments, and fees

2. Public comment

3. Deliberation by the City Commission and direction on how it would like to proceed – with possible outcomes as follows:

   A.) Schedule for adoption recommended amendments to the policy, noise ordinance and fees and lift the moratorium on December 2. (A sample motion is below)

   B.) Refer any issues to a future meeting for further Commission discussion in general or regarding specific topics

   C.) Appoint an ad hoc committee to review any issues further, with a recommendation to be presented to the full Commission by a certain date

The following is a sample motion:

That an amendment to the Traverse City Code of Ordinances, *Noise Ordinance Amendment,* Sections 652.02; 652.03; and 652.04, which would make various regulatory changes to the city's noise ordinance, be introduced and scheduled for possible enactment on December 2, 2013; and that the City Commission consider approving changes to the Park and Public Land Use Policy and fees for park usage on December 2, 2013.

e-copy: Dave Green, Director of Public Services
Michael Warren, Chief of Police

Memorandum

The City of Traverse City

TO: Jered Ottenwess, City Manager

COPY: Lauren Trible-Laucht, City Attorney
Dave Green, Director of Public Services
Michael Warren, Chief of Police
Katie Lowran, Deputy City Clerk

FROM: Benjamin C. Marentette, City Clerk

DATE: Friday, November 8, 2013

SUBJECT: SPECIAL EVENTS IN CITY PARKS

The purpose of this memo is to address the following, in the following order:

- Define what the current park use policy provides
- Outline staff's recommended changes based on the City Commission's September 23 Study Session as well as recommended changes now that we have had nearly a year of working with the current policy
- Broadly outline an approach to manage trash associated with events
- Discuss having a "city event ombudsman" – a liaison to ensure the city's rules are followed and interests are protected
- Present options that would considerably increase the fees for use of the Open Space

What the current park use policy provides:

Types of events defined:

The policy establishes two types of events: 1) High Impact Events; and 2) Low Impact Events.

A High Impact Event has any of the following elements:

- Use of city personnel is requested and/or required
- There is commercial or for-profit financial benefit; and/or
- Significant infrastructure, such as a large stage or large tent is set up; and/or
- Alcohol is sold; and/or
- Use of the park is three or more days in duration

A Low Impact Event has none of the above elements that define a High Impact Event. The vast majority of events held in the city's parks are Low Impact Events. Examples of Low Impact

Events are: 1) Family reunions; 2) Boy Scout gatherings; 3) Weddings; 4) School functions; and 5) Picnics. While there are some exceptions, Low Impact Events are the types of events that are generally considered typical, non-commercial uses of a park.

Frequency of High Impact Events allowed:

- Except for the Open Space, parks may have only one High Impact Event that is more than three days in duration annually
- Two High Impact events, that are three days or less in duration are allowed in a given park monthly
- Between Memorial Day and Labor Day, the Open Space may have one High Impact event that is more than three days in duration, except for the Cherry Festival & Film Festival
- High Impact Events may coincide with another event if all events mutually agree to share the same park in writing (which was the case with the Traverse City Music Festival and Traverse City Waterman Challenge in August)

Attached is a calendar view of all High Impact Events held this year and the related fees.

No limit on the number of Low Impact Events

There is no specifically-prescribed limit on the number of Low Impact events held in a park; however, the policy does provide that there must be a suitable period of time between events. Additionally, an event may only be held in a given park if determined appropriate by the City Manager based on the park's size, surroundings and history; additionally, there must be a suitable period of time between events held at a park.

Process:

All Low Impact Events, which are the vast majority, are approved by the Parks and Recreation Division.

All High Impact Events where the event itself is three days or less in duration (excluding set up and take down) are approved by the City Clerk's Office. However, the City Clerk is required to provide notification to the City Commission of such events and if any Commissioner requests that the City Commission be the approving body, the staff approval process is suspended and the request placed on the City Commission's meeting agenda.

High Impact Events four days or more in duration (excluding set up and take down) require a contract approved by the City Commission.

For High Impact Events, this office facilitates an organized, extensive review process, which involves various departments and agencies and event representative(s), to ensure the logistics of the event are properly coordinated and regulations are followed. After each event, this office follows-up to determine any necessary action points and to ensure continuous improvement. As necessary, a formal debrief is held with the event holder and staff, to ensure candid, open exchange of the city's expectations. This information is tracked from year-to-year. This is the

same intricate process we follow for street closure requests.

When this office considers approving events, we do so based solely on input from the departments and agencies, past experience, the Parks Policy and other regulations. As Commissioner Budros indicated in September, we must consider approving events solely based on if they meet the merits of the policy – the city cannot consider the content of the event.

National Cherry Festival and Traverse City Film Festival are exempt from the policy:

It should be noted that the policy specifically exempts the National Cherry Festival and Traverse City Film Festival from the provisions of the Parks Policy. The policy provides that all components of those events must be addressed in a letter of understanding approved by the City Commission. Therefore, in its current form, none of the provisions, or any contemplated changes to the policy or fees automatically apply to these two festivals unless this exemption was modified. Rather, those items are negotiated in an annual agreement that must be approved by the City Commission.

Proposed Changes – 1) To the policy; 2) How trash is managed; 3) Having an "ombudsman" / "event liaison"; and 4) Fees.

Proposed changes to the policy:

Section II(j) - Refine the definition of Low Impact Event to provide that a Low Impact Event may be two days or less, excluding set up and take down, rather than including set up and take down. This would be less restrictive. (Often, low impact events are weddings, reunions, etc.; and the individual holding the event sets up a tent on a Friday, the event is on a Saturday, but they'd like to remove the tent on Monday rather than Sunday, to avoid paying the tent company extra dollars to remove the tent.) This change would accommodate such wishes.

Section VI(a) - Provides that High Impact Events, where the event itself is three days or less in duration, may have up to three days for set up and take down combined. (Currently, the policy could be interpreted to mean that an event holder could have three days for set up and then three days for take down, for a total of six days set up and take down.) This change removes that possibility.

Section VI(a) - This cleans up language to make it clear the event holders are to be charged for all days they use the park, including for set up and take down. (This has been our practice.)

Section VI(a) - The policy says that there can only be two High Impact Events three days or less in actual duration monthly in each park. What if an event spans both months? Do we count against both months? This change provides that the event is counted against the month where the greatest number of days are used (including set up and take down). If a tie, then it would be counted against the first day in which the park is used.

Additionally, a change is proposed to deal with the intensity of uses of the

Open Space during the summer months. This change says that, for Clinch Park and the Open Space, other than the Cherry Festival and Film Festival, there could be only one High Impact Event in June; none in July and one in August. (The Taste of Traverse event organizers submitted a reservation request for their event in June 2014 and the Traverse City Music Festival and Waterman Challenge organizers have for August 2014; this means that, in 2014, in addition to the Cherry Festival and Film Festival, there would be no other High Impact Events in the Open Space from June through August 2014.)

The overall impact of this change is it would mean two less events in the Open Space / Clinch Park between June and August than are currently allowed.

Section VI(h) - ***New as a result of the September 23 Study Session:*** This section would prohibit High Impact events on the summer holiday weekends (Memorial Day, Independence Day, and Labor Day). Specifically, it prohibits High Impact Events in city parks on the Friday, Saturday and Sunday preceding Memorial Day and Labor Day, as well as the actual holiday. It also prohibits High Impact Events from being in city parks on Independence Day, the day before, and the day after Independence Day. (Independence Day is handled differently because it does not always fall on a Monday unlike Memorial Day and Labor Day which do always fall on a Monday.)

Section XII(a) Provides that whenever there is ambiguity in the policy, city staff shall apply it in the most restrictive fashion. In other words, if there is an issue regarding timing of events and there seems to be ambiguity, staff would use the more restrictive interpretation, which might mean that an event couldn't be held. Of course, the applicant can always appeal to the City Manager and then the City Commission.

Section XIV(i) ***New as a result of September 23 Study Session:*** Deletes reference to specific noise limits and rather refers to the city's noise ordinance. This ensures there aren't conflicts between the policy and the ordinance.

<u>Proposed Changes to How We Manage Trash Associated with Events in Parks:</u>

City staff have identified costs associated with a thorough cleanup of trash, sidewalks, dirt, etc., during and after large-scale events in the Open Space.

We focus on the Open Space because it is the park that attracts and can accommodate large-scale events. (Therefore, the fee considerations for the Open Space take into account significant costs for thorough cleanup as a result of events, such as cleanup in the DDA area and other areas outside of the actual Open Space.) Depending on the scale of cleanup, the cost ranges between $800 to $2,000 per day for cleanup. Other than the Cherry Festival and Film Festival, it should be noted that most events would not require more than one "cleanup." The Cherry Festival and Film Festival require more because of the much higher number of attendees and breadth of venues throughout the city.

With respect to the Cherry Festival and Film Festival, as we discussed, when the Commission receives their proposed agreements, we will work with a City Commission Ad Hoc Committee to develop terms in their agreements that specifically deal with trash and cleanup.

Having an Ombudsman/City Liaison at High Impact Events:

City staff will work closely with the Police Department to ensure it is fully aware of all conditions of permit issuance, such as maximum number of cars allowed to be parked at the Open Space (for logistical/legit operational needs, etc.) A city police officer(s) will be stationed at events as necessary to ensure all city regulations and unique permit conditions are followed. As with other out-of-pocket costs, the cost of the police officer's time will be billed to the permit holder.

Fees currently in place:

Below are the fees currently in place. The basis for the current High Impact Event fees was the cost of one hour of each staff member's time associated with their attendance at an initial event review meeting – that amount was roughly $400. Therefore, that became the maximum "first day fee." City parks that could accommodate events were broken into three tiers – with the cost of using a Tier One park being the most expensive.

Additionally, as outlined below, $500 is added to the permit cost if the event holder sells alcohol. This is because there is a greater intensity to such events and often a greater bottom line, and therefore such events would contribute more toward the city's costs associated with special events and maintenance of our parks.

The fees currently in place are as follows:

Low Impact Events:

Low Impact Event Permit (Where no city services are needed and only minimal infrastructure/equipment is set up	No fee
All other Low Impact Event Permits – city resident	$15.00
All other Low Impact Event Permits – non-city resident	$25.00

High Impact Events: Permit Fees:

Tier One	1st Day Fee For Profit and Non-Charitable	Each Additional Day Fee – For Profit and Non-Charitable	1st Day Fee – Charitable Organizations	Each Additional Day Fee-- Charitable
Open Space	$400	$100	$200	$50
Hickory Hills	$400	$100	$200	$50
Tier Two				

Clinch Park	$200	$50	$100	$25
F&M Park	$200	$50	$100	$25
Hull Park	$200	$50	$100	$25
Sunset Park	$200	$50	$100	$25
Volleyball Court Area	$200	$50	$100	$25
Tier Three				
Bryant Park	$100	$25	$50	$12.50
Clancy Park	$100	$25	$50	$12.50
East Bay Park	$100	$25	$50	$12.50
Grand Traverse Commons	$100	$25	$50	$12.50
Hannah Park	$100	$25	$50	$12.50
Senior Center	$100	$25	$50	$12.50
Veterans Memorial (aka the Dog Park)	$100	$25	$50	$12.50
West End Beach	$100	$25	$50	$12.50

If alcohol is sold = $500 fee per event
Reservation Fee = $200; credited against the permit fee if a permit is ultimately granted
Application Fee = $200 for for-profits and non-charitable organizations; $25 for charitable non-profits

Importantly, the city currently charges all direct, out-of-pocket costs associated with the actual event, such as Police, Fire and Parks overtime. For example, some events require Police Department presence, Fire Department presence and overtime work from the Parks Department. The city invoices the event holder for these direct costs.

Fee Changes for Consideration:

Most of the discussion has focused around use of the Open Space and a desire to increase the cost associated with use of the Open Space. With that in mind, I offer the following:

- Now that we have had a year to analyze our required level of involvement in reviewing event permits, the estimated staff cost associated with review of events is closer to $1,000 rather than $400. (Therefore, $1,000 could be the initial fee basis rather than $400.)

- A cleanup of trash, debris, sidewalks, etc., ranges from $800 to $2,000 per cleanup

- Currently, we charge a one-time fee of $500 if alcohol is sold at the event; I recommend a $500 per day fee

- Ultimately, of course, establishing fees is a public policy decision; however, the fee must be justified by services being given; i.e., cost of city staff time for reviewing events, maintenance of parks, etc.

The average event (excluding the Cherry and Film festivals), in the Open Space is two days plus two days for set up and take down, for a total of four days of park use.

Option	1st Day Fee For Profit and Charitable	Each additional day fee – for profit and non-charitable	1st Day Fee – Charitable Organizations	Each additional day fee – charitable organizations	**Permit Fee (including existing $500 alcohol fee) for an event that uses Open Space total of four days (two days for event plus two days for set up and take down) For Profit and Non-Charitable / Charitable Organizations**	Fee under current structure	Difference
High	$3,000	$1,500	$2,250	$1,125	**$9,500 / $7,625**	$1,200 / $850	$8,300 / $6,775
Medium	$1,800	$900	$1,350	$675	**$6,500 / $5,375**	$1,200 / $850	$5,300 / $4,525
Low	$1,000	$500	$ 750	$375	**$4,500 / $3,875**	$1,200 / $850	$3,300 / $3,025

Basis for fee options:

Option	Basis
High	1st day is $3,000 ($2,000 for cleanup and $1,000 for event review); each additional day is ½ the given amount. Charitables get 25% discount.
Medium	1st day is $1,800 ($800 for cleanup and $1,000 for event review); each additional day is ½ the given amount. Charitables get 25% discount.
Low	1st day is $1,000 ($0 for cleanup and $1,000 for event review); each additional day is ½ the given amount. Chartiables get 25% discount.

As a final note, we did not incorporate into any fee recommendations costs for noise equipment – that's because no new noise equipment is necessary to address C-Scale measurement. Some minor expenses for training Officer Maxson (who can then train other city personnel so they can enforce the noise ordinance) exist, but as you stated, those are considered to be the normal cost of doing business and are not recommended to be passed on to event holders.

Ultimately, establishing fees is a public policy decision – some options outlined above would

increase actual revenue to the city while others would simply cover some, or most, of the city's actual costs associated with enhanced trash removal.

Again, I must apologize for the length of this memo – I do, however, hope this information is helpful to the Commission in making its decisions. As always, please let me know if you have any questions or if I may be of further service.

Draft 11/2/13

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 ~~Department~~" shall mean the City of Traverse City Parks and Recreation Division ~~Department~~, under the direction of the Parks and Recreation ~~Department~~ Superintendent.

(f) "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 ~~less than three (3) days in duration~~ two days or less in duration, ~~including~~ 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. ~~If an additional day is requested for set-up and tear-down, the daily permit rate will be charged for that day.~~

(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). 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.

(h) 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.

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 ~~Department~~ Division. The Parks and Recreation ~~Department~~ Division shall forward fees collected to the Treasurer's Department. The Parks and Recreation ~~Department~~ Division shall administer all Low Impact Events. Applications regarding all other Events shall be forwarded by the Parks and Recreation ~~Department~~ 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 useage 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, ~~All Permit holders~~ 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 ~~by the City Clerk and the City Commission, and~~ on the forms supplied ~~by the City Clerk~~. 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 ~~Department~~ Division in accordance with that ~~Department's~~ 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 ~~Department~~ 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 ~~Department~~ 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 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, 2013, at a regular meeting of the City Commission and amended at the _____ regular meeting of the City

Commission by a vote of Yes: _____, No: ____. at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

_____

Benjamin C. Marentette, City Clerk

Memorandum

The City of Traverse City

TO: Jered Ottenwess, City Manager

CC: Benjamin C. Marentette, City Clerk

FROM: Katie Lowran, Deputy City Clerk Katie Lowran

DATE: September 18, 2013

SUBJECT: 2013 High Impact Events

Below is a list of the 2013 High Impact Events that were held in various parks and locations in the city, as well as the fees charged for application/permit. Attached are calendars of the events to provide a visual aide for your reference.

May 31-June 2 (3 days) **TART Trails Recycle A Bicycle Swap** (Old Town Parking Deck)

- ✓ Application Fee-$25.00
- ✓ Permit Fee – No fee based on location

June 24-July 6 (13 days) **Cherry Festival** (Open Space)

- ✓ Application/Permit Fee – Under Contract – Capped at $45,000 for out of pocket city expenditures

July 30-August 4 (6 days) **Film Festival** (Open Space)

- ✓ Application Fee – Under Contract - $7,038 for out of pocket city expenditures

August 14-18 (5 days) **Traverse City Music Festival** (Open Space)

- ✓ Application Fee – 200.00
- ✓ Permit Fee – 1,300.00
- ✓ Total - $1,500

August 16-18 (3 days) **TC Waterman Challenge & Expo** (Open Space West Section)

- ✓ Application Fee – N/A application submitted prior to implementation of Parks and Public Land Use Policy

August 16-17 (2 days) **HANDDS to the Rescue** (Hull Park)

- ✓ Application Fee – 25.00
- ✓ Permit Fee – 125.00
- ✓ Total = $150.00

August 29-Sept 2 (5 days) **Bayside Festival** (Open Space)

- ✓ Application Fee – 25.00
- ✓ Permit Fee – 400.00
- ✓ Total - $425.00

Sept 12 (1 day) **United Way Day of Caring** (Open Space)

- ✓ Application Fee – 25.00
- ✓ Permit Fee – 250.00
- ✓ Total = $250.00

Sept 13-15 (3 days) **Taste of Traverse** (Open Space)

- ✓ Application Fee – 200.00
- ✓ Permit Fee – 1,100.00
- ✓ Total = $1300.00

In addition for the above outlined fees, any and all out of pocket expenditures for the city are reimbursed by the event holder following the event for items such as street cleanup, police, fire, trash removal etc.

Thank you and please let me know if you have any questions.

JUNE 2013

CITY OF TRAVERSE CITY MICHIGAN

HIGH IMPACE EVENTS

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					May 31	1
					Old Town Parking Deck TART Recycle Bicycle Application Fee $25 Set Up	Event
2 Tear Down	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24 Set Up	25	26	27	28	29 Event
			Open Space/Various Parks Cherry Festival Permit Via Contract (City Expenses capped at $45,000)			
30 **Open Space/Various Parks Cherry Festival**						

JULY 2013

CITY OF TRAVERSE CITY MICHIGAN

HIGH IMPACT EVENTS

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
		Open Space/Various Parks	**Cherry Festival**			Tear Down
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
		Open Space/Various Parks	**Traverse City Film Festival**			
		Set Up				

August 2013

City of Traverse City Michigan

High impact events

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
				Open Space/Various Parks Traverse City Film Festival Per Contract — City reimbursed for out of pocket costs = $7,038		
4 **Open Space/ Various Parks TCFF** Tear Down	5	6	7	8	9	10
11	12	13	14	15	16	17
			Open Space Traverse City Music Festival = $1,500 Set Up		**Hull Park—5k HAANDS = $150 Waterman Paddle Board Race = N/A** Application submitted prior to new Parks Policy	
18 Tear Down Both Events	19	20	21	22	23	24
25	26	27	28	29	30	31
				Open Space Bayside Music Festival = $425 Set Up	Set Up	All Day Event

SEPTEMBER 2013

CITY OF TRAVERSE CITY MICHIGAN

HIGH IMPACT EVENTS

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 **Open Space** **Bayside Music Festival** All Day Event	2 Tear Down	3	4	5	6	7
8	9	10	11	12 **Open Space** **United Way** **Day of Caring** **= $275.00**	13 **Open Space** **Taste of Traverse City** **= $1300** Set Up	14 Event
15 **Open Space** **Taste of TC** Tear Down	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Memorandum

The City of Traverse City

TO: Benjamin C. Marentette, City Clerk

COPY: Jered Ottenwess, City Manager

FROM: Lauren Trible-Laucht, City Attorney

DATE: November 4, 2013

SUBJECT: Suggested Revisions to Noise Ordinance

Attached is a draft of the revised Noise Control Ordinance with suggested changes in redline. I have drafted these changes after consulting with the Noise Control Officer, who consulted with his contacts at the Rutgers Noise Technical Assistance Center where he previously attended training (see also his attached memorandum). The recommendation of the Noise Control Officer is to include the C-Scale to address the more irritating noise frequencies. This would be used for residential properties only. The City currently possesses the equipment necessary to enforce the ordinance using the C-Scale, but it would require some additional training.

The definitions section of the ordinance has been revised to reflect the terms used when referring to the C-Scale. Basically, the proposed change would prohibit an increase in ambient noise in Residential and Multi-Family areas of 6dBC (7:00 a.m. to 10:00 p.m.) and 3dBC (10:00 p.m. to 7:00 a.m.). This would require the Noise Control Officer to obtain a "neighborhood residual sound level" and then measure the offending frequencies to determine whether they exceed the maximum allowable level on the C-Scale. Section 652.02G indicates that "noise sensitive areas" may be designated by the City Commission by resolution, however none have been established thus far.

In my discussion of this ordinance with the Noise Control Officer we agreed that it is important to note the goal of the ordinance cannot and should not be a complete absence of background noise. This would be unrealistic and unmanageable. The ordinance has been revised to add a tool for enforcement that can help to control the frequencies that are most irritating and typically arise from amplification systems used at special events.

Please also note that the fines allowable under the City Charter (Section 157) are limited to a maximum of $500.00 per violation. Currently the Noise Control Ordinance deems a separate offense as one "committed each day during or on which a violation or noncompliance occurs or continues." The Commission could consider changing this so that more than one violation per day could be ticketed. Additionally, the current Parks and Public Land Use Policy allows for revocation of a permit by the City Manger if it is determined that the Event failed to follow the Policy, City ordinance, State law or any condition of the Permit. Once a permit has been revoked all activities under the permit must cease and any person acting under the permit is deemed to be trespassing and may be removed by City Police. Finally, if it is necessary for the City Manager to take this step, the permit holder will not be granted a permit under the Policy for two years following the date of the revocation.

The City Of Traverse City

Police Department
851 Woodmere Avenue
Traverse City, Michigan
49686
(231) 995-5150

To: Chief M. Warren
From: Officer S. Maxson
Ref: Noise Enforcement Costs
Date: 10/15/13

Pursuant to your request, the following memo outlines the estimated costs associated with future noise enforcement training. It should be noted that after talking with Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), he indicated that it would be beneficial to take the Octave Band Analysis course along with the required Recertification course. He is aware of the problems that the City of Traverse City is having with amplified music and the proposed C-weighting language change to our ordinance to address it. Although the C-weighting approach may be appropriate at this time, Octave Band Analysis may give us another alternative to address low frequency issues. Typically both classes are not offered on consecutive days; however, Zwerling stated he would give me private instruction to avoid having to make two trips to New York/New Jersey.

1.	Recertification Course:	$270.00	
2.	Octave Band Analysis Course:	$270.00	- 0
3.	Lodging (3 nights):	$750.00	-500
4.	Airfare:	$500.00	
5.	Rental Car:	$275.00	- 185
6.	Meals	$215.00	- 143
		$2280.00	1598

It should be noted that if the City decides to add Octave Band Analysis language into the Noise Ordinance, a new Noise Meter would have to be purchased with an estimated price of **$4000.00**.

The City Of Traverse City

Police Department
851 Woodmere Avenue
Traverse City, Michigan 49686
(231) 995-5150

To: Chief M. Warren

From: Officer S. Maxson

Ref: Noise Enforcement Information

Date: September 14, 2013

Pursuant to your request, I have prepared this memo to address concerns surrrounding our current noise ordinance. Presently our ordinance only measures noise using the A-scale, which most closely emulates human hearing. However, the A-scale poorly measures lower frequencies. It is these low frequency sounds (i.e., deep amplified base, diesel motors, etc.) that often are the sounds that are most irritating to persons. Additionally, manmade structures and natural barriers (earthen berms and vegetation) do a poor job with attenuation of the low frequency noises.

There are generally two ways to address these "irritating" sound/noise frequencies. Both of these methods rely on maximum permissible sound limits (different dB scales), rather than the ***plainly audible*** approach. First, you can conduct an Octave Band Analysis on the noise source. Essentially this breaks down the noise source into families of frequencies that are regulated individually. This allows a municipality to target specific "problematic" frequencies. The only caveat is the suspect source must be a pure tone, as defined by our ordinance. Our current ordinance does not allow for Octave Band Analysis.

The second method to address these "irritating" sound/noise frequencies is to measure the increase in total sound as compared to ambient sound levels within a **residential property**. This method can **only** be used for sound reproduction devices (i.e., amplified music and musical instruments, radios, etc.). Measurements of sound for this protocol are taken using the C-scale. A detractor to this method includes the need for a very involved ambient/background noise determination, as the C-scale is easily influenced by additional low frequency sound emitters (i.e., "road noise", engine noise, etc.). I have talked with Eric Zwerling from the Rutgers Noise Technical Assistance Center and he recommended the following limits using this technique:

Maximum Permissible Increase in Total Sound Level (above ambient)

10:00 PM – 7:00 AM	3 dBC
7:00 AM – 10:00 PM	6 dBC

Our current ordinance does not allow for any measurements using C-scale weighting. However, our sound meter is equipped to measure several weighting scales, including the C-scale.

It may also be advantageous to investigate the use of both *emission* and *immission* methods. *Emission* regulations are intended to control the sound output of the source without regard for any specific listener. These types of regulations are most often applied to moving sources where many persons may be impacted. *Immission* regulations are intended to control the sound input to a specific person, or persons, without regard for the sound output of the source. These types of regulations are most often applied to stationary sound sources. On occasion, both types necessarily may be included.

We may also want to revisit the applicability of the ***plainly audible*** (subjective vs. objective regulations) approach to enforcement; and specifically define it in section 652.02 (with removal from 652.03 (c) 2 and 3). Subjective regulations are based on the decisions of a noise control officer and his/her designees as to the degree of noise intrusion without reference to any sound level measurements. Obvious cases are complaints about voices and music. Noise disturbance and plainly audible criteria are applied here. It is very important that the enforcement official treat the noise source as "Content Neutral". Objective regulations are based on sound level measurements compared with maximum permitted sound level limits provided in an ordinance. They have the advantage of removing official bias, and the numbers are generally based on scientific studies of noise impact. They require the use of appropriate sound level meters. Obvious cases involve measurements of sound intrusion at property lines.

As there have been several conversations surrounding the noise due to truck traffic, it needs to be noted that the Federal Government typically prevents a local governmental entity from enacting noise controls associated with transportation in regard to interstate commerce (aircraft, railroad, trucks). The State has tried to address noise issues due to commercial motor vehicles, but thus far, no rules have been promulgated. It should be noted, Federal regulators utilize 40 CFR Part 205 for commercial motor vehicle noise enforcement, however, it is very "cumbersome" and requires a specifically designed testing location.

Finally, you inquired about a cost estimate to address some of the above mentioned solutions. The Rutgers University Noise Technical Assistance Center is the only entity that currently offers certification in Community Noise Enforcement. The following is a very rough estimate:

Community Noise Enforcement Recertification Course (New Brunswick, NJ): $270.00*
Octave Band Analysis Course (New Brunswick, NJ): $270.00*
*Would also require flight costs, rental car, hotel and meals
Noise Meter for Octave Band Analysis: $4000.00

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____
Effective date: _____

TITLE: NOISE CONTROL

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 652.02 and 652.04, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

652.02 DEFINITIONS.
All terminology used in this chapter and not defined in this section shall be in conformity with applicable publications of the American National Standards Institute (ANSI) or its successor body. In addition, as used in this chapter:

A. ***Commercial area*** means land primarily being used as office, governmental, retail, or other commercial type uses.
B. ***Decibel (dB)*** means a unit of measuring the volume of sound, equal to twenty times the logarithm of the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).
C. ***Industrial area*** means land primarily being used as a manufacturing or industrial site, including airports.
D. ***Multi-Family area*** means land primarily being used for structures housing three or more families. If a multiple family use occurs as a mixed use with commercial uses, the primary use of the property will be determined by the ground floor.
E. ***Noise Control Officer*** means the Chief of Police and his or her agents who have lead responsibility for the enforcement of this chapter.
F. ***Noise disturbance*** means any sound which either exceeds the maximum permissible sound levels of this chapter or which endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.
G. ***Noise sensitive zone*** means areas in the City which contain noise sensitive activities, such as schools, libraries, churches, hospitals and nursing homes, as designated by resolution of the City Commission.
H. ***Plainly audible*** means any sound that can be detected by the Noise Control Officer, or his/her designee, using their unaided hearing faculties of normal acuity. The Noise Control Officer, or his/her designee, need not determine the title, specific words, or the artist performing a song. As an example, if the sound source under investigation is a sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound.
I. ***Pure Tone*** means a single or compact range of frequency that may be perceived as a whine, hum, squeal, or buzz. The measured sound levels must not fluctuate by more than

plus or minus 3 dB. Such sound sources include, but are not limited to: heating, ventilating or air-conditioning units; refrigeration units; and transformers.

J. ***Real property boundary*** means the imaginary line which represents the legal limits of property (including an apartment, condominium, room, or other dwelling unit) owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right of way, the "real property boundary" shall be the nearest boundary of the public right-of-way.

K. ***Residential area*** means land primarily being used as a one or two family dwelling and located adjacent to or near other such residentially used land.

L. ***Residual sound level*** means that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sound and the sound from the source of interest.

M. ***Sound level meter means*** an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels and that meets the standards of ANSI S-14 1983 or its successor.

N. ***Sound production device*** means any device whose primary function is the production of sound, including but not limited to any musical instrument, loudspeaker, radio, television, digital or analog music play, public address system or sound amplifying equipment.

O. ***Total sound level*** means the measured level which represents the summation of the sounds from the source under investigation and the neighborhood residual sound level, excluding any extraneous sound, when measured on the property of an affected person.

P. ***Weighted sound level*** means the sound pressure level in decibels as measured on a sound level meter using the A-weighting or C-weighting, "fast" response network. The level so read is designated dB(A) or dBA.

652.04 PROHIBITIONS.

(a) Generally. No person shall unreasonably make or continue, or cause to be made or continued, any noise disturbance.

(b) Radios, Musical Instruments and Similar Devices. No person shall operate or play, or permit the operation or playing of, any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to:

1. Create a noise disturbance on public property or streets, across a real property boundary, or within a noise sensitive zone. If such a device is plainly audible on the property of another or within a building other than that within which the device is located, and if a complaint is made to the Noise Control Officer regarding annoyance or disturbance as a result of such device, this shall serve as prima-facie evidence of a violation.
2. Create a noise disturbance when operated in or on a motor vehicle on a public right of way, public space or space open to the general public, or in a boat on public waters. If such a device is plainly audible at a distance of 50 feet in any direction, between the hours of 10 p.m. and 7 a.m. or 100 feet in any direction between the hours of 7 a.m. and 10 p.m., this shall serve as prima facie evidence of a violation.

(c) Loudspeakers. No person shall use or operate for any noncommercial purpose any loudspeaker, public address system or similar device between 10:00 p.m. and 7:00 a.m. of the following day so that the sound there from creates a noise disturbance across a residential area or multi-family area boundary or within a noise sensitive zone. No person shall use or operate for any commercial purpose any loudspeaker, public address system or similar device so that the sound there from creates a noise disturbance across a real property boundary or within a noise sensitive zone, or between 10:00 p.m. and 7:00 a.m. of the following day on a public right of way or public space.

(d) Sound Amplifiers. No person shall operate any sound amplifying device for the purpose of advertising announcing an event, or attracting the attention of the public. However, a school, governmental unit, or bona fide nonprofit organization may secure a permit from the Noise Control Officer to use such a device. No permit will be granted for such use on a Sunday or at any other time or duration or under any other conditions which, in the opinion of the Noise Control Officer will constitute a nuisance.

(e) Heavy Equipment. Except for work on essential services, no person shall use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other construction apparatus between 10:00 p.m. and 7:00 a.m. of the following day, within 600 feet of a residential area, multi-family area, or noise sensitive zone.

(f) Loading and Unloading. No person shall load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage trucks, garbage cans or similar objects between 11:00 p.m. and 6:00 a.m. of the following day in such a manner as to cause a noise disturbance across the boundary of a residential area or multi-family area, or within a noise sensitive zone.

(g) Stationary Non-emergency Signaling Devices. No person shall permit the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes. Such devices, when used in conjunction with places of religious worship, shall be exempt from this subsection.

(h) Maximum Permissible Sound Levels by Receiving Land Use (A-weighted time). No person on private property shall create a continuous sound which exceeds the limits set forth for the receiving land category in the ~~following table~~ Maximum Sound Levels Table when measured at or within the property boundary of the receiving land which source of sound shall be deemed prima-facie to be a noise disturbance. "Continuous sound" means any sound having a duration of one second or more. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the following table shall be reduced by five dBA.

(i) Maximum permissible increase in total sound levels (above ambient). No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a real property boundary and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in the Maximum Sound Levels Table when measured within the residence of a complainant according to the techniques established by the noise control officer. These sound level measurements shall be conducted with the sound level meter set for "C-weighting", "fast" response.

MAXIMUM SOUND LEVELS TABLE

~~Receiving Land Category~~	~~Sound Level Limit (dBA)~~	~~A-weighted Time~~
~~Residential area~~	~~10:00 p.m. to 7:00 a.m.~~	~~60~~
~~Multi-Family area~~	~~7:00 a.m. to 10:00 p.m.~~	~~65~~
~~Commercial area~~	~~10:00 p.m. to 7:00 a.m.~~	~~65~~
	~~7:00 a.m. to 10:00 p.m.~~	~~70~~
~~Industrial area~~	~~10:00 p.m. to 7:00 a.m.~~	~~70~~
	~~7:00 a.m. to 10:00 p.m.~~	~~75~~
~~Noise sensitive areas~~	~~10:00 p.m. to 7:00 a.m.~~	~~Established by~~
~~Noise sensitive areas~~	~~7:00 a.m. to 10:00 p.m.~~	~~Resolution~~

Receiving Land Category	Time	Sound Level Limit (dBA) A-weighted time	Maximum permissible increase in total sound levels (above ambient) - C-weighted, "fast" response (dBC)
Residential and Multi-Family area	10:00 p.m. to 7:00 a.m. 7:00 a.m. to 10:00 p.m.	60 65	3 6
Commercial area	10:00 p.m. to 7:00 a.m. 7:00 a.m. to 10:00 p.m.	65 70	N/A N/A
Industrial area	10:00 p.m. to 7:00 a.m. 7:00 a.m. to 10:00 p.m.	70 75	N/A N/A
Noise sensitive areas	10:00 p.m. to 7:00 a.m.	Established by Resolution	Established by Resolution
Noise sensitive areas	7:00 a.m. to 10:00 p.m.	Established by Resolution	Established by Resolution

(j) Impulsive Sound. Impulse sounds may exceed the permissible limits in the above Table by ten decibels if they occur less than ten times in any hour between 7 a.m. and 10 p.m., or less than four times in any hour between 10 p.m. and 7 a.m. If any impulsive sound exceeds these frequencies, then the permissible limits in the Table apply. "Impulsive sound" means any sound having a duration of less than one second.

The effective date of this Ordinance is the _____day of_____, 2013.

I hereby certify the above ordinance amendment was

introduced on_____, at a regular meeting of the City Commission and was enacted on_____, at a regular meeting of the City Commission by a vote of Yes: ____ No: ___ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

_____
Michael Estes, Mayor

_____
Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on _____.

_____
Benjamin C. Marentette, City Clerk

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: 50 JERED OTTENWESS, CITY MANAGER

SUBJECT: STORMWATER AND WASTEWATER (SAW) GRANT

In order to better maintain City infrastructure, specifically our streets, water, sewer and storm water systems, the City has been working on an overall Asset Management Plan.

The Michigan Department of Environmental Quality (DEQ) has a grant opportunity due December 2, entitled the Stormwater, Asset Management, Wastewater (SAW) grant that provides applicants up to $2 million in funding (with 10% local match for the first million and 25% local match for the second million) to help develop Asset Management Plans for Stormwater and Wastewater.

On October 7, the City Commission approved the selection of OHM to work with City staff to prepare a SAW grant application(s). The grant application(s) request funding for asset inventory, condition assessment, level of service, criticality of assets, operation and maintenance strategies, and funding structure. Attached are the SAW Grant Summary and Outline sheets.

It was determined the best strategy to maximize grant funding was to make two grant applications, one for Wastewater and one for Stormwater. In order to receive the full $2 million available funding, the project cost is $2.44 million with a $444,000 local match.

The grant provides for in-kind services or cash for the local match. Based on the grant proposals, staff and OHM are proposing that the majority of local match funding come from in-kind services. Any cash match for wastewater would come

from the annual expenditure for maintenance projects from the Sewer Fund (estimated not to exceed $50,000), and any cash match for the stormwater would come from the General Fund (estimated not to exceed $25,000).

Also attached are the resolutions required by the SAW grant application that need to be approved by the governing body. The Resolutions are set up showing a 10% match for the first million and a 25% match for the second million, as we do not know if we will receiving grant funding for either of both of these projects.

Staff and Ron Cavallaro from OHM will be in attendance Monday night to answer questions.

I recommend the following motion (5 affirmative votes required)

That the Resolution Authorizing the SAW Grant Agreement for a wastewater asset management plan and the Resolution Authorizing the SAW Grant Agreement for a stormwater asset management plan and stormwater management plan be adopted, with the city to provide matching funds up to $444,000, to be provided in the following manner: matching funds to be provided in the form of in-kind services to the greatest extent possible, along with a not-to-exceed amount of $50,000 from the Sewer Fund and a not-to-exceed amount of $25,000 from the General Fund.

JJO/bcm
K:\tcclerk\city commission\grants\SAW Grant.doc
e-copy: Timothy Lodge, City Engineer
Dave Green, Director of Public Services
William Twietmeyer, City Treasurer/Finance Director

City of Traverse City
SAW Grant Scope Outline
Stormwater Asset Management Plan (AMP)

1. Inventory
    a. Grant application: prepare a SAW Grant Application, including coordination between City and consultant, obtain vendor quotes, and prepare all required materials.
    b. Review GIS database and identify data needs. Determine key gaps in storm system data and use this information to identify locations for sewer survey. Also identify additional attributes required to complete the Asset Management Plan.
    c. Perform a field survey of manhole structures to add critical information such as rim elevations, invert elevations, confirm pipe sizes, and determine system connectivity. Based on GIS data available, additional information is required for 1,200 manholes.
    d. Import the survey data into the GIS database for the storm sewer system.
    e. Update the GIS as necessary to include new attributes as deemed necessary to complete the Asset Management Plan.
    f. Research as-built drawings and other historical documents to determine pipe age and confirm pipe material. Enter the data into the GIS.

2. Condition Assessment
    a. Manhole Inventory (MACP): Perform physical inspections of storm sewer manholes within the stormwater collection system. It is anticipated that approximately 900 manholes will be inspected as part of this effort (about 75% of the total system).
    b. Catch Basin Evaluation: Perform a physical inspection of existing curb inlets and catch basins. This evaluation will cover the overall structural condition and will include the physical evaluation of approximately 1,800 catch basins.
    c. Asset Management Plan
        i. Import CCTV and manhole inspection data into storm sewer GIS database. Use these ratings to establish a Risk of Failure variable to be assigned to each component.
        ii. Work with City staff to determine appropriate characteristics to use to establish a Consequence of Failure variable. Characteristics may include: population served, roadway traffic impacted during system repair, potential for flooding, etc.
        iii. Using the Risk/Consequence factors, establish a priority ranking ("Criticality Index") to be used to develop a list of repair/replacement/rehab needs.
        iv. Using the roadway (PASER) and sanitary sewer pipe ratings, use GIS to determine where coincidental high priority areas exist and add these to the list of Early Action Projects to be added to the Capital Improvement Plan.
        v. Develop a Deterioration Forecasting Model based on current asset condition, depth, material, and age. This will be used to forecast system repair/rehab/replacement needs.
        vi. Provide recommendations for future (ongoing) system inspection needs, including CCTV, detention pond inspection, BMP inspection, bridge/culvert inspections, and streambank inventories.

3. Metering / Modeling
    a. Develop hydrologic and hydraulic models for the City's stormwater collection system. The hydrologic component will be based on drainage areas already delineated in the 2007 Stormwater Management Report. The hydraulic model will

be developed using the existing GIS data available for the storm sewer system, supplemented with survey data collected in Task 1 (Inventory).

i. EPA SWMM or XP-SWMM will be used to conduct the modeling effort.
ii. NOAA Atlas 14 rainfall data will be used to establish peak flow rates for the modeling effort.
iii. Runoff hydrographs will be calculated for storms ranging from the 1-year through the 100-year recurrence interval events.
iv. Existing storage facilities, such as detention ponds, will be included in the model.
v. The hydraulic model will focus on the main components of the storm sewer system (primarily for sewers 18-inch diameter and larger). The hydraulic model will be expanded to areas identified as flood-prone or problematic as determined in Task 6 (Level of Service).

b. Use the hydraulic model to determine where hydraulic deficiencies exist.
   i. Calibrate the model to observed conditions where observations are available.
   ii. Prepare hydraulic profiles for all studied reaches and determine where surcharge may result in unacceptable Level of Service.
   iii. Prepare figures and maps that show undersized sewers and culverts.
   iv. Any open channel components of the stormwater collection system will be modeled under the SAW Stormwater Management Plan (SMP) Grant (see details in the SMP scope). The modeling effort for enclosed and open systems will be closely integrated so as to minimize modeling costs.

c. Upon the completion of the modeling effort, transition the hydrologic/hydraulic model files to City staff and conduct staff training on the model to ensure sufficient local understanding of the model structure and capabilities.

4. Purchase GIS and Asset Management Software and Hardware

a. Purchase CUES Granite XP (software). The City uses CUES Granite XP for taking video inspection of its wastewater and stormwater collection systems. The City proposes to purchase Granite XP GIS interface module to simplify the process for Field Crews, GIS Professionals, and the Asset Management Team. Field Crews are certified by NASSCO's Pipeline Assessment and Certification Program (PACP). The Field Crews will have digital maps in the truck and will have the ability to associate all inspection to the actual feature inside of the ESRI GIS database. Correction, inspection, and reports can be stored on these features for future analysis of each system by simply clicking on the pipe and starting an inspection. The condition of each feature will be captured for the groundwork for a asset management plan.

b. Purchase Novotx Elements XS GIS-Based Asset and Work Order Management System (software). Novotx Elements combines Asset Management with GIS integration and Web Based Technology. As a GIS-Based Asset and work order management system, Elements will integrate with the City's current GIS. This will allow the City to track labor, material and equipment for maintenance along with tracking cyclical required inspections through work orders. Work orders can be routed through different crews and departments at a different times while relating back to the parent work order, which totals all job cost information and displays task summary details. The City will be able to track these work orders on a map, which can be directly integrated to features in our GIS. This will be the foundation for Asset Management and will continue to give the City the information needed to create a capital improvement plan. There is also a inventory management system

that manages job costs, tracks stock levels, produces purchase orders and itemizes receipts. Elements can be used on iPads and Android tablet devices.

c. Purchase MTEC GPS Mapping Stick (hardware). The GPS Mapping Stick is a GPS that directly connects to our camera for inspections. With this technology all Sanitary, Storm, and wye locations and conditions will be capture with sub meter accuracy. The City will have the actual locations of pipes that were entered into the database utilizing manhole to manhole digitizing techniques. The condition assessment along with precise location can be captured simultaneously.

d. Purchase Trimble GeoXH 6000 Precision Laser/Instrument (hardware). The GPS Mapping Stick is a GPS that directly connects to our camera for inspections. With this technology all Sanitary, Storm, and wye locations and conditions will be capture with sub meter accuracy. The City will have the actual locations of pipes that were entered into the database utilizing manhole to manhole digitizing techniques. The condition assessment along with precise location can be captured simultaneously.

5. Sewer Cleaning and Televising (PACP ratings)

a. Based on the City's existing GIS database, the total length of enclosed storm sewers is about 340,000 lineal feet. The cleaning and CCTV effort will focus primarily on storm sewer mains 15 inches and larger in diameter, not including short reaches between catch basin inlets an the main lines. The total amount of storm sewer to be televised under this grant is 150,000 lineal feet, or about 45% of the total system.

i. Based on estimates received from a cleaning/televising contractor (quote included with this grant application), the following costs are assumed for storm sewer pipe cleaning and televising:

Sewer Size Class	Unit Price	Quantity	Total
18" and smaller	$3.40	60,000 LF	$204,000
21" – 27"	$4.10	45,000	$184,500
30" – 42"	$5.10	35,000	$178,500
48" and up	$2.30	10,000	$23,000
		Total	**$590,000**
		Total (with 10% contingency)	**$649,000**

b. Cleaning/CCTV Contract Administration: throughout the duration of the storm sewer cleaning and CCTV project, coordinate with the contractor to ensure the following:

i. Conformance to PACP methodology
ii. Ensure data is collected, coded, and stored such that it can be transferred to the City's GIS environment
iii. Review pay requests and provide recommendations for payment
iv. Provide assistance to identify locations of sewers to be televised
v. Provide assistance to identify alternate sewer reaches to televise in the event that the contractor encounters sewers that are difficult or impossible to inspect due to debris buildup or structural failure

c. Transfer the MACP sewer condition coding into the City's GIS.

6. Level of Service Evaluation
    a. Use an online survey tool, such as SurveyMonkey, to solicit additional City-wide feedback. Geocode the results of the survey (in addition to the feedback from the public meetings) to create a problem area map. This map will be used to determine the appropriate areas for additional modeling/analysis.
    b. Organize 2 public meetings to receive feedback from residents on flooding problem areas. These meetings will also be used to discuss appropriate Level of Service (i.e. flood protection) for the City's stormwater collection system. In the interest of efficiency, these public meetings will be held in conjunction with the stakeholder meetings identified in the Stormwater Management Plan.
    c. Evaluate ordinance changes necessary to meet local needs and provide an adequate Level of Service for present and future needs. These changes will likely address:
        i. Changes to sewer pipe capacity and flood control
        ii. Changes to stormwater detention requirements to address flood control and stormwater quality concerns
        iii. Changes to development/redevelopement requirements to address stormwater quality
        iv. Tracking and enforcing public/private stormwater BMP maintenance
        v. Modifications to adapt the City's local rules to meet eventual MDEQ MS4 permit rules, assuming the US EPA policy will bring Traverse City into the program.
    d. Capital Improvement Plan (CIP)
        i. Using the data from the modeling effort and the initial output from the Asset Management Plan, develop a 5-10 year CIP to address the more critical projects. Prepare planning-level construction cost estimates.
        ii. High priority projects identified in the Stormwater Management Plan, including known capital needs for detention ponds, drainage channels, and bridges/culverts will be included for a system-wide tabulation of capital needs for all stormwater-related infrastructure.

7. Rate Study / Revenue Recommendations
    a. Review all existing capital and O&M costs related to the City's storm sewer assets, including those costs identified in the Stormwater Management Plan. This will result in a comprehensive set of system needs for both enclosed (piped) and open (drainage channels, ponds) that the City can use to determine total system revenues necessary to address its stormwater infrastructure. This will include a tabulation of costs for the following system components:
        i. High Priority Capital Improvement Needs from the AMP
        ii. High Priority Capital Improvement Needs from the SMP
        iii. Annual maintenance/repair needs identified in the AMP
        iv. Annual maintenance/repair needs identified in the SMP
    b. Identify annual funding needs based on costs determined above.
    c. Develop a 10-year cash flow plan to address the needs identified above.
    d. Review available funding alternatives:
        i. Local taxes
        ii. Special Assessment Districts
        iii. Development review fees / impact fees
        iv. Stormwater user fees/taxes (assume result of Jackson case would require a referendum for a new user fee or tax)
    e. Develop a preliminary Rate Model for determining appropriate and equitable fees/taxes.
    f. Identify the top 10-12 ratepayers based on measured impervious area by parcel.

g. Establish a Stormwater Advisory Group (12-16 members), comprised of key ratepayers and other stakeholders.
    i. Meet 5-6 times
    ii. The group will become familiarized with the City's stormwater infrastructure and will learn about the current needs and funding issues.
    iii. The group will explore funding options and discuss program priorities.
    iv. The group will develop non-binding policy recommendations to the City Council on appropriate stormwater funding and will help to set a path toward a ballot referendum* on the stormwater fee/tax option.
h. Develop revenue recommendations and prepare a Funding Option Summary Memorandum.
i. Prepare Scope and Fee Estimate for Revenue Implementation, including PR-related services necessary to prepare for a ballot referendum*.

** Based on the Jackson decision making their Stormwater User Fee an "illegal tax", it is assumed that any dedicated funding structure for stormwater will need to go through a referendum in order to satisfy the Headlee Amendment and prevent legal challenges. The actual strategy toward revenue development may depend on whether enabling legislation (a law specifically allowing for the establishment of stormwater user fees) is introduced and passed by the Michigan Legislature.*

City of Traverse City
SAW Grant Scope Outline
Stormwater Management Plan (SMP)

Summary of Project Goals:

The Stormwater Management Plan (SMP) will address the components of the City's drainage system that are not covered by the Asset Management Plan (AMP). This is necessary to determine the City's potential obligations for future maintenance and repair of County Drains, detention ponds, and other critical elements of the stormwater collection infrastructure. Although the AMP covers the enclosed (i.e. piped) components of the stormwater infrastructure, the SMP will cover the remaining components that may impact long-term financial commitments. This SMP would provide the City with detailed information on the functionality, hydraulic capacity, surface water quality, and maintenance needs for the open drainage systems, culverts and bridges throughout the City.

Stormwater system deficiencies will be identified and mitigation measures determined along with associated planning-level cost opinions. The SMP will also provide the City and its residents with necessary information to prioritize future projects. It will also allow the City to further regulate stormwater quantity *and* quality for development projects in order to protect the quality of water tributary to Grand Traverse Bay. Upon completing the SMP, the City will have the following information:

- Detailed understanding of stormwater conveyance patterns, hydraulic restrictions, and necessary upgrades to protect against flooding. This will supplement the proposed system modeling performed as part of the AMP.
- Review of existing watershed plans and identification of goals/projects that remain unfulfilled.
- Identification of potential sources of stormwater pollution and recommended improvements to enhance stormwater quality.
- Enhanced public education on stormwater conveyance and water quality issues.
- Enhanced understanding of long-term maintenance needs to maintain an adequate level of service.

1. Identify Baseline Conditions
    a. The public meeting and survey data collected as part of the AMP will be used to provide information on existing problem areas and expected Level of Service (LOS) for the City's system of open drainage channels and detention ponds. Review the Grand Traverse Bay Watershed Master Plan and the Boardman Lake Watershed Study. Each of these plans are over 10 years old and will require some updating in order to meet current needs and to identify the latest trends in stormwater management for water quality purposes.
        i. This Stormwater Management Plan will also place a focus on the Kids Creek Watershed along the west side of Traverse City. As part of the Kids Creek evaluation, it will be necessary to perform some hydrologic and hydraulic modeling to determine baseline conditions. Existing 2-foot contours and aerial photography will be used to confirm watershed boundaries and estimate runoff hydrographs. Much of the hydrologic modeling for this task will have already been performed as part of the Asset Management Plan.
    b. Review the City's 2007 Stormwater Management Report. Identify specific recommendations that have not yet been implemented.

c. Prepare for and attend a Stormwater Management Plan Kickoff Meeting. This meeting will include attendees from the City of Traverse City, as well as interested local stakeholders, including The Watershed Center – Grand Traverse Bay (WCGTB).

2. Asset Evaluation – Open Channels and Shoreline
    a. Identify key drainage courses that have a significant impact on the City's stormwater assets. The key focus of this study will be approximately 3 miles of Kids Creek (and its tributaries) within City limits.
    b. Perform Streambank Inventories along the Kids Creek and its immediate tributaries (assume up to 3 miles of streambank inventory). Establish a rating system for inventoried drainage courses (Unified Stream Assessment or similar).
        i. Identify sedimentation / erosion/scour at bridges and culverts along the channel reaches assigned for the Streambank Inventories.
        ii. Dimensions, materials, and overall conditions of culverts within the 3-mile reach selected for the Streambank Inventory. Pipe condition ratings for culverts will be based on FHWA criteria. This evaluation will include the presence of sediment buildup or other debris that may reduce the intended hydraulic capacity.
    c. Channel cross section survey: this will be necessary for hydraulic modeling. Cross sections will typically be measured at 500-foot intervals, with additional cross sections as necessary near bridges/culverts and at transitions in channel cross section. Cross section survey will be limited to the main channel only (top of bank to opposite top of bank). Existing 2-foot contours will be used to supplement survey data in order to define the floodplain where necessary. This survey will be conducted along the 3-mile reach identified for the Streambank Inventory.
    d. Inspect approximately 2.3 miles of shoreline along the north half of Boardman Lake (within City limits) for evidence of erosion, illicit discharges, unstable banks along the shoreline, and other physical characteristics that could impact water quality. Establish a shoreline rating system (similar to the streambank rating referenced above) and assign ratings through the studied reach.
    e. The following stream data will be transferred to the City's GIS database:
        i. Streambank condition rating
        ii. Shoreline condition rating (Boardman Lake)
        iii. Photos of severe erosion areas, hydraulic blockages, dry weather illicit discharges (if encountered), and all bridges and culverts along the studied reaches
        iv. Condition rating for culverts

3. Capacity Analysis – Open Channels
    a. Quantify the response of Kids Creek and hydraulic structures along the creek to wet weather events. This includes hydrologic and hydraulic modeling of the creek within City limits, including associated bridges and culverts. The results from this effort can be used by the City to prioritize future projects to address hydraulic deficiencies and can also be used to verify where hydraulic conditions may present water quality problems (via channel erosion and increased sediment pollution). Specific efforts include:
        i. Incorporate the open channel hydraulic analysis into the hydrologic/hydraulic model created as part of the AMP. This will tie the two models (open and closed systems) together for a more comprehensive and coherent City-wide model.

ii. Identify areas of known concern based on the hydraulic modeling effort, including:
    1. Hydraulic deficiencies that may cause flooding
    2. Reaches with excessive flow velocities and erosion potential (stormwater quality concern).

iii. Floodplain evaluation: use the hydraulic model to verify the 100-year flood profile and floodplain along Kids Creek. South of Seventh Street, the Kids Creek floodplain is Zone A (approximate). Additionally, the existing (official) floodplain is based on a 1982 Flood Insurance Study, now over 30 years old. Given the large footprint of the floodplain and the impact of future land use in the southwest area of the City, more accurate floodplain estimates will allow the City to better manage future land development.

4. Water Quality Considerations
    a. In addition to the stormwater conveyance needs identified above, this task will focus on specific opportunities to address subwatershed water quality concerns as defined in the 2003 watershed plans described in this scope. Key subwatersheds of concern will be identified. These areas will be a focus for recommended stormwater BMP planning.
    b. Up to 3 stakeholder meetings will be held to discuss existing stormwater quality issues. These meetings will be used to establish a set of key goals that will serve to assist in the location and selection of structural and non-structural BMPs. In the interest of efficiency, these meetings will be held in conjunction with the public meetings identified in the Stormwater Asset Management Plan.
    c. The Kids Creek and Boardman Lake watersheds, as well as areas along the east side of the City, experience water quality problems primarily related to Total Suspended Solids (TSS), nutrients, and elevated bacteria levels resulting from urban runoff and channel erosion. Proposed capital improvements will focus on:
        i. Reducing unnatural sediment transport through streambank stabilization, lake shoreline stabilization, retrofits to developed areas (especially in and around downtown Traverse City).
        ii. Retrofitting existing detention ponds to enhance stormwater quality.
        iii. Identify locations with an elevated risk of stormwater pollution.
        iv. Updating local stormwater guidelines to favor Low Impact Development design techniques and meet anticipated NPDES Phase II stormwater requirements (to which Traverse City may be subject if US EPA policies are enacted).

5. Capital Improvement Plan (CIP)
    a. Develop a set of capital improvement projects for each deficiency or problem area. In some instances, multiple options for each deficiency may be developed.
        i. Modeling and/or calculations will be provided to verify the projects will function as intended.
    b. Develop planning-level opinions of project cost for recommended projects.
    c. Prioritize projects for short-term (i.e. 3-5 year schedule) and long-term (5-10 year schedule).
    d. Coordinate the CIP with the Stormwater Asset Management Plan in order to provide a system-wide calculation for stormwater infrastructure investment needs.

City of Traverse City
SAW Grant Scope Outline
Wastewater Asset Management Plan (AMP)

1. Inventory
    a. Review GIS database and identify data needs. Determine key gaps in the wastewater collection system data and use this information to identify locations for sewer survey. Also identify additional attributes required to complete the Asset Management Plan.
    b. Perform a field survey of manhole structures to add critical information such as rim elevations, invert elevations, confirm pipe sizes, and determine system connectivity. Based on GIS data available, additional information is required for about 20% of the sanitary system manholes, or about 390 manholes.
    c. Import the survey data into the GIS database for the sanitary sewer system.
    d. Update the GIS as necessary to include new attributes as deemed necessary to complete the Asset Management Plan.
    e. Research as-built drawings and other historical documents to determine pipe age and confirm pipe material. Enter the data into the GIS.

2. Condition Assessment
    a. Manhole Inventory (MACP): Perform physical inspections of sanitary sewer manholes within the City's wastewater collection system. It is anticipated that approximately 1,000 manholes will be inspected as part of this effort (about 50% of the total sanitary sewer system).
    b. Pump Station Evaluation: The City owns and operates eight (8) pump stations. Each pump station will be physically evaluated to determine the structural condition of the substructure (i.e. wet wells or pits), condition of the pumps/motors, and the condition of control systems.
    c. Forcemain Evaluation: Much of the City's wastewater collection system relies on a network of pump stations and forcemains. Many of the forcemains are aging and the structural condition of these forcemains is unknown. Six (6) locations will be selected to evaluate the internal and external condition of key forcemains. This work will include the following:
        i. Excavate to the forcemain and evaluate exterior pipe condition.
        ii. Where possible, dewater forcemain and cut a section from the forcemain to allow for internal (CCTV) inspection. This process may require bypass pumping. CCTV inspections will be performed using PACP methodology. Although it is not expected that the entire length of forcemain will be evaluated during this process, the video inspection will provide an adequate sampling of the forcemain condition, and a decision can be made relative to rehabilitation or replacement.
    d. Asset Management Plan
        i. Import CCTV and manhole inspection data into sanitary sewer GIS database. Use these ratings to establish a Risk of Failure variable to be assigned to each component.
        ii. Work with City staff to determine appropriate characteristics to use to establish a Consequence of Failure variable. Characteristics may include: population served, roadway traffic impacted during system repair, potential for basement backup, etc.
        iii. Using the Risk/Consequence factors, establish a priority ranking ("Criticality Index") to be used to develop a list of repair/replacement/rehab needs.

iv. Using the roadway (PASER) and sanitary sewer pipe ratings, use GIS to determine where coincidental high priority areas exist and add these to the list of Early Action Projects to be added to the Capital Improvement Plan.
v. Develop a Deterioration Forecasting Model based on current asset condition, depth, material, and age. This will be used to forecast system repair/rehab/replacement needs.
vi. Provide recommendations for future (ongoing) system inspection needs, including CCTV, detention pond inspection, BMP inspection, bridge/culvert inspections, and streambank inventories.

3. Metering / Modeling
   a. Temporary Flow Metering: The City of Traverse City experiences higher than normal baseflows, with monthly averages well above the EPA-established level of 120 gpcd which defines excessive baseflow. Since metering is currently limited to the treatment plant and current documented flows are calculated on a monthly basis, it is not known where the key sources of inflow/infiltration are in the City's collection system or how the system flows peak during wet weather. The work under this scope will include the installation and monitoring of flows under varying antecedent moisture conditions, on an hourly (or sub-hourly) basis, so as to determine wet weather response and to develop appropriate hydrologic parameters to model the main components of the collection system under design flow conditions in order to determine Level of Service.
      i. Install 8 temporary flow meters and a rain gage for a duration of 6-9 months. The meters will be installed at existing pump stations within the City's collection system. This will allow for the capture of local sewer flow response under varying antecedent moisture conditions. Download meter and rain gage data at a 2-week interval.
   b. Develop hydrologic models for each metered district. The Antecedent Moisture Model (AMM) will be used to calibrate the rainfall derived inflow and infiltration (RDII). The calibrated models will be used to calculate 10-year and 25-year recurrence interval peak flows by applying the calibrated models to long-term rainfall and temperature data.
      i. Analyze baseflows and calculate capture coefficients for each metered district to confirm the source(s) of elevated baseflows and higher wet weather flow responses. This will be used to prioritize future sewer investigation and potential rehabilitation efforts.
   c. Develop a hydraulic model of the main components of the wastewater collection system, focusing on the trunk system for which flow meter data will be available. The hydraulic model will be run against the 10-year and 25-year recurrence interval flow events as defined in the hydraulic model.
      i. Prepare a Technical Memorandum summarizing the hydrologic responses and hydraulic performance of the wastewater collection system. Note specific problems relating to elevated baseflows and wet weather flows, and identify hydraulic deficiencies under design flow conditions.
   d. Upon the completion of the modeling effort, transition the hydrologic/hydraulic model files to City staff and conduct staff training on the model to ensure sufficient local understanding of the model structure and capabilities.

4. Purchase GIS and Asset Management Software and Hardware
   a. Specific hardware and software purchases are included as part of the Stormwater Asset Management Plan scope.

5. Sewer Cleaning and Televising (PACP ratings)
    a. Based on the City's existing GIS database, the total length of City-owned sanitary sewer is about 420,000 lineal feet. Of this sewer, about 50% has been cleaned and televised within the last 3-5 years. The cleaning and CCTV effort will focus on the remaining 50% of the system that is older than 20 years old and has not recently been cleaned and televised. This translates to a quantity of about 200,000 lineal feet.
        i. Based on estimates received from a cleaning/televising contractor (quote included with this grant application), the following costs are assumed for sanitary sewer pipe cleaning and televising:

Sewer Size Class	Unit Price	Quantity	Total
All sizes	$2.05	200,000 LF	$410,000
		Total	**$410,000**
		Total (with 10% contingency)	**$451,000**

    b. Cleaning/CCTV Contract Administration: throughout the duration of the sanitary sewer cleaning and CCTV project, coordinate with the contractor to ensure the following:
        i. Conformance to PACP methodology
        ii. Ensure data is collected, coded, and stored such that it can be transferred to the City's GIS environment
        iii. Review pay requests and provide recommendations for payment
        iv. Provide assistance to identify locations of sewers to be televised
        v. Provide assistance to identify alternate sewer reaches to televise in the event that the contractor encounters sewers that are difficult or impossible to inspect due to debris buildup or structural failure
    c. Transfer the MACP sewer condition coding into the City's GIS.

6. Level of Service Evaluation
    a. Organize 2 public meetings to receive feedback from residents on any areas of concern, focusing on basement backups. These meetings will also be used to discuss appropriate Level of Service for the City's wastewater collection system, including a discussion of the City's regulatory obligations for wastewater collection and treatment.
    b. Capital Improvement Plan (CIP)
        i. Using the data from the modeling effort and the initial output from the Asset Management Plan, develop a 5-10 year CIP to address the more critical projects. Prepare planning-level construction cost estimates. Projects to be considered may include:
            1. Pump station upgrades
            2. Forcemain rehabilitation / replacement
            3. Manhole rehabilitation
            4. New pumping/storage facilities (if deemed necessary during the modeling effort)
            5. Sewer replacement to address hydraulic deficiencies (if identified during the modeling process)

7. Rate Study / Revenue Recommendations
    a. Review all existing capital and O&M costs related to the City's sanitary sewer assets. This will result in a comprehensive set of system needs that the City can use to

determine total system revenues necessary to address its wastewater infrastructure. This will include a tabulation of costs for the following system components:

   i. High Priority Capital Improvement Needs from the AMP
   ii. Annual maintenance/repair/rehabilitation needs identified in the AMP

b. Identify annual funding needs based on the costs determined above, and prepare a 10-year cash flow plan to address the identified needs.
c. Review the long-term system needs in the context of the existing rate structure, existing debt, and existing fund balances. Determine if a funding gap exists, and, if so, prepare a 5-year plan to adjust sewer rates to meet the needs identified in the Asset Management Plan.

Total SAW Grant - City of Traverse City
SAW Grant Cost Summary

Wastewater AMP	$	1,000,944	
Stormwater AMP	$	1,295,000	
Stormwater Mgt. Plan	$	148,500	
TOTAL	**$**	**2,444,444**	
MDEQ Funding	$	2,000,000	(max = $2 million, 90% on first million, 75% on second million)
Local Match	$	444,444	

MDEQ formula for first $1 million grant:

STATE MATCH / 0.9 = TOTAL PROJECT
$ 1 million / 0.9 = $1,111,111
Local Match = $111,111 on first $1 million of grant

MDEQ formula for second $1 million grant:

STATE MATCH / 0.75 = TOTAL PROJECT
$ 1 million / 0.75 = $1,333,333
Local Match = $333,333 on second $1 million of grant

Traverse City Match:	$	111,111	(from first million of state match)
	$	333,333	(from second million of state match)
	$	444,444	TOTAL

City of Traverse City
County of Grand Traverse

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the _____ of the _____ of _____ County of _____, State of Michigan, (the "Municipality") held on _____.

PRESENT: Members: _____

ABSENT: Members: _____

Member _____ offered and moved the adoption of the following resolution, seconded by Member _____.

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (***select one or more)*** ☑ establish an asset management plan, ☑ establish a stormwater management plan, ☐ establish a plan for wastewater/stormwater, ☐ establish a design of wastewater/stormwater, ☐ pursue innovative technology, or ☐ initiate construction activities (up to $500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed $1,249,292 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. _____ (*title of the desginee's position*), a position currently held by_____ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members:

NAYS: Members:

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the_____ of the _____ of _____, County of _____, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____
Name
_____of_____, Clerk
_____of_____ County of _____

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

City of Traverse City
County of Grand Traverse

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the _____ of the _____ of _____ County of _____, State of Michigan, (the "Municipality") held on _____.

PRESENT: Members: _____

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WHEREAS, the Municipality does hereby determine it necessary to (***select one or more)***
☑ establish an asset management plan, ☐ establish a stormwater management plan, ☐ establish a plan for wastewater/stormwater, ☐ establish a design of wastewater/stormwater, ☐ pursue innovative technology, or ☐ initiate construction activities (up to $500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed $900,850 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. _____(*title of the desginee's position*), a position currently held by_____ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members:

NAYS: Members:

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the_____ of the _____ of _____ , County of _____ , said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____
Name
_____of_____ , Clerk
_____of_____ County of _____

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: 50 JERED OTTENWESS, CITY MANAGER

SUBJECT: ORDINANCE AMENDMENT – REZONING CASS STREET AND WASHINGTON STREET

Attached is a memo from City Planning Director Russell Soyring regarding the rezoning of 221 Cass Street and 215, 223, and 229 Washington Street from C-4a (Regional Center) District to C-4b (Regional Center) District which would allow for buildings to be 60 feet high by right and 68 feet by Special Land Use Permit. The current C-4a zoning allows buildings for up to 45 feet in height. As indicated by Mr. Soyring, this amendment is recommended by the Planning Commission.

The City Planning Commission initiated this rezoning to facilitate the anticipated *Washington Place* development, which will be located at Washington and Cass. The city owns 221 Cass Street and 223 Washington Street; Mr. McIntyre owns 215 Washington Street, all of which are part of the *Washington Place* development. 229 Washington Street is a privately-owned parcel and not part of the development; however, ecause all of these parcels are contiguous, to provide uniformity, it is included in the rezoning even though it is not part of the development. The *Washington Place* development plans will be presented to the Commission at the November 25 Study Session.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Zoning Map Amendments,* to rezone 221 Cass Street and 215, 223, and 229 Washington Street from C-4a (Regional Center) District to C-4b (Regional Center) District which would allow for buildings to be 60 feet high by right and 68 feet by Special Land Use Permit, based on the Future Land Use Map in the City of Traverse City Master Plan, as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on December 2, 2013.

jjo/bcm k:\tcclerk\city commission\Ordinance Amendments\ordamend_rezone_cass_washington.doc
e-copy Russ Soyring, Planning Director

Memorandum

The City of Traverse City
Planning Department

TO: JERED OTTENWESS, CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR RSoyring

SUBJECT: REZONING OF 221 CASS STREET AND 215, 223, AND 229 WASHINGTON STREET

DATE: November 8, 2013

On November 5, 2013 the Planning Commission held a Public Hearing to consider a possible rezoning of 221 Cass Street; 215, 223 and 229 Washington Street from C-4a (Regional Center) District to C-4b (Regional Center) District. The zoning change to C-4b would allow for buildings to be 60 feet by right and 68 feet by Special Land Use Permit. The current, C-4a zoning allows buildings up to 45 feet in height. All other zoning regulations would remain the same.

The Future Land Use Map designates this area to be TC-5 (Downtown) which envisions larger buildings built close to the street edge. The subject property is adjacent to C-4c district on the north and east boundaries where buildings up to 100 feet tall are allowed. To the west the properties are zoned C-4b where buildings can be as high as 68 feet. To the south, the property is a City park and zoned OS (Open Space) District where buildings can be as high as 45 feet.

Staff finds the rezoning request to be consistent with the Master Plan. The Zoning Element is silent on these properties. The Planning Commission took the following action:

Motion by Vice-Chairperson McNally, second by Commissioner Werner, that 221 Cass Street; 215, 223 and 229 Washington Street be rezoned from C-4a (Regional Center) District to C-4b (Regional Center) District and that the recommendation is forwarded to the City Commission for their consideration. Motion carried 8-0 (Commissioner Warren absent). There were no comments made during the Public Hearing.

Please pass on the Planning Commission's recommendation regarding this rezoning request.

RAS:mll

Attachments: Property location map

City of Traverse City

Legend

OS	Open Space District
RC	Residential Conservation District
R-1a	Single Family Dwelling District
R-1b	Single Family Dwelling District
R-2	Two Family Dwelling District
R-9	Multiple Family Dwelling District
R-15	Multiple Family Dwelling District
R-29	Multiple Family Dwelling District
HR	Hotel Resort District
C-1	Office Service District
C-2	Neighborhood Center District
C-3	Community Center District
C-4a	Regional Center District
C-4b	Regional Center District
C-4c	Regional Center District
T	Transportation District
I	Industrial District
GP	Government/ Public District
PR	Planned Redevelopment District
NMC-1	University District
NMC-2	University District
H-1	Hospital District
H-2	Hospital District
D-1	Development District
D-2	Development District
D-3	Development District
R-1b / Mixed Use PUD - Morgan Farm Area	

N

1 inch = 50 feet

This map is based on digital databases from the City of Traverse City.Traverse City cannot accept any responsbility for errors, ommissions or positional accuracy. There are no warranties expressed or implied.

CHAPTER 1346
C-4 Regional Center Districts

The Regional Center Districts are for the purpose of accommodating a broad variety of retail, office and residential uses integrated with hotels, convention centers, and integrated common parking facilities. Internal linkage between stores is encouraged. It is extremely important that new development be integrated with historically significant buildings. The first floors of buildings are primarily for retail, financial services and restaurants. Dominant and striking visual features of the central area of the City should be maintained and enhanced. The upper stories of buildings are generally to be occupied by offices, services and residences. High density housing is also appropriate.

It is the intent of these districts to create streets which encourage pedestrian activity. Buildings along Boardman River should be designed to integrate with both the sidewalk and riverwalk systems. Driveways crossing sidewalks should be limited to public parking areas.

CROSS REFERENCES

Zoning and planning in home rules cities - MCLA 117.4i
Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581
Regulation of buildings; authority to zone - MCLA 125.582
Regulation of congested areas - MCLA 125.583
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a
Signs - B & H Chapter 1476

1346.01	Uses allowed.	1346.06	Building height.
1346.02	Uses allowed by special land use permit.	1346.07	Accessory buildings.
1346.03	Lot, density and impervious surface provisions.	1346.08	Parking, loading and driveways.
1346.04	Setbacks.	1346.09	Special requirements.
1346.05	Encroachments into the setbacks.		

1346.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in these districts:

- GP district uses;
- C-3 district uses, except the following: drive-ins, drive-throughs, sexually-oriented businesses, vehicle wash facilities, veterinary services and kennels;
- Boat liveries;
- Convention centers;
- Drinking places with or without entertainment;
- Markets, public or municipal;
- Parking areas, private, for dwelling units (limited to one per dwelling unit); subject to Chapter 1374.

- Parking areas, private, interior, subject to the following standards:
  (1) Parking area is accessed from the alley,
  (2) Parking area is fully enclosed within a building,
  (3) Parking surface is on average, at least four feet below the street elevation or is fronted with habitable space.
- Parking areas, private, subject to the following standards:
  (1) Access shall be limited to one driveway per public street or two driveways per site, whichever is less.
  (2) The parking is accessory to an allowed use.
  (3) There can be demonstrated a need for private parking which will not be satisfied by existing public parking within 500 feet of the proposed use, except for private parking areas for dwelling units or interior private parking areas;
  (4) All requirements of Chapter 1374, *Circulation and Parking,* are met, except Section 1374.03(d), *Parking Space Requirements.*
  (5) All requirements of Sections 1372.04, *Screening Requirements for Parking Areas*, and 1372.05, *Landscape Development Internal to a Parking Area* are met.
  (6) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
- Parking areas, public, subject to the following standards:
  (1) Access shall be limited to one driveway per public street or two driveways per site, whichever is less.
  (2) All parking areas which abut a public street shall be set back a minimum distance of eight feet from the property line along said street and shall provide in this setback area appropriate screening with plant materials or a combination of plant materials, berming and decorative screenwalls to a minimum height of three feet.
  (3) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
  (4) Unless herein varied, the Landscaping and Site Development Chapter shall apply.
- Parking structures, public or private, subject to the following standards:
  (1) Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. Ramping shall be concealed from public view to the greatest degree possible.
  (2) Openings shall not exceed 60% of the total wall surface. Openings shall be vertical or square.
  (3) Sloped roofs are not required for parking decks, however:
    A. The upper and lowest level of parking shall incorporate sufficient screening to shield cars from public view.
    B. Parapet treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs and other devices which are consistent with the language of historical buildings may be employed.
  (4) The design of parking decks shall be consistent with the design of historical buildings in the area.
- Theaters, live and performance art centers.

(Ord. 476. Passed 7-6-99. Ord. 677. Passed 5-2-05. Ord. 782. Passed 2-4-08. Ord. 825. Passed 2-2-09.)

1346.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.

The following uses of land and buildings, together with accessory uses, are allowed in these districts if a special land use permit is issued according to the standards of this Code:

- Communication towers;
- Drive-throughs for finance services;
- Essential services buildings;
- Parking areas, private, if public parking is available within 500 feet of the allowed use;
- Taller buildings in the C4-b or C4-c district;
- Transit centers.

(Ord. 476. Passed 7-6-99. Ord. 610. Passed 9-2-03. Ord. 677. Passed 05-02-05. Ord. 779. Passed 1-7-08.)

1346.03 LOT, DENSITY AND IMPERVIOUS SURFACE PROVISIONS.

Lot width (min.)	Lot area (min.)	Density (maximum)	Impervious surface
No minimum.	No minimum.	N/A	100% maximum.

The surface parking area shall not exceed the total floor area of all buildings on the lot.
(Ord. 476. Passed 7-6-99. Ord. 684. Passed 10-03-05.)

1346.04 SETBACKS

(a) **Front setbacks:**

Building: 2.5 feet minimum, except existing buildings that have been damaged by fire, explosion, act of God or similar causes and located closer than 2.5 feet may be restored or rebuilt at the same location using the same foundation unless the foundation is located in the right-of-way. 8 feet maximum.

Private parking area: Behind or to the side of the principal building and set back a distance equal to the setback of the principal building or 25 feet, whichever is greater. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic, but in no case closer than 25 feet from the front property line.

(b) **Side setbacks (minimum):**

Building:

One side/Aggregate: None, except 10-foot side setback is required on any side abutting or across an alley from an R-district.

Private parking area: 5 feet, except a 10-foot setback is required on any side abutting an R-district.

(c) **Rear setbacks:** None, except a 5 foot setback if abutting an alley. A 20-foot setback is required if abutting or across an alley from an R-district.

(d) **Corner lots and through lots** shall have a front setback on each street.

(e) **Water setbacks:** May build to the edge of a public easement; if no

public easement, then 10 feet inland from the ordinary high water mark or any dockline established by City ordinance.

(f) **Bridge setbacks:** Buildings shall be set back a distance of 25 feet from any bridge abutment unless otherwise approved by the City Engineer if he or she determines that the building will not interfere with the maintenance or reconstruction of the bridge and that utilities will not be adversely impacted.

(Ord. 476. Passed 7-6-99. Ord. 512. Passed 9-18-00. Ord. 576. Passed 10-7-02. Ord. 685. Passed 10-03-05. Ord. 818. Passed 1-5-09.)

1346.05 ENCROACHMENTS INTO THE SETBACKS.

No encroachments into setbacks are allowed except a building, balcony, porch or deck may project no more than five feet into a rear setback provided these projections are not less than 15 feet above grade and provided they do not project into any public right of way and except eaves, chimneys, sills, belt courses, cornices and ornamental features not to exceed two and a half feet are permitted to extend within the front or rear setbacks.

(Ord. 476. Passed 7-6-99. Ord. 511. Passed 9-18-00. Ord. 577. Passed 10-7-02.)

1346.06BUILDING HEIGHT.

(a) **Building Height:** Buildings in the C-4 District shall have a minimum height of thirty (30) feet and a maximum building height as listed below. An existing building may have a one-story addition of no larger than the area of the first floor of that building as it existed on the effective date of Ordinance No. 467, which is July 16, 1999. More than sixty (60) feet in height may be allowed only by special land use permit or as part of a planned unit development and subject to the requirements listed below.

C-4a: 45 feet maximum.

C-4b: 60 feet maximum. Sixty-eight (68) feet in height is allowed if at least 20% of the building is designed and used for dwellings.

C-4c: 85 feet maximum. An additional 15 feet shall be allowed for permitted uses that are designed and positioned in a manner that will effectively shield rooftop mechanical equipment or elevator shafts, but not to exceed an overall height of 100 feet. Buildings over 60 feet tall shall have at least 20% of the building designed and used for dwellings. That portion of the building with a finish floor elevation of 45 feet or greater must be recessed at least 10 feet from the first floor building facade.

(b) **Exceptions:** The following are exceptions to the above height restrictions:

(1) **Steeples and clock towers** may be erected in a C-4a district up to a height not exceeding 60 feet.

(2) **Parapet walls** may be erected as necessary to screen rooftop equipment if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.

(Ord. 476. Passed 7-6-99. Ord. 528. Passed 3-19-01. Ord. 548. Passed 12-17-01. Ord. 561. Passed 4-1-02. Ord. 631. Passed 4-19-04. Ord. 686. Passed 10-03-05. Ord. 692. Passed 12-05-05. Ord. 733. Passed 3-19-07.)

1346.07 ACCESSORY BUILDINGS.

An accessory building shall:

(a) Only be permitted in the rear yard, except accessory buildings may be located streetward of the principal building on the less traveled street on through lots.

(b) Be located no closer than 4 feet to any side or rear property line. A boat house up to 250 sq. feet gross floor area may be built to the water's edge.

(Ord. 476. Passed 7-6-99. Ord. 554. Passed 2-4-02.)

1346.08 PARKING, LOADING AND DRIVEWAYS.

No parking is required in this district, however, if parking is provided, it must meet the standards contained in Chapter 1374, *Circulation and Parking* and restrictions of this chapter.

(Ord. 476. Passed 7-6-99.)

1346.09 SPECIAL REQUIREMENTS.

To preserve and reinforce the context of historic buildings and land to establish development patterns of the Regional Center district, all new buildings and additions to existing buildings are to be designed and constructed in accordance with the following standards:

(a) The predominant building wall and entryway shall face the public or private street.

(b) Unless determined to be impractical by the Planning Director, the building width shall not be less than 90 percent of the property width at the street.

(c) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements; however, offsets in any wall shall not be less than eight inches from the subject plane.

(d) Horizontal building modulation, like awnings, balconies and roof features shall be used to reduce the perceived mass of a large building.

(e) Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the area.

(f) Window glass planes shall be recessed at least four inches from the outside of all building walls to create a shadow line except in bay windows and to other projecting window elements.

(g) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.

(h) New buildings and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials of traditional brick and stone used in the Regional Center District or constructed of materials of comparable aesthetic value.

(i) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.

(j) Except for buildings that are solely residential, windows or street level activities are required on 50 percent of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and exterior

circulation.

(k) For each 90 feet of linear building frontage, pedestrian entrances are required. Pedestrian entrances may open onto the sidewalk or mid-block passages or walkways leading to the public right-of-way. Entries must be prominently identified and must not interfere with safe pedestrian passage along walkways. Primary entries must set back a minimum four feet from the property line.

(Ord. 476. Passed 7-6-99. Ord. 545. Passed 10-15-01. Ord. 631. Passed 4-19-04; but with no changes to existing ordinance. Ord. 684. Passed 10-03-05. Ord. 687. Passed 10-03-05.)

TRAVERSE CITY CODE OF ORDINANCES
ORDINANCE AMENDMENT NO. 985
Effective date: _____

TITLE: ZONING MAP AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Part 13, Planning and Zoning Code, Appendix I, Zoning Map Changes, shall be amended by adding the following change to read as follows:

Change No. 34

That the following described property shall hereafter be designated on the Zoning Map of the City of Traverse City as C-4b (Regional Center) District.

221 Cass Street
THT PRT OF LOTS 17 & 18 BLK 7 ORIG PLAT DES AS COM AT A POINT 90 FEET SOUTH OF THE NW COR LOT 18; TH N 90 FT; TH E 132 FEET; THENCE S 123.4 FEET; THENCE W 136 FEET TO POB.

215 Washington Street
LOT 16 & W 26 FT OF LOT 15 BLOCK 7 ORIGINAL PLAT EXCEPT THAT PART THEREOF SURVEYED FOR STREET BY DEED RECORDED AT LIBER 11, PAGE 237.

223 Washington Street
W 1/2 OF LOT 14 & E 40 FT OF LOT 15 BLK 7 ORIG PLAT EXC ST ROW

229 Washington Street
111 E 1/2 OF LOT 14 BLK 7 ORIG PLAT.

A copy of this ordinance may be purchased or inspected at the Office of the City Clerk within the Governmental Center (231-922-4480).

I hereby certify that the above ordinance was introduced on November 18, 2013, at a regular meeting of the City Commission and was enacted at the regular meeting of the City Commission held on _____, by a vote of Yes: ____, No: ____, within the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

_____
Michael Estes, Mayor

_____

Benjamin C. Marentette, CMC, City Clerk

I hereby certify that the above ordinance was published in the Traverse City Record-Eagle, A daily newspaper in Traverse City on _____.

_____

Benjamin C. Marentette, CMC, City Clerk

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: BROWNFIELD PLAN – 647 EAST EIGHTH STREET

General overview of Brownfield:

With three new members on the City Commission, I should provide a brief overview of how Brownfield Plans work. Properties are eligible for brownfield redevelopment incentives, if the property is either a facility (environmentally contaminated), blighted,, functionally obsolete or of historical significance. Properties are placed into a Brownfield Plan, which identifies eligible costs and are reviewed by the Grand Traverse County Brownfield Redevelopment Authority Board. Concurrence by the City Commission is required for the plan to move forward. If that is received, the Brownfield Plan will then be considered for approval by the Grand Traverse County Board of Commissioners. That is scheduled for November 27.

For expenses that are considered eligible for Brownfield Incentives, such as demolition costs, environmental remediation, etc., the developer must pay for those costs up front and then seek reimbursement from the Brownfield Authority. As the tax base is increased as a result of the development, the increased tax revenue received is used to reimburse the developer over the life of the plan, only for those expenses approved within the plan. This redirects the tax revenue normally received by the city and all taxing jurisdictions within the city, with the exception of debt tax (such as School and College debt tax).

However, when a Brownfield Plan is within a Tax Increment Financing District (which is not the case for this plan but is for the 147 East Eighth Street plan), the Brownfield Authority will only capture the increased tax revenue from the Intermediate School District, the State Education Tax and the School Operation tax.

Additionally, five years of capture goes into the Local Site Remediation Fund, which is used to provide loans or subgrants for eligible activities on brownfield sites. This fund is administered by the Brownfield Authority Board and has been used for the Hotel Indigo Project, the Old Town Parking Deck, the Village at Grand Traverse Commons and others.

Explanation of Brownfield Plan request for 647 East Eighth Street:

Attached is a memo from Grand Traverse County Deputy Director of Planning and Development Jean Derenzy, recommending the City Commission concur with the Brownfield Plan for 647 East Eighth Street. Concurrence by the City Commission is required for any Brownfield Plan within the city limits to be approved.

A total of $232,686 in Brownfield-eligible expenses have been identified with this Plan; attached is detail of those expenses. Based on projected increased tax revenue to reimburse the developer, the plan is anticipated to be in effect for 26 years; the maximum length it would be in effect is 30 years. The following is a chart that provides information on this particular Brownfield Plan request:

Current taxable value:	**Anticipated taxable value after development:**	**Anticipated net increase in taxable value after development:**	**City Tax revenue captured by Brownfield Redevelopment Authority to pay obligations**
$72,411	$250,000	$177,489	$91,202

I recommend the following motion:

That the Resolution Concurring with Grand Traverse County Brownfield Plan for 647 East Eighth Street, be adopted.

JJO/bcm
K:\tcclerk\city commission\brownfield\647 east eighth.doc
e-copy: Jean Derenzy, Grand Traverse County Deputy Director of Planning and Development
Rob Bacigalupi, Downtown Development Authority Acting Executive Director
Polly Cairns, City Assessor
William Twietmeyer, City Treasurer/Finance Director

Memorandum

Grand Traverse County
Planning and Development
231.922.6890 Fax 231.922.4636
email: jderenzy@grandtraverse.org

To: Traverse City Commission
Jered Ottenwess, City Manager

From: Jean Derenzy, Deputy Director Planning & Development

Date: For November 18th Traverse City Commission Meeting

Subject: Brownfield Plan – 647 East Eighth Street
(Corner of Eighth and Railroad)

SUMMARY OF ITEM TO BE PRESENTED:

The Grand Traverse County Brownfield Redevelopment Authority (BRA) met on October 30, 2013 and reviewed the combined Brownfield and Work Plan (Plan) for 647 East Eighth Street. As you are aware, this Plan is the first on the new 8th Street Corridor Plan, outside of the DDA District. The property is situation on the northwest corner of East Eighth Street and Railroad Avenue. The property consists of a single parcel that contains approximately 0.22 acres.

The proposed redevelopment is to demolish the current structure with a 1-story medical office building (2,486 square feet total) with a faux second story, in accordance with the City's eighth street vision. The current taxable value is $72,441. The purposed project has an estimated taxable value of $250,000. The project is also expected to create up to 24 new full time jobs. The estimated total capital investment required to carry this project out is $1,300,000.

This project reaches several of the identified components within the Corridor Plan and Master Plan being:

1. Commercial development that positively impacts the neighborhood with a new walkable physicians office
2. Shared parking for future redevelopment
3. Green infrastructure components

Brownfield Plan Costs / Duration

The Brownfield legislation clearly emphasizes assistance and support for projects within the "core community", with the City of Traverse City having the distinct benefit within the legislation. The City of Traverse City receives the ability to reimburse for activities associated with site preparation and infrastructure activities; which was awarded to the identified cities, to "repurpose and re-build cities" and with all brownfield's, curb sprawl. Further, brownfield eligibility is available for sites that are either: Facility (contaminated), functionally obsolete, blight or of a historical significance.

This project site is eligible for brownfield reimbursement, as it has been identified as functionally obsolete, per the City Assessor and Assessor of Record for the City.

The site is eligible for reimbursement of activities, as it is in the City of Traverse City, including, Baseline Environmental Assessment, Demolition, Site Preparation, and infrastructure improvements.

As identified previously, this is the first project in the approved corridor plan. As there is no area-wide public infrastructure costs that this project can tie into, the Authority is recommending that activities that get the site "ready" for redevelopment be approved. Therefore costs associated with site preparation and public infrastructure have not been recommended for approval, those costs totaled $115,166.

The Brownfield costs identified within this Combined 381 Work Plan and Brownfield Plan are for baseline environmental assessment, demolition and lead and asbestos abatement and green infrastructure, for a total of $232,686. The Plan is requested to be in place for 30 years. The estimated reimbursement period is 26 years (21 years to pay back the eligible costs and five years into the Local Site Fund). When reimbursement is complete the Plan ends, the Plan cannot continue after reimbursement is complete.

For a matter of reference the Local Site Remediation Fund (LSRF) is a capital fund that is used to provide loans or subgrants for eligible activities on brownfield sites. The Local Site can capture up to five years into the LSRF. This fund has been used for the Hotel Indigo project, the Old Town Parking Deck, Kinney Project, The Village at Grand Traverse Commons and others.

Community Impact

As identified above, the community impact includes:

- Opportunity to see private commercial investment on the 8th Street Corridor Plan.
- Brings shared parking feature for future redevelopment around this development
- Creation of 24 new jobs
- Project brings walkability vitality to the adjacent neighborhoods.

RECOMMENDATION:

The Brownfield Authority recommends to the City Commission that concurrence be approved for the 647 E. Eighth Street Brownfield and Work Plan and adopt the attached resolution of concurrence.

ALTERNATE OPTION MSF Eligible Activites
Graetz Properties, LLC
647 East Eighth Street
Traverse City, Michigan
AKT Peerless Project No. 8409B-1-25
As Of October 31, 2013

Environmental Eligible Activities (MDEQ)				Requested Estimates	ADOPTED OPTION GTCBRA 10-30-13
Reference Letters	-	-	-		
Activity	No. of Units	Type of Unit	Cost/Unit	Estimated Total Cost	Estimated State/Local MDEQ/MSF Revenues Cost
1000-BEA Environmental Assessment Activities					
Records Search with Risk Assessment (RSRA)	1	LS	$ 975.00	$ 975.00	$ 975.00
Phase I Environmental Site Assessment (ESA)	1	LS	$ 1,500.00	$ 1,500.00	$ 1,500.00
Total BEA Environmental Assessment Activities				**$ 2,475.00**	$ 2,475.00
Environmental Eligibilities (MDEQ) Grand Total				**$ 2,475.00**	**$ 2,475.00**
Non-Environmental MSF Eligible Activities (MSF)					
Activity	No. of Units	Type of Unit	Cost/Unit	Estimated Total Cost	Estimated State/Local MSF Revenues Cost
5000-Demolition (County-wide)					
Building Demolition	1	LS	$ 20,000.00	$ 20,000.00	$ 20,000.00
Site Demolition	1	LS	$ 48,475.00	$ 40,250.00	$ 40,250.00
On-Site Demolition Oversight	5	DAYS	$ 765.00	$ 3,825.00	$ 3,825.00
Project Management and Oversight During Demolition	8	HRS	$ 125.00	$ 1,000.00	$ 1,000.00
Project Management for Demolition Activities	1	LS	$ 1,500.00	$ 1,500.00	$ 1,500.00
Demolition Total				**$ 66,575.00**	**$ 66,575.00**
6000-Lead & Asbestos Abatement (County-wide)					
Asbestos and Lead Paint Survey	1	LS	$ 800.00	$ 800.00	$ 800.00
Asbestos and Lead Paint Abatement	1	LS	$ 56,401.80	$ 56,401.80	$ 56,401.80
On-Site Asbestos Abatement Oversight & Air Monitoring	25	DAYS	$ 765.00	$ 19,125.00	$ 19,125.00
Project Management and Oversight During Abatement Activities	40	HRS	$ 125.00	$ 5,000.00	$ 5,000.00
Project Management for Lead & Asbestos Abatement Activities	1	LS	$ 1,500.00	$ 1,500.00	$ 1,500.00
Lead & Asbestos Abatement Total				**$ 82,826.80**	**$ 82,826.80**
7000-Site Preparation [a] (City of Traverse City Only)					
Geotechnical Engineering	1	LS	$ 4,500.00	$ 4,500.00	
General Conditions including Contractor On-Site Supervision & Project Management	1	LS	$ 7,445.00	$ 7,445.00	
Temporary Fencing	1	LS	$ 500.00	$ 500.00	
Temporary Utilities	1	LS	$ 10,000.00	$ 10,000.00	
Temporary Construction Access and/or Roads	1	LS	$ 2,000.00	$ 2,000.00	
Temporary Erosion Control-Silt Fencing	1	LS	$ 750.00	$ 750.00	
Temporary Erosion Control-Sediment Bags	1	LS	$ 500.00	$ 500.00	
Temporary Site Control	1	LS	$ 2,000.00	$ 2,000.00	
Excavation	216	TNS	$ 12.00	$ 2,592.00	
Fill	216	TNS	$ 9.00	$ 1,944.00	
Compaction & Sub-base Preparation (related to Eligible Activities)	216	TNS	$ 35.00	$ 7,560.00	
Soft Costs--so long as they are directly associated with Site Preparation activities (including engineering and design), professional fees and costs (does not include legal/attorney fees).	1	LS	$ 5,000.00	$ 5,000.00	
Project Management for Site Preparation Activities	1	LS	$ 2,500.00	$ 2,500.00	
Site Preparation Total				**$ 47,291.00**	**$ -**
8000-Infrastructure Improvements (City of Traverse City Only)					
Approaches	1	LS	$ 5,000.00	$ 5,000.00	
Curbs and Gutter	1	LS	$ 5,000.00	$ 5,000.00	
Lighting	1	LS	$ 2,500.00	$ 2,500.00	
Signage	1	LS	$ 1,000.00	$ 1,000.00	
Sidewalk & Pavers in Right-of-Way	1	LS	$ 8,000.00	$ 8,000.00	
New Sewer across Railroad Avenue	1	LS	$ 1,375.00	$ 1,375.00	
Storm Sewers	150	LF	$ 50.00	$ 7,500.00	
Water Mains	150	LF	$ 35.00	$ 5,250.00	
Sanitary Sewer Mains	150	LF	$ 35.00	$ 5,250.00	
Streetscape/Landscaping in Right-of-Way	1	LS	$ 8,000.00	$ 8,000.00	
Urban Stormwater Management System	1	LS	$ 32,000.00	$ 32,000.00	$ 32,000.00
Infrastructure Improvements Total				**$ 99,875.00**	**$ 32,000.00**
Non-Environmental MSF Eligible Activities (MSF) Grand Total				**$ 296,567.80**	**$ 181,401.80**
Eligible Activities (MDEQ and MSF) Total				**$ 299,042.80**	**$ 183,876.80**
15% Contingency on Eligible Activities		LS		$ 44,485.17	$ 27,581.52
Interest (2.5%, simple) [c]		LS		$ 148,860.29	$ 4,228.32
Eligible Activities (MDEQ and MSF) with Contigency and Interest Total				**$ 492,388.26**	**$ 215,686.64**
9000-Brownfield Plan and Act 381 Work Plan Preparation					
GTCBRA Application Fee ($500) and Administration Fee (1% of Eligible Activity Expense and Capped at $20,000)	1	LS	$ 5,423.88	$ 5,423.88	
Combined Brownfield Plan	1	LS	$ 17,000.00	$ 17,000.00	$ 17,000.00
Brownfield Plan and Act 381 Work Plan Preparation Total				**$ 22,423.88**	**$ 17,000.00**
ELIGIBLE ACTIVITIES GRAND TOTAL				**$ 514,812.14**	**$ 232,686.64**
Total Capture - Grand Total				**$ 489,071.53**	**$ 232,686.64**

The City of Traverse City

Office of the City Clerk

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
tcclerk@traversecitymi.gov

Resolution Concurring with
Grand Traverse County
Brownfield Plan for 647 E. Eighth Street

Because, the Brownfield Redevelopment Authority met in regular session on October 30, 2013 and reviewed the Brownfield Plan for 647 E. Eighth Street with recommendation for approval; and,

Because, Properties within the Brownfield Plan are in the City of Traverse City; and,

Because, Pursuant to Act 381, concurrence must be received by the governmental unit in which brownfield plan lies, being the City of Traverse City; and,

Because, the Plan identifies eligible activities totaling $232,686; now, therefore be it

Resolved, that the Brownfield Plan constitutes a public purpose and will facilitate investment and redevelopment of the properties in the Brownfield Plan by:

a. Increasing Tax base.
b. Demolition of underutilized structure.
c. Transform an underutilized property into a productive and viable commercial development; and, further be it

Resolved, The Brownfield Plan is consistent with the requirements of Section 14(1) of Act 381 (MCL 125.2664), in particular:

a. The Brownfield Plan provides all of the information required in Section 13 of Act 381 (MCL.2663).
b. Financing the costs of eligible activities will be through the capture of tax increment revenue, with brownfield plan ending on or before 2043.
c. The costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Brownfield Financing Act.

I hereby certify that the above resolution was adopted by the Traverse City City Commission at its regular meeting held on November 18, 2013, in the Commission Chambers of the Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

_____

Benjamin C. Marentette, CMC, City Clerk

Graetz / Residential Property **647 East Eighth Street** **Traverse City, Grand Traverse County, Michigan** **Environmental Site Assessment**	**2010 Aerial Photograph**		**NORTH**
Otwell Mawby, PC **Traverse City, Michigan**	**Project No:** **13-070**	**Date:** **04/12/13**	**Source:** **Grand Traverse Cty.**

Rendering for new/proposed building @ 647 E. 8th St.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: BROWNFIELD PLAN – 147 EAST EIGHTH STREET

General overview of Brownfield:

With three new members on the City Commission, I should provide a brief overview of how Brownfield Plans work. Properties are eligible for brownfield redevelopment incentives, if the property is either a facility (environmentally contaminated), blighted,, functionally obsolete or of historical significance. Properties are placed into a Brownfield Plan, which identifies eligible costs and are reviewed by the Grand Traverse County Brownfield Redevelopment Authority Board. Concurrence by the City Commission is required for the plan to move forward. If that is received, the Brownfield Plan will then be considered for approval by the Grand Traverse County Board of Commissioners. That is scheduled for November 27.

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However, when a Brownfield Plan is within a Tax Increment Financing District, as is the case with this particular plan, the Brownfield Authority will only capture the increased tax revenue from the Intermediate School District, the State Education Tax and the School Operation tax.

Additionally, five years of capture goes into the Local Site Remediation Fund,

which is used to provide loans or subgrants for eligible activities on brownfield sites. This fund is administered by the Brownfield Authority Board and has been used for the Hotel Indigo Project, the Old Town Parking Deck, the Village at Grand Traverse Commons and others.

Explanation of Brownfield Plan request for 147 East Eighth Street:

Attached is a memo from Grand Traverse County Deputy Director of Planning and Development Jean Derenzy, recommending the City Commission concur with the Brownfield Plan for 147 East Eighth Street. Concurrence by the City Commission is required for any Brownfield Plan within the city limits to be approved.

A total of $395,023 in Brownfield-eligible expenses have been identified with this Plan; attached is detail of those expenses. Based on projected increased tax revenue to reimburse the developer, the plan is anticipated to be in effect for 13 years if TIF 2's expiration in 2016 is not extended; if it is extended, 24 years; maximum length the plan would be in effect is for 30 years. The following is a chart that provides information on this particular Brownfield Plan request:

Current taxable value:	**Anticipated taxable value after development:**	**Anticipated net increase in taxable value after development:**	**City Tax revenue captured by Brownfield Redevelopment Authority to pay obligations**
$135,000	$1,650,000	$1,515,000	$135,502; the city would not forego any tax revenue as a direct result of this Brownfield if TIF 2 were extended, as it would be foregoing such revenue anyway

I recommend the motion on the following page.

That the Resolution Concurring with Grand Traverse County Brownfield Plan for 147 East Eighth Street, be adopted.

JJO/bcm
K:\tcclerk\city commission\brownfield\147 east eighth.doc
e-copy: Jean Derenzy, Grand Traverse County Deputy Director of Planning and Development
Rob Bacigalupi, Downtown Development Authority Acting Executive Director
Polly Cairns, City Assessor
William Twietmeyer, City Treasurer/Finance Director

Memorandum

Grand Traverse County
Planning and Development
231.922.6890 Fax 231.922.4636
email: jderenzy@grandtraverse.org

To: Traverse City Commission
Jered Ottenwess, City Manager

From: Jean Derenzy, Deputy Director Planning & Development

Date: For November 18th Traverse City Commission Meeting

Subject: Brownfield Plan - 147 E. Eighth Street
(Northwest Corner of Eighth and Cass)

SUMMARY OF ITEM TO BE PRESENTED:

The Grand Traverse County Brownfield Redevelopment Authority (BRA) met on October 30, 2013 and reviewed the combined Brownfield and Work Plan (Plan) for 147 E. Eighth Street. After due consideration the BRA approved the combined Plan, and, as such, the BRA is seeking the attached Resolution of Concurrence from the City of Traverse City to proceed.

147 E. Eighth Street is currently a vacant 2,571 square foot residential structure built between 1893 and1899. The current taxable value is $135,400. J. Sock Construction, LLC (Socks) purposes to demolish the current structure on-site and build a new 20,264 square foot mixed use structure with 4,069 square feet of ground floor commercial space, 7 residential units totaling 13,234 square feet on the second and third floors, and a 2,961 square foot private parking garage on the ground floor with seven parking spaces. The purposed project has an estimated taxable value of $1,650,000 (more than twelve times its current taxable value). The project is also expected to create up to 24 new full time jobs. The estimated total capital investment required to carry this project out is $2,816,834.

There are a number of benefits with this redevelopment, which include:

1. The opportunity to re-use property, and bring additional commercial services and residential opportunities to the downtown area.
2. Furthering and complementing the recommendations laid out in the City's Master Plan.
3. Creating up to 24 new jobs in Grand Traverse County.
4. A twelve fold increase in taxable value, from the current of $135,400 to $1,650,000.

Brownfield Plan Costs / Duration

The site qualifies as a brownfield due to the historical contamination on the site, qualifying the site as a facility as defined in Part 201 of the Natural Resource Environmental Protection Act.
The Brownfield costs identified within this Combined 381 Work Plan and Brownfield Plan is $395,023. The Plan is requested to be in place for 30 years. There are two estimated reimbursement periods due to the unknown continuation of the DDA Plan. Should the DDA Plan end, the length of capture would be 13 years (eight years for reimbursement of eligible activities and five years of capture into the Local Site Remediation Fund). In the event that the DDA District tax capture is extended, the length of capture would be 24 years (19 years for reimbursement of eligible activities and five years of capture into the Local Site Remediation Fund). In any event, when the eligible activities are paid off, and five years of capture into the Local Site Fund occurs, the Plan ends. For a matter of reference the Local Site Remediation Fund (LSRF) is a capital fund that is used to provide loans or subgrants for eligible activities on brownfield sites. The Local Site can capture up to five years into the LSRF. This fund has been used for the Hotel Indigo project, the Old Town Parking Deck, Kinney Project, The Village at Grand Traverse Commons and others.

Eligible activities are to be financed by the Developer. The Authority will reimburse the Developer for the cost of approved eligible activities, but only from tax increment revenues generated from the Property as available.

DDA Contribution/Match

As this Plan is within the DDA TIF 2 District, the Brownfield Authority will only capture the increased taxes realized on this site from the Intermediate School District, State Education tax and School Operation tax. The Brownfield Authority works with the DDA to leverage the public investment, either already implemented or planned public infrastructure to be invested. Fifty percent of the costs associated with publically owned curbs & gutters, Cass Street paving, lighting, sidewalks & pavers, and streetscape/landscaping will be funded by the Traverse City Downtown Development Authority (DDA) as part of this redevelopment project.

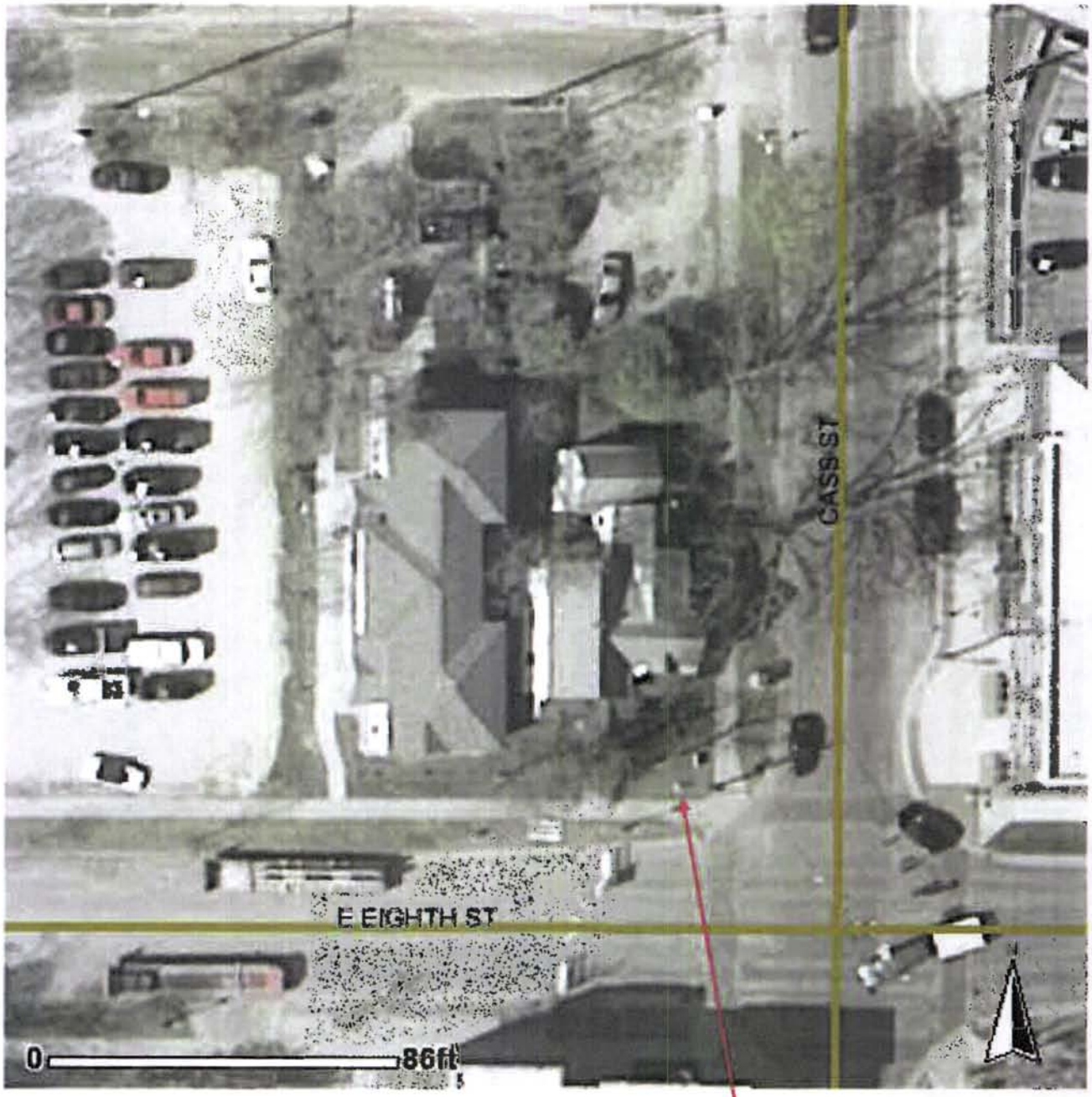
Community Impact

As identified above, the community impact includes:

- The opportunity to redevelop the site while increasing residential and commercial density in the downtown.
- The creation of 24 new jobs and a twelve fold increase in property tax revenues.
- Implementation of the City's 2009 Master Plan, and continued improvement in the Old Town District. .

RECOMMENDATION:

The Brownfield Authority recommends to the City Commission that concurrence be approved for the 147 E. Eighth Street Brownfield and Work Plan and adopt the attached resolution of concurrence.



Subject Property

Socks / Residential Property **147 East Eighth Street** **Traverse City, Grand Traverse County, Michigan** **Phase I Environmental Site Assessment**	**2010 Aerial Photograph**		**NORTH**
Otwell Mawby, PC **Traverse City, Michigan**	**Project No:** **12-140**	**Date:** **8/24/12**	**Source:** **Grand Traverse Cty.**

Rendering for proposed building at 147 E 8th St.

The City of Traverse City

Office of the City Clerk

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
tcclerk@traversecitymi.gov

Resolution Concurring with
Grand Traverse County
Brownfield Plan for 147 E. Eighth Street

Because, the Brownfield Redevelopment Authority met in regular session on October 30, 2013 and reviewed the Brownfield Plan for 147 E. Eighth Street with recommendation for approval; and

Because, properties within the Brownfield Plan are in the City of Traverse City; and

Because, Pursuant to Act 381, concurrence must be received by the governmental unit in which brownfield plan lies, being the City of Traverse City; and

Because, the Plan identifies eligible activities totaling $395,023; and

Because, the plan will allow for the clean-up of contamination and redevelopment of property located at 147 E. Eighth Street into a mixed-use three story development; now, therefore be it

Resolved, that the Brownfield Plan constitutes a public purpose and will facilitate investment and redevelopment of the properties in the Brownfield Plan by:

a. Increasing Tax base.
b. Demolition of underutilized structure.
c. Environmental Remediation,
d. Gaining improved public infrastructure; and, further be it

Resolved, that the Brownfield Plan is consistent with the requirements of Section 14(1) of Act 381 (MCL 125.2664), in particular:

a. The Brownfield Plan provides all of the information required in Section 13 of Act 381 (MCL.2663).
b. Financing the costs of eligible activities will be through the capture of tax increment revenue, with brownfield plan ending on or before 2043.
c. The costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Brownfield Financing Act.

I hereby certify that the above resolution was adopted by the Traverse City City Commission at its regular meeting held on November 18, 2013, in the Commission Chambers of the Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

_____

Benjamin C. Marentette, CMC, City Clerk

MDEQ and MSF Eligible Activities
The Corners Redevelopment Project
147 East Eighth Street
Traverse City, Michigan
AKT Peerless Project No. 8399B-1-25
As of October 23, 2013

Environmental Eligible Activities (MDEQ)				Requested Estimates
Reference Letters	-	-	-	
Activity	No. of Units	Type of Unit	Cost/Unit	Estimated Total Cost
1000-BEA Environmental Assessment Activities				
Phase I Environmental Site Assessment (ESA)	1	LS	$ 3,850.00	$ 3,850.00
Phase II ESA Site Investigation	1	LS	$ 1,500.00	$ 1,500.00
Baseline Environmental Assessment (BEA)	1	LS	$ 3,500.00	$ 3,500.00
Total BEA Environmental Assessment Activities				**$ 8,850.00**
2000-Section 7a Compliance Analysis (Due Care Plan) and Due Care Activities				
Due Care Investigation	1	LS	$ 2,000.00	$ 2,000.00
Due Care Plans - Pre, During and Post Construction				
Pre-Construction Due Care Plan	1	LS	$ 2,000.00	$ 2,000.00
Environmental Construction Management Due Care Plan	1	LS	$ 3,500.00	$ 3,500.00
Post-Construction Due Care Plan	1	LS	$ 2,500.00	$ 2,500.00
Impacted Urban Debris/Historic Fill - Environmentally Impacted Unstable Material Management				
Excavation	50	TNS	$ 12.00	$ 600.00
Trucking	50	TNS	$ 8.00	$ 400.00
Disposal/Backfill	50	TNS	$ 35.00	$ 1,750.00
On-Site Environmental Construction Management	3	DAYS	$ 1,250.00	$ 3,750.00
Environmental Project Management and Oversight During Due Care Field Activities	10	HRS	$ 125.00	$ 1,250.00
Health and Safety Plans (HASPs, up to 2 at $2,500 each)	2	EA	$ 2,500.00	$ 5,000.00
Bid Specifications	1	LS	$ 5,000.00	$ 5,000.00
Soft Costs	1	LS	$ 5,000.00	$ 5,000.00
Project Management for Due Care Activities	1	LS	$ 2,500.00	$ 2,500.00
Section 7a Compliance Analysis (Due Care Plan) and Due Care Activities Total				**$ 35,250.00**
3000-Additional Response Activities				
Additional Response Activities Total				**$ -**
Environmental Eligibilities (MDEQ) Grand Total				**$ 44,100.00**
Non-Environmental MSF Eligible Activities (MSF)				
Activity	**No. of Units**	**Type of Unit**	**Cost/Unit**	**Total Estimated Cost**
5000-Demolition (County-wide)				
Site Demolition	1	LS	$ 8,200.00	$ 8,200.00
Building Demolition	1	LS	$ 10,000.00	$ 10,000.00
On-Site Demolition Oversight	2	DAYS	$ 375.00	$ 750.00
Project Management and Oversight During Demolition	20	HRS	$ 75.00	$ 1,500.00
Soft Costs	1	LS	$ 2,500.00	$ 2,500.00
Project Management for Demolition Activities	1	LS	$ 1,500.00	$ 1,500.00
Demolition Total				**$ 24,450.00**
6000-Lead & Asbestos Abatement (County-wide)				
Asbestos and Lead Paint Survey	1	LS	$ 3,500.00	$ 3,500.00
Asbestos and Lead Paint Abatement	1	LS	$ 15,000.00	$ 15,000.00
Bid Specifications	1	LS	$ 1,500.00	$ 1,500.00
On-Site Asbestos Abatement Oversight	3	DAYS	$ 1,250.00	$ 3,750.00
Project Management and Oversight During Abatement Activities	8	HRS	$ 125.00	$ 1,000.00
Soft Costs	1	LS	$ 2,500.00	$ 2,500.00
Project Management for Lead and Asbestos Abatement Activities	1	LS	$ 1,500.00	$ 1,500.00
Lead & Asbestos Abatement Total				**$ 28,750.00**
7000-Site Preparation [a] (City of Traverse City Only)				
Geotechnical Engineering	1	LS	$ 1,000.00	$ 1,000.00
Land Balancing	1	LS	$ 6,000.00	$ 6,000.00
Temporary Site Control	1	LS	$ 7,000.00	$ 7,000.00
Project Management	1	LS	$ 6,000.00	$ 6,000.00
Temporary Erosion Control-Silt Fencing	1	LS	$ 2,500.00	$ 2,500.00
Temporary Erosion Control-Sediment Bags	1	LS	$ 1,000.00	$ 1,000.00
Subsurface Stabilization of Impacted Urban Fill	7,000	YDS	$ 2.83	$ 19,810.00
Soft Costs--so long as they are directly associated with Site Preparation activities (including engineering and design), professional fees and costs (does not include legal/attorney fees).	1	LS	$ 11,600.00	$ 11,600.00
Project Management for Site Preparation Activities	1	LS	$ 2,500.00	$ 2,500.00
Site Preparation Total				**$ 57,410.00**
8000-Infrastructure Improvements (City of Traverse City Only)				
Curbs and Gutter (Cass Street & Alley) [1]	240	LF	$ 50.00	$ 6,000.00
Cass Street Paving, Striping, etc. [1]	1	LS	$ 4,000.00	$ 2,000.00
Alley Paving, Striping, etc.	1	LS	$ 1,500.00	$ 1,500.00
Lighting [1]	2	EA	$ 1,250.00	$ 1,250.00
Construction Signage	1	LS	$ 2,000.00	$ 2,000.00
Sidewalk & Pavers in Right-of-Way (Cass Street) [1]	1	LS	$ 16,000.00	$ 8,000.00
Storm Sewers (Cass Street & Alley) [1]	1	LS	$ 15,000.00	$ 7,500.00
Water Mains (Cass Street & Alley)	1	LS	$ 13,000.00	$ 13,000.00
Sanitary Sewer Mains (Cass Street & Alley)	1	LS	$ 2,000.00	$ 2,000.00
Electrical (if owned by Traverse City Light Power TCLP District)	1	LS	$ 2,000.00	$ 2,000.00
On-Site Stormwater Management meeting Low Impact Development (LID)				
Green Roof System	870	SF	$ 33.34	$ 29,005.80
Drains	10	EA	$ 1,000.00	$ 10,000.00
Roof Under Plantings	870	SF	$ 34.49	$ 30,006.30
Engineering & Design	1	LS	$ 4,000.00	$ 4,000.00
Heated Sidewalks	1	LS	$ 20,000.00	$ 20,000.00
Streetscape/Landscaping in Right-of-Way (Cass Street) [1]	1	LS	$ 5,000.00	$ 2,500.00
Utility Disconnects and Connections, Fees and Hookup Charges, Right-of-Way Permits	1	LS	$ 2,000.00	$ 2,000.00
Soft Costs	1	LS	$ 16,000.00	$ 16,000.00
Project Management for Infrastructure Improvement Activities	1	LS	$ 2,500.00	$ 2,500.00
Infrastructure Improvements Total				**$ 161,262.10**
Non-Environmental MSF Eligible Activities (MSF) Grand Total				**$ 271,872.10**
Eligible Activities (MDEQ and MSF) Total				**$ 315,972.10**
15% Contingency on Eligible Activities				$ 46,068.32
Interest (2.5%, simple) [c]				$ 32,330.15
Eligible Activities (MDEQ and MSF) with Contigency and Interest Total				**$ 394,370.56**
9000-Brownfield Plan and Act 381 Work Plan Preparation				
GTCBRA Application Fee ($500) and Administration Fee (1% of Eligible Activity Expense and Capped at $20,000)	1	LS	$ 4,443.71	$ 4,443.71
Combined Brownfield Plan	1	LS	$ 17,000.00	$ 17,000.00
Brownfield Plan and Act 381 Work Plan Preparation Total				**$ 21,443.71**
ELIGIBLE ACTIVITIES GRAND TOTAL				**$ 415,814.27**
GTCBRA COVERED ELIGIBLE ACTIVITIES = 95% OF GRAND TOTAL [b]				**$ 395,023.55**
Total Capture - Grand Total				**$ 395,023.55**

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: AD HOC COMMITTEE – OPEN SPACE WATER BOTTLE FILLING STATIONS

The Water Bottle Filling Station Ad Hoc Committee was originally established on May 20, 2013, with Commissioner Carruthers, Mayor Estes, and Commissioner Easterday; serving as Chair. The Ad Hoc Committee has since expired. Consistent with the City Commission's goals and priorities, it is recommended that an ad hoc committee be re-established.

I recommend the following motion:

that a City Commission Water Bottle Filling Station Ad Hoc Committee be reestablished (originally established May 20, 2013) to make a recommendation regarding water filling stations at the Open Space during events and festivals; and that Commissioners _____, _____ and _____, be appointed to such committee, with Commissioner _____ to serve as Chair, with the committee set to expire April 19, 2014.

JJO/kjl
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The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: APPOINTMENT – HOUSING COMMISSION

Attached is a memo from Deputy City Clerk Katie Lowran, regarding the Mayor's recommendation for reappointment of Kay Serratelli to one five-year term expiring November 30, 2018, on the Housing Commission.

As indicated by Ms. Lowran, this is a Mayoral appointment, which requires City Commission approval.

The following motion would be appropriate:

that the Mayor's reappointment of Kay Serratelli to one five-year term (seat previously held by Kay Serratelli) expiring November 30, 2018, on the Housing Commission, be approved.

JJO/kjl
e copy – Ilah Hanson, Housing Director
k:\tcclerk\city commission\appointments\appthc2013

Memorandum

The City of Traverse City

TO: Jered Ottenwess, City Manager

COPY:

FROM: Katie Lowran, Deputy City Clerk

DATE: Wednesday, November 13, 2013

SUBJECT: HOUSING COMMISSION – APPOINTMENT

There is one upcoming term expiration on the Housing Commission (11/30/13). This is a five-year term expiring on November 30, 2018. The incumbent, Kay Serratelli, is seeking reappointment. The Mayor has reviewed the applicants and is recommending Kay Serratelli for reappointment.

This is a Mayoral appointment, which requires City Commission approval.

The following have volunteered:
Kay Serratelli (incumbent, seeking reappointment) (Attended 13/14 meetings in 2012)
Edie Brown

As always, please let me know if I may be of further assistance.

The City of Traverse City

Office of the City Clerk

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
tcclerk@traversecitymi.gov

September 9, 2013

RECEIVED
SEP 18 2013
CITY OF TRAVERSE CITY
CITY CLERKS OFFICE

Ms. Kay Serratelli
237 Midtown Dr.
Traverse City, MI 49684

Dear Ms. Serratelli:

Subject: Term Expiring – Housing Commission

As you are aware, your appointment to the Housing Commission expires on November 30, 2013. On behalf of the City Commission, I respectfully request that you sign below to indicate if you wish to be reappointed.

Please allow this to serve as my willingness and desire to be considered as a member on the Housing Commission.

Kay Serratelli
Signature

Sept. 18, 2013
Date

It is with regret that I do not wish to be considered for another term on the Housing Commission.

Signature

Date

We will forward your response to the appointing authority for its consideration. On behalf of the City of Traverse City, thank you for your dedicated service to this community; it is greatly appreciated! If I may ever be of assistance, please do not hesitate to contact me.

Sincerely,

Katie Lowran

Katie Lowran
Deputy City Clerk

HOUSING COMMISSION

	Initial Appt. Date	Termination
Serratelli, Kay 237 Midtown Dr, TC 49684 929-3252 (Res.) 882-0365 (Bus.) ***-Term Expiring, Seeking Reappointment-***	11/07/11	~~11/30/13~~ **11/30/18**
Simerson, Jo 150 Pine Street Apt #101, T.C. 49684 421-5628 (Res) 937-760-1211 (cell)	04/02/12	11/30/16
Michael, Richard 337 W. 12th St. - T.C. 49684 231-631-4848 rtaxman@gmail.com	11/12/12	11/30/17
Myers, Judy L. 2555 Tonawanda Road, Grawn, 49637 276-5080 (Res.) 409-7644 (cell) tcjlm@aol.com	10/18/10	11/30/15
Smits, Andy 402 Leeward Trail, T.C. 49686 429-3184 (Res.) 933-4041 (Bus.) ajs@inlandseaseng.com	02/01/10	11/30/14

Ilah Honson – Executive Director - staff

All appointments are 5-year terms expiring 11/30. This commission consists of 5 members appointed by the Mayor and approved by the City Commission. It is a HUD requirement that the City attempt to appoint at least one resident of a City housing complex.

One member of the commission shall be a tenant of public or subsidized housing as provided in this subsection. If, on the effective date of the amendatory act that added section 11a, a commission is managing an occupied project and has no tenant member, a tenant member shall be appointed for at least 1 of the next 3 vacancies after that effective date, or within 2 years after that effective date, whichever comes first.

Authority: "To purchase, acquire, construct, maintain, operate, improve, extend and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare; to issue notes and revenue bonds; to regulate the issuance, sale, retirement and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects, etc. etc." Taken from P.A. No. 18, Ex. Sess., 1933.

Commission was formed by adoption of Ordinance No. 105 on October 3, 1966 pursuant to P.A. 18 of the Extra Session of 1933, as amended.

On October 2, 1995, the City Commission waived the residency requirement to allow not more than one member to reside outside the City and in Grand Traverse County as the Housing Commission has a contractual agreement with Grand Traverse County.

Meets the 3rd Tuesday of each month at 8:00 a.m. @ Orchard View or Riverview.
Members can hold another City office provided there is no conflict of interest. (Doren, 4-11-97).

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF NOVEMBER 18, 2013

DATE: NOVEMBER 14, 2013

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: APPOINTMENT TO BROWN BRIDGE ADVISORY COMMITTEE – CITY COMMISSION REPRESENTATIVE

Commissioner Carruthers has submitted his resignation on the Brown Bridge Advisory Committee and indicated his desire to have Commissioner Howe serve. Commissioner Howe has indicated that he would be willing to serve. This is for one unexpired three-year term expiring October 6, 2014.

This is a City Commission appointment.

I recommend the following motion:

That the resignation of Commissioner Carruthers dated November 13, 2013, from the Brown Bridge Advisory Committee, be accepted; and that Commissioner Howe be appointed to one unexpired three-year term expiring October 6, 2014, (seat previously held by Commissioner Carruthers), on the Brown Bridge Advisory Committee.

JJO/kjl

e copy Steve Largent, Grand Traverse Conservation District Boardman River Program Coordinator

k:\tcclerk\city commission\appointments\appt_cc_bbac2013

BROWN BRIDGE ADVISORY COMMITTEE

	Initial Appt. Date	Termination
Asper, Nelson 1590 River Drive, TC 49696 nasper@mainstreammkt.com	05/02/11	10/03/16
Carruthers, James (City Commission Rep, city res) 218 West 11th Street, T.C. 49684 922-7768 (Res.) jccarruthers@gmail.com ***-Received Resignation Effective November 13, 2013, Need CC Representation-***	11/9/09	~~10/06/14~~
Downer, David 1965 River Rd. W, TC 49686 941-7122 (Res.) 357-4592 (Cell) briverdown@charter.net	09/07/10 (Eff. 10/4/10)	10/03/16
Forgione, Margaret (city resident) 605 W. Seventh Street 946-8525 (Res.) backhome@earthlink.net	10/2/07	10/03/14
Maxbauer, Paul (city resident) 409 West 12th Street 409-7807 (Cell) 941-7621 (Bus.) pmaxba@gmail.com	03/18/13	10/05/15
Horstman, Robert 1571 Lake Drive, TC 49684 946-8698 (Res.)	09/16/02 (Eff.10/02)	10/03/14
Kreft, Michael (city resident) 701 Cherokee St. 49684 357-1515 (Res.), 932-1512 (Bus.) kreftengr@charter.net	03/5/07	10/05/15
Gerschbacher, Larry 925 Kelley St., TC 49686 946-1592 (Res) gerschtc@charter.net	10/07/13	10/03/16
Nemitz, Judith 4572 Albert Courtade Rd., 632-9009 (Res.), 995-1755 (Bus.) jjnemitz@yahoo.com	03/24/05	10/05/15
Scrudato, Deni (city resident) 422 E. State Street, TC 49686 922-5938 (Res.) deniscrudato@yahoo.com	09/07/10	10/05/15
Tuller, Jim (city resident) 220 W. 13th, TC 49684 342-0650 (Res.) 922-49630 (Bus.) jtuller@tcfire.org	9/7/10 (Eff. 10/4/10)	10/03/16

BROWN BRIDGE ADVISORY COMMITTEE (continued)

Dave Green, Staff (Ex-Officio; no voting authority) Indefinitely (non-TC resident)

Resources:

Steve Largent
Boardman River Program Coordinator
Grand Traverse Conservation District
1450 Cass Road
Traverse City, MI 49685
Office: 941-0960
Fax: 941-0837
E-mail: slargent@gtcd.org

All appointments are three-year terms expiring the first Monday in October.

The Committee meets quarterly on the third Thursday of that month.

This Committee consists of twelve members (half of which must be city residents). They are selected as follows:

One member of the City Commission – selected by it

One member is the City Manager or its designee – selected by City Manager

All other members appointed by the City Commission (again, half of all members must be city residents)

Purpose: To make recommendations to restore, preserve and protect the integrity of the Brown Bridge property under the direction of the City Manager.

Committee established by the City Commission on October 4, 1993.

Resolution establishing the Brown Bridge Advisory Committee as a twelve-member committee, to allow for the establishment of a seat to be nominated by the Traverse City Light and Power Board was adopted by the City Commission on June 4, 2001 - - this Resolution supercedes the April 3, 1993, action of the City Commission relating to the establishment and composition of the Committee.

Ordinance Amendment 651 (enacted 8-16-04) revised manner in which appointments are made; the method for appointments in light of this change is reflected above.

Katelyn Stroven <kstroven@traversecitymi.gov>

One more time...multi tasking is not always a good thing...

1 message

Jim Carruthers <jccarruthers@gmail.com> Wed, Nov 13, 2013 at 2:31 PM
To: Benjamin Marentette <bmarente@traversecitymi.gov>
Cc: Katelyn Stroven <kstroven@traversecitymi.gov>

Ben,
In an effort to share some of the city committee responsibilities with the newly elected commissioners, I would be happy to resign my seat on the Brownbridge Advisory Council so that Gary Howe has the opportunity to participate on the Council.

I have enjoyed my time on the Council and know Gary will be a good replacement.
Jim Carruthers
City Commissioner

MINUTES **ACT 345 RETIREMENT SYSTEM**

DATE: August 28, 2013
LOCATION: Mayors Conference Room, Government Center, 400 Boardman Ave., Traverse City, MI 49684
TIME: 12:00 Noon.
PRESENT: W. Twietmeyer, J. Jenkins, W. Kuhn, J. Bussell, C. Rueckert
ABSENT:
GUESTS: C. Kuhn
STAFF: B. Postma

J. Jenkins called the regular meeting to order at 12:02 pm.

Moved by C. Rueckert, seconded by J. Bussell that the minutes of the July 31, 2013 regular meeting be approved.

Motion approved 5-0.

Warrant No. 568 in the amount of $169,458.82 for Retirees Benefits for September 2013 was approved and signed by J. Bussell and W. Kuhn.

Moved by W. Kuhn, seconded by J. Bussell that the Board nominate W. Twietmeyer and C. Rueckert as delegates and W. Kuhn as alternate to the upcoming MAPERS Conference on September 22-24, 2013 in Grand Rapids, Michigan.

Motion approved 5-0.

C. Kuhn of Gray & Company gave a report to the Board which was the performance report for the period ending June 30, 2013 including a capital market review, a total fund performance and analysis along with an investment manager performance and analysis. The Board asked various questions. The Board was also provided a snapshot of market value with a target market value as of August 23, 2013. A presentation of the alternative investment review was given to the Board. The Board asked various questions.

Moved by W. Kuhn, seconded by C. Rueckert that the Board approve payment to Gabriel, Roeder, Smith & Company for $1,923.00 for preparation of the summary report and for supplemental calculations over and above the amount provided by contract.

Motion approved 5-0.

It was announced that retiree Ross Wamsley had recently passed away.

Moved by.C. Rueckert, seconded by J. Bussell to adjourn.

Motion approved 5-0.

Meeting adjourned at 1:00 pm.

William E. Twietmeyer
William E. Twietmeyer
Secretary/Treasurer

1/18

MINUTES
TRAVERSE CITY HISTORIC DISTRICTS COMMISSION
REGULAR MEETING
THURSDAY, SEPTEMBER 26, 2013
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

PRESENT:	Commissioners Crane, Zacks, Andres, Brockmiller, Mansuy and Vice-Chairperson Tobin.
ABSENT:	Chairperson Callahan
STAFF PRESENT:	David Weston

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES:

Approval of the August 29, 2013 regular meeting minutes.

Motion by Commissioner Zacks, seconded by Commissioner Crane to approve the August 29, 2013 regular meeting minutes as presented. Upon vote the motion carried 6-0.

3. REQUEST 13-HDC-09, FROM MARK DAVIES, 428 WASHINGTON STREET, TRAVERSE CITY, MICHIGAN for:

Approval of plans for the construction of a rear (south) covered porch addition located at the property mentioned. (Boardman Neighborhood Historic District)

Jennifer Davis presented drawings and answered questions from the Commission. Motion by Commissioner Andres, seconded by Commissioner Mansuy to approve the drawings contingent that the overhang on the new porch match the existing porch and not "pinch" the window and the roof on the new porch shall be a hip roof. Upon vote the motion carried Commissioner Andres will serve as the project liaison.

4. **REQUEST 13-HDC-10, FROM RAY KENDRA, ARCHITECT FOR MICHAEL AND MELISSA DOW, 436 WASHINGTON STREET TRAVERSE CITY, MICHIGAN** for:

Approval of plans for a second story addition and a 288 square foot (12' x 24') carport addition to an existing detached garage located at the property mentioned. (Boardman Neighborhood Historic District)

Ray Kendra presented drawings and answered questions from the Commission. Motion by Commissioner Crane, seconded by Commissioner Mansuy to approve the drawings as presented. Upon vote the motion carried 6-0.

5. **PUBLIC COMMENT**

None.

6. **ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.

Respectfully submitted

DMWeston

David M. Weston, Secretary

Date 10-24-13

11/14

TRAVERSE CITY
LIGHT AND POWER BOARD

Minutes of Regular Meeting
Held at 5:15 p.m., Commission Chambers, Governmental Center
Tuesday, October 8, 2013

Board Members -

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

Ex Officio Member -

Present: Jered Ottenwess, City Manager

Others: Tim Arends, Scott Menhart, Karla Myers-Beman, Tom Olney, Stephanie Tvardek, Blake Wilson

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

With the consent of the Board, Chairman McGuire allowed public comment prior to the consideration of the consent calendar from Jim Dulzo, MLUI, 556 Case Rd. commending TCL&P for continuing participation with the TCSaves Program.

As requested by Geht, Agenda Item 2(c) was removed from the Consent Calendar for full discussion.

<u>Item 2 on the Agenda being Consent Calendar</u>

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

a. Minutes of the Regular Meeting of September 24, 2013.

b. Traffic Signal Maintenance Agreement between TCL&P and City of Traverse City.

c. *Removed from the Consent Calendar.*

d. Repeal the following policies:
   a. Bayside Power Plant Roof Access Policy
   b. Cogeneration Facilities Policy
   c. Electric Utility Customer Credit Policy

e. Customer refund request.

CARRIED unanimously.

<u>Items removed from the Consent Calendar</u>

a. Consideration of authorizing an Amendment to the Dark Fiber Services Agreement with Grand Traverse County.

The following individuals addressed the Board:

Tim Arends, Executive Director
Scott Menhart, Manager of Telecom & Technology

Moved by Spence, seconded by Budros, that the Board authorizes the Chairman and Secretary to enter into Amendment One for the Grand Traverse County Dark Fiber Services Agreement, subject to approval as to substance by the Executive Director and as to form by General Counsel.

CARRIED unanimously.

Item 3 on the Agenda being Unfinished Business

None.

Item 4 on the Agenda being New Business

Geht announced he would recuse himself from the discussion and vote regarding agenda item 4(a).

4(a). Pine Street Overhead to Underground Distribution Conversion project re-authorization.

The following individuals addressed the Board:

Tim Arends, Executive Director
Michael McGeehan, GRP Engineering, Inc.
Tim Lodge, City Engineer
Blake Wilson, System Engineer

Jean Derenzy, Deputy Planner, Grand Traverse County, and Mike Wills, Midtown Development Inc., presented the Uptown Project to the Board.

Budros requested the sentence in the fourth paragraph of the "Critical Items" section be left as "...to be provided by others" and not be changed to read "...to be determined."

Moved by Budros, seconded by Spence, that the Light and Power Board re-authorizes the Pine Street – Overhead to Underground Distribution Project as amended to include undergrounding an existing overhead distribution circuit through the Uptown Development and under the Boardman River to Hannah Park.

Roll Call:
Yes – Budros, Carruthers, Palisin, Spence, Taylor
No – McGuire
Abstained – Geht

CARRIED.

6:27 p.m. Taylor departed the meeting.

4(b). Consideration of awarding bid for the Parsons to Airport Transmission Line Project.

The following individuals addressed the Board:

Tim Arends, Executive Director
Michael McGeehan, GRP Engineering, Inc.

Moved by Budros, seconded by Palisin, that the Board authorizes the Chairman and Secretary to execute a contract with Kent Power, Inc. for the Parsons Road Transmission Line Project in the amount of $200,038.75; subject to approval as to substance by the Executive Director and as to form by General Counsel; and further authorizes the Executive Director to administer amendments and change orders that are in the best interest of Traverse City Light & Power.

CARRIED unanimously. (Taylor absent)

4(c). Consideration of awarding bid for the East Transmission Line Project.

The following individuals addressed the Board:

Tim Arends, Executive Director
Michael McGeehan, GRP Engineering, Inc.

Moved by Spence, seconded by Palisin, that the Board authorizes the Chairman and Secretary to execute a contract with Kent Power, Inc. for the East Hammond Substation 69kV Line Project in the amount of $484,356.20; subject to approval as to substance by the Executive Director and as to form by General Counsel; and further authorizes the Executive Director to administer amendments and change orders that are in the best interest of Traverse City Light & Power.

CARRIED unanimously. (Taylor absent)

Item 5 on the Agenda being Appointments

None.

Item 6 on the Agenda being Reports and Communications

A. From Legal Counsel.

None.

B. From Staff.

1. Tim Arends spoke re: Bob Dyer's proposal for consulting services.

C. From Board.

1. Barbara Budros requested the Board schedule a closed session for the next meeting to speak re: attorney opinions on dark fiber services.
2. Jim Carruthers confirmed the next regular board meeting has been rescheduled for **Wednesday** October 23, 2013.

Item 7 on the Agenda being Public Comment

No one from the public commented.

There being no objection, Chairman McGuire declared the meeting adjourned at 6:58 p.m.

Tim Arends, Secretary
LIGHT AND POWER BOARD

/st

Memorandum

The City of Traverse City

To: Jered Ottenwess, City Manager
From: William E. Twietmeyer, City Treasurer/Finance Director W.E.T.
Subject: Tax Tribunal Refunds
Date: November 11, 2013

This communication is to report to you that the Michigan Tax Tribunal has issued judgments related to Auto-Owners Insurance Company and Rite Aid Corporation regarding their taxable value. As a result the County Treasurer has invoiced the City for adjustments to the 2011 and 2012 tax years which resulted in the City being required to refund $50,880.65 of which $42,588.71 will come from the General Fund and $8,291.94 will come from the Act 345 Millage Fund.

In addition, the 2013 tax roll was adjusted which results in a refund to these taxpayers in the total amount of $26,111.58 of which $21,603.20 comes from the General Fund and $4,508.38 comes from the Act 345 Millage Fund.

Finally, an invoice from the County Treasurer's Office has been sent to the DDA along with a communication identifying that TIF 97 will be required to issue a refund of $69,980.05 for 2011 and 2012 tax tribunal decisions regarding Hannah & Lay LLC and Harbour View Centre Condo. This is in addition to $34,324.68 which has been refunded by TIF 97 for the 2013 tax season for these two taxpayers.

Please place this on the next City Commission agenda under reports and communications for their information.