



**Notice**  
**City Commission and**  
**Grand Traverse County Board of Public Works**  
**Joint Study Session**

**7:00 p.m.**

Monday, December 9, 2013

Governmental Center, Commission Chambers, 400 Boardman Avenue  
Traverse City, MI 49684

Posted and Published: 12-6-13

The meeting informational packet is available for public inspection at the Traverse Area District Library, Law Enforcement Center, 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, MI 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.

At the request of City Manager Jered Ottenwess, City Clerk Benjamin Marentette has called this Study Session of the City Commission.

City Commission:  
c/o Benjamin C. Marentette, CMC, City Clerk  
(231) 922-4480  
Email: [tcclerk@traverscitymi.gov](mailto:tcclerk@traverscitymi.gov)  
Web: [www.traverscitymi.gov](http://www.traverscitymi.gov)  
400 Boardman Avenue  
Traverse City, MI 49684

### **Welcome to the Joint Study Session!**

Any interested person or group may address the Commission and Board of Public Works 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 Commission and Board of Public Works 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.

## **Agenda**

Pledge of Allegiance

Roll Call

1. Discussion regarding membrane technology at the Traverse City Wastewater Treatment Plant. (Jered Ottenwess)
  - A.) Presentation by Scott Levesque, CH2M HILL
  - B.) Questions from, and deliberation by, City Commission and Board of Public Works
2. General public comment for City Commission and Grand Traverse County Board of Public Works. (**Note:** this will be the only general public comment section for this evening.)

\*City Commission continued discussion  
(Grand Traverse County Board of Public Works is welcome to stay)\*

3. Discussion regarding Mobile Food Vendor regulations as requested by Mayor Pro Tem James Carruthers and Commissioner Gary Howe. (Mayor Pro Tem James Carruthers, Commissioner Gary Howe)

City Commission &  
Grand Traverse County Board of Public Works  
Joint Study Session Agenda

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4. Discussion regarding snow removal. (Jered Ottenwess)
5. Announcements from the City Clerk. (Benjamin Marentette)
6. Adjournment.

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The City of Traverse City

# Communication to the City Commission

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FOR THE CITY COMMISSION MEETING OF DECEMBER 9, 2013

DATE: DECEMBER 6, 2013

FROM: <sup>50</sup>JERED OTTENWESS, CITY MANAGER

SUBJECT: DECEMBER 9 STUDY SESSION

This memo covers the topics on Monday's study session.

***1. Discussion regarding membrane technology at the Traverse City Wastewater Treatment Plant.***

Our meeting begins as a Joint Study Session with the Grand Traverse County Board of Public Works. In terms of protocol, members of the Board of Public Works will be seated next to the City Commission; and both the City Commission and Board of Public Works are encouraged to discuss the matter and ask questions. It is the intention that Mayor Estes will preside over public comment for the meeting. In speaking with Mayor Estes, general public comment for the evening will be held right after this agenda item when both boards are present; therefore, there is not a designated general public comment section later in the agenda.

Scott Levesque of CH2M HILL will be providing a presentation Monday night regarding membrane replacement at the Traverse City Wastewater Treatment Plant. Attached is the technical memorandum regarding membrane replacement which was provided to you previously. Mr. Levesque's presentation will deliver the information from the memorandum in a less technical manner.

Desired Outcome:

This portion of the meeting is intended to be informational. In the future, we will bring back options with funding scenarios. Financial implications are obviously paramount; however, several variables make a definite conclusion impossible at this time. The replacement schedule and potential to issue bonds to finance the project are two key variables and you may consider these discussion points at this and future study sessions.

**2. *Discussion regarding mobile food vending regulations as requested by Mayor Pro Tem James Carruthers and Commissioner Gary Howe.***

Attached is a request from Mayor Pro Tem James Carruthers requesting the Commission consider changing the allowed hours of operation for Mobile Food Vendors in commercial areas. Currently, such vending may occur between the hours of 7 a.m. to 11 p.m. Mayor Pro Tem Carruthers requests that such vending be allowed between the hours of 6 a.m. to 3 a.m. For some context and background regarding the ordinance, attached is the September 30, 2013, Report from the City Clerk that was presented to the Commission on October 7, 2013. The ordinance is also attached.

**Desired Outcome:**

Feedback from the Commission on if it would like an ordinance amendment making the requested change brought back to the City Commission for possible introduction at the December 16, 2013 Regular Meeting.

**3. *Discussion regarding snow removal.***

City staff is committed to providing safe, accessible streets and alleys during the winter months, including sidewalks, while keeping expenses in balance with the current budget appropriation. Attached is a hardcopy of the Snow Removal Operations PowerPoint that explains the policy and procedures currently in place to provide this service. Staff will post a copy of the PowerPoint on the website to provide this information to the public. As winter gets underway there are usually improvements and adjustments that should be considered to provide better service. Toward this end, I have directed the City's Code Enforcement Officer to more proactively enforce the City's snow removal ordinance. The Code Enforcement Officer has started by communicating with property owners/occupants in heavily trafficked (commercial) areas, including around schools.

The purpose of this memo is to provide background information and an overall summary of the City's snow removal service. This memo is not intended to examine the complete range of issues associated with snow removal, for example, potential changes to the ordinance or ADA requirements.

**Staffing:**

Currently, the Streets Division has authorization for 13 equipment operators: there are 9 plow operators during the day shift, 2 during the afternoon shift and 2 during the night

shift. This is a reduction from a high of 18 operators in 2006: when there were 10 plow operators and 3 sidewalk personnel during the day shift; 2 plow operators on the afternoon shift and 2 on the night shift. On weekends and holidays 1 plow operator is scheduled during the early morning hours to keep an eye on conditions and to spread salt/sand where needed. Currently, there are 8 neighborhood plow routes and one highway plow route.

**Priorities:**

- (1) Currently, the top priority is the "Green Route" consisting of the emergency routes, including MDOT trunk lines, and the hill sections around town. This route is maintained during the weekdays, as well as evenings, holidays and weekends.
- (2) The second priority is the remainder of City streets and alleys which are plowed by the day shift during the work week. The Parks Division handles the city plowed parking lots and bridges.
- (3) The third priority is sidewalks.
- (4) The fourth is removal of snow from municipal parking lots, cul de sacs and median strips where snow has been stored.
- (5) Previously, the City removed snow from the trails once the sidewalks were done. Currently, TART volunteers clean the trails utilizing City equipment.

**Sidewalks:**

The occupant of the adjacent property is responsible for snow removal from sidewalks pursuant to City Ordinance 668.11: "The removal of snow and ice from private property and the sidewalk abutting or crossing private property shall be the responsibility of the occupant of such private property." Enforcement within recent years, which has been limited, occurred when additional snow had been plowed onto the sidewalks; once notification was made, compliance was achieved.

Historically, as a courtesy to pedestrians, the Streets Division provided snow removal services beginning around schools and the hospital area and expanding from there simultaneous with street and alley plow routes. Now, due to reduced staffing levels, when a snow event has passed, 3 plow operators will switch over to sidewalk snow blowing to clear the sidewalks (78 miles) within the City once these plow operators other street and alley routes are cleared. Thus, sidewalk clearing is no longer performed simultaneously with the streets and alleys.

We try to have all sidewalks cleared within three days, but in the case of extended snow

events, it may be longer. For example, if operators complete their street and alley routes and start sidewalk routes as another storm event begins, those operators may need to switch back to street and alley routes before they can complete sidewalk routes. In addition, the most recent snow fell with significant leaves still on the ground and these leaves needed to be removed before further snow accumulated. Combined with staffing shortfalls as a result of various leave during the recent event, sidewalks were not thoroughly cleared which precipitated several complaints.

**Downtown:**

Snow removal in the downtown is handled differently from the residential areas as the snow must be physically removed. The 2 night operators are responsible for downtown snow removal (streets) in addition to maintaining the Green Route. The snow is pushed with loaders and pushers into nearby municipal parking lots and hauled away by Street crews a few days later. During snowfalls of three inches or more, a contractor coordinates with the night crew and clears the downtown sidewalks of snow. During significant snowfalls, it may be determined that a contractor is needed to help remove the snow in the immediate downtown area. The DDA funds this additional level of service.

**Next Steps:**

The reality is that we do not have the staffing to handle snow removal to the satisfaction of all residents, especially if staff capabilities are further reduced due to injury, leave or other circumstances. Due to concerns raised, staff is looking at what we can do now, including educating residents on their responsibility to remove snow on the sidewalk adjacent to their property through notifications, information on the website, etc.

I am also considering other ways to address the matter such as rearranging work flows of current staff, rearranging plowing priorities, plowing sidewalks adjacent to City property and/or contracting out some functions during heavy snowfalls. A long term solution to this matter will likely include a discussion of the services provided by the City: service levels, staffing levels, and budget implications.

JJO/bcm K:\tcclerk\city commission\study sessions\20131209

e-copy: Michael Slater, Director of Grand Traverse County Board of Public Works  
Scott Levesque, CH2M HILL  
Casey Rose, CH2M HILL  
Dave Green, Director of Public Services

# Traverse City Regional Wastewater Treatment Plant Membrane Replacement

PREPARED FOR: Traverse City, Michigan  
PREPARED BY: Scott Levesque  
REVIEWED BY: John Bowman, Casey Rose  
DATE: October 18, 2013 (revised November 15, 2013)  
PROJECT NUMBER: 439201

## Executive Summary

This technical memorandum discusses membrane replacement at the Traverse City Regional Wastewater Treatment Plant (TCRWWTP).

A membrane bioreactor (MBR) process that uses GE/ZENON membranes has been in service at the plant since 2004. Typical membrane life at similar installations has been 8 to 10 years, suggesting that the membranes may need to be replaced soon. Former City Manager Ben Bifoss asked CH2M HILL to help the City prepare for membrane replacement and to explore replacement options with GE on the City's behalf.

CH2M HILL worked with GE to identify the best approach to membrane replacement, which is to use GE's latest membrane module (500D) rather than the membrane module currently installed at the plant (500C). The "short" version of the 500D module must be used, given available water depth in the TCRWWTP membrane tanks.

CH2M HILL worked with GE to negotiate membrane replacement pricing similar to what would be expected in a competitive procurement scenario. This was done by starting with GE's pricing from a recent competitive bid and making adjustments to account for differences between the scopes of supply for the two projects. The negotiated membrane pricing is tied to the U.S. Consumer Price Index, which allows membrane pricing to be determined now and in the future.

Over the last several years, a number of unusual biological process upsets have temporarily impaired membrane productivity at the TCRWWTP. Though progress has been made toward indentifying the cause and preventing future episodes, it cannot be concluded with certainty that they will not recur.

Because the membranes are approaching end of life, and to mitigate the risk of future episodes of impaired membrane productivity, CH2M HILL recommends that the City install new membranes in at least one membrane tank as soon as practical. Then, we will monitor membrane performance and recommend replacement of membranes in other trains on an as-needed basis. This might occur over the next several years, but potential membrane life at the TCRWWTP is unknown.

A bulleted list of CH2M HILL's specific recommendations with respect to membrane replacement is included at the end of this document.

## Background

The Traverse City Regional Wastewater Treatment Plant (TCRWWTP) was upgraded to a membrane bioreactor (MBR) process in order to improve effluent quality and increase treatment capacity without requiring additional land. Following 2-1/2 years of construction, the plant began producing membrane filtered effluent in July 2004. The GE/ZENON membranes installed at the plant have performed well, and there have been no signs of imminent membrane failure. However, typical membrane life at similar installations has been 8 to 10 years, suggesting that the membranes may need to be replaced soon.

A complicating factor with regard to the timing of membrane replacement is that on several occasions there have been unusual biological process upsets that have temporarily impaired membrane productivity. Considerable effort has been expended investigating the cause of these episodes and how to prevent them. While progress has been made, it cannot be concluded with certainty that they will not recur. This is not necessarily a membrane replacement issue; new membranes may or may not perform better than used membranes under such circumstances. However, it is certain that during such events, it would be beneficial to have more installed membranes.

In March, CH2M HILL met with former City Manager Ben Bifoss to discuss the status of the membranes, progress toward preventing future episodes of impaired membrane productivity, and strategies for membrane replacement. Mr. Bifoss asked CH2M HILL to help the City prepare for membrane replacement and to explore replacement options with GE on the City's behalf. He was open to the possibility of sole source procurement if fair pricing could be obtained. CH2M HILL believes that better pricing can be obtained from GE through negotiation than by competition, given plant-specific conditions at TCRWWTP (specifically water depth). Options to install another manufacturer's membranes are limited and could require substantial modification.

## Membrane Replacement Alternatives

In June, CH2M HILL met with GE representatives at the plant to discuss membrane replacement. GE offered a number of alternatives, including in-kind membrane replacement and replacement using GE's latest membrane design.

GE's 500C membrane product is currently installed at TCRWWTP. Since these membranes were installed, GE's membrane chemistry, module design, and cassette design all have been improved, resulting in lower cost of ownership for new installations. The 500C module is still available (with newer chemistry), but it is uncertain how long GE will continue to manufacture this module. If 500C modules are installed in the upcoming replacement, it is likely that GE's newer 500D modules and cassettes would need to be installed in the following replacement. As described below, an advantage of installing new 500D modules and cassettes in the upcoming replacement is that existing 500C cassettes can be relocated to other trains, increasing overall plant membrane area and mitigating the risk of biological process upsets that impair membrane productivity. Advantages of updating the plant to 500D modules outweigh the cost advantage of continuing to use 500C modules; therefore, it was decided to pursue replacement using 500D modules.

GE's 500D modules come in two lengths (heights), standard and short. The water depth in the TCRWWTP membrane tanks is less than the depth of most membrane tanks, and for hydraulic reasons, it would be impractical to raise the water level. There is insufficient water depth to use GE's 500D (standard) modules, so it will be necessary to use its 500Ds (short) modules.

GE MBR facilities use air scour to maintain productivity. Air is injected beneath the modules, and rising air bubbles keep the membrane surface clean. Until recently, GE MBR facilities used "cyclic aeration," in which continuous air supply alternates to multiple sets of membrane modules such that any given module receives air only a fraction of the time. In the last few years, GE has begun using a different air scour approach called LEAP, in which air supply is directed simultaneously to all modules, and the diffusers beneath the modules produce periodic, random bursts of air.

CH2M HILL evaluated whether to continue to use cyclic aeration or implement LEAP aeration. The capital cost of LEAP membranes is higher than for cyclic aeration, and implementing LEAP would require modification of air scour facilities including piping, valves, and blowers. The overall incremental capital cost to implement LEAP instead of cyclic aeration would be about \$1.1 million, whereas the present value of expected energy savings over a 20-year period would be about \$0.4 million. Continued use of cyclic aeration is recommended.

GE determined that to match existing membrane area (filtration capacity) in each of the eight membrane trains, it would be necessary to fill 13 of 16 cassette spaces with new membranes. Each cassette space

would house one 16-module cassette and one 8-module cassette, which would function together. GE already has a 16-module cassette design and has indicated that it will develop an 8-module cassette design at no cost to the City.

If LEAP aeration had been selected, it would have been necessary to replace membranes in two trains at a time. However, because cyclic aeration has been selected, it would be technically feasible to replace the membranes in any number of trains.

When membranes in the first train are replaced, its 13 used cassettes can be distributed among unoccupied cassette spaces in the other trains (7 trains x 3 unoccupied spaces per train = 21 spaces total). However, when membranes in the second train are replaced, only five of its used cassettes can be redistributed. For the other cassettes, membrane modules would be disposed of, and stainless steel cassette frames would be salvaged. (It should be noted that new and used membranes cannot coexist in a given train.)

## Membrane Replacement Cost

A competitive membrane procurement for Temecula, California (October 2012) was used as a starting point for negotiating a "competitive" membrane price for Traverse City. GE's Temecula line item for membrane modules and cassettes was adjusted to account for differences between its Temecula scope of supply (48-module cassettes, standard-length 500D modules, and LEAP aeration) and proposed Traverse City scope of supply (8-module and 16-module cassettes, short 500Ds modules, and cyclic aeration). GE has agreed that for a near-term Traverse City purchase order, pricing would be escalated using the most recently published value for the U.S. Consumer Price Index – All Urban Users (CPI-U). While it is likely GE would honor this pricing arrangement in the future, GE would not commit to it without reciprocal commitments on the part of the City to replace membranes with GE membranes under a prescribed timeline. CH2M HILL recommends against the City making such a commitment.

The following table presents the agreed upon pricing on an October 2012 basis and shows how the price would be escalated to August 2013, the most recently published US CPI-U value at the time of this writing.

**Traverse City RWWTP Negotiated Membrane Replacement Cost (per train)**

<b>Parameter</b>	<b>Oct. 2012</b>	<b>Aug. 2013</b>
US CPI-U (basis for cost escalation)	231.317	233.877
Cassettes per train (13 of 16 spaces filled)	13	13
Modules per cassette (16+8)	24	24
Membrane area per 500Ds module (square feet)	300	300
Membrane area per train (square feet)	93,600	93,600
Cost per square foot of cassettes and modules (shipped to plant, LEAP)	\$6.66	\$6.74
Cassettes and modules (shipped to plant, LEAP)	\$623,779	\$630,682
Deduct to convert from LEAP to cyclic aeration	(\$75,000)	(\$75,830)
Cassettes and modules (shipped to plant, cyclic aeration)	\$548,779	\$554,852
Warranty (2 years, full replacement)	\$9,360	\$9,464
Design (first train only)	\$23,100	\$23,356
Saddle-type anchors (qty. 68)	\$32,643	\$33,004
Hanger arms and split collars (qty. 8)	\$55,770	\$56,387
Permeate hoses, aeration hoses, fittings, and spools	\$30,030	\$30,362
Services	\$60,000	\$60,664
<b>SUBTOTAL (paid to GE/ZENON)</b>	<b>\$759,682</b>	<b>\$768,090</b>
Local sales tax (at 6%)	---	\$46,085
CH2M HILL installation	---	\$10,300
<b>TOTAL (rounded)</b>	<b>---</b>	<b>\$825,000</b>

GE has indicated that the “design” line item applies only to the first train replaced. While GE’s scope under “services” is still being discussed, it is understood that the value shown represents a high level of participation and supervision for installation of new membranes in the first train. For subsequent trains, less GE involvement would be needed.

## **Recommendations**

As described below, it makes sense from a technical perspective to replace the membranes in one or two trains initially, rather than replacing them all. However, we recognize that there could be administrative or financial considerations that make initial replacement of the membranes in three or more trains attractive.

### **Importance of Expediently Replacing Membranes in at Least One Train**

The combination of new membranes in one or two trains as well as greater overall membrane area in the plant could provide needed relief during possible future episodes of impaired membrane productivity. Given the uncertainty of such episodes and potential ramifications if one were to coincide with peak flows, CH2M HILL recommends installing new membranes in at least one train as soon as practical.

Having one or two trains of new membranes is expected to allow us to determine whether occurrence or severity of impaired membrane productivity is affected by membrane age. This could affect the timing of membrane replacement in the other trains.

A benefit of not replacing all membranes at once is that the GE’s latest membrane product has greater productivity than the membranes currently installed, and it may be found that fewer cassettes are ultimately needed in each train. If so, one or more cassettes from the train(s) initially replaced would be relocated when the membranes in subsequent trains are replaced.

### **Deciding Whether to Replace Membranes in One or Two Trains**

In deciding whether to replace membranes in one or two trains initially, there are several considerations:

- Replacing the membranes in one train would have lower initial capital expenditure. (GE has indicated that there is no pricing economy of scale to replace multiple trains at a time.)
- Replacing the membranes in two trains (versus one) would further improve the plant’s ability to cope with possible episodes of impaired membrane productivity.
- Replacing the membranes in one train would allow all existing used cassettes to be put to use, whereas replacing the membranes in two trains would result in some membrane disposal, possibly before their full value is realized.

### **Evaluating Mounting Bracket Details**

GE has suggested that before replacing the membranes in a full train, it would supply one 16-module and one 8-module cassette for installation in an existing available cassette space in order to determine mounting bracket details. When new membranes are installed in the first full membrane train, these “pilot” cassettes would be moved to that train. These cassettes would be considered part of the first replacement order, and GE would not expect payment for them until the first full order was placed. Only in the event that the City did not enter into a contract with GE by end of 2014 to replace membranes in at least one train would GE invoice the City for \$75,000. CH2M HILL endorses GE recommendation to install pilot cassettes and believes this should be done as soon as practical. GE has indicated that it could provide the pilot cassettes in early 2014.

## Recommendations Summary

In summary, CH2M HILL's recommendations for membrane replacement at TCRWWTP are as follows:

- In early 2014, install one 16-module and one 8-module cassette in an available cassette space to determine mounting bracket details.
- Use the pricing that CH2M HILL has negotiated with GE rather than competitive procurement. The approximate total cost per train is **\$825,000** in today's dollars.
- As soon as practical, install new GE membranes in one or two of eight membrane tanks, and move the used membranes and cassettes to available spaces in the other trains. (Membrane delivery at the plant is expected approximately 20 weeks from signed purchase order.)
- Monitor membrane performance and replace the membranes in other trains on an as-needed basis.
- Budget for replacement of membranes in the other trains: half in 2015 and half in 2016. This does not reflect maximum possible membrane life; however, it will be important to have funds available whenever the membranes need to be replaced.
- Following replacement of the membranes in all eight trains, subsequent membrane replacements will cost less, as only new modules will be required (not cassettes).

## Addendum

The City has asked about ZENON's original guaranteed membrane module replacement price. In 2002 dollars, the cost per train was \$380,000. Escalated to today's dollars, the cost per train would be \$465,000. This is an uninstalled cost for membrane modules (not cassettes), delivered to TCRWWTP. Allowing for membrane warranty (\$10,000), new hoses and other replacement parts (\$30,000), sales tax (\$36,000), GE installation services (\$90,000), CH2M HILL installation services (\$10,000), and used module disposal (\$5,000), the cost per train would be approximately **\$650,000** in today's dollars.

The original guarantee has expired, but GE/ZENON appears willing to honor it. While the cost per train is less than CH2M HILL's recommended approach, it does not include new cassettes, which are needed to increase plant-wide installed membrane area and mitigate the risk of biological process upsets that impair membrane productivity. It also does not update the plant from its current module design (500C) to GE's latest module design (500D). GE does not expect to manufacture the 500C module indefinitely, which means new 500D cassettes would be required in the future. Lastly, stress cracks have occurred in some of the existing stainless steel cassettes, which have been repaired by adding bracing; the existing cassettes are showing wear. For these reasons, CH2M HILL recommends updating the plant to 500D modules and cassettes rather than installing new 500C modules in existing 500C cassettes.



Benjamin Marentette <bmarente@traversecitymi.gov>

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## Food Trucks

1 message

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**Jim Carruthers** <jccarruthers@gmail.com>

Wed, Dec 4, 2013 at 2:10 PM

To: Benjamin Marentette <bmarente@traversecitymi.gov>

Cc: Katie Lowran <klowran@traversecitymi.gov>, Jered Ottenwess <jottenwess@traversecitymi.gov>

Ben,

For the Food Truck ordinance discussion on Monday, I was mainly going to focus on hours of operation. The proposal would be to allow for the hours of operation on commercial property to start at 6am and go to 3 am.

Currently the the hours of operation are 7am to 11pm.

My recommendation is based on allowing for greater opportunity for local business to operate in our commercial core affectively. As it is, for a food truck to provide breakfast services, they can't set up prior to 7am, when the morning commuter rush starts.

It would also be appropriate (in my opinion) to offer food operations in accordance with bar hours of operation.

Bars close at 2am and by allowing food truck to operate until 3am, would allow for some down time for the bar patrons to eat before getting into a motor vehicle, as a safety concern.

Please let me know if you have any further questions.

Jim Carruthers

Sent from my iPad

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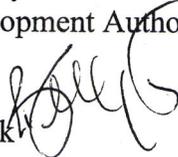
# Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY: Lauren Tribble-Laucht, City Attorney  
Rob Bacigalupi, Downtown Development Authority Interim Executive Director  
Katie Lowran, Deputy City Clerk

FROM: Benjamin C. Marentette, City Clerk 

DATE: Monday, September 30, 2013

SUBJECT: MOBILE FOOD VENDING – REPORT

The purpose of this memo is to provide a report on the Mobile Food Vending ordinance, along with a recommendation for any changes to the ordinance.

Background:

On May 6, 2013, the City Commission passed the attached mobile food vending ordinance. When the ordinance was passed, the Commission's action directed that a report be prepared by staff and the ordinance be reviewed in October 2013.

Prior to the Commission passing the ordinance, an ad hoc committee, consisting of Commissioner Carruthers (who served as chair), Mayor Pro Tem Moore and Commissioner Gillman held several meetings, with various stakeholders, to draft an ordinance. This office and the City Attorney's Office provided concentrated staff resources to the committee.

The committee asked the Downtown Development Authority Board for a recommendation regarding which city-controlled property within the DDA District should be considered for mobile food vending. The Commission followed their recommendation, and expanded upon it by also allowing vending in the on-street parking areas on State Street between Union and Pine Streets.

Summary of key components of ordinance:

- A Mobile Food Vendor is generally described as someone operating a unit (such as a motorized or non-motorized vehicle, trailer or other device designed to be portable) where food and/or beverages are sold. Ancillary sales of branded items consistent with the food, such as a tee shirt or hat that bears the name of the vending company are also allowed.

- Vending is allowed between 9 a.m. and 9 p.m. in residential areas; and 7 a.m. to 11 p.m. in commercial areas.
- Vending may occur on non-city property with the owner's permission.
- Vending may occur on city-controlled property only where authorized by resolution of the City Commission (summary of those locations are below).
- No vending on public property within one block of a city-authorized street fair, public festival, farmers market or event unless authorized by the event sponsor (consistent with our other vending ordinances)
- Each vending unit must contain a separate permit
- Aesthetic standards (no blinking or flashing lights; all exterior lights over 60 watts shall contain opaque, hood shields, to direct the illumination downward, no loud music, etc.)

City-controlled property where vending is allowed:

Attached is a map showing city controlled property where mobile food vending is allowed with a permit. The following outlines those locations.

<u>Property:</u>	<u>Property description:</u>	<u>Hours allowed:</u>	<u>Maximum that can locate at any one time:</u>
Parking Lot RB	At the West End Beach Volleyball Court	9a-9p	Two
Parking Lot B	The "Farmer's Market Lot" – along Grandview Parkway, west of Cass Street; no vending during Farmers' Market authorized hours	9a-9p	Two
Parking Lot J	Along Union Street; across from Sixth Street	9a-9p	Two
Parking Lot E	Behind the Post Office	9a-9p	Two
On-Street parking along State Street between Pine and Union Streets	Where parking is currently allowed	7a-11p	No limit
On-street parking areas that abut the following facilities: 1) Northwestern Michigan College; 2)	Where parking is currently allowed	9a-9p for residential areas; 7a-11p for commercial areas	No limit

Traverse City Central High School Campus; 3) Grand Traverse County Civic Center; 4) Munson Medical Center; 5) City parks located outside the DDA District			
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Fees:

The following outlines the fees for Mobile Food Vendors:

<u>Vending Type:</u>	<u>Fee:</u>
City-controlled property	\$1,225/year
Non-city property	\$ 725/year
Year-round city food service establishments on city-controlled property	\$ 500/year
Year-round city food service establishments <i>not</i> on city-controlled property	\$ 0/year
Public electricity hookup	\$ 15/day

Permits Issued:

This office has issued a total of twelve Mobile Food Vending Permits, as follows; and each permit is valid for one year from the date of issuance:

<u>Quantity issued:</u>	<u>Permit type:</u>	<u>Total permit fees collected:</u>
8 @ \$1,225 each	City and Non-City Property	\$9,800
2 @ \$ 725 each	Private Property Only	\$1,450
2 @ \$ 0 each	Private property only, issued to year-round city food service establishments	\$ 0
<b>Total: 12</b>		<b>\$11,250</b>

Evaluation of ordinance:

I have consulted with all city departments (including the Code Enforcement Officer), the Downtown Development Authority (DDA), and Grand Traverse County Health Department staff; they do not recommend any changes. Attached is a memo from DDA Interim Executive Director Rob Bacigalupi, summarizing feedback he obtained from the DDA Board. In short, they believe the framework is good, and they do not recommend any changes.

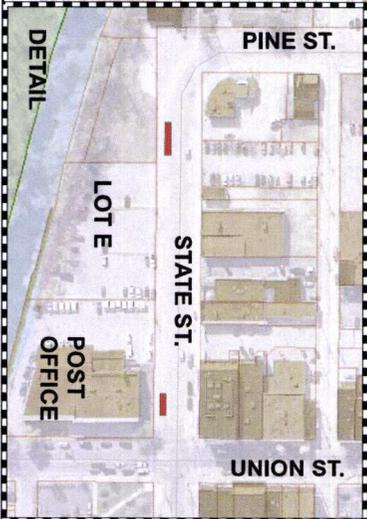
Additionally, Mr. Bacigalupi indicated he spoke with some restaurants that attended the committee meetings, and their comments varied from the vendors having a negative competitive impact to "glowing reviews" about how Little Fleet (former Jack's Party Store at Front Street and Wellington), has added life to the East Front Street area. Restaurants that were further away from food trucks indicated they had no impact.

Based on the feedback we have received, as well as our office's experience during this "initial period," including staff time associated with these permits, I do not recommend any changes to the ordinance or fees.

I do, however, recommend that a fee category for our transient merchants be eliminated. Transient merchants are vendors who set up on a rather temporary basis, generally. Transient merchants are not necessarily selling food.

Last year, a separate fee category was established for transient merchants selling food in commercial areas outside of the DDA District. This fee category is no longer relevant because the fees are greater than the mobile food vendor fees and the permits are more restrictive, resulting in longer-term food vendors would simply obtaining a mobile food vendor permit. Additionally, having this fee category causes confusion among food vendors. Attached is a resolution showing which fees I recommend be eliminated.

I hope this information is helpful; as always, please feel free to contact me with any questions.




  
 NOT TO SCALE  
 5-14-13  
 JPT

# CITY PROPERTY WHERE MOBILE FOOD VENDING IS GENERALLY ALLOWED

**TRAVERSE CITY CODE OF ORDINANCES**  
**ORDINANCE AMENDMENT NO. 963**

Effective date: May 16, 2013

TITLE:           MOBILE FOOD VENDING

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 865, *Mobile Food Vending*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

**865.01           INTENT.**

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established.

**865.02           DEFINITIONS.**

- (a) *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- (b) *Mobile Food Vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

**865.03           PERMIT REQUIRED.**

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance.

**865.04 DURATION; NON-TRANSFERABILITY.**

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this Chapter is non-transferable.

**865.05 APPLICATION.**

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city.

**865.06 FEES.**

An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter.

**865.07 INVESTIGATION BY THE CHIEF OF POLICE.**

For Mobile Food Vending within residential areas, approval must be given by the Chief of Police prior to issuance of a permit by the City Clerk.

**865.08 REQUIREMENTS.**

Any vendor engaging in Mobile Food Vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
2. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
4. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
5. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
6. Comply with the city's Noise Ordinance, Sign Ordinance and all other City ordinances.

7. Comply with all applicable federal, state and county regulations.
8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
9. Within residential areas, a mobile food vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7 a.m. and 11 p.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
10. No Mobile Food Vending Unit may be left unattended for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas.
11. Not represent the granting of a permit under this Chapter as an endorsement by the city.
12. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

**865.09            PARKING BEYOND LIMITS ALLOWED BY CITY ORDINANCE AND ORDER.**

Any Mobile Food Vending Unit with a valid Mobile Food Vending License may park in a city-controlled parking space for durations as authorized by the permit; and such Mobile Food Vending Unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no Mobile Food Vending Unit shall park in a city-controlled parking space if parking is prohibited altogether. Any Mobile Food Vending Unit parked in a metered parking space with a valid Mobile Food Vending License shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter.

**865.10            IMPOUNDMENT.**

Any equipment associated with food vending that are not in compliance with this Chapter and left on public property may be impounded at the owners expense.

**865.11            OTHER PERMITS.**

A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule.

**865.12            REVOCATION**

The City Clerk shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by

certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

**865.13 COMPLAINTS; APPEALS.**

If a written complaint is filed with the City Clerk alleging a Food Vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

**865.14 APPEARANCE TICKETS.**

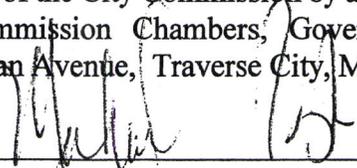
The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

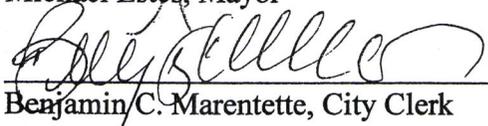
**865.15 CIVIL INFRACTION.**

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day.

The effective date of this Ordinance is the 16<sup>th</sup> day of May, 2013.

I hereby certify the above ordinance amendment was introduced on April 15, 2013, at a regular meeting of the City Commission and was enacted on May 6, 2013, at a regular meeting of the City Commission by a vote of Yes: 7 No: 0 at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

  
\_\_\_\_\_  
Michael Estes, Mayor

  
\_\_\_\_\_  
Benjamin C. Marentette, City Clerk

# City of Traverse City Snow Removal Operations



# Responsibilities

- Streets Division
  - State Highways (Trunkline, 8 miles)
  - City Streets (83 miles)
    - Emergency Routes (Green Route)
    - Majors
    - Locals
    - Alleys
  - Sidewalks (73 miles)
  - Management of Contracts



# **Responsibilities**

- **Contractors**
  - Downtown Sidewalks
  - 14 Parking Lots (with snow removal)
  - On-call snow hauling and windrowing downtown
- **Parks Division**
  - Parks and Senior Center
  - Cemetery
  - 13 Parking Lots (downtown TC)
  - Sidewalks on bridge decks

# Streets Division Assets

- Personnel
  - 13 Equipment Operators
  - 3 Shifts
    - Day shift - 9
    - Afternoon shift - 2
    - Midnight shift - 2
- Equipment
  - 10 Plow trucks
    - 7 w/ Sanders
  - 3 Holders (sidewalk blowers)  
(no operators)
  - 4 Loaders w/ snow buckets
  - 2 Downtown Snow Blowers

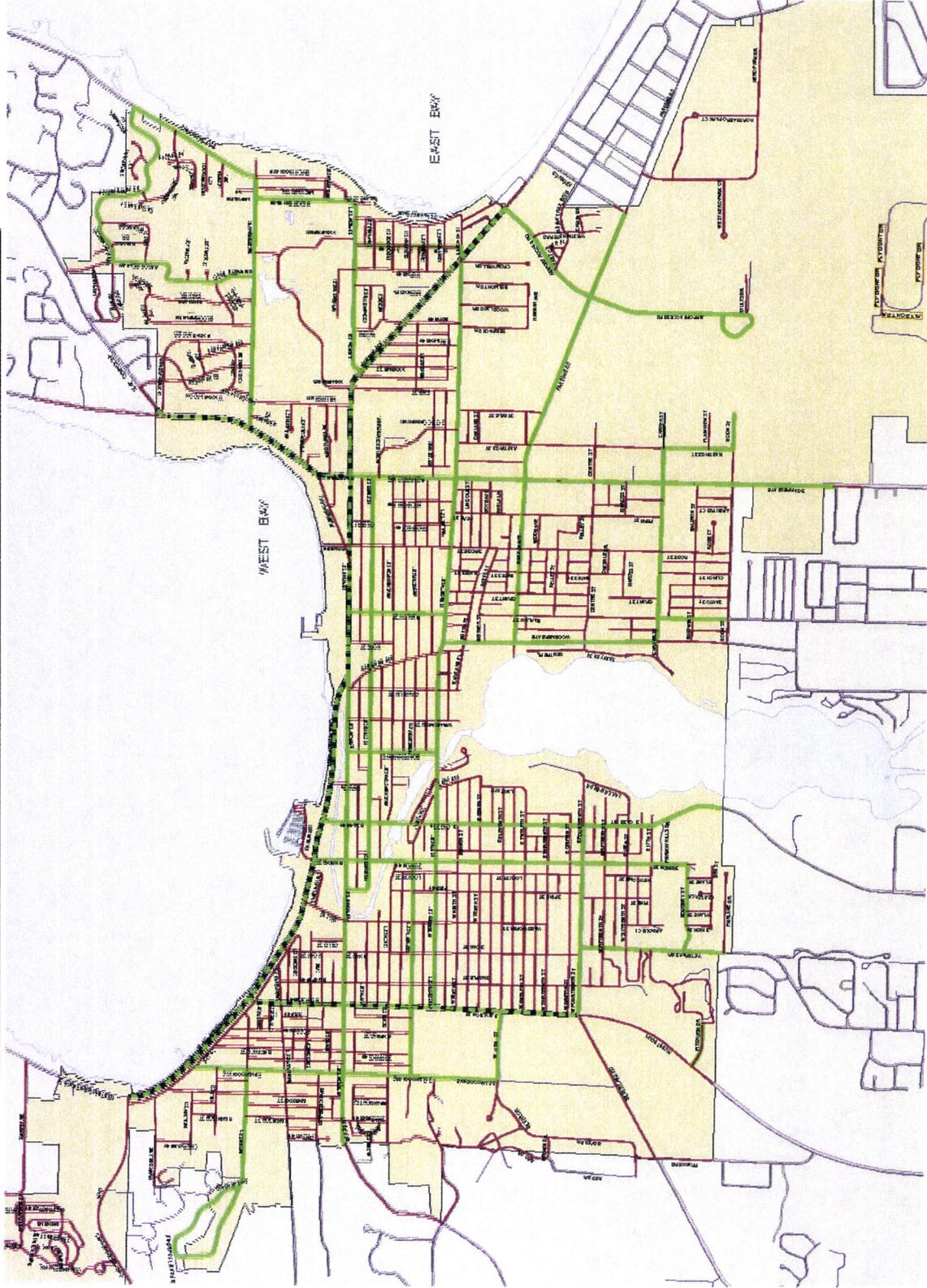


# Street Priorities



1. Green Route
  2. Major Streets
  3. Local Streets
  4. Alleys
- All priorities covered during day shift and during full callouts
  - Afternoon, nights, weekends, holidays keep green route clear

# 2013 - 2014 PRIMARY/EMERGENCY PLOW ROUTE MAP



**TC GIS**  
City of Traverse City

**Legend**

- Green Plow Route**
- HIGHWAY
- CITY
- other city streets



10-31-13 JPT

This map is based on digital imagery and is not intended to be used for legal purposes. The City of Traverse City is not responsible for any errors or omissions. Users are to remain responsible for their own actions.

# 2014 CITY SNOWPLOW ROUTE MAP

**TC GIS**  
City of Traverse City

## 2014 SNOW PLOW ROUTES

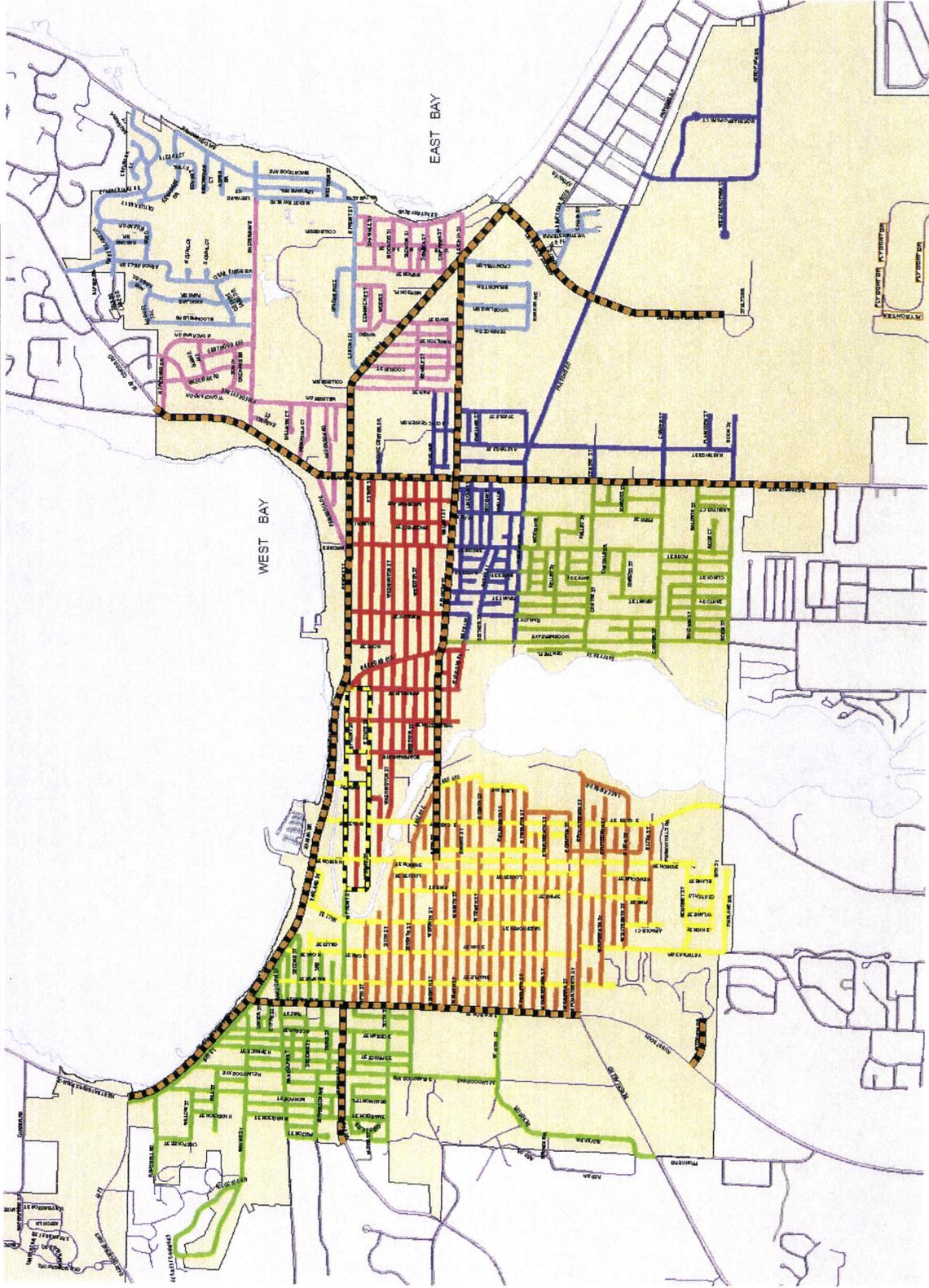
Plow Route	Truck No.
1	98 Dale
2	107 Ken L.
3	177 Andrew
4	100 Eric
5	98
6	195 Ken A.
7	105 Brian
8	172 Cam
9	194 Tom
	- other city streets
	- Primary Route

### AFTERNOON SHIFT

**Green Plow Route Truck No.**  
 - HIGHWAY 107 Stephanie  
 - CITY 100 Dan K.

### MIDNIGHT SHIFT

**Green Plow Route Truck No.**  
 - HIGHWAY 184 Chris C.  
 - CITY 195 Rob H.



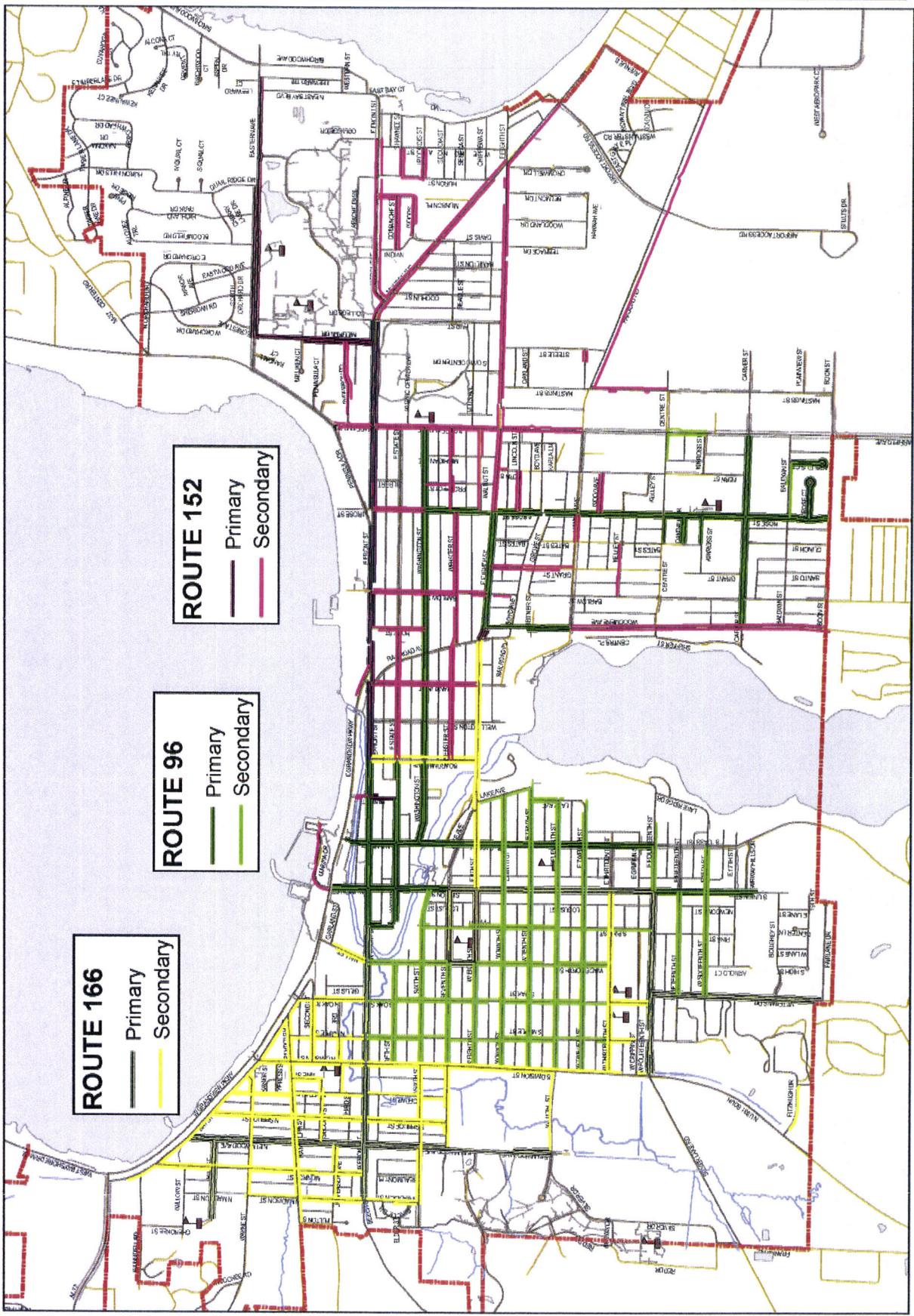
10-31-13 JPT

This map is based on official addresses from the City of Traverse City. The City does not assume any responsibility for errors or omissions. There are no warranties expressed or implied.

# Sidewalk Priorities



- Schools
- Hospital
- Major Streets
- All others
- Goal is to clean all sidewalks within 3 days of end of snow event
- No operators until streets are cleared



## Sidewalk Responsibility

- Sidewalk blowing began as a program to assist residents in major snow events
- Sidewalk blowers don't clean walks completely
- City Ordinance 668.11 states, *"The removal of snow and ice from private property and the sidewalk abutting or crossing private property shall be the responsibility of the occupant of such private property."*

## **Full Callout**

- In response to 3-5 inch snow event
- Day crews report at 5 a.m. or earlier
- All routes plowed in priority order
- Shifts extended as needed until snow event is complete
- Goal: Sidewalks are cleared within 3 days of end of snow event

# **Downtown Cleanup**

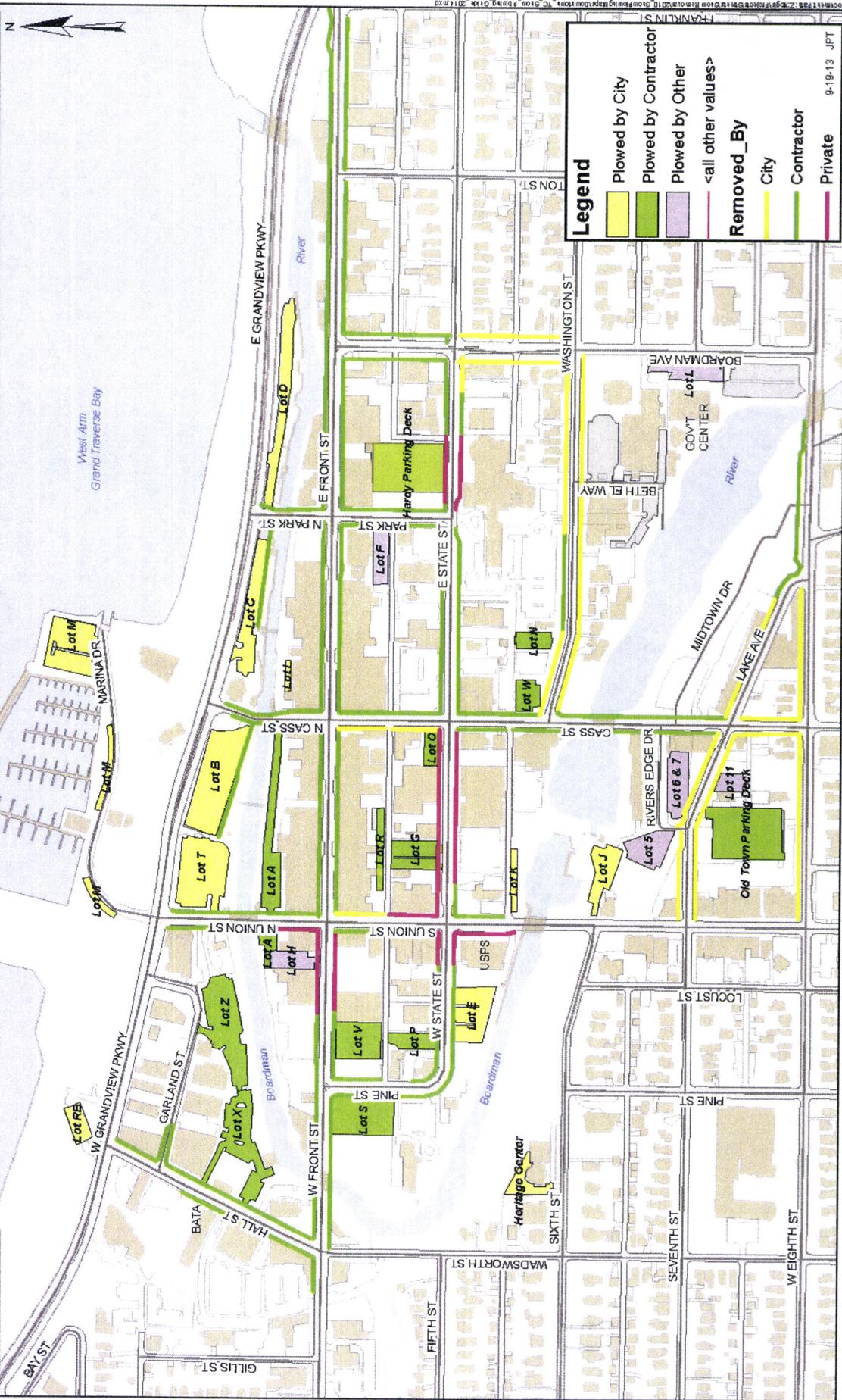
- Level 1: (3-inch snow)
  - Streets orders contractor to mobilize
  - Contractor cleans sidewalks and assigned lots
  - Streets personnel push snow into parking lots for temporary storage
  - Parks cleans assigned lots

# **Downtown Cleanup**

- Level 2: (Larger snow event)
  - Streets orders contractor to mobilize
  - Contractor cleans sidewalks and assigned lots
  - Contractor uses 2 graders to windrow snow
  - Streets personnel blow snow into contractor-provided lead trucks
  - Parks cleans assigned lots

2013 - 2014

# Downtown TC Snow Removal Guide



## Legend

- Plowed by City
  - Plowed by Contractor
  - Plowed by Other
  - <all other values>
- Removed\_By
- City
  - Contractor
  - Private
- 9-19-13 JPT

