



Notice

City Commission Regular Meeting

7:00 pm

Monday, December 16, 2013

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published: 12-12-13

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 December 2, 2013, and Study Session of December 9, 2013. (Approval recommended)
(Jered Ottenwess, Benjamin Marentette)

- b. Consideration of authorizing an amendment to the agreement for property transfer in connection with the Uptown Development to extend the closing date for 133 West State Street by one year. (Approval recommended) (Jered Ottenwess, Lauren Tribble-Laucht) (5 affirmative votes required)
- c. Consideration of authorizing an agreement with the Traverse Area District Library codifying a Memorandum of Understanding increasing the number of appointments made to the Traverse Area District Library Board by the Grand Traverse County Board of Commissioners from four to five and decreasing the number of appointments made by the Mayor with City Commission approval from three to two. (Approval recommended) (Jered Ottenwess, Lauren Tribble-Laucht) (5 affirmative votes required)
- d. Consideration of declaring two Police Department guns surplus so they may be presented to retiring Captain Brian D. Heffner, with the city to be reimbursed the value of the guns. (Approval recommended) (Jered Ottenwess, Michael Warren)
- e. Consideration of adopting a resolution establishing fees for the seasonal rates at the Duncan L. Clinch Marina, Launching Permits, Pump Out Fees and rates for Boardman River Dockage Seasonal Rates for 2014. (Adoption recommended) (Jered Ottenwess, Dave Green)
- f. Consideration of introducing an amendment to the Traverse City Code of Ordinances which would clarify that parcels in single and two-family dwelling districts may have one curb cut per parcel, as recommended by the City Planning Commission. (Introduction and schedule for possible enactment on January 6, 2014, recommended) (Jered Ottenwess, Russell Soyring)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Consideration of authorizing an agreement with Traverse Bay Area Intermediate School District (ISD) for the city to provide a police officer at (ISD) campuses within the city during the months of September through June, with all associated costs to be paid for by the District. (Jered Ottenwess, Michael Warren) (5 affirmative votes required)
- b. Consideration of adopting amendments to the Park and Public Land Use Policy, to prescribe new limits regarding frequency of events, as recommended by the City Commission Ad Hoc Committee regarding the policy and noise ordinance and adopting other “housekeeping amendments.” (Commissioner Ross Richardson, Chairman; Commissioner Barbara Budros, Commissioner Gary Howe, Jered Ottenwess, Benjamin Marentette)
- c. Consideration of lifting the moratorium on the City Clerk’s Office issuance of High Impact Park Usage Permits. (Jered Ottenwess, Benjamin Marentette)

4. New Business

- a. Presentation of the 2013 Version of *The Performance*, highlighting accomplishments by the city during this year. (Jered Ottenwess, Benjamin Marentette)

5. Appointments

- a. Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the Election Commission. (Jered Ottenwess, Katie Lowran)
- b. Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the Board of Tax Review. (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 September 25, 2013.
 6. Minutes of the Planning Commission meetings of October 1, October 16, November 5 and November 20, 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 mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- December 2, 2013, Regular Meeting
- December 9, 2013, Joint Study Session

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

that the minutes of the December 2, 2013, Regular Meeting and December 9, 2013, Joint Study Session, be approved.

JJO/kes

k:\tcclerk\city commission\minutes

Minutes of the
City Commission for the City of Traverse City
Regular Meeting
December 2, 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 James Carruthers, Jeanine Easterday, Gary L. Howe, Ross Richardson, Tim Werner.

The following Commissioner was absent: Barbara D. Budros.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

2. Consent Calendar

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

- a. The minutes of the November 11, 2013, Organizational Meeting, November 18, 2013, Regular Meeting, November 20, 2013, Quorum of the Commission, and November 25, 2013, Study Session, be approved.
- b. The City Manager be authorized to declare surplus two Crown Victorias and issue a purchase order to Sterling Heights Dodge in the amount of \$47,072 for the purchase of two 2014 Dodge Chargers with patrol packages, with funds available in the Garage Fund.
- c. The City Manager be authorized to issue a confirming purchase/service order in the amount of \$24,637.65 to Crystal Flash Energy for 9,996 gallons of unleaded gasoline priced at \$2.464751 per gallon with funds available in

the Garage Fund.

- d. The parking permit rates and special event rates for the city's public parking lots and public parking decks, as recommended by the Downtown Development Authority Board of Trustees, be approved.
- e. The City Commission authorizes the City Clerk and other officials to execute the necessary Fireworks Display Permit to Peninsula Pyrotechnics for a display in conjunction with the Cherry T-Ball Drop New Year's Celebration, to take place at 12:00 a.m. on January 1, 2014, in a specified area in the Clinch Park Marina Parking lot, subject to Peninsula Pyrotechnics holding harmless and indemnifying the City and submitting to the City Clerk a certificate of comprehensive general liability in the amount of \$2 million per occurrence, naming the city as additional insured, as recommended by the Fire Department.
- f. The Mayor, Police Chief and City Treasurer/Finance Director execute the Byrne Memorial Justice Assistance Grant (Byrne JAG) Program Subcontract to accept funds in the amount of \$38,701 and provide matching funds in the same amount, for Traverse Narcotics Team Funding, with matching funds available in the Police Department Budget.
- g. The City of Traverse City Resolution to Comply with the requirements of Public Act 152 of 2011, which establishes that the city will pay no more than 80% of the health care costs for any employee group or union, be adopted.
- h. 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 high 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, which was introduced on November 18, 2013, be enacted with an effective date of December 12, 2013.

CARRIED unanimously. (Budros absent)

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Consideration of approving the development plans for Washington Place, as required by the Option Agreement between the city and S.N.A.F.U.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Howe, that the City Commission approves the development plans submitted with the November 12, 2013 letter from S.N.A.F.U., LLC Co Developer Tom McIntyre as an approved project pursuant to Paragraph 5 of the Option Agreement between S.N.A.F.U. LLC and the city dated February 22, 2006, and submitted with the November 25, 2013, City Commission Study Session packet materials.

CARRIED unanimously. (Budros absent)

3(b).

Consideration of authorizing a Grant Agreement for a Coastal Zone Management grant for the Boat Launch at Parking Lot D (near the mouth of Boardman River) and approving a related budget amendment.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Carruthers, that the Resolution Accepting the Michigan Coastal Zone Management Program Grant in the amount of \$80,000, for the City of Traverse City Boardman River Boat Launch Improvement Project, be

adopted; and that the City Manager be authorized to execute related agreements for the acceptance of this grant; and that a budget amendment be made in the Auto Parking System Fund to increase budgeted revenues and budgeted expenses by \$80,000 to reflect the receipt and expenditure of the grant proceeds.

CARRIED unanimously. (Budros absent)

4. New Business

4(a).

Consideration of authorizing a letter to Senator Howard Walker and Representatives Ray Franz and Wayne Schmidt from Mayor Michael Estes on behalf of the City Commission requesting the reinstatement of Michigan Department of Environmental Quality funding for E. Coli monitoring efforts for waters along Great Lakes beaches.

Moved by Carruthers, seconded by Richardson, that the draft letter from Mayor Michael Estes regarding funding for Great Lakes swim beach monitoring on behalf of the City Commission be approved.

The following addressed the Commission:

Rick Buckhalter, 932 Kelly Street – made general comments

CARRIED unanimously. (Budros absent)

5. Appointments

5(a).

Consideration of appointment by the Mayor to the Planning Commission.

The following addressed the Commission:

Moved by Werner, seconded by Richardson, that the Mayor's appointment of Michael Dow to one three-year term, (seat previously held by Jennifer Jaffe), expiring on November 14, 2016, on the City Planning Commission, be approved.

CARRIED unanimously. (Budros absent)

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Report from the Mayor serving on the Downtown Development Authority.
 2. Report from Commissioners serving on the Light and Power Board.
 3. Report from the Mayor and Commissioner serving on the Planning Commission.
 4. Report from Commissioners serving on other boards.
 5. Minutes of the Planning Commission meeting of December 4, 2012.
 6. Annual Report of the Planning Commission for 2012.
 7. Monthly Activity Report for the Fire Department for November 2012.
 8. Minutes of the Act 345 Retirement System Board Meeting of November 28, 2012.
- e. Reports and correspondence from non-City officials.

1. Fractile Emergency Response report from North Flight for December 2012.

7. Public Comment

The following addressed the Commission:

1. Reserved.

Request from Derek J. Bailey, 216 Jefferson Street, Suttons Bay, MI, regarding ... "Anishinaabek presence; prehistory to the present... requesting City Commission Consideration to have this reflected in the concrete sidewalk that leads out of the tunnel toward the splash pad."

2. General.

Bill Kennis, History Center
Linda Woods, 3539 La Casita, Garfield Township
Donald Coe, 211 Midtown Drive, Traverse Bay Economic
Development Corporation Chairman
Richard Fidler, 401 West 15th Street
Rosie White-Hutchinson, United States Air Force Retired Master
Sergeant, 222 Washington Street
Crystal Wilcox-Frost (sp?), 812 West Front Street
Arlene Kashata, 2815 Hilltop Court, Garfield Township
Lee Sprague, 511 Depot View Drive
Rick Buckhalter, 932 Kelly Street
Margaret Patchin, 878 Centre Street
Donna Phelps, 2478 Friendship Drive, Garfield Township
Holly Thompson, 4626 South Skiview Circle, Cedar
Benjamin Marentette, City Clerk

3. Mayor and City Commissioners.
Commissioner Ross Richardson
Commissioner Jeanine Easterday
Mayor Pro Tem James Carruthers

Commissioner Gary Howe
Mayor Michael Estes

There being no objection, Mayor Michael Estes declared the meeting adjourned at 8:00 pm.



Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT



Minutes of the
City Commission and Grand Traverse County Board of Public Works
Joint Study Session
December 9, 2013

A joint study session of the City Commission of the City of Traverse City and Grand Traverse County Board of Public Works was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

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

The following Commissioner was absent: Barbara D. Budros

Mayor Michael Estes presided at the meeting.

1. Discussion regarding membrane technology at the Traverse City Wastewater Treatment Plant.
 - A.) Presentation by Scott Levesque, CH2M HILL, Principal Technologist, Wastewater Treatment
 - B.) Questions from, and deliberation by, City Commission and Board of Public Works

The following addressed the Commission:

Jered Ottenwess, City Manager

Scott Levesque, CH2M HILL, Principal Technologist, Wastewater Treatment

2. General public comment for City Commission and Grand Traverse County Board of Public Works.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street
Carol Tompkins-Parker, 201 West 16th Street

There being no objection, Mayor Estes declared a recess to allow for the departure of the Grand Traverse County Board of Public Works Finance Committee members.

3. Discussion regarding Mobile Food Vendor regulations as requested by Mayor Pro Tem James Carruthers and Commissioner Gary Howe.
4. Discussion regarding snow removal.

The following addressed the Commission:

Jered Ottenwess, City Manager
Harley Duimstra "Slim", 230 Munson Avenue
Bob Otwell, 525 Washington Street
Rick Buckhalter, 932 Kelley Street
Julie Clark, 604 West 12th Street, TART Trails Executive Director

5. Announcements from the Deputy City Clerk.

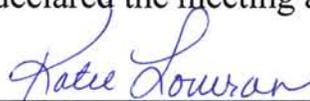
Katie Lowran, Deputy City Clerk

6. Mayor and City Commissioners.

Commissioner Ross Richardson

7. Adjournment.

There being no objection, Mayor Estes declared the meeting adjourned at 9:00 pm.



Katie Lowran
Deputy City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM:  JERED OTTENWESS, CITY MANAGER

SUBJECT: UPTOWN PROPERTY TRANSFER AGREEMENT

At the September 16, 2013, Regular Meeting, the Commission authorized a property transfer agreement with ONR Properties that would facilitate the *Uptown* Development at Pine and State Street as well as provide a pedestrian easement for a public river walk to be designed and built by the city/DDA, provide a 33' wide utility easement to the city and clear up title issues as to ownership. The agreement stipulated that closing on 133 West State Street must occur within 90 days of the date of the agreement, or by December 16, 2013. (Attached is a map depicting the location of 133 West State Street.)

Also attached is a memo from City Attorney Lauren Tribble-Laucht recommending the Commission approve an amendment to the property transfer agreement which would extend the closing date for 133 West State Street by a year, or to December 16, 2014. Extension of the closing date will allow ONR to obtain funding to allow them to close on the property.

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

That the Mayor and City Clerk execute an amendment to the Property Transfer Agreement with ONR Properties (originally authorized September 16, 2013), for property transfers in connection with the Uptown Development (133 and 141 West State Street) to extend the closing date on 133 West State Street by one year, or until December 16, 2014, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/bcm K:\tcclerk\city commission\agreements\uptown property transfer closing date extension
e-copy: Jean Derenzy, Grand Traverse County Deputy Director for Planning and Development
Rob Bacigalupi, Downtown Development Authority Acting Executive Director

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
COPY: Benjamin C. Marentette, Clerk City
FROM: Lauren Tribble-Laucht, City Attorney *LTL*
DATE: December 9, 2013
SUBJECT: Amendment to Uptown Property Swap Agreement

As you will recall the City entered into a Property Transfer Agreement with ONR Properties LLC dated September 17, 2013, the purpose of which was to facilitate a series of property transfers to clear up title matters and allow for a proposed development located at 141 and 133 West State Street. At the time the developers had already acquired the property located at 141 West State Street and had entered into a purchase agreement to purchase the property located at 133 West State Street. The closing on 133 West State Street was anticipated to occur by October 31, 2013. That closing is a condition precedent to any action required of the City under the Property Transfer Agreement. The closing of the property transfers contemplated in the Property Transfer Agreement is required to occur within 90 days from the date of that Agreement, which requires the closing to occur by December 16, 2013.

I have been informed by ONR Properties LLC that ONR has not yet closed on 133 West State Street because it has not been able to obtain a commitment as of yet from the State on the Brownfield Plan and funding for the project. Mike Wills of ONR has indicated that they have been instructed not to close on 133 West State Street until they have received full approval, which may not occur until April or May of 2014 due to CDBG requirements. Therefore it is necessary to amend the Property Transfer Agreement between the City and ONR to extend the closing date. This will allow ONR to resolve its funding issues and fulfill the requirement to close on 133 West State Street before the closing on the property swap can occur.

To a large extent the goal of the Property Transfer Agreement was to clear up longstanding title issues related to these properties and allow for utility easements to be consolidated while also allowing for construction of a riverwalk. Therefore I do not believe that postponing the closing even for up to a year will have a detrimental effect to the City. I have confirmed with the DDA and TCL&P that neither has an issue with postponing the closing under the Agreement. If it appears in the future that the developers will not close on 133 West State Street the Agreement may be terminated according to its terms. I recommend that the City Commission approve an amendment to the Property Transfer Agreement between the City and ONR Properties LLC dated September 17, 2013 to extend the closing date for up to one year based upon the above.

Please let me know if you have questions.





The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: TRAVERSE AREA DISTRICT LIBRARY BOARD –
AGREEMENT REGARDING APPOINTMENTS

Attached is a memo from City Attorney Lauren Tribble-Laucht indicating that earlier this year, the Commission approved a Memorandum of Understanding that increased the number of appointments to the Traverse Area District Library Board (TADL) made by the Grand Traverse County Board of Commissioners from four to five and reduced the number of appointments made by the Mayor, with City Commission approval, from three to two. Members of the Grand Traverse County Board of Commissioners and City Commission would be ineligible to serve.

The county has agreed to make appointments using the following criteria:

- All appointees shall be residents of Grand Traverse County
- There shall be no more than one County appointee from any one Commission district
- Preference shall be given to those commission districts with member libraries and a recommendation shall be solicited from each member library for recommendations regarding appointments from respective commission districts
- Good faith and best efforts shall be used to choose appointees who best represent all county residents based upon geography and with regard to member and branch library locations

The genesis for the agreement was that non-city residents make up the supermajority portion of the number of taxpayers supporting TADL and to therefore adjust the manner in which appointments are made accordingly.

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

That the Mayor and City Clerk execute an agreement with Grand Traverse County to codify the February 4, 2013, Memorandum of Understanding with Grand Traverse County outlining the manner in which appointments will be made to the Traverse Area District Library Board, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/bcm

K:\tcclerk\city commsisino\agreements\library appointments.doc

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
COPY: Benjamin C. Marentette, Clerk City
FROM: Lauren Tribble-Laucht, City Attorney *LL*
DATE: December 9, 2013
SUBJECT: Traverse Area District Library (TADL) Board Appointment Agreement with Grand Traverse County

Last year the City and Grand Traverse County entered into a Memorandum of Understanding (MOU) dated February 5, 2013 regarding TADL Board appointments. The purpose of the MOU was to adjust the number of County appointments to the TADL Board from four to five and the number of City appointments from three to two. The MOU allowed for a sufficient amount of time for the parties to negotiate a formal agreement, specifically laying out a process to achieve the goal of the MOU. This office has worked together with TADL Board Attorney Chuck Judson and County Prosecuting Attorney Bob Cooney to draft that agreement, which is now before you for your consideration.

The Agreement will supersede the MOU and specify the method of filling future vacancies on the TADL Board. The requirements for appointment to the TADL Board in the Agreement are identical to those in the MOU. The Agreement additionally includes the schedule of appointments which will be carried out as the current board members' terms expire in order to achieve the number of County and City appointments agreed upon. Nothing in the Agreement modifies or prematurely terminates the appointed term of any presently serving TADL Board Member.

The County will consider the Agreement at its meeting on December 11, 2013. I recommend that the City Commission approve the Agreement as drafted. Please contact me if you have any questions or concerns.

Memorandum of Understanding

Regarding the Traverse Area District Library (TADL) Plan

between

The City of Traverse City, Michigan (City)

and

The County of Grand Traverse, Michigan (County)

I. Purpose

The parties desire to clarify the TADL Organizational Plan approved by the State Librarian on December 4, 1989, to provide that the City shall appoint 2 members to the TADL Board and the County shall appoint 5 members to the TADL Board. The purpose of this clarification is to achieve balanced geographical representation on the TADL Board. Both parties agree that members of their respective representative bodies shall be ineligible for appointment to the TADL Board and the County further agrees to adopt certain criteria for appointment of its TADL Board members as described below.

The proposed changes will take place in phases over several months to be completed January 1, 2014. The purpose of this Memorandum of Understanding (MOU) is to clearly identify the responsibilities of each party as they relate to appointment of members to the TADL Board through the completion date.

II. Term

The term of this MOU is from the date it is executed by authorized officials of the City and County until January 1, 2014, at which time the purpose of this MOU shall have been achieved. The County's obligations, as described below in paragraph IV, to act in accordance with the attached resolution to appoint members according to the criteria described in the resolution, shall survive the terms of this MOU.

III. City's Responsibilities

The City shall take all action necessary to amend the TADL Organizational Plan to provide that the City shall appoint two members to the TADL Board and the County shall appoint five members to the TADL Board. The City agrees to accomplish this action no later than November 8, 2013. In addition, the City agrees to change the term of its appointed members to expire on

December 31st and begin on January 1st. The City agrees that members of the Traverse City Board of Commissioners shall be ineligible for appointment to the TADL Board.

IV. County's Responsibilities

The County shall take all action necessary to amend the TADL Organizational Plan to provide that the City shall appoint two members to the TADL Board and the County shall appoint five members to the TADL Board. The County shall adopt the attached resolution prior to January 1, 2013 to exclude County Commissioners from serving on the TADL Board during their respective terms in office, and resolving to adopt the described criteria for appointing TADL Board members. The County agrees to fully cooperate with the City in accomplishing the City's responsibilities described above in paragraph III.

In addition, the County agrees to appoint its TADL Board Members according to the following criteria:

- (1) All appointees shall be residents of Grand Traverse County;
- (2) There shall be no more than one County appointee from any one commission district;
- (3) Preference shall be given to those commission districts with member libraries and this Board shall solicit from the board of each TADL member library recommendations for appointments from their respective commission districts;
- (4) Good faith and best efforts shall be used to choose appointees who best represent all County residents based upon geography and with regard to member and branch library locations.

V. Modification and Termination

The failure of either party to act in accordance with their respective responsibilities as outlined above in paragraphs III and IV shall relieve the other party of any and all of its responsibilities under this MOU.

This MOU may be terminated only after following the dispute resolution provisions contained in paragraph VI of this agreement. Termination shall be made by giving (30) calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance instructions or requirements.

Any and all amendments must be made in writing and must be agreed to and executed by the parties before becoming effective.

VI. General Terms

Nothing in this agreement is intended to modify or terminate prematurely the appointed term of any presently serving member of the TADL Board.

VII. Dispute Resolution

If either party believes that the other party has failed to act in accordance with the terms of this agreement, the aggrieved party shall provide notice of its complaint to the other party in writing specifically describing why the other party has failed to act in accordance with the terms of this agreement. Within 30 days after receiving such notice, both parties shall meet in order to attempt to resolve the complaint through their respective representatives.

Representatives shall be as follows: (1) for the City, the Mayor and two other City commission members appointed by the Mayor; and (2) for the County, the Chairperson of the board of county commissioners and two other members of the county commission appointed by the Chairperson. If the parties are unable to resolve the dispute, the above modification and/or termination provisions may be invoked to modify or terminate this agreement.

VIII. Effective Date and Signature

This MOU shall be effective upon the signature of the City and County authorized officials. It shall be in force from 2/5/13 to January 1, 2014. City and County indicate agreement with this MOU by their respective signatures.

For the City of Traverse City



Michael Estes, Mayor
City of Traverse City

Dated: 2/5, 2013

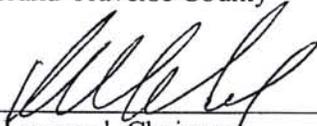
Signed in the presence of:



Benjamin Marentette, Clerk
City of Traverse City

Dated: 2/5, 2013

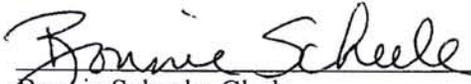
For Grand Traverse County



Herb Lemcool, Chairman
Grand Traverse County Board of Commissioners

Dated: 2/4, 2013

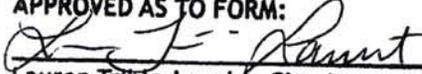
Signed in the presence of:



Bonnie Scheele, Clerk
Grand Travers County

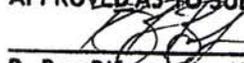
Dated: February 4, 2013

APPROVED AS TO FORM:



Lauren Tribble-Laucht, City Attorney

APPROVED AS TO SUBSTANCE:



R. Ben Bifoss, City Manager



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: SURPLUS GUNS – POLICE DEPARTMENT

Attached is a memo from Chief of Police Michael K. Warren requesting that two Police Department guns be declared surplus so they can be sold to retiring Captain Brian Heffner.

I recommend the following motion:

That a Colt .223 caliber gun and a Glock .40 Caliber Gun be declared surplus and authorized for sale so they may be presented to Captain Brian D. Heffner, as outlined in the December 6, 2013, communication from the Chief of Police.

JJO/bcm

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e-copy: Michael K. Warren, Chief of Police

TRAVERSE CITY POLICE DEPARTMENT

OFFICE MEMORANDUM

TO: Jered Ottenwess, City Manager
FROM: Michael K. Warren, Chief of Police *MKW*
SUBJECT: Brian D. Heffner, Captain – Surplus Gun – Colt .223 & Glock .40
DATE: December 6, 2013

The Traverse City Police Department is requesting the following two guns please be declared surplus.

1 each **Manufacturer:** Colt .223 Caliber
 Serial Number: SP308589
 Value: \$400.00

1 each **Manufacturer:** Glock – Model 22, .40 Caliber
 Serial Number: SBF814
 Value: \$250.00

Once we receive authorization these guns have been declared surplus they will be presented to Captain Heffner. He will retire from the Department effective Saturday, January 11, 2014.

The City of Traverse City will receive reimbursement of \$650.00 for the cost of these guns.

Please place this request on the December 16, 2013, City Commission meeting agenda.

If you have any questions, or need further information, please contact me.

Thank you.

MKW/lbg

cc: File

RETIREHEFFNER\RetirementGun.Memo.2013



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 SEASONAL MARINA RATES

Attached is a memo from Director of Public Services Dave Green regarding the proposed 2014 marina rates as well as the Boardman River dockage seasonal rates. 2014 Transient boater rates will be presented to you at a later date, upon receipt from the State Waterways Commission.

As explained by Mr. Green, due to the fact Duncan L. Clinch Marina was partially funded with a State Waterways Commission Grant, the State of Michigan establishes a range of docking rates from which we are allowed to choose as it relates to the marina. The State Waterways Commission did not increase the allowed seasonal rates over the 2013 level. The recommended seasonal rates for 2014 would remain the same and are the maximum allowed by the State Waterways Commission.

As explained in the attached memo from Mr. Green, he recommends the Boardman River Seasonal Dockage Rates remain the same.

I recommend the following motion:

that the following Resolutions be adopted: the Resolution Establishing Fees for Duncan L. Clinch Marina Seasonal Rates 2014; the Resolution Establishing Fees for Boardman River Dockage Seasonal Rates 2014; and the Resolution Establishing Fees for Duncan L. Clinch Marina Launching Permit and Sewage Pump Out Fees 2014.

jjo/kjl

e-copy

Dave Green, Department of Public Services Director

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director *DJG*
DATE: December 9, 2013
SUBJECT: 2014 Annual Marina Rates

Because Duncan Clinch Marina was built with a State Waterways Commission Grant, the State establishes a range of docking rates from which communities are allowed to choose depending on the amenities and local demand at any particular marina for both seasonal and transient boaters.

In the case of the Seasonal Boater Rates, we have been using the highest rate available for some time now. (Rate 1 on attached table) I recommend that we continue to use the maximum rate allowed for the upcoming season. The State also determines whether these rates increase, if any, from year to year. This year they determined that the seasonal rates for the 2014 boating season remain at the 2013 level and I recommend we follow suit and keep our rates the same as they were for the 2013 season. On a clerical note, I noticed that the resolution from last year had a rate for E dock slips but in reality we don't rent slips on a seasonal basis at that dock, they are all in the reservation system for transient boaters, so I removed it.

Typically, City Commission approval for the Transient Boater Rates would be included in this request but The State has not forwarded the required data to us. Once we have this information we will bring it back to the City Commission for approval sometime before spring.

Boardman River slip fees are established by the City, and this year I recommend we also keep these at the 2013 rate. We increased these fees last year by 2% over the 2012 level and recommend an additional increase this year is not required. Remember, the slip holders on the river don't receive the amenities that our marina slip holders get such as water, cable, parking, etc. therefore if the rates at the marina stay the same it is only fair to keep those on the river the same. I recommend no change to boat launch and sewage pump out fees this year.

Please submit the attached resolutions containing the 2014 seasonal slip rates; Boardman River slip rates; sewage pump out fees; and boat launch rates to the City Commission for approval.

2013 Seasonal Rates

Michigan State Waterways Commission

Slip Length	2013 Rate 1	2013 Rate 2	2013 Rate 3	2013 Rate 4	2013 Rate 5	2013 Rate 6	2013 Rate 7	2013 Rate 8	2013 Rate 9	2013 Rate 10
20	\$2,120	\$1,720	\$1,620	\$1,420	\$1,160	\$1,020	\$960	\$880	\$760	\$700
21	\$2,226	\$1,806	\$1,701	\$1,491	\$1,218	\$1,071	\$1,008	\$924	\$798	\$735
22	\$2,332	\$1,892	\$1,782	\$1,562	\$1,276	\$1,122	\$1,056	\$968	\$836	\$770
23	\$2,438	\$1,978	\$1,863	\$1,633	\$1,334	\$1,173	\$1,104	\$1,012	\$874	\$805
24	\$2,544	\$2,064	\$1,944	\$1,704	\$1,392	\$1,224	\$1,152	\$1,056	\$912	\$840
25	\$2,650	\$2,150	\$2,025	\$1,775	\$1,450	\$1,275	\$1,200	\$1,100	\$950	\$875
26	\$2,756	\$2,236	\$2,106	\$1,846	\$1,508	\$1,326	\$1,248	\$1,144	\$988	\$910
27	\$2,862	\$2,322	\$2,187	\$1,917	\$1,566	\$1,377	\$1,296	\$1,188	\$1,026	\$945
28	\$2,968	\$2,408	\$2,268	\$1,988	\$1,624	\$1,428	\$1,344	\$1,232	\$1,064	\$980
29	\$3,074	\$2,494	\$2,349	\$2,059	\$1,682	\$1,479	\$1,392	\$1,276	\$1,102	\$1,015
30	\$3,180	\$2,580	\$2,430	\$2,130	\$1,740	\$1,530	\$1,440	\$1,350	\$1,140	\$1,080
31	\$3,286	\$2,667	\$2,511	\$2,232	\$1,829	\$1,581	\$1,457	\$1,395	\$1,178	\$1,116
32	\$3,392	\$2,784	\$2,592	\$2,336	\$1,888	\$1,632	\$1,504	\$1,440	\$1,216	\$1,152
33	\$3,498	\$2,871	\$2,673	\$2,409	\$1,947	\$1,683	\$1,584	\$1,485	\$1,254	\$1,188
34	\$3,604	\$2,958	\$2,754	\$2,516	\$2,006	\$1,734	\$1,632	\$1,530	\$1,292	\$1,224
35	\$3,710	\$3,080	\$2,835	\$2,590	\$2,065	\$1,785	\$1,680	\$1,610	\$1,330	\$1,260
36	\$3,888	\$3,240	\$2,952	\$2,736	\$2,124	\$1,872	\$1,728	\$1,656	\$1,368	\$1,296
37	\$3,996	\$3,330	\$3,034	\$2,849	\$2,183	\$1,924	\$1,813	\$1,702	\$1,406	\$1,332
38	\$4,104	\$3,420	\$3,154	\$2,964	\$2,242	\$2,014	\$1,862	\$1,786	\$1,444	\$1,368
39	\$4,251	\$3,588	\$3,276	\$3,081	\$2,340	\$2,106	\$1,950	\$1,833	\$1,482	\$1,404
40	\$4,360	\$3,680	\$3,400	\$3,200	\$2,400	\$2,200	\$2,000	\$1,920	\$1,520	\$1,440
41	\$4,469	\$3,772	\$3,485	\$3,321	\$2,460	\$2,296	\$2,091	\$2,009	\$1,558	\$1,476
42	\$4,578	\$3,864	\$3,570	\$3,444	\$2,520	\$2,394	\$2,184	\$2,100	\$1,596	\$1,512
43	\$4,687	\$4,042	\$3,698	\$3,569	\$2,623	\$2,494	\$2,279	\$2,150	\$1,634	\$1,548
44	\$4,796	\$4,136	\$3,828	\$3,652	\$2,728	\$2,552	\$2,376	\$2,244	\$1,672	\$1,584
45	\$4,905	\$4,275	\$3,960	\$3,735	\$2,835	\$2,655	\$2,430	\$2,295	\$1,710	\$1,620
46	\$5,014	\$4,416	\$4,094	\$3,864	\$2,944	\$2,714	\$2,484	\$2,332	\$1,748	\$1,656
47	\$5,123	\$4,559	\$4,183	\$3,948	\$3,055	\$2,820	\$2,538	\$2,444	\$1,786	\$1,692
48	\$5,232	\$4,704	\$4,320	\$4,080	\$3,120	\$2,880	\$2,592	\$2,496	\$1,824	\$1,728
49	\$5,341	\$4,802	\$4,410	\$4,214	\$3,185	\$2,940	\$2,646	\$2,548	\$1,862	\$1,813
50	\$5,450	\$4,900	\$4,500	\$4,300	\$3,250	\$3,000	\$2,700	\$2,600	\$1,900	\$1,850
51	\$5,559	\$5,049	\$4,590	\$4,386	\$3,315	\$3,060	\$2,754	\$2,652	\$1,938	\$1,887
52	\$5,668	\$5,200	\$4,732	\$4,472	\$3,380	\$3,172	\$2,808	\$2,704	\$1,976	\$1,976
53	\$5,777	\$5,300	\$4,823	\$4,558	\$3,445	\$3,233	\$2,862	\$2,756	\$2,014	\$2,014
54	\$5,886	\$5,454	\$4,914	\$4,644	\$3,510	\$3,294	\$2,916	\$2,808	\$2,052	\$2,106
55	\$6,050	\$5,555	\$5,005	\$4,730	\$3,575	\$3,355	\$2,970	\$2,860	\$2,090	\$2,145
56	\$6,160	\$5,656	\$5,152	\$4,816	\$3,640	\$3,416	\$3,080	\$2,912	\$2,184	\$2,184
57	\$6,270	\$5,757	\$5,244	\$4,902	\$3,705	\$3,477	\$3,135	\$2,964	\$2,280	\$2,223
58	\$6,380	\$5,858	\$5,336	\$4,988	\$3,770	\$3,538	\$3,190	\$3,016	\$2,378	\$2,262
59	\$6,490	\$5,959	\$5,428	\$5,074	\$3,835	\$3,599	\$3,245	\$3,068	\$2,478	\$2,301
60	\$6,600	\$6,120	\$5,520	\$5,160	\$3,900	\$3,660	\$3,300	\$3,120	\$2,520	\$2,340
Over 60 ft	\$110 per ft	\$102 per ft	\$92 per ft	86 per ft	65 per ft	\$61	\$55 per ft	\$52 per ft	\$42 per ft	\$39 per ft



**RESOLUTION ESTABLISHING FEES
FOR
DUNCAN L. CLINCH MARINA
SEASONAL RATES 2014**

WHEREAS, the Department of Natural Resources, State Waterways Commission has established 2014 seasonal rates; and

WHEREAS, the City of Traverse City, considered a local unit of government by the State Waterways Division, must maintain the rate structure at or above the levels set by the State Waterways Division in compliance with the terms and conditions of the previously executed grant-in-air contracts for state grant assistance in facility development; now therefore be it

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

	2014 Rates
A Dock East (up to 50')	\$5,450.00
A Dock West (up to 60')	\$6,600.00
B Dock East (35')	\$3,710.00
B Dock West (42')	\$4,578.00
C Dock East (30')	\$3,180.00
C Dock West (35')	\$3,710.00
D Dock East (24')	\$2,544.00
D Dock West (27')	\$2,862.00
E Dock (24')	\$2,544.00

I hereby certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on December 16, 2013, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



**RESOLUTION ESTABLISHING FEES
FOR
BOARDMAN RIVER DOCKAGE
SEASONAL RATES
2014**

Because, services are provided for the rental of boat slips at the Boardman River that requires expenditures of time and materials; and

Because, the City Commission believes that it is important that the actual costs associated with this service are not subsidized by the general taxpayer; now, therefore, be it,

RESOLVED, the fees for the City of Traverse City Boardman River seasonal slips be established as follows:

**CITY OF TRAVERSE CITY BOARDMAN RIVER
2014 SEASONAL SLIP RATE SCHEDULE**

20 Feet and under	\$767.00
20'1" - 21'0"	\$796.00
21'1" - 22'0"	\$823.00
22'1" - 23'0"	\$851.00
23'1" - 24'0"	\$898.00
24'1" - 25'0"	\$935.00
25'1" - 26'0"	\$964.00
26'1" - 27'0"	\$990.00
27'1" - 28'0"	\$1,019.00

I hereby certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on December 16, 2013, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



**RESOLUTION ESTABLISHING FEES
FOR
BOARDMAN RIVER DOCKAGE
SEASONAL RATES
2014**

Because, services are provided for the rental of boat slips at the Boardman River that require expenditures of time and materials; and

Because, the City Commission believes that it is important that the actual costs associated with this service are not subsidized by the general taxpayer; now, therefore, be it,

RESOLVED, the fees for the City of Traverse City Boardman River seasonal slips be established as follows:

**CITY OF TRAVERSE CITY BOARDMAN RIVER
2014 SEASONAL SLIP RATE SCHEDULE**

20 Feet and under	\$767.00
20'1" - 21'0"	\$796.00
21'1" - 22'0"	\$823.00
22'1" - 23'0"	\$851.00
23'1" - 24'0"	\$898.00
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I hereby certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on December 16, 2013, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



**RESOLUTION ESTABLISHING FEES
FOR
DUNCAN L. CLINCH MARINA
LAUNCHING PERMIT AND SEWAGE PUMP OUT FEES
2014**

Because, the City of Traverse City must continually maintain the Duncan L. Clinch Marina launch ramp, and sewage pump out station which requires hours of staff time and funds; and

Because, the Commission believes that it is important that the actual costs associated with this service are not subsidized by the general taxpayer; now, therefore, be it,

RESOLVED, the fees for the launching permit fees be established as follows:

**CITY OF TRAVERSE CITY
LAUNCHING PERMIT FEES
FOR 2014**

Launch Fee Daily	\$ 6.00
Launch Fee Seasonal	\$45.00
Commercial Vendors Seasonal	\$90.00
Commercial Daily	\$12.00 per boat

Senior citizens' rates are one-half of the above rates for seasonal permits only (\$20.00). For these special rates, the purchaser must be at least 60 years of age. Seniors must be prepared to show proof of age.

Launching permits must be placed on the top of the boat trailer tongue; and now therefore be it

RESOLVED, the fees for sewage pump out for the 2014 boat season shall be established as follows:

**CITY OF TRAVERSE CITY
SEWAGE PUMP OUT FEES
FOR 2014**

Holding Tank less than 30 gallons	\$ 6.00
Holding Tank greater than 30 gallons	\$12.00

I hereby certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on December 16, 2013, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: ZONING ORDINANCE AMENDMENT – LIMIT PARCELS IN THE SINGLE OR TWO FAMILY DWELLING DISTRICTS TO ONE CURB CUT PER PARCEL

Attached is a memo from City Planning Director Russ Soyring, outlining the proposed amendment to the Traverse City Code of Ordinances, which would limit parcels in the Single or Two Family Dwelling Districts (R-1a, R-1b, and R-2) to one curb cut per parcel, which was the original intent of the ordinance.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances Section 1374.04 (b)(4) *Limit to one driveway per parcel for Single and Two-Family Dwelling Districts*, which would limit parcels in the Single or Two Family Dwelling Districts (R-1a, R-1b, and R-2) to one curb cut per parcel, as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on January 6, 2014.

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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: ZONING AMENDMENT TO LIMIT PARCELS IN THE SINGLE OR TWO FAMILY DWELLING DISTRICTS TO ONE CURB CUT PER PARCEL

DATE: December 5, 2013

On October 1, 2013 meeting, the Planning Commission reviewed the zoning ordinance requirements for driveways. It was explained that the intent of the language in the current zoning code was to limit residential parcels to one driveway per parcel, but the actual language reads that a corner lot parcel may have two. On November 5, 2013 meeting, the Planning Commission introduced the zoning amendment and scheduled a public hearing for December 3, 2013.

On December 3, 2013, the Planning Commission held a Public Hearing to consider the proposed zoning amendment to limit residential parcels to one curb cut per parcel.

The Planning Commission took the following action:

Motion by Commissioner Easterday, second by Vice-Chairperson McNally, that an amendment to the Traverse City Code of Ordinances, Section 1374.04, *Driveways and Access Requirements*, to limit parcels in the Single or Two Family Dwelling Districts (R-1a, R-1b and R-2) to one curb cut per parcel be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration. Motion carried 7-0 (Commissioners Warren and Twietmeyer absent). There was one comment in support of the amendment during the Public Hearing.

Please pass on the Planning Commission's recommendation regarding this zoning code amendment on to the City Commission for their consideration.

RAS:mll

Attachments: Amendment

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: Limit to one driveway per parcel for Single and Two-Family Dwelling Districts

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1374.04, *Driveways and Access Requirements*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

CHAPTER 1374
Circulation and Parking

The purpose of chapter is:

- To make Traverse City safe and accessible by pedestrians, cyclists, drivers and passengers.
To give equal consideration to the pedestrian in the design of all public and private parking areas.
To promote site designs that help to reduce crashes and conflicts between pedestrians and vehicles.
To maintain the utility of the public rights-of-way to move goods and people safely and adequately.
To promote interesting street edges that invite people to walk.
To encourage a healthier transportation mix.

CROSS REFERENCES

Handicapped parking restrictions - MCLA 257.942a

Parking generally - TRAF 410.03, Ch. 480

Table with 4 columns: Code, Description, Code, Description. Rows include 1374.01 Pedestrian travel ways, 1374.02 Bicycle parking, 1374.03 Motor vehicle parking, 1374.04 Driveways and access requirements, 1374.05 Delivery truck loading requirements, 1374.06 Drive-through standards.

1374.01 PEDESTRIAN TRAVEL WAYS.

- (a) Compliance required. All developments except for one and two-family dwellings, shall provide clearly defined pedestrian travelways from the public sidewalk to main entrances of the buildings or uses of the land.
(b) Requirements. A sidewalk a minimum of five feet wide free from obstructions shall be constructed from the public walk to main entries of buildings. On lots where there are

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multiple principal buildings or main entries, sidewalks meeting the requirements above shall be provided.

- (c) **Construction standards.** Pedestrian travelways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travelway shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver.

1374.02 BICYCLE PARKING.

- (a) **Compliance required.** Whenever full off-street parking compliance is required, a minimum of one bicycle rack or locker is required and shall be located within 50 feet of the main entrance of a building or inside a building in a location that is easily accessible by bicyclists. For sites that require more than 25 motor vehicle spaces, the ratio is one rack for every 25 motor vehicle spaces. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (b) **Exception.** The requirements of this section do not apply to residential uses in the RC, R-1a, R-1b and R-2 districts or uses in the C-4 district.
- (c) **Standards.**
- (1) **Bicycle lockers.** Where required bicycle parking is provided in lockers, the lockers must be securely anchored.
 - (2) **Bicycle racks.** Where required bicycle parking is provided in racks, the racks must meet the following standards:
 - A. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.
 - B. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
 - C. The rack must be securely anchored.
 - (3) **Maneuvering areas.**
 - A. Each required bicycle parking space must be accessible without moving another bicycle; and
 - B. There must be an aisle at least five feet wide behind all required bicycle parking to allow room for bicycle maneuvering.

(Ord. 774. Passed. 11-5-07.)

1374.03 MOTOR VEHICLE PARKING.

- (a) **Compliance required.** In all districts, except the C-4 districts (where the provision of off-street parking is not required) and those properties located within 500 feet of a public parking structure, off-street parking shall be provided as required by this Chapter unless otherwise provided by parking waiver pursuant to this Zoning Code. In the C-4 district and those properties located within 500 feet of a public parking structure, when private parking is provided, it shall meet all requirements of this Chapter with the exception of

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the parking space requirements of subsection (d). Full off-street parking compliance is required as follows:

- (1) **New Construction.** For all newly constructed buildings.
 - (2) **Enlargement.** Whenever a building is expanded to increase its gross floor area.
 - (3) **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking pursuant to this Zoning Code than the former use.
 - (4) **Parking Area Construction and Expansion.** For all new parking areas and whenever existing parking areas are expanded. Normal maintenance, such as regrading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.
- (b) **Land use permits; plans; improvement guarantees.** Land use permits shall be required for parking area construction or expansion in all districts. In addition, the following shall be submitted:
- (1) **Plans.** For any parking construction or expansion a plan shall be submitted to and approved by the City Engineer prior to the commencement of construction. Such plan shall include:
 - A. Setbacks, spacing and size of spaces,
 - B. Landscaping and lighting (where applicable),
 - C. Ingress and egress,
 - D. Surfacing and drainage,
 - E. Proposed and existing grades,
 - F. General specifications,
 - G. Parking details and any other information as shall be deemed necessary by the Planning Director or City Engineer prior to the issuance of a land use permit.Except for parking areas and driveways for one and two-family dwellings, such plans shall be sealed by a registered professional engineer or architect who is licensed to do business in the State. Specific plan requirements may be waived by the Planning Director or City Engineer when, in their opinion, the proposed changes do not warrant full compliance. In such cases, a written opinion by the Planning Director must be filed with the application for the permit.
 - (2) **Improvement Guarantees.** For any parking construction, screening or other site development for which a land use permit is required, a certificate of surety, performance bond, or other financial guarantee, as approved by the Planning Director, in the amount of 110 percent of the estimated construction costs, shall be submitted prior to the issuance of a land use permit or building permit and shall be

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retained until such site development is completed and found to be in full compliance with the site plan approved by the Planning Director. Where landscape materials are required to be provided or mature trees are required to be saved in any development, the financial guarantee shall include the cost of plant materials and the total appraised value of individual trees to be saved and shall remain in effect for not less than one growing season after planting or completion of project site work, whichever is last.

- (3) **Leased parking.** The owner or occupier of the property to be served shall own or lease all property utilized to meet minimum parking requirements. The lease shall include a provision that the lease may not be canceled without the permission of the Planning Director. The Planning Director may allow cancellation of all or part of a lease where parking compliance is achieved in some other way or a parking exception is granted.
- (c) **Location of parking areas.** Off-street parking areas shall be located in the same district as the use they are intended to serve, in a district that allows the use, or as provided by a special land use permit or the granting order of a planned unit development. In addition, parking areas are to meet the following requirements:
- (1) **Front setbacks.** Except as otherwise contained in this Zoning Code or as indicated below, parking shall be provided behind or to the side of a principal building as follows:
 - A. **R-1a:** 3 feet minimum.
 - B. **R-1b:** 3 feet minimum.

All other districts: Other than in the R-1a, R-1b and R-2 Districts, a parking area shall be 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
 - (2) **Side setbacks.** In the R-1a, R-1b and R-2 districts, the side setback shall be 2 feet. In all other districts, any parking area which is contiguous to the side property line of an R-District shall provide a minimum side setback of 10 feet from the side contiguous to the R-District. All other parking areas shall maintain a minimum 5 foot side setback. If shared parking is developed, these setbacks would affect only the perimeter of the combined parcels. See Appendix 2, Figure 1-5.
 - (3) **Rear setbacks.** In the R-1a, R-1b and R-2 districts, no rear setback is required. In all other districts, a rear setback of 20 feet shall be required for any parking area abutting, adjacent to or across a public alley from an R-District and a 5 foot rear setback shall be required otherwise with the exception of the following:
 - A. A rear setback requirement may be waived by the Planning Director to allow parking designed to back directly into a public alley when it can be demonstrated that the property exhibits site constraints which preclude or render permitted parking configurations impractical. Whenever such parking is approved, an area no less than ten feet in depth shall be

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provided immediately in front of the parking and the provided area shall be developed according to the landscaping requirements of Section 1372.05 (a) and (b). See Appendix 2, Figure 1-6.

- B. A required 20 foot rear setback may be reduced in depth by up to 50 percent when a decorative masonry screenwall at least five feet in height is constructed along the 10 foot setback line and the area between the wall and the rear property line is landscaped according to the requirements for front yards in Section 1372.05, *Landscape Development Internal to a Parking Area*.

(4) **Off-site locations.**

- A. All off-street parking areas, except in R-districts, shall be located on the immediate premises or within 500 feet as measured from the nearest point of the parking area to the nearest point of the building intended to be served.
- B. The required number of parking spaces may be reduced on a 1/1 ratio for permit parking spaces and leased spaces in a public parking area within 500 feet of the building to be served. The termination of such a permit or lease shall require replacement of the parking spaces so reduced.

(5) **Use of public right-of-way.**

- A. The required number of off-street parking spaces for a specific use may be reduced in recognition of the number of available on-street parking spaces on a curbed street abutting the property.
- B. Parking is prohibited on the treelawn portion of the right-of-way except where permitted by sign.

- (d) **Requirements.** The number of required off-street parking spaces shall be provided by a property owner according to the following schedule. **All requirements are minimum unless otherwise noted.**

Residential 1 per dwelling unit

Specialized Housing

Adult foster care home 1 per three residents

Child care center 1 per ten children

Residential care and treatment facilities 1 per three beds

Independent living 1 per unit

Institutions

High schools, colleges 3 per 10 students

All other schools 1.5 per classroom

Places of worship 1 per 4 seats in main area of worship

Hospitals 1 per 400 square feet gross floor area

Governmental offices, post offices 1 per 400 square feet

Auditoriums (excluding schools) 1 per 3 seats

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Commercial

Office, financial institutions, retail	1 per 350 square feet gross floor area (Max. 1 per 150 sq. feet)
Medical office	1 per 300 square feet gross floor area (Max. 1 per 150 sq. feet)
Furniture, antique and bicycle shops	1 per 850 square feet gross floor area
Theaters	1 per 3 seats
Restaurants <i>Family</i>	0.4 per seat (alt. 2 for every 5 seats)
<i>Fine / Banquet Halls/ Fast Food</i>	0.7 per seat (alt. 3 for every 4 seats)
Lodging facilities	1 per room or suite
Marinas	1 per boat slip
Grocery, hardware /all other uses	1 per 325 square feet gross floor area

Industrial

Office	1 per 350 square feet gross floor area
Assembly/ Warehouse/Manufacturing	1 per 600 square feet gross floor area

- **Uses not listed.** Any use not specifically addressed or referred to in this list shall have parking requirements determined by the Planning Director.
 - **Fractional spaces.** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
 - **Bicycle rack.** In all except R- districts, one on-site bicycle rack accommodating four
 - **Multiple uses.** Where a building has a multiple use occupancy of any two or more residential, commercial, office or industrial uses, the parking required shall be computed on the basis of the gross floor area in each use.
 - **Upper story dwellings.** Additional parking is not required for upper story dwellings above a first floor commercial or office use in a C-1, C-2, C-3 or H-1 district, however, any parking area supplied shall conform to the provisions of this Code.
 - **Buildings less than 500 square feet gross floor area** for non-residential uses are exempt from parking space requirements.
- (e) **Parking exception.** The Planning Director may grant a parking exception which reduces parking space requirements or location requirements of this Zoning Code, if it has been clearly demonstrated that the provisions of full parking or location requirements are unnecessary or that such requirements would create a practical difficulty with the use of the lot, as contrasted with merely granting an advantage or convenience. Storage areas, other than warehousing space, deemed by the Planning Director to be impractical for the other occupancies, shall require no off-street parking.
- (f) **Limitations on use of parking areas.**
- (1) The required parking area shall be used solely for the parking of private passenger vehicles or vehicles used in the business operation.

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- (2) No commercial repair work or service of any kind, and no sale, display or storage of new or used vehicles which are not for the use of the occupant, employees and patrons, shall be conducted in such required parking area.
 - (3) A parking area in an R-district for a residential use shall be restricted to the use of its owner or lessee and under no circumstances shall such facility be used for a non-residential use or in conjunction with any non-residential use, including the provision of access to a non-residential use or the storage of snow removed from non-residential property or use.
 - (4) No truck, trailer or other vehicle having an auxiliary refrigeration unit shall be parked overnight within 150 feet of any residence district while the refrigeration unit is in operation.
- (g) **Design and construction standards.** The following standards for off-street parking areas apply to all uses in all districts except as specifically noted:
- (1) **Layout.** Off-street parking areas shall be designed, constructed, and maintained as follows and in accordance with the standards set forth in the table and drawing following the text of this Chapter.
 - A. All maneuvering lanes shall permit only one-way traffic movements, with the exception of the 90 degree pattern where two-way traffic may be permitted.
 - B. Each parking space shall have direct unimpeded access to a maneuvering lane and dead-end maneuvering lanes shall be permitted only with the 90 degree pattern where the maneuvering lane has been extended by a minimum of four feet beyond the last parking space to create a back-up area for exiting vehicles.
 - C. Maneuvering lanes shall not be located within a required setback. A driveway may cross a setback from the street to the parking area.
 - D. Stacking of parking spaces may be allowed by the Planning Director for employee parking only.
 - (2) **Surfacing.**
 - A. All parking areas, other than for a single or two-family residential use, shall be paved with concrete, bituminous asphalt, perforated concrete, brick or other permanent equal as approved by the City Engineer.
 - B. Any parking area for single or two-family residential use shall, at a minimum, be surfaced and the area clearly defined with gravel, crushed stone, concrete, asphalt, brick or equal material, and be maintained substantially free of dust, mud and standing water.
 - C. All parking spaces other than for single and two-family residential use shall be striped with suitable paint, reflective tape or other approved contrasting material which is applied upon or as an integral part of the pavement.
 - (3) **Curb Types.** All parking areas except those for single and two family dwellings shall have permanent 4 inch minimum high granite, concrete curb or concrete curb and gutter to channel the flow of vehicular traffic, define and contain

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parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways in the interest of safety and efficient parking area utilization. In the Industrial District, curbing is required only for that portion of a parking area including the approach driveways and parking lot facing the street. See Appendix 2, Figure 1-7. All landscaped islands shall be protected from vehicular encroachment by curbing, however limited areas of the curb may be lowered to parking area grade, as approved by the City Engineer to accommodate the secondary use of landscape areas for the retention of storm-water runoff and snow storage. The Planning Director may approve variations from strict compliance with the curbing requirements when the applicant can provide an alternative design that is equal to or superior in its ability to channel the flow of vehicular traffic, define and contain parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways.

- (4) **Storm-Water Management.** All parking areas shall provide for storm water management pursuant to Traverse City Code Chapter 1068, *Groundwater Protection and Stormwater Runoff Control*.
- (5) **Screening.** Screening shall be provided pursuant to Traverse City Code Chapter 1372, *Landscaping*.

(Ord. 476. Passed 7-6-99. Ord. 537. Passed 6-4-01. Ord. 540. Passed 7-16-01. Ord. 536. Passed 6-4-01. Ord. 569. Passed 7-1-02. Ord. 575. Passed 8-19-02. Ord. 766. Passed 7-2-07. Ord. 923. Passed 10-3-11. Ord 967. Passed. 6-3-13)

1374.04 DRIVEWAYS AND ACCESS REQUIREMENTS.

- (a) **Intent.** It is the intent of this section to regulate the number, location and spacing of driveway entrances to public streets from private property and to encourage the joint use of driveways and alternative access ways wherever possible so as to minimize the frequency of traffic conflict points, increase safety and protect the traffic carrying capacity of arterial and collector streets.
- (b) **Restrictions.** After the effective date of this Zoning Code:
 - (1) No new driveways are permitted on a new primary arterial or new collector street.
 - (2) No new driveways are permitted from streets in the C-4 District, except to service parking areas on properties that do not have access to an alley provided the standards in Section 1346.01 are met.
 - (3) A service driveway for a dumpster(s) in the C-4 District with a minimum capacity of 3 cubic yards is allowed provided the property does not have access to an alley. The driveway width shall not exceed 10 feet.
 - (4) For a single or two-family residential use, parcels without alley access are limited to one ~~driveway opening per parcel. curb cut from a street.~~
- (c) **Minimum spacing regulations.** The following minimum driveway spacing requirements shall apply to arterial and collector streets in all districts. Driveways located in proximity to another driveway on the same side of the street shall not be closer than the linear footage established by the following:

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<u>Street Type</u>	<u>Alternate Access Available</u>	<u>No Alternate Access Available</u>
Arterial	200 feet	100 feet
Collector	200 feet	100 feet

- (d) **Minimum distance from street intersections.** Driveways shall not be located nearer to street intersections than established by the following. Minimum spacing is measured along the street curblin and is determined by the linear footage from the end of the intersection curb radius to the end of the driveway curb radius

<u>If a driveway enters a street classified as:</u>	<u>And the intersecting street is classified as:</u>	<u>Minimum spacing for driveways entering a lane approaching the intersection (feet):</u>	<u>Minimum spacing for driveways entering a lane leaving the intersection (feet):</u>
Access	Access, collector or arterial	15	15
Collector	Access, collector or arterial	50	50
Arterial	Access	50	50
Arterial	Collector	50	50
Arterial	Arterial	50	50

- (e) **Exceptions.** In all districts:

(1) **Improvement and enlargement of existing buildings and sites.**

- A. A building or site existing at the time of adoption of this Zoning Code having driveway access which does not meet the requirements set forth in subsection (c) hereof may be improved, enlarged or structurally altered, provided no additional driveways are constructed.
- B. A building that is replaced or enlarged or a site which is altered to an extent more than twenty percent of its value, as determined for tax assessment purposes, must comply fully with these public street access regulations.

- (2) **Residential lots.** Any residential building or driveway constructed after the effective date of this zoning code which has access to a maintained alley shall not have access to a street nor shall a parking area be located in the front yard. For parcels having alley access, the parking of a boat, motor home, camper, utility trailer or other recreational vehicle is limited to the rear yard.

- (3) **Further exceptions.** Further exceptions to driveway minimum spacing regulations in paragraphs (c) and (d) hereof may be granted upon approval of the City Engineer. The distance requirement may be reduced by no more than 50 percent if the City Engineer determines that the requested exception, along with possible additional exceptions in the same area, will meet the following findings:

- A. The character of the street or neighborhood shall not be diminished or negatively impacted.
- B. It is necessary for reasonable use of the lot.
- C. It shall not contravene the intent and purpose of this Zoning Code.

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- D. It meets other conditions the City Engineer may specify regarding the health and safety aspects of the exception.
- (f) **Design standards for single or two-family uses.** The minimum width of a driveway measured at the throat is 8 feet and the maximum width is 16 feet on all streets or private streets for single or two-family uses. A parking area and driveway width in the front yard shall be the lessor of 40% of the lot width or 32 feet.
- (g) **Design standards for all other uses.** For all other uses:
- (1) **Minimum angle to street.** The minimum angle of the driveway to the street shall be 60 degrees.
 - (2) **Maximum width at throat.**
 - A. The maximum width of a driveway measured at the throat shall be 24 feet on arterial and collector streets.
 - B. The maximum width of a drive measured at the throat on all other streets shall be 20 feet.
 - C. Such width may be increased upon approval of the City Engineer to a maximum of 32 feet on major streets so designated under the Major streets Plan pursuant to 1951 Public Act 51.
- (h) **Backing into streets or alleys.** Except for one and two-family dwellings located in districts other than the C-4 District, backing from a private parking area directly into a street or private street is prohibited. Under certain circumstances described in this chapter backing into an alley is permitted for all uses.
- (Ord. 766. Passed 7-2-07. Ord. 794. Passed 4-7-08. Ord. 826. Passed 2-2-09.)

1374.05 DELIVERY TRUCK LOADING REQUIREMENTS.

- (a) **Purpose.** It is the intent of these regulations that the necessary loading and unloading of motor vehicles shall not unduly interfere with the use of public streets and alleys, and that every use which customarily receives or distributes goods by motor vehicles shall provide for the on-site storage and handling of such motor vehicles.
- (b) **Parking Spaces for Carriers.** Except in the C-4 districts where the provisions of this section would be impractical, uses which customarily receive or distribute goods by motor vehicle shall provide, on the premises, in addition to the off-street parking required, sufficient space for that number of carrier vehicles that will be at the premises at the same time on an average day.
- (c) **Design and Construction Requirements.** Except in the C-4 districts where the provisions of this section would be impractical, there shall be provided off-street, on-site space adequate for the standing, docking, loading, maneuvering and unloading of motor vehicles. This area shall not substantially interfere with required off-street parking areas, and shall be designed as follows:
- (1) **Access and maneuvering.** Access to a truck standing, loading and unloading space or berth shall be arranged as to provide sufficient off-street maneuvering space without utilizing such street and alley for this purpose.
 - (2) **Loading docks and berths; location and screening.** Loading docks shall be located so as not to be visible from a public street or from any R-district. Where

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any loading space or berth adjoins or is visible from a public street or R-District, there shall be provided a masonry wall not less than six feet in height and a landscape area providing at least one canopy tree to provide screening to a height of 14 feet within five years of installation, between such street or R-district and the loading space.

- (3) **Development requirements.** Off-street loading spaces and access drives shall be paved and shall conform to all drainage and lighting requirements of this Code.
- (d) **Exception.** The Planning Director may grant an exception which changes the loading requirements of this Zoning Code if it has been clearly demonstrated that the provision of loading facilities is unnecessary or that such requirements would create a practical difficulty with the use of the lot, as contrasted with merely granting an advantage or convenience.

1374.06 DRIVE-THROUGH STANDARDS.

Purpose: The regulations of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, and queued traffic interfering with off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- Reduce noise and visual impacts on abutting uses, particularly residential uses.
- Promote safer and more efficient on-site vehicular and pedestrian circulation.
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

Standards for all drive-through facilities are as follows:

- (a) The service lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists, and motorists.
- (b) Provisions shall be made to safely accommodate customers without motor vehicles at any time the drive-through operation is in service.
- (c) The drive-through facility shall be accessory to a full-service, indoor, on-site use.
- (d) The service lanes shall meet the landscape requirement of section 1372.04.
- (e) The service lanes shall not be located between the associated building and public street.
- (f) Regardless of the street classification, all driveways must be at least 50 feet from a street intersection.
- (g) When abutting R zoned land, drive-through facilities with outdoor speakers must document in advance the facility will meet the requirements of the noise control chapter.
- (Ord. 476. Passed 7-6-99. Ord 529. Passed 4-2-01. Ord. 860. Passed 2-16-10.)

The effective date of this Ordinance is the _____ day of _____, 2013.

I hereby certify the above ordinance amendment was introduced on December 16, 2013, 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:

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____ 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

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The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: ^{SD} JERED OTTENWESS, CITY MANAGER

SUBJECT: POLICE SERVICES – FOR TRAVERSE BAY AREA
INTERMEDIATE SCHOOL DISTRICT

Attached is a memo from Chief of Police Michael Warren recommending the City Commission authorize a contract with Traverse Bay Area Intermediate School District (ISD) to provide a police officer at the ISD's school campuses within the city. As outlined by the Chief of Police, the ISD would pay the costs associated with the officer, excluding the wage and fringe benefit costs in the months of July and August.

Executing this agreement will result in adding a Police Officer to the Police Department, the cost of which, along with the revenues associated with the portion the ISD is reimbursing, has been included in the 2013/2014 budget. The initial contract period would be for two years; if the ISD or the city choose to not renew the contract, it could possibly result in the reduction of a Police Officer. Renewal of the contract will be brought back to the City Commission for authorization after the initial two-year period.

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

That the Mayor and City Clerk execute a two-year agreement with the Traverse Bay Area Intermediate School District (ISD) for the city to provide a police officer to be assigned to ISD campuses within the city, with the ISD to pay costs associated with the police officer as outlined in the December 10, 2013, communication from the Chief of Police, with such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

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e-copy: Michael Warren, Chief of Police

TRAVERSE CITY POLICE DEPARTMENT
OFFICE MEMORANDUM

TO: JERED OTTENWESS, CITY MANAGER
FROM: MICHAEL K. WARREN, CHIEF OF POLICE *MKW*
RE: TBAISD CONTRACT – POLICE SERVICES
DATE: DECEMBER 11, 2013 (supersedes memorandum dated 12/10/2013)

On Wednesday, December 4, 2013, we were notified by the Traverse Bay Area Intermediate School District (TBAISD) that they had approved via Board vote to enter into a contract for police services with our department.

The TBAISD specifically is requesting a police officer be assigned to serve their 1,131 students at four (4) in City campuses (Career Technical Center, New Campus, Traverse Heights, and Oak Park). This contract is approved to include a police officer, a police vehicle/fuel, all necessary equipment, and all training. The TBAISD is prepared to enter into an initial two year renewable contract for this service. Their contract will pay for all costs incurred from September through June. The City would pick up the costs associated with July and August (historically our busiest months). We anticipate some of the City's cost during July and August would be offset by increased ticket revenue. The costs associated with this contact are broken down as follows:

Wage & Fringe Benefits:	\$77,135	
Uniform & Equipment:	\$ 1,500	
*Vehicle Rental:	\$ 7,800	
Vehicle Equipment:	\$ 7,500	
Overtime:	<u>\$ 5,000</u>	(will be dependent on how much "backfill" is requested)
Total:	<u>\$98,935</u>	

The vehicle equipment and most of the uniform equipment would only apply in the first year. We feel this is a fairly accurate estimate.

TBAISD: First Year: \$86,079
Second Year: \$78,751

CITY: First Year: \$12,856
Second Year: \$13,113 (assuming benefit costs remain the same plus a 2.5% wage increase)

Based on this we request the City Commission please authorize and approve the City of Traverse City entering into a contract for police services with the TBAISD. We respectfully request this item be placed on the December 16, 2013, City Commission meeting agenda.

*TBAISD will either be invoiced separately for vehicle fuel by the City's Department of Public Services or they may elect to fuel the police vehicle at their own fueling station.

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The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: PARKS AND PUBLIC LAND USE POLICY

At the November 18, 2013, Regular Meeting, the Commission appointed an ad hoc committee, consisting of Commissioner Ross Richardson, who is serving as Chairman, Commissioner Barbara Budros and Commissioner Gary Howe. The committee was appointed to make a recommendation regarding the following:

- Frequency of High Impact Events in city parks
- Fees for High Impact Events in the Open Space
- Noise regulations in the city, with a focus on noise generated at special events in city parks

The committee held its initial meeting and recommended, on a 2-1 vote (with Commissioner Howe voting against) that the City Commission adopt the staff recommendations regarding frequency of events in city parks. The committee will be continuing its work regarding fees and noise regulations, with a report back to the Commission in the future.

Attached is the Park and Public Land Use Policy with proposed changes highlighted. The changes that are highlighted deal specifically with frequency of events, codify current practice or are non-substantive "housekeeping changes."

The following outlines the changes to the policy that are before you for consideration regarding frequency of events:

- Section II(j)- (Of the changes proposed, this is the sole change that would make the policy less restrictive) – it would allow low impact events to be two days or less in duration *excluding* (rather than including) set up and take down. This change was proposed by the Parks Division so that

individuals who are holding events can have a couple of days to remove their tent, particularly when their event is on a weekend, because it is more costly for the event holder to have a tent removed on a Sunday rather than a Monday.

Section VI(g)-

For the Clinch Park and Open Space, with the exception of the National Cherry Festival and Film Festival, provides that there may be only one High Impact Event in June, none in July, and one in August in each of these two parks. This is a reduction of up to two events per park from June 1 through August 31.

Section VI(h)-

Prohibits High Impact Events in city parks on Memorial Day and Labor Day and the preceding Friday, Saturday and Sunday as well as on Independence Day, the day before and the day after Independence Day.

The following motion would approve the ad hoc committee's recommendation and make other clarifications to the policy:

that the amendments to the Park and Public Land Use Policy, as submitted with the packet materials for the December 16, 2013, Regular Meeting, be adopted.

JJO/bcm

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e-copy: Dave Green, Director of Public Services

Michael Warren, Chief of Police

CITY OF TRAVERSE CITY

PARK AND PUBLIC LAND USE POLICY

I. PURPOSE

The purpose and intent of this Policy are as follows:

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

Draft for December 16, 2013, City Commission meeting

- (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.

Draft for December 16, 2013, City Commission meeting

- (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

Draft for December 16, 2013, City Commission meeting
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

Draft for December 16, 2013, City Commission meeting

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

Draft for December 16, 2013, City Commission meeting

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 usage application-processing fee. The City Commission by resolution and after recommendation of the City Manager shall establish application fees. The application fee shall be paid at the time of making the application. Applications submitted without the required fee shall automatically be deemed incomplete. Payment for any services to be provided by the City over normal service may be charged to the Applicant or Permit Holder. The application and permit fee shall be set by the City Commission by resolution. **Certain High Impact**

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

XIV. GENERAL CONDITIONS

The following general conditions apply to all Events. Additional special conditions may be imposed in the Permit. All terms and representations specified in the permit

Draft for December 16, 2013, City Commission meeting

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.

Draft for December 16, 2013, City Commission meeting

I hereby certify that the above Policy was adopted by the City Commission on March 16, 1998, and was amended in its entirety, at a regular meeting of the City Commission on March 17, 2008, and December 17, 2012, at a regular meeting of the City Commission and amended at the December 16, 2013, regular meeting of the City Commission by a vote of Yes: _____, No: _____. at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: ^{JD} JERED OTTENWESS, CITY MANAGER

SUBJECT: MORATORIUM – HIGH IMPACT PARK USAGE PERMITS

At the October 7, 2013, Regular Meeting, the Commission adopted a moratorium on the City Clerk's Office issuance of High Impact Park Usage Permits. Attached is a memo from City Clerk Benjamin Marentette recommending the moratorium be lifted if the Commission adopts frequency limits at Monday evening's meeting. If the frequency limits are not adopted, the City Clerk recommends the moratorium remain in place and be reconsidered no later than the January 20, 2014, Regular Meeting.

The following are sample motions:

1. To lift the moratorium

That the moratorium on the City Clerk's Office issuance of High Impact Park Usage Permits which was established October 7, 2013, be lifted.

2. To leave the moratorium in place, with reconsideration
no later than January 20, 2014:

That the moratorium on the City Clerk's Office issuance of High Impact Park Usage Permits which was established October 7, 2013, be reconsidered by the City Commission no later than the January 20, 2014, Regular Meeting.

JJO/bcm

K:\ccclerk\city commission\park and public land usage\moratorium reconsider

e-copy: Dave Green, Director of Public Services

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY: Dave Green, Director of Public Services

FROM: Benjamin C. Marentette, City Clerk *B. Marentette*

DATE: Wednesday, December 11, 2013

SUBJECT: MORATORIUM – HIGH IMPACT PARK USAGE PERMITS

On October 7, 2013, the City Commission adopted a moratorium on this office's issuance of High Impact Park Usage Permits. The moratorium was adopted so the City Commission could address certain issues with respect to High Impact Events in city parks. The City Commission appointed an ad hoc committee to develop a recommendation on those issues (those issues being the frequency of events, fees charged for use of the Open Space and noise regulations).

On Monday evening's agenda is a recommendation from the ad hoc committee to adopt changes with respect to the frequency of High Impact Events which are allowed in city parks. If the Commission resolves the frequency issue, the remaining issues within the committee's scope are to make a recommendation regarding noise regulations and fees. Noise regulations would be established through the Noise Ordinance; and as with all city ordinances, events are required to follow the ordinances in effect at the time of their event. Lastly, this office will charge the event holders the fees that are ultimately adopted; and event holders are made aware of that.

Therefore, if the issue regarding frequency of High Impact Events in city parks is resolved Monday evening, I recommend the moratorium be lifted. If the frequency issue is not resolved Monday evening, I recommend the moratorium not be lifted and the Commission adopt a motion stating that the moratorium is to be reconsidered no later than the January 20, 2014, Regular Meeting, which would allow additional time to address the frequency issue.

As always, please feel free to contact me if you would like to discuss this matter further.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: J. JERED OTTENWESS, CITY MANAGER

SUBJECT: *THE PERFORMANCE* – 2013 EDITION

On Monday evening, City Clerk Benjamin Marentette will very briefly present the 2013 edition of *The Performance*, which is a document highlighting approximately 100 accomplishments by the city in calendar year 2013.

The Performance will be published on the city's website and will be circulated widely, including through the city's neighborhood associations.

JJO/bcm

K:\tcclerk\city commission\performance 2013



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: J.O. JERED OTTENWESS, CITY MANAGER

SUBJECT: APPOINTMENT - ELECTION COMMISSION

Attached is a memo from Deputy City Clerk Katie Lowran, indicating John Burgess' term on the Election Commission is nearing expiration.

As indicated by Ms. Lowran, this is a City Commission appointment.

The following are sample motions:

1 – to establish an ad hoc interview committee

that an ad hoc interview committee be established to make a recommendation regarding one three-year term (seat previously held by John Burgess) expiring December 12, 2016, on the Election Commission; and that Commissioners _____, _____ and _____ be appointed to such Committee, with Commissioner _____ to serve as Chair.

2 – to appoint Ms. Elliott

that Kris Elliott be appointed to one three-year term expiring December 12, 2016, (seat previously held by John Burgess) on the Election Commission.

JJO/kjl

k:\tcclerk\city commission\appointments\adhocecc2013.doc

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY:

FROM: Katie Lowran, Deputy City Clerk *Katie Lowran*

DATE: Wednesday, December 11, 2013

SUBJECT: APPOINTMENT - ELECTION COMMISSION

The term of John Burgess on the Election Commission expired on December 9, 2013; Mr. Burgess is not seeking reappointment.

This is a City Commission appointment and is for a three year term which will expire on December 12, 2016.

We have one application on file:

Kris Elliott (also seeking appointment on the Traverse Area District Library Board)

The Election Commission has a very narrow scope of duties (approving the printing of city election ballots and the City Clerk's appointment of election inspectors); the Commission meets just a couple times per year.

As always, please feel free to contact me if I may be of further assistance.

10/19/13

Dear Ladies and Gentlemen:

Please find enclosed my application for consideration for a term on a Traverse City Commission or Board.

I have been a resident of Traverse City for 9 years now and would like to have the opportunity to become involved in the infrastructure supporting our wonderful community. I am a detailed, process oriented person; I take pride in following through on my commitments. My undergraduate degree is in Engineering and my graduate degree is in Operations Management. I am skilled in process improvement and analytics.

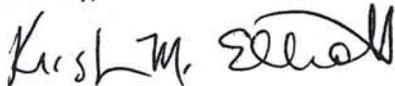
I have chosen to apply for two commissions/boards.

Election Commission: I am a firm believer in the power of the vote and adamant that everyone should have the opportunity to vote. I regularly vote. It is a privilege and an obligation. The year before we moved here, I volunteered as a poll worker in Ohio. I learned so much about the work behind the scenes necessary for the election process. I would like to continue to learn and help support the elections "machinery".

TADL Board: Libraries! I love libraries. I am a frequent user of TADL (using my husband's card – long story about problems with my account set-up years ago). I have always used the public libraries wherever I lived. My first library was one of the libraries established by Andrew Carnegie. The Woodmere branch is the branch I use; it is an incredibly beautiful library with many user-friendly features. The paperbacks that can be taken without a card – what a great idea in a tourist community! I do need to be candid. When we moved here, my children, who used to go to the library once or twice a week, had some less than ideal experiences at the Woodmere branch. I wrote a detailed letter to the library, explaining the issues, and suggesting improvements. Unfortunately, I did not hear back from the library; more unfortunately, my children stopped going to the library. So, I would welcome the opportunity to learn more of the library's processes to better understand how the library can not only maintain its excellence, but possible even improve.

Thank you for the opportunity to submit my application.

Sincerely,



Kris Elliott

kris-elliott@sbcglobal.net

619 Monroe

231-360-0183



City of Traverse City
Application to Become Involved

RECEIVED

OCT 23 2013

CITY OF TRAVERSE CITY
CITY CLERKS OFFICE

Board(s)/Committee(s) on which you are interested in serving: Election Commission, TADL Board

(Please limit to three boards/committees)

Name: Kris Elliott E-Mail Address: kris-elliott@sbcglobal.net

Address: 619 Monroe TC MI 49684

Occupation: Director of Quality (if retired, please provide your career)

Home telephone number: (231) 360-0183 Work telephone number: (231) 421-8525

We would appreciate your answering the following questions, which simply assist the City Clerk's Office in meeting the requirements of certain City boards and committees.

Are you a registered City voter? yes Do you reside within the city limits? yes
Do you own taxable property within the City? yes Are you a downtown district (DDA) resident? no
Do you have ownership interest in downtown district (DDA) property? no Are you in default to the City? no
Are you an officer, member, principal, or employee of a legal entity owning property interest located in the downtown district (DDA)? no
Are you a resident of a complex operated by the City? no Do you live within the Traverse City Light and Power service area? yes
Are you or are any of your immediate family members employees of any level of the legislative, judicial or executive branch of government? no
Are you or are any of your immediate family members a member of any other City board or Committee? no
If yes, which?

Please attach a brief letter sharing with us the following information:

- Why are you applying for a city board or committee seat?
- How do you believe your appointment would benefit the city?
- Any other helpful information relevant to your application.

The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

Signature: Kris M. Elliott

Date: 10/19/13

Thank you for your application.... volunteers secure our community's beauty and promote its enhancement!
- Benjamin C. Marentette, City Clerk

Please return this application, with your letter, to: City Clerk, 400 Boardman Avenue, Traverse City, MI 49684. Please feel free to contact our office at (231) 922-4480 with any questions.

Kristen M. Elliott
619 Monroe Street
Traverse City, MI 49684
H: 231-360-0183 W: 231-421-8505 kris-elliott@sbcglobal.net

PROFESSIONAL ACHIEVEMENTS

Northern Physicians Organization – Traverse City, MI 2012 - Current

Director of Quality

Provide analytic and quality support. Facilitate physician-led quality improvement committees and roll-out of patient-centered medical home and neighborhoods. Analyze various data sets to identify opportunities to improve patient care and efficiency. Interact with payers to reduce administrative overhead for physician offices and improve patient care processes. Promote the exceptional quality of Northern Michigan patient care throughout the state.

Munson Medical Center – Traverse City, MI 2004 - 2012

Sr. Performance Services Analyst, Performance Services Analyst

Facilitated Process Improvement for Nursing, Utilization Management, Performance Improvement, and various other areas. Focused on standardizing processes, utilizing technology, and making data transparent and actionable. Provided project management, data analysis, and facilitator skills.

- Supported implementation of Pre-Admit electronic bed assignment system to improve throughput: project management, development of metrics, process design.
- Supported implementation of voluntary incident reporting with change of accountability designed into processes. Provided project management, process design, reporting support.
- Designed, developed, refined and distributed the Patient Safety Scorecard to leadership across the organization, including Board-level. Content included the most important quality measures as defined by leadership.
- Guided ED Handoff process improvement effort that improved communication and patient care delivery of patients. Before PI effort, only 57% of inpatient floor nurses responded affirmatively to the question, "Did you receive the necessary information to successfully care for the patient?" Post implementation, response increased to 100%
- Project management for the opening of the Clinical Observation Unit (an important resource allowing for reduction in ED Boarder Hours). Addressed significant changes in patient and operational processes, ensuring systems were optimized to meet all requirements.
- Continuously monitored and apprised physicians, administrators, Board members, and management of specific quality data available to public. Analyzed data to proactively identify improvement opportunities.
- Developed standard zero-based method and templates to calculate inpatient unit and ED staffing needs. Developed annual supply and staffing budgets for all Nursing departments.
- Member of team earning James Stephens Quality Award: 2010 (Restraints Steering Committee), 2011 (Primary Care Committee), 2012 (Hand Hygiene).
- Nominated by a co-worker as a Top 100 Caliber Employee, 9/11

Right Communications - Columbus, OH 2003 - 2004

Director

Made public information requests, analyzed data received, and wrote reports for publication and distribution to media, legislators, and members. Developed and maintained databases to track association membership and public information request responses.

Children's Hospital - Columbus, OH 1997 - 2003

Information Services (IS) Project Coordinator, Strategic Business Systems Coordinator

Led HIPAA Security and Transactions workgroups and acted as consultant to Privacy workgroup. Developed Information Security infrastructure to enable policy development & approval and development of best practices for security assessments of new/existing systems. Managed systems for business groups and clinical areas - Emergency Department and Case Management.

- Created an Information Security Group and an organizational wide Information Security infrastructure. Centralized user access management using strong approval and identification procedures to ensure only appropriate and necessary access granted.
- Developed communication processes for IS portion of facility builds/moves to ensure all tasks identified and completed (cabling, hardware, and software).
- Participated in re-engineering of Emergency Department's workflow (over 80,000 visits per year) which resulted in a significant reduction in patient turnaround time and an improvement in staff satisfaction. With end users selected, purchased, & installed tracking system.
- Developed processes to resolve, and did resolve, data integrity issues across multiple systems to improve data warehouse functionality. Developed a user-led, organization-wide data integrity group; helped group to identify data integrity issues pro-actively. Managed data warehouse.
- Developed and provided IS support for clinical areas previously not supported. Developed customer relationships and reporting methods to ensure customers apprised of IS activities.
- Acted as IS liaison for JCAHO concerns; developed IS responses for JCAHO surveys.

Health Power HMO - Columbus, OH 1995 - 1997

VP, Director of Information Systems, Project Manager

Managed Information Systems consisting of IBM AS400 and Novell Network. Developed a customer service oriented approach within department. Added database programming capabilities and a data analyst to enhance reporting capabilities. Managed Credentialing department; standardized workflow.

Led yearlong successful project to prepare for NCQA survey. Identified resources/processes required, implemented processes, prioritized tasks. Tracked project timeline and budget status.

- Developed physician profiling reports for recredentialing activities and HEDIS reports.
- Developed managerial departmental reports. Helped establish performance/quality measures.
- Led successful multi-disciplinary project teams to implement customer service, data warehouse, and credentialing software and resolve system deficiencies.

Kaiser Permanente - Cleveland, OH 1991 - 1994

Manager, Senior Management Engineer, Management Engineer

Management of the Management Engineering Department for a 200,000 member Health Maintenance Organization. Staff acted as internal consultants by:

- Developing process flow improvements to reduce workload and improve quality of service.
- Providing process expertise/project management skills to computer system design & implementation teams.
- Supporting TQM activities through data collection/analysis and cost/benefit studies of remedies.

- **Representative Accomplishments:**

- * Quantified impact on ancillary areas of an electronic medical record system pilot. Management Engineering became member of core team expanding pilot throughout region.
- * Decreased Mental Health ambulatory chart requests 20,000 per year by demonstrating that necessary data was available on mainframe on-line.
- * Eliminated manual statistics collection in medical office areas (~120 hours/week) by designing mainframe files and reports.

Case Western Reserve University - Cleveland, OH 1989 - 1990

Graduate Assistant

Performed costing analyses of direct/indirect costs and overhead allocations of a traditional manufacturing system to a manufacturing cell system for large corporations.

Brontel/Bearing Bronze - Cleveland, OH 1988 - 1989

Quality Assurance and Regulations Relations Engineer, Marketing Intern

Analyzed sales patterns and generated forecasts for bronze foundry/machine shop which grossed eight million dollars per year in sales. Duties included Quality Assurance and Regulations Relations (OSHA, EPA, military).

Meridia Huron Hospital - Cleveland, OH 1982 - 1988

Engineering Systems Specialist, Clinical Engineer

Management of the Clinical Engineering Department for a 387 bed teaching hospital. Functions of the Department included:

- Purchase/maintenance of all medical equipment (monitors, lasers, respirators, defibrillators, etc.).
- Training of physicians and nurses on medical equipment use and safety.
- Involvement in all maintenance functions and construction that dealt with patient Responsible for selection, specification, and installation of 5 intensive care monitoring systems.

EDUCATION, CERTIFICATIONS

M.S. Management Science - Case Western Reserve University, Operations Mgmt

B.S. Biomedical Engineering - Purdue University

Certified Professional in Healthcare Information and Management Systems (CPHIMS): HIMSS 2011

- Chairperson FY14 CPHIMS Technical Committee 7/01/2012 – 6/30/2014

Various courses and seminars such as Patients Safety Science, Juran Quality Improvement facilitator, LEAN, Six Sigma (previously certified Quality Engineer through ASQC), Project Management, Simulation, Customer Service, Information Security, Data Warehouse, The Joint Commission (TJC) and National Committee for Quality Assurance (NCQA) seminars

ELECTION COMMISSION

	<u>Initial Appt. Date</u>	<u>Termination</u>
Marentette, Benjamin - City Clerk Chair-Secretary 922-4480	9/19/11	Continuous
Burgess, John 215 E. Ninth Street, T.C. 49684 946-1973 <i style="text-align: center;">-Term Expiring, Not Seeking Reappointment-</i>	07/02/01	12/09/13 12/12/16
Campbell, Christopher 116 N. Monroe Street, T.C. 49684 935-1873 (Res). 941-5109 (Bus.)	07/06/99	12/14/15
Walton, John 228 W. Seventeenth Street, T.C. 49684 932-2298 (Res.) 941-2713 (Bus.)	07/17/06	12/08/14

Established December 17, 1998

Resolution No. 469; Chapter 280 Codified Ordinances of the City of Traverse City.

ELECTION COMMISSION: is a neutral body and has no policy decision making authority. City Charter, ordinances and state law mandate election procedures. The Election Commission consists of three registered voters and the City Clerk who serves as Chair and Secretary and calls all meetings. The Election Commission meets approximately twice a year. Examples of duties: to appoint election inspectors and to approve printing of City election ballots. All appointments are for three years with the first appointments being staggered.

All appointments expire the second Monday in December.

The City Commission shall appoint the three registered voter members of the Election Commission. In order to be eligible for appointment, these persons shall not be in default to the city, meaning that they do not owe any delinquent bill or back taxes to the City. No member shall be appointed or continue to sit on the Elections Commission if they or any member of their immediate family are a candidate to be voted on at the upcoming election. Upon discovering such candidacy, an Elections Commissioner shall immediately notify the City Clerk.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF DECEMBER 16, 2013

DATE: DECEMBER 12, 2013

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: APPOINTMENT – BOARD OF TAX REVIEW

Attached is a memo from Deputy City Clerk Katie Lowran, indicating Dan Stiebel's term on the Board of Tax Review is nearing expiration.

As indicated by Ms. Lowran, this is a City Commission appointment.

The following are sample motions:

1 – to establish an ad hoc interview committee

that an ad hoc interview committee be established to make a recommendation regarding one three-year term (seat previously held by Dan Stiebel) expiring December 31, 2016, on the Board of Tax Review; and that Commissioners _____, _____ and _____ be appointed to such Committee, with Commissioner _____ to serve as Chair.

2 – To appoint Mr. Stiebel

that Dan Stiebel be reappointed to one three-year term expiring December 31, 2016, on the Board of Tax Review.

JJO/kjl

k:\tcclerk\city commission\appointments\adhocbotr2013.doc

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
COPY:
FROM: Katie Lowran, Deputy City Clerk *Katie Lowran*
DATE: Wednesday, December 11, 2013
SUBJECT: APPOINTMENT – BOARD OF TAX REVIEW

The term of Dan Stiebel on the Board of Tax Review will expire on December 31, 2013; Mr. Stiebel is seeking reappointment.

This is a City Commission appointment and is for a three year term which will expire on December 31, 2016.

We have one application on file:

Dan Stiebel (incumbent, seeking reappointment) Attended 5 out of 5 meetings in 2012.

The purpose of the Board of Tax Review is to examine, review and correct the assessment roll.

As always, please feel free to contact me if I may be of further assistance.

BOARD OF TAX REVIEW

	<u>Initial Appt.Date</u>	<u>Termination</u>
Stiebel, Dan 1809 Timber Lane Dr. T.C, 49686 941-7731 (Res.) 929-2300 (Bus.) dan@realestatetc.com <i>-Term Expiring, Seeking Reappointment-</i>	02/06/12	12/31/13 12/31/16
Carney, Thomas 902 East State St., T.C. 49686 (Re-appt. 1/6/03 after week off Board) 929-4417 (Res.) tocarney@aol.com	02/07/94	12/31/14
Franklin, James 228 Birchwood Ave., T.C. 49686 947-9885 (Res.)	11/04/96	12/31/15
Hilty, Bruce 2115 Aspen St., T.C. 49686 946-4942 (Res.) bruce2115@charter.net	02/05/96	12/31/15
Rishel, Barbara 615 South Union Street, TC 49684 409-0752 (Res.) 922-9900 (Bus) rishco@aol.com	05/17/10	12/31/14

Polly Cairns - City Assessor - staff

The Board consists of 5 members - all appointments are 3-year terms expiring 12/31. (Changed from two-year terms pursuant to Ordinance Amendment 507, enacted at the August 21, 2000, regular meeting. Appointments are made by the City Commission.

Members must be citizens of the City of Traverse City or an owner of property assessed for taxes in the City. Charter Section 43.

Purpose: "The Board shall examine, review, and correct the assessment roll." "of its own motion, or on sufficient cause being shown by a person" "The board of Review shall have the same powers and perform like duties in all respects as are, by general law, conferred upon and required of Boards of Review in Townships."

Board of Review required by City Charter. 3-year terms.

The Board meets once in March, July and December.

MINUTES

ACT 345 RETIREMENT SYSTEM

DATE: September 25, 2013
LOCATION: Mayors Conference Room, Government Center, 400 Boardman Ave., Traverse City, MI 49684
TIME: 12:00 Noon.
PRESENT: W. Twietmeyer, W. Kuhn, J. Bussell, C. Rueckert
ABSENT: J. Jenkins
GUESTS: T. Flynn
STAFF: B. Postma

W. Twietmeyer called the regular meeting to order at 12:00 pm.

Moved by W. Kuhn, seconded by C. Rueckert that the minutes of the August 28, 2013 regular meeting be approved.

Motion approved 4-0.

Warrant No. 569 in the amount of \$167,305.01 for Retirees Benefits for October 2013 was approved and signed by C. Rueckert and W. Kuhn.

Moved by W. Kuhn, seconded by J. Bussell that Terry Flynn's application for retirement, selection of a Regular retirement and the nomination of his spouse, Sara Flynn, as beneficiary be approved and that Terry Flynn is hereby formally approved for a Regular retirement effective November 9, 2013.

Motion approved 4-0.

C. Rueckert and W. Twietmeyer gave a report to the Board regarding the various topics covered at the MAPERS Conference. Updates were given to the Board about the economy, pending federal and state legislation, changing demographics, and the municipal bankruptcy filing for the City of Detroit. The Board asked a few questions.

C. Rueckert left the meeting at 12:17 pm.

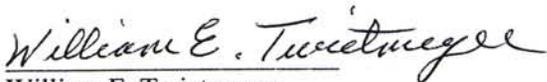
A letter from Laurence Gray of Gray and Company dated the 25th of September, 2013 was provided to the Board for their information.

It was announced that Fire Captain Theo Weber has submitted a letter announcing his planned retirement.

Moved by W. Kuhn, seconded by J. Bussell to adjourn.

Motion approved 3-0.

Meeting adjourned at 12:28 pm.


William E. Twietmeyer
Secretary/Treasurer

MINUTES

TRAVERSE CITY PLANNING COMMISSION

Tuesday, October 1, 2013

7:00 P.M.

Commission Chambers
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT: Commissioners Jody Bergman, Jennifer Jaffe Vice-Chairperson Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer and Tim Werner
ABSENT: Commissioner Jeanine Easterday, Gary Howe and Janice Warren
STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** None.

4. **APPROVAL OF MINUTES**

A. September 4, 2013 Regular Meeting and September 18, 2013 Study Session
(Approval recommended)

Motion by Commissioner Jaffe, second by Commissioner Twietmeyer, that the September 4, 2013 Regular Meeting and September 18, 2013 Study Session minutes be approved.

Motion carried 6-0 (Commissioners Easterday, Howe and Warren absent).

5. **OLD BUSINESS**

A. Consideration of a Conditional Rezoning request initiated by Terry Harper of 1362 Outer Drive West to rezone 537 Bay Street from C-1 (Office Service) District to C-3 (Community Center) District with conditions. (Action requested)

Mr. Soyring explained his memo to the Commission.

Commission discussion.

Terry Harper, project applicant and resident of 1362 Outer Drive, and Michael Fitzhugh, project architect, were introduced.

Mr. Harper addressed the Commission and further explained his conditional rezoning offer. Mr. Harper responded to Commission questions.

Commission discussion.

Motion by Commissioner Bergman, second by Commissioner Werner that the request from Terry Harper, Archdale One LLC, to rezone the property commonly known 537 Bay Street from C-1 (Office Service) to C-3 (Community Center) with conditions as offered by the applicant dated September 24, 2013 be introduced and a Public Hearing scheduled for November 5, 2013.

The following made public comment on the topic:

- John Dancer, non-city resident, city business owner and part owner of 535, 537 and 539 Randolph St, supports the request
- Doug McWaters, 431 N Cedar St, opposes the request
- Don Pierson, 523 Webster St, made general comments
- Kathy Ballard, 533 Randolph St, made general comments
- Bob Eichenlaub, 531 Randolph St, made general comments
- Philip Rosey, 612 Second St, made general comments
- Sue Ann Round, 530 Second St, made general comments
- Sandy Cartwright, 602 N Elmwood, made general comments

Commission discussion.

Motion carried 6-0 (Commissioners Easterday, Howe and Warren absent).

6. NEW BUSINESS

- A. Letter from Tom McIntrye requesting 221 Cass Street (City owned parcel) and 215 Washington Street be rezoned from C-4a (Regional Center) District to C-4b (Regional Center) District. (Possible Introduction by the City Planning Commission)

Commissioner Bergman recused herself from the discussion because her firm has been a consultant on the project. Commissioner Bergman left the meeting at 7:41 p.m.

Mr. Soyring explained his memo to the Commission.

Commission discussion.

Motion by Commissioner McNally, second by Commissioner Jaffe, that the Planning Commission initiates a rezoning of 221 Cass Street; 215, 223 and 229 Washington

Street from C-4a (Regional Center) District to C-4b (Regional Center) District and that a public hearing be set for November 5, 2013.

Commission discussion included that the only change from C-4 a to C-4 b is an increase in building height from 45 feet to 60 feet.

Tom McIntyre, 6326 Mission Point, Peninsula Township, city –business owner, addressed the Commission regarding his proposed Washington Place development.

No public comment was made.

Motion carried 5-0 (Commissioner Bergman recused and Commissioners Easterday, Howe and Warren absent).

Commissioner Bergman rejoined the meeting at 7:54 p.m.

B. Corner lot setbacks (For Discussion Only)

Mr. Soyring explained that the Board of Zoning Appeals regularly receives requests for setback relief from the zoning code for homes on corner lots. Currently, our zoning code requires two front yard setbacks for homes on corner lots, making it difficult for property owners to improve existing homes.

The draft amendment defines one front yard for residences on corner lots. Commercial lots will still have two front yard setbacks.

Commission discussion.

Commission consensus was to formally introduce the amendment at the next regular meeting.

C. Corner lot driveways (For Discussion Only)

Mr. Soyring explained that the intent of the language in the current zoning code was to limit residential parcels to one driveway per parcel, but the actual language reads that a corner lot parcel may have two. The proposed amendment limits residential parcels to one driveway.

Commission discussion.

Commission consensus was to formally introduce the amendment at the next regular meeting.

7. **CORRESPONDENCE**

- A. Capital Improvement Plan project update

Mrs. Luick discussed the Capital Improvement Plan project update handout that was included in the packet. Mr. Soyering added that the Planning Department will be administering the Capital Improvement Plan this year instead of the Manager's office.

8. **REPORTS**

- A. City Commission- Commissioners Bergman reported.
B. Board of Zoning Appeals- No report.
C. Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli reported.
D. Planning Commission
1. Housing Building Committee— No report
2. Active Transportation Committee— Commissioner Werner reported.
E. Planning Department—No report

9. **PUBLIC COMMENT-** None.

10. **ADJOURNMENT-** Meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Date: _____

11-5-13

Gary Howe, Secretary



STUDY SESSION MINUTES TRAVERSE CITY PLANNING COMMISSION

WEDNESDAY, October 16, 2013

7:00 P.M.

Training Room

Governmental Center, 2nd Floor

400 Boardman Avenue

Traverse City, Michigan 49684

PRESENT: Commissioners Jody Bergman, Gary Howe, Vice Chairperson Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer, Janice Warren and Tim Werner
ABSENT: Commissioners Jeanine Easterday and Jennifer Jaffe
STAFF PRESENT: Russ Soyering, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.
2. **ROLL CALL**
3. **ANNOUNCEMENTS-** Mr. Soyering announced that applicant Terry Harper withdrew his request to conditionally rezone the property commonly known as 537 Bay Street. He plans to redesign the project and will build it as two buildings meeting the requirements of the zoning ordinance.
4. **PARKING A-Z (PRESENTATION)**

Mr. Soyering presented.

Commission discussion.

Rob Bacigalupi, DDA Acting Executive Director, made comments.

Dave Malowitz, DDA Parking Administrator, made comments.

Commission discussion.
5. **COMPREHENSIVE PARKING PLAN (DISCUSSION)**

The Commission discussed exploring the possibility of establishing a committee to develop a Comprehensive Parking Plan to study parking in our residential, downtown and corridor areas. The Commission discussed the possibility of fees for parking along the bay as well as seasonal rates in the parking decks.

PLANNING COMMISSION

STUDY SESSION

October 16, 2013

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6. CIRCULATION AND PARKING- REGARDING DRIVE THROUGHS (DISCUSSION)

Mr. Soyring discussed the draft amendment language and purpose. The Commission offered some wordsmith options. The revised amendment will be on the November 5, 2013 agenda for introduction.

7. PUBLIC COMMENT

8. ADJOURNMENT- Meeting adjourned at 8:17 p.m.

Respectfully submitted,

Date: 11-5-13

Gary Howe
Gary Howe, Secretary

MINUTES
TRAVERSE CITY PLANNING COMMISSION

Tuesday, November 5, 2013

7:00 P.M.

Commission Chambers
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT: Commissioners Jody Bergman, Jeanine Easterday, Gary Howe, Jennifer Jaffe, Vice-Chairperson Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer and Tim Werner

ABSENT: Commissioner Janice Warren

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** Chairperson Serratelli thanked Commissioner Jaffe for her years of service on the Planning Commission.

4. **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 be 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. September 19, 2013 Special Meeting, September 25, 2013 Special Meeting, October 1, 2013 Regular Meeting and October 16, 2013 Study Session minutes (Approval recommended)
- B. Consideration of an amendment to the Traverse City Code of Ordinances, Section 1368.02, *Setbacks; Yards*; Section 1332.04, *Setbacks*; and Section 1334.04, *Setbacks*, regarding corner lot setbacks in the Single Family, Two Family and Multiple Family Dwelling Districts (R-1a, R-1b, R-2, R-9, R-15 and R-29) (For introduction; Recommend setting a Public Hearing on December 3, 2013)
- C. Consideration of an amendment to the Traverse City Code of Ordinances, Section 1374.04, *Driveways and Access Requirements*, to limit parcels in the Single or Two

Family Dwelling Districts (R-1a, R-1b and R-2) to one driveway. (For introduction; Recommend setting a Public Hearing on December 3, 2013)

- D. Consideration of an amendment to the Traverse City Code of Ordinances, Section 1374.06, *Drive-Through Standards*, to clarify how services are provided to customers without motor vehicles (For introduction; Recommend setting a Public Hearing on December 3, 2013)

Motion by Vice-Chairperson McNally, second by Commissioner Jaffe, to approve the Consent Calendar as presented.

Motion carried 8-0 (Commissioner Warren absent.)

5. OLD BUSINESS

- A. Public Hearing to consider a rezoning request initiated by the Planning Department to rezone 221 Cass Street; 215, 223 and 229 Washington Street from C-4a (Regional Center) District to C-4b (Regional Center) (Action Requested)

Mr. Soyring explained the details of his memo to the Commission. Mr. Soyring stated that staff finds the rezoning to be consistent with the Master Plan.

Commission discussion.

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.

A Public Hearing was opened.
There were no comments made.
The Public Hearing was closed.

Motion carried 8-0 (Commissioner Warren absent).

- B. Building Height limits (Discussion)

Mr. Soyring explained the documents included in the packet and further mentioned that the current retail standard for building height is 17 feet (14 feet minimum) for the first floor. Staff analysis includes a recommendation to increase the maximum height to 45 feet and require a minimum first story height of 15 feet.

Commission discussion.

The following made public comment on the topic:

- Mike Wills, 110 Fairway Hills Dr, supports the building height adjustment and would like the Planning Commission to also consider where building height is measured for various roof types.

Commission discussion.

Commission consensus was to proceed with a formal zoning code amendment at our next regular meeting to adjust building height limits and establish a 15 foot 1st story minimum.

6. NEW BUSINESS

- A.** Consideration of a request by Bonnie Adams of 441 Fair Street to vacate an alley located east of parcel 28-51-582-022-00, commonly known as 449 Fair Street (Action Requested)

Mr. Soyring explained the request to the Commission.

Commission discussion included finding out what the public notice requirements would be at the City Commission level, how the alley property would be split if the vacation was approved and requested that the directly affected property owners receive 1st class letter explaining the vacation and that it will be discussed at our next regular meeting on December 3, 2013.

Commissioner Twietmeyer left the meeting at 7:35 p.m.

- B.** Capital Improvement Plan (CIP) project submission (Discussion)

Mr. Soyring explained that the Planning Commission may submit projects for consideration in the City's Capital Improvement Program.

Commission discussion included the possibility of establishing a CIP subcommittee to work with staff on the creation of the CIP.

Projects requested for consideration included: expansion of the local pedestrian ordinance city-wide, improvements to neighborhood parks, completion of the city sidewalk grid, corridor improvements to 14th Street and Garfield Avenue.

Commissioner Twietmeyer rejoined the meeting at 7:43 p.m.

Commission consensus was that they would establish a CIP subcommittee at our next meeting. Commissioner Easterday and Chairperson Serratelli expressed interest in serving on the committee.

C. Sidewalks (Discussion)

Mr. Soyring explained the details of his memo to the Commission regarding sidewalk funding.

Commission discussion. Further discussion included the question-- should the City be marketing the Special Assessment Fund for sidewalks so property owners know how the process works?

D. Traverse Heights neighborhood type (Discussion)

Mr. Soyring discussed the map that was included in the packet. He recalled that during the Master Plan process, the TC-2 and TC-3 neighborhood type distinction in the Traverse Heights area had to do with the availability of alleys. Staff recommends amending the Future Land Use Map to make all of Traverse Heights a TC-3 neighborhood.

Commission discussion.

Commission consensus was that staff would meet with the Traverse Heights neighborhood association and explain the proposed change from TC-2 to TC-3 to make sure they understand how it impacts the neighborhood. After staff meets with the neighborhood, then the Future Land Use Map change would come back to the Planning Commission. At that time, additional changes to the Future Land Use Map would be considered as the changes would require Master Plan adoption procedures outlined in the Michigan Planning Enabling Act.

7. CORRESPONDENCE- None.

8. REPORTS

- A.** City Commission- Commissioners Easterday reported.
- B.** Board of Zoning Appeals- No report.
- C.** Grand Traverse Commons Joint Planning Commission- No meeting to report.
- D.** Planning Commission
 - 1. Housing Building Committee— No report
 - 2. Active Transportation Committee—Commissioner Werner reported.
- E.** Planning Department—Mr. Soyring announced that he will not be present at the December 3, 2013 meeting.

PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 5, 2013
Page 5

- 9. **PUBLIC COMMENT-** Commissioner Jaffe thanked the Commission for serving with her and stated that she enjoyed her service on the Commission over the last five years.

- 10. **ADJOURNMENT-** Meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Date: 12-3-13



Gary Howe, Secretary

SPECIAL MEETING MINUTES TRAVERSE CITY PLANNING COMMISSION

WEDNESDAY, November 20, 2013

7:00 P.M.

Training Room

Governmental Center, 2nd Floor

400 Boardman Avenue

Traverse City, Michigan 49684

PRESENT: Commissioners Jody Bergman, Jeanine Easterday, Janet Fleshman, Jennifer Jaffe, Vice Chairperson Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer, Janice Warren and Tim Werner

ABSENT: None.

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS**

Chairperson Serratelli welcomed Commissioner Fleshman to the Planning Commission and congratulated Vice-Chairperson McNally, Commissioner Werner, Commissioner Easterday, Commissioner Bergman and Commissioner Twietmeyer on their reappointments. Chairperson Serratelli also thanked Commissioner Jaffe for attending another meeting

Chairperson Serratelli announced that the City of Traverse City received two awards at the Grand Traverse County Planning Awards Banquet last week. The award winning projects were Clinch Park Revitalization- Placemaking Award and Corridors Master Plan- Special Award.

Mr. Soyring recognized Commissioner Warren as this November marks her 20th year as a Planning Commissioner.

4. **BAYSHORE CORRIDOR STRATEGY (John Sych, Grand Traverse County Planning Director)**

Mr. Soyring explained that this agenda item is a continuing effort organized by Grand Traverse County Planning to facilitate several governmental jurisdictions along the Bayshore Corridor from M-22/Cherry Bend Road to M-72/US 31.

John Sych, Grand Traverse County Planning Director, gave an overview of the process that has taken place since last meeting with the Planning Commission. Mr. Sych introduced Tina Allen, who facilitated the Bayshore Corridor Strategy discussion with the Planning Commission related to five identified strategies for Natural Environment, Recreation, Low Impact Development, Transportation/Access and Unique Destination/Placemaking areas.

Commission discussion.

Ms. Allen will work with Mr. Sych to create a menu of implementation strategies/efforts for each of the local units of government to consider along their respective stretches of the Bayshore Corridor.

Sometime in January, all four jurisdictions will be brought back together again for another strategy meeting.

Ms. Allen thanked the Commission for their input.

5. REVIEW OF CAPITAL IMPROVEMENT PROJECT PROCESS AND POSSIBLE ESTABLISHMENT OF CAPITAL IMPROVEMENT PROJECT STAFF-LED COMMITTEE

Mr. Soyering explained that the Capital Improvement Program (CIP) will be led by the Planning Department, and not by the City Manager's Office as it has been administered by in the past. Staff has prepared three process flow charts related to the CIP to better define the interaction with the Planning Commission and the CIP. In addition to the flow charts, staff is recommending establishing a staff-led CIP subcommittee that would work with staff during the CIP process.

Commission discussion included review of the CIP project submission form and ratings, including ongoing maintenance costs on the project forms and including monthly reports to the Planning Commission on CIP implementation status.

Modifications were suggested to each of the three CIP process flow charts. Staff will make adjustments and will present revised forms in the next meeting packet.

Commission consensus related to the establishment of the CIP subcommittee was to have 3 Planning Commissioners, 1 of which also serves as a City Commissioner to serve on the committee with the Manager, Planner, Public Works Director and Engineer. Chairperson Serratelli, Commissioners Easterday and Warren expressed interest in serving on the CIP subcommittee.

Commissioner Jaffe left the meeting at 8:45 p.m.

PLANNING COMMISSION

SPECIAL MEETING

November 20, 2013

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6. NOMINATION OF SECRETARY

Mrs. Luick explained that since Gary Howe is no longer a Planning Commissioner, the Commission is required to nominate a Secretary of which the duties of secretary are outlined in the memo by Mr. Soyring.

Commissioner Bergman nominated Commissioner Warren to serve as Secretary. There were no additional nominations made.

Motion by Commissioner Bergman, second by Vice-chairperson McNally, that Commissioner Warren serve as an Officer of the Planning Commission acting as Secretary.

Motion carried 8-0 (Commissioner Jaffe absent).

7. PLANNING COMMISSION REPRESENTATION ON ACTIVE TRANSPORTATION COMMITTEE

Mrs. Luick explained that Commissioner Jaffe no longer wishes to remain on the committee, but former Planning Commissioner Howe plans on staying on the Active Transportation Committee. The committee, now only has six members. If the Planning Commission would like to have seven members, then it could nominate another member to the committee if desired.

Commission discussion.

Commission consensus was to keep the current committee make-up and not assign a new member to the committee at this time.

8. DISCUSSION OF 2014 PLANNING COMMISSION MEETING CALENDAR

Mrs. Luick explained that if the Commission had a desire to meet in the Commission Chambers room for both meetings, then we would need to change the day of our study session.

Commission consensus was to proceed with amending our meeting schedule to 1st and 3rd Tuesdays beginning in 2014. It will require amending the Planning Commission Bylaws and the Board of Zoning Appeals Rules of Procedure.

9. PUBLIC COMMENT

- Commissioner Warren confirmed that our next meeting is scheduled for Wednesday, December 18, 2013.
- Mr. Soyring informed the Commission that he will be submitting an 8th Street Corridor Plan Overlay project into the CIP. The City of Marquette recently published their 3rd

Street Corridor Plan with fund assistance by MSHDA. Mr. Soyring has contacted MSHDA about our possible project but has not heard back yet.

10. **ADJOURNMENT-** Meeting adjourned at 9:08 p.m.

Respectfully submitted,

Date: 12-3-13

Jan Warren
Jan Warren, Secretary