Notice
City Commission Regular Meeting

7:00 pm

TUESDAY, January 21, 2014

Commission Chambers, Governmental Center
400 Boardman Avenue
Traverse City, Michigan 49684
Posted and Published 01-16-14

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 and 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 January 6, 2014, and Study Session of January 13, 2014. (Approval recommended) (Jered Ottenwess, Benjamin Marentette)

b. Consideration of accepting the audit for Fiscal Year 2012-2013. (Acceptance recommended) (Jered Ottenwess, William Twietmeyer)

c. Consideration of authorizing a confirming service order for emergency sewer repair work at 712 and 714 Barlow Street, with the cost to be reimbursed by the property owner who necessitated the work. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)

d. Consideration of authorizing the City Clerk to issue a Major Street Use Permit to the Traverse City Film Festival for the closure of Front Street between Park Street and Union Street and Cass Street between the alleys immediately south and north of Front Street February 13, 2014, through February 16, 2014, for the Traverse City Winter Comedy Arts Festival. (Approval recommended) (Jered Ottenwess, Benjamin Marentette)

e. Consideration of adopting amendments to the city's Records Retention Policy to reflect updated retention requirements for election records. (Adoption recommended) (Jered Ottenwess, Benjamin Marentette)

f. Consideration of authorizing a contract for repair to the Woodmere Avenue Pump Station and for the installation of a backup generator for the Woodmere Avenue Pump Station and Department of Public Services facility, with the cost of the repair to the Pump Station to be reimbursed by the city's insurance carrier. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)

g. Consideration of authorizing a confirming purchase order for diesel fuel for city operational use. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

h. Consideration of authorizing a confirming purchase order for unleaded gasoline for city operational use. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

i. Consideration of introducing an amendment to the Traverse City Code of Ordinances which would specify that the Board of Zoning Appeals adopt procedures for its operation rather than having such procedures established by ordinance. (Introduction and schedule for possible enactment on February 18, 2014, recommended) (Jered Ottenwess, Russell Soyring)

j. Consideration of declaring five Department of Public Services' trucks surplus and authorizing a purchase order for replacement trucks and related chassis. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

Items removed from the Consent Calendar

a.

b.

c.

3. Old Business

a. Consideration of enacting an amendment to the Traverse City Code of Ordinances which would revise the hours of operation for mobile food vendors. (Jered Ottenwess, Benjamin Marentette)

4. New Business

a. Consideration of adopting a resolution for coordination of emergency response activities and appointing Gregg Bird as Emergency Management Coordinator. (Jered Ottenwess, James Tuller)

5. Appointments

a. Consideration of appointing a City Commission Ad Hoc Committee to review the National Cherry Festival's proposed letter of agreement outlining the festival's requests for city resources for the 2014 National Cherry Festival. (Jered Ottenwess, Benjamin Marentette)

b. Consideration of appointing a City Commission Ad Hoc Committee to develop a possible ballot proposal to use Brown Bridge Trust Fund dollars for parks purposes. (Jered Ottenwess)

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. Report from the City Treasurer/Finance Director regarding a duplicate BATA millage that was included on winter tax bills for the city residents in Leelanau County.

6. Code Enforcement Officer Annual Report for 2013.

7. Minutes of the Planning Commission meetings of December 3, 2013, and December 18, 2013.

8. Planning Commission Annual Report for 2013.

8. Minutes of the Human Rights Commission meeting of December 9, 2013.

9. Minutes of the Act 345 Retirement System meeting of 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.

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The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- January 6, 2014, Regular Meeting
- January 13, 2014, Study Session

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

that the minutes of the January 6, 2014, Regular Meeting and January 13, 2014, Study Session, be approved.

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

Minutes of the

City Commission for the City of Traverse City

Regular Meeting

January 6, 2014

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, Barbara D. Budros, Jeanine Easterday, Gary L Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

As requested by Commissioner Ross Richardson, Agenda Item 2(g) was removed from the Consent Calendar for full discussion.

2. Consent Calendar

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

a. The minutes of the December 16, 2013, Regular Meeting, be approved.

b. The Mayor and City Clerk execute a unit prices contract with Harper Industrial Construction, Inc., in the amount of $151,524, more or less, at the unit prices indicated in its bid for the 2014 Water Treatment Plant Filter Replacement Project, with funds available in the Water Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney; and further

that the competitive bidding process be waived and the City Manager be authorized to issue a confirming service order to Prein and Newhof in the amount of $17,019.40 for completing the evaluation, design, MDEQ permitting and bidding in connection with this project and a service order to Prein and Newhof in the amount of $13,400 for full-time construction observation and administration services, with funds available in the Water Fund.

c. The City Commission approves the purchasing process for fuel as described in the Director of Public Services December 23, 2013, communication through December 31, 2014.

d. The City Manager be authorized to issue a confirming purchase order in the amount of $29,496.35 to Brenner Oil Co. for 10,003 gallons of dyed #2 diesel fuel without additives priced at $2.94875 per gallon with funds available in the Garage Fund.

e. The City Manager be authorized to approve payment in the amount of $8,500 to the Grand Traverse Conservation District for erosion control and washout repair work at the Brown Bridge Quiet Area, with funds to come from the Conservation Resource Alliance and that a budget amendment be approved to increase both budgeted revenue and budgeted expenses in the Boardman River Dam Removal and Restoration Fund to reflect the receipt of the funds and subsequent payment.

f. The City Manager be authorized to issue a confirming service order for $8,053.50 to SOS Analytical, Inc. for performing the water sampling and analytical testing for the three storm water treatment systems installed in East Bay Park in 2013, with cost to be reimbursed by the Great Lakes Restoration Initiative Grant.

g. Removed from the Consent Calendar.

h. The Mayor and City Clerk execute a professional services agreement with Smith Haughey Rice & Roegge for Karrie A. Zeits to provide Special City Attorney Services, as recommended by the City Attorney pursuant to City Charter Section 47, at the rate of $2,000 per week for an average of 18 hours

per week (with telephone consultations not counted against the average), with hours in excess of 18 hours per week over the period of actual engagement at the rate of $120 per hour, for up to eight weeks, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds to come from the City Attorney Department Budget.

i. 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, which was introduced on December 16, 2013, be enacted with an effective date of January 16, 2014.

j. The Resolution Approving the Editing and Inclusion of Certain Ordinances as Part of the Various Component Codes of the Codified Ordinances, be adopted.

k. The City Manager be authorized to declare surplus a 2009 Komatsu 380 so it may be returned for its buy-back price of $113,300.00, and issue a purchase order to Michigan Cat in the amount of $255,961.00 for the purchase of a 2014 Caterpillar 950K loader with a guaranteed buy-back price of $130,000.00, with funds available in the Garage Fund.

CARRIED unanimously.

Items removed from the Consent Calendar

a.

Consideration of amending the Resolution Establishing Fees for the City Engineering Department to establish a fee for requests for encroachments, sales of city property and relinquishments of city easements.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Carruthers, that the Resolution Establishing Fees for Engineering Department, be amended to add a $475 fee for requests for encroachment, sale of city property and relinquishment of city easements.

CARRIED unanimously.

3. Old Business

3(a).

Consideration of adopting a resolution authorizing a grant agreement accepting a $156,200 grant from the Michigan Waterways Commission for improvements to the Boardman River Boat Launch and Parking Lot D and approving the related budget amendment.

The following addressed the Commission:

Jered Ottenwess, City Manager
Benjamin Marentette, City Clerk

Moved by Richardson, seconded by Carruthers, that the Resolution Accepting the Waterways Grant Agreement for the City of Traverse City Boardman River Boating Access Site Project for a grant in the amount of $156,200, 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 $400,000 to reflect the receipt and expenditure for all external funding sources.

Deni Scrudato, 422 East State Street – made general comments

CARRIED unanimously.

3(b).

Consideration of introducing an amendment to the Traverse City Code of Ordinances which would revise the hours where mobile food vendors are allowed

to be present in certain areas.

Moved by Howe, seconded by Carruthers, that an amendment to the Traverse City Code of Ordinances, *Mobile Food Vending Hours of Operation,* Section 865.08, which would revise the hours of operation allowed for Mobile Food Vending Units operating on private property in commercial areas from 7 a.m. to 11 p.m. to 6 a.m. to 3 a.m., be introduced and scheduled for possible enactment on January 21, 2014.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

4. New Business

4(a).

Consideration of authorizing a service order for professional services to conduct an assessment of the Clinch Park Water Feature design and functionality.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Howe, that the City Manager be authorized to issue a service order for $7,350 to Water Technology Inc. (WTI) to perform an audit of the water feature installed at Clinch Park, with funds available in the Capital Projects Fund.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

5. Appointments

5(a).

Consideration of appointment by the Mayor to the Traverse Area District

Library Board, with approval by the City Commission.

Moved by Budros, seconded by Werner, that the Mayor's appointment of Geoff Streit, (seat previously held by George Galic), to a one-year term expiring on December 31, 2014, on the Traverse Area District Library Board, be approved.

CARRIED unanimously.

6. Reports and Communications

The following were received and filed:

a. Reports, announcements and correspondence from the City Manager.

Presentation of the City of Traverse City website.

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 Traverse City Historic Districts Commission special meeting of November 21, 2013.

6. Minutes of the ACT 345 Retirement System meeting of October 30,

2013.

7. Minutes of the Traverse City Light and Power Board meeting of November 12, 2013.

e. Reports and correspondence from non-City officials.

1. Monthly Operations Report from CH2MHILL for the Traverse City Wastewater Treatment Plant for November 2013.

7. Public Comment

The following addressed the Commission:

1. Reserved.

None

2. General.

Christine Maxbauer, 503 West Eighth Street
Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

Mayor Pro Tem James Carruthers
Commissioner Ross Richardson

There being no objection, Mayor Michael Estes declared the meeting adjourned at 7:50 pm.

Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT

Minutes of the

City Commission for the City of Traverse City

Study Session

January 13, 2014

A study session 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 Howe, Ross Richardson, and Tim Werner.

The following Commissioner was absent: Barbara D. Budros

Mayor Michael Estes presided at the meeting.

1.

Presentation of the annual audit for Fiscal Year 2012-2013.

The following addressed the Commission:

Jered Ottenwess, City Manager
Bill Twietmeyer, City Treasurer/Finance Director
Alan Panter, Abraham and Gaffney Principal

2.

Discussion regarding a possible ballot proposal for voter approval to use Brown Bridge Trust Fund dollars for parks purposes.

The following addressed the Commission:

Jered Ottenwess, City Manager

DRAFT

Rick Buckhalter, 932 Kelley Street

3.

Discussion regarding membrane technology upgrade at the Wastewater Treatment Plant.

The following addressed the Commission:

Jered Ottenwess, City Manager
Casey Rose, CH2MHill Project Manager
Bill Twietemeyer, City Treasurer/Finance Director

4.

Announcements from the City Clerk.

The following addressed the Commission:

Benjamin Marentette, City Clerk

5.

Public comment.

The following addressed the Commission:

Chris Maxbauer, 503 West Eighth Street, Grand Traverse County Board of Commissioners
Rick Buckhalter, 932 Kelley Street
Commissioner Gary Howe
Commissioner Jeanine Easterday
Mayor Pro Tem James Carruthers

There being no objection, Mayor Michael Estes declared the meeting adjourned at 8:36 pm.

DRAFT

Benjamin C Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: CITY OF TRAVERSE CITY FORMAL ACCEPTANCE OF AUDIT OF FISCAL YEAR 2012-2013

At the January 13, 2014 Study Session, representatives of Abraham and Gaffney, the professional audit firm that performed the annual audit for Fiscal Year 2012-2013, gave a presentation of the financial statements. Attached is a memo from City Treasurer/Finance Director William Twietmeyer, indicating the audit needs to be formally accepted.

I recommend the following motion:

that the independent auditors report as provided by representatives of Abraham and Gaffney for Fiscal Year 2012-2013, which ended June 30, 2013, be accepted.

JJO/kjl
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copy: William Twietmeyer, City Treasurer/Finance Director

Memorandum

The City of Traverse City

To: **Jered Ottenwess, City Manager**
From: **William E. Twietmeyer, City Treasurer/Finance Director** W.E.T.
Subject: **Acceptance of Audit**
Date: **January 15, 2014**

A formal presentation of the audit for the fiscal year ended June 30, 2013 has been made by the firm of Abraham & Gaffney. As a formality, the audit needs to be accepted by the City Commission. I recommend that the City Commission approve a motion to formally accept the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2013. Please place this item on the consent calendar of the next City Commission meeting for their approval.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: BARLOW STREET SEWER EMERGENCY REPAIR

Attached is a memo from Tim Lodge, City Engineer, requesting approval to issue a confirming service order to Molon Excavating, Inc. in the amount of $12,125.96, for the work that was necessitated by the property owner for emergency sewer repair at 712 and 714 Barlow Street. The city will be initiating the special assessment process to ensure repayment by the property owner – action in that respect is tentatively scheduled for the Commission's February 3 meeting.

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

that the City Manager be authorized to issue a confirming service order for $12,125.96 to Molon Excavating, Inc., for the emergency sewer repair at 712 and 714 Barlow Street, with funds from the Special Improvements Fund.

cc: Tim Lodge, City Engineer

Memorandum

The City of Traverse City
Engineering Department

TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer

DATE: January 7, 2014

SUBJECT: Barlow Street Sewer Emergency Repair

On November 13, 21013 a contractor installing a sewer lead at 712 and 714 Barlow Street under Right of Way Permit 13-296 issued by the City Engineering Department caused a pipe collapse of the City's 12" sewer line that serves a large portion of the Traverse Heights Neighborhood. The sewers' 15' depth was beyond the capability and equipment of the contractor hired by the property owner. Also recognizing that the contractor hired by the property owner was not a registered/bonded contractor for sewer lead construction in the City, City staff facilitated mobilizing a registered/bonded sewer lead contractor Molon Excavating Inc. to repair the damaged sewer and complete the sewer lead installation. The sewer line was repaired as an emergency situation and the street was restored on November 14 and 15.

The City received the $12,125.96 invoice for this work and the City Attorney has forwarded it to the property owner and requested reimbursement to the City or noted that the cost will be special assessed under the provisions for the Right of Way Permit 13-296. Therefore, we recommend that a confirming service order be issued to Molon Excavating, Inc. in the amount of $12,125.96 with funds from the Special Improvements Fund.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: TRAVERSE CITY WINTER COMEDY ARTS FESTIVAL – STREET CLOSURE

Attached is a memo from City Clerk Benjamin Marentette recommending the Commission authorize a permit for the closure of Front Street between Park and Union and Cass Street between the alleys immediately north and south of Front Street for the Traverse City Winter Comedy Arts Festival.

As indicated by Mr. Marentette, City Commission approval is required because this street closure is for more than 24 hours.

I recommend the following motion:

that the City Clerk be authorized to issue a Major Street Use Permit to the Traverse City Film Festival for the 2014 Traverse City Winter Comedy Arts Festival, for the closure of portions of Front and Cass Streets as outlined in the City Clerk's January 14, 2014, communication.

JJO/bcm
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copy: Deb Lake, Traverse City Film Festival Executive Director
Trevor Tkach, National Cherry Festival Executive Director
Rob Bacigalupi, Downtown Development Authority Executive Director

Memorandum

The City of Traverse City

TO: Jered Ottenwess, City Manager

COPY: Rob Bacigalupi, Downtown Development Authority Executive Director

FROM: Benjamin C. Marentette, City Clerk

DATE: Tuesday, January 14, 2014

SUBJECT: TRAVERSE CITY WINTER COMEDY ARTS FESTIVAL – STREET CLOSURE

The Traverse City Film Festival, in a collaborative effort with the National Cherry Festival, has applied for a permit to close a portion of Front and Cass Streets for the 2014 Traverse City Winter Comedy Arts Festival. City Commission approval is required because the street closure is for more than 24 hours (it is a 72-hour street closure).

The following are the details of the street closure: (See highlighted areas on map below)

Thursday, February 13, 2014, at 12 midnight to Sunday, February 16, 2014, at 12 midnight
Front Street, between Park and Union Streets
Cass Street, between the alleys just north and south of Front Street

New this year, the event will close a second block of Front Street – in past years, only one block has been closed. Downtown Development Authority Executive Director Rob Bacigalupi has informed me that the merchants that were not part of the street closure last year indicated they would like to be included in the street closure for additional foot traffic into their businesses.

The events along Front Street are generally free events – a ferris wheel, sledding hill, synthetic ice skating rink, miniature ice golf; and new this year, a zip line. This year, there will be an activity tent where alcoholic beverages will be available for purchase. Additionally within the activity tent there will be a pancake breakfast, "soup 'r bowl" soup event, and warming facilities.

The city's Event Planning Group met on January 7, 2014, to discuss this event and while there are some additional logistical matters that need to be resolved (such as Fire access), I recommend that the City Commission authorize this office to issue a Major Street Use Permit for this street closure. We will issue the permit only once all necessary details have been finalized.

As always, please let me know if you have any questions.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: RECORDS RETENTION – ELECTION RECORDS

Attached is a memo from City Clerk Benjamin Marentette recommending the Commission adopt the latest retention schedule for elections records.

I recommend the following motion:

that the City Commission adopt General Schedule #23, *Election Records*, which was approved by the Michigan Administrative Board on November 26, 2013.

JJO/bcm
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Memorandum

The City of Traverse City

TO: Jered Ottenwess, City Manager

COPY:

FROM: Benjamin C. Marentette, City Clerk

DATE: Tuesday, January 14, 2014

SUBJECT: ELECTION RECORDS – RETENTION REQUIREMENTS

On November 26, 2013, the Michigan Administrative Board approved modifications to the retention requirements for election records.

The changes make the retention of certain voting records uniform, regardless of type of election. Specifically, the following records would need to be retained for the indicated period of time:

Record:	**New retention requirement:**
Applications to Vote	6 years after the given election
Affidavit of Voter Unable to Meet Photo ID Requirements	6 years after the given election
Voter Registration Master Cards	5 years after the voters' registration is canceled in the given jurisdiction

All other retention requirements relating to election records remain the same. I recommend the City Commission adopt General Schedule # 23, *Election Records,* which was approved by the Michigan Administrative Board on November 26, 2013.

As always, please let me know if you have any questions.

GENERAL SCHEDULE #23 – Elections Records

This Retention and Disposal Schedule covers records that are used to administer elections. The records that are described on the attached pages are deemed necessary (1) for the continued effective operation of Michigan government, (2) to constitute an adequate and proper recording of its activities, and (3) to protect the legal rights of the government of the State of Michigan and of the people.

We, the undersigned, believe that this schedule meets the administrative, legal, fiscal and archival requirements of the State of Michigan.

Christopher M. Thomas, Director
Bureau of Elections, Michigan Department of State
10/16/13
(Date)

Joseph D. Chin, Jr., Director
Department of Technology, Management and Budget, Records Management Services
10/21/13
(Date)

Mark E. Harvey, State Archivist
Department of Natural Resources, Archives of Michigan
10/30/13
(Date)

APPROVED
State Administrative Board
11/26/13
(Date)

GENERAL SCHEDULE #23 – Elections Records

This Retention and Disposal Schedule covers records that are used to administer elections. The records that are described on the attached pages are deemed necessary (1) for the continued effective operation of Michigan government, (2) to constitute an adequate and proper recording of its activities, and (3) to protect the legal rights of the government of the State of Michigan and of the people.

This schedule supersedes General Schedule #6—County Clerks: items 6.0701-6.0722, 6.9005-6.9014; General Schedule #8—Municipalities: portions of Section 7—City Clerk; and General Schedule #10—Townships: Elections Department.

We, the undersigned, believe that this schedule meets the administrative, legal, fiscal and archival requirements of the State of Michigan.

Christopher Thomas, Director — 8/26/07 (Date)
Bureau of Elections, Michigan Department of State

Debra Gearhart, Director — 8/1/07 (Date)
Department of History, Arts and Libraries, Records Management Services

Mark Harvey, State Archivist — 10/2/07 (Date)
Department of History, Arts and Libraries, Archives of Michigan

APPROVED — 10/16/07 (Date)
State Administrative Board

GENERAL RETENTION SCHEDULE #23
ELECTIONS RECORDS
INTRODUCTION

Public Records

The Michigan Freedom of Information Act (FOIA) (MCL 15.231-15.246) defines public records as recorded information "prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created."

Retention and Disposal Schedules

Michigan law (MCL 399.5 and 750.491) requires that all public records be listed on an approved Retention and Disposal Schedule that identifies the minimum amount of time that records must be kept to satisfy administrative, legal, fiscal and historical needs. Local situations may require retention beyond the periods listed, and nothing prevents an office from retaining records longer than the specified period of time. Schedules also identify when records may be destroyed, and when certain records can be sent to the Archives of Michigan for permanent preservation. *Records cannot be destroyed unless their disposition is authorized by an approved Retention and Disposal Schedule.* All schedules are approved by the Records Management Services, the Archives of Michigan and the State Administrative Board. There are two types of schedules that government agencies may use:

- A "general schedule" will cover records that are common to a particular type of government agency, such as elections records. General schedules may not address every single record that a particular office may have in its possession. *General schedules do not mandate that any of the records listed on the schedule be created.* However, if they are created in the normal course of business, the schedule establishes a minimum retention period for them.

- Any record that is not covered by a general schedule must be listed on an "agency-specific schedule" that will address records that are unique to a particular government agency. Agency-specific schedules always supersede general schedules. Agency-specific schedules only address the records of the agency named on the schedule, and may not be used by another agency.

This schedule supersedes General Schedule #6—County Clerks: items 6.0701-6.0722, 6.9005-6.9014; General Schedule #8—Municipalities: portions of Section 7—City Clerk; and General Schedule #10—Townships: Elections Department.

Unofficial Documents

General Schedule #1 addresses the retention of "nonrecord" materials. These documents are broadly defined as drafts, duplicates, convenience copies, publications and other materials that do not document agency activities. These materials can be disposed of when they have served their intended purpose. Government agencies need to identify the "office of record" when multiple offices possess copies of the same record. The "office of record" is responsible for

following the retention period that is specified, duplicates do not need to be retained. A more comprehensive definition of "nonrecords" can be found in the approved schedule (available online at http://www.michigan.gov/documents/hal_mhc_rms_GS1_local_110758_7.pdf).

Record Maintenance

Records can exist in a wide variety of formats, including paper, maps, photographs, microfilm, digital images, e-mail messages, databases, etc. The retention periods listed on this general schedule do not specify the format that the record may exist in, because each government agency that adopts this schedule may choose to retain its records using different recording media. Government agencies are responsible for ensuring that all of their records (regardless of format) are properly retained and remain accessible during this entire retention period. All records need to be stored in a secure and stable environment that will protect them from tampering, damage and degradation. Electronic records are dependent upon specific hardware and software to be accessed and used. It is important to understand that the original technology that is used to create electronic records will eventually become obsolete. As a result, government agencies should work with their information technology staff to develop preservation plans for retaining electronic records with long-term (more than 10 years) retention requirements. Various laws (including the Records Reproduction Act, MCL 24.401-24.406) identify acceptable formats for retaining public records; agencies are responsible for understanding and complying with these laws.

Suspending Destruction

Government agencies must immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if they receive a FOIA request, if they believe that an investigation or litigation is imminent, or if they are notified that an audit, investigation or litigation has commenced. If relevant records exist in electronic formats (such as e-mail, digital images, word processed documents, databases, backup tapes, etc.), the agency may need to notify its information technology staff. Failure to cease the destruction of relevant records could result in penalties.

Records Management Services Can Help!

The State of Michigan Records Management Services is available to assist government agencies with their questions about record retention and acceptable recording media. Agencies may contact the Records Management Services at (517) 335-9132. Additional information is also available from the Records Management Services' website http://www.michigan.gov/recordsmanagement/, including records management manuals, general schedules, e-mail retention guidelines, microfilming standards and digital imaging standards, etc.

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
Administration			
100	Bureau of Elections Correspondence	CR+22	10/16/2007
	This correspondence is received from the Bureau of Elections and pertains to policy or housekeeping issues. This correspondence may exist in a variety of formats, including memos, letters, notes, and electronic mail messages. This does not include the Election News and the News You Can Use newsletters that are published and retained by the Bureau.		
101	Transitory Correspondence	EVT	10/16/2007
	Transitory correspondence is any form of written communication with a short-term interest that has no documentary value. This type of correspondence has limited administrative and evidential value that is lost soon after the communication is received. **Transitory messages do not set policy, establish guidelines or procedures, certify a transaction or become a receipt.** Examples of transitory correspondence include letters of transmittal that do not add information to the transmitted materials, routine requests for information that require no administrative action, policy decision, special compilation or research. This type of record also includes invitations to work-related events, notifications of an upcoming meeting, and similar records. EVT = need not be retained more than 30 days after receipt.		
102	Post Election Reports	ACT+2	10/16/2007
	The Secretary of State is required to submit a post election report to the Elections Assistance Commission detailing the State of Michigan's compliance with the National Voting Rights Act and the Help America Vote Act. Clerks are required to create and maintain data on an ongoing basis that is compiled for this report. ACT = the day after the November general election.		
103	Certification	ACT	10/16/2007
	The Bureau of Elections provides training to election officials. Officials take a self-administered accreditation exam, and receive a certificate upon successful completion of the exam. ACT = while serving as an election official.		

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
County Records (supersedes General Schedule #6—County Clerks: items 6.0701-6.0722, 6.9005-6.9014)			
200	Affidavits of Candidacy These are filed by incumbent judges seeking ballot access for re-election. ACT = until the election is held.	ACT+2	10/16/2007
201	Affidavits of Constitutional Qualification (supersedes item #6.0704) These forms are filed by candidates for judicial positions. ACT = until the election is held.	ACT+2	10/16/2007
202	Affidavits of Identity (supersedes item #6.0701) These forms are filed by all candidates for elected office, including precinct delegates. ACT = until the election is held.	ACT+2	10/16/2007
203A	Applications to Vote These forms are completed and signed by voters at the polls. They are used to confirm that the voter has a valid registration in the jurisdiction, and they are used to verify the identity of the voter. County clerks only maintain these records for select elections. MCL 168.811 ACT = until the election is held.	ACT+6	11/26/2013
203B	Applications to Vote—Gubernatorial Elections These forms are completed and signed by voters at the polls during elections that include a gubernatorial race. They are used to confirm that the voter has a valid registration in the jurisdiction, and they are used to verify the identity of the voter. They may be needed if the jurisdiction needs to identify the number of signatures that are needed to support a recall petition. ACT = until the next gubernatorial election is held.	ACT	10/16/2007
204	Apportionment (supersedes item #6.0705) These records document the re-apportionment of the Board of Commissioner district boundaries after a census is completed. These files may include correspondence, litigation materials, minutes of apportionment commission meetings, maps, district descriptions, demographic information, etc. ACT = from the first election that the plan was in effect.	ACT+11	10/16/2007

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
205	Ballots (Select School District Elections)	ACT	10/16/2007
	These records document votes in select school district elections and special elections that are administered by the county clerk per an agreement. They include ballots, counted absentee ballots, provisional ballots, challenged ballots, unused ballots, spoiled ballots, and ballots rejected for exposure, ballot containers containing optical scan ballots, etc. ACT = until 30 days after the canvass of the election is completed, until a recount is completed, until a court order or a Secretary of State order to suspend destruction is lifted, or until an investigation into defective ballots or voting equipment is completed.		
206	Board of County Canvassers Meeting Materials (supersedes item #6.0706)	PERM	10/16/2007
	These files include agendas, minutes, and supporting documentation (such as transcripts, correspondence, certificates of election, challenges) that were reviewed by the board during its meetings.		
207A	Campaign Finance Statements of Organization—Committees Receiving Less Than $50,000 (supersedes item #6.0707A)	ACT+5	10/16/2007
	These records document the creation of committees supporting the election/re-election of candidates for local offices (or groups supporting/opposing local ballot questions) whose campaign committee received less than $50,000 in the election cycle. ACT = until the official date of dissolution.		
207B	Campaign Finance Statements of Organization—Committees Receiving More Than $50,000 (supersedes item #6.0707A)	ACT+15	10/16/2007
	These records document the creation of committees supporting the election/re-election of candidates for local offices (or groups supporting/opposing local ballot questions) whose campaign committee received more than $50,000 in the election cycle. ACT = until the official date of dissolution.		

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
208A	Campaign Finance Reporting--Committees Receiving Less Than $50,000 (supersedes item #6.0707B) These records document the campaign finance activities of candidates for local offices (or groups supporting/opposing local ballot questions) whose campaign committee received less than $50,000 in the election cycle. They may include campaign finance reports (regular reports during the election cycle and annual reports,. as required), amendments, receipts for late filing fee charges, correspondence, other statements and reports.	CR+5	10/16/2007
208B	Campaign Finance Reporting--Committees Receiving More Than $50,000 (supersedes item #6.0707B) These records document the campaign finance activities of candidates for local offices (or groups supporting/opposing local ballot questions) whose campaign committee received more than $50,000 in the election cycle. They may include campaign finance reports (regular reports during the election cycle and annual reports, as required), amendments, receipts for late filing fee charges, correspondence, other statements and reports.	CR+15	10/16/2007
209	Candidate Filing Fee Refunds (supersedes item #6.0708) After the primary is held some candidates are eligible for a refund of their filing fee. ACT = until audit.	ACT	10/16/2007
210	Candidate Listing (supersedes item #6.0702) This register is used to log when a candidate files an Affidavit of Identity (see item #202). ACT = until the election is held.	ACT+2	10/16/2007
211	Certificates of Acceptance (supersedes item #6.0709) After a person is elected to a school board they have to file a certificate of acceptance with the school district. A copy is sent to the county clerk (MCL 168.309). ACT = until the term of office expires.	ACT	10/16/2007

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
212	County Election Commission Meeting Materials (supersedes item #6.0711) These files include agendas, minutes, resolutions and supporting documentation that was reviewed by the commission during its meetings.	PERM	10/16/2007
213	County Election Results (supersedes item #6.0710) These records (also known as the "canvass of votes") document the final outcome of elections, as determined by the Board of County Canvassers.	PERM	10/16/2007
214	Declaration of Intent These forms are submitted by individuals who seek nomination or election to an office with write-in votes. Votes for write-in candidates who do not file a Declaration of Intent will not be counted. ACT = until the election is held.	ACT+2	10/16/2007
215	Election Challengers An organization or group that intends to appoint election challengers must submit a notarized statement to the clerk of the jurisdiction that states the reason why the right to make the appointments is claimed. These records will include the statement, a copy of the identification card to be used by the challengers, and the approval or denial (and possibly appeal documents). ACT = until the election is held.	ACT+2	10/16/2007
216	Election Inspector Certificates (supersedes item #6.0717) Election inspectors must attend training every two years. These certificates document who attended training.	CR+2	10/16/2007
217	Election Inspector Training These records include materials developed by the Bureau of Elections and the county clerk to train election inspectors.	SUP	10/16/2007
218	Election Notices (supersedes item #6.0703) Clerks must publish a notice in local newspapers notifying the public of the close of registration to vote, of upcoming elections	ACT+2	10/16/2007

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Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
	and of public accuracy tests of voting equipment. These records will include a copy of the notice, the affidavit of publication and the bill from the newspaper. ACT = until canvass of the election is completed.		
219	Electronic Voting Systems	ACT	10/16/2007
	These systems are used to conduct select school district elections and special elections that are administered by the county clerk per an agreement. They include voting devices, ballot containers, optical scan ballots, etc. ACT = until 30 days following final determination of the Board of Canvassers (R168.790(18)). In addition, these records may need to be retained until a recount is completed, or until a court order to suspend destruction is lifted.		
220	Nominating and Qualifying Petitions (supersedes item #6.0715)	ACT	10/16/2007
	All candidates (both partisan and non-partisan) for countywide offices must file nominating or qualifying petitions with the clerk. These petitions contain signatures of registered voters living within the office's jurisdiction stating that they want to have the candidate's name placed on the ballot. These records may be returned to the candidate or destroyed as requested by candidate at the end of their retention period. ACT = until January 1 following the election.		
221	Nominating Petition Record	ACT+2	10/16/2007
	This record lists which candidates submitted nominating petitions for each election cycle. It contains the office, candidate, filing date, determination date, number of signatures required and filed, date the petitions were returned or destroyed, and the date of the election. ACT = until the petitions (see item #222) are disposed of.		
222	Oaths of Office—Election Officials	ACT+2	10/16/2007
	This affidavit is signed by election officials who serve on Absent Voter Counting Boards, as Election Inspectors, etc. who affirm that they will lawfully fulfill the duties to which they have been appointed. Poll watchers who observe the action of the absent voter counting board must also take and sign an oath of secrecy. ACT = until canvass of the election is completed.		

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Item Number	Series Title and Description	Total Retention	Approval Date
223	Poll Books (supersedes item #6.0716)	ACT+2	10/16/2007
	These books identify which registered voters participated in an election. They identify which voters were issued provisional ballots and which voters were challenged. This record includes Absent Voter Poll Books that identify which absent voters were mailed ballots. These books are received from cities and townships for maintenance by the county clerk. MCL 168.811 ACT = until canvass of the election is completed.		
224	Precinct Delegates	ACT+2	10/16/2007
	These records document the certification of election results for precinct delegates and notification to political parties. They may include tally sheets, certificates of election, lists, etc. ACT = until the election is held.		
225	Precinct Tabulation Data (supersedes item #6.0719)	ACT+2	10/16/2007
	This data documents the programming (burning) of removable data storage devices for precinct tabulators. It will include definitions, vote totals, an audit of voting activity. The data may be transferred to other storage media for retention. ACT = until the election is held.		
226A	Preliminary Accuracy Testing (Federal Offices)	ACT+2	10/16/2007
	These records document tests of voting equipment prior to the election. They include data containing voting formulas for the election that is used to test the equipment's accuracy, AutoMARK testing, test ballots, test decks, documents and certification, edit listings, etc. ACT = until the election is held.		
226B	Preliminary Accuracy Testing (State and Local Offices)	ACT+30 days	10/16/2007
	These records document tests of voting equipment prior to the election. They include data containing voting formulas for the election that is used to test the equipment's accuracy, AutoMARK testing, test ballots, test decks, documents and certification, edit listings, etc. ACT = until the election is held.		

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
227A	Proof Ballots (State and Local Offices) (supersedes item #6.0720)	ACT+30 days	10/16/2007
	Proof ballots are produced to proofread the wording and formatting of each style of ballot that will be used in the election. They are reviewed by the candidates, Bureau of Elections and the County Election Commission prior to printing. These records may include hard copy or electronic proof ballots (one of each style) and related correspondence. ACT = until the election is held.		
227B	Proof Ballots (Federal Offices) (supersedes item #6.0720)	ACT+22 months	10/16/2007
	Proof ballots are produced to proofread the wording and formatting of each style of ballot that will be used in the election. They are reviewed by the candidates, Bureau of Elections and the County Election Commission prior to printing. These records may include hard copy or electronic proof ballots (one of each style) and related correspondence. ACT = until the election is held.		
228	Proposal Petitions	ACT+2	10/16/2007
	Groups or individuals wishing to place a question on the countywide ballot for an upcoming election must also submit petitions. These petitions contain signatures of registered voters living within the jurisdiction stating that they want to have the proposal placed on the ballot. ACT = until canvass of the election is completed.		
229	Recalls	CR+2	10/16/2007
	Voters may initiate a recall of elective officers in the state. These records will contain petition language submissions, clarity review documents, public meeting notices, signed petitions, signature challenges, petition review notices, correspondence, etc.		
230	Recounts (supersedes item #6.0714)	ACT+2	10/16/2007
	These records document the administration of election recounts. They may include tally sheets, application forms, financial documents, petitions, counter petitions, objections, sign-in sheets, correspondence, and personnel records for the workers, etc. ACT = until the recount is completed.		

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Item Number	Series Title and Description	Total Retention	Approval Date
231A	Sample Ballots (State and Local Offices) These ballots are produced and marked "sample" for posting for public information. ACT = until the election is held.	ACT+30 days	10/16/2007
231B	Sample Ballots (Federal Offices) These ballots are produced and marked "sample" for posting for public information. ACT = until the election is held.	ACT+22 months	10/16/2007
232	School Election Coordinating Committee The school election coordinating committee identifies the duties and responsibilities of parties that administer school elections. Their agreements are renewed every two years. These records may include meeting records, agreements, maps, resolutions, correspondence, etc.	EXP+6	10/16/2007
233	Statement of Vote (supersedes item #6.0721) These documents are certified on Election Day by election inspectors. They summarize the votes for write-in candidates and the number of ballots issued (used and unused). The statement may be part of the poll book. MCL 168.811 ACT = until the election is held.	ACT+2	10/16/2007
234	Tally Sheets/Books (supersedes item #6.0722) These documents are used to calculate the number of write-in votes. These sheets may be part of the poll book. MCL 168.811 ACT = until the election is held.	ACT+2	10/16/2007
235	Tie Votes These records document that proper procedures were followed when breaking a tie vote. These records include notices, sign-in sheets, and the name slips, etc. ACT = until the tie vote is broken.	ACT+2	10/16/2007
236	Voting Equipment Acquisition These records document the acquisition and maintenance of voting equipment. They include contracts, HAVA grants, maintenance agreements, serial numbers, resolutions, correspondence, etc. ACT = life of equipment.	ACT+6	10/16/2007

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Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
	City, Township and Village Records (supersedes General Schedule #8—Municipalities: portions of Section 7—City Clerk, and General Schedule #10—Townships: Elections Department)		
300	Absentee Ballot Envelopes	ACT+2	10/16/2007
	These envelopes were used to transmit absentee ballots. Envelopes containing valid ballots will be opened and emptied so the ballot can be counted (see items #304-305). Invalid/rejected ballots remain inside the envelope, and the envelope may remain sealed. In this case, the ballot is not counted. MCL 168.811 ACT = until the election is held.		
301	Absentee Voter List	ACT+2	10/16/2007
	This list identifies which voters in each precinct were mailed absentee ballots. It contains the name of the voter, address where the ballot was mailed, date the application was received, date the ballot was mailed, date the ballot was received, etc. This record includes the absentee ballots information posting. The list may be part of the poll book. MCL 168.811 ACT = until the election is held.		
302	Application for Absentee Ballot	ACT+6	11/26/2013
	These applications are submitted by voters wishing to receive an absentee ballot for upcoming primary and/or general elections. These records also include "emergency" absentee ballot requests. MCL 168.811 ACT = until the election is held.		
303A	Applications to Vote	ACT+6	11/26/2013
	These forms are completed and signed by voters at the polls. They are used to confirm that the voter has a valid registration in the jurisdiction, and they are used to verify the identity of the voter. MCL 168.811 ACT = until the election is held.		
303B	Applications to Vote—Gubernatorial Elections	ACT	10/16/2007
	These forms are completed and signed by voters at the polls during elections that include a gubernatorial race. They are used to confirm that the voter has a valid registration in the jurisdiction, and they are used to verify the identity of the voter. They will be used if the jurisdiction needs to identify the number of signatures		

General Retention Schedule #23
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Item Number	Series Title and Description	Total Retention	Approval Date
	that are needed to support a recall petition. ACT = until the next gubernatorial election is held.		
304	Affidavits of Identity	ACT+2	10/16/2007
	These forms are filed by all candidates for elected office, including precinct delegates. ACT = until the election is held.		
305	Affidavit of Voter Unable to Meet Photo ID Requirements	ACT+6	11/26/2013
	This form is signed by voters who do not possess photo identification when attending the polls. ACT = until the election is held.		
306	Ballots (Federal Offices)	ACT+22 months	10/16/2007
	These records document votes in elections where the office of U.S. President, U.S. Senate, or Representative in Congress appears on the ballot (including proof ballots, sample ballots, uncounted ballots, counted absentee ballots, provisional ballots, challenged ballots, spoiled ballots, and ballots rejected for exposure). They include optical scan ballots and the programs used to tabulate them, and Federal Write-In Absentee Ballots. Optical scan ballots shall be stored in sealed ballot bags in a secure place during this retention period, after the retention requirements specified under Michigan law have been met (see item #305 and 311). ACT = until canvass of the election is completed.		
307	Ballots (State and Local Offices)	ACT	10/16/2007
	These records document votes in elections for state and local offices, some school district elections, and special elections in which candidates for federal offices did not appear on the ballot (including proof ballots, sample ballots, uncounted ballots, unused ballots, counted absentee ballots, provisional ballots, challenged ballots, spoiled ballots, and ballots rejected for exposure). They include voting devices/tabulators, ballot containers containing optical scan ballots, programs, edit listings, etc. Note: this series also applies to unused ballots for federal, state and local offices. ACT = until 30 days after the canvass of the election is completed, until a recount is completed, until a court order or a Secretary of State order to suspend destruction is lifted, or until an investigation into defective ballots or voting equipment is completed.		

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Item Number	Series Title and Description	Total Retention	Approval Date
308	Candidate Listing	ACT+2	10/16/2007
	This register is used to log when a candidate files an Affidavit of Identity. ACT = until the election is held.		
309	Declaration of Intent	ACT	10/16/2007
	These forms are submitted by individuals who seek nomination or election to an office with write-in votes. Votes for write-in candidates who do not file a Declaration of Intent will not be counted. ACT = until January 1 following the election.		
310	Election Notices	ACT+2	10/16/2007
	Clerks must publish a notice in local newspapers notifying the public of the close of registration to vote, of upcoming elections and of public accuracy tests of voting equipment. These records will include a copy of the notice, the affidavit of publication and the bill from the newspaper. ACT = until canvass of the election is completed.		
311	Election Inspector Applications	ACT	10/16/2007
	These applications are submitted by people who are interested in serving as election inspectors. Inspectors are appointed by the local election commission. ACT = while the person is eligible for appointment as an inspector.		
312	Election Inspector Certificates	CR+2	10/16/2007
	Election inspectors must attend training every two years. These certificates document who attended training.		
313	Election Inspector Training	SUP	10/16/2007
	These records may include materials developed by the Bureau of Elections, the county clerk and the local clerk to train election inspectors.		
314	Electronic Voting Systems	ACT+30 days	10/16/2007
	These records document elections for state and local offices, some school district elections, and special elections. They include		

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
	voting devices, ballot containers, optical scan ballots, programs, edit lists, etc. ACT = until canvass of the election is completed, until a recount is completed, until a court order or a Secretary of State order to suspend destruction is lifted, or until an investigation into defective ballots or voting equipment is completed. Note: if the electronic voting equipment is needed for an upcoming election, the original seal of record may be broken to permit the transfer of these records to sealed ballot bags for the remainder of their retention period.		
315	Federal Post Card Application	CR+4	10/16/2007
	These voter registration/absent voter ballot applications are produced and distributed by the federal government to permit eligible individuals to vote while outside of the country.		
316	Local Election Commission Meeting Materials	PERM	10/16/2007
	These files include agendas, minutes, resolutions and supporting documentation that was reviewed by the commission during its meetings.		
317	Local Election Results	PERM	10/16/2007
	These records (also known as the "canvass of votes") document the final outcome of elections, as determined by the Board of County Canvassers.		
318	Nominating and Qualifying Petitions	ACT	10/16/2007
	All candidates (both partisan and non-partisan) for local offices must file nominating or qualifying petitions with the clerk. These petitions contain signatures of registered voters living within the office's jurisdiction stating that they want to have the candidate's name placed on the ballot. These records may be returned to the candidate or destroyed as requested by candidate at the end of their retention period. ACT = until January 1 following the election.		
319	Nominating Petition Record	ACT+2	10/16/2007
	This record lists which candidates submitted nominating petitions for each election cycle. It contains the office, candidate, filing date, determination date, number of signatures required and filed, date the petitions were returned or destroyed, and the date of the		

General Retention Schedule #23
Elections Records

Item Number	Series Title and Description	Total Retention	Approval Date
	election. ACT = until the petitions (see item #317) are disposed of.		
320	Oaths of Office—Election Officials	ACT+2	10/16/2007
	This affidavit is signed by election officials who serve on Absent Voter Counting Boards, as election inspectors, etc. who affirm that they will lawfully fulfill the duties to which they have been appointed. Poll watchers who observe the action of the absent voter counting board must also take and sign an oath of secrecy. These oaths may be part of the poll book. ACT = until the election is held.		
321	Precinct Maps	SUP Transfer to Archives of Michigan	10/16/2007
	These maps define the boundaries of precincts within a jurisdiction. Superseded maps should be sent to the Archives of Michigan for permanent preservation.		
322A	Preliminary Accuracy Testing (Federal Offices)	ACT+2	10/16/2007
	These records document tests of voting equipment prior to the election. They include data containing voting formulas for the election that is used to test the equipment's accuracy, AutoMARK testing, test ballots, test decks, documents and certification, edit listings, etc. ACT = until the election is held.		
322B	Preliminary Accuracy Testing (State and Local Offices)	ACT+30 days	10/16/2007
	These records document tests of voting equipment prior to the election. They include data containing voting formulas for the election that is used to test the equipment's accuracy, AutoMARK testing, test ballots, test decks, documents and certification, edit listings, etc. ACT = until the election is held.		
323	Proposal Petitions	ACT+2	10/16/2007
	Groups or individuals wishing to place a question on the local ballot for an upcoming election must also submit petitions. These petitions contain signatures of registered voters living within the jurisdiction stating that they want to have the proposal placed on the ballot. ACT = until canvass of the election is completed.		

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Item Number	Series Title and Description	Total Retention	Approval Date
324	QVF Precinct Lists	ACT+2	10/16/2007
	These lists are generated from the Qualified Voter File to identify who is registered to vote at each precinct within the jurisdiction. MCL 168.811 ACT = until the election is held.		
325	School Election Coordinating Committee	EXP+6	10/16/2007
	The school election coordinating committee identifies the duties and responsibilities of parties that administer school elections. Their agreements are renewed every two years. These records may include meeting records, agreements, maps, resolutions, correspondence, etc.		
326	Statement of Vote	ACT+2	10/16/2007
	These documents are certified on Election Day by election inspectors. They summarize the votes for write-in candidates and the number of ballots issued (used and unused). The statement may be part of the poll book. MCL 168.811 ACT = until the election is held.		
327	Tally Sheets/Books	ACT+2	10/16/2007
	These documents are used to calculate the number of write-in votes. These sheets may be part of the poll book. MCL 168.811 ACT = until the election is held.		
328	Tie Votes	ACT+2	10/16/2007
	These records document that proper procedures were followed when breaking a tie vote. ACT = until the tie vote it broken.		
329	Voter Identification Cards—Returned	ACT	10/16/2007
	These voter identification cards were returned by the post office as undeliverable. ACT = until the voter's registration is cancelled.		
330	Voter Registration Applications	ACT	10/16/2007
	Applications to become a registered voter are received in a variety of ways. The information from the application is entered into QVF and a master card is generated. ACT = until the master card is generated.		

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Item Number	Series Title and Description	Total Retention	Approval Date
331	Voter Registration Master Cards—Originals	ACT+5	11/26/2013
	These cards identify who is registered to vote in elections. The signatures on the cards are used to verify the identity of the voter. Per MCL 168.514, the registration records, if combustible, shall be destroyed by burning. ACT = until cancelled.		
332	Voter Registration Master Cards—Duplicates	ACT+2	10/16/2007
	These cards identify who is registered to vote in elections. Per MCL 168.514, if the original card is reproduced in accordance with the Records Reproduction Act (MCL 24.401-24.406), the original becomes the duplicate record, and the reproduction becomes the original. ACT = until cancelled.		
333	Voter Registration Cards—Voided	CR+2	10/16/2007
	Clerks will void a voter registration application if the application's deficiency cannot be resolved. A notice of rejection is sent to the applicant. Per MCL 168.514, the registration records, if combustible, shall be destroyed by burning.		
334	Voter Registration Cards--Change of Address	ACT	10/16/2007
	Clerks may receive written notice signed by the voter that he/she has changed addresses. The address change may need to be communicated to a village clerk. These records also include Election Day Change of Address Notices, and Address Confirmation Notices. ACT = until the official voter registration record is updated.		
335	Voting Equipment Acquisition	ACT+6	10/16/2007
	These records document the acquisition and maintenance of voting equipment. They include contracts, HAVA grants, maintenance agreements, serial numbers, resolutions, correspondence, etc. ACT = life of equipment.		

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 WOODMERE PUMP STATION REPAIR AND DPS/PUMP STATION POWER PROJECT

Attached is a memo from City Engineer Timothy Lodge recommending a contract for repair to the Woodmere Pump Station and installation of a generator to power both the Department of Public Services facility on Woodmere and the Woodmere Pump Station.

The Woodmere Pump Station was damaged by a driver who hit the pump station. The cost of repair, $40,216, as well as the city's incurred costs of $1,817.44 for initial work, which will be reimbursed by the city's insurance carrier.

The cost of installation of a power generator for the DPS Facility and Woodmere Pump Station is a budgeted expense and funds are available in the Wastewater and Garage Funds.

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

that the Mayor and City Clerk execute a unit prices contract with Grand Traverse Construction in the amount of $118,811, more or less, at the unit prices indicated in its bid, for the 2014 Woodmere Pump Station Repair and DPS / Pump Station Power Project, with funds available in the Wastewater Fund and Garage Fund, such contract 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\woodmere pump station repair and dps power project
copy: Timothy Lodge, City Engineer

Memorandum

The City of Traverse City
Engineering Department

TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer

DATE: January 7, 2014

SUBJECT: 2014 Woodmere Pump Station Repair and DPS/Pump Station Back Up Power Project

On October 21, 2013 a vehicle struck the building for the controls for the Woodmere Pump Station serving the sanitary sewer collection system. The collision caused major damage to the building however the pump station electrical controls were still functional. The City effected repair to the pump station by employing a general contractor, Hallmark Construction to stabilize the building and arranged for the City's standby electrical contractor, Windemuller Electric to perform an examination and repair of the system to pump station electrical and control systems. The City incurred costs of $1,817.44 for this temporary work. Our insurance carrier was notified and a claim adjuster visited the site and prepared a report of the damaged facility.

Due to the extensive amount of damage, City staff chose to prepare plans and specifications for the repair of the pump station and seek bids from area contractors. During preparation of the plans, staff noted the similarities with the repair work and the work that would be required to install back up power to the DPS Facility and Woodmere Pump Station, a budgeted CIP Project. We consulted with Windemuller Electric and Standard Electrical Supply and determined that a 100KW generator held in City storage would be adequate for the DPS Facility and Pump Station. Thus, plans to repair the pump station and install back up power to the DPS Facility and Woodmere Pump Station were added as a separate items in the plans and specifications and advertised for bids through the Builders Exchange of Northern Michigan on December 17, 2013. In addition, City staff contacted four area general contractors that we have worked with in the past and performed similar work to advise them of the project and the mandatory Pre-Bid meeting. The Pre-Bid meeting with prospective contractors was held on January 2 with only one general contractor attending.

Sealed bids were received on January 13, 2014 for the above referenced project. Plans and specifications were viewed by seven contractors however only one bid was received for this work as follows:

Grand Traverse Construction	Traverse City	$118,811.00

The Engineering Department estimated the cost for this work to be $100,000. The project includes $40,216 work to repair the pump station and $78,595 to install the back-up generator. Upon review of the bid received we found the pricing for the pump station's repair work to be consistent with the insurance adjuster's estimate. We also contacted another contractor who did not bid and found that they have a significant amount of work on much larger projects over this project.

Therefore, it is recommended that this work be awarded to the low bidder, Grand Traverse Construction, Inc. and that the proper City officials be authorized to execute a unit price contract with the above-mentioned low bidder, in the amount of $118,811.00, more or less, with funds therefore available in the Sewer Fund, Garage Fund and partially reimbursed by our insurance.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: #2 DIESEL FUEL PURCHASE

Telephone / fax bids were received for dyed #2 diesel fuel for use by various city departments. The previous purchase price on 12/11/13 was $2.94875 per gallon.

The following is a summary of these bids:

Vendor	City	Price/gallon
Lemmen Oil	Coopersville	$3.07775
Crystal Flash	Traverse City	$3.086
Fick & Sons	Grayling	$3.13
Schmuckal Oil	Traverse City	Did not bid
Brenner Oil	Mount Pleasant	Did not bid
Blarney Castle	Traverse City	Did not bid
Gilberts Service Oil	Traverse City	Did not bid

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

that the City Manager be authorized to issue a confirming purchase order in the amount of $30,783.66 to Lemmen Oil Company for 10,002 gallons of dyed #2 diesel fuel without additives priced at $3.07775 per gallon with funds available in the Garage Fund.

JJO/kjl
K:\tcclerk\city commission\ purchase orders\diesel fuel 20140121
copy: Dave Green, Director of Public Services

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: UNLEADED GASOLINE PURCHASE

Telephone / fax bids were received for unleaded gasoline for use by various city departments. The previous purchase price on 11/11/13 was $2.464751 per gallon.

The following is a summary of these bids:

Vendor	City	Price/gallon
Lemmen Oil	Coopersville	$2.68375
Brenner Oil	Mount Pleasant	$2.69875
Crystal Flash	Traverse City	Did not bid
Fick & Sons	Grayling	Did not bid
Schmuckal Oil	Traverse City	Did not bid
Blarney Castle	Traverse City	Did not bid
Gilberts	Traverse City	Did not bid

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

that the City Manager be authorized to issue a confirming purchase order in the amount of $26,877.76 to Lemmen Oil Company for 10,015 gallons of unleaded gasoline priced at $2.68375 per gallon with funds available in the Garage Fund.

JJO/kjl
K:\tcclerk\city commission\purchase orders\unleaded gasoline 20140121
copy: Dave Green, Director of Public Services

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: ORDINANCE AMENDMENT – BOARD OF ZONING APPEALS RULES OF PROCEDURE AMENDMENT

Attached is a memo from City Planning Director Russell Soying, regarding an ordinance amendment to the Board of Zoning Appeals Rules of Procedure to remove the content from the Zoning Code and establish the Rules of Procedure as a separate document of the Board of Zoning Appeals, so that future amendments would not require an ordinance amendment to the Zoning Code.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Rules of Procedure,* Section 1324.04, which will remove the Board of Zoning Appeals Rules of content from the Zoning Code and establish the Rules of Procedure as a separate document of the Board of Zoning Appeals as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on February 18, 2014.

JJO/kjl
k:\tcclerk\city commission\ordinance amendments\BZA_Rules of Procedure_Intro
copy: Russell Soyring, City Planning Director

Memorandum

The City of Traverse City
Planning Department

TO: JERED OTTENWESS, CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR Russ Soyring

SUBJECT: AMENDMENT TO BZA RULES OF PROCEDURE TO AMEND MEETING SCHEDULE

DATE: January 13, 2014

At the November 20, 2013 meeting, the Planning Commission discussed the 2014 meeting schedule and agreed that meetings on the 1st and 3rd Tuesday were desirable for the Planning Commission. To make that change, it required the Planning Commission to amend its Bylaws, which it did on January 7, 2014.

The Planning Commission meeting schedule change required that the Board of Zoning Appeals schedule also be amended. The Board of Zoning Appeals meets on the first Tuesday following the second Monday, which generally is the second Tuesday of the month although if the month begins on a Tuesday, then their meeting can fall back to the third Tuesday. The Board of Zoning Appeals has its Rules of Procedure in the Zoning Code. Staff is proposing to remove the Rules of Procedure section from the Zoning Code and have the Board of Zoning Appeals adopt a Rules of Procedure document at its January 14, 2014 meeting. Their meeting day will be changed to the 2nd Tuesday of the month.

The Planning Commission held a public hearing on January 7, 2014 and took the following action: Motion by Commissioner Werner, second by Commissioner Warren that an amendment to the Traverse City Code of Ordinances, Section 1324.04 *Rules of Procedure*, to remove the rules and procedure content from the Zoning Code and establish Rules of Procedure as a separate document of the Board of Zoning Appeals be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration. Motion carried 8-0 (Commissioner McNally absent.) There were no comments from the public made 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: Board of Zoning Appeals Rules of Procedure Amendment to remove the content from the Zoning Code and establish the Rules of Procedure as a separate document of the Board of Zoning Appeals

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1324.04 *Rules of Procedure*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

CHAPTER 1324
Board of Zoning Appeals

1324.01	Establishment.	1324.05	Powers and duties.
1324.02	Composition; terms of office.	1324.06	Time limitations of orders.
1324.03	Meetings.	1324.07	Court review.
1324.04	Rules of procedure.		

CROSS REFERENCES
Board of Zoning Appeals MCLA 125.585
Meetings of the Board; freedom of information MCLA 125.585a
Review by Circuit Courts; appeals to Supreme Court; procedure MCLA 125.590
Actions for review; proper and necessary parties; notice; failure to appear MCLA 125.591
Authority re nonconforming uses Zoning Code 1370.03
Construction Board of Appeals B & H Ch. 1442

1324.01 ESTABLISHMENT.
The Board of Zoning Appeals is established in accordance with Article VI of Act 110 of the Public Acts of 2006. The Board shall perform its duties and exercise its powers as provided by state law and this Zoning Code such that the intent of this Zoning Code is observed and the health, safety and welfare of the public is secured.
(Ord. 719. Passed 2 5 07.)

1324.02 COMPOSITION; TERMS OF OFFICE.
(a) The Board of Zoning Appeals shall consist of nine members appointed by the City Commission for terms of three years. Terms shall be overlapping to provide for the appointment of an equal number of members each year. A successor member must be appointed within one month following the expiration of the previous term. At least one member shall also be a member of the Planning Commission.

(b) The City Commission shall also appoint two alternate members for terms of three years each. An alternate member may be called by the Chairperson of the Board, the Planning Director or the Zoning Administrator to sit as a regular member of the Board in the absence of a regular member if:

(1) A regular member is unable to attend a regularly scheduled meeting; or
(2) A regular member has abstained from a decision for reason of conflict of interest.
(3) The alternate member having been appointed shall serve on an appeal until a final decision has been made. Such alternate member shall have the same voting rights as a regular member of the Board. Absence, inability to attend or abstention because of a conflict of interest may be established by communication of a Board member at least twenty four hours prior to the regularly scheduled Board meeting.
(Ord. 719. Passed 2 5 07.)

1324.03 MEETINGS.
Meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and shall keep a public record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of five members shall be necessary to constitute a quorum and a majority vote of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or to decide in favor of the applicant in the case of a variance, exception or interpretation, except that the concurring vote of two thirds of the members shall be necessary to grant a variance from uses of land permitted by this Zoning Code.

1324.04 RULES OF PROCEDURE.
The Board of Zoning Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. ~~These procedures shall include:~~

~~(a) **Appeals Generally.** For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.~~

~~(b) **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator within twenty-one days after written notice is given of the action being appealed. The appeal shall be placed upon the Board's agenda in the second month immediately following the month in which the appeal is filed.~~

~~(c) **Filing Fees.** The filing fee for appeals shall be established by resolution of the City Commission.~~

~~(d) **Notices.** Notice of an appeal will be given pursuant to State statute. Such notice shall be mailed or delivered at least fifteen days prior to the first meeting of the Board at which it will be formally considered.~~

~~(e) **Advertisements.** One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed at least 15 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the~~

~~proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.~~

~~(f) **Regular Meetings.** The Board's regular meeting date is the Tuesday after the second Monday of each month at 7:30 p.m. If the regular meeting date falls on a holiday, or if the regular meeting date falls on a Tuesday immediately following a Monday holiday, the meeting date shall be moved to the next working day. Meetings shall be held in the City Commission Chambers of the Governmental Center, unless otherwise indicated.~~

~~(g) **Exceptions to Regular Meeting Dates.** If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and rescheduled to the next regularly scheduled meeting or to the earliest possible date determined by the Chairperson of the Board. If no requests have been received 21 days before the date of a regularly scheduled meeting, the meeting may be canceled by the Zoning Administrator.~~

~~(h) **Application Contents.** In addition to all other requirements of statute and ordinance, applications shall be in a form determined by the Zoning Administrator and shall contain such information as the Zoning Administrator shall direct. Such applications shall also include the following:~~

~~(1) A site plan or site diagram reflecting accurate dimensions of the property, the location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrator, such drawing shall be a survey performed by a registered land surveyor.~~

~~(2) The name, address and telephone number of the applicant and all authorized agents of the applicant.~~

~~(3) The application must be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application.~~

~~(4) All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.~~

~~(i) **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. Before deliberating any appeal, the Chairman shall ask if any member has such a conflict.~~

~~(j) **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.~~

~~(k) **Reconsideration.** An applicant may re-appeal a decision after twelve months from the decision of the Board. The Board will not reconsider any appeal within twelve months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in~~

~~circumstances allowing the rehearing.~~

~~(l) **Instructions.** The Zoning Administrator shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to public distribution.~~

~~(m) **Other Rules.** The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with statute or ordinance.~~

1324.05 POWERS AND DUTIES.

(a) **Generally.** The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property or make any change in the terms of intent of this Zoning Code. The Board shall have the power to act on those matters where this Zoning Code provides for an appeal, interpretation, variance or exception. The Board of Zoning Appeals shall not have the power to vary a standard for a Planned Unit Development or a Special Land Use Permit.

(b) **Appeals.** The Board shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or determination made by the administrative official or body charged with the enforcement of this Zoning Code.

(c) **Interpretations.** Upon application by a City official or person interested in a specific affected parcel of land, when other administrative appeals have been exhausted, the Board shall have the power to:

(1) Interpret this Zoning Code in such a way as to carry out its intent and purpose;

(2) Determine the precise location of a zoning district and special area boundaries;

(3) Classify a use which is not specifically mentioned, determine the district within which the use is permitted and determine the necessary parking to support the use; and

(4) Determine the off-street parking and loading space requirements of this Zoning Code.

(d) **Variances.** The Board shall have the power to authorize specific variances or departures from this Zoning Code, if all of the basic conditions are satisfied, and if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Code. A variance from the dimensional requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement. A variance from the use requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is an unnecessary hardship created by those use restrictions.

(1) **Basic conditions.** Any variance granted from this Zoning Code shall meet the following basic conditions:

(A) The spirit of this Zoning Code shall be observed, public safety secured and substantial justice done.

(B) There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

(C) The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.

(D) The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.

(E) It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

(F) There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Code.

(G) The alleged hardship or difficulty is not solely economic, and is based on the reasonable use of a particular parcel of land.

(H) It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant.

(2) **Practical difficulties and unnecessary hardships.** In order to determine if there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Zoning Code the following shall apply:

(A) **Dimensional variance.** A practical difficulty shall exist where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.

(B) **Use variance.** An unnecessary hardship shall exist where the lot considered in combination with other land owned by the applicant adjacent thereto has no reasonable value as zoned.

(e) **Exceptions.** The Board shall have the power to grant the following exceptions:

(1) Extend a district where the boundary line of a district divides a lot of record in single ownership at the time of adoption of this Zoning Code (July 6, 1999);

(2) Interpret or apply this Zoning Code where the street layout actually on the ground varies from the street layout as shown on the District Map.

(3) Permit the alteration or enlargement of an existing building associated with a Class 1 nonconforming use, or permit the increase in intensity of use of a Class nonconforming use, where:

(A) The change will not unreasonably delay future probability of compliance with this Zoning Code.

(B) There will be greater compliance with this Zoning Code or, in the alternative, with the Building Code or other applicable ordinances if the change is permitted, and such compliance is the maximum which can be reasonably expected. The change will not detract from any historical or unique architectural qualities of the building.

(C) The change will not be detrimental to or tend to alter the character of the neighborhood.

(4) Permit a change in use of a Class 1 nonconforming use to another nonconforming use which is more nearly conforming to the use restrictions of this Zoning Code. After a change in use has been permitted, the use shall not be changed back to the former nonconforming use or to any less conforming use. Such a change in use may be permitted only where:

(A) The change in use will not unreasonably delay future probability of compliance with this Zoning Code.

(B) There will be greater compliance with this Zoning Code if the change is permitted, and such compliance is the maximum which can reasonably be expected.

(C) The change will not be detrimental to the neighborhood or tend to alter the character of the neighborhood.

1324.06 TIME LIMITATIONS OF ORDERS.

(a) **Building Alterations.** An order of the Board of Zoning Appeals permitting the erection or alteration of a building is valid for no longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(b) **Uses.** An order of the Board permitting the use of a building or premises is valid for no longer than one year unless such use is established within such period. However, where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and if such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(c) **Modification.** Time limits established by this section may be lengthened or shortened by the Board as a condition imposed under the standards for conditions set forth in this Zoning Code.

(d) **Expiration.** In addition to any expiration provision contained in an order itself, an order of the Board of Zoning Appeals may be declared by the Zoning Administrator to be expired where there has been a change in a material circumstance or fact upon which the order was issued, such as, but not limited to, destruction of a building or natural feature, vacation of a street or a change in topography. Before so declaring an order expired, the Zoning Administrator shall notify the landowner and if requested shall conduct a hearing with notice and procedures as practical.

1324.07 COURT REVIEW.

(a) **Circuit Court Review.** A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision of the Board of Zoning Appeals may appeal to the Circuit Court if made to the Court within 30 days after the Zoning Board of Appeals certifies its decision in writing signed by the Chairperson or within 21 days after the Board of Zoning Appeals approves the minutes of its decision, or upon grant by the Court of leave to appeal.

(b) **Standards for Review.** The Circuit Court shall review the record and decision of the

Board of Zoning Appeals to insure that the decision:

(1) Complies with the constitution and the laws of the State;
(2) Is based upon proper procedure;
(3) Is supported by competent, material, and substantial evidence on the record;
(4) Represents the reasonable exercise of discretion granted by law to the Board of Zoning Appeals.

(c) **Inadequate Record.** If the Court finds the record of the Board of Zoning Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Zoning Appeals, the Court shall order further proceedings before the Board of Zoning Appeals on conditions which the Court considered proper. The Board of Zoning Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse or modify the decision.

(Ord. 476. Passed 7-6-99. Ord. 655. Passed 11/1/04. Ord. 717. Passed 2-5-07. Ord. 808. Passed 8-4-08.)

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on January 21, 2014, at a regular meeting of the City Commission and was enacted on February 18, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ___ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

_____
Michael Estes, Mayor

_____
Benjamin C. Marentette, City Clerk

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

_____
Benjamin C. Marentette, City Clerk

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: 2013/2014 FLEET EQUIPMENT REPLACEMENT

Attached are memos from Dave Green, DPS Director, and Scott Meteer, Garage Superintendent, requesting approval to purchase five new cabs and chassis for various departments in DPS, and declaring five trucks surplus.

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

that the City Manager be authorized to declare surplus five trucks (#57, #69, #73, #87 and #90) and issue a purchase order to Signature Ford in the amount of $180,155.00 for the purchase of five new Cabs and Chassis (#57, a Ford F350, dual rear wheel, #73, a Ford F550, dual rear wheel, and #69, a Ford F350), with funds available in the Garage Fund.

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

Memorandum

The City of Traverse City
Department of Public Services

TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director DSG

DATE: January 13, 2014

SUBJECT: 2013/2014 Fleet Equipment Replacement, #'s 57, 69, 73, 87 & 90

Attached is a memorandum from Scott Meteer, Garage Superintendent, requesting approval to purchase five truck cab and chassis packages, four that were actually scheduled for replacement in the 2012/2013 budget year and still have carry over money available for the purchase, and one, # 69 that wasn't scheduled for replacement this year but was identified during a recent inspection to have been deemed not worth fixing. For vehicle # 69, communication with Treasurer's Department verified that the Garage Fund has available funds to cover this requested purchase as well. As with all our bigger trucks, we bid out the cab and chassis only and then bid, purchase and install the various attachments required by different departments once the "skeleton" truck arrives.

Truck # 57 is a 1997 Ford F350 that is used by the Parks Department and will be replaced with a 2014 Ford F350, dual rear wheel 4X4 that will be equipped with a dump box and v-plow. We use this vehicle for hauling trash, compost, topsoil, wood chips, grass, brush and so forth and is also used to clear snow from City owned property and parking lots.

Truck # 69 is a 1991 Chevrolet utility body truck that is used by the Streets Department and will be replaced with a 2014 Ford F350, single rear wheel 4X4 equipped with a utility box. This vehicle is used as a crew/work truck to transport men, tools and equipment to various job sites around town.

Truck # 73 is a 1997 Ford F450 with a wood chip box that is used by the Parks Department and will be replaced with a 2014 Ford F550, dual rear wheel 4X4, also with a new wood chip box attachment. This vehicle is instrumental in our tree removal and trimming operation as it also pulls the chipper to both on and off road locations.

Truck # 87 is a 1991 Chevrolet utility body truck that is used by the Water/Sewer Maintenance Division and will be replaced with a 2014 Ford F350, single rear wheel 4X4 equipped with a utility box. This vehicle is used as a crew/work truck to transport men, tools and equipment to various job sites around town.

Memorandum

The City of Traverse City
Department of Public Services

Truck # 90 is a 2002 Ford F550 that is used by the Streets Department and will be replaced with a 2014 Ford F550, dual rear wheel 4X4 that will be equipped with a dump box and v-plow. This truck is used in the winter for tight spot plowing like cul-de-sacs, residential alley's, etc. and then is also one of our pothole patching trucks that pulls the hot patch trailer around during the summer months.

Although current advertising and notification practice was used on this purchase request only one bid was received for the vehicles from Signature Ford. These are good competitive bids however and recommend that the vehicles be purchased from them.

Please request that the City Commission declare Truck #57, a 1997 Ford F350, Truck # 69, a 1991 Chevrolet utility truck, Truck # 73, a 1997 Ford F450, Truck # 87, a 1991 Chevrolet utility truck and Truck # 90, a 2002 Ford F550 surplus and approve a purchase order in the amount of $180,155.00 to Signature Ford for the purchase of three new 2014 Ford F350 Truck Cab and Chassis and two new 2014 Ford F550 Truck Cab and Chassis to be used by the Parks and Streets Departments with funds available in the Garage Fund for these needed replacements.

MEMO

To: Dave Green
From: Scott Meteer
Garage Superintendent
Subject: Equipment Replacement
Date: January 10, 2014

Truck #57, a 1997 F350 Ford with a dump box and plow was due for replacement 7/18/2003. This is used by the Park Department.

Truck #73, a 1997 F450 Ford with a wood chip box was due for replacement 7/18/2005. This is used by the Park Department.

Truck #87, a 1991 Chevrolet with a utility body was due for replacement 5/29/2001. This is used by the Sewage Department.

Truck # 90, a 2002 F550 Ford with a dump box was due for replacement 1/23/2012. This is used by the Streets Department.

Truck # 69, a1991 Chevrolet with a utility body is being used by the Streets Department. It is a hand-me-down from another department. The truck needs replacement.

Bids were solicited for cabs and chassis to replace the above trucks. Only one bid was received and is as follows:

(#57)	Ford F350, dual rear wheel, 4x4:	$34,118.00.
(#73)	Ford F550, dual rear wheel, 4x4:	$42,848.00.
(#87)	Ford F350, single rear wheel, 4x4:	$33,473.00
(#90)	Ford F550, dual rear wheel, 4x4:	$43,266.00.
(#69)	Ford F350 single rear wheel, 4x4:	$26,450.00.

Please request of the City Commission permission to issue a purchase order to Signature Ford of Owosso in the amount of $180,155.00 for the above listed cabs and chassis.

After this purchase is approved I will bid out the necessary plows and equipment to be installed on the new cabs and chassis.

Also, please request the City Commission to declare the five old trucks surplus so that they may be disposed of.

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: MOBILE FOOD VENDING – HOURS OF OPERATION ALLOWED

Attached is a previously submitted memo from City Clerk Benjamin Marentette regarding the discussion at the December 2, 2013, Regular Meeting with respect to the allowed hours of operation for mobile food vending.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Mobile Food Vending Hours of Operation,* Section 865.08, which would revise the hours of operation allowed for Mobile Food Vending Units operating on private property in commercial areas from 7 a.m. to 11 p.m. to 6 a.m. to 3 a.m., which was introduced on January 6, 2014, be enacted with an effective date of January 31, 2014.

JJO/kjl
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copy: Robert Bacigalupi, Downtown Development Authority Executive Director

Memorandum

The City of Traverse City

TO: Jered Ottenwess, City Manager

COPY: Robert Bacigalupi, Downtown Development Authority Executive Director

FROM: Benjamin C. Marentette, City Clerk

DATE: Tuesday, December 31, 2013

SUBJECT: MOBILE FOOD VENDING – HOURS OF OPERATION

At the December 2, 2013, Regular Meeting, the City Commission discussed the possibility of extending the allowed hours of operation for mobile food vending units on private property in commercial areas to 6 a.m. to 3 a.m. Attached is an ordinance amendment that would extend the hours of operation accordingly. Additionally, the amendment would clarify that the restriction regarding leaving mobile food vending units unattended applies solely to units on city-controlled property.

Currently, mobile food vendors are allowed to operate in all commercial areas (public and private) between the hours of 7 a.m. to 11 p.m.

There was also some discussion about when mobile food vendors are allowed to set up. As the ordinance is currently written, the hours of operation include all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business. Therefore, in its current form, all "hours of operation" specified in the ordinance include not only when the unit is open but when it is physically located in the space, with the exception of private property.

The following delineates the current hours of operation allowed for mobile food vending:

Area type:	**Hours of operation allowed:**
Residential Areas	9 a.m. to 9 p.m.
Commercial Areas	7 a.m. to 11 p.m.

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

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____
Effective date: _____

TITLE: MOBILE FOOD VENDING HOURS OF OPERATION

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 865.08, *Requirements*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

Chapter 865
Mobile Food Vending

865.01	Intent	865.09	Parking Beyond Limits Allowed by City Ordinance and Order
865.02	Definitions	865.10	Impoundment
865.03	Permit Required	865.11	Other Permits
865.04	Duration; Non-Transferability	865.12	Revocation
865.05	Application	865.13	Complaints; Appeals
865.06	Fees	865.14	Appearance Tickets
865.07	Investigation by the Chief Of Police	865.15	Civil Infraction
865.08	Requirements		

865.01 INTENT.
In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established. (Ord. 963. Passed 5-6-13)

865.02 DEFINITIONS.

(a) *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.

(b) *Mobile Food Vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

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(c) *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.

(d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

(Ord. 963. Passed 5-6-13)

865.03 PERMIT REQUIRED.

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance. (Ord. 963. Passed 5-6-13)

865.04 DURATION; NON-TRANSFERABILITY.

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this Chapter is non-transferable. (Ord. 963. Passed 5-6-13)

865.05 APPLICATION.

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city. (Ord. 963. Passed 5-6-13)

865.06 FEES.

An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter. (Ord. 963. Passed 5-6-13)

865.07 INVESTIGATION BY THE CHIEF OF POLICE.

For Mobile Food Vending within residential areas, approval must be given by the Chief of Police prior to issuance of a permit by the City Clerk. (Ord. 963. Passed 5-6-13)

865.08 REQUIREMENTS.

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

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
2. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
4. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
5. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
6. Comply with the city's Noise Ordinance, Sign Ordinance and all other City ordinances.
7. Comply with all applicable federal, state and county regulations.
8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
9. Within residential areas, a mobile food vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7 a.m. and 11 p.m. On private property within Commercial Areas, a mobile food vendor may only operate between the hours of 6 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
10. No Mobile Food Vending Unit may be left unattended on for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas. This subsection applies to Mobile Food Vending Units operating on city-controlled property only.
10. Not represent the granting of a permit under this Chapter as an endorsement by the city.
11. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

(Ord. 963. Passed 5-6-13)

865.09 PARKING BEYOND LIMITS ALLOWED BY CITY ORDINANCE AND ORDER.
Any Mobile Food Vending Unit with a valid Mobile Food Vending License may park in a city-controlled parking space for durations as authorized by the permit; and such Mobile Food Vending

Unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no Mobile Food Vending Unit shall park in a city-controlled parking space if parking is prohibited altogether. Any Mobile Food Vending Unit parked in a metered parking space with a valid Mobile Food Vending License shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter. (Ord. 963. Passed 5-6-13)

865.10 IMPOUNDMENT.

Any equipment associated with food vending that are not in compliance with this Chapter and left on public property may be impounded at the owner's expense. (Ord. 963. Passed 5-6-13)

865.11 OTHER PERMITS.

A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule. (Ord. 963. Passed 5-6-13)

865.12 REVOCATION

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

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void. (Ord. 963. Passed 5-6-13)

865.13 COMPLAINTS; APPEALS.

If a written complaint is filed with the City Clerk alleging a Food Vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction. (Ord. 963. Passed 5-6-13)

865.14 APPEARANCE TICKETS.

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The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements. (Ord. 963. Passed 5-6-13)

865.15 CIVIL INFRACTION.

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of $500 per day Provided, however, that the fine for parking violations shall be those as outlined in Chapter 488 of these codified ordinances. (Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)

The effective date of this Ordinance is the _____day of_____, 2014.

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

_____

Michael Estes, Mayor

_____

Benjamin C. Marentette, City Clerk

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

_____

Benjamin C. Marentette, City Clerk

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The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: EMERGENCY RESPONSE COORDINATION

Attached is a memo from Fire Chief James Tuller regarding the attached Emergency Management Resolution which would formalize the coordination and planning process for natural and man-made disasters.

As explained by the Fire Chief, the resolution appoints the Grand Traverse County Emergency Management Coordinator as the Emergency Management Coordinator for the city. If a disaster occurred within the city, the city would retain command of the incident; this resolution provides for planning, coordination and cooperation before a disaster occurs. If a disaster occurred, the resolution provides the methods for the city to gain access to state and federal resources.

I recommend the following motion:

that the Emergency Management Resolution, which establishes a planning and coordination process with respect to natural and man-made disasters, be adopted.

JJO/bcm
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copy: James Tuller, Fire Chief
Gregg Bird, Grand Traverse County Emergency Management Coordinator

Communication

From the Office of the Fire Chief

The City of Traverse City
Fire Department

Station 01, 500 West Front Street, Traverse City MI 49684 **(231) 922-4930 Ext. 2**

January 14, 2014

TO: Jered Ottenwess, City Manager
REF: Emergency Management Resolution

Jered,

Attached is a proposed Emergency Management Resolution that came about after a review of agreements between all agencies in Grand Traverse County by Grand Traverse County Emergency Coordinator Gregg Bird.

I met with Mr. Bird and we discussed the fact that the City of Traverse City does not have an Emergency Coordinator nor had it appointed one as is required under Act 390 of the Public Acts of 1976. As the Act reads, municipalities with a population of over 10,000 residents must have their own Emergency Coordinator, or designate the County Emergency Coordinator for this role.

This resolution is based on a template that is approved by the State of Michigan and the Federal Emergency Management Agency (FEMA) and is used state-wide for this purpose.

The resolution designates the Grand Traverse County Emergency Coordinator as acting on behalf of and with the City of Traverse City to provide for mitigation, preparedness, response and recovery from natural and human-made disasters within the City.

If an event described in the resolution were to occur in the City, City Fire and/or City Police would still be in command of the incident and would work with other City Services and City Administration in mitigating the emergency. The benefit of the resolution is that it provides for planning, coordination and cooperation before emergencies occur. And during an emergency it provides a clear path for immediate access to any needed State and Federal resources through the Grand Traverse Emergency Coordinator.

I am available at any time to discuss this project further.

Respectfully,

Chief Tuller

Chief Tuller,
T.C.F.D.

The City of Traverse City

Office of the City Clerk

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

City of Traverse City

Emergency Management Resolution

A resolution to provide for the mitigation, preparedness, response and recovery from natural and human-made disasters within the City of Traverse City by being part of the Grand Traverse County Emergency Management Program; to appoint the county Emergency Management Coordinator as the City of Traverse City Emergency Management Coordinator; to provide for a means for coordinating the resources of the municipality with those of the county; and to provide a means through which the City of Traverse City Commission may exercise the authority and discharge the responsibilities vested in them by this resolution and Act No. 390 of the Public Acts of 1976, as amended.

Article 1 - Short Title

Section 101. This resolution shall be known as the "Emergency Management Resolution."

Article 2 – Definitions

Section 201. For the purpose of this resolution, certain words used herein are defined as follows:

(a) "Act" means the Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.

(b) "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause, including but not limited to, fire, flood, snowstorm, ice storms, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.

(c) "Disaster relief force" means all agencies of county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Grand Traverse County Emergency Operations Plan as having duties to perform or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency.

(d) "District Coordinator" means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator serves as liaison between local emergency management programs and the Michigan State Police, Emergency Management Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.

(e) "Emergency Management Coordinator" means the person appointed to coordinate all matters pertaining to emergency management within the municipality. The Emergency Management Coordinator for City of Traverse City is the Grand Traverse County Emergency Management Coordinator.

(f) "Emergency Management Program" means a program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster situations within a given geographic area made up of one or several political subdivisions. Such a program has an appointed Emergency Management Coordinator and meets the program standards and requirements established by the Department of State Police, Emergency Management Division. The City of Traverse City has elected to be part of the Grand Traverse County Emergency Management Program.

(g) "Emergency Operations Plan" means the plan developed and maintained by county and political subdivisions included in the emergency management program area for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.

(h) "Governor's State of Disaster" means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.

(i) "Governor's State of Emergency" means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.

(j) "Local State of Emergency" means a declaration by the Mayor[1] pursuant to the Act and this resolution which implements the response and recovery aspects of the Grand Traverse County Emergency Operations Plan and authorizes certain actions as described in this resolution.

(k) "Vital records" means those records that contain information needed to continue the effective functioning of a government entity and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

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[1] According to Act 390, as amended, sec. 10 (1) (b) any county or municipality that has an appointed Emergency Management Coordinator can declare a local State of Emergency. This power is given to the "chief executive official" (see definitions in the Act) or the official designated by charter.

Article 3 - Emergency Management Coordinator: Appointment

Section 301. By the authority of this resolution the City Manager hereby appoints the Grand Traverse County Emergency Management Coordinator as the Emergency Management Coordinator for the City of Traverse City[2].

Section 302. A line of succession for the Grand Traverse County Emergency Management Coordinator has been established and is listed in the Grand Traverse County Emergency Operations Plan.

Article 4 - Emergency Management Coordinator: Duties

Section 401. The Emergency Management Coordinator shall comply with standards and requirements established by the Department of State Police, Emergency Management Division, under the authority of the Act, in accomplishing the following[3]:

(a) Direct and coordinate the development of the Grand Traverse County Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.

(b) Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.

(c) Identify departments and agencies to be included in the Emergency Operations Plan as disaster relief force.

(d) Develop and maintain a county Resource Manual.

(e) Coordinate the recruitment, appointment, and utilization of volunteer personnel.

(f) Assure the Emergency Management Program meets eligibility requirements for state and federal aid.

(g) Coordinate and/or conduct training and exercise programs for the disaster relief force within the county and to test the adequacy of the Emergency Operations Plan.

(h) Through public information programs, educate the population as to actions necessary for the protection of life and property in an emergency or disaster.

(i) Assist in the development of mutual aid agreements.

(j) Assist the City of Traverse City municipal liaison with the development of municipal standard operating procedures which are consistent with the county Emergency Operations Plan.

(k) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.

(l) Coordinate county emergency management activities with those municipalities included in the county Emergency Management Program, other municipalities, the state, and adjacent counties.

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[2] Act 390, as amended, sec. 9 (2-3) states that the coordinator shall be appointed by the "chief executive official" (see definitions in the Act) in a manner provided in the municipal charter.

[3] Act 390, as amended, sec. 7a (4) gives the Emergency Management Division the authority to promulgate several standards and requirements.

(m) Coordinate all preparedness activities, including maintaining primary and alternate Emergency Operations Centers.

(n) Identify mitigation opportunities within the county and encourage departments/agencies to implement mitigation measures.

Article 5 - <u>Emergency Management Liaison: Duties</u>

Section 501. By the authority of this resolution the City Manager shall appoint a liaison for the purpose of assisting the county Emergency Management Coordinator in coordinating the emergency management activities within the municipality. The duties of the liaison are as follows:

(a) Coordinate municipal emergency management activities with those of the county jurisdictions.

(b) Assist the county Emergency Management Coordinator with the development of the county Emergency Operations Plan and the incorporation of municipal resources into the plan.

(c) Identify municipal departments and agencies to be included in the Emergency Operations Plan as part of the disaster relief force.

(d) Identify municipal resources and forward information to the county Emergency Management Coordinator for inclusion in the county Resource Manual.

(e) Coordinate the recruitment, appointment, and utilization of volunteer resources.

(f) Assist the county Emergency Management Coordinator with administering training programs.

(g) Coordinate municipal participation in exercises conducted by the county.

(h) Assist in the development of mutual aid agreements.

(i) Assist in educating the population as to actions necessary for the protection of life and property in an emergency or disaster.

(j) Encourage departments/agencies within the municipality to identify and implement procedures to mitigate the effects of potential disasters.

(k) Assist in the assessment of the nature and scope of the emergency or disaster and collect damage assessment information and forward to the county.

(l) Coordinate the vital records protection program.

(m) Develop municipal standard operating procedures for disaster response which are consistent with the county Emergency Operations Plan.

Section 502. The City Manager shall appoint a minimum of two persons as successors to the position of the municipal liaison. The line of succession shall be supplied to the county Emergency Management Coordinator.

Article 6 – City Manager: Powers/Duties

Section 601. On an annual basis, the City Manager shall review the eligibility and performance of the Emergency Management Coordinator; and, if necessary, make recommendations to the City Commission[4].

Section 602. The City Manager shall, review the effectiveness of the Grand Traverse County Emergency Operations Plan as the plan relates to the municipality once every two years. With the assistance of the municipal liaison, he\she shall make recommendations to the county Emergency Management Coordinator of any changes which may be needed. After this review and incorporation of necessary changes, the City Manager shall certify the plan to be current and adequate for the City of Traverse City the ensuing two years.[4]

Section 603. When circumstances within the City of Traverse City indicate that the occurrence or threat of occurrence of widespread or severe damage, injury or loss of life or property from natural or human-made cause exists the Mayor may declare a local state of emergency.[1] Such a declaration shall be promptly filed with the Grand Traverse County Emergency Management Office, who shall forward it to the Department of State Police, Emergency Management Division. This declaration shall not be continued or renewed for a period in excess of 7 days except with the consent of the city commission.[5]

Section 604. If the Mayor invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the city commission for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities. Nothing in this resolution shall be construed as abridging or curtailing the powers of the City Commission unless specifically provided herein.

Section 605. The City Manager may do one or more of the following under a local state of emergency:

(a) Direct the Emergency Management Coordinator to implement the Emergency Operations Plan.

(b) Issue directives as to travel restrictions on local roads within the municipality.

(c) Relieve city employees of normal duties and temporarily reassign them to other duties.

(d) Activate mutual aid agreements.

(e) Direct the municipal disaster relief effort in accordance with the county Emergency Operations Plan and municipal standard operating procedures.

(f) Notify the public and recommend in-place or evacuation or other protective measures.

(g) Request a State of Disaster or emergency declaration from the Governor as described in Article 7.

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[4] Rule 4 (c) (d-q) of the administrative rules promulgated for Act 390, sec. 19 states that the plan shall be considered official upon bearing the signature of the chief executive official of the municipality. The plan must be current and adequate (see rule) within two years.

[5] Act 390, as amended, sec. 10 (1) (b) provides for the 7 day limit and disposition of the declaration.

(h) When obtaining normal approvals would result in further injury or damage, the Mayor may, until the City Commission convenes, waive procedures and formalities otherwise required pertaining to the following:

(1) For a period of up to 7 days, send the disaster relief force and resources to the aid of other communities as provided by mutual aid agreements.

(2) For a period of up to 7 days, appropriate and expend funds from the disaster contingency fund.

(3) For a period of up to 7 days, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes.

(4) Employ temporary workers.

(5) Purchase and distribute supplies, materials, and equipment.

(6) Make, amend, or rescind ordinances or rules necessary for emergency management purposes which supplement a rule, order, or directive issued by the Governor or a state agency. Such an ordinance or rule shall be temporary and, upon the Governor's declaration that a State of Disaster or State of Emergency is terminated, shall no long be in effect.[6]

Section 606. If a State of Disaster or emergency is declared by the Governor, the City Manager may assign and make available for duty the employees, property, or equipment of the City of Traverse City relating to firefighting; engineering; rescue; health, medical, and related services; police; transportation; construction; and similar items or service for disaster relief purposes within or without the physical limits of the City of Traverse City as ordered by the Governor or the Director of the Department of State Police in accordance with the Act.[7]

Article 7 - <u>Governor Declaration Request</u>

Section 701. If a disaster or emergency occurs that has not yet been declared to be a State of Disaster or a State of Emergency by the Governor, and the Mayor determines that the situation is beyond control of the municipality, he/she may request the Governor to declare that a State of Disaster or State of Emergency exists in the municipality in accordance with the Act. This shall be done immediately by the Mayor by contacting the Grand Traverse County Emergency Management Coordinator. The Emergency Management Coordinator shall immediately contact the District Coordinator. The District Coordinator, in conjunction with the Emergency Management Coordinator, shall assess the nature and scope of the disaster or emergency, and they shall recommend the state personnel, services, and equipment that will be required for its prevention, mitigation, or relief.[8]

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[6] Act 390, as amended, sec.12 (2) provides this authority.

[7] Act 390, as amended, sec. 10 (1) (h) provides this authority.

[8] Act 390, as amended, sec.12 states that the "chief executive official" (see definitions in Act) of a county or any municipality may make this request. However, he/she must do this utilizing the procedures set forth in sec. 14 of the Act which states that the appointed emergency management coordinator and the district coordinator must jointly assess the situation and make recommendations.

Article 8- Volunteers: Appointment\Reimbursement

Section 801. Each municipal department, commission, board, or other agency of municipal government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency functions assigned in the county Emergency Operations Plan. Such individuals are part of the disaster relief force and shall be subject to the rules and operational control set forth by the respective department, commission, board, or agency through which the appointment was made, and may be reimbursed for all actual and necessary travel and subsistence expenses.[9]

Article 9 - Rights of Disaster Relief Force

Section 901. In accordance with the Act, personnel of the disaster relief force while on duty shall have the following rights:

(a) If they are employees of the municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

(b) If they are not employees of the municipality, or other governmental agency be entitled to the same rights and immunities as are provided for by law.[10]

Article 10 - Temporary Seat of Government

Section 1001. The City Commission shall provide for the temporary movement and reestablishment of essential government offices in the event that existing facilities cannot be used.

Article 11 - Liability

Section 1101. As provided for in the Act and this resolution, the municipality, or the agents or representatives of the municipality, shall not be liable for personal injury or property damage sustained by the disaster relief force. In addition, any member of the disaster relief force engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's compensation law, any pension law, or act of congress will not be effected as a result of said activity.[10]

Section 1102. As provided for in the Act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the municipality the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.[11]

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[9] Act 390, as amended, sec. 11 (1) (a-c) discusses disaster relief force rights and duties.

[10] Act 390, as amended, sec. 11 (2-8) discusses liability.

Article 12 - Sovereignty

Section 1201. Should any section, clause, or provision of this resolution be declared by the courts invalid for any reason, such declaration shall not affect the validity of this resolution as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

Article 13 - Repeals

Section 1301. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

Article 14 - Revision

Section 1401. This resolution may be revised by the City Commission as necessary.

Article 15 - Effective Date

Section 1501. This resolution shall have immediate effect.

I certify that this resolution was adopted by the City Commission for the City of Traverse City at its January 21, 2014, Regular Meeting, held at the Commission Chambers, 400 Boardman Avenue, Traverse City, Michigan.

_____

Benjamin C. Marentette, CMC, City Clerk

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: 50 JERED OTTENWESS, CITY MANAGER

SUBJECT: AD HOC COMMITTEE – 2014 NATIONAL CHERRY FESTIVAL EVENT

Attached is a draft letter of agreement from the National Cherry Festival for the 2014 event. While staff has had some very preliminary discussions with the Festival, the agreement has not been reviewed in detail.

Particularly in light of the ongoing discussions regarding events in city parks, I recommend the Commission appoint an ad hoc committee to meet with staff and the Cherry Festival to discuss their 2014 event. Following committee and staff review, a recommended agreement would be brought back to the Commission for authorization.

I recommend the following motion:

that an ad hoc committee be established to meet with the National Cherry Festival to discuss and make recommendation regarding the 2014 National Cherry Festival; and that Commissioners _____, _____, and _____ be appointed to the committee, with Commissioner _____ to serve as Chair and that the City Manager call the meetings.

JJO/bcm
k:\tcclerk\city commission\appointments\ncfadhoc2014.doc
copy: Trevor Tkach, National Cherry Festival Executive Director
trevor@cherryfestival.org

December 12, 2013

Mayor Michael Estes
City Commissioners
City of Traverse City
400 Boardman Avenue
Traverse City, MI 49684

RE: 2014 National Cherry Festival – City of Traverse City Agreement

Dear Mayor Estes and City Commissioners:

On behalf of the Board of Governors of the National Cherry Festival, I want to formally request the use and participation of various City facilities and personnel for the 2014 National Cherry Festival (hereinafter called NCF), which will occur June 29 through July 15.

This letter describes the terms and conditions of the agreement between the City and the NCF for the provision of services and use of City facilities for the 2014 Festival. The terms are as follows:

Parks **– June 29 - July 15, 2014**

The City grants the NCF the use of the following City-owned properties on the following designated dates and times:

1. **Open Space Park- June 29 - July 15, 2014**

    a. Open Space Park on Grandview Parkway.

    b. Land formerly used for the City zoo.

    c. Former Light and Power site.

    d. Lot RB (adjacent on the west side to the former Light and Power site).

    e. Grass area between the old Marina entrance and Marina Drive; Marina Drive from the Parkway north to the old Marina entrance for NCF use Monday, June 29 through Tuesday, July 15.

    f. Parking along the west side of the upper portion of the Open Space Park shall be limited to storage and emergency vehicles.

    g. NCF agrees to work with the TART Trail Authority regarding usage and signage of the TART Trail during the times the NCF has control of City properties.

2. **Volleyball Courts - July 5-6 and July 10, 2014**

    a. Volleyball courts for Festival events and activities for scheduled days only. The NCF will provide porta-jons as necessary at West End Beach.

3. City Parks- June 29 - July 12, 2014

a. The NCF request authority to sell food, non-alcoholic beverages and merchandise at the City Parks listed in this document from Friday July 4 through July 12, please note this is a day earlier than 2013. All approved NCF vendors to wear NCF vendor ID card at all times.

b. NCF requests authority to sell beer, wine and other alcoholic beverages in the Open Space Park. Areas designated for sale and consumption of alcohol will be secured according to Michigan Liquor Control guidelines.

c. NCF requests use of the following parks for the Car Show on Sunday, July 6 from 6:00 a.m. to 4:00 p.m.

   i. Lay Park
   ii. Hannah Park

d. F&M Park for Children's Events June 30 through July 12 (9:00 a.m. to 9:00 p.m.)

e. Use of Hannah Park (Sixth and Union Streets) for Heritage Picnic on July 8

f. Use of Sunset Park on Friday, July 11, 2014 from 10:30 a.m. – 1:00 p.m. for Prince & Princess Awards Picnic

g. Triangle Park (Vietnam Veterans Memorial) at corner of Front Street and Grandview Parkway for VIP parade viewing from July 10 through 12. Access will be by ticket only as controlled by the NCF. The area will be snow-fenced off, with signs at Wellington Street access and bike path, directing walkers to bayside of Parkway to prevent pedestrian crossing of Parkway at light for public safety reasons.

h. Senior Center Beach for Sand Sculpture on July 6 at 6:00 p.m. July 11 at 9:00 a.m.

***<u>Parking and Streets</u>*- July 2 - July 7, 2014**

1. At the City's request, and with its assistance and supervision, the NCF agrees to prohibit buses from entering the City Marina parking lot area for public safety reasons for the period covering June 30 through July 13. Shuttle bus service pick-up and drop-off will be off Garland Street.

   a. Shuttle services to the MSU Horticultural Station from July 5 through July 12 may use a pick-up/drop-off location on Union Street or Garland Street as mutually agreed upon by the City and the NCF.

   b. Shuttle services for people with disabilities may use a drop-off location within the Open Space and Marina area that will be coordinated to accommodate the following events:

      i. Saturday, July 5 – Air Show
      ii. Sunday, July 6 – Air Show
      iii. Wednesday, July 9 – Special Kid's Day

2. **Clinch Park Marina- June 30 - July 6, 2014**

   a. Use of Marina Drive from Grandview Parkway to the West Marina Parking Lot June 30 – July 15

   b. Use of the east half or "island portion" of the City Marina boat launch parking lot for National Cherry Festival Air Show, July 4 through July 6th, with access beginning on July 2nd at 6:00 p.m. Special seating for handicapped and seniors will be provided. Tent placement will be done so that no tent spikes are placed in the parking lot asphalt surface. *The west half of the boat launch parking lot (36 spaces) will be available for partial marina use, the NCF requests 10 spaces for air show parking for announcers and crew.* During the practice Air Show performance on Friday, July 4, the NCF will provide seating to people with disabilities as an alternative to attending the Air Show on the designated Festival Air Show days.

3. Use of Parking Lots B and T for NCF vending, parking and carnival from Wednesday, July 2nd beginning at 12:01 a.m. through Sunday, July 12 to be utilized as follows:

   a. Lot B - All but 30 spaces on East end for City use
   b. Lot T - All spaces
   c. The NCF agrees to submit claims to their insurer for any repairs needed as a result of damage from the use of Lots T and B.

4. Use of Parking Lot Z from Friday, July 4 beginning at 12:01 a.m. through Sunday July 13.

5. Use of following streets and lots on Sunday, July 6th, 6:00 a.m. to 11:00 p.m. for Arts and Crafts Fair and the Car Show: Union Street from Grandview Parkway to Front Street, Front Street to State Street, and State Street to Ninth Street. Lake Street between Cass and Union Streets (with an emergency lane kept open at all times). Lot J for Car Show.

6. Union Street from Grandview Parkway to the North Union Street Bridge from July 4 through July 12. An emergency access lane through July 12 will be provided at all times.

7. Street closings July 10 and 12 for Festival of Races and parades (see Attachments A, B and C for details). Porta-jons to be placed within the downtown area and parade route from July 4 through July 12. The NCF will coordinate with both the DDA and City Police regarding the location of porta-jons along the parade route and throughout downtown.

8. The NCF is authorized to place overhead signs/banners across Front Street at the State Theatre on July 2nd between 12:01 am and 5:00 am, this banner will be on display from July 3rd-12th

Fire Department **– July 4 - July 12, 2014**

1. Events, times and locations will be discussed with the Fire Department Representatives, but will include:

   a. Air Shows
   b. Parades
   c. Fireworks

Police Department – **July 4 - July 12, 2014**

Events, times and locations will be discussed with Police Department Representatives.

Waiver Request – **July 4 - July 12, 2014**

By signature of this agreement, the following variances are hereby granted:

1. Unless otherwise stated by State law, the NCF requests the following areas to allow cigarette, cigar and/or pipe smoking:

    a. Adjacent to the beverage pavilion
    b. Adjacent to the bingo tent
    c. Adjacent to the Bay Side Music Stage.

2. The NCF requests a variance to the Traverse City Code of Ordinances to allow for unleashed dogs participating in scheduled Festival events within the Open Space Park area (dates, times, and specific locations to be mutually agreed upon as soon as they are available).

3. The NCF requests a variance Chapter 652 of the Traverse City Code of Ordinance such to allow the permissible sound levels contained in the ordinance from 7 a.m. to 10 p.m. to extend to 11 p.m."

4. The NCF (or its designees) requests that it be allowed to sell Festival Commemorative Pins within the City from April 1 through July 12, 2014.

5. The NCF will be charging an entrance fee for certain Entertainment venues on city property.

Miscellaneous **- July 4 - July 12, 2014**

1. Trash Pick-Up will be handled by the NCF in conjunction with the City of Traverse City.

2. Parades – No Parking Signs and Cones

    a. The Festival will pick up, from the City Warehouse, their "No Parking" cone signs for Front, Union and Seventh Streets on Wednesday, July 10 for the Junior Royale Parade. The Festival will be responsible for placing the cones and picking them up on Thursday, July 10.

    b. The Festival will place the "No Parking" cone signs for Front and Union Streets on Saturday, July 12 for the Cherry Royale Parade and Festival of Races. The signs will be returned, by the NCF, to the City Warehouse.

3. Barricades

    a. Barricades will be placed by NCF at Marina Drive/Grandview Parkway and the Marina boat launch and parking lot beginning July 2. All-week barricades will be set by NCF from July 4 through July 12 per agreed-upon list.

    b. All barricades will be in place for the parades by Thursday, July 10, for street closings (to be determined by Police).

4. Snow Fencing

    a. To be placed along Grandview Parkway between street and parking lots from Park Street to Union Street (City to install).

5. TC Boom Boom Club (TCBBC)

    a. The National Cherry Festival will open the Food Court, Cherry Farm Market, Beer Tent and Midway from 12:00pm to 11:00pm on July 4th. A portion of proceeds from that day will benefit the TC Boom Boom Club.

    b. The TCBBC VIP event will be held in the Open Space on the 4th of July. TCBBC and NCF will work jointly on municipal requirements in regard to the fireworks show.

The NCF agrees to carry general liability insurance in the amount of $1 million per occurrence naming the City of Traverse City as additional insured. Such insurance shall be secured from a company licensed to conduct business in the State of Michigan. Additionally, if the NCF will serve liquor it shall carry liquor liability insurance in the amount of $1 million per occurrence naming the City of Traverse City as additional insured. Certificates of Insurance evidencing this insurance shall be provided to the City Clerk and shall contain a statement that ten (10) days written notice will be provided to the City Clerk of Traverse City prior to cancellation of any of the aforementioned insurance coverage. The pyrotechnics company in charge of the fireworks display shall submit insurance in amounts and coverage's determined by the City Clerk.

City Services to be capped at $45,000 as with previous years.

I want to thank you and all the employees of the City for your continued support of the National Cherry Festival. There is no question that without your help this unique and economically valuable 87 year tradition would not continue. If you have any questions regarding this document, please do not hesitate to contact me.

Sincerely,

Trevor Tkach
Executive Director
National Cherry Festival

The City of Traverse City and the National Cherry Festival agree to the terms and conditions of this agreement as recited above. Further, the National Cherry Festival agrees to the permit conditions issued by the City of Traverse City, which are incorporated into this agreement by reference.

City of Traverse City

_____

Michael Estes, Mayor

_____

Benjamin Marentette, City Clerk

Approved as to substance:

_____

Jered Ottenwess, City Manager

Approved as to form:

_____

Lauren Trible-Laucht, City Attorney

National Cherry Festival

_____

Trevor Tkach, Executive Director

_____

The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 21, 2014

DATE: JANUARY 16, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: AD HOC COMMITTEE – BROWN BRIDGE TRUST FUND POSSIBLE BALLOT PROPOSAL

At the January 13, 2014 Study Session, the City Commission discussed a possible ballot proposal for voter approval to use Brown Bridge Trust Fund dollars for parks purposes. It was the consensus of the City Commission at that time to establish an ad hoc committee at the next regular meeting to determine/develop a potential proposal.

The following motion would be appropriate:

that a City Commission Brown Bridge Trust Fund Ad Hoc Committee be established to make recommendation regarding a potential ballot proposal for voter approval to use Brown Bridge Trust Fund dollars for parks purposes; and that Commissioners _____, _____ and _____, be appointed to such committee, with Commissioner _____ to serve as Chair, with the committee set to expire July 22, 2014.

JJO/kjl
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copy: Rob Bacigalupi, Downtown Development Authority Executive Director
Dave Green, Director of Public Services
Russell Soyring, City Planning Director

Memorandum

The City of Traverse City

To: Jered Ottenwess, City Manager
From: William E. Twietmeyer, City Treasurer/Finance Director W.E.T.
Subject: Duplicate Millage
Date: January 13, 2014

During the collection of the winter tax roll, our office is required to remit our tax collections to the various tax jurisdictions every fifteen days. On December 18, as I was preparing the check requests for distribution of the proceeds, I noticed that the portion of the City that is in Leelanau County had a millage levied for Bay Area Transportation Authority.

Upon inquiry of the City Assessor, I was provided a copy of the L-4029 which is the Tax Rate Request Form for 2013 that she relied on to place the BATA millage of .3454 mills on the winter tax roll. However, that millage was already levied by the City Assessor on the summer tax roll. After further investigation I determined that this millage rate should not have been included on the tax roll for those properties in the City that are located in the Leelanau County area. A total of 321 tax parcels are affected and the total dollar amount is $8,555.04.

I initially contacted the Michigan Department of Treasury on December 20 to seek guidance regarding how to handle this matter since state property tax law did not provide specific directions regarding this situation. As it was around the holiday season with individuals on vacation and winter storms affecting the Lansing area, I followed up with three emails and two more telephone calls on different days. Finally on January 9, I received word from Howard Heideman, Director of the Tax Analysis Division that my plan for handling this matter is the best route to pursue.

The plan will be to continue to collect taxes through February 28, 2014 as normal since this is what I am directed to do via the City Assessor's tax warrant. After February 28 but before we settle the tax roll with the Leelanau County Treasurer, we will refund all those taxpayers that have paid this duplicate millage. In addition the City Assessor will need to correct the tax warrant reflecting that this millage should not be on the winter roll so that we can balance our records with the Leelanau County Treasurer and so that delinquent taxpayers would not be levied this amount on the delinquent roll.

For informational purposes, we have already collected $3,690.79 of the $8,555.04. Surprisingly, no taxpayer has made mention of this error. Nevertheless, this is the procedure that we will follow to correct this mistake and I am providing this to you so that the members of the City Commission will be informed both regarding what has occurred and how we will proceed.

Cc: Polly Cairns

1/21

CITY OF TRAVERSE CITY
CODE ENFORCEMENT ANNUAL REPORT

2013

1. Rental Housing

- 82 inspections of 650 units performed this year

2. Ordinance Complaints 503 Total Complaints

- 24 animal complaints
- 1 brush in the streets complaint
- 3 camping in the city complaints
- 1 chicken complaint
- 8 damaged building complaints
- 5 DEQ violations
- 1 fire prevention complaint
- 35 front yard parking complaints
- 6 garbage collection complaints
- 74 grass height complaints
- 1 home occupation complaint
- 9 junk car complaints
- 1 lighting complaint
- 1 littering complaint
- 2 medical marihuana complaints
- 1 mobile food vending complaint
- 4 newsrack permit complaints
- 12 no anchor light violations
- 2 noise complaints
- 1 open burning complaint
- 28 parking complaints
- 10 prohibited sign complaints
- 8 property maintenance complaints
- 3 public nuisances complaints
- 30 right of way violations
- 14 rental housing complaints
- 2 RV storage complaints
- 1 safety nuisance complaint
- 1 second hand sales complaint
- 15 sidewalk café complaints
- 7 sign ordinance complaints

- 8 sign in the public right of way complaints
- 1 smoke free area complaint
- 54 snow or ice complaints
- 2 street performer permit complaints
- 1 Traverse City Police Department assist
- 1 tourist home complaint
- 3 transient merchant complaints
- 41 trash accumulation complaints
- 14 treelawn parking complaints
- 6 misuse of City tree complaints
- 2 utility tampering complaints
- 8 vacation rental complaints
- 7 vision obstruction complaints
- 1 wastewater complaint
- 4 yard sale complaints
- 6 yard waste complaints
- 13 zoning-parking complaints
- 2 zoning complaints
- 3 zoning-commercial complaints
- 4 zoning-permit complaints
- 3 zoning-rooming house complaints

3. 46 Appearance tickets written

- 12 for violation of 668.02 undesirable accumulations on private property; junk; motor vehicles; building materials.
- 1 for violation of 863.03 no peddlers license
- 7 for violation of 668.05 (a) grass over 8 inches in height
- 12 for violation of 1062.04 no anchor lights
- 1 for violation of 668.11 removal of snow/ice
- 1 for violation of 656.02 damaged building
- 2 for violation of 1456.16 no vacant property id
- 2 for violation of 1322.01 running a rooming house
- 2 for violation of 1024.01 excavation without permit
- 1 for violation of 1020.03 no right-of-way permit
- 1 for violation of 1482.99 failure to register apartment property
- 2 for violation of 1482.08 (c) (6) roof damage
- 2 for violation of 1332.01 running a kennel

4. 38 Parking tickets written

MINUTES
TRAVERSE CITY PLANNING COMMISSION

Tuesday, December 3, 2013
7:00 P.M.
Commission Chambers
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT:	Commissioners Jody Bergman, Michael Dow, Jeanine Easterday, Janet Fleshman, Vice-Chairperson Cecil McNally, Chairperson John Serratelli, and Tim Werner
ABSENT:	Commissioners Bill Twietmeyer and Janice Warren
STAFF PRESENT:	Dave Weston, Zoning Administrator; 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-** Commissioner Serratelli announced that the alley vacation request that was to be on tonight's agenda has been pulled by the applicant. In addition, the building height zoning code text amendment was also supposed to be on tonight's agenda, but will be included for introduction at a future meeting.

   Commissioner Serratelli introduced and welcomed Commissioner Dow to 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. November 5, 2013 Regular Meeting and November 20, 2013 Special Meeting minutes (Approval recommended)

   B. Consideration of an amendment to the Planning Commission Bylaws revised November 25, 2013 to change the Planning Commission meeting schedule to the 1st and 3rd Tuesdays (For introduction and possible action on December 18, 2013)

C. Consideration of an amendment to the Traverse City Code of Ordinances, Section 1324.04, *Rules of Procedure*, regarding removing the Rules of Procedure section from the zoning code and establishing a separate Rules of Procedure document adopted by the Board of Zoning Appeals (For introduction; Recommend setting a Public Hearing on January 7, 2014)

Motion by Commissioner Easterday, second by Commissioner Bergman, to approve the Consent Calendar as presented.

Motion carried 7-0 (Commissioners Warren and Twietmeyer absent.)

5. OLD BUSINESS

A. Public Hearing to consider 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)

Mr. Weston explained that the amendment before the Commission was requested by the Board of Zoning Appeals to provide relief for property owners on corner lots who have difficulty improving their properties and meeting two front yard setbacks.

Commission discussion.

A Public Hearing was opened.

The following members of the public made public comment on the topic:

- Adrinne Rossi, 312 W Seventh Street, opposes the amendment.

The Public Hearing was closed.

Commission discussion.

Motion by Commissioner Bergman, second by Vice-Chairperson McNally, that 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) be denied and that corner lot setback requests continue to go to the Board of Zoning Appeals for consideration.

Motion carried 7-0 (Commissioners Warren and Twietmeyer absent.)

B. Public Hearing to consider 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.

Mr. Weston explained the proposed amendment to the Commission.

Commission discussion included changing the wording of the amendment to read, "For a single or two-family residential use, parcels without alley access are limited to one curb cut per parcel" instead of "...one driveway" because properties could have one continuous driveway that has more than one curb cut.

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.

A Public Hearing was opened.

The following members of the public made public comment on the topic:

- Adrinne Rossi, 312 W Seventh Street, supports the amendment.

The Public Hearing was closed.

Motion carried 7-0 (Commissioners Warren and Twietmeyer absent.)

C. Public Hearing to consider 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

Mr. Weston explained the proposed amendment to the Commission.

Commission discussion.

A Public Hearing was opened.

The following members of the public made public comment on the topic:

- Mike Dakoske, Traverse City State Bank of 333 W. Grandview Pkwy, made general comments.

The Public Hearing was closed.

Commission discussion.

Commission consensus was to look at possibly amending the Special Land Use Section related to Drive-Throughs or look into the possibility of an overlay or form-based code for Drive-Throughs that would specify what areas require a separate service window in the City.

Staff will come back to the Commission with another recommendation at a future meeting.

6. NEW BUSINESS

A. Conditional Rezoning reversion for parcel 45-51-033-042-00, commonly known as 10597 E. Traverse Hwy

Mr. Weston explained that the Planning Commission is required to initiate the Conditional Rezoning reversion process based on the language in our zoning code.

Michael Dakoske, Traverse City State Bank of 333 W. Grandview Pkwy, stated that the 15 acre property is located on M-72. Mr. Dakoske explained that the bank is working with a potential developer on a project for the property, but the project will not be 75% complete by May 16, 2014 and there are no extensions left for the existing conditional rezoning. Therefore, Mr. Dakoske is requesting that the Planning Commission cancel the existing conditional rezoning agreement.

Commission discussion.

Motion by Commissioner Bergman, second by Commissioner Dow, that a public hearing date be set for January 7, 2014 to rezone the property located 10597 East Traverse Highway from R-9 (A) to MU (Mixed Use PUD Morgan Farm).

Motion carried 7-0 (Commissioners Warren and Twietmeyer absent.)

7. CORRESPONDENCE – None.

8. REPORTS

A. City Commission- Commissioners Easterday reported

B. Board of Zoning Appeals- Mr. Weston reported that they meet next week.

C. Grand Traverse Commons Joint Planning Commission- Commissioner Serratelli reported.

D. Planning Commission

1. Housing Building Committee— No report.

2. Active Transportation Committee—Commissioner Werner reported. Mrs. Luick added that the City was notified that they will receive a $3000 grant for the creation of the Active Transportation Plan document and it's facilitation.

E. Planning Department—No report.

1. Capital Improvement Program—Chairperson Serratelli reported.

9. PUBLIC COMMENT

- Adrinne Rossi, 312 W Seventh St, thanked the Commission for changing their meeting nights to be televised twice a month.

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

Respectfully submitted,

Date: January 7, 2014

Jan Warren RS

Jan Warren, Secretary

STUDY SESSION MINUTES
TRAVERSE CITY PLANNING COMMISSION

WEDNESDAY, December 18, 2013
7:00 P.M.
Training Room
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT:	Commissioners Jody Bergman, Michael Dow, Jeanine Easterday, Janet Fleshman, 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-** None.

4. **THEATERS IN OPEN SPACE (DISCUSSION)**

Mr. Soyring explained the details of his memo to the Commission.

Commission discussion.

Commission consensus was that the current ordinance language for theaters in Open Space is adequate.

5. **MASTER PLAN IMPLEMENTATION (DISCUSSION)**

Mrs. Luick updated the Commission on status of Master Plan Element implementation.

Commission discussion.

6. **MEASURING BUILDING HEIGHTS (DISCUSSION)**

Mr. Soyring mentioned that his topic comes up periodically. Presently, a flat top building is measured at the roof deck, while a pitched roof building is measured at the mid-point. The current measuring method may be disadvantageous to build a pitched roof building.

If pitched roof buildings were measured at the eave, instead of at the midpoint, it would allow pitched roof buildings to be taller than the height limit of the district.

Commission discussion.

The following made public comment on the topic:

- Mike Wills, 110 Fairway Hills Drive, made general comments

Commission discussion included the idea of looking at building heights by district and the possibility of adding the topic to the Commission's 2014 Goals.

Staff will work with Mr. Wills on researching building height ordinances in other communities and by speaking with local building architects.

7. PUBLIC COMMENT

- Mike Wills, 110 Fairway Hills Drive, discussed the Traverse City Light and Power coal dock proposal in Elmwood Township.
- Chairperson Serratelli wished all of the Commissioners and Staff a Merry Christmas and Happy New Year.

8. ADJOURNMENT- Meeting adjourned at 7:46 p.m.

Respectfully submitted,

Date: January 7, 2014

Jan Warren, RS

Jan Warren, Secretary

TRAVERSE CITY PLANNING COMMISSION
2013
ANNUAL REPORT

ATTENDANCE

COMMISSIONER	MEETINGS ATTENDED
Jody Bergman	21 of 24 meetings
Michael Dow	2 of 2 meetings (joined December 3)
Jeanine Easterday	21 of 24 meetings
Janet Fleshman	3 of 3 meetings (joined November 20)
Gary Howe	2 of 21 meetings (last meeting November 5)
Jennifer Jaffe	16 of 20 meetings (last meeting November 20)
Cecil McNally	21 of 24 meetings
John Serratelli	24 of 24 meetings
Bill Twietmeyer	20 of 24 meetings
Jan Warren	16 of 24 meetings
Tim Werner	22 of 24 meetings

#	TYPE OF REQUEST	RECOMMEND APPROVAL	RECOMMEND DENIAL
	ORDINANCE AMENDMENTS		
1	An amendment to the Traverse City Code of Ordinances, Chapter 1377, *Accessory Dwelling Units Overlay Districts*, and Section 1320.07, *Definitions*, regarding allowing Accessory Dwelling Units on single-family zoned parcels in the Traverse Heights neighborhood.	**3/5/13**	
2	An amendment to the Traverse City Code of Ordinances, Chapter 1328 Open Space District, Section 1328.01, *Uses Allowed*, and Section 1328.02, *Uses Allowed by Special Land Use Permit*; and Chapter 1364 Special Land	**5/7/13**	
3	Use Regulations, Section 1364.01 *Types of Special Land Use Permit Review* and Section 1364.08 *Special Land Use Permits Granted by the City Commission,* that would allow theaters in the Open Space District and allow the reuse of existing buildings in the Open Space and Residential Conservation Districts by right.		
4	An amendment to the Traverse City Code of Ordinances, Section 1332.09, *Special Requirements*, Section 1334.09, *Special Requirements,* and Section 1336.09, *Special Requirements*, that would restrict attached garages on parcels with alley access in the Boardman and Central Historic Districts	**6/4/13**	
5	An amendment to Chapter 1340, *C-1 (Office Service District)* , Section 1340.01, *Uses Allowed*, and Chapter 1342, *C-2 (Neighborhood Center District)*, Section 1342.01, *Uses Allowed*, regarding allowing Medical Marihuana Collectives in the C-1 (Office Service District) and C-2 (Neighborhood Center District)		**8/6/13**
6	An amendment to Chapter 1354, *I (Industrial District)*, Section 1354.01, *Uses Allowed*, to allow for C-2 (Neighborhood Center District) uses in the I (Industrial District) with restrictions	**9/4/13**	
7	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)		**12/3/13**
8	An amendment to the Traverse City Code of Ordinances, Section 1374.04, *Driveways and Access Requirements*, to limit parcels in the Single or Two	**12/3/13**	

9	Family Dwelling Districts (R-1a, R-1b and R-2) to one curb cut per parcel 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 *(discussed 12/3/13, no action taken)*	**N/A**	**N/A**
	CONDITIONAL REZONING		
1	Conditional Rezoning request by Michael Brown, design/builder for TBA Credit Union, to Conditionally Rezone 626 E Front and 636 E Front from HR (Hotel Resort District) to C-3 (Community Center District) with conditions.	**2/5/13**	
2	Conditional Rezoning request to extend the duration of approval for 10597 East Traverse Highway from R-1b (Single Family Dwelling District) to R-9 (Multiple Family Dwelling District) for one additional year (May 16, 2014)	**2/5/13**	
3	Conditional Rezoning request by 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 *(request discussed 10/1/13, but was later withdrawn by the applicant)*	**N/A**	**N/A**
	REZONING		
1	A rezoning request initiated by the Planning Department to rezone 1350, 1290, 1280, 1260, 1240, 1210, 1291 and 1281 Lake Ridge Circle of which the parcels have split zoning between C-2 (Neighborhood Center District) and R-29 (Multiple Family Dwelling Districts) to R-29 (Multiple Family Dwelling Districts) and consideration of rezoning 212 E. Fourteenth Street that has split zoning of R-9 (Multiple Family Dwelling Districts) and C-2 (Neighborhood Center District) to R-9 (Multiple Family Dwelling Districts)	**8/6/13**	
2	Zoning Change request initiated by Lisa Kloosterman of 611 Bates Street to rezone 1139 E Eighth Street from C-1 (Office Service District) to C-2 (Neighborhood Center District)	**8/6/13**	
3	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)	**11/5/13**	
	SPECIAL LAND USE PERMIT *(none)*		
	SITE PLAN REVIEW		
1	Request from Munson Medical Center for Site Plan Review 13-SPR-01 for construction of a Cancer Center located at 205 South Madison Street be approved as submitted	**9/4/13**	
2	Request from G.J. Perelli Company for Site Plan Review 13-SPR-02 for the construction of a financial center with a drive-through located at 1407 South Division Street be approved as submitted	**9/4/13**	

MASTER PLAN- PROJECT REVIEWS FOR CONSISTENCY WITH CITY MASTER PLAN

- Approved as consistent with the Traverse City Master Plan in terms of location, extent and character:
  - Approval of City of Traverse City 2013-2019 Capital Improvement Plan (4/17/13)
  - Approval of the Traverse City Light and Power Capital Improvement Plan (4/17/13)
  - Approval of the 2013-2014 Street Projects (9/4/13)

PRESENTATIONS/DISCUSSIONS

- Planning Commission 2013 Goals presented on 1/8/13, 2/20/13 and accepted 3/5/13.
- Freedom of Information Act, Open Meetings Act, Planning Commission rules, ethics and conflicts of interest presentation by Lauren Trible-Laucht and Benjamin Marentette (1/8/13)
- Corridors Master Plan presentation by Devin Lavigne and Dan Gardner of Houseal Lavigne Associates (1/16/13 and 6/19/13)
- Regulation of Food Trucks (2/5/13)

- Corridors Master Plan discussions (1/6/13, 2/20/13, 2/26/13, 3/7/13, 3/20/13, 4/2/13, 6/19/13, 8/21/13 and approved on 9/4/13)
- Active Transportation Plan- Purpose discussion (2/20/13)
- 2013-2019 Capital Improvement Plan presentation by Ben Bifoss, Bob Cole, Rob Bacigalupi, Tim Lodge and Russ Soyring (2/20/13)
- Old Towne Neighborhood Streets and Safety presentation (3/5/13, update 6/4/13)
- Morgan Farms Planned Unit Development presentation by Lauren Trible-Laucht (5/7/13)
- Conditional Rezoning presentation by Lauren Trible-Laucht (5/7/13)
- BATA's New Direction presentation by Tom Menzel, Carrie Thompson, Kelly Yaroch and Matt Powis (6/4/13)
- 2013-14 Street Projects discussion (6/4/13, 6/19/13)
- Warehouse District and Hannah Park concept discussion from *The Boardman River Plan* (6/4/13)
- Brown Bridge Trust Fund discussion (7/2/13)
- Grand Traverse County Master Plan Draft- review and discussion (7/2/13)
- Boardman Lake Avenue discussion (8/21/13)
- Bayshore Corridor Strategy discussion (8/21/13) presentation (11/20/13)
- Possible name change for Division Street discussion (9/4/13)
- Environmental Stewardship Assessment for Traverse City presentation by Scot Gest, NWMCOG (9/18/13)
- Waterfront access and bank stabilization discussion (9/18/13)
- Corner lot setbacks discussion (10/1/13)
- Corner lot driveways discussion (10/1/13)
- Parking A-Z presentation by Russ Soyring (10/18/13)
- Comprehensive Parking Plan discussion (10/18/13)
- Circulation and Parking regarding drive-throughs discussion (10/18/13)
- Building Height limit discussion (11/5/13)
- Capital Improvement Program project submission discussion (11/5/13)
- Sidewalk funding discussion (11/5/13)
- Traverse Heights Neighborhood type discussion (11/5/13)
- Capital Improvement Program process and establishment of staff-led CIP Committee (11/20/13)
- Theaters in Open Space discussion (12/18/13)
- Measuring building heights discussion (12/18/13)

COMMITTEES

- Planning Commission representatives on the Grand Traverse Commons Joint Planning Committee
- Planning Commission representative on the Board of Zoning Appeals
- Capital Improvement Program Committee as a staff-led committee with representation from three Planning Commissioners, one of which is also a City Commissioner
- Corridor Steering Committee as a subcommittee of the Planning Commission
- Housing Building Planning Committee as a subcommittee of the Planning Commission
- Active Transportation Committee as a subcommittee of the Planning Commission

MISCELLANIOUS

- Nominated both the Kids Creek Restoration Project and the Clinch Park Revitalization Project for Placemaking Awards to the Grand Traverse County Chapter of Michigan Townships Association and the Grand Traverse County Planning Department for their annual awards banquet (9/4/13)
- 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 (11/5/13) (*request withdrawn at this time)*

MINUTES
TRAVERSE CITY HUMAN RIGHTS COMMISSION
REGULAR MEETING
MONDAY, DECEMBER 9, 2013
5:30 P.M.
2ND Floor County Committee Room
Governmental Center
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT:	Commissioners Gardner, McClellan, Mentzer, Nash, Nerone and Stinnet
ABSENT:	Commissioners Donick, Henning Callison and Hornberger
EX OFFICIO PRESENT:	Kelli Schroeder

1. **APPROVAL OF THE MINUTES OF THE OCTOBER 14, 2013 REGULAR MEETING**
   Motion by Commissioner Mentzer, seconded by Commissioner McClellan to approve the October 14, 2013 Regular Meeting minutes. Upon vote, motion carried 6-0.

2. **PUBLIC COMMENT**
   None.

3. **OLD BUSINESS**
   a. Discussion regarding the annual Educational Forum.
   Commissioner Mentzer provided an update on the status of the upcoming forum.

   b. Update regarding the MLK Day Celebration
   Commissioner Gardner reported and indicated that at this point she is unable to get a status of events that are scheduled to take place on January 20, 2014.

   Discussion.

   c. Sara Hardy Award Nomination PSA
   The Commission reviewed and discussed the PSA and the scheduled timeline for nomination acceptance and Commissioner review and vote.

4. **NEW BUSINESS**
   None.

5. **COMMISSIONER COMMENTS**
   None.

6. **ADJOURNMENT**
   The meeting adjourned at 5:55 p.m.

Kelli Schroeder, Secretary

1/13/2014
Date

The Traverse City Human Rights Commission

Report to the City Commission

2013

Following is a summary report of activities and actions on behalf of the people of the Traverse City community by Its Human Rights Commission during the period of January 2013 through December 2013. All members of the Commission participated in its preparation and final adoption at a meeting convened for that purpose on January 13, 2014.

Community Forum:

A Community Forum was held on May 14, 2013 titled *What Separates Us in Northern Michigan*. This was a panel discussion dealing with topics such as prejudice, bias, discrimination and how these perceived differences are dealt with on an everyday basis and how we as a community focus on what brings us together.

Martin Luther King Celebration 2013:

The Commission co-sponsored a series of events titled "Embrace the Dream" in conjunction with many area organizations which celebrated the ideals of tolerance, diversity and Dr. Martin Luther King, Jr. himself. These events took place throughout the Grand Traverse region from January 13 to March 3.

Sara Hardy Humanitarian Award 2013:

The Commission presented the annual Sara Hardy Humanitarian Award to Gladys Muñoz who has worked as the Director of Language and Cultural Diversity at Northwest Michigan Health Services, providing interpretation services for anyone who cannot speak for themselves.

The Commission experienced turnover with two vacant seats throughout the year. Two orientations were provided for the new members.

MINUTES **ACT 345 RETIREMENT SYSTEM**

DATE:	November 20, 2013
LOCATION:	Mayors Conference Room, Government Center, 400 Boardman Ave., Traverse City, MI 49684
TIME:	12:00 Noon.
PRESENT:	W. Kuhn, W. Twietmeyer, J. Jenkins, J. Bussell
ABSENT:	C. Rueckert
GUESTS:	C. Kuhn
STAFF:	B. Postma

J. Jenkins called the regular meeting to order at 12:01 pm.

Moved by W. Kuhn, seconded by J. Bussell that the minutes of the October 30, 2013 regular meeting be approved.

Motion approved 4-0.

Warrant No. 571 in the amount of $172,518.52 for Retirees Benefits for December 2013 was approved and signed by W. Kuhn and J. Bussell.

Moved by J. Bussell, seconded by W. Kuhn that Theodore Weber's application for retirement, selection of a Regular retirement and the nomination of his spouse, Nancy Weber, as beneficiary be approved and that Theodore Weber is hereby formally approved for a Regular retirement effective November 1, 2013.

Motion approved 4-0.

Chris Kuhn of Gray & Company gave a report to the Board which was the performance report for the period ending September 30, 2013 including a capital market review, a total fund performance and analysis along with an investment manager performance and analysis. The Board asked various questions. The Board was also provided a snapshot of market value with a target market value as of November 18, 2013. The Board asked various questions.

Mark Juelis of Brandywine Global Investment Management made a presentation to the Board via teleconference call regarding their firm as global fixed income manager. He gave a presentation regarding their firm's organization, investment philosophy and goals, their investment process overview, and their historic performance. The Board asked various questions.

Kevin Tatlock of Franklin Templeton Institutional made a presentation to the Board via teleconference call regarding their firm as global fixed income manager. He gave a presentation regarding the firm's investment platform overview, their strategy overview, portfolio characteristics, and the members of the fixed income team. The Board asked various questions.

J Bussell left the meeting.

Chris Kuhn of Gray & Company provided a draft of the proposed and recommended changes to the Statement of Investment Policy and Objectives.

Moved by W. Kuhn, seconded by J. Jenkins that the Board approve the changes to the Statement of Investment Policy and Objectives.

Motion approved 3-0.

It was announced that a new firefighter was recently hired.

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

Motion approved 3-0.

Meeting adjourned at 1:21 pm.

William E. Twietmeyer

William E. Twietmeyer
Secretary/Treasurer