



**Minutes of the**  
**City Commission for the City of Traverse City**  
**Regular Meeting**  
**April 7, 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.

**2. Consent Calendar**

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

- a. the minutes of the March 17, 2014, Regular Meeting, and March 31, 2014, Study Session, be approved.
- b. the resolution recommending approval of a request from Off the Map Hospitality, LLC, dba The Franklin, for a New Resort Class C Liquor License with Dance and Entertainment Permits, be adopted; and that the City Clerk be authorized to issue a Liquor License Registration to Off the Map Hospitality, LLC to operate such license at 160 E. Front Street.
- c. the request from Maritime Heritage Alliance for advance reservation of space on the west wall of the Duncan L. Clinch Marina to accommodate up to six schooners for the period September 18-21, 2014, for the Schooner

Festival, be approved; and that the request from Maritime Heritage Alliance for waiver of the dockage fees for space on the west wall of the Clinch Marina to accommodate up to six schooners for the period September 18-21, 2014, for the Schooner Festival, be approved.

- d. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$29,597.04 to Brenner Oil Co. for 9,999 gallons of unleaded gasoline priced at \$2.960 per gallon with funds available in the Garage Fund.
- e. the City Manager be authorized to issue a confirming purchase order in the amount of \$32,193.94 to Brenner Oil Co. for 10,002 gallons of dyed #2 diesel fuel without additives priced at \$3.21875 per gallon with funds available in the Garage Fund.
- f. an amendment to the Traverse City Code of Ordinances, *Notification Process for Single-Parcel Special Assessments*, Section 232.04, which would require that the City Clerk provide notice of a special assessment on a single parcel within 7 calendar days rather than within 48 hours of adoption of a single-parcel special assessment, which was introduced on March 17, 2014, be enacted with an effective date of April 17, 2014.
- g. an amendment to the Traverse City Code of Ordinances, which would rezone the property located at 10597 East Traverse Highway from R-9(A) to R1-b MU, to revert the conditionally-rezoned property to its zoning prior to the conditional rezoning, as recommended by the City Planning Commission, which was introduced on March 17, 2014, be enacted with an effective date of April 17, 2014.
- h. the competitive bidding process be waived; and that the City Manager be authorized to issue a purchase order to Physio Control in the amount of \$32,187.20 to purchase a Lifepak 15 Heart Monitor/Defibrillator and accessories, with funds available in the 2013-2014 Capital Outlay Budget; and that a Lifepak 12 Heart Monitor/Defibrillator be declared surplus and returned as a credit against the new purchase.

CARRIED unanimously.

**Items removed from the Consent Calendar.**

None.

**3. Old Business**

**3(a).**

Consideration of authorizing a service order for the West Boardman Lake Trail Railroad Crossing Project, to be paid for by a Michigan Natural Resources Trust Fund Grant and Brownfield Funds.

The following addressed the Commission:

Jered Ottenwess, City Manager  
Timothy Lodge, City Engineer

Moved by Howe, seconded by Werner, that the City Manager be authorized to issue a service order to Armond Cassil Railroad Construction, Inc. in the amount of \$17,190 for work to allow for the Boardman Lake Trail to cross the railroad tracks east of Lake Avenue between 11<sup>th</sup> and 12<sup>th</sup> Streets, with funds to be provided by the Grand Traverse County Brownfield Redevelopment Authority and/or the Michigan Natural Resources Trust Fund Grant received for the West Boardman Lake Trail.

CARRIED unanimously.

**4. New Business**

**4(a).**

Consideration of a request from Nolan's Tobacco, LLC for a New Redevelopment Liquor License to be operated at 336 E. Front Street.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Werner, that the City Commission not adopt a resolution recommending approval of a request from Nolan’s Tobacco, LLC for a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 336 E. Front Street based on the following factors which the Commission deems appropriate as a reason for denial: health and safety of the public both on the premises and off.

Lauren Tribble-Laucht, City Attorney  
Michael Nolan, Nolan’s Tobacco Owner, 336 East Front Street – expressed opposition  
Rick Buckhalter, 932 Kelley Street – made general comments  
Rob Bacigalupi, Downtown Development Authority Executive Director

Roll Call:

Yes - Easterday, Werner, Estes.

No - Budros, Howe, Richardson, Carruthers.

FAILED.

Moved by Richardson, seconded by Carruthers, that a resolution recommending approval of a request from Nolan’s Tobacco, LLC for a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 336 East Front Street, be adopted and that the City Clerk be authorized to issue a Liquor License Registration to Nolan’s Tobacco, LLC to operate such license at 336 East Front Street.

Roll Call:

Yes - Budros, Howe, Richardson, Carruthers.

NO - Easterday, Werner, Estes.

CARRIED.

**5. Appointments****5(a).**

None.

**6. Reports and Communications**

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
  1. Report from the Mayor serving on the Downtown Development Authority.
  2. Report from Commissioners serving on the Light and Power Board.
  3. Report from the Mayor and Commissioner serving on the Planning Commission.
  4. Report from Commissioners serving on other boards.
  5. Minutes of the Historic Districts Commission meeting of December 19, 2013.
  6. Minutes of the Planning Commission meetings of February 4, 2014, and February 19, 2014.
  7. Minutes of the Act 345 Retirement System meeting of December 18, 2013.

- 8. Minutes of the Traverse City Light and Power Board meetings of February 18, 2014, and February 25, 2014.
- e. Reports and correspondence from non-City officials.
  - 1. Fractile Emergency Response Report for North Flight for February 2014.

**7. Public Comment**

The following addressed the Commission:

- 1. Reserved.

Request from Christine Maxbauer, Grand Traverse County Commission on Aging, to provide a "Brief annual COA [Commission on Aging] Report."

- 2. General.

Rick Buckhalter, 932 Kelley Street

- 3. Mayor and City Commissioners.

Commissioner Gary Howe  
Mayor Pro Tem James Carruthers  
Jered Ottenwess, City Manager

There being no objection, Mayor Michael Estes declared the meeting adjourned at 7:51 pm.

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Benjamin C. Marentette, CMC  
City Clerk

Approved: \_\_\_\_\_, \_\_\_\_\_  
(Date) (Initials)