



Notice

City Commission Regular Meeting

7:00 pm

Monday, May 5, 2014

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 05-01-14

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. Penny Hill, 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 April 21, and Study Session of April 28, 2014. (Approval recommended)
- b. Consideration of authorizing a purchase order for parking pay stations, as recommended by the Downtown Development Authority. (Approval recommended) (Jered Ottenwess, Rob Bacigalupi) (5 affirmative votes required)

- c. Consideration of authorizing a purchase order for meter housings, as recommended by the Downtown Development Authority. (Approval recommended) (Jered Ottenwess, Rob Bacigalupi) (5 affirmative votes required)
- d. Consideration of authorizing the annual amendment to the agreement with CH2M HILL regarding operation, maintenance and management of the Wastewater Treatment Plant, authorizing the default increase to the base fee and the city's financial responsibility for the increase in the electricity rates. (Approval recommended) (Jered Ottenwess) (5 affirmative votes required)
- e. Consideration of authorizing an agreement for the 2014 Phase One Paving and Resurfacing Projects. (Approval recommended) (Jered Ottenwess, Tim Lodge) (5 affirmative votes required)
- f. Consideration of authorizing a confirming service order for repair to a Police Department vehicle which was damaged in an automobile collision, with the cost to be reimbursed by the city's insurance carrier. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- g. Consideration of authorizing a service order for geotechnical investigation and preliminary engineering services for the wye relocation in connection with the Boardman Lake Trail, with costs to be reimbursed by the Grand Traverse County Brownfield Redevelopment Authority. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)
- h. Consideration of authorizing a reimbursement agreement for the city to provide \$20,000 in funding in connection with the Boardman River Restoration Project. (Approval recommended) (Jered Ottenwess, William Twietmeyer) (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 conditionally rezone 101 North Madison Street from R-1b (Single Family Dwelling District) to C-1 (Office Service District), which was not recommended by the Planning Commission; and consideration of authorizing the related agreement. (Commissioner Jeanine Easterday, Commissioner Tim Werner, Jered Ottenwess, Russell Soyring) (5 affirmative votes required for agreement)
- b. Consideration of authorizing the agreement with the National Cherry Festival specifying the terms and conditions of use of city resources for the 2014 National Cherry Festival, as recommended by the City Commission Ad Hoc Committee regarding the National Cherry Festival and authorizing the City Clerk to issue the related permits. (Commissioner Jeanine Easterday, Chairwoman; Commissioner Ross Richardson; Commissioner Tim Werner; Jered Ottenwess; Benjamin Marentette) (5 affirmative votes required)

4. New Business

- a. Consideration of authorizing a purchase order for a refuse truck. (Jered Ottenwess, Dave Green) (5 affirmative votes required)

5. Appointments

- a. Consideration of reappointment of John Serratelli to the Grand Traverse Commons Joint Planning Commission. (Jered Ottenwess, Katie Lowran)

6. Reports, Announcements and Correspondence

Please note: For this section of the agenda, when an actual report is included or expected, the item will be underlined.

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Report from the Mayor serving on the Downtown Development Authority.
 2. Report from Commissioners serving on the Light and Power Board.
 3. Report from the Mayor and Commissioner serving on the Planning Commission.
 4. Report from Commissioners serving on other boards.
 5. Report from the City Treasurer/Finance Director regarding the delinquent water and sewer charges.
 6. Minutes of the ACT 345 Retirement System Meeting of January 29, 2014.

- e. Reports and correspondence from non-City officials.

None.

1. Minutes of the Traverse Area District Library Board of Trustees Regular Meeting of March 20, 2014 and Special Meeting of March 27, 2014.

7. Public Comment

- a. Reserved.

Reserved public comment request from Bill Greene, representing Division Neighborhood regarding its interest in sewer, infrastructure and Miss Dig Rules for 2014.

- 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.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- April 21, 2014, Regular Meeting
- April 28, 2014, Study Session

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

that the minutes of the April 21, 2014, Regular Meeting and April 28, 2014, Study Session, be approved.

JJO/kes

k:\ccclerk\city commission\minutes

Minutes of the
City Commission for the City of Traverse City
Regular Meeting
April 21, 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 Items 2(f) and 2(g) were removed from the Consent Calendar for full discussion.

As requested by Rick Buckhalter, 932 Kelley Street, Agenda Item 2(e) was removed from the Consent Calendar for full discussion.

2. Consent Calendar

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

- a. the minutes of the April 7, 2014, Regular Meeting and April 15, 2014, Quorum of the City Commission, be approved.

- b. the Second Amendment to the Americans with Disabilities Act Resolution which would designate the Assistant City Manager as the person responsible for coordinating compliance with ADA, be adopted.
- c. the competitive bidding process be waived; and that the Mayor and City Clerk execute a contract with Pictometry in the total amount of \$31,611, with payments as follows: \$5,168.58 per year in 2014, 2015, and 2016; and \$5,368.42 per year in 2017, 2018, and 2019), for aerial imagery services, with funds available in the Assessor, Engineering, Planning/Zoning, Department of Public Services, Police, Fire, Downtown Development Authority and Traverse City Light and Power Budgets, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.
- d. the Local Governing Body Resolution for Charitable Gaming Licenses (issued by the Michigan Lottery), to recognize Love INC. of Traverse Bay Area as a local non-profit organization, be adopted.
- e. Removed from the Consent Calendar.
- f. Removed from the Consent Calendar.
- g. Removed from the Consent Calendar.
- h. the Resolution Declaring Necessity of Acquisition and Authorizing Offer for 743 Boyd Avenue, be adopted.

CARRIED unanimously.

Items removed from the Consent Calendar

a.

Consideration of authorizing an agreement for design services and construction administration in connection with the Garland Street Reconstruction Project, subject to approval by the Downtown Development Authority Board of Trustees.

The following addressed the Commission:

Jered Ottenwess, City Manager
Rob Bacigalupi, Downtown Development Authority Executive Director
Timothy Lodge, City Engineer

Moved by Richardson, seconded by Carruthers, that the Mayor and City Clerk execute an agreement with Fleis & Vandenbrink Engineering in the amount of \$84,523 for schematic design, final design and bidding and construction administration services in connection with the Garland Street Reconstruction Project, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the TIF 97 Fund to be reimbursed by the Traverse City Place Brownfield Plan.

Rick Buckhalter, 932 Kelley Street – expressed support
Ellen Fivenson, 717 Bloomfield – made general comments

Roll Call:

Yes - Easterday, Howe, Richardson, Werner, Carruthers, Estes.

No - Budros.

CARRIED.

b.

Consideration of adopting a resolution supporting the inclusion of the Park Street Bridge Rehabilitation, North Cass Street Bridge Rehabilitation, and South Union Street Bridge Rehabilitation in the Local Bridge Program, to make the rehabilitation projects eligible for 95% funding from the Michigan Department of Transportation in 2017.

The following addressed the Commission:

Timothy Lodge, City Engineer

Moved by Richardson, seconded by Budros, that that the following resolutions be adopted: Resolution in Support of Critical Bridge – Support for the Park Street Bridge; Resolution in Support of Critical Bridge – Support for the North Cass Street Bridge; Resolution in Support of Critical Bridge – Support for South Union Street Bridge, in support of the city's grant applications to the Michigan Department of Transportation (MDOT) Local Bridge Program

CARRIED unanimously.

c.

Consideration of authorizing an amendment to the City Opera House Heritage Association lease to clarify the insurance requirements.

The following addressed the Commission:

Jered Ottenwess, City Manager
Benjamin Marentette, City Clerk

Moved by Easterday, seconded by Howe, that the Mayor and City Clerk execute the First Amendment to the Opera House Lease with City Opera House Heritage Association, to clarify the insurance requirements, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

3. Old Business

3(a).

Consideration of a report from the City Commission Ad Hoc Committee for water bottle filling stations; and authorizing a service order for water bottle filling stations, with the cost of the filling stations to be provided by donors.

Moved by Easterday, seconded by Carruthers, that the competitive bidding

process be waived; and that the City Manager be authorized to issue a service order to Stern-Williams for water bottle filling stations, with the cost to be provided by donors in an amount up to \$7,000 for each water bottle filling station; and that additional water bottle filling stations may be installed in locations throughout the city as donations are received; and that contributions be placed in the Water Fund and the expenditure of said proceeds for the water bottle filling stations also come from the Water Fund, subject to receipt of funding for the filling stations from the donors.

The following addressed the Commission:

Trevor Tkach, National Cherry Festival Executive Director - made general comments

CARRIED unanimously.

4. New Business

4(a).

Consideration of introducing an amendment to the Traverse City Code of Ordinances which would conditionally rezone 101 North Madison Street from R-1b (Single Family Dwelling District) to C-1 (Office Service District), which was not recommended by the City Planning Commission.

The following addressed the Commission:

Russell Soyring, City Planning Director

Moved by Howe, seconded by Werner, that an amendment to the Traverse City Code of Ordinances, which would rezone the property located at 101 North Madison from R1-b (Single Family Dwelling District) to C-1 (Office Service District), which was not recommended by the City Planning Commission, be introduced and scheduled for possible enactment on May 5, 2014.

Wes Nelson, 3515 North Jefferson, Garfield Township – expressed support

Barbara Solomonson, 119 North Madison – expressed opposition

Mary Condit, 111 North Madison – made general comments
John McDonald, 117 North Monroe – expressed opposition
Barry Godwin, 114 North Madison – made general comments
Doug Stanton, 124 North Madison - made general comments
Mike Sleeman, 3680 Incochee – made general comments
Mike Gaines, 425 North Madison – expressed opposition
Ed Kiessel, 1127 West Front Street – made general comments
Sandra Cartwright, 602 North Elmwood – made general comments
Debbie Farron, 1114 Jefferson – expressed opposition
Doug McWaters, 431 North Cedar Street – expressed opposition
Debra VanWagner, 110 North Madison – made general comments
Maxine Oleson, 201 North Madison – made general comments
Jan Doren, 119 North Madison – made general comments
John Kerridge, Architect for the property owner – made general comments

Roll Call:

Yes - Budros, Howe, Richardson, Werner, Carruthers, Estes.

No - Easterday.

CARRIED.

4(b).

Brief presentation of the City Manager's Proposed Budget for Fiscal Year 2014/15 and scheduling a public hearing on the budget for May 12, 2014.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Budros, that the City Manager's Proposed Budget for Fiscal Year 2014-2015, including the six-year capital improvements plan, the proposed tax rate and the Traverse City Light and Power and Downtown Development Authority budgets be scheduled for public hearing on May 12, 2014.

CARRIED unanimously.

5. Appointments

5(a).

Consideration of appointing an alternate member to the Board of Zoning Appeals.

Moved by Easterday, seconded by Werner, that Bradley Matson be appointed as an Alternate Member to one unexpired three-year term expiring June 30, 2015, (seat previously held by Matt Hanley), on the Board of Zoning Appeals.

CARRIED unanimously.

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. Report from the Traverse City Light and Power Executive Director regarding the Traverse City Light and Power Board action certifying the Coal Dock Property as surplus.
 6. Communication from the City Manager with the Police Department's report on drug activity.
 7. Minutes of the Board of Zoning Appeals Regular Meeting of February 11, 2014.
 8. Minutes of the Traverse City Light and Power Board Regular Meeting of March 25, 2014.
 9. Minutes of the Planning Commission meeting of March 4, 2014.
 10. Minutes of the Parks and Recreation Commission meeting of March 6, 2014.
- e. Reports and correspondence from non-City officials.
1. Monthly Operations Report for the Wastewater Treatment Plant from CH2MHILL for March 2014.

7. Public Comment

The following addressed the Commission:

1. Reserved.

Reserved public comment request from Mike Wills, representing *Discovery Center Great Lakes* regarding its interest in the Traverse City Light and Power Coal Dock Property.

2. General.

Isaiah Wunsch, 1668 Wunsch Road , Peninsula Township
Jay Ruzak, 1994 Carroll Road, Peninsula Township

Michael Smith, 524 Bay East Drive, Peninsula Township, Traverse
Area Community Sailing President
John Noonan, 908 South Union Street
Eric Lind, no address given, Suttons Bay Township
Dave McGinnis, 10671 Center Road, Peninsula Township

3. Mayor and City Commissioners.

Commissioner Gary Howe
Mayor Pro Tem James Carruthers
Commissioner Jeanine Easterday
Commissioner Tim Werner

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:48 pm.



Benjamin C. Marentette, CMC
City Clerk

Approved: _____,
(Date) (Initials)



Minutes of the
City Commission for the City of Traverse City
Study Session
April 28, 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, Barbara D. Budros, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

Mayor Michael Estes presided at the meeting.

1.

Discussion regarding City Manager's Proposed Budget for Fiscal Year 2014/15.

The following addressed the Commission:

Jered Ottenwess, City Manager
William Twietmeyer, City Treasurer/Finance Director
Benjamin Marentette, City Clerk

2.

Public comment.

The following addressed the Commission:

Emily Mitchell, 3716 Jefferson, city business owner, Hickory Meadows
Advisory Committee
Ross Biederman, 1003 Peninsula Drive, Traverse City/Garfield Township
Recreational Authority
Rick Buckhalter, 932 Kelley Street
Chris Maxbauer, 502 West Eighth Street, Grand Traverse County Board of
Commissioners
Gary Oleson, 1815 Wayne
Bob Otwell, 525 Washington Street
Mike Coco, 325 Wellington Street
Barbara Solomonson, 119 North Madison Street
Mary Joseph, 1422 Wayne Street

3.

Announcements from the City Clerk.

The following addressed the Commission:

Benjamin Marentette, City Clerk

4.

Public comment from the City Commission.

The following addressed the Commission:

Commissioner Gary Howe
Commissioner Ross Richardson
Mayor Pro Tem James Carruthers
Commissioner Jeanine Easterday

5.

Adjournment.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:21 pm.



Benjamin C Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: PURCHASE OF ELECTRONIC PAY STATIONS

Attached are memos from Rob Bacigalupi, DDA Executive Director, and Dave Malewitz, Parking Administrator, requesting a purchase order to Traffic & Safety Control Systems, Inc. for electronic pay stations.

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

That the City Manager be authorized to issue a purchase order to Traffic & Safety Control Systems, Inc., in the amount not to exceed \$161,807.00 for the purchase of electronic pay stations, with funds available in the Traverse City Parking System Fund.

JO/jd

cc: Rob Bacigalupi, DDA Executive Director
Dave Malewitz, Parking Administrator



To: Jered Ottenwess, City Manager

From: Rob Bacigalupi, Executive Director

RMB

Re: Purchase of Pay Stations

Date: Friday, April 25, 2014

Our parking staff recently sought and received bids to purchase electronic pay stations. Pay stations will improve enforcement efficiency by giving officers real time payment information, will allow staff to make parking rate and time limit changes more easily and inexpensively, will reduce meter theft, and will benefit customers by offering the option of paying with credit cards. Enclosed is a memorandum from Parking Administrator Dave Malewitz describing bids we received for parking pay stations. A committee including City Internal Auditor Ken Ransom and DDA Board Member Bill Golden reviewed the bids and recommended Traffic & Safety for the reasons outlined in Dave's memo. Purchasing these twelve will allow us to install pay stations on one block of Front Street as well as five lots downtown, those being lots A, C, G, O and RB. Attached is a map showing these locations. The DDA Board considered this matter at their May 25, 2014 meeting and are recommending the purchase. Specifically, there was a motion by Estes seconded by Judson *that the DDA Board of Directors recommend to the City Commission the purchase of 12 parking pay stations from Traffic & Safety for not-to-exceed \$161,807 with available funds in the Traverse City Parking System fund. Motion passed 7-2.*

memo



Traverse City Parking Services

To: Robert Bacigalupi, DDA Executive Director
From: David J. Malewitz, Parking Administrator
Date: March 31, 2014
Re: Recommendation for Purchase of Multi Space Meter System

On February 6, 2014 the Traverse City Parking Services department sought bids for a "Multi Space Meter System". Four companies responded to the bid and a committee including Rob Bacigalupi, Nick Viox, Bill Golden, Ken Ransom, and myself reviewed the proposals and are recommending that our purchase for a "Multi Space Meter System" be with Traffic and Safety Control Systems, Inc. This company supplies the Digital Payment Technologies multi-space pay station. Outlined below are a few of our top selection points and a price breakdown of each companies "Total Cost Not to Exceed".

- Ability to integrate with T2 Systems, Inc. parking violations software
- Ability to integrate with Park Mobile pay by cell
- Total project cost
- Project deployment and success in other cities
- Overall number of machines in operation
- Costs and capability of company to service machine on-site
- Back office software and usage fees
- Cellular communication fees
- Aesthetics of machines

Company	Total Project Costs (12 machines)
MacKay Meters, Inc.	\$102,795.00
Hectronic USA	\$156,000.00
Traffic & Safety Control Systems, Inc.	\$161,807.00
Total Parking Solutions, Inc. (T.P.S)	\$180,660.00

The final decision was based on integration with both T2 Systems and Park Mobile. All of the companies currently function with Park Mobile. However, only Total Parking Solutions and Traffic and Safety Control Systems are currently integrated with T2 Systems and Park Mobile. Traffic and Safety was selected as a result of this integration capability, factors listed above, and it's pricing being lower than Total Parking Solutions.

If you have further questions or concerns, please don't hesitate to contact me.

Attachment: 2014 Multi Space Meter System RFP Bid Submittal Pricing



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: PURCHASE OF METER HOUSINGS

Attached are memos from Rob Bacigalupi, DDA Executive Director, and Dave Malewitz, Parking Administrator, requesting a purchase order to MacKay Meters, Inc. for new parking meter housings.

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

That the City Manager be authorized to issue a purchase order to MacKay meters, Inc., in the amount not to exceed \$74,733.75 for the purchase of up to 325 meter housings, with funds available in the Traverse City Parking System Fund.

JO/jd

cc: Rob Bacigalupi, DDA Executive Director
Dave Malewitz, Parking Administrator



To: Jered Ottenwess, City Manager

From: Rob Bacigalupi, Executive Director

RMB

Re: Purchase of Meter Housings

Date: Friday, April 25, 2014

Along with pay stations, switching out meter housings, the metal enclosure for parking meters, will help reduce the risk of meter theft. We recently sought and received bids to purchase new more durable meter housings and received one bid. Enclosed is a memorandum from Parking Administrator Dave Malewitz describing the one bid received and a recommendation to proceed with purchasing up to 325 meter housings. This purchase will help protect the most targeted of our over 1,500 meters downtown. At their April 25, 2014 meeting, the DDA Board recommended the purchase. Specifically there was a motion by Bagdon-McCallum, seconded by Burkholder *that the DDA Board of Directors recommend to the City Commission the purchase of up to 325 meter housings from McCay Meters, Inc based on their Price Detail provided to the City of Traverse City. Motion carried 9-0.*

memo



Traverse City Parking Services

To: Robert Bacigalupi, DDA Executive Director
From: David J. Malewitz, Parking Administrator
Date: April 7, 2014
Re: Recommendation for Single Space Meter Housing Purchase

On February 13, 2014 the Traverse City Parking Services department sought bids for the purchase of "Single Space Meter Housings" from qualified parking companies. This project was bid out in response to Ken Ransom's, City of Traverse City Financial Analyst and Compliance Officer, recommendation to provide better security measures to protect coin revenue in the aging meter housings. It has become pertinent that more secure, reliable, and durable meter housings need to be installed in the downtown district. During 2012, from April to late September, the Traverse City Parking Services department experienced a large theft of coin revenue from several on-street and parking lot meters throughout downtown. Aging meter housings and locking assemblies have made it possible for thieves to acquire the tools necessary to gain access to the coin vaults in the meter housings. In addition, the aging housings have made it more difficult for us to acquire parts when we need to make repairs.

Upon bid closing only MacKay Meters, Inc. submitted a proposal. A committee comprised of Bill Golden, Nick Viox, Rob Bacigalupi, Ken Ransom, and myself reviewed the submittal. Due to only one submission, the committee was worried that the bid had been written too restrictive and I was asked talk with representatives from other qualified companies. I reached out to two other meter product companies to find out why they had not submitted for the project. Both companies admitted that their representatives responsible for bid submissions had "dropped the ball" on the project. The specifications and content of the proposal were well written and it was simply their fault for not following through.

Being that only MacKay Meters, Inc. successfully submitted the committee has accepted MacKay's proposal for the project. MacKay Meters, Inc. meter housings are highly durable and provide the security that we are looking for. The parking department has worked with MacKay for over ten years in which they have proven time again to be a company focused on quality products and a high level of commitment to customer service.

I recommend that the DDA Board of Directors proceed with a recommendation to the City Commission for the purchase of up to 325 single space meter housings with a total project cost of \$79,718.75. Traverse City Parking Services can save on installation costs in the amount of \$4,985.00 if our staff performs the installation. Parking Ambassadors and maintenance personnel have the knowledge and equipment necessary to perform this function.

Thank you and please let me know if you have further questions or concerns.

Attachment: MacKay Meters, Inc. Pricing Submittal



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: WASTE WATER TREATMENT PLANT AGREEMENT
AMENDMENT

In 2012, the city entered into a new agreement with CH2M HILL for operation of the Waste Water Treatment Plant, following a bidding process. That process resulted in an \$81,341 reduction in the base fee we were paying CH2M HILL. The agreement requires the rates be renegotiated annually.

Under the agreement, there is a base fee and a total direct cost fee. The total direct cost fee includes items such as utilities, chemicals, repairs, repair parts, labor, etc. Essentially, the total direct cost is the estimated cost to run the plant. If the total direct cost fee exceeds the agreed-upon amount, CH2M HILL covers the difference. If the total direct cost fee falls below the agreed-upon amount, 60% of the difference is refunded to city and 40% is retained by CH2M HILL.

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

Attached is a letter from CH2M HILL Project Manager (WWTP Operator), Casey Rose, explaining their requested amendment, and the proposed Amendment No. 2. CH2M HILL requests a 1.35% increase to the base fee. In addition, because TCL&P has unfrozen (increased) the Power Cost Recovery fee, the agreement authorizes CH2M HILL to pass those increased electricity costs to the City. The result is a base fee of \$2,408,403.

Staff has reviewed the proposal and believes it is reasonable and consistent with the agreement in place with CH2M HILL. The FY14-15 Budget anticipates and accommodates this rate increase.

The following table shows total payments to CH2M HILL for its operation of the Waste Water Treatment Plant over the past six years, as well as the amount proposed for this year.

<u>Fiscal Year</u>	<u>Total payment</u>
2014-2015	<i>(Proposed)</i> \$2,408,403
2013-2014	\$2,307,561
2012-2013	\$2,229,528
2011-2012	\$2,310,868
2010-2011	\$2,310,880
2009-2010	\$2,356,256
2008-2009	\$2,311,176

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

Please also note that the proposed Amendment No. 2 modifies Appendix B to update the location of utility structures that CH2M HILL maintains as part of their agreement.

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

That the Mayor and City Clerk execute Amendment No. 2 to the Agreement with CH2M HILL for Operations, Maintenance and Management Services, at the Waste Water Treatment Plant (originally authorized March 5, 2012) for the period of July 1, 2014, to June 30, 2015, which would increase the base fee by 1.35%, with the total payment to be \$2,408,403, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney.

e-copy: Dave Green, Director of Public Services
 Casey Rose, CH2M HILL Project Manager



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

April 24, 2014

Mr. Dave Green
Director of Public Services
City of Traverse City
625 Woodmere Avenue
Traverse City, MI 49686

RE: Contract Year 25 Amendment

Dear Mr. Green:

Per our Contract, each year the Base Fee and Direct Cost shall be negotiated. If a rate can't be agreed upon, the Base Fee will be determined by the application of the Employment Cost Index, and the Consumer Price Index in accordance with the formula used in Appendix G of the Contract. This year the increase would be 1.35% per default.

CH2M Hill is requesting the default increase of 1.35% to the base fee for 2014-2015, plus an additional \$69,690 for electric rate increase in accordance of Section 4.4 of the current contract. This would increase the base from \$2,307,561 to \$2,408,403. The estimated Direct Cost would increase from \$1,951,430 to \$2,023,802 per year.

Please find two copies of the Amendment for your review. If you would like to discuss further please contact me at your convenience. I look forward to speaking with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'CR'.

Casey Rose
CH2M Hill Project Manager

cc: John Bowman, CH2M Hill Regional Business Manager

CITY MANAGER'S OFFICE

APR 24 2014

RECEIVED

AMENDMENT NO. 2
to the
AGREEMENT
for
OPERATIONS, MAINTENANCE, AND
MANAGEMENT SERVICES
for
TRAVERSE CITY WASTEWATER TREATMENT PLANT, PUMPING STATIONS

THIS IS AMENDMENT NO. 2 to the Agreement for Operations, Maintenance, and Management Services for Traverse City Wastewater Treatment Plant and Pumping Stations dated July 1, 2012 ("Agreement") by and between the City of Traverse City ("City") and Operations Management International, Inc. ("CH2M HILL OMI"), collectively hereinafter the "Parties". This Amendment No. 2 ("Amendment") is effective as of July 1, 2014.

NOW THEREFORE, City and CH2M HILL OMI agree that the Agreement shall be and is hereby amended and modified in the following manner:

1. Article 4.1 is hereby deleted in its entirety and replaced with the following:
 - 4.1 City shall pay Contractor as compensation for services performed under this Agreement a base fee of \$2,408,403 for operation of the Traverse City Wastewater Treatment Plant for the period July 1, 2014 to June 30, 2015. Subsequent years' base fee shall be determined as hereinafter specified in Article 4.3.

2. Article 4.2 is hereby deleted in its entirety and replaced with the following:
 - 4.2 The estimated Total Direct Cost for providing services under this Agreement for the period July 1, 2014 to June 30, 2015 is \$2,023,802 for operation of the Traverse City Wastewater Treatment Plant. If the Actual total Direct Cost is less than the estimated total Direct Cost excluding Direct Costs for Repairs to the Project, which have their own limits, then the Contractor will rebate to the City 60% of the difference. Contractor is responsible for Total Direct Costs over the estimate for the Traverse City Wastewater Treatment Plant, excluding Direct Costs for Repairs to the Project, which has its own limit.

3. Appendix B (Location of Project) is hereby deleted in its entirety and replaced with the attached.

This Amendment together with all previous amendments and the Agreement constitute the entire agreement between the Parties and supersede all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

OPERATIONS MANAGEMENT
INTERNATIONAL, INC.

CITY OF TRAVERSE CITY

Authorized signature:

Authorized signature:

Name: Scott Neelley
Title: Senior Designated Manager

Name: Michael Estes
Title: Mayor

Date: _____

Benjamin C. Marentette
Title: City Clerk

Date: _____

APPROVED AS TO FORM:

Lauren Tribble-Laucht
Title: City Attorney

APPROVED AS TO SUBSTANCE:

Jered Ottenwess
Title: City Manager

Appendix B

LOCATION OF PROJECT

B.1 The Contractor agrees to provide the services necessary for the management, operation, and maintenance of the following:

- a) All buildings, structures, equipment, vehicles, grounds and facilities now existing within the present property boundaries of or being used to operate City's Wastewater Treatment Plant located at:

606 Hannah Street, Traverse City, MI 49684

- b) All equipment, grounds, and facilities now existing within the present property boundaries of pump stations described as follows:

580 Bay Street, Traverse City, MI 49684
Building I---Sewage Pumping Station

439 E. Front Street, Traverse City, MI 49684
Building I---Sewage Pumping Station

643 Woodmere Avenue, Traverse City, MI 49684
Building I---Pumping Station

Coast Guard Station, Traverse City, MI 49684
Building I---Sewage Pump Station

880 Parsons Road, Industrial Park, Traverse City, MI 49684
Building I---Underground Sewage Pumps

East Bay Blvd, & Front Street, 2058 E. Front, Traverse City, MI 49684
Building I---Sewage Pump Station, Contents

322 Eighth Street, Traverse City, MI 49684
Building I---Eighth Street Lift Station

Clinch Municipal Marina Lift Station, 111 E. Grand View Parkway, Traverse City, MI 49684
Building I---Sewage Pumping Station

Hull Park Lift Station, 660 Hannah, Traverse City, MI 49686



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 PHASE ONE PAVING AND RESURFACING PROJECT

Attached is a memo from City Engineer Timothy Lodge recommending a contract for the 2014 Phase One Paving and Resurfacing Project.

As explained by the City Engineer, this project will include:

- Union Street between 13th and 14th Streets – street reconstruction, curb and gutter replacement and related restoration work
- Sequoia Street between Wenonah and East Bay Boulevard – street paving (street is currently gravel)

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

that the Mayor and City Clerk execute a unit prices contract with Elmers Crane and Dozer in the amount of \$161,291.75, more or less, at the unit prices indicated in its bid, for the 2014 Phase One Paving and Resurfacing Project, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Capital Projects Fund.

JJO/bcm

K:\tcclerk\city commission\agreements\paving and resurfacing projects 2014 phase one

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: April 25, 2014
SUBJECT: 2014 Phase One Paving and Resurfacing Projects

Sealed bids were advertised for and were received on April 21, 2014 for the above referenced project. Plans and specifications were available to contractors thru The Builders Exchange of Northwest Michigan. Nine contractors inquired and viewed the plans and specifications online with two bids being received for this work as follows:

Contractor		Bid Amount
Elmer's Crane and Dozer, Inc.	Traverse City	\$ 160,291.75
Rieth Riley Construction Co., Inc.	Traverse City	\$ 179,828.20

The Engineering Department's preliminary estimate for this work is \$150,400. The project includes street reconstruction, replacing the curb and gutter and related restoration work on Union Street between 13th and 14th Streets. Also included is the paving of the gravel portion of Sequoia Street from Wenonah to East Bay Boulevard. The projects were reviewed and approved by the Planning Commission on September 4, 2013.

Therefore, it is recommended that this work be awarded to the low bidder, Elmer's Crane and Dozer, 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 \$160,291.75, more or less, with funds therefore available in the Capital Projects Fund.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ^{SO} JERED OTTENWESS, CITY MANAGER

SUBJECT: VEHICLE REPAIR

Attached is a memo from Scott Meteer, Garage Superintendent, requesting a service order to Craig's Body Shop for repair of Vehicle #14, used by the Police Department. As indicated by Mr. Meteer, the cost of the repair will be reimbursed by our insurance carrier; and the carrier selected this vendor and therefore, we didn't seek competitive bids.

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

That the competitive bidding process be waived; and that the City Manager be authorized to issue a service order to Craig's Body Shop in the amount not to exceed \$9,500.00 for repair to Vehicle #14, a 2013 Tahoe used by the Police Department, with funds being fully reimbursed from the insurance company.

JO/jd

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

MEMO

To: Jered Ottenwess
From: Scott Meteer 
Garage Superintendent
Subject: Vehicle Repair
Date: April 25, 2014

Vehicle #14, a 2013 Tahoe used by the Police Department, was involved in an accident. Following our insurance company rules, an independent adjuster has inspected the vehicle and teardown and rough inspection has been made at Craig's Body Shop.

Barring any as yet unseen adjustments, the cost of repair will not exceed \$9,500.00.

Please request of the City Commission permission to pay Craig's Body Shop the actual amount, not to exceed \$9,500.00

The insurance company will reimburse us for the full amount.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: WYE RELOCATION – WEST BOARDMAN LAKE TRAIL –
SOILS INVESTIGATION

Attached is a memo from City Engineer Timothy Lodge recommending a service order with Gourdie Fraser for geotechnical investigation and preliminary engineering services for the relocation of the railroad wye in connection with the West Boardman Lake Trail. As indicated by the City Engineer, this will assist in updating the cost estimates for this project.

The Grand Traverse County Brownfield Redevelopment Authority will reimburse the city for this work.

Gourdie Fraser has been working on this project and preparing the cost estimates for more than 20 years; and therefore, competitive bids were not sought.

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

that the competitive bidding process be waived and the City Manager be authorized to issue a service order to Gourdie Fraser, Inc., in the amount of \$8,100 for geotechnical investigation and preliminary engineering (relating to soils investigation) for the relocation of the railroad wye in connection with the West Boardman Lake Trail, with funds available in the Capital Projects Fund and to be reimbursed by the Grand Traverse County Brownfield Redevelopment Authority.

JJO/bcm

K:\tcclerk\city commission\service orders\boardman lake trail wye relocation soil investigation 2014

copy: Jean Derenzy, Grand Traverse County Planning and Development
Deputy Director
Timothy Lodge, City Engineer

Memorandum

The City of Traverse City
Engineering Department



TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer *TJ Lodge*

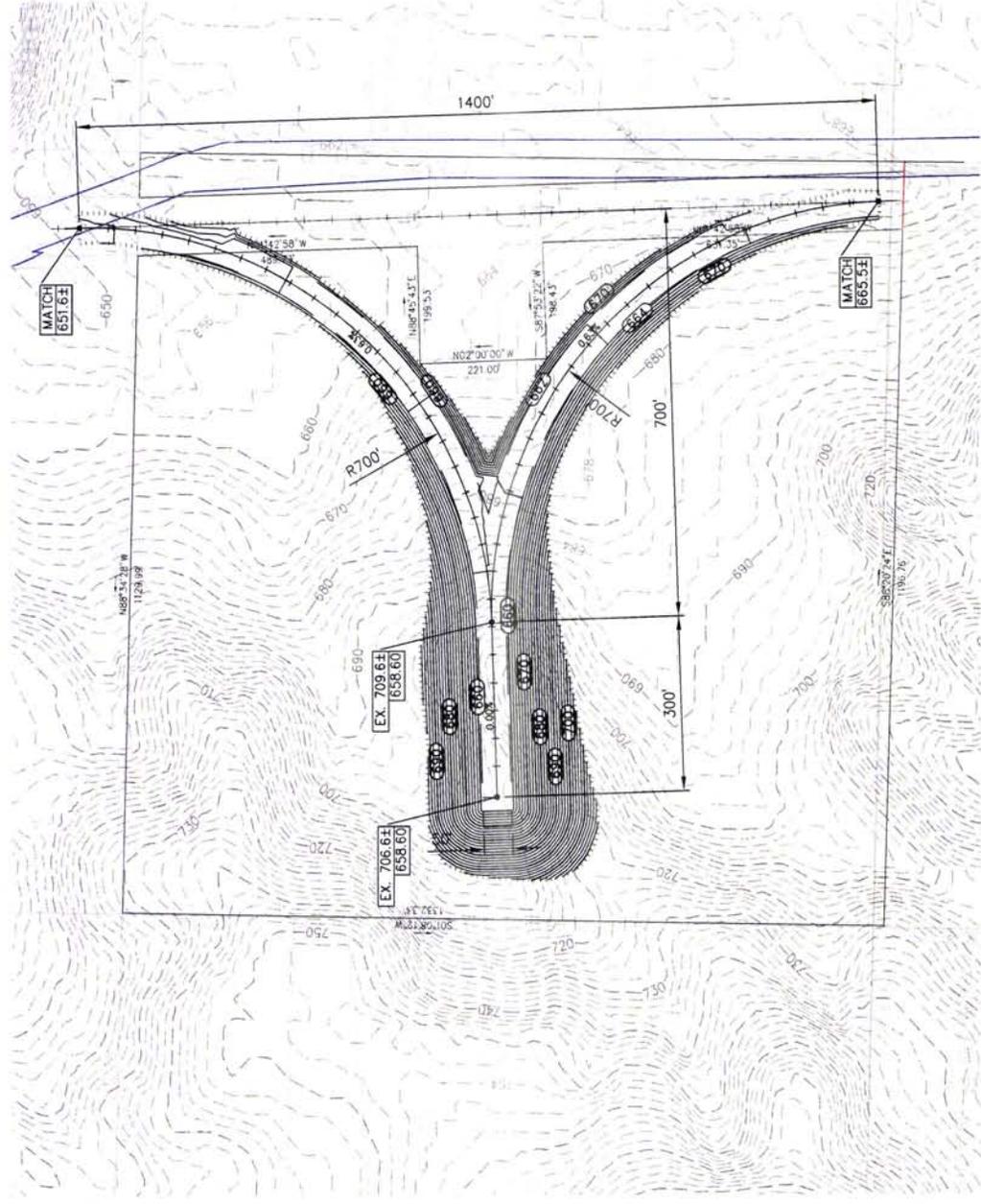
DATE: April 25, 2014

SUBJECT: Wye Relocation

Recent activity related to the relocation of the existing railroad wye has given cause to update the 2010 cost estimates for this work. We recommend that a soils investigation be performed to determine the suitability of in-situ soils for use in constructing the relocated railroad wye and the potential value of selling excess soil. Using this information and updated schematic design requirements provided by the MDOT, an updated cost estimate is recommended to be prepared including an updated design sketch. For your reference, we have attached the current design sketch.

Gourdie Fraser, Inc. has been working on the project and prepared cost estimates for more than 20 years and is the best candidate for this work. Therefore, it is recommended that a service order to Gourdie Fraser, Inc. in the amount of \$8,100 be prepared for the geotechnical investigation and preliminary engineering for the project with funds therefore available in the Capital Projects Fund and reimbursed by the County Brownfield Fund.

Cc: Jean Derenzy, County Brownfield





The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: BOARDMAN RIVER DAMS DECONSTRUCTION PROJECT –
REIMBURSEMENT AGREEMENT

Attached is a memo from City Treasurer/Finance Director William Twietmeyer, regarding the request from the Boardman River Dams Implementation Team that the city again provide \$20,000 in funding for project administrative and managerial services which are performed by the Conservation Resource Alliance. As indicated by Mr. Twietmeyer, this expense was budgeted.

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

That the Mayor and City Clerk execute a Reimbursement Agreement with the Conservation Resource Alliance to provide \$20,000 in funding for administrative and managerial services in connection with the Boardman River Dam Deconstruction Project (Brown Bridge Dam Deconstruction Project), such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the General Fund.

JJO/bcm

k:\tcclerk\city commission\agreements\boardman river dam reimbursement agreement 20132014

e-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: Implementation Team Reimbursement Agreement
Date: April 28, 2014

In 2011, the City Commission approved a Reimbursement Agreement with the Boardman River Dams Implementation Team for the City's share of the administrative and managerial support services provided by the Conservation Resource Alliance for the Boardman River Dams Deconstruction Project. That agreement required the City to contribute \$20,000.

Once again in the 2012-2013 fiscal year, the City provided a contribution of \$20,000 in conjunction with the approval of a new reimbursement agreement with the Conservation Resource Alliance.

The City has budgeted \$20,000 for the 2013-2014 fiscal year. We have received an invoice from the Conservation Resource Alliance for the 2013 calendar year. However, the extension of the reimbursement agreement with Conservation Resource Alliance was overlooked for the 2013 calendar year. I am requesting that before I make payment, the City Commission formally approve the reimbursement agreement with Conservation Resource Alliance for their administrative and managerial support services along with approval of the payment of \$20,000 which is what the City budgeted for the 2013-2014 fiscal year. Please place this on the next City Commission agenda for their approval.

REIMBURSEMENT AGREEMENT

THIS AGREEMENT made this ___ day of _____, 2013, by and between the Conservation Resource Alliance, a domestic nonprofit corporation of 10850 Traverse Highway, Suite 111, Traverse City, Michigan 49684 (the "CRA") and the City of Traverse City, a Michigan municipal corporation, of 400 Boardman Avenue, Traverse City, MI 49684 (the "City").

WHEREAS, the Boardman River Dams Implementation Team (the "IT") has entered into a Consultant Agreement with Conservation Resource Alliance to provide project management and communications related to the Boardman River Dams project; and

WHEREAS, the City owns the Brown Bridge Dam on the Boardman River, which is involved in the Boardman River Dams project; and

WHEREAS, the City has entered into a Great Lakes Fishery Trust Grant Agreement for funds related to the Boardman River Dams project; and

WHEREAS, the City wishes to provide funding for administrative and managerial services performed by CRA in connection with the Boardman River Dams project;

NOW THEREFORE, the parties agree as follows:

1. Reimbursement from City. The City shall reimburse the CRA in the amount of \$20,000 for administrative and managerial services in connection with the Boardman River Dams project. Such reimbursement shall be provided upon receipt of an invoice from the CRA and shall be made payable directly to the CRA.

2. Independent Contractors. The relationship of the CRA, IT, and the City is that of independent contractors and in accordance therewith, the parties covenant and agree to conduct themselves consistent with such status and that neither they nor their employees, officers or agents will claim to be an officer, employee or agent of the other or make any claim, demand or application to or for any rights or privileges applicable to any officer or employee of same, including but not limited to worker's compensation coverage, unemployment insurance benefits, social security coverage, or retirement membership or credit. The parties do not intend the services provided by the CRA to the City or IT to be a joint venture.

3. Non-Discrimination. The parties agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of their actual or perceived race, color, religion, national origin, sex, age, height,

weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity. Breach of this covenant may be regarded as a material breach of this Agreement.

4. No Third Party Beneficiaries. This Agreement confers no rights or remedies on any third party, other than the parties to this Agreement and their respective successors and permitted assigns.

5. Indemnification by Consultant. The CRA shall indemnify and hold the City and the IT harmless against and from all liabilities, losses, damages, costs, expenses (including attorney fees), causes of action, suits, claims and demands for judgment arising out of those which the parties to this Agreement may sustain as a result from or arise out of any acts or omissions, negligent or otherwise, of the CRA's employees, agents, contractors, or subcontractors in the performance of the work specified in the Consultant Agreement between the CRA and the IT.

CONSERVATION RESOURCE
ALLIANCE

BY:
ITS:

CITY OF TRAVERSE CITY

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

Approved as to Substance:

Approved as to Form:

Jered Ottenwess, City Manager

Lauren Tribble-Laucht, City Attorney



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ^{JO} JERED OTTENWESS, CITY MANAGER

SUBJECT: CONDITIONAL REZONING – 101 NORTH MADISON

Attached is a previously submitted memo from City Planning Director Russell Soyring indicating the request for the property owner of 101 North Madison for the property to be conditionally rezoned from R1-b (Single Family Dwelling District) to C-1 (Office Service District).

Also attached are the previously-provided materials submitted by the applicant, as well as a revised Attachment B dated April 21, 2014, which provides the “conditions” for the rezoning. These conditions are incorporated into the attached agreement by which the developer would be bound. It should be noted that the agreement tracks with the land – not the owner; meaning, if the request were approved, the restrictions contained in the agreement would apply to the property regardless of future ownership transfers.

At the April 21 meeting, the Commission introduced this conditional rezoning and scheduled it for possible enactment Monday evening. Also attached is another memo from City Planning Director Russell Soyring addressing some questions that were raised in connection with this matter.

The current zoning would allow three conforming residential lots; the request is to conditionally rezone the property to C-1, which would allow four dwellings, narrower lot widths, shallower front and side yard setbacks and higher impervious limits. The Planning Commission’s motion to recommend this request failed 4-5. The applicant is entitled to have the Commission review and consider the request. The Commission can move forward with the request without Planning Commission support.

[Continued on Page 2]

If the conditional rezoning is ultimately approved, the development must be at least 75% complete within two years and 100% within three years; if not, the conditional rezoning is void.

The following motion would enact the conditional rezoning and which would become effective on June 6, 2014:

that an amendment to the Traverse City Code of Ordinances, which would rezone the property located at 101 North Madison from R1-b (Single Family Dwelling District) to C-1 (Office Service District), which was not recommended by the City Planning Commission, which was introduced on April 21, 2014, be enacted with an effective date of June 6, 2014, and further

that the Mayor and City Clerk execute a Conditional Rezoning Agreement with Kemal Cinaroglu, which would conditionally rezone the property commonly referred to as 101 North Madison, which was not recommended by the City Planning Commission, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/kjl

K:\tcclerk\city commission\conditional rezoning\ conditional rezoning 101 North Madison_Enact

e-copy: Russell Soyring, City Planning Director
Kemal Cinaroglu, Applicant, 8179 East Shore Drive
John Kerridge, Kerridge Architecture and Construction
designbuildkc@sbcglobal.net

Memorandum

The City of Traverse City
Planning Department



TO: Jered Ottenwess, City Manager

FROM: Russell A. Soyring, Planning Director *R. Soyring*

DATE: April 11, 2014

SUBJECT: CONDITIONAL REZONING REQUEST FOR 101 N MADISON

A request has been made to conditionally rezone 101 N. Madison Street (the northwest corner of West Front/Madison Streets) from R1-b (Single Family Dwelling District) to C-1 (Office Service District).

The proposal is to build four single-family detached dwellings with a single driveway access from Madison Street. The site is currently vacant and is adjacent to residential houses to the north, east and west. Offices are located to the south.



Site plan inserted over aerial photograph to show relationship with neighborhood properties

The property is currently zoned R-1b (Single Family Dwelling) which would allow for three conforming residential lots. The request is to conditional rezone the property to C-1 (Office Service) to allow four dwellings. C-1 is sought because it allows narrower lot widths, shallower front and side yard setbacks and higher impervious limits.

The Master Plan designates this area as a TC-3 (Traditional) neighborhood where the focus is on historic patterns with residential scale. The Plan states this neighborhood type is moderate intensity for residential areas. Single family detached dwellings, moderate density with some multi-family dwellings and home occupations are appropriate. The recently adopted Corridors Master Plan indicates this property provides an opportunity for six or seven townhomes.

The single family and multiple family zoning districts (R-2, R-9 and R-15) are consistent with the Core Principles of the Master Plan according to the Zoning Element.

The Planning Commission held a Public Hearing on April 1, 2014 on this matter. There were 10 public comments made during the Public Hearing including 6 general comments and 4 in opposition. The following motion was made:

Motion by Commissioner Easterday, second by Commissioner Werner, that the request from, John Kerridge, Kerridge Architecture and Construction, Inc, representing Kermal Cinaroglu, to rezone the properties commonly known as 101 N Madison Street from R-1-b (Single Family Dwelling District) to C-1 (Office Service District) with conditions as offered by the applicant dated March 26, 2014 be recommended and that the Conditional Rezoning Agreement be approved subject to approval as to form by the City Attorney, which Agreement shall include and incorporate the preliminary site plan dated March 26, 2014 and based on the submittals of the applicant and as outlined in the March 28, 2014 communication memo from Planning Director Russ Soyring be recommended for approval to the City Commission.

Motion failed 4-5 (Commissioners Dow, Easterday, Fleshman, Twietmeyer and Warren opposed).

While the Planning Commission's action did not recommend approval of the request, the applicant is allowed to continue his due process and have the request heard by the governing body, the City Commission.

RAS/ml

Attachments:

- 101 N Madison Conditional Rezoning Application packet
- Draft Conditional Rezoning Agreement
- 4/1/14 Powerpoint Presentation by John Kerridge
- March 28, 2014 communication memo from Planning Director Russ Soyring

The City of Traverse City
Planning Department

Governmental Center
400 Boardman Ave
Traverse City MI 49684
(231) 922-4778
www.traversecitymi.gov



To: Jered Ottenwess, City Manager
From: Russ Soyring, City Planner *R Soyring*
Subject: 101 North Madison Sidewalk Conditions and Access Limits
Date: April 29, 2014

This memo is in response to questions raised concerning sidewalks and the shared driveway access lane for the proposed development at 101 North Madison.

If the adjacent public walk along Madison Street is in poor condition, the City as you know has a program to replace deteriorated sidewalk sections paid entirely by the City. Should a property owner want to be moved to a high priority for replacement, the City has cost shared the sidewalk replacement with the adjacent property owner on a 50/50 split. For commercial construction and multifamily developments Chapter 1022 states that along curb streets, new sidewalks or existing sidewalks in poor repair will need to be constructed or replaced with new walks respectively. Single family and two-family developments are exempt from this ordinance.

The sidewalk along West Front Street is likely to be completely replaced in total along with a short section of sidewalk on Madison as part of the West Front Street Reconstruction project paid with public dollars. Sewer and water leads serving the proposed development may require sections of sidewalk to be removed and replaced. The property owner would be responsible for repair of the walks damaged or removed for the utility leads.

If the conditional rezoning is approved by the City Commission the applicant has volunteered to restrict how the property will be developed. These restrictions will be incorporated in a legally binding, recorded document that runs with the land, not the property owner. One of the restrictions is that the development will "substantially" follow the concepts provided in the application. The application materials include a site plan that shows a single access drive from Madison Street. That drive truncates 20 feet from the west property line. Should there be a proposal to extend the driveway to provide access to properties to the west, an amendment to the conditional rezoning would be required since the driveways connection to adjacent properties is not substantially in compliance with the site plan as it was submitted as part of the conditional rezoning request. Section 1320.05(c) states, "That the property shall be developed or used in a manner that conforms to the requirements of the rezoned Zoning District and the Zoning Agreement." The process to amend the Zoning Agreement is the same process as applying for a Conditional Rezoning where a public hearing is held by the Planning Commission followed by two public meetings before the City Commission, one for introduction and one for possible enactment.

Attachment: Section 1022.01

CHAPTER 1022

Sidewalks

<p>1022.01 Construction and repair of sidewalks, displays in curbs and gutters; permit required.</p> <p>1022.02 Widths.</p> <p>1022.03 Repairs of unsafe sidewalks.</p> <p>1022.04 Openings.</p>	<p>1022.05 Merchandise C-4 districts.</p> <p>1022.99 Penalty.</p>
--	---

CROSS REFERENCES

Authority of City re public property - see CHTR. Ch. XIII
 Failure of property owner to keep sidewalks free of obstruction - MCL Sec. 103.4
 Liability of City - see M.C.L.A. Secs. 691.1401 et seq.
 Special assessments for sidewalks - see ADM. 232.06
 Streets - see S.U. & P.S. Ch. 1020
 Sidewalks in subdivisions - see P. & Z. 1246.01, 1248.11

1022.01. CONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS AND GUTTERS; PERMIT REQUIRED.

- a) **Structures in Right of Way.** No person shall construct, reconstruct, repair or remove any sidewalk or any structure of any nature lying within the limits of any street or alley right of way or any curb, gutter or structure for regulating, governing or facilitating the flow of water, except in accordance with the line, grade and specifications established by the City Engineer, or without a permit.
- b) **Sidewalk Requirements for New Development.** On curbed streets, public concrete sidewalks built or repaired to the City Engineer's specifications and requirements shall be constructed in public rights of way for all new development, including substantial additions or improvements (of a construction cost of twenty thousand dollars (\$20,000) or more within a twelve-month period), with no cost of the sidewalk construction to be borne by the City. Single and two-family development, exterior cosmetic alterations which do not increase the usable area, capacity or exterior limits (footprint) of the building, interior alteration work, or change in use projects that do not require a site plan, shall be exempt from this requirement. The City Engineer may waive the requirement for a new sidewalk if, in his or her opinion, unfavorable physical conditions exist. Responsibility for this requirement is limited to twenty percent of the project cost.
 (Ord. 295. Passed 4-1-91. Ord. 365. Passed 7-6-93.)

1022.02. WIDTHS.

- a) **Elmwood Avenue.** All sidewalks on the west side of Elmwood Avenue from Bay Street south to the corporate limits shall be laid in such a manner as to leave a space of nine feet between the inner line of the walk and the boundary line of the abutting property on the west side of Elmwood Avenue.
- b) **Residential Areas.** In all residential sections of the City the sidewalk shall be not less than five feet wide and the inside line shall be placed eighteen inches distant from the abutting property line unless the City Manager determines that this requirement is

RECEIVED

MAR 26 2014

PLANNING DEPT
CITY OF
TRAVERSE CITY

**CONDITIONAL REZONING
101 N. MADISON
TRAVERSE CITY, MI.**

Conditional Rezoning Request – Offer Summary - Revised 04-21-14

101 N. Madison Street, Traverse City, Mi.

Voluntary Offer

1. The use of the property will be for Detached Single Family Dwelling Units. 4 Units.
2. There will be no uses permitted other than those allowed under **R1A and R1B** Single Family Dwelling Districts/ Chapter 1332 of the city of Traverse City Zoning code.
3. No driveway curb cuts will be permitted onto Front St. from the lots. A shared private drive will provide access onto N. Madison St.
4. The dwellings shall be built substantially in conformance with the concepts provided with the application. Detached, Single family, 2 story, Traditional styling, Front porches, 1 ½ - 2 car garages on north side serviced by shared drive.
5. The site elements will be built substantially in conformance with the concepts provided in this application. 4 lots with a shared driveway at the north side of the dwellings.
6. The offer will grant a 5' temporary construction easement for the construction of a sidewalk on Front St. and moving the sidewalk to 4" off the property line, increasing the green/tree area and increasing the separation of pedestrians and traffic, providing for healthier trees and increased safety.
7. The maximum building height will be 30'.
8. Re-zoning the subject property to C-1 and these voluntary conditions shall only become effective upon issuance of a land use permit for the proposed project

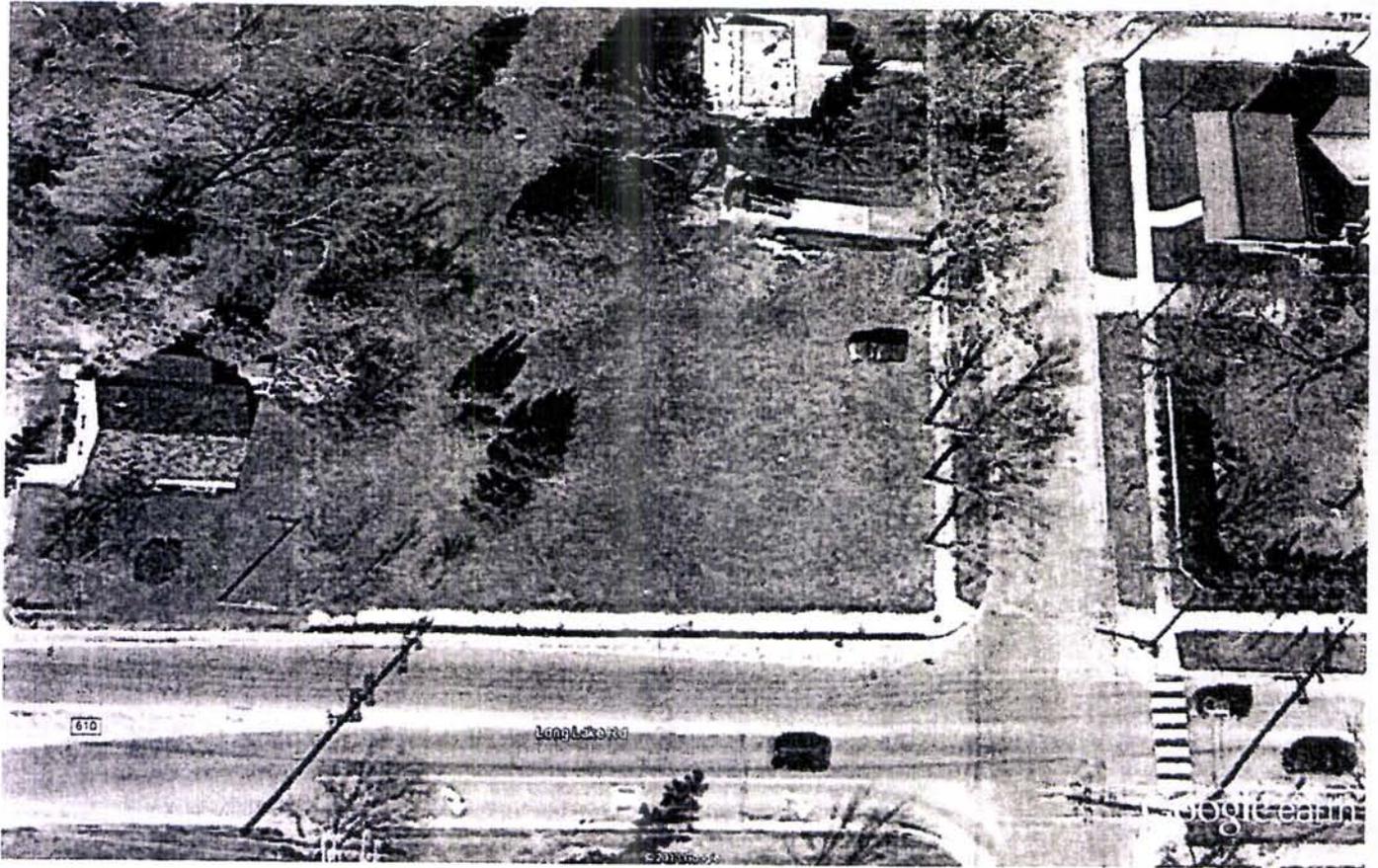
101 N. Madison

Conditional Rezoning Outline

- Conditional Rezoning to C1 (Office Service District)
- C1 - Lot Size Complies/Lot Area Complies, Density Complies, Setbacks Comply / No Variances Required
Current Zoning R1b – Single Family

Rezoning Plan Attribute Summary

- Develops Long Time vacant and unused Parcel
- Fits Neighbor Fabric and Context of neighborhood
- Good Mix of Density for Corridor – Slightly Increased Density over allowable current zoning but with less impact on Front St.
- Developed in consideration of Traverse City Corridor Master Plan - Master Plan Indicates 6-7 Townhouse Unit . 4 Single Family units less density and better fit.
- Units to pick up on Architecture of adjacent Houses- Yet will be current in Architectural Concepts- Roof pitches, materials, fenestration, size.
- Single Family Units in Context of Neighborhood
2 Story with attached 1 1/2 Car Garage -
- Green Space around units with Patios/Terrace/Gardens
- Strengthens Walkable Neighborhood/Sustainable-Green in material usage/planning/location
- Front Porches on Front Street to create personal/neighbor space- welcoming.
- House Traffic Access off of Madison vs. Front St.- Rear Parking Access – Low impact for traffic with shared private drive
- Provides Needed Moderately Priced Single Family Residential Housing in city.



Go. gle earth



EXISTING SITE.

TRAVERSE CITY PLANNING COMMISSION
 APPLICATION FOR
 ZONING CHANGE

APPLICATION # SD2500 DATE 7/26/84
 Check No. _____ Hearing Date _____
 Receipt # _____ Case No. _____

Address of subject Property _____
 Tax Parcel Number: 28-51-104-058-00
 Legal Description: PT OF NW 1/4 OF SE 1/4
SEC 4, T27N R11W DES AS COM AT NW
COR MADISON & FRONT ST. THE N 99 FT
TH W 166 FT TH S 99 FT TH E 166 FT
TO PUB M 1 B

Present Zoning Classification: _____
 Requested Zoning Classification: R 2 C 1
 Signature of Owner: _____
 Owner's Address: 8119 East Shore Road
Traverse City, MI 49686
 Applicant's Signature: _____
 Relation to Applicant: _____
 Applicant's Address: _____
 Applicant's Telephone: _____

APPLICATION REQUIREMENTS

The fee of \$125.00 must accompany this request.

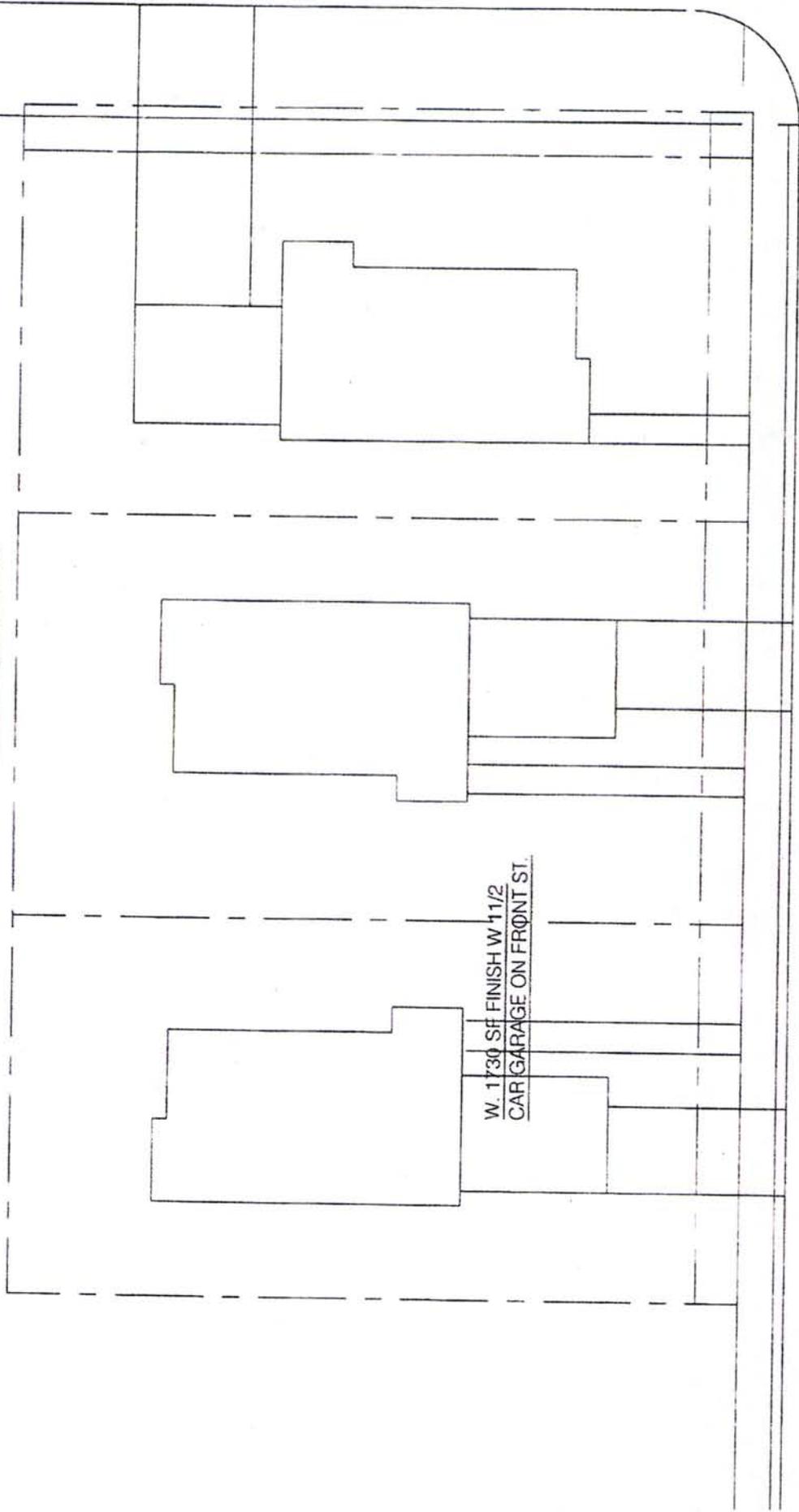
The application must be filed in the City Planning Department a minimum of twenty-four (24) days prior to the public hearing. At the Planning Commission meeting, a resolution indicating the matter will be set aside for the City Engineer to have a plan set of public hearing will be filed. When by the City Commission completed, the remaining process.

Thirteen (13) copies of a site plan shall be made and complete with the following and accompany the application:

1. All property lines and setbacks shown
2. Lot and "undeveloped" areas, streets and other
3. How all proposed setbacks on the property
4. Indicate the side of the street
5. South arrow
6. Any additional information deemed by the Planning Commission necessary for proper review of the request.

The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.271 et seq.

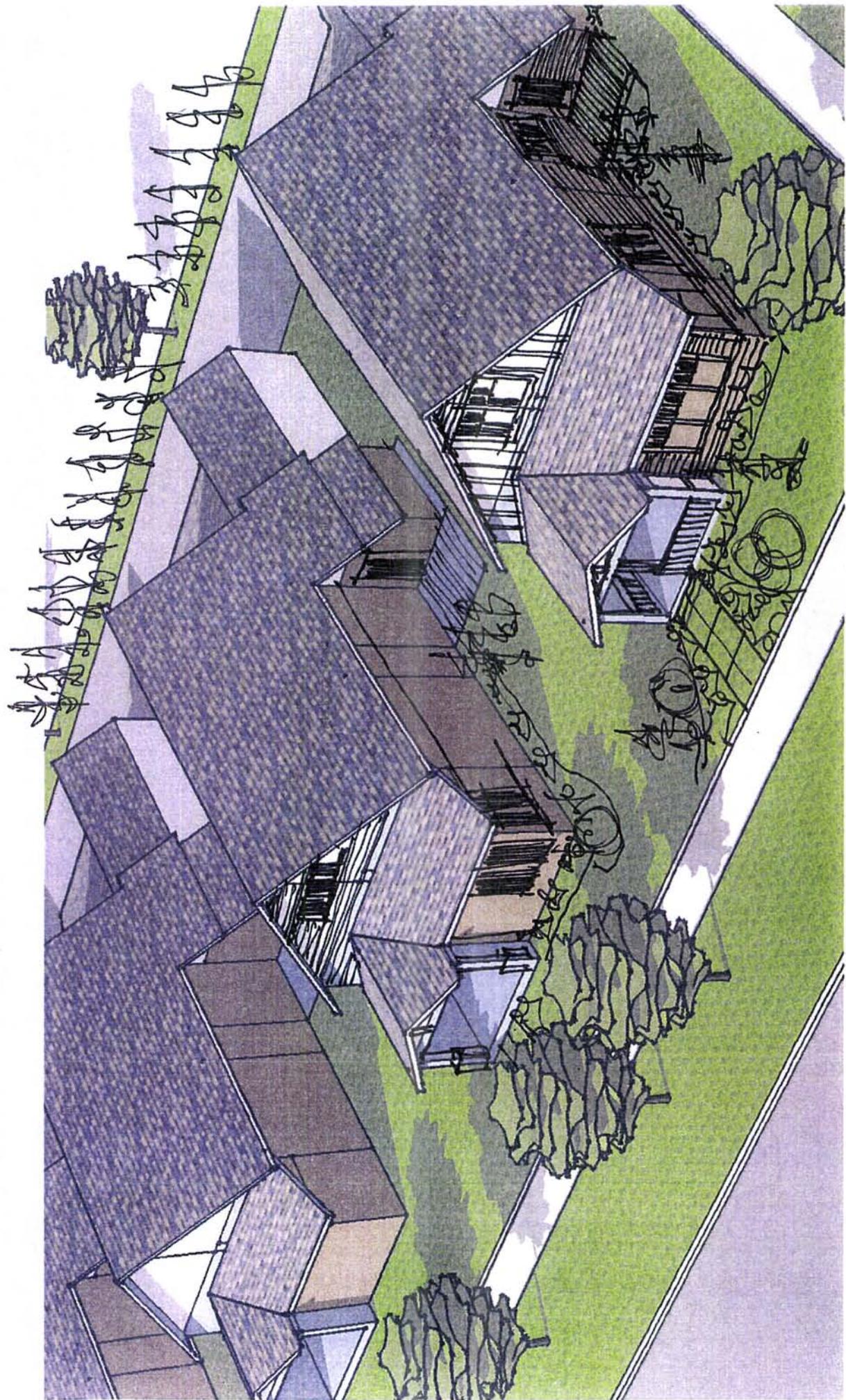
POSSIBLE DEVELOPMENT
UNDER CURRENT ZONING
W. FRONT STREET
DRIVEWAYS



MADISON STREET

W. FRONT STREET

W. 1730 SF FINISH W 1 1/2
CAR GARAGE ON FRONT ST.



(GENT P NEIGHBORS BY JK)

Slab Town Neighborhood

RE: Front and Madison New Single Family Owner Occupied Homes - 101 N. Madison St.

Greetings, My name is John Kerridge. I am an architect, builder and owner of Kerridge Architecture + Construction. I represent the owner of the vacant lot at Madison and Front. We want to make sure everyone understands what we are proposing for this unique corner. I have lived in the Traverse City area since 1979. I have practiced here as an architect since 1989. In that time I have completed many projects as both an architect and builder. You will be familiar with some of my projects in town, including GT Allergy/Dr. Lazars Office at the corner of Elmwood and Front, the original Republic Bank building at the corner of Division and Front, and also Cass St. ENT/ Dr. Schultz's Office building on the corner of 14th and Cass. All of these were developed around solving unique site issues. At the GT Allergy project we carefully crafted a building and site plan to save the two large spruce trees by building around them (still there 13 years later) Republic Bank was one of the first to internalize the parking areas and also cleaned up a polluted site and won a planning award for good Site Planning. At Cass St. ENT we developed a difficult site and created a landmark building. We believe that all of these projects have been positive additions to the fabric of our built environment here in Traverse City. We intend to bring this same care to the project on Madison and Front.

Madison and Front Project Facts:

The Project is for 4 new detached/separate Single family owner occupied homes. Not Rental.

- Current Zoning will **allow for three single family houses on this site** by right. We are proposing 4 homes instead of the allowable 3. The change we are proposing would allow **one additional house**.
- A private drive is proposed off Madison to be shared by all the houses, rather than driveways off Front Street which can be done by current zoning. This is recommended site planning.
- The houses will be modest in size, 2 car garage, and 2 stories, similar in context to the houses of the neighborhood. Porches to be on the Front street side, rear patios at north. Materials, roof pitches, etc. similar to neighborhood.
- The City Corridor Master plan approved by the City Commission recommended 6-7 Townhouse units on this site. We believe our plan is a better solution with less impact than what the city suggested.
- The homes will become your new neighbors and advocates for the neighborhood, including Front St. issues/traffic etc.
- The homes will screen both sound and visual impact from Front Street, decreasing sound penetration into the neighborhood.
- New maple trees will be planted along Front Street. Houses will be landscaped. The existing maples on Madison will be saved.
- A new landscape hedge to be installed at north side along the private drive for an additional buffer to Front St as well as a nice new landscape element.
- The Project will be a green project, by location, materials, planning, site reuse, utilization of existing infrastructure/space, in town commute, walkability, site utilization/density all working towards sustainable growth and a better city.

We would like to show you the project and invite you to come meet with us at 4:30 PM at the Slabtown Burger on Monday March 24th. We will have some project drawings and boards and will be happy to discuss and hear your thoughts regarding the project. We look forward to this opportunity. If you cannot make it, please call me with any of your concerns.

Thank You!

John Kerridge AIA LEED AP CGB

c 620-4200 For any question's/comments.

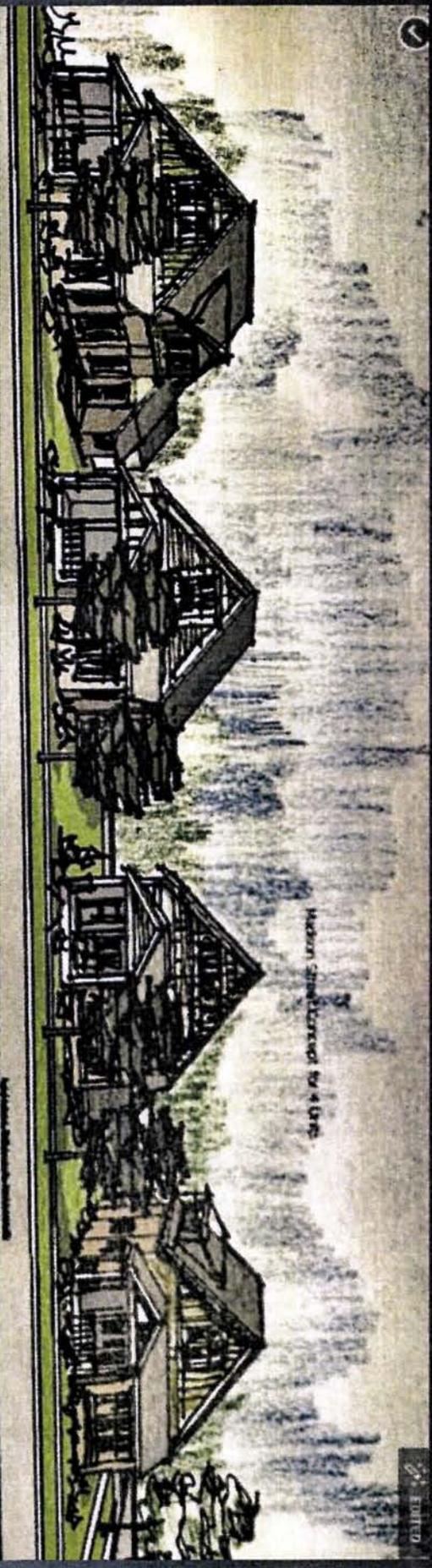


101 N. Madison Residences Conditional Rezoning Request and Presentation

- Presenter Name: John Kerridge AIA LEED AP , CGB ,
Kerridge Architecture + Construction, Inc.
- April 2014

Conditional Rezoning Request 101 N. Madison

- Request Conditional Rezoning to C1 Office Service District- Residential Use only.
- C-1 Lot Size Complies/Lot Area Complies/Density Complies/ Setbacks Complies- No Variances Required.

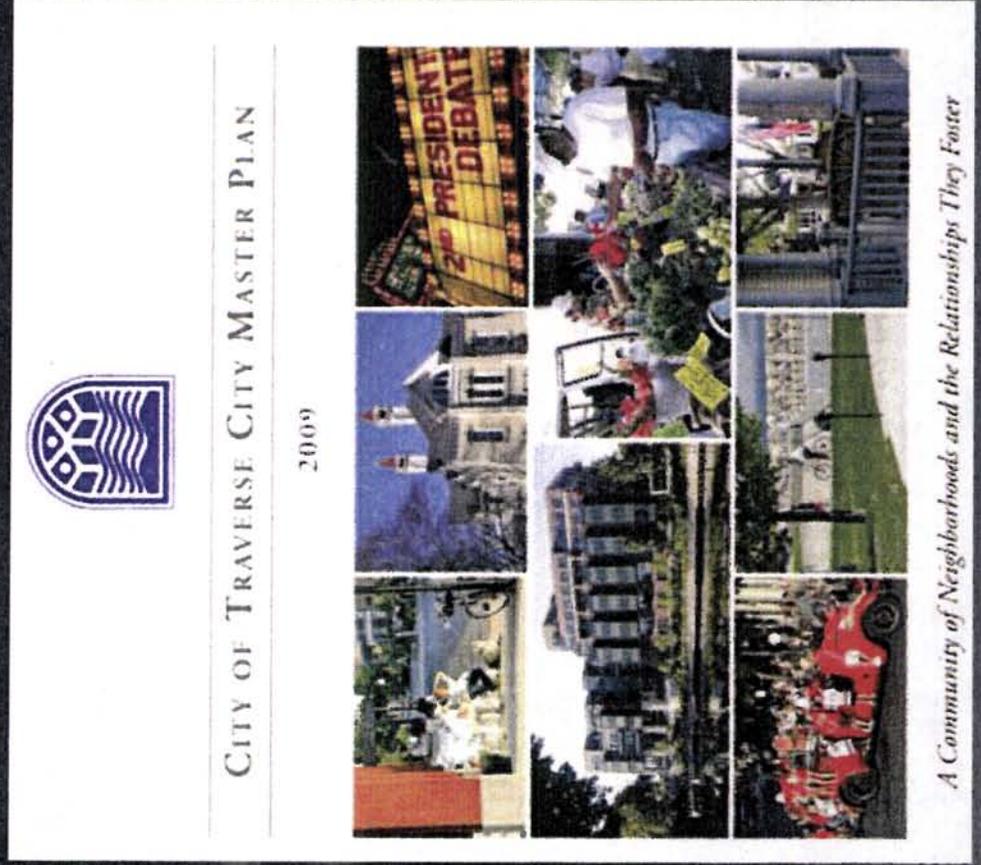


THANK YOU.

- JOHN KERRIDGE AIA LEED AP
KERRIDGE ARCHITECTURE +
CONSTRUCTION, INC.
- TRAVERSE CITY, MI.

City Master Plan 2009

- Basis of Plan and Conditional Rezoning Request



City Master Plan 2009

- Basis of Plan and Conditional Rezoning Request

Core Principles

Seven core principles guide our vision. These principles guide land use decisions, leading us to ask the right questions in our dialog with citizens about their ideas and concerns.

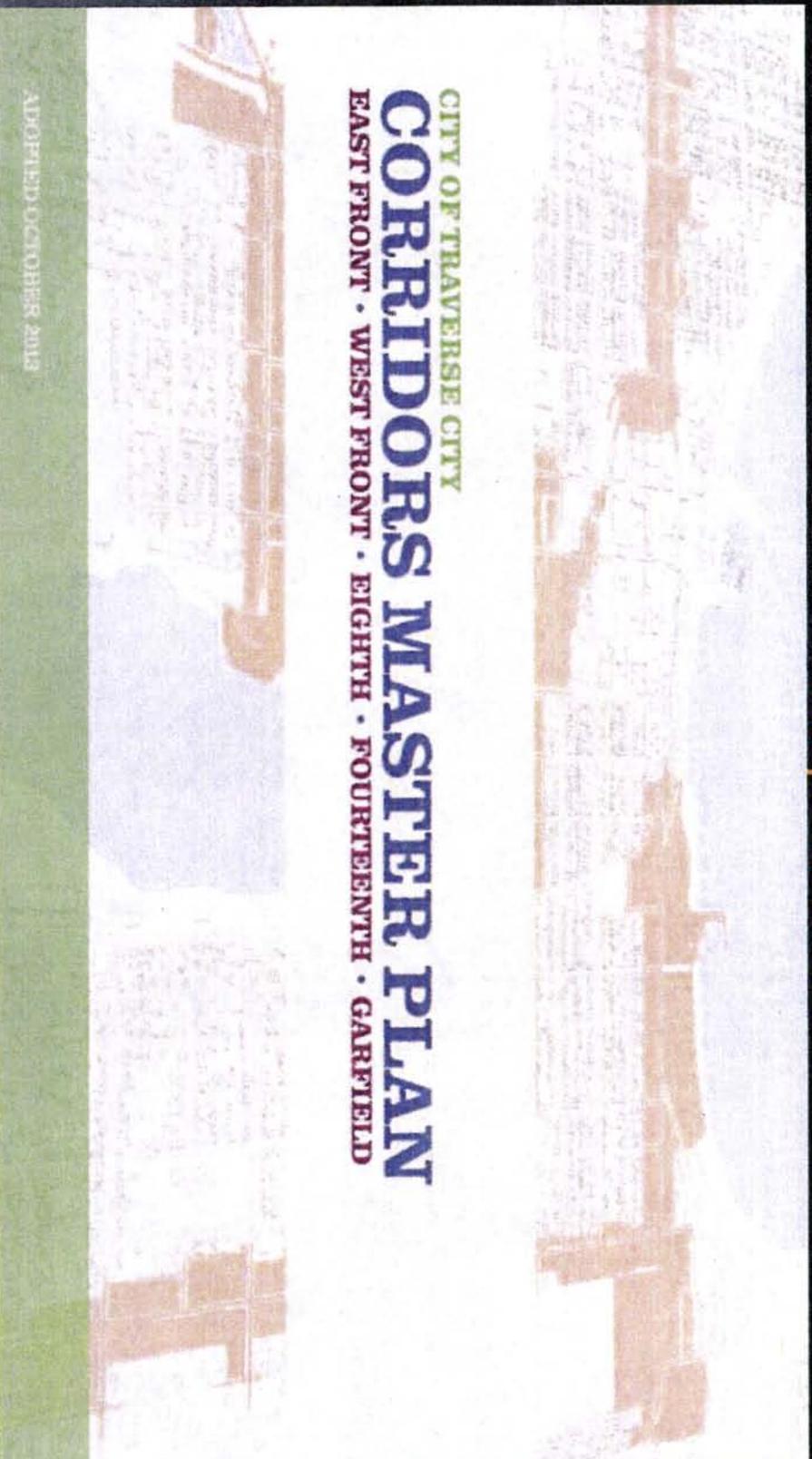
- 1** *The intensity of any land use should be the focus of land use decisions.*
Continues focus on residential
- 2** *Social, economic and residential diversity and stability are key to our future.*
New single family use, vibrant, mid range
- 3** *Our neighborhoods need to be preserved and protected as they evolve.*
Blends/melds with existing /reinforces
- 4** *Natural and historic resources are limited and need to be protected.*
Reuse of existing site
- 5** *Services should be conveniently located.*
Great in town access
- 6** *Transportation choices are important to our vitality and environmental health.*
Walkable/biking/great access
- 7** *Maintaining a healthy and vibrant City is important to the region.*

City Master Plan TC 3

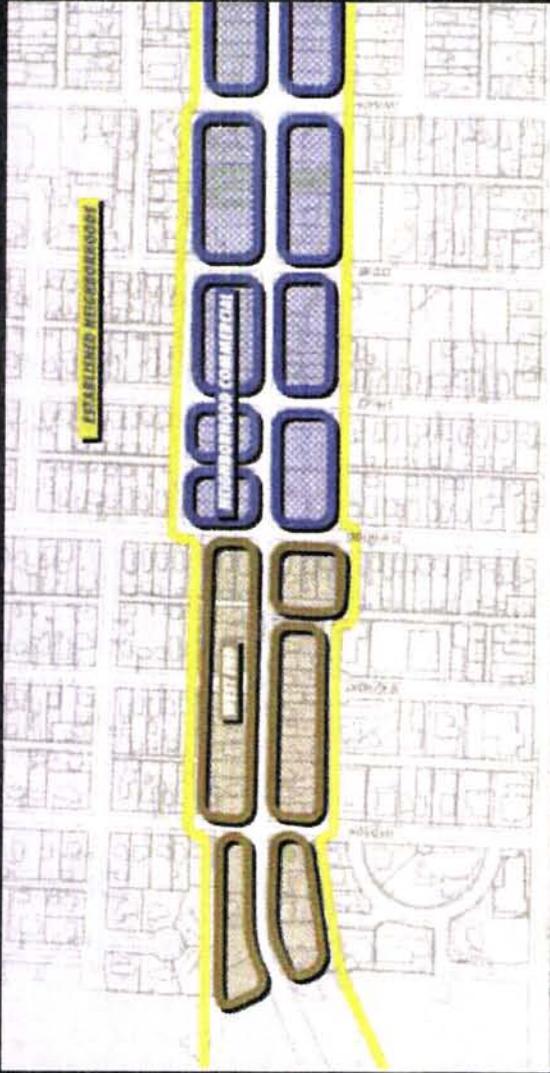
- Project Fulfills TC 3 Neighborhood Objectives
- Moderate Intensity Residential Development
- Single Family Detached Dwellings – 4
- Transitional Border and step down vs. Townhouse
- Formal Sidewalks, Curb, Street Tree Development
- New Vibrant Development Strengthens City Character at visible city entry point.

Project Overview

- The project has been conceived with consideration to the Traverse City Corridors Master Plan – Adopted 2013



Corridor Master Plan Character Framework – West Front St.



CHARACTER AREA FRAMEWORK WEST FRONT ST

Along each corridor there exists a range of different "character areas", defined by components such as form, tonality, development pattern, parking, building height, land use, appearance, development potential, and overall character. These different character areas are united by the corridor itself, yet each provides distinct environments that help define the unique experience's at different locations along the corridor's run.

Along the Front Street Corridor, three (3) different character areas have been identified and serve as the foundation for urban design, development, and transportation recommendations. The three character areas for Front Street are: 1) West End, 2) Neighborhood Commercial, and 3) East of Maple. Together, these different areas along Front Street represent the full range of land uses and development patterns, and they provide a variety of development and improvement opportunities for the corridor.

West End The west end of West Front Street has a quiet residential character, despite heavy traffic volumes and close proximity to Munson Medical Center. Although traffic volumes are not expected to decrease, the hospital's recent expansion has incorporated components that enhance the quality of life and character of the area, including the hospital's efforts with campus decommission and the creation of the Kutz Creek parkland. It is anticipated that this segment of West Front Street maintain its existing residential character. New development and investment should be compatible with the scale, character, and integrity of the adjacent residential neighborhood.

Built Form Compatible with the existing residential neighborhood and setbacks consistent with adjacent land uses.

Parking Parking should be provided in the rear of buildings if possible, or alternatively in the side yard screened from Front Street with landscaping and a low masonry wall.

Height 1-2 stories.

Uses Residential, or possibly low-impact neighborhood commercial.



Corridor Master Plan – West End Character Framework – West Front St. - Recommendations

- Built Form – Compatible with Existing Residential
- Parking at Rear of Building
- Building Height 1-2 Stories
- Residential Use

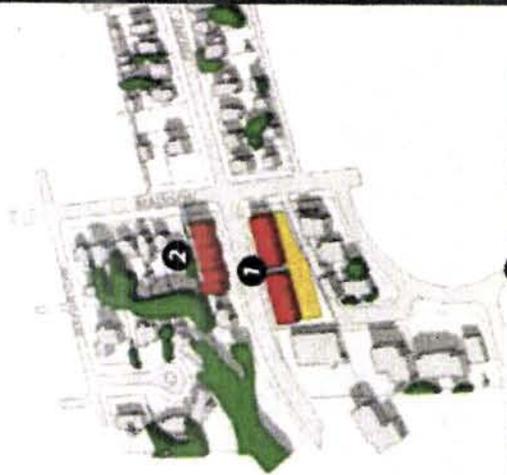
Project Complies with all Recommendations

Corridor Master Plan- Opportunity Development Site #2

OPPORTUNITY DEVELOPMENT SITES

WEST FRONT ST

Recognizing that any site could redevelop, the West Front Street Corridor includes several sites that represent opportunities for improved development that would have the potential to serve as a catalyst for future improvement along the Corridor. These sites have been identified based on a number of factors, including parcel or structural vacancy, inappropriate or incompatible uses, existing character that is out of context with



1 This is a unique opportunity along West Front Street and an opportunity to establish a high quality gateway for the City and Corridor. Redeveloped medical buildings should be attractive and high quality with strong orientation to Front Street with additional access from Beech Street via Madison. Any redevelopment should maintain the residential scale of the buildings and have a minimal impact on the nearby residential neighborhood.

2 A vacant site at the north-west corner of Madison Street and West Front Street provides an opportunity for residential development. Six or seven row homes could be accommodated on the site, with walkup entries along Front Street. Garages for the units should be located in the rear, serviced by a new alley accessible from Madison Street.

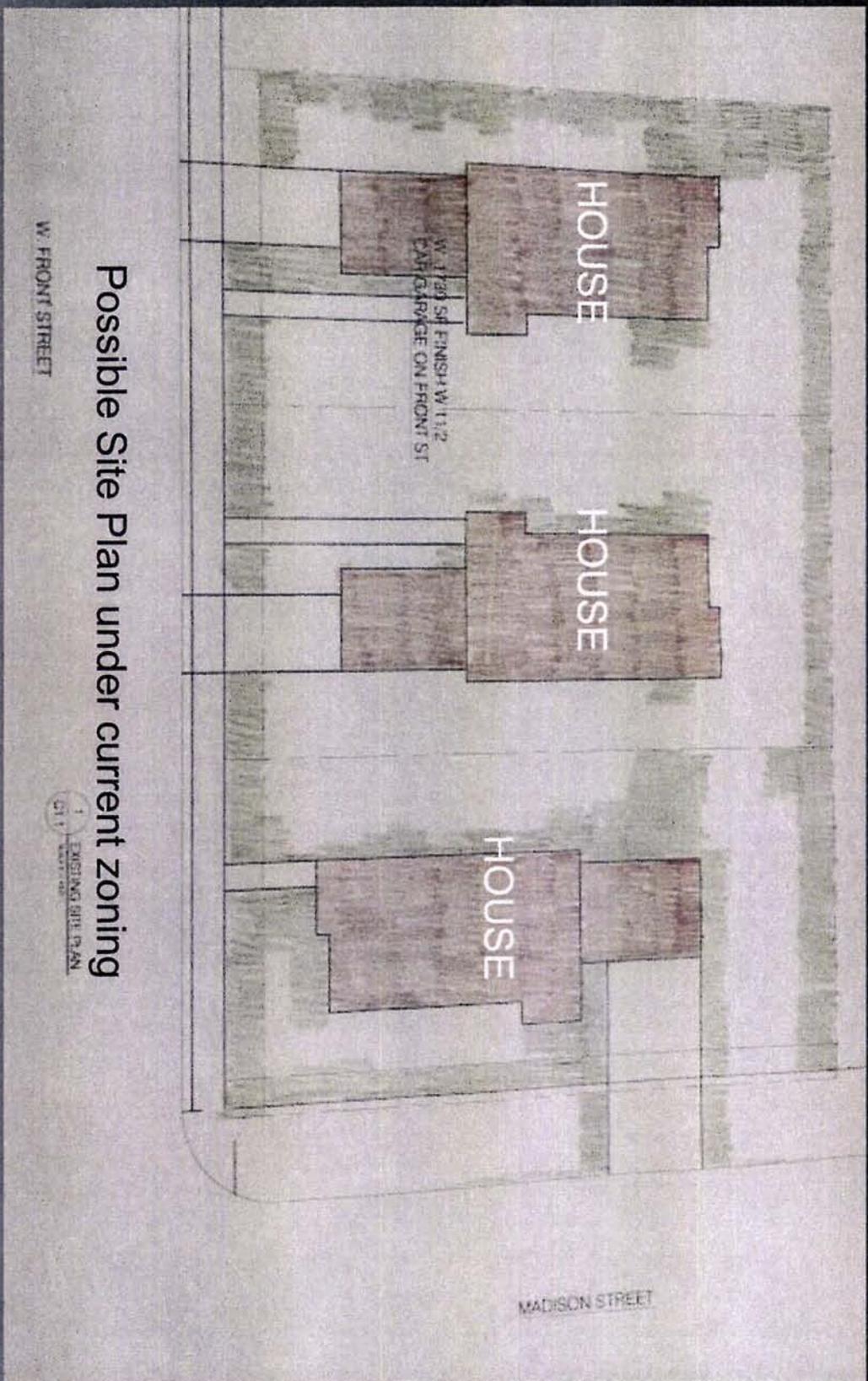
Corridor Master Plan – Opportunity Development Site - #2 Recommendations

- Opportunity for Residential Development
- 6-7 Row Houses
- Walk Up Porches on Front Street
- Garages At Rear with new access off Madison
- Project meets recommendations, but with 4 single family homes in lieu of 6-7 unit row house building which is believed to be too much density for this site.

EXISTING SITE PLAN PHOTO



POSSIBLE SITE PLAN UNDER CURRENT ZONING - 3 SINGLE FAMILY HOMES WITH 2 DRIVES ONTO FRONT ST.



Possible Site Plan under current zoning

W. FRONT STREET

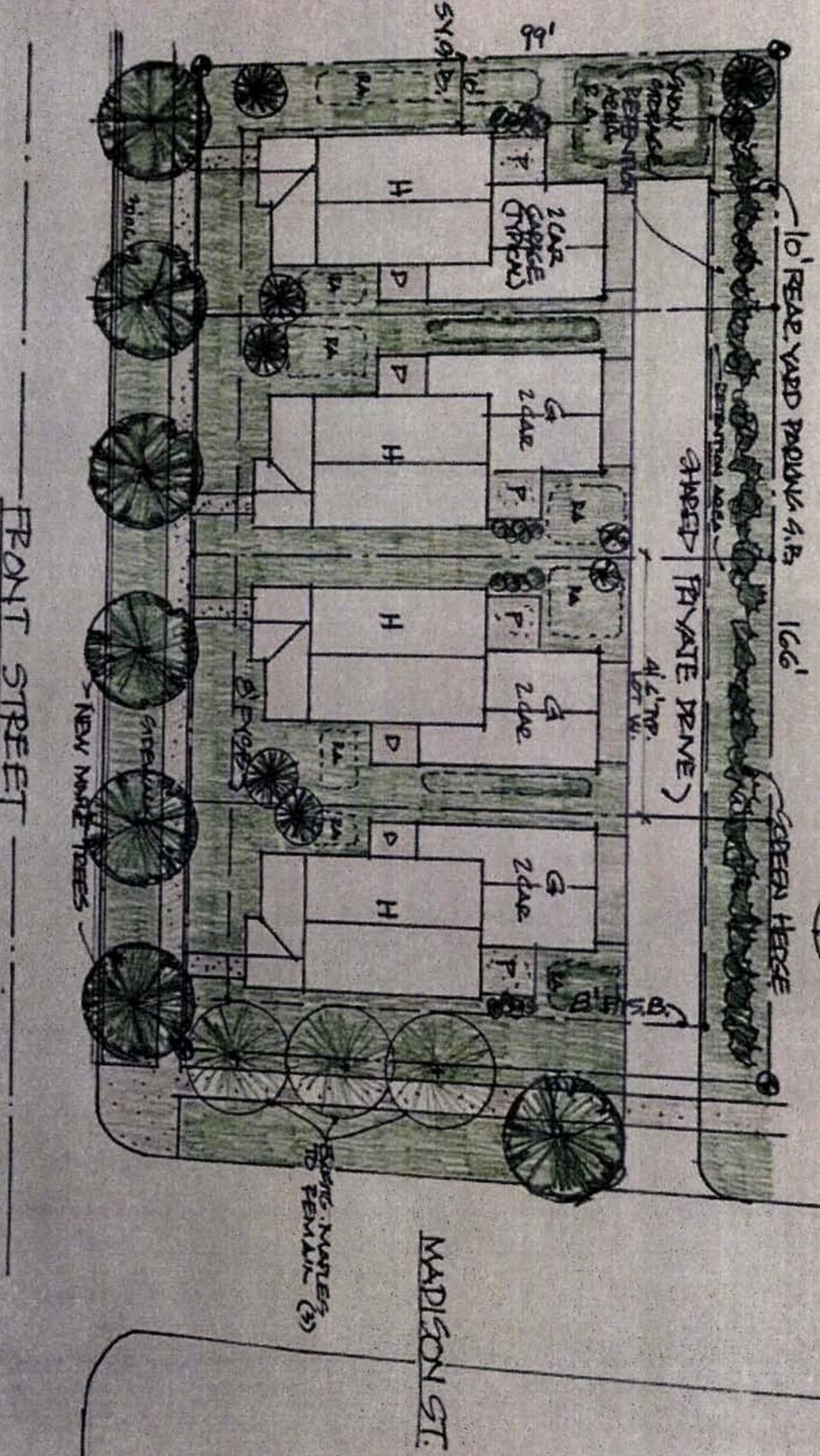
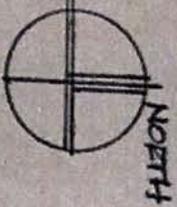
1
EXISTING SITE PLAN
CITY OF

MADISON STREET

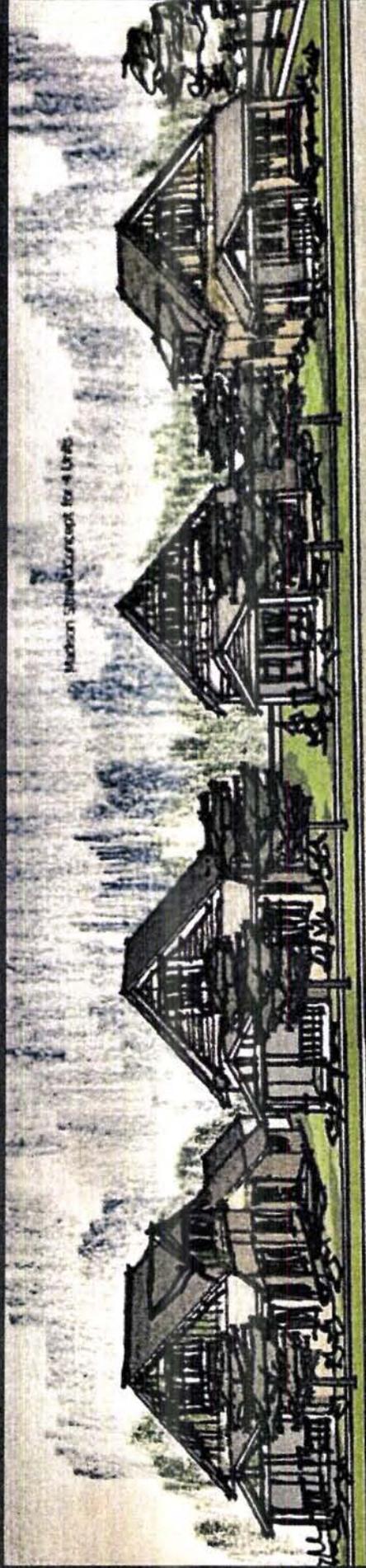
OVERALL SITE PLAN

101 N MADISON
SITE PLAN
3-26-14

1" = 20'



PROJECT /HOME SPECIFICS -- HOME DESIGN CONCEPTS



UNIQUE UNITS/COLORS/UNIT
VARIATIONS/INDIVIDUAL STYLE- NOT COOKIE
CUTTER

PROJECT /HOME SPECIFICS – HOME DESIGN CONCEPTS



UNIQUE UNITS/COLORS/UNIT
VARIATIONS/INDIVIDUAL STYLE- NOT COOKIE
CUTTER

PROJECT /HOME SPECIFICS – SUSTAINABLE SITE PLAN PRACTICES USGBC- LEED PRACTICES

U.S. Green Building Council | LEED Innovation Catalog | Google Chrome
www.usgbc.org

COMMUNITY LEED EDUCATION ADVOCACY

 USGBC

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Better buildings, better business.

LEED is helping buildings around the world save energy, water, resources, and money, while amplifying human health and well-being.

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INNOVATION
Introducing the LEED Innovation Catalog

 LEED

ADVOCACY AND POLICY
New reporting initiative helps federal agencies continue their green building

 LEED

The dawn and d'ry of the LEED Professional exam

U.S. Green Building - Home - GreenLink

101 N.MADISON HOMES - SUSTAINABLE SITE DESIGN PRACTICES USGBC- LEED SITE PRACTICES/FEATURES

- FLOOD PLAN AVOIDANCE - COMPLIES
- AVOIDS SENSITIVE LAND DEVELOPMENT- REUSE EXISTING SITE - COMPLIES
- LOCATED NEAR COMMUNITY OPEN SPACE -COMPLIES
- LOCATED IN STREET NETWORK - COMPLIES
- BICYCLE NETWORK AVAILABILITY -COMPLIES
- DENSITY OF BUILDING DEVELOPMENT 4 UNITS -COMPLIES
- COMMUNITY RESOURCE AVAIL.-HOSPITAL/STORES COMPLIES
- ACCESS TO TRANSIT /BUS - COMPLIES
- CONSTRUCTION ACTIVITY POLLUTION PREVENTION- WILL
- NO INVASIVE SPECIES PLANTING -WILL COMPLY
- RAINWATER MANAGEMENT SITE PLANNING -WILL COMPLY



101 N Madison -Rezoning Attribute Summary

- Develops Long Time Vacant Parcel – Current Zoning Allows 3 Houses on Site. Seek 1 Additional Residence only.
- Fits Neighborhood Fabric and Context
- Good Density Mix for T-3 Neighborhood- transition at edge of city.
- Developed in consideration of Traverse City Corridor Master Plan- Plan called for 6-7 Townhouse units, 4 Single Family units less density and better fit to surroundings.
- Homes to pick up on Architecture of neighborhood context. Roof pitches, material usage, fenestration, porches.

101 N. Madison - Rezoning Attribute Summary

- Single Family Homes in Context of Neighborhood. 2 Story, with attached 2 car garages.
- Green Spaces around units, outdoor spaces, patios, porches.
- Strengthens Walkability, Sustainable development, reuse, density, Green materials and planning.
- Front Porches on Front St. /South exposure. Create personal/neighbor space.- *Welcoming.*
- Private Drive for Houses to access Madison and not onto Front Street.
- Provides Mid Range Priced Residential Housing in *City-diversity.*

101 N Madison –Conditional Rezoning Request/ Offer Summary March 2014 - C1 OFFICE SERVICE

1. The use of the property will be for Single Family Residential Homes. 4 homes.
2. The maximum building height to be 30'.
3. No driveway curb cuts will be permitted onto Front St. from lots. A shared private drive will provide access onto N. Madison St.
4. The homes shall be built substantially in conformance with the concepts provided with the application. Single family, 2 story, Traditional styling, Front porches, 2 car garage on north side serviced by shared drive.
5. The site elements will be built substantially in conformance with the concepts provided in this application. 4 lots with a shared driveway at the north side of the houses.

101 N Madison –Conditional Rezoning Request/Offer Summary

6. The offer will grant a 5' temporary construction easement for the construction of a sidewalk on Front St. and moving the sidewalk to 4" off the property line, increasing the green/tree area and increasing the separation of pedestrians and traffic, providing for healthier trees and increased safety.

7. Re-zoning the subject property to C-1 and these voluntary conditions shall only become effective upon issuance of a land use permit for the proposed project

Proposed Zoning Request has been submitted to City Attorney for review.



Communication to the Planning Commission

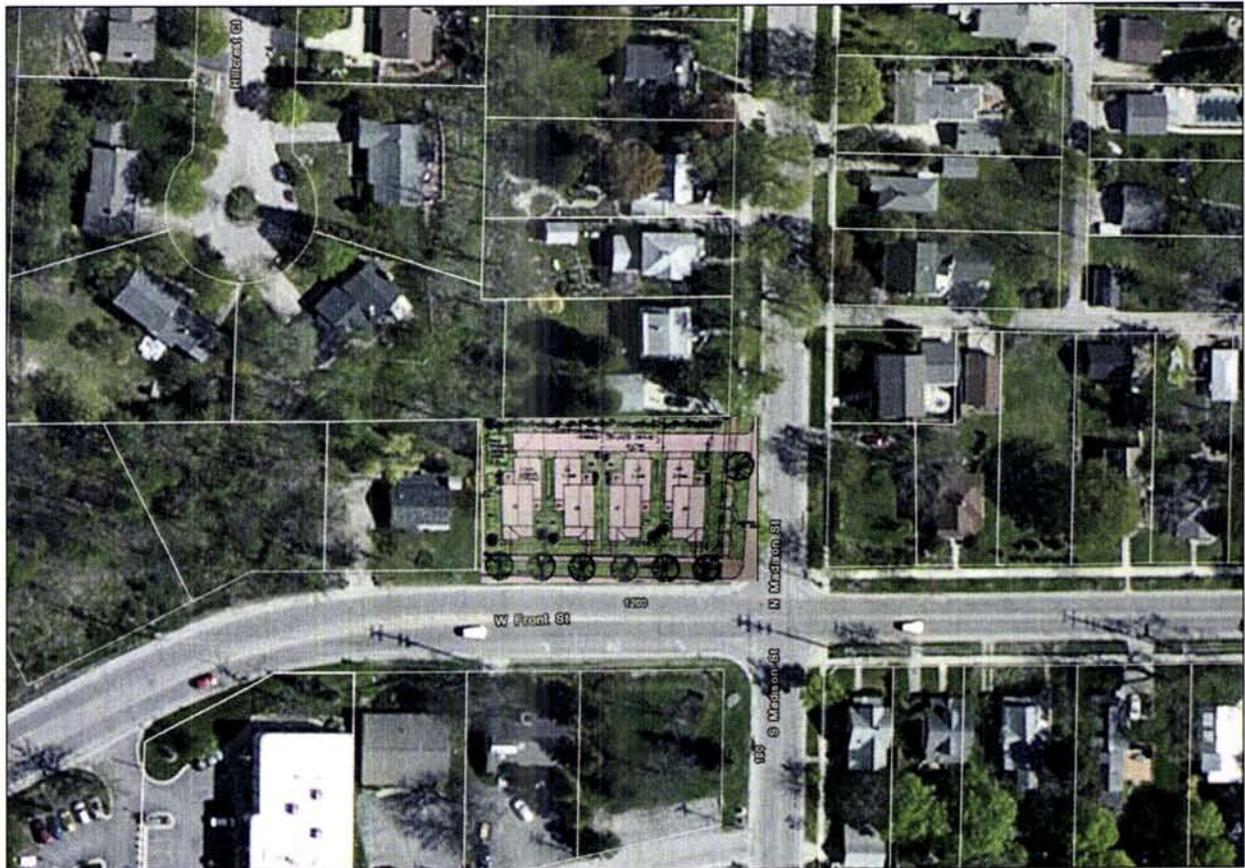
FOR THE MEETING OF: APRIL 1, 2014

FROM: RUSS SOYRING, PLANNING DIRECTOR

SUBJECT: CONDITIONAL REZONING REQUEST FOR PARCEL LOCATED AT
101 N. MADISON (NW CORNER OF WEST FRONT STREET AND
MADISON STREET)

DATE: MARCH 28, 2014

At the March 4, 2013 regular meeting, John Kerridge, architect representing the owner Kermal Cinaroglu, formally introduced a proposed residential project at 101 N. Madison Street. The proposal is to build four single-family detached dwellings with a single driveway access from Madison Street. The site is currently vacant and is adjacent to residential houses to the north, east and west. Offices are located to the south.



Site plan inserted over aerial photograph to show relationship with neighborhood properties

The property is currently zoned R-1b (Single Family Dwelling) which would allow for three conforming residential lots. The request is to conditional rezone the property to C-1 (Office Service) to allow four dwellings. C-1 is sought because it allows narrower lot widths, shallower front and side yard setbacks and higher impervious limits.

The Master Plan designates this area as a TC-3 (Traditional) neighborhood where the focus is on historic patterns with residential scale. The Plan states this neighborhood type is moderate intensity for residential areas. Single family detached dwellings, moderate density with some multi-family dwellings and home occupations are appropriate. The recently adopted Corridors Master Plan indicates this property provides an opportunity for six or seven townhomes.

The single family and multiple family zoning districts (R-2, R-9 and R-15) are consistent with the Core Principles of the Master Plan according to the Zoning Element (please see page 8).

Rezoning and conditional rezonings are legislative decisions and should be based on sound planning principles. The following questions are appropriate when considering rezonings:

- 1. Is the current zoning reasonable for the land?** The current zoning is R-1b which would allow for up to three single family dwellings. The current zoning provides reasonable uses for the property.
- 2. Is the rezoning request consistent with the goals, policies and future land use plan of the Master Plan?** The property is on the edge of a TC-3 neighborhood type with high intensity TC-4 neighborhood on the opposite side of West Front Street. The tighter, slightly higher density at the edge of the neighborhood provides a gentle transition from a low intensity neighborhood to a high intensity neighborhood. On page 4 of the Master Plan, it reads, "Higher intensities will be allowed at the periphery of residential neighborhoods than what is allowed in their interior." The proposed conditional rezoning request with an offer of building 4 single family detached dwellings is consistent with the Traverse City Master Plan.
- 3. Would the property size and environmental conditions accommodate the proposed use?** The property is flat with stable soils. Approximately 50% of the site is to be covered with grass turf or landscaping which will provide adequate areas for surface storm water retention. The development can be developed without adverse environmental concerns.
- 4. Are four modest sized single family detached 1 ½ story dwellings compatible with the surrounding uses?** The neighboring properties have larger lots and are less dense than would be the proposed development. Although, the density is higher, the mass and scaling of the modest sized homes make the proposed development compatible with the surrounding land uses.
- 5. Are there adequate utilities and capacity on the adjacent streets to serve a commercial building of this size?** There are adequate utilities and street capacity to serve the proposed development. Light and Power has requested a utility easement at the southwest corner of the site to provide electrical service. Access will be from North Madison Street which had a 24 hour traffic count of 1,372 vehicles on June 26, 2012.

6. **Are there sufficient demands for four single family detached dwellings?** Housing values are high, partly due to the high demand for in-town living. There is a low vacancy rate in the Slabtown neighborhood.

Based on the above analysis, staff recommends the request to rezoned 101 North Madison Street from R-1b (Single Family Dwelling) to C-1(Office Service) with the offers to limit the development of the property as described the draft zoning agreement. If you are in agreement with the staff's recommendation, the following motion would be appropriate:

I move that the request from, John Kerridge, Kerridge Architecture and Construction, Inc, representing Kermal Cinaroglu, to rezone the properties commonly known as 101 N Madison Street from R1-b (Single Family Dwelling District) to C-1 (Office Service District) with conditions as offered by the applicant dated March 26, 2014 be recommended and that the Conditional Rezoning Agreement be approved subject to approval as to form by the City Attorney, which Agreement shall include and incorporate the preliminary site plan dated March 26, 2014 and based on the submittals of the applicant and as outlined in the March 28, 2014 communication memo from Planning Director Russ Soyering be recommended for approval to the City Commission.

RS

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 990

Effective date: June 4, 2014

TITLE: ZONING MAP AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

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

Change No. 36

That the following described property shall hereafter be designated on the Zoning Map of the City of Traverse City as C-1 (Office Service District).

PRT OF NW 1/4 OF SE 1/4 SEC 4 T27N R11W DES AS COM AT NW COR MADISON & FRONT ST TH N 99 FT TH W 166 FT TH S 99 FT TH E 166 FT TO POB M & B

101 North Madison

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

I hereby certify that the above ordinance was introduced on April 21, 2014, at a regular meeting of the City Commission and was enacted at the regular meeting of the City Commission held on _____, by a vote of Yes: ____, No: ____, within the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, CMC, City Clerk

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

Benjamin C. Marentette, CMC, City Clerk

CITY OF TRAVERSE CITY

CONDITIONAL REZONING AGREEMENT

This Agreement between the CITY OF TRAVERSE CITY, a Michigan municipal corporation (the "City"), of 400 Boardman Avenue, Traverse City, Michigan 49684, and Kemal Cinaroglu of 8179 E. Shore Road, Traverse City, Michigan 49686 (the "Landowner").

WHEREAS, the Landowner is the owner of real property within the City of Traverse City, Michigan, more fully described on the **Attachment A** (the "Property"), which is hereby incorporated herein by reference; and

WHEREAS, the City has established in its Zoning Ordinance a process whereby the Landowner may voluntarily offer conditions associated with the development of the Property in exchange for a rezoning of the Property by the City pursuant to MCL 125.3405 (the "Ordinance"), a copy of the Ordinance is attached hereto as **Attachment B** and made a part thereof; and

WHEREAS, the Landowner has voluntarily proposed and offered conditions for the use and development of the Property in exchange for the rezoning of the Property (the "Conditional Rezoning Offer"), a copy of which is attached hereto as **Attachment C** and made a part hereof; and

WHEREAS, the Landowner has offered, approved, and executed this agreement (the "Zoning Agreement" incorporating the Conditional Rezoning Offer and the City has approved this Zoning Agreement upon the terms and conditions contained herein;

NOW THEREFORE, the parties agree as follows:

1. Rezoning of the Property. The Property is rezoned from R-1b "Single Family Dwelling – Small Lot" to C-1 "Office Service District" with Conditions (the "Rezoned District") and, except as limited herein, shall be developed or used in a manner that conforms to the

requirements of the Rezoned District and the City's Zoning Ordinance and shall not be used for any activity, use, or condition that would otherwise be prohibited in or by the Rezoned District, the City's Zoning Ordinance, this Agreement or any other law or regulation.

2. Use and Development Restrictions. The Property shall be limited to the permitting, construction, maintenance and operation of 4 Single Family Dwellings, all pursuant to those federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may be permitted by right, by special use permit, or by any other means in the C- 1 Office Service District pursuant to the Conditional Rezoning Offer and shall be developed and used in a manner that conforms to the requirements of this Agreement.
3. Site Plan. The Property shall be developed in accordance with the Site Plan attached hereto as **Attachment D** and made a part hereof, which illustrates the implementation of the Conditional Rezoning Offer.
4. Voluntary Offer. The Conditional Rezoning Offer and Site Plan were proposed voluntarily by the Landowner and the Agreement was entered into voluntarily by the Landowner, and each of the requirements and conditions of this Agreement are necessary and reasonably related and roughly proportional in nature and extent to the impact created by the uses or activities authorized in this Agreement.
5. Consideration. It is expressly acknowledged and understood that the City relied upon and granted the Rezoning of the Property authorized by this Agreement in consideration of this Agreement, the Conditional Zoning Offer, and the Site Plan and that the Landowner entered into this Agreement in consideration of the Rezoning of the Property.
6. Duration of the Agreement. This Agreement shall commence and be in full force and effect 31 calendar days following date the City Commission authorized this Agreement, which was the _____ day of _____, 2014. The duration of this Agreement shall be as set forth in the Ordinance.
7. Termination. This Agreement may be terminated as set forth in the Ordinance. In the event of such termination, no development shall take place on the Property and no permits shall be issued unless and until a new Zoning District classification for the Property has been established or a new rezoning had been approved.
8. Authorized by Law. This Agreement and its terms and conditions are authorized by all applicable state and federal laws and this Agreement is valid.
9. Agreement Binding. This Agreement shall be binding upon and inure to the benefit of the Landowner and the City, and their respective heirs, successors, assigns, receivers or transferees and runs with the land.

STATE OF MICHIGAN)
)ss
COUNTY OF GRAND TRAVERSE)

This instrument was acknowledged on the ____ day of _____, 2014, by _____, the _____ for the City of Traverse City, a Michigan municipal corporation on behalf of the City.

_____, Notary Public
County of _____, Michigan
Acting in Grand Traverse County, Michigan
My Commission Expires: _____

Approved as to Substance

Approved as to Form

Jered Ottenwess, City Manager

Lauren Tribble-Laucht, City Attorney

Date of Planning Commission Recommendations: _____

Date of City Commission Approval: _____

LANDOWNER:

By:

_____, Notary Public
County of _____, Michigan
Acting in Grand Traverse County, Michigan
My Commission Expires: _____

Drafted By:
Lauren Tribble-Laucht
City Attorney
400 Boardman Ave.
Traverse City, MI 49684

When Recorded Return To:
Benjamin C. Marentette
City Clerk
400 Boardman Ave.
Traverse City, MI 49684

ATTACHMENT A

101 N MADISON ST
TRAVERSE CITY, MI 49684

Tax Parcel ID 28-51-104-058-00

PRT OF NW 1/4 OF SE 1/4 SEC 4 T27N R11W DES AS COM AT NW COR MADISON &
FRONT ST TH N 99 FT TH W 166 FT TH S 99 FT TH E 166 FT TO POB M & B

ZONING CODE

- five affirmative votes of the City Commission.
- (D) **Hearing Request.** The City Commission shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the City Clerk.
- (E) **Publication.** Following the adoption of a zoning ordinance or amendment by the City Commission, a notice of adoption shall be published in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include the following information:
- (1) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City Commission of the City of Traverse City;"
 - (2) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
 - (3) The effective date of the ordinance;
 - (4) The place and time where a copy of the ordinance may be purchased or inspected.
- (F) **Court Decree.** An amendment for the purpose of conforming a provision of the Zoning Ordinance to a decree of a court of competent jurisdiction may be adopted by the City Commission and the notice of the adopted amendment published without referring the amendment to the Planning Commission.
- (Ord. 718. Passed 2-5-07. Ord. 749. Passed 5-21-07.)

1320.05 APPLICATION OF CODE; COMPLIANCE REQUIRED.

Except as otherwise allowed by this Zoning Code:

- (A) No building or structure shall be built, rebuilt, converted, enlarged, moved or structurally altered, and no building or land shall be used, except for a use allowed in that district.
- (B) No building or structure shall be built, rebuilt, converted, enlarged, or structurally altered except in conformity with the height, setback, bulk and other dimensional limits for that district.
- (C) No land shall be cleared, no building or structure shall be built or rebuilt, converted, enlarged or structurally altered, and no parking area built or enlarged except after applying for and receiving a land use permit.
- (D) No building shall be built or increased in area except in conformity with the off-street parking and loading regulations of the district in which such building is located unless it receives a special land use permit or planned unit development permit or parking waiver that changes these regulations.
- (E) The minimum setbacks, parking spaces and other open spaces, including lot area per dwelling, required by this Zoning Code for any building hereafter built or structurally altered, shall not be encroached upon or considered as parking, setback, open space or lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Code.
- (F) No setback or lot shall be reduced in dimensions or area below the minimum requirements set forth herein except as a result of governmental action. Lots created after the effective date of this Zoning Code shall meet at least the minimum requirements of this Code.

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- (G) No lot, once established or improved with a building or structure shall be divided unless each lot resulting from the division conforms with all of the requirements of this Code.
- (H) Conditional Rezoning.
- (1) Purpose. It is the intent of this Section to provide a process by which an applicant seeking a rezoning of land may propose a Conditional Zoning Offer, with conditions and commitments attached thereto, as part of the application for a requested rezoning pursuant to MCL 125.3405. These provisions shall be in accord with the provisions of the Zoning Act.
 - (2) Zoning District. An applicant requesting a rezoning may offer a Conditional Zoning Offer, as defined in this Section. The required application and process shall be the same as for rezoning requests, except as modified by the requirements of this Section.
 - (3) Definitions. The following definitions shall apply to this Section.
 - (a) "Conditional Rezoning Offer" means conditions voluntarily proposed by a landowner for the use and development of land in exchange for the rezoning of the land. These conditions shall constitute requirements for, and in connection with, the development or use of the property approved under a Zoning Agreement.
 - (b) "Zoning Agreement" means a written agreement offered by the landowner and approved and executed by the landowner and the City and recorded with the Register of Deeds in the county where the property covered by the Zoning Agreement is located, incorporating the Conditional Rezoning Offer along with any requirements necessary to implement the Conditional Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a Site Plan that illustrates the implementation of the Conditional Rezoning Offer. This Site Plan and Zoning Agreement shall not replace the requirement for a Site Plan as provided by the Zoning Ordinance.
 - (4) Eligibility.
 - (a) A landowner may submit a proposed Conditional Rezoning Offer and Zoning Agreement with an application for a rezoning or at any time during the rezoning process.
 - (b) To be eligible, an applicant shall propose a Zoning District for the parcel at issue to be rezoned to and voluntarily offer use and development conditions for the affected parcel to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed Zoning District.
 - (5) Conditional Zoning Offer.
 - (a) The Conditional Rezoning Offer shall bear a reasonable and rational relationship or benefit to the property in question.
 - (b) The Conditional Rezoning Offer may not offer uses or developments of greater intensity or density, or that are not permitted in the proposed rezoned Zoning District.
 - (c) Any use or development proposed that would require a variance from height, area, setback or similar dimensional requirements in the Zoning

ZONING CODE

- Chapter will not be allowed unless and until a variance is granted by the Board of Zoning Appeals pursuant to the requirements of Chapter 1324.
- (d) Any use or development proposed that would require approval of a Special Land Use or Site Plan Review will not be allowed unless approved as required by the Zoning Ordinance prior to establishment or commencement of development of the use.
 - (e) The Conditional Rezoning Offer may be amended during the process of rezoning consideration provided that any amended or additional conditions are offered voluntarily by the landowner. A landowner may withdraw part of or amend its Conditional Zoning Offer any time prior to the final rezoning action of the City Commission by amendment of the application and Zoning Agreement. If such withdrawal or amendment occurs following the Planning Commission's public hearing on the original rezoning request, the amended application shall be referred to the Planning Commission for a new public hearing.
 - (f) A landowner may entirely withdraw its Conditional Rezoning Offer at any time prior to the adoption of the rezoning and Zoning Agreement by the City Commission.
- (6) Zoning Agreement. The Zoning Agreement shall incorporate the Conditional Rezoning Offer and shall include additional terms as necessary to implement the Zoning Agreement. In addition, the Zoning Agreement shall include the following:
- (a) That the Zoning Agreement and the Conditional Rezoning Offer were proposed voluntarily by the landowner, and that the City relied upon and granted the rezoning request in consideration of the Zoning Agreement and the Conditional Rezoning Offer.
 - (b) That the Zoning Agreement and its terms and conditions are authorized by all applicable state and federal law and that the Zoning Agreement is valid.
 - (c) That the property shall be developed or used in a manner that conforms to the requirements of the rezoned Zoning District and the Zoning Agreement.
 - (d) That the Zoning Agreement shall be binding upon and inure to the benefit of the landowner and the City, and their respective heirs, successors, assigns, receivers or transferees.
 - (e) That, if the rezoning becomes void under this Section, no development shall take place and no permits shall be issued unless and until a new Zoning District classification for the property has been established or a new rezoning been approved.
 - (f) That each of the requirements and conditions in the Zoning Agreement are necessary and reasonably related and roughly proportional in nature and extent to the impact created by the uses or activities authorized in the Zoning Agreement.
 - (g) That no part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise be prohibited in the Zoning District to which the property is rezoned.

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- (h) The Zoning Agreement shall also contain a provision authorizing and providing a fund for the City to maintain proposed privately owned common areas within the development in the event that the property owner(s) fail(s) to timely perform necessary maintenance.

(7) Application Procedure.

- (a) An application for Conditional Rezoning shall include a Conditional Rezoning Offer, the proposed Zoning Agreement in a recordable format acceptable to the City, and any plans necessary to illustrate the Conditional Rezoning Offer. The Planning Director shall determine the adequacy of any submitted plan and may request additional detail if deemed necessary to properly demonstrate the extent of the proposed Offer(s).
- (b) The application may be amended during the process of consideration, provided that any amended or additional Conditional Rezoning Offers are proposed and entered voluntarily by the applicant.
- (c) The Zoning Agreement shall be reviewed by the City Attorney prior to the required Planning Commission public hearing to confirm that the Zoning Agreement is in a form acceptable for recording with the Register of Deeds in the county in which the property covered by the Zoning Agreement is located.

(8) Review Procedures.

- (a) Application Completeness. Upon submittal of a completed application in the proper form, the Planning Director shall assign the application a public hearing date and time.
- (b) Official Review. The Planning Director shall circulate site plans to the relevant agencies or officials for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the application is recommended.
- (c) Planning Commission Review. The Planning Commission shall undertake a study of the proposed rezoning and set the matter for a public hearing in accordance with the requirements of the Zoning Act and the Planning Commission Rules of Procedure for consideration of any rezoning request.
- (d) Review Standards. The Planning Commission shall consider whether the proposed Zoning Agreement and Conditional Rezoning offer meet the standards in MCL 125.3201(1).
- (e) Recommendation to City Commission. The Planning Commission may recommend approval or denial of the Conditional Rezoning and Zoning Agreement.
- (f) City Commission Decision. Upon receipt of the Planning Commission's recommendations, the City Commission shall approve or deny the Conditional Rezoning and Zoning Agreement.

(9) Implementation and Effective Date.

- (a) Upon adoption of a rezoning and Zoning Agreement, notice of adoption shall be published in accordance with the requirements of the Zoning Act.
- (b) The Zoning Map shall be amended to specify the Zoning District to which the property is rezoned, plus the letter "A" to indicate that the property is

subject to a Zoning Agreement. The City Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.

- (c) The applicant shall record the approved Zoning Agreement with the Register of Deeds in the county in which the property covered by the Zoning Agreement lies within thirty (30) business days following approval by the City Commission. Evidence of recording shall be provided to the City Clerk within forty-five (45) business days of approval by the City Commission.
 - (d) The rezoning and Zoning Agreement shall commence and be in full force thirty-one (31) calendar days after the date the City Commission adopted the amendment and authorized the Agreement, unless otherwise provided by the City Commission.
 - (e) The use and development of the property(ies) shall conform to all of the requirements regulating use and development within the new Zoning District and the requirements of the Zoning Agreement. In the event of a conflict, the Zoning Agreement's requirements shall prevail.
 - (f) Prior to development, any other applicable zoning approval or other approval requirement imposed by this Chapter or other City ordinances shall be met.
- (10) Duration of Approval.
- (a) Unless extended by the City Commission for good cause, the Rezoning and Zoning Agreement shall expire and be void and of no effect two (2) years after adoption of the Conditional Rezoning and Zoning Agreement, unless the development set forth in the Zoning Agreement is at least 75 percent completed, and after 36 months if not 100 percent completed. Completion percentages shall be determined in the sole discretion of the Planning Director, subject to appeal to the Board of Zoning Appeals.
 - (b) Should the Rezoning and Zoning Agreement expire, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the City is taken to bring the property into compliance with the Zoning Agreement, the City may withhold or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
 - (c) Notwithstanding the above, if the property owner applies in writing for an extension of the Zoning Agreement at least 60 days prior to the expiration date, the City Commission may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. The extension may be granted if the property owner is able to demonstrate that the reasons for the extension were reasonably beyond his or her control and that the project has a reasonable expectation of proceeding. No further extensions shall be granted.
 - (d) Nothing in the Zoning Agreement, nor any statement or other provision shall prohibit the City from rezoning all or any portion of the property that

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- is part of the Agreement to another Zoning District. Any rezoning shall be conducted in compliance with the Zoning Ordinance and the Zoning Act.
- (11) Continuation of Approval.
- (a) Provided that all development or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized thereunder may continue indefinitely.
- (b) Failure to comply with the Zoning Agreement at any time after approval shall constitute a violation of this Zoning Ordinance and may constitute a breach of the Zoning Agreement, and further use of the property may be subject to legal remedies available to the City, including the Zoning Agreement becoming void.
- (12) Reversion or Rezoning.
- (a) If the Zoning Agreement becomes void as provided in this Section, then the land shall revert to the former Zoning District, as required by the Zoning Act. The reversion process shall be initiated by the Planning Commission pursuant to the rezoning procedure set forth in the Zoning Ordinance and the Michigan Zoning Enabling Act.
- (b) Upon reversion, the City Clerk shall record with the Register of Deeds in the county in which the property covered by the Zoning Agreement lies-a notice that the Zoning Agreement is no longer in effect.

Ord. 905. Passed 2-7-11. Ord. 922, Passed 8-15-11

1320.06 SEVERABILITY.

If any provision of this Zoning Code is declared invalid by a court, such decision shall not affect the validity of this Zoning Code or any part other than the part declared to be invalid.

1320.07 DEFINITIONS.

As used in this Chapter:

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.

Accessory building means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as and spacially separated from the principal building.

Accessory dwelling unit means a secondary, self-contained dwelling allowed only in conjunction with a detached single family dwelling. It is subordinate in size, location and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. It may be located within, attached to or detached from the primary single family dwelling.

Accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Foster Care Family Home means a private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home State licensee shall be a member of the household and an occupant of the residence.

Adult foster care small group home means a State licensed adult foster care facility with the approved capacity for not more than 12 adult residents to be provided foster care.

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Affordable housing means housing units for eligible low-income households where the occupant is paying no more than 30% of gross income for housing costs.

Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Airport terminal means the main passenger location of an airport and includes all office, hotel and retail uses commonly occurring at such locations.

Alley means a way which functions primarily as a service corridor and provides access to properties abutting thereon. "Alley" does not mean "street".

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Basement means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story (see Figure 1-1). A cellar is a basement.

Berm means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block, face. "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boat house means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat livery means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

Brew pub means a facility as defined such by the State of Michigan.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of. See "Height of building".

Building, principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

Cemetery means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the public.

Cluster means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Communication Antenna means a device, dish or array used to transmit or receive telecommunications signals mounted on a communication tower, building or structure that is

ATTACHMENT C

Conditional Rezoning Request – Offer Summary - Revised 04-21-14

101 N. Madison Street, Traverse City, Mi.

Voluntary Offer

1. The use of the property will be for Detached Single Family Dwelling Units. 4 Units.
2. There will be no uses permitted other than those allowed under **R1A and R1B** Single Family Dwelling Districts/ Chapter 1332 of the city of Traverse City Zoning code.
3. No driveway curb cuts will be permitted onto Front St. from the lots. A shared private drive will provide access onto N. Madison St.
4. The dwellings shall be built substantially in conformance with the concepts provided with the application. Detached, Single family, 2 story, Traditional styling, Front porches, 1 ½ - 2 car garages on north side serviced by shared drive.
5. The site elements will be built substantially in conformance with the concepts provided in this application. 4 lots with a shared driveway at the north side of the dwellings.
6. The offer will grant a 5' temporary construction easement for the construction of a sidewalk on Front St. and moving the sidewalk to 4" off the property line, increasing the green/tree area and increasing the separation of pedestrians and traffic, providing for healthier trees and increased safety.
7. The maximum building height will be 30'.
8. Re-zoning the subject property to C-1 and these voluntary conditions shall only become effective upon issuance of a land use permit for the proposed project

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 990

Effective date: June 4, 2014

TITLE: ZONING MAP AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

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

Change No. 36

That the following described property shall hereafter be designated on the Zoning Map of the City of Traverse City as C-1 (Office Service District).

PRT OF NW 1/4 OF SE 1/4 SEC 4 T27N R11W DES AS COM AT NW COR MADISON & FRONT ST TH N 99 FT TH W 166 FT TH S 99 FT TH E 166 FT TO POB M & B

101 North Madison

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

I hereby certify that the above ordinance was introduced on April 21, 2014, at a regular meeting of the City Commission and was enacted at the regular meeting of the City Commission held on May 5, 2014, by a vote of Yes: ____, No: ____, within the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, CMC, City Clerk

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

Benjamin C. Marentette, CMC, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: CITY COMMISSION AD HOC COMMITTEE REGARDING 2014 NATIONAL CHERRY FESTIVAL:

COMMISSIONER JEANINE EASTERDAY, CHAIR *J*
COMMISSIONER ROSS RICHARDSON
COMMISSIONER TIM WERNER

SUBJECT: LETTER OF AGREEMENT – 2014 NATIONAL CHERRY FESTIVAL

Our committee was appointed to review the proposed agreement between the National Cherry Festival and the city – at our last meeting, we voted unanimously to recommend approval of the agreement to the full Commission.

The following are highlights:

- **Smoking:** there will no longer be smoking anywhere in the Open Space (in prior years, the Festival requested an exemption to the smoking ban in certain areas of the Open Space to allow for smoking).
- **Non-motorized pathways:** Based on the recommendation of TART Trails, the Festival has agreed to maintain a minimum 2' side clearance on all non-motorized trails.
- **Waste management:** 1.) Following the air shows and fireworks shows, the city will run the beach groomer to clean the beaches as well as remove ancillary trash – with the costs to be reimbursed by the Festival. 2.) Within two hours following parades, the Festival will remove trash along the parade routes. 3.) For the 100 and 200 blocks of East Front Street, the city will remove trash once each day; and new this year, the Festival has contracted with Bay Area Recycling for Charities to augment the city's waste removal efforts.

-
- **Costs:** As in past years, the Cherry Festival is required to reimburse the city for its out-of-pocket costs, up to \$45,000. Last year, the Festival did not exceed the \$45,000 cap; however, in prior years, they have. Our committee intends to reconvene in the fall to discuss a different reimbursement arrangement that would recoup more, or possibly all, city out-of-pocket costs.
 - **New events from last year:** 1.) Blue Angels air show – Saturday, July 5 and Sunday, July 6. 2.) Disc Golf Tournament at Hickory Hills. 3.) Potential programming within Clinch Park (activities on the water), which have not yet been determined – details will be reviewed with city staff.
 - **Festival start date:** Because the Independence Day holiday falls on the day before the Festival would typically start (the first Saturday in the month), the Festival will sell food, beverages and merchandise a day earlier – July 4th

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

That the Mayor and City Clerk execute the letter of agreement with the National Cherry Festival (the Festival) outlining the terms and conditions of the Festival's use of city resources in connection with the 2014 National Cherry Festival, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and further that the City Clerk be authorized to issue the related Street Use and Park and Public Land Use Permits.

:BCM

copy: Trevor Tkach, National Cherry Festival Executive Director
Rob Bacigalupi, Downtown Development Authority Executive
Director
Department Heads

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. All quadrants in Open Space Park on Grandview Parkway.
- b. Parking along the west side of the North Quadrant of the Open Space Park shall be limited to storage and emergency vehicles.

2. Clinch Park- June 29- July 15, 2014. Potential programming for Clinch Park is currently being formulated and is undecided.

Comment [BM1]: Need final plans

3. 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.

4. 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.

Draft 4.24.14

- 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.) as generally outlined in both maps labeled F&M Park.
 - i. Kids Fun and Games
 - ii. Turtle Races
 - iii. Pie Eating
 - iv. Pet Show
 - v. Teddy Bear Tea
 - vi. Cherry Town Fun Night (Many performers, hands-on activities, food and all-around enjoyment. No fee required. Event runs 4pm-8pm)
 - vii. Diaper Derby & Toddler Trot
- 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. Mini 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, access to the Tart Trail will only be affected on July 12 from 12:01 am till Parade end. The trail can still be visually seen and pedestrian traffic can reroute to Front Street. Access to the TART Trail will be just to the east of the Real Estate One Building.
- h. Senior Center Beach for Sand Sculpture on July 6 at 6:00 p.m. July 11 at 9:00 a.m.
- i. Hickory Hills for Teen Disk Golf on July 5 at 10:00 a.m.

5. TART Trail and other non-motorized pathways- June 29- July 15, 2014

- a. NCF, City Management and Tart Trail representatives have put together a plan to maintain safe access of the trail within Clinch Park and the Open Space during the period of this agreement. The NCF will have all trails open during Festival. In that NCF needs use of the sidewalk along the southern portion of the Open Space for equipment used for set up and take down of the festival, detour signs directing people to use the TART Trail will be placed at the intersection of the south sidewalk within the Open Space and the TART Trail just to the west of Lot RB and at the southerly sidewalk located at Marina Drive and Union Street, NCF will maintain a minimum 2 foot side clearance on all trails.

- b. For all other non-motorized sidewalks, pathways trails, etc., NCF will maintain a minimum 2 foot side clearance on all pathways, and endeavor to maintain a 3 foot side clearance. It is understood, however, that the sidewalk on the West Side of Marina Drive at Grandview Parkway will be encumbered, with foot traffic using Marina Drive, which will be closed. The portion of the TART Trail that runs through Mini Park will be impacted on July 10 and 12, as outlined later in this agreement.
- 6. Parking and Street (including marina) - June 30 – July 15.**
- a. 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.
 - b. 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.
 - c. 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
 - d. Trailers will be parked on Open Space Park and F&M Park from June 30-July 12th (See attached maps) Trailers include
 - i. Production
 - ii. Product
 - iii. Media
 - e. Vehicles parked in the Open Space Park are for Festival production purposes only.
 - f. Lot RB June 29-July 15, 2014.
 - g. Use of Marina Drive from Grandview Parkway to the West Marina Parking Lot June 30 – July 15
 - h. 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.

- i. 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:
 - 1) Lot B - All but 30 spaces on East end for City use
 - 2) Lot T - All spaces
 - 2) 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.
- j. Use of Parking Lot Z from Friday, July 4 beginning at 12:01 a.m. through Sunday July 13.
- k. 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.
- l. 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.
- m. 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.
- n. The NCF is authorized to place overhead signs/banners across Front Street at the State Theatre on July 4th between 12:01 am and 5:00 am, this banner will be on display from July 4-12th

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- July 5 & 6, 2014
 - b. Parades- July 10 & 12, 2014
 - c. Fireworks- July 4, 2014 (TCBBC) July 12, 2014 (NCF)

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. 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).
2. 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.

Draft 4.24.14

3. 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.
4. 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. In addition to other areas, the city will empty waste receptacles in the morning once each day on the 100 and 200 blocks of East Front Street; NCF has contracted with Bay Area Recycling for Charities to augment waste removal in the 100 and 200 blocks of East Front Street.

For beaches, the city will use the beach groomer to clean the beach after both fireworks nights and after the air shows, with all costs, to be reimbursed by the Festival.

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.

6. NCF has complete authority over which vendors it wishes to allow within venues NCF has been given use of under this agreement; no vending permits are required from the City Clerk's Office.

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

National Cherry Festival

Michael Estes, Mayor

Trevor Tkach, Executive Director

Benjamin Marentette, City Clerk

Approved as to substance:

Jered Ottenwess, City Manager

Approved as to form:

Lauren Tribble-Laucht, City Attorney



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ^{JO} JERED OTTENWESS, CITY MANAGER

SUBJECT: 2013/2014 FLEET EQUIPMENT REPLACEMENT

Attached are memos from Dave Green, DPS Director, and Scott Meteer, Garage Superintendent, and Mark Jones, Streets Superintendent, regarding a request to purchase a new 2RIII Leach Refuse Packer on a 2015 International chassis for the DPS Department. This is a budgeted purchase and would be made through the MIDEal program.

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

that the City Manager be authorized to issue a purchase order to Tri-County International Trucks, Inc. in the amount of \$201,320.00 for the purchase of a new 2RIII Leach Refuse Packer on a 2015 International chassis, with funds available in the Garage Fund.

JJO/bcm

copy: Dave Green, Department of Public Services Director
Scott Meteer, Garage Superintendent

K:\tcclerk\city commission\purchase orders\refuse packer

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director 
DATE: April 29, 2014
SUBJECT: 2013/2014 Scheduled Fleet Equipment Replacement

During the Study Session held on March 17, 2014, I narrated a short power point presentation on how the Garage Fund operates and discussed the life cycle analysis process for the fleet in general. I also mentioned that some "specialty" type of equipment and/or vehicles have additional analysis conducted at end of the life cycle to determine if it makes economical or operational sense to keep the vehicle being replaced in the fleet for limited duty work after purchasing the replacement vehicle. One of these is our Load Packer or Refuse Truck.

Attached are two memoranda, one from Scott Meter, Garage Superintendent, requesting approval to purchase a 2015 International chassis with a Leach 2RII refuse packer to replace Truck Number 176, a 2004 Freightliner Load Packer that is at the end of its life cycle for full time work by the Parks Department. Remember, our Parks Department uses a Load Packer to remove refuse from the downtown area as well as from all City Parks and beaches all year round. In the summer we pick up Monday, Wednesday and Friday, Saturday and Sunday. During the Cherry and Film Festivals we pick up daily. The need for a new, dependable Load Packer for everyday use is warranted. The other is from Mark Jones, Streets Superintendent, explaining his department's desire to keep the 2004 Freightliner past its original life cycle for their limited use during the spring and fall leaf pickup operation. We've had a limited use refuse packer in our fleet for years, Truck Number 94, a 1980 Kenworth that Streets had been using since 2004 with great results until it got put out of service last year due to excessive repair costs and was sold at the City auction. Mark would like to use the 2004 to replace the 1980 that was "reused" before being sold off. Having two trucks also provides us a backup in case we experience any maintenance issues during the year.

<i>CURRENT VEHICLE</i>	<i>USE</i>	<i>VEHICLES WITH PURCHASE</i>	<i>USE</i>
<i>2004</i>	GARBAGE PICKUP/LEAF PICKUP	<i>2004</i>	LEAF PICKUP/BACKUP
		<i>2015</i>	GARBAGE PICKUP/LEAF PICKUP

Memorandum

The City of Traverse City
Department of Public Services



Also, we did get an informal quote from American Waste for them to provide similar service trash pickup and spring/fall leaf pickup. The estimated cost (approx. \$95,000.00/year) plus the fact that on the leaf pickup option they were only supplying a truck with driver, which meant our Streets Department would still be fully engaged in the program and not able to work on other tasks, made this option difficult to support.

Reviewing this information it is my opinion that it would still be in the best interest of the City to replace our 2004 load packer with a new 2015 and then, in lieu of selling at auction, keep the 2004 for back up and leaf pick up. The truck cost was \$201,320.00 which would be paid back in just over 2 years under the rent and contract out scenario. This is a planned purchase and will be obtained through the MIDeal option.

Please request of the City Commission permission to issue a purchase order in the amount of \$201,320.00 to Tri-County International Trucks, Inc. for the purchase of a new 2RIII Leach Refuse Packer on a 2015 International chassis to be used by both the Parks and Streets Departments with funds available in the Garage Fund for this needed replacement.

MEMO

To: Dave Green
From: Scott Meter *SM*
Garage Superintendent
Subject: Equipment Replacement
Date: January 21, 2014

Truck #94, a 1980 Kenworth L700 with a 2R Leach refuse packer body had been put out of service due to excessive repair costs. It was sold at last fall's auction sale.

Although not exclusive, the City has owned the Leach brand of refuse packer since 1975. The truck we currently own has a Leach 2RII refuse packer on it.

I have a MiDeal price for a 2RIII Leach refuse packer on a 2015 International chassis in the amount of \$201,320.00.

Please request of the City Commission permission to issue a purchase order to Tri-County International Trucks, Inc., 5701 Wyoming Avenue, Dearborn, MI. 48126, for the above amount.

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

Memorandum

To: Dave Green, DPS Director

From: Mark Jones, Street Department Superintendent

Date: 01-30-14 

Subject: Street Department's use of Garbage Trucks

The Street Departments primary use of our Garbage Trucks are during the spring and fall leaf pickup.

Spring leaf pickup can take up to three weeks.
Fall leaf pickup can take up to six to eight weeks.

In the past years we would run three crews, two garbage trucks and one loader crew with dump trucks. The garbage trucks can compact the leaves as the truck is loaded the dump trucks haul the leaves loose, meaning the garbage truck will not have to dump it's load as often saving in time, fuel and wear on the equipment. The man power to run a garbage truck crew is three employees, the loader crew takes five to six employees.

This past fall leaf pickup we only had one garbage truck and one loader crew. If the weather cooperates we like to get the leaves picked up and run the street sweepers through all the streets, this keeps more leaves from entering the catch basins and cleans off the catch basin grates from the matted leaves that can cause flooding. This past fall we were caught with a early snow, this can cause problems with leaf pickup but it also can cause problems with winter maintenance because the equipment we use with the loader/dump truck crew is equipment we use for plowing, sanders and sidewalk snow blowing. If we would have had our second garbage truck this past fall we might have been able to get the leaves picked up before the snow or we could of dropped the loader crew earlier and had the equipment switched over for winter maintenance. Having leaf piles in the street covered with snow is a very inefficient way to pickup leaves and causes great problems with winter maintenance but it 's also very unsafe for the motorists and pedestrians. Also, the operation required a significant increase in overtime costs to the City. The Street Department highly recommends purchasing a garbage truck in hope to minimize these operation and safety concerns.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: GRAND TRAVERSE COMMONS JOINT PLANNING
COMMISSION – TERM EXPIRATION

Attached is a memo from Deputy City Clerk Katie Lowran, regarding one upcoming term expiration on the Grand Traverse Commons Joint Planning Commission.

The following is a sample motion:

that John Serratelli be reappointed to one three-year term expiring May 14, 2017, (seat previously held by John Serratelli), on the Grand Traverse Commons Joint Planning Commission.

JJO/kjl

K:\tcclerk\city commission\appointments\apptgtjpc_2014

copy: Russ Soyring, Planning Director
Rob Larrea, Garfield Township Director of Planning
rlarrea@garfield-twp.com

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY:

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

DATE: April 30, 2014

SUBJECT: GRAND TRAVERSE COMMONS JOINT PLANNING COMMISSION –
TERM EXPIRATION

There is one upcoming term expiration on the Grand Traverse Commons Joint Planning Commission. The seat currently held by Mr. John Serratelli will be expiring on May 14, 2014. This appointment is for one three-year term expiring on May 14, 2017. Mr. Serratelli has served in this capacity since February, 2010, and has indicated that he would like to be reappointed. This is a City Commission appointment.

In order to be eligible for appointment to this seat on the Grand Traverse Commons Joint Planning Commission, the applicant must also serve on the City Planning Commission. Mr. Serratelli is currently serving as Chair of the City Planning Commission.

In 2013, Mr. Serratelli attended 24/24 Planning Commission meetings and 6/6 Grand Traverse Commons Joint Planning Commission meetings.

No other applications are on file at this time.

The purpose of the Grand Traverse Commons Joint Planning Commission is to exercise the powers and duties of a planning commission under the Municipal Planning Act, MCL 125.31 et seq. (“the Planning Act”).

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

The City of Traverse City

Office of the City Clerk

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



March 4, 2014

RECEIVED

MAR 07 2014

CITY OF TRAVERSE CITY
CITY CLERK'S OFFICE

Mr. John Serratelli
237 Midtown Drive
Traverse City, MI 49684

Dear Mr. Serratelli:

Subject: Grand Traverse Commons Joint Planning Commission

As you are aware, your appointment to the Grand Traverse Commons Joint Planning Commission expires on May 14, 2014. On behalf of the City Commission, I respectfully request that you sign below to indicate if you wish to be reappointed.

Please allow this to serve as my willingness and desire to be considered as a member on the Grand Traverse Commons Joint Planning Commission.

Signature

Date

[Handwritten Signature]
7 Mar 2014

It is with regret that I do not wish to be considered for another term on the Grand Traverse Commons Joint Planning Commission.

Signature

Date

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

Sincerely,

[Handwritten Signature: Katie Lowran]

Katie Lowran
Deputy City Clerk

e-copy: Russ Soyring, City Planning Director
Rob Larrea, Garfield Township Planning Director

Grand Traverse Commons Joint Planning Commission

	<u>Initial Apt. Date</u>	<u>Termination</u>
Terry Clark (Garfield Apt.) 4900 Green Hill Ct, TC, 49684 946-0343 etc49@charter.net	04/30/07	05/14/15
Carol Hale (Joint Apt.) 240 Washington St, #12, TC, 49684 947-3905 (Res) jnhale@charter.net	04/30/07	05/14/16
John Racine (Garfield Apt.) 3848 Veterans Dr, TC, 49684 941-1620 (Bus) jpr@sondeeracine.com	12/11/08 (Partial Term)	05/14/14
John Serratelli (City Planning Comm. Rep) 237 Midtown Dr, TC, 49684 946-5819 (Res) 312-882-0060 (Cell) jfskbs@gmail.com	02/01/10	05/14/14
Janice Warren (City Planning Comm. Rep) 606 W. 10th St, TC, 49684 946-5819 (Res) 922-6240 (Bus) jararren@nwm.cog.mi.us	04/30/07	05/14/15

Russ Soyring, City Planning Director - City Staff, rsoyring@traversecitymi.gov
 Rob Larrea, Garfield Township Director of Planning – Garfield Township Staff,
rlarrea@garfield-twp.com

Purpose: The Joint Planning Commission is established for the purpose of exercising the powers and duties of a planning commission under the Municipal Planning Act, MCL 125.31 *et seq.* (“the Planning Act”).

The Commission consists of 5 members who serve three-year terms ending May 14th:

- Two members of the City Planning Commission appointed by the City Commission (must be City Planning Commissioners in order to be on the board)
- Two members Garfield Township Planning Commission appointed by the Garfield Township Board (must be Garfield Township Planning Commissioners in order to be on the board)
- One member appointed jointly by the City Commission and Garfield Township Board

Vacancies occurring shall be filled by the entity having appointed the vacated position. Vacancies shall be

filled within 30 days of the vacancy for the remainder of the unexpired term.

History: Replaces the Grand Traverse Commons Redevelopment Corporation Board of Directors as of April 30, 2007.

The Commission meets the fourth Tuesday of the Month at 7:00 p.m.

Memorandum

The City of Traverse City



To: Jered Ottenwess, City Manager
From: William E. Twietmeyer, City Treasurer/Finance Director *W.E.T.*
Subject: Delinquent Water and Sewer
Date: April 30, 2014

In accordance with Chapter 1044.17(d) of the Code of Ordinances for the City, letters to property owners for delinquent water and sewer to be placed on taxes will go out in April or early May. This letter informs the owners that there are outstanding water and/or sewer charges as of December 31, 2013 on their property. The property owners have until May 31, 2014 to pay the balance due to avoid this amount being placed on their summer 2014 taxes.

The total water and sewer preliminary delinquent amount that is being prepared to be added to the summer 2014 taxes totals \$20,272.82.

Please place this on the agenda of the next regular City Commission meeting under reports and communications.

MINUTES

ACT 345 RETIREMENT SYSTEM

DATE: January 29, 2014
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, C. Rueckert
ABSENT:
GUESTS: B. Heffner
STAFF: B. Postma

J. Jenkins called the regular meeting to order at 12:07 pm.

Moved by C. Rueckert, seconded by W. Kuhn that the minutes of the December 18, 2013 regular meeting be approved.

Motion approved 5-0.

Warrant No. 573 in the amount of \$181,014.02 for Retirees Benefits for February 2014 was approved and signed by W. Kuhn and J. Bussell.

Moved by C. Rueckert, seconded by J. Bussell to authorize payment of \$100 to MAPERS for the annual membership fee for the Retirement System.

Motion approved 5-0.

There was no presentation by Gray & Company. A copy of the correspondence from Gray & Company was distributed to the members of the Board addressing three outstanding items. Also, a snapshot of market value as of January 27, 2014 was provided to the Board for their information.

Moved by W. Kuhn, seconded by C. Rueckert to authorize payment to VanOverbeke, Michaud, & Timmony for legal services rendered during the spring of 2013 regarding Freeport Financial document review.

Motion approved 5-0.

Moved by W. Kuhn, seconded by C. Rueckert that Jim Bussell be nominated and elected as Chairman of the Retirement Board for 2014.

Motion approved 5-0.

Moved by W. Kuhn, seconded by C. Rueckert that William Twietmeyer be nominated and elected as Secretary of the Retirement Board for 2014.

Motion approved 5-0.

Moved by W. Kuhn, seconded by J. Bussell that Brian Heffner's application for retirement, selection of a Regular retirement and the nomination of his spouse, Cara Heffner, as beneficiary be approved and that Brian Heffner is hereby formally approved for a Regular retirement effective January 11, 2014.

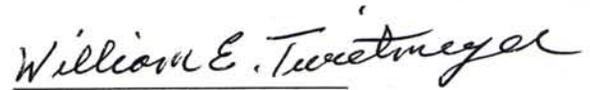
Motion approved 5-0.

It was announced that the Board will be acting on an application for retirement from firefighter Roxan Hessenaur at its February meeting.

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

Motion approved 5-0.

Meeting adjourned at 12:23 pm.



William E. Twietmeyer
Secretary/Treasurer

S/S ce reports



Board of Trustees Regular Meeting
Minutes
Thursday, March 20, 2014
McGuire Community Room
610 Woodmere Ave., Traverse City, MI 49686

1. Call to Order

The meeting was called to order by President Kachadurian at 5:30 pm. Present were Kachadurian, Beasley, Gillman, Marek, Jones, and Payne. Streit was absent. Also present were Judson (Counsel), Lansdale, Parsons, Orth, Moran, and Carpenter (Staff).

2. Approval of agenda

Lansdale made an amendment request to include a debt service invoice payment as item 7b, under New Business. It was MOVED by Beasley, and SUPPORTED by Marek to accept the agenda with the above mentioned amendment. Motion CARRIED.

3. Approval of minutes

It was MOVED by Marek and SUPPORTED by Beasley to approve the regular board meeting minutes of February 20, 2014 as distributed. Motion CARRIED.

4. Public Comment

Kachadurian opened the floor for public comment. There was none.

5. Reports and Communications

- a. *Director Report* – Lansdale confirmed her written report and added the following:
 - The Youth Services Department held a successful Pajama Jam Storytime and PJ drive, in collaboration with One Million Good Nights pajama program. They collected 435 pairs of PJ's that will be donated locally through Goodwill Inn.
 - Brice Bush, TADL's Adult Services Coordinator, and Jill Porter, TADL's Assistant Director of Public Services, attended the annual Public Library Association Conference in Indianapolis, Indiana. In addition, Porter was also a scheduled speaker at the conference, alongside several other industry leaders, in a program on crafting the best user experience.
 - TADL's ILS Developer, Jeff Godin, is at an Evergreen conference and Lansdale will be presenting at a workshop at a Michigan Library Association marketing workshop in April.
 - Facilities Manager, Bruce Bennett, has done everything possible to keep up with the weather related sidewalk, drive-thru book drop, roof, and parking lot issues during this unusually cold and stormy winter season. Nearly every department has been hit by illness this month.
 - We are all ready for spring.

- b. *Financial Report* – Parsons reviewed the February 2014 revenue and expense reports with the following highlights:
 - Revenues – Revenues are \$100K above last year at this time. State Aid received so far for the TADL Talking Book Library was \$21K. Overdue fines revenue continues to be strong.
 - Expenses – Salary expense is higher than last year due to 3 pay periods in January and the 2014 HSA health insurance account payments were made in January this year as opposed to March last year. Materials and books are high due to annual payments made the first part of the year. Inclement weather has greatly affected building and grounds maintenance costs to date.

c. *Member Library Reports*

- Julie Kintner, Director of Fife Lake Public Library (FLPL), reported that the FLPL Friends will be purchasing the property next to the library for future needs. Kintner reviewed several upcoming programs and elaborated on a collaboration with the local school to bring in magician Joel Tacey to mark a kick-off for FLPL's Summer Reading Club and encourage the students to join.
- Renee Kelchak, Director of Interlochen Public Library (IPL), reported that the Winterlochen Festival pancake breakfast was staffed by volunteers from the IPL Friends and IPL board members. It brought in a small amount of money for the library. Kelchak discussed several on-going programs and book clubs. She noted that the winter building maintenance costs have been high this year, with roof shoveling and frozen pipe issues.
- Vicki Shurly, Director of Peninsula Community Library (PCL), reported that the TCAPS snowday closures have resulted in many programs being re-scheduled. PCL sponsored its 2nd annual Old Mission Reads program in collaboration with the Old Mission Peninsula School's anti-bullying program. There were 275 participants who read *The Chalk Box Kid* and contributed drawings for the chalk art garden display. PCL collected 78 pairs of jeans for Aeropostale's Teens for Jeans for Teen program, which will be distributed locally. Shurly highlighted several other upcoming programs.

d. *Committee Reports*

- Facilities and Services Committee – Marek reported that the committee had met and noted that the Blair Library Committee was in attendance. The committee hopes to have a more solid answer on the level of support that can be offered to Blair Township residents after the Special Board meeting in late March where strategic planning will be discussed.
- Finance Committee – Gillman reported that the committee had met and discussed laddering investments with the intention of safely achieving more returns throughout the year.
- Personnel Committee – Gillman reported that the committee had met and delayed reviewing the employee manual until the next meeting so that everyone had time to fully review it before bringing it to the board. The committee is also preparing for the Director evaluation.
- Policy Committee – Beasley reported that the committee had met and discussed several policies under review including: a smoke-free grounds policy; a video surveillance policy; and the tax capture policy which has been brought to the board for approval later in the agenda.

e. *Other Reports and Communications*

There were none.

6. **Old Business**

a. *Talking Book Library presentation*

Mary Orth, Traverse Area District Library Talking Book Library (TBL) Advisory and Outreach Co-Coordinator gave a brief introduction to the current services available, the outreach locations she has facilitated, and a demonstration of a digital talking book player used by TBL patrons. She also reported on the success of the service model change implemented approximately 2 years ago. Fellow Co-Coordinator, Mary Moran, reported on statistics from the National Library Service, explained BARD (Braille and Audio Download) services, and offered insight to the freedoms felt and acceptance of these new technologies among TBL patrons.

Beasley recognized that the new Advisory and Outreach Center service model adopted by the board was a difficult change for many, yet the information conveyed by Orth and Moran indicate it was the right decision. He expressed pride in all those who dared to assume the new model for the state of Michigan commended Orth, Moran, as well as their colleagues, for contributing to its success.

7. **New Business**

a. *New Policy – 2.8 Tax Capture*

It was MOVED by Marek, and SUPPORTED by Beasley, to adopt the new 2.8 Tax Capture policy as presented. The policy provides TADL a process for opting out as tax capture opportunities arise in the future. Motion CARRIED.

b. *Debt Service Invoice Payment Resolution*

It was MOVED by Gillman, and SUPPORTED by Mark, to approve the debt service invoice payment of \$611,109.38 as presented. Motion CARRIED.

8. **Public Comment**

Kachadurian opened the floor again for public comment. Vicki Shurly, Director of PCL, added that she had the honor of introducing TADL's Adult Services Coordinator, Brice Bush, to the Old Mission Women's Library Club members. Bush's presentation on the virtual library was well done.

9. **Adjournment**

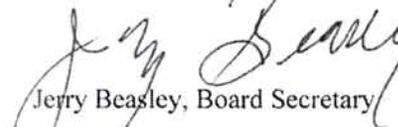
Upon a request for adjournment by Kachadurian, it was MOVED by Marek, and SUPPORTED by Payne to adjourn the meeting. The meeting adjourned at 6:26pm.

Respectfully submitted,



Victoria Carpenter, Recording Secretary

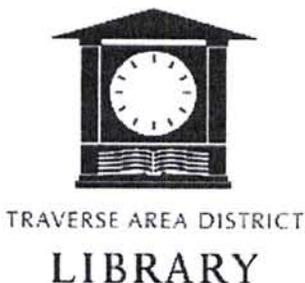
Approved by board vote,



Jerry Beasley, Board Secretary

Date

4/17/2014



Board of Trustees Special Meeting
Minutes
Thursday, March 27, 2014
McGuire Community Room
610 Woodmere Ave., Traverse City, MI 49686

1. Call to Order

The meeting was called to order by President Kachadurian at 5:30 pm. Present were Kachadurian, Beasley, Gillman, Marek, Jones, Payne and Streit. Also present were Judson (Counsel) and Lansdale.

2. Approval of agenda

With the addition of an invitation to Interlochen Public Library Board representatives to present their prepared remarks, it was MOVED by Jones, and SUPPORTED by Marek to accept the amended agenda. Motion CARRIED.

3. Public Comment

Kachadurian opened the floor for public comment. George Galic spoke regarding the possible need to include library facilities in Blair Township. Mr. Galic referenced the 2011 Lawson Report comments about service to Blair Township as well as the 2013 report by Jill Porter outlining her experience providing experimental service to Blair Township.

4. Summary of TADL Assets

Interlochen Public Library Board Representatives: Pat Thompson, Board President and Mary Beth Hardwicke, Capital Campaign Committee Chairperson

Ms. Thomas and Ms Hardwick explained the process of the Interlochen Public Library in the last few years to search for a location for a new facility, the commissioning of a fundraising feasibility study and the engagement of an architectural firm to design a new library for the Interlochen community. They began by saying they were not asking for any money from TADL. They reviewed the reasons a new building was needed.

Summary of TADL Assets - Lansdale

Director Lansdale explained she had been tasked by the Board President with outlining the TADL assets that the board should keep in mind as it considers the future of the library. She outlined the assets as:

- The Library Millage is its most important asset. 18 years ago the voters of this county authorized a 20-year millage, which provides 87% of annual revenue.
- Next most important is that the patrons and residents of this area tell us they *love* their library, whether they actually use it or not.
- Thirdly, the excellent library staff is what makes the library great.
- Fourth, the Woodmere building is a significant asset, for its beauty and the way it draws visitors in to the library as users.
- Fifth, the collection is heavily used and at 326,000 items must be considered a significant asset.
- Finally, the technology most recently upgraded for efficient materials handling and self-service must be seen as a significant asset.

In summary, the library district is strong in terms of its excellent staff and its financial stability in the face of increased costs and reducing revenue.

5. Question and Answer

Lansdale was asked many questions by trustees, especially looking for additional details to be provided at subsequent planning meetings. Specifically trustees were looking for specific staff FTEs for each TADL facility and dedicated to overall service (like Technology) and management. Trustees also requested a break down of the collections as items in each facility.

6. Trustee Vision

a. The trustees discussed the pending mileage, and while no action was taken there seemed to be a consensus favoring a straight renewal in 2016 or 2015 with a possible second millage later for additional service locations.

b. There was discussion on possible service extension with addition of some sort of service in Blair and possible redeployment of current assets into Acme.

c. There was continued discussion of limited service, or mini libraries in new locations offering computers, Wi-Fi, children's programing and a small collection.

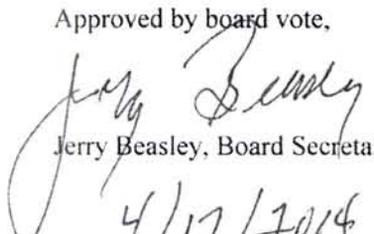
7. Adjournment

Upon a request for adjournment by Kachadurian, it was MOVED by Marek, and SUPPORTED by Payne to adjourn the meeting. The meeting adjourned at 7:00pm.

Respectfully submitted,

Metta Lansdale, Recording Secretary

Approved by board vote,


Jerry Beasley, Board Secretary

Date

4/17/2014



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF MAY 5, 2014

DATE: MAY 1, 2014

FROM: ^{JO}JERED OTTENWESS, CITY MANAGER

SUBJECT: PUBLIC COMMENT REQUEST – BILL GREENE

Attached is a reserved public comment request from Bill Greene to address the City Commission regarding sewer, infrastructure and Miss Dig Rules for 2014.

As provided in the City Commission Rules, fifteen (15) minutes have been allocated.

JJO/bcm

e-copy: Bill Greene – bi2gr@aol.com

k:\tcclerk\city commission\public comment\reserved_

The City of Traverse City

Office of the City Clerk

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
tcclerk@ci.traverse-city.mi.us



RECEIVED

APR 10 2014

Request
"Public Comment - Reserved"
(at end of meeting)
City Commission of Traverse City
Regular Meeting

CITY OF TRAVERSE CITY
CITY CLERKS OFFICE

Please Print or Type

I, Bill GREENE, representing Division Neighborhood,
pursuant to City Commission Rule 13 (see reverse side), request to be placed under
"Public Comment - Reserved" on the Agenda of the Regular Meeting scheduled for
Monday, APR 21.

I understand that 15 minutes is allowed for my presentation at the end of the meeting
under 7(a) of the Agenda

I wish to address the Commission regarding the following matter:

Sewer, Infrastructure, MS Dig Rules
for 2014,

4/11/2014

Date

616-485-2536

Daytime Phone

Bi2GR@AOL.com

E-mail

William J. Greene

Signature

202 S. Division

Address

TRAVERSE CITY MI

City/Township

49684

Regular meetings are held the 1st and 3rd Mondays of each month at 7:00 pm.
Please return to the City Clerk no later than Monday, 5:00 pm, the week prior to your
requested date.

Thank you for your interest!
Benjamin C. Marentette, CMC
City Clerk