



Notice

City Commission Regular Meeting

7:00 pm

Monday, June 16, 2014

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 06-12-14

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 June 2, 2014, Joint Study Session of June 9, 2014, Study Session of June 9, 2014, and Special Meeting of June 9, 2014. (Approval recommended) (Jered Ottenwess, Benjamin Marentette)

- b. Consideration of authorizing a purchase order for an asphalt recycling machine. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- c. Consideration of authorizing the City Clerk to issue a Liquor License Registration in connection with the transfer of a Resort Class C Liquor License to be operated at 420 Munson Avenue by Budget Luxury Inn (Country Inn and Suites), at the former Days Inn Property. (Approval recommended) (Jered Ottenwess, Benjamin Marentette).
- d. Consideration of enacting an amendment to the Traverse City Code of Ordinances which eliminates the requirement that transient merchants operating on private property submit a signed permission slip from the private property owner. (Enactment recommended) (Jered Ottenwess, Benjamin Marentette)
- e. Consideration of authorizing a out-of-scope letter of agreement with CH2M HILL for membrane replacement. (Approval recommended) (Jered Ottenwess) (5 affirmative votes required)
- f. Consideration of adopting a resolution concurring with an amendment to the Traverse Bay Area Credit Union Brownfield Plan at 626 and 636 East Front Street, to extend the period of the brownfield plan from 2034 to 2043, to accommodate increased environmental cleanup costs and for the actual taxable value of the property. (Adoption recommended) (Jered Ottenwess)
- g. Consideration of approving the city's comprehensive liability and property insurance program for Fiscal Year 2014-2015, including a five-year pollution liability policy. (Approval recommended) (Jered Ottenwess, Benjamin Marentette) (5 affirmative votes required)
- h. Consideration of authorizing a confirming service order for the repair of a water main at the intersection of Eastern Avenue and M-37/Peninsula Drive. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

- i. Consideration of authorizing blanket purchase orders for asphalt for annual street and alley repair and maintenance. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- j. Consideration of authorizing a blanket purchase order for concrete for annual street, sidewalk, curb, gutter and alley repair and maintenance. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- k. Consideration of authorizing an amendment to the Parking Services and Operation Management contract with the Downtown Development Authority, which increases compensation to the DDA for its services and provides that the DDA administer the residential parking permit program. (Approval recommended) (Jered Ottenwess, Robert Bacigalupi) (5 affirmative votes required)
- l. Consideration of authorizing the letter of agreement with the Traverse City Film Festival for use of city resources in connection with the Tenth Annual Traverse City Film Festival. (Approval recommended) (Jered Ottenwess, Benjamin Marentette) (5 affirmative votes required)
- m. Consideration of authorizing the City Clerk to issue a Fireworks Display Permit to Great Lakes Fireworks in connection with the fireworks shows planned for the 2014 Independence Day holiday and the conclusion of the National Cherry Festival on July 12, 2014. (Approval recommended) (Jered Ottenwess, James Tuller, Benjamin Marentette)
- n. Consideration of authorizing a collective bargaining agreement for the Fire Fighters Unit. (Approval recommended) (Jered Ottenwess) (5 affirmative votes required)
- o. Consideration of authorizing a confirming service order for the removal of a recently-discovered underground storage tank at the Department of Public Services campus. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Public Hearing regarding year-end budget amendments for Fiscal Year 2013-2014. (Jered Ottenwess, William Tweitmeyer)

The purpose of this public hearing is to allow the public an opportunity to express, and the opportunity for the City Commission to consider, the public's support, opposition or general comments regarding this matter. To preserve the written record, members of the public are asked to state whether they are in support or opposition of this matter or whether they are expressing general comments. After such statement, the public is welcome to continue to elaborate on the matter.

- b. Consideration of enacting an amendment to the Traverse City Code of Ordinances, Outdoor Cafe' Regulation Clarifications and Outdoor Cafés in Designated On-Street Parking Areas which would clarify the regulations for outdoor cafés in designated on-street parking areas, as recommended by the City Commission Ad Hoc Committee Regarding Sidewalk Cafés and adopting a resolution establishing fees for cafés in on-street parking areas . (Mayor Pro Tem James Carruthers, Chairman; Commissioner Barbara Budros; Commissioner Jeanine Easterday; and Jered Ottenwess and Benjamin Marentette)
- c. Consideration of adopting the Hickory Hills Master Plan. (Jered Ottenwess, Dave Green)

4. New Business

- a. Consideration of introducing an amendment to the Traverse City Code of Ordinances which would allow Emergency Shelters in the HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1, H-2 and I Districts, with conditions, and modify the requirements for transitional housing, as recommended by the City Planning Commission. (Jered Ottenwess, Russell Soyring)
- b. Consideration of authorizing an agreement for the provision of digital cable television services for Marina seasonal and transient boaters. (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- c. Consideration of authorizing a blanket purchase order for fluoride for use at the Water Treatment Plant. (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- d. Consideration of a request from Mayor Michael Estes for amendment to the Resolution Establishing the Human Rights Commission to allow five of the nine members of the Human Rights Commission to be non-city residents. (Mayor Michael Estes)
- e. Consideration of approving a consultant agreement for the restriping of Eighth Street from Woodmere Avenue to Lake Avenue to enhance the walking and bicycling environment, as recommended by the City Planning Commission. (Jered Ottenwess, Russell Soyring, Timothy Lodge) (5 affirmative votes required)
- f. Consideration of authorizing a lease for J & S Hamburg to lease City-owned property adjacent to its building for dining purposes. (Jered Ottenwess, Lauren Tribble-Laucht) (5 affirmative votes required)

5. Appointments

None.

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. Reports from members of the Commission serving on boards.
 2. Certification from the City Treasurer/Finance Director of the City's contribution to the Act 345 Retirement System dated May 28, 2014.
 3. Communication from the City Treasurer/Finance Director regarding unpaid delinquent water and sewer charges as of December 31, 2014.
 4. Minutes of the Act 345 Retirement System Board meeting of April 30, 2014.
- e. Reports and correspondence from non-City officials.
 1. Monthly Operations Report for the Wastewater Treatment Plant for May 2014 from CH2M HILL.
 2. Fractile Emergency Response Report from North Flight for May 2014.

7. Public Comment

- a. Reserved.
 - 1. Request from Susan Deming, Michigan Department of Community Health, regarding “safety and effectiveness of community water fluoridation.”
- b. General.
- c. Mayor and City Commissioners.

8. Adjournment

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.

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Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 2, 2014

DATE: MAY 29, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- June 2, 2014, Regular Meeting
- June 9, 2014, Joint Study Session
- June 9, 2014, Special Meeting
- June 9, 2014, Study Session

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

that the minutes of the June 2, 2014, Regular Meeting, June 9, 2014, Joint Study Session, June 9, 2014, Special Meeting, and June 9, 2014, Study Session, be approved.

JJO/kes

k:\tcclerk\city commission\minutes

Minutes of the
City Commission for the City of Traverse City
Regular Meeting
June 2, 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 Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary L Howe, Ross Richardson, Tim Werner.

The following Commissioner was absent: Mayor Michael Estes.

The Pledge of Allegiance was recited.

Mayor Pro Tem James Carruthers presided at the meeting.

As requested by Commissioner Gary Howe, Agenda Item 2(i) was removed from the Consent Calendar for full discussion.

2. Consent Calendar

Moved by Easterday, 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 May 19, 2014, Regular Meeting, be approved.
- b. an amendment to the Traverse City Code of Ordinances, *Size and Area Requirements Building Height Ordinance Amendment*; Section 1368.01, Building Height; *Hotel Resort (HR) Building Height Ordinance Amendment*, Section 1338.06, Building Height, and Section 1338.09, Special Requirements; *Office Service (C1) District Residential Bonus Building Height Amendment*, Section 1340.06, Building Height, and Section 1340.09,

Special Requirements; *Community Center (C-3), Regional Center (C-4) and Development (D) Districts First Floor 15-Foot Requirement*, Community Center (C-3) Section 1344.09, Special Requirements; Regional Center (C-4) Section 1346.09, Special Requirements; and Development (D) Districts Section 1347.09, Special Requirements of the Zoning Code; *Neighborhood Center (C-2) District Residential Bonus Building Height Amendment*, Section 1342.06, Building Height, and Section 1342.09, Special Requirements; regarding increasing the building height in HR to 45-feet, increasing the residential bonus height in C-1 and C-2 to 45-feet and requiring a minimum 15-foot first floor height in HR, C-1, C-2, C-3, C-4 and D Districts, as recommended by the Planning Commission, be introduced and scheduled for possible enactment on June 12, 2014.

- c. the City Manager be authorized to issue a purchase order to Traverse Reproduction and Supply, Inc., for the purchase and delivery of an HP DesignJet T2300ps Large Format Plotter/Copier/Scanner in the amount of \$7,795.00, with funds available in the Water, Sewer and Street Funds.
- d. the City Manager be authorized to issue blanket purchase orders for the purchase and delivery of chemicals to: ChemTrade Chemicals, in the amount of \$0.1052 per pound for approximately 322,500 pounds, of liquid aluminum sulfate totaling approximately \$33,927, more or less, and JCI Jones Chemical, in the amount of \$0.09 per pound for approximately 300,000 pounds of sodium hypochlorite totaling approximately \$27,000.00, more or less, for use by the Water Plant, with funds available in the Water Fund.
- e. the City Manager be authorized to issue a purchase order to Smith Instruments, for the purchase and delivery of three (3) Ultrasonic Flow Meters, in the amount of \$14,001.00, with funds available in the Water Fund.
- f. the City Manager be authorized to issue a blanket purchase order to Crystal Flash Energy for the purchase and delivery of approximately 50,000 gallons, more or less, of unleaded mid-grade gasoline, not to exceed \$.115 cents above rack price per gallon, and approximately 25,000 gallons, more or less, of #2 diesel fuel, not to exceed \$.115 cents above rack price per gallon, for resale during the 2014 boating season, at the Duncan L. Clinch Marina with

funds available in the Marina Fund.

- g. the annual resolution designating bank depositories for city funds and authorizing the City Treasurer/Finance Director to make deposits and invest funds with such depositories, be adopted.
- h. an amendment to the Traverse City Code of Ordinances, *Transient Merchant License Application Requirements*, Section 863.06, which eliminates the requirement that transient merchants operating on private property submit a signed permission slip from the private property owner, be introduced and scheduled for possible enactment on June 16, 2014.
- i. Removed from the Consent Calendar.
- j. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$31,063.72 to Lemmen Oil Company for 10,002 gallons of dyed B5, #2 Biodiesel fuel without additives priced at \$3.10575 per gallon with funds available in the Garage Fund.
- k. a public hearing regarding year-end budget amendments for Fiscal Year 2013-2014 be scheduled for June 16, 2014.

CARRIED unanimously. (Estes absent)

Items removed from the Consent Calendar

a.

Consideration of authorizing a purchase order for the 2014 Street Crosswalk Replacement Project.

Moved by Howe, seconded by Budros, the competitive bidding policy be waived; and further that the City Manager be authorized to issue a purchase/service order to Flint Trading, Inc., for the materials required to place preformed thermoplastic pavement markings at the five intersections in Mr. Green's memo of May 22, 2014, in the amount not to exceed \$49,517.30, with funds available in the Capital Improvement Project Funds.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street – expressed support

CARRIED unanimously. (Estes absent)

3. Old Business

3(a).

Consideration of a report from the City Commission Ad Hoc Committee regarding Sidewalk Cafés including a proposal for platform cafés and introducing the related amendments to the Traverse City Code of Ordinances.

The following addressed the Commission:

Jered Ottenwess, City Manager
Benjamin Marentette, City Clerk

Moved by Easterday, seconded by Howe, that an amendment to the Traverse City Code of Ordinances, *Outdoor Café Regulation Clarifications and Outdoor Cafés in Designated On-Street Parking Areas*, Sections 1020.07, 1020.08 and 1020.09, which would clarify the regulations for outdoor cafés and establish regulations to allow for outdoor cafés in designated on-street parking areas, be introduced and scheduled for possible enactment on June 16, 2014.

Colleen Paveglio, Downtown Development Authority Deputy Director
Jim Moore, 246 Boughey, Disability Network Executive Director – made general comments
Rick Buckhalter, 932 Kelley Street – made general comments

Roll Call:

Yes - Budros, Howe, Easterday, Werner.

No - Richardson, Carruthers.

CARRIED. (Estes absent)

3(b).

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 city's base fee and the city's financial responsibility for the increase in the electricity rates.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Werner, 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.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously. (Estes absent)

3(c).

Consideration of authorizing the collective bargaining agreement for the Police Captains Unit.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Budros, that the Mayor and City Clerk execute a collective bargaining agreement with Teamsters State, County and Municipal Workers Local 214 (Police Captains' Unit) for the period July 1, 2014, through June 30, 2016, such agreement subject to approval as to its substance by

the City Manager.

CARRIED unanimously. (Estes absent)

3(d).

Consideration of authorizing the collective bargaining agreement for the Police Patrol Unit.

Moved by Budros, seconded by Richardson, that the Mayor and City Clerk execute a collective bargaining agreement with Police Officers Association of Michigan (Police Patrol Unit) for the period July 1, 2014, through June 30, 2016, such agreement subject to approval as to its substance by the City Manager.

CARRIED unanimously. (Estes absent)

4. New Business

None.

5. Appointments

None.

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
 - Communication from the City Manager regarding Summer 2014 Street Construction dated May 29, 2014.
- b. Announcements from the City Clerk.
 - Brief presentation from the City Clerk regarding event feedback feature on the city's website.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.

- d. Reports and correspondence from other City officials, boards and committees.
1. Reports from members of the Commission serving on boards.
 2. Report from the City Treasurer/Finance Director regarding affirmation of Standard & Poor's rating of the city.
 3. Minutes of the Act 345 Retirement System meeting of March 26, 2014.
 4. Minutes of the Parks and Recreation Commission meetings of April 3 and May 1, 2014.
 5. Minutes of the Traverse city Light and Power Board Human Resources Ad Hoc Committee meeting of April 11, 2014, and Traverse City Light and Power Board meeting of April 22, 2014.
 6. Memorandum from the City Engineer dated May 28, 2014, with the memorandum from the TC-TALUS Technical Committee regarding East-West Transportation Options dated May 1, 2014.
- e. Reports and correspondence from non-City officials.
- None.

7. Public Comment

The following addressed the Commission:

1. Reserved.
None.
2. General.

3. Mayor and City Commissioners.

Commissioner Gary Howe

General public comment:

Rick Buckhalter, 932 Kelley Street

Tim Grey, 134 East Front Street, Idle No More Michigan

Jesse Dittmer, 536 Bates Street, Idle No More Michigan

Randy Day, 820 Boone Street

Jasper Weese, 1600 Paul Place, Garfield Township

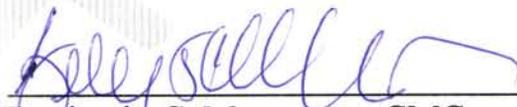
Stan Verheul, 3400 North Timberwood Drive, Acme Township

Lee Sprague, no address given

Ellen Cook, 807 Chestnut, Cadillac

Commissioner Jeanine Easterday

There being no objection, Mayor Pro Tem James Carruthers declared the meeting adjourned at 8:32 pm.



Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)



Minutes of the
City Commission for the City of Traverse City
Joint Study Session
with the Charter Township of Garfield Board of Trustees

June 9, 2014

A joint study session of the City Commission of the City of Traverse City and Charter Township of Garfield Board of Trustees 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, Gary Howe, Ross Richardson, Tim Werner, Barbara D. Budros, Jeanine Easterday.

The following Commissioners were absent: None.

Mayor Michael Estes presided at the meeting.

1. Presentation of the draft Hickory Hills Master Plan and recommendations.

The following addressed the Commission:

Jered Ottenwess, City Manager
Adam Portz, SE Group Senior Associate
Rick Buckhalter, 932 Kelley Street
Mac McClelland, Preserve Hickory

2. Public Comment.

The following addressed the Commission:

None.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 7:56 pm.



Benjamin C Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT



Minutes of the
City Commission for the City of Traverse City
Study Session
June 9, 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 8:01 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.

Presentation by HomeStretch and Habitat for Humanity regarding the status of the Depot Neighborhood Development.

The following addressed the Commission:

Jered Ottenwess, City Manager
Dan Baldwin, Habitat for Humanity Board Chairman
Steve Constantin, HomeStretch Board of Directors

2.

Discussion regarding targeted redevelopment areas.

The following addressed the Commission:

Jered Ottenwess, City Manager
Jean Derenzy, Grand Traverse County Deputy Director of Planning and
Development

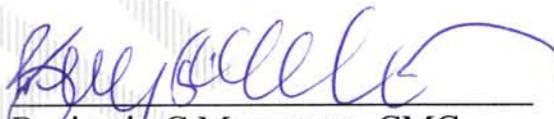
3.

Public Comment.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street

There being no objection, Mayor Michael Estes declared the meeting
adjourned at 8:47 pm.



Benjamin C Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)

**Minutes of the
City Commission for the City of Traverse City**



Special Meeting

June 9, 2014

A special 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 8:47 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.

Topics of Discussion:

1.

Consideration of entering into closed session to discuss an attorney-client privileged communication regarding the class action lawsuit in connection with price fixing of automotive wire harnesses in connection with *City of Richmond, on behalf of itself and all similarly situated entities v. Delphi Automotive LLP, et al.*, Case No. 4:14-CV-10795 (MOB) in the US District Court for the Eastern District of Michigan.

Moved by Richardson, seconded by Budros, that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider an attorney-client privileged communication in connection with *City of Richmond v Delphi Automotive, LLP*, Case No. 4:14-CV-10795 (MOB) in the US District Court for the Eastern District of Michigan, as allowed by MCL 15.268 (h).

Roll Call:

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

No - None.

CARRIED unanimously.

The Commission entered into closed session at 8:48 p.m.

The Commission returned to open session at 9:03 p.m.

Moved by Easterday, seconded by Howe, that the settlement provided as part of the attorney-client privileged communication be approved.

CARRIED unanimously.

2.

The next item being "Adjournment."

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:04 pm.



Benjamin C Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ^{JD} JERED OTTENWESS, CITY MANAGER

SUBJECT: ASPHALT RECYCLER PURCHASE

Attached are memos from Dave Green, DPS Director, and Scott Meter, Garage Superintendent, regarding the purchase of an asphalt recycler.

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

that the City Manager be authorized to issue a purchase order to KM International in the amount of \$74,900.00 for a 2014 KM T-2-M1 Asphalt Recycler with funds approved in the 2014/2015 Vehicle Purchase / Replacement Schedule, and available in the Garage Fund.

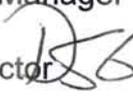
JO/jd

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

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director 
DATE: June 6, 2014
SUBJECT: 2014 Streets Department Asphalt Recycler Purchase

An Asphalt Recycler uses a diesel fueled engine/burner system with a rotating drum (picture a concrete truck) that heats up recycled asphalt pavement, chunks of old pavement, cold milled asphalt as well as cold "new" asphalt and converts it into a usable well graded hot asphalt product that we can use any time of year for pothole and street repair operations. Not only will we be able to have hot mix material for pothole's any time but by purchasing this piece of equipment it allows us to buy large quantities of material at hot mix prices (\$55.00/Ton) versus small quantity prices (\$70.00/Ton) and/or cold patch prices (\$145.00/Ton). Also, it allows us to use "free" reclaimed asphalt from our annual street construction projects and utility repair patch work. Knowing that we have been averaging between 450 and 500 tons of asphalt product a year I believe between the savings we will realize in the price per ton for the product, the time and energy we will save by not having to drive out to the asphalt plants and the ability to produce quality hot mix asphalt anytime of the year, this piece of equipment will more than pay for itself in 3 years!

In order to confirm our first impression on this piece of equipment we had an equipment sales representative organize and conduct a demonstration at the DPS Building to show us not only how an Asphalt Recycler works but also prove to us that it was easy and safe to use on a day to day basis and that it can produce hot mix asphalt at the quality and quantity promised. The demo reinforced that, if purchased, an asphalt recycler would become a very valuable piece of equipment for us as we battle potholes and road deterioration. After the demonstration, everyone who attended was impressed to the point of not wanting to let the recycler leave the yard. (to view video of demonstration go to the following web site <http://youtu.be/4jM5srx3GK0> or the City Web site and Streets Department).

Memorandum

The City of Traverse City
Department of Public Services



Attached is a memorandum from Scott Meteer, Garage Superintendent, explaining the bid process, the fact that only one bid that met our specifications was received and his request for a purchase order to purchase the recycler. I concur with Scott's memorandum and believe this will be a good addition to the City's equipment fleet.

Therefore, please request that the City Commission approve a purchase order to KM International in the amount of \$74,900.00 for a 2014 KM T-2-M1 Asphalt Recycler with funds approved in the 2014/2015 Vehicle Purchase/Replacement Schedule and therefore available in the Garage Fund.

MEMO

To: Dave Green
From: Scott Meter *sm*
Garage Superintendent
Subject: Equipment Purchase
Date: June 11, 2014

The Streets Department is in need of an asphalt recycling unit. Bids were solicited and only one bid was received.

KM International of North Branch bid their 2014 model KM T-2-M1.

Please request of the City Commission permission to issue a purchase order in the amount of \$74,900.00 to KM International of North Branch Michigan for their recycling unit.

This is a planned purchase for the 2014-2015 year, and funds are available in the Garage fund.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM:  JERED OTTENWESS, CITY MANAGER

SUBJECT: LIQUOR LICENSE REGISTRATION REQUEST – BUDGET
LUXURY INN OF TRAVERSE CITY LIMITED PARTNERSHIP

Attached is a memo from City Clerk Benjamin Marentette, recommending approval of a request for registration from Budget Luxury Inn of Traverse City Limited Partnership (M-8-1, LCC, General Partner) of a Resort Class C Liquor License for operation at 420 Munson Avenue; the Country Inn and Suites.

I recommend the following motion:

that the City Clerk be authorized to issue a Liquor License Registration to Budget Luxury Inn of Traverse City Limited Partnership to operate a Resort Class C license at 420 Munson Avenue.

JJO/kes

K:\ccclerk\City Commission Communications\liquor license_regular\Xfer License_Budget Luxury Inn_20140616.doc

copy: Kurt Bowden, bowden@traverselaw.com

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

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

DATE: Thursday, June 12, 2014

SUBJECT: Liquor License Registration Request – Budget Luxury Inn of Traverse City Limited Partnership

Budget Luxury Inn of Traverse City Limited Partnership is requesting a local registration to operate a Resort Class C Liquor License. This Resort Class C license which has been transferred from Cottage Café Inc. located at 472 Munson Avenue will be operated at 420 Munson Avenue, the Country Inn and Suites.

A Class C license allows a person to sell beer, wine, mixed spirit drink, and spirits at retail to consumers for consumption on the licensed premises only.

The applicant has paid the appropriate application fee and this request has been reviewed by the appropriate city departments, including the Police Department, and meets all ordinance/law requirements. The supporting documentation is on file with this office.

I respectfully recommend that the City Commission authorize the City Clerk to issue the registration.

As always, please let me know if you have any questions or if I may be of further assistance.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: TRANSIENT MERCHANT – ORDINANCE AMENDMENT

Attached is a previously submitted memo from City Clerk Benjamin Marentette recommending an ordinance amendment to delete the requirement that transient merchants on private property be required to submit a permission slip from the private property owner.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Transient Merchant License Application Requirements*, Section 863.06, which eliminates the requirement that transient merchants operating on private property submit a signed permission slip from the private property owner, which was introduced on June 2, 2014, be enacted with an effective date of June 26, 2014.

JJO/kjl

K:\tcclerk\city commission\ordinance amendments\transient merchants private property_enact

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY:

FROM: Benjamin Marentette, City Clerk

A handwritten signature in blue ink, appearing to read "Benjamin Marentette", written over the "FROM:" line.

DATE: Wednesday, May 28, 2014

SUBJECT: TRANSIENT MERCHANTS OPERATING ON PRIVATE PROPERTY

Currently, city ordinance requires transient merchants who are operating on private property to submit a signed permission slip from the private property owner authorizing the transient merchant to vend on that property.

I recommend that this requirement be eliminated – for the primary reason that it is a private property issue between the private property owner and the merchant to ensure that permission has been obtained to use the private property owner's property.

As always, please contact me if you have any questions.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: TRANSIENT MERCHANT LICENSE APPLICATION
 REQUIREMENTS

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 863.06 *Transient Merchant License Application* of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

863.01 INTENT

Regulation of all types of transient merchants is sufficiently connected to the City's interest in preventing crime, preventing fraud, and protecting citizens' quiet enjoyment and peace, especially in residential areas where there exists a significant connection among evening vending in residential areas, evidence of nighttime crime and disruption of citizens' quiet enjoyment and peace to limit hours of vending in residential neighborhoods, while leaving ample alternative channels of communication open to transient merchants. The City has no other less restrictive means available to achieve these objectives.

(Ord. 386. Passed 6-20-94. Ord. 612. Passed 10-20-03. Ord. 949. Passed 7-16-12)

863.02 DEFINITIONS

As used in this chapter:

- A. Transient Merchant shall mean any person offering, exposing for sale or making available for a price, or donation, making sales and delivering articles to purchasers, or taking or attempting to take orders for sale of goods, foodstuffs, or services of any kind, for immediate or future delivery or performance, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether or not he or she is collecting advance payments on such sale, by any of the following means:
 - 1. Traveling by foot, wagon, automotive vehicle, or other conveyance, from place to place, house to house, or street to street, carrying, conveying or transporting such goods, wares, merchandise or foodstuffs;
 - 2. Hiring, leasing or occupying any building or structure for the exhibit or sale of such goods, foodstuffs, or services, while not on the City tax rolls, including a person who associates temporarily with a local merchant or dealer, which building or structure is not otherwise used for that purpose;
 - 3. Offering out of doors such goods, foodstuffs or services from a stationary cart, stand, wagon, automotive vehicle or from one's person.
- B. Person shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, society, organization or league, and includes any trustee, receiver, assignee, subcontractor, agent or other similar representative thereof.
- C. Structure shall mean tents, push carts, trailers, stands, wagons, vehicles, booths or any other material or thing that occupies space whether portable or fixed.

TRANSIENT MERCHANT

D. Vending shall operate as a verb for the activities attributed to Transient Merchant in the definition of this ordinance.

(Ord. 386. Passed 6-20-94, Ord. 919. Passed 7-15-11. Ord. 949. Passed 7-16-12)

863.03 LICENSE REQUIRED; EXCEPTIONS.

A. Required. No person shall be a transient merchant without a license from the City Clerk authorizing such vending. Licenses shall bear the name and address of the person vending, term of license, type and location of vending, a picture, and a statement that the license does not constitute an endorsement by the City of the purpose of the vending or of the person or group conducting the vending. Such license shall be carried by a transient merchant. Such vending shall comply with this Code, State laws and regulations and the conditions of the license. No Transient Merchant license in the residential districts shall be granted except upon approval of the Chief of Police.

B. Exceptions. The following activities are exempt from this chapter:

1. Vending made in books, magazines, periodicals, newspapers and other similar publications or through the mail;
2. Vending made over the radio, television or telephone;
3. Vending by persons under twelve years of age where all proceeds are retained by such transient merchant. No adult or business shall hire or subcontract such transient merchant in an attempt to evade the provisions of this Chapter;
4. Distributing handbills or leaflets where the distributor of them does not accept payments, orders or contributions;
5. Vending between merchants where neither merchant is the ultimate consumer of goods or services involved or the ultimate donor of the gifts involved;
6. Any person qualifying as a "solicitor" shall be excluded from the definition of a transient merchant and the regulations contained in this Chapter;
7. Persons who have express City Commission approval.

(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.04 FILING FALSE APPLICATION.

No person shall knowingly file or cause to be filed an application or a document supporting an application containing one or more false statements.

(Ord. 386. Passed 6-20-94.)

863.05 DURATION; TRANSFERABILITY.

Licenses may be issued for up to one calendar year. The license issued under this Chapter is non-transferable.

(Ord. 386. Passed 6-20-94.)

863.06 TRANSIENT MERCHANT LICENSE APPLICATION.

Every person desiring to be a transient merchant is required to make written application for a license from the City Clerk. An application shall be made upon a form provided by the City Clerk.

The applicant shall truthfully state, in full, the information requested on the application, such as:

- (a) The applicant's name, telephone number, address of present place of residence,

TRANSIENT MERCHANT

- length of residence at such address and business address if other than the residence address;
- (b) Birthdate of applicant;
 - (c) The name, telephone number and address of the person by whom the applicant is employed or whom the applicant represents and the length of time of such employment or representation;
 - (d) A description sufficient for identification of the subject matter and method of the vending in which the applicant will engage;
 - (e) The period of time for which the license is applied;
 - (f) The locations of all areas in which vending will be conducted; and
 - (g) The date, or approximate date, of the last license issued under this Chapter;
 - (h) A statement as to whether or not a license issued to the applicant (or organization) represented under this chapter has ever been revoked, and if so, the reason for the revocation;
 - (i) A statement as to whether or not the applicant has ever been convicted of a felony under the laws of the State or any other State or Federal law;
 - (j) Driver's license or personal identification number;
 - (k) Copy of Michigan sales tax license or Michigan Department of Treasury written approval;
 - (l) A 2" x 2" color photograph of the head and shoulders of the applicant;
 - ~~(m) A signed permission slip from the property owner if setting up a stand on commercial property.~~

(Ord. 386. Passed 6-20-94. Ord 949. Passed 7-16-12)

863.07 TRANSIENT MERCHANT LICENSE FEES.

An application for a transient merchant's license shall be accompanied by a fee. Such fee shall be established by resolution of the City Commission and is non-refundable unless canceled in person with the City Clerk in advance of the day for which cancellation is sought. No fee shall be charged to:

- a) City of Traverse City merchants and representatives engaging in year-around business in the City and who are listed on the City's tax rolls or who are exempt from property taxes, or those new businesses who do not qualify for the City tax roll but have a year lease for a permanent location.
- b) Any honorably discharged veteran who is a resident of this State and who has obtained a Veteran's License from a County Clerk within the State of Michigan.
- c) Persons 12 years of age to and including 17 years of age where all proceeds are retained by the person. No adult or business shall hire or subcontract such persons in an attempt to evade the provisions of this Chapter.

(Ord. 386. Passed 6-20-94. Ord. 806. Passed 7-21-08. Ord. 949. Passed 7-16-12)

863.08 FOOD TRANSIENT MERCHANTS

No license shall be issued to a food transient merchant until the applicant and any vehicle and equipment used by such applicant are approved by the Health Department.

(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

**863.07.1 INVESTIGATION OF RESIDENTIAL AREA TRANSIENT MERCHANT;
WAITING PERIOD.**

Upon receipt of an application for license to be a transient merchant in a residential area, the Police Chief shall conduct an investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good. No license shall be issued without the approval of the Police Chief. No license shall be issued under this chapter until a period of seventy-two hours has elapsed from the time of application, such period of time to be used by the Traverse City Police Chief for proper investigation of each application.
(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.10 HOURS IN RESIDENTIAL AREAS

No person shall engage in vending in residential areas prior to 9:00 a.m. or after 9:00 p.m. or sunset, whichever is earlier, on any weekday or Saturday, or at any time on a Sunday, New Years Day, Presidents Day, Memorial Day, Martin Luther King Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day.
(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.11 LICENSE ISSUANCE OR DENIAL

No license shall be issued to, nor shall any vending be conducted by:

- a) Any person who has made a false material statement in the application for the license.
- b) Any person who has been convicted of a violation of this chapter or whose solicitation permit or transient merchant license has previously been revoked by the City.
- c) Any person who has been convicted of any crime involving moral turpitude, breach of the peace or is a menace to health, safety or the general welfare of the public.
- d) Any person vending in the C-4 District on private property utilizing a tent or other structure or shelter made from soft fabric like material without first demonstrating that the tent or other structure will be properly secured and stable, is flame retardant, and capable of withstanding strong winds.

(Ord. 386. Passed 6-20-94, Ord. 919. Passed 7-15-11. Ord. 494. Passed 7-16-12)

863.12 REVOCATION.

A license shall be revoked by the City Clerk if, upon receipt of written information or upon the Clerk's own investigation, the Clerk has reason to believe a licensed transient merchant:

- (a) Has violated any of the provisions of this chapter, the Traverse City Code, or any statute of the State of Michigan.
- (b) Has made a false material statement in the application or has otherwise become disqualified for the issuance of such a license.
- (c) Has violated any provision of this Chapter, which violation has been documented by a written complaint certified by the City Clerk pursuant to Section 863.14.
- (d) Has conducted vending that is in any manner adverse to the protection of the public health, safety or welfare of the City of Traverse City. Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the licensed transient merchant in person or by certified mail addressed to his or her place of business or residence address set forth in the application. Immediately upon the giving of such notice, the license shall become null and void.

(Ord. 386. Passed 6-20-94. Ord. 494. Passed 7-16-12)

863.13 MANNER OF VENDING; DUTIES OF-TRANSIENT MERCHANT.

No transient merchant shall:

- a) Conduct as a transient merchant upon a premises in defiance of a posted notice stating "No Solicitors or Peddlers", "No Peddlers" or "No Solicitors" or "No Transient Merchants".
- b) Fail to immediately and peacefully depart from premises when requested to do so by the occupant.
- c) Fail to accurately reveal all information contained in the application for a transient merchant license and all information required to be revealed by State law to any person requesting such information. Failure of a transient merchant to reveal such information shall be grounds for the revocation of the license pursuant to Section 863.12 or the denial of future solicitation permits or transient merchant licenses pursuant to Section 863.11.
- d) Fail to identify himself or herself and the name of the organization represented.
- e) Fail to prominently wear the picture identification badge issued by the City Clerk.
- f) Conduct business in a park as defined by Traverse City Code, Chapter 1064.
- g) Occupy a stationary location on a public street, sidewalk, parkway, park, parking lot or any other public property which is used by pedestrians or persons operating motor vehicles. A transient merchant shall be presumed to have occupied a stationary location if he or she has conducted business in any such public place for a period in excess of ten (10) minutes.
- h) If issued a license after July 25, 2011, leave a structure on private property in the C-4 District between the hours of 12 a.m. and 6 a.m, or leave such unattended for more than 2 hours.
- i) Vend in a public area less than one block away from where a City-authorized street fair, public festival, farmer's market or event is being conducted, except with the permission of the sponsor.
- j) Use or employ any flashing lights on any vehicle, or any other device for the purpose of attracting attention to any goods, wares or merchandise which the transient merchant proposes to sell.
- k) Represent that the granting of a license under this Chapter is an endorsement by the City.
- l) Fail to follow all provisions of State laws and regulations, City ordinances and conditions of the transient merchant license.

(Ord. 386. Passed 6-20-94, Ord. 919. Passed 7-15-11. Ord. 949. Passed 7-16-12)

863.14 COMPLAINTS; APPEALS.

If a written complaint is filed alleging that a transient merchant has violated any provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the transient merchant together with a notice that an investigation will be made as to the truth of the complaint. The transient merchant shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this section, the applicant or holder of a license may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to

TRANSIENT MERCHANT

whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or the filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to the City Commission. Review by the City Commission shall be under the same standards of review as the determination by the City Manager and shall be in accordance with rules of procedure established by the City Commission. The City Commission's decision may be reviewed by a court of competent jurisdiction.
(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.15 OTHER LICENSES OR PERMITS.

A license obtained under this Chapter shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by any other ordinance, statute or administrative rule.
(Ord. 386. Passed 6-20-94.)

863.16 PUSHCARTS OR PEDAL CARTS.

Pushcarts are restricted to sidewalks in the residential districts unless otherwise prohibited by local ordinance. Pedal carts are restricted to sidewalks in the residential districts and are permitted on all City streets in accordance with the Michigan Vehicle Code. Motor vehicles are permitted on all streets in accordance with the Michigan Vehicle Code. Any transient merchant using a motor vehicle or pedal cart in a street, when stopped, shall place the vehicle parallel to and within twelve inches of the curb and shall depart from such place as soon as the sale has been completed.
(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.17 APPEARANCE TICKETS.

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.
(Ord. 386. Passed 6-20-94.)

863.18 CIVIL INFRACTION.

A person who violates this Chapter is responsible for a civil infraction and subject to a fine of not less than \$100 nor more than \$500.
(Ord. 386. Passed 6-20-94.)

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

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

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk



The City of Traverse City

Communication to the City Commission

TO: CITY COMMISSIONERS

DATE: JUNE 12, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: OUT OF SCOPE SERVICES AGREEMENT - CH2M HILL

In accordance with City Commission action, the City has contracted with Zenon Environmental Corporation to install new membrane filters at the Wastewater Treatment Plant.

Since assistance with the installation of the membranes is outside the scope of normal operations of the plant as provided in the Agreement for Operations, Maintenance, and Management Services for the Waste Water Treatment Plant, CH2M HILL has prepared an agreement for their portion of the work involved in the installation process, including a letter of explanation, which is attached.

In order to complete the membrane replacement project, I recommend the following motion (5 affirmative votes required):

That the public interest will be best served by not obtaining competitive bids and that the Mayor and City Attorney be authorized to execute a service agreement for an amount not to exceed \$25,053 with CH2M HILL for assistance in the installation of new membrane filters at the waste water treatment plant, with funds available in the Sewer Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

cc: Casey Rose, WWTP Operator (OMI)
Dave Green, DPS Director
Tim Lodge, City Engineer



CH2M HILL
606 Hannah Avenue
Traverse City, MI 49686
Tel 231/922-4921
Fax 231/922-8170

May 21, 2014

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

Re: Membrane Installation Out of Scope Letter Agreement

Dear Mr. Green:

Please accept this memo briefly describing the enclosed Out of Scope Letter Agreement for Membrane Installation.

The City has entered into a purchase agreement with GE for the purchase of 13 cassettes and modules to replace the membranes currently in Train 1. CH2M Hill will work with GE on cassette installation as an Out of Scope project.

The enclosed letter outlines the scope and cost of installation. The budget for the Out of Scope project is \$25,053, and is broken down as follows:

Labor:	\$10,709	
Materials:	\$10,168	
Subtotal:	\$20,878	
20% Markup:	\$ 4,176	Per Section 2.28 of current contract
Total:	\$ 25,053	

Installation cost is higher than originally estimated due to cassette relocation and associated hardware and beam modification. As membrane replacement progresses to the remaining 7 trains, the installation cost will decrease because we will not be relocating cassettes. There will be disposal cost for cassettes not being relocated.

I look forward to discussing this with you and answering any questions you may have.

Sincerely,

Casey Rose, CH2M Hill Project Manager

cc: John Bowman, CH2M Hill Regional Business Manager



CH2M HILL OMI
9189 South Jamaica Street
Suite 400
Englewood, CO 80112
Tel 303.740.0019
Fax 720.286.9250

June 11, 2014

Honorable Michael Estes
Mayor
City of Traverse City
400 Boardman Ave
Traverse City, MI 49684

Subject: City of Traverse City Wastewater Treatment Plant – Out-of-Scope Letter Agreement (“OOS Agreement”) for the Single Train Membrane Replacement and Upgrade Proposal.

Dear Mayor Estes:

This letter confirms the out of scope services for the Single Train Membrane Replacement and Upgrade Proposal (“Supplier Proposal”), which is attached hereto as Exhibit A and made a part hereof by this reference, prepared and submitted by GE – Water & Process Technologies (“Supplier”). The out of scope services shall be performed pursuant to the Agreement for Operations, Maintenance, and Management Services for Traverse City Wastewater Treatment Plant (“Agreement”) by and between the City of Traverse City (the “City”) and Operations Management International, Inc. (Contractor”).

What is being provided: Unless expressly stated otherwise, Contractor will provide the additional services for the Single Train Membrane Replacement and Upgrade of Membrane #1, as depicted in Exhibit B, as follows:

During Proposal Period:

- 1) Operator assistance to install cassettes and supports; and
- 2) Contractor assistance if it is mutually determined that any beam modifications are needed; and
- 3) Participate in pre-trial meeting prior to beginning design to consider the following options:
 - a) Replacement with new beams; or
 - b) Re-fabrication of existing beams on/off-site; or

During Installation Preparation:

- 1) Receive, off-load, handle and provide temperature controlled storage of the equipment and materials required for Seller to perform the duties outlined in the Seller’s Scope of Supply; and
 - a) Membrane must be stored in a sheltered area, protected from freezing, direct sunlight or extreme heat, and sealed as shipped until ready for use. Storage should be in a dark, dry, level area at a temperature of 5-30°C (41-86°F). Membranes have a shelf life of 1 year before requiring re-

preservation and should not be stored longer than necessary prior to installation.

- b) The City shall be responsible for risk of loss of Seller's parts while in storage at the City's plant.
- 2) Inspect, evaluate and make repairs as required for the membrane tanks, mounting brackets, hoses and all connections prior to GE arriving at site; and
- 3) Provide all access structures such as scaffolding and mechanical lifting equipment, including cranes, forklifts and scissor lifts; and
- 4) Assure availability of a copy of the Operating Manual, all Process and Instrumentation Drawings, and all Electrical Drawings on site and accessible for reference; and
- 5) Maintain adequate insurance coverage for the risks of fire, theft, vandalism, floods and personal injury to authorized or unauthorized visitors; to the extent it is not covered by the public liability and property damage insurance provided by Supplier as set forth in the Seller's Proposal, which shall be primary to any insurance required by Contractor pursuant to this OOS Agreement.

During Installation:

- 1) Provide 2 or more plant personnel to work continuously as required with the Supplier's Service Representative during installation and commissioning of the modules for the full duration of the site visit; and
- 2) The City will afford Seller's personnel free access and egress of the facility for all authorized work. The City will provide reasonable access to workshop facilities with standard workshop tools and equipment as is necessary to meet any repair and maintenance requirements of the system during installation; and
- 3) Provide adequate illumination and emergency lighting for all areas in which the Seller will be executing the scope of supply. Provide all site utilities such as raw water, instrument quality air, potable water and power required for operation of the proposed equipment included in the Supplier's Proposal. Assure that adequate quantities of membrane cleaning and neutralizing chemicals are on hand for wash procedures including sodium hypochlorite, sodium-bisulphite, citric acid and sodium hydroxide. Supply telephone/fax/modem access while Seller's staff members are on-site; and
- 4) Provide assistance to remove cassettes from the system as required; and

- 5) Provide assistance to clean each cassette as it is removed from the system; and
- 6) Provide assistance to place new modules into each cassette; and
- 7) Provide assistance to return the cassette to the system; and
- 8) Dispose of membrane module preservative as well as all retired membrane modules and cassette components; and
- 9) Dispose of shipping and packaging materials unless specifically requested not to do so by Seller; and
- 10) At the end of each site visit, prior to departure of the Supplier's Service Representative, the City will sign a Work Order that describes the hours on site and the Technical Advisory Services provided.

General Additional Scope:

- 1) The City is responsible to review and report to the permit granting agency on the impact of any of the proposed changes on the regulatory permit. Supplier will provide the necessary manufacturer's technical support on regulatory issues; and
- 2) Any re-sheaving parts as well as mechanical and electrical adjustments required to meet adjusted air flow rates will be the responsibility of and completed by the City or their 3rd party designate.

The following activities will be executed and completed jointly by Supplier's personnel and Contractor's staff:

- 1) Install the new membrane modules; and
- 2) Upload required revisions to the PLC program with adjusted set-points; and
- 3) Tune GE system operation; and Confirm performance on flow and quality.

The following additional scope will be provided by Contractor as required and provided in the ordinary course of plant operations:

Health & Safety:

- 1) The Contractor will identify and inform Seller's personnel of any hazards present in the work place that could impact the delivery of Seller's scope of supply and agrees to work with Seller to remove, monitor, and control the hazards to a practical level.

- 2) Contractor will provide training to Seller's personnel on all relevant and standard company operating procedures and practices for performing work on site. Such training programs may include, but are not limited to, general environmental health & Safety (EHS), HAZOP, fire protection, incident notice, site conduct, standard first aid, chemical receiving, electrical safety, etc. The Contractor will memorialize said training by obtaining Seller's personnel's signature in Contractor's training book. This program will be fully documented, training materials will be provided, and attendance list will be kept; and
- 3) If any type of lifting devices will be used on site, the Contractor will provide proof of its maintenance, inspection and certification documentation upon request and will assist the Supplier's Service Representative to complete a safety inspection checklist; and
- 4) Where confined space entry may be required, the Contractor will provide early notice and will collaborate with Supplier in planning adequate staffing and in advising the local fire/rescue department; and
- 5) No time or cost provision has been made for preparations such as safety record clearances, drug testing, insurance confirmations or pre-job-training in excess of 1 hour. Prior to finalizing the Purchase Order and the work schedule, the Contractor will coordinate with the City and will advise Supplier of any pre-job or pre-mobilization requirements. Where these requirements exceed 1 hour, this time will be charged to the City at rates set out in the prevailing Suppliers' Labor Rate Sheet; and
- 6) Where certain short duration activities require two people for safety and the Supplier's Service representative is alone at site, the Contractor will cooperate as required to assure that correct safety precautions are taken; and
- 7) The Contractor is responsible for the following safety and environmental provisions:
 - a) First aid and emergency medical response; and
 - b) Eyewash and safety showers in the water treatment area; and
 - c) Chemical spill response; and
 - d) Security and fire protection systems per local codes; and
 - e) Environmental use and discharge permits for all chemicals at the City's facility either listed in this document or proposed for use at a later date; and

- f) Any special permits required for Seller's or the City's employees to perform work related to the water treatment system at the facility; and
- g) All site testing, including soil, ground and surface water, air emissions, etc.; and
- h) Disposal of all solid and liquid waste from the Seller's System including waste materials generated during construction, start up and operation.

When it is being provided: Upon acceptance and signature of this OOS Agreement by the City of Traverse City, MI, Contractor will begin the services defined above. These services shall continue uninterrupted until such time as the membranes have been installed.

Price of services: The additional services pursuant to this OOS Agreement shall be invoiced as incurred on a Cost plus twenty percent (20%) basis.

Estimate of costs: The estimated cost of the additional scope pursuant to this OOS Agreement is Twenty-Five Thousand Fifty-Three Dollars (\$25,053.00).

Payment terms: The parties to the Agreement hereby understand and agree that payment will be due and payable within thirty (30) calendar days following receipt of Contractor's invoice.

All other terms and conditions of the Agreement, dated July 1, 2012, between CH2M HILL OMI and the City of Traverse City, MI remain in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL OMI appreciates the opportunity to provide these additional services to the City of Traverse City, MI.

Sincerely,

Casey Rose
Project Manager
CH2M HILL

Both parties indicate their approval of the above described services by their signature below.

Authorized by:
Operations Maintenance International, Inc.

Authorized by:
City of Traverse City

Name: _____
Title: _____

Michael Estes
Mayor

Date: _____

Date: _____



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: BROWNFIELD PLAN AMENDMENT – TBA CREDIT UNION

Attached is a memo from Grand Traverse County Deputy Director of Planning & Development Jean Derenzy, indicating the Brownfield Authority's approval of an amendment to the plan at 626 and 636 East Front Street, the site of Traverse Bay Area Credit Union.

As indicated by Ms. Derenzy, additional cleanup costs and the taxable value being less than anticipated necessitate extension of the Brownfield Plan by 9 years – from 2034 to 2043, to provide for additional time to reimburse the developer for the cleanup costs.

I recommend the following motion:

That the Resolution Concurring with Grand Traverse County Brownfield Plan Amendment Regarding Traverse Bay Area Credit Union (626 and 636 East Front Street), be adopted.

JJO/bcm

k:\tcclerk\city commission\brownfield\TBA Credit Union Plan Amendment 626 636 East Front Street

copy: Jean Derenzy, Grand Traverse County Deputy Director of Planning & Development



Memorandum

Grand Traverse County
Planning and Development
231.922.6890 Fax 231.922.4636
email: jderenzy@grandtraverse.org

To: Traverse City Commission
Jered Ottenwess, City Manager

From: Jean Derenzy, Deputy Director Planning & Development *Jean Derenzy*

Date: For June 16, 2014 Traverse City Commission Study Session

Subject: Amended Brownfield Plan - Traverse Bay Area Credit Union

SUMMARY OF ITEM TO BE PRESENTED:

The Grand Traverse County Brownfield Redevelopment Authority (BRA) met on May 28, 2014 and reviewed the Amended Brownfield Plan for the Traverse Bay Area Credit Union. After due consideration, the BRA approved the Amended Brownfield Plan, and, as such, the BRA is seeking the attached Resolution of Concurrence from the City of Traverse City to proceed.

This amendment is requesting a change in the end of the Brownfield Plan from 2034 to 2043. This change in end date is caused by several factors including additional costs related to clean-up and taxable value being less than estimated within the original Brownfield Plan.

The additional costs incurred by this Plan include dewatering, and underground storage tank closure activities. This project in the end will be a documented closed site with the Michigan Department of Environmental Quality.

This Amendment is important to enable the reimbursement to DEQ for two loans awarded to the Brownfield Authority in the amount of \$1,397,424. This repayment/reimbursement to the DEQ is made through tax increment revenues. The importance of having enough time allowed for this repayment is critical to ensure compliance to the loan terms with the State. Secondly, to reimburse the developer, TBA Credit Union, who has eligible brownfield costs in the current amount of \$1,338,908.

When putting together the Brownfield Plan, the estimated taxable value was over-estimated, thereby the tax capture projected is not available to repay the costs identified. The Brownfield Authority is requesting the City Commission's approval of this amendment to reimburse the activities identified within the original brownfield plan. The Amendment also has eliminated two years of capture into the Local Site, with only three years of capture allowed. As a reminder, the brownfield capture ends when reimbursement is complete and local site revolving loan fund is captured, therefore the full time may not be needed.

The TBA Credit Union project has been a successful redevelopment for this area in addressing environmental activities and encouraging the redevelopment to go above and beyond the necessary requirements to ensure clean up. This Amendment will ensure that the Michigan Department of Environmental Quality (DEQ) is repaid with TIF and the developer reimbursed.

The City Commission's approval on this amendment is appreciated in order to complete the original intended purpose of the Plan.



**Resolution Concurring with Grand Traverse County
Brownfield Plan Amendment Regarding Traverse Bay Area Credit Union
(626 and 636 E. Front Street)**

- Because, the Brownfield Redevelopment Authority met in regular session on May 28, 2014 and reviewed the Amended Brownfield Plan for Traverse Bay Area Credit Union (TBA Credit Union), Redevelopment and Reuse of the Properties Located at 626 and 636 East Front Street with recommendation for approval; and
- Because, properties within the Amended Brownfield Plan are in the City of Traverse City; and
- Because, pursuant to Act 381, concurrence must be received by the governmental unit in which the properties within the Amended Brownfield Plan lies; being the City of Traverse City; and
- Because, the Amended Brownfield Plan reflects an increase in costs of \$322,640; and
- Because, the Amended Brownfield Plan would extend the length of the Plan until 2043; and
- Because, the Local Site revolving Loan Fund will only capture three (3) years; now, therefore, be it
- Resolved,** that the Amended Brownfield Plan for Traverse Bay Area Credit Union is hereby approved with the understanding that the Original Plan:
1. Constitutes a public purpose and facilitated investment and redevelopment of the properties in the Brownfield Plan by:
 - a. Increasing Tax base and providing a significant number of new jobs in downtown.
 - b. Demolition of underutilized structure.
 - c. Environmental Remediation, addressing groundwater and soil contamination sources; and, further be it
- Resolved,** that the Brownfield Plan Amendment is consistent with the requirements of Section 14(1) of Act 381 (MCL 125.2664), in particular:
- a. The Brownfield Plan Amendment provides all of the information required in Section 13 of Act 381 (MCL .2663).
 - b. Financing of costs of eligible activities will be through the capture of tax increment revenue, with brownfield plan ending on or before 2043.

- c. The costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Brownfield Financing Act.

I hereby certify that the above resolution was adopted by the Traverse City City Commission at its regular meeting held on June 16, 2014, in the Commission Chambers of the Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JO JERED OTTENWESS, CITY MANAGER

SUBJECT: FISCAL YEAR 2014-2015 INSURANCE PROGRAM

Attached is a memo from City Clerk Benjamin Marentette outlining and recommending the City's Fiscal Year 2014-2015 General Insurance Program. Additionally, Mr. Marentette recommends again purchasing a 5-year pollution liability insurance policy.

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

that the 2014-2015 General Insurance Program, including the purchase of a 5-year pollution liability insurance policy, as outlined in the City Clerk's June 10, 2014, communication be approved; and that the City Manager be authorized to approve payment for the Program in the total amount of \$415,580, with funds available in the various funds and departmental budgets, with Traverse City Light and Power to reimburse the City for its proportionate share of premium for the 5-year pollution liability policy.

JJO/bcm

K:\tcclerk\city commission\insurance\2014 2015 program

copy: Connie Monson, Account Executive, Michigan Municipal League
Liability and Property Pool – connie.monson@meadowbrook.com
Department Heads
Karla Myers-Beman, Traverse City Light and Power Controller

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY: Lauren Tribble-Laucht, City Attorney
Department Heads
Karla Myers-Beman, Traverse City Light and Power Controller
Katie Lowran, Deputy City Clerk

FROM: Benjamin Marentette, City Clerk *BM*

DATE: Tuesday, June 10, 2014

SUBJECT: GENERAL INSURANCE PROGRAM – FISCAL YEAR 2014-2015

Brief summary and recommendation:

The city has been insured by the Michigan Municipal League Liability and Property Pool since joining in 1986. The Insurance Pool is governed by a Board of Directors elected by the member municipalities.

I recommend the City Commission authorize the city's insurance program for Fiscal Year 2014-2015 as outlined below. The City's total premium, excluding pollution liability, which I address below, will be \$343,580, a 7.3% (or \$23,398) increase from our total premium of \$320,182 paid this fiscal year. The increase is largely due to our loss history over the past couple years (marina litigation costs, marina breakwater repair, parking revenue loss, etc.), and increased/updated property values. Additionally, the city added a Police Officer, which increases our professional liability premium.

Upon renewal, the city will receive a dividend of \$47,684. This will essentially bring the city's premium to \$295,896, excluding pollution liability. Our premium five years ago was \$398,895, or approximately \$100,000 more than the quoted premium for the upcoming fiscal year.

The City purchased a 5-year pollution liability policy in 2009, which expires June 30. I have worked closely with our insurance carrier to broker another pollution liability policy. I recommend the city purchase a 5-year pollution liability policy underwritten by Aspen; the premium for the 5-year policy is \$72,000, an increase of \$2,073 from the premium paid five years ago.

The program recommended above does not provide Sewer Backup Coverage for reasons I explain later

Overview:

The City secures a comprehensive, complex, and highly-specialized insurance program to cover its broad operations. Generally speaking, this coverage is for:

- General Liability (\$5 million per occurrence – no aggregate, no deductible) Includes 36 additional insureds we add on to our policy as required by agreements, easements, etc.
- Police Professional Liability (\$5 million per occurrence – no aggregate; no deductible)
- Public Officials Liability (Errors & Omissions coverage for elected and appointed officials and city employees - \$5 million per occurrence – no aggregate; no deductible)
- Automobile Coverage (130 vehicles, actual cash value - \$1,000 collision deductible; \$500 comprehensive deductible/occurrence – no aggregate limit – full replacement coverage for fleet)
- Automobile Liability (\$5 million per occurrence – no aggregate; no deductible)
- Employee Benefit Liability (\$1 million per occurrence – no aggregate; no deductible)

For the above coverage forms, our insurance policy will pay a maximum of \$5 million for a given occurrence – there is no limit on the number of occurrences that could be paid under the policy.

- City property coverage (generally think buildings, parks improvements, lift stations, etc.; 79 locations; \$135.18 million total blanket coverage - \$5,000 deductible/claim)
- Underground Storage Tank Liability - \$1 million per occurrence; \$2 million aggregate; \$5,000 deductible; \$250,000 maximum defense coverage)
- Additional specialized property coverage, such as computer equipment, fire department equipment, “contractors equipment” (such as tools), fine arts, extra expenses (for costs associated with establishing and maintaining a temporary administrative operation) – a total of \$17.5 million in coverage – deductible varies – maximum deductible is \$5,000
- Crime and Bond Coverage - \$100,000 limit per coverage area, such as employee dishonesty, securities, etc.; \$250,000 bond on City Treasurer/Finance Director; \$100,000 on Deputy City Treasurer and each customer service representative.

Pollution Liability

The city’s 5-year pollution liability policy expires June 30, 2014; and I recommend again purchasing a 5-year pollution liability policy at a premium of \$72,000 for the full 5-years, or approximately \$14,500 per year; generally speaking, this affords the following coverage:

- Site pollution liability – for all city, and Traverse City Light and Power-owned facilities – including illegal dumping on our properties
- Off-site environmental/pollution conditions caused by us (such as improper releases/discharges/treatment/failure of the Wastewater Treatment Plant
- Off-site actions of vendors hired by us, which ruptures sewer lines, etc.
- Significant stormwater runoff
- Operational activities of city staff off city property – for cargo they transport, such as vacuumed sewage within Vector trucks; hauling of chemicals; spillage of automobile fuel

This coverage provides \$5 million in total coverage over the five-year period. The majority of the premium is paid by utility funds (Light and Power, Water and Sewer).

Rate analysis:

While the premium for the upcoming fiscal year represents an approximate 7.3% increase, excluding pollution liability, over the current fiscal year, the City’s total premium for this upcoming fiscal year is approximately \$100,000 less than it was five years ago.

Five-year history of premiums:

Fiscal Year:	Total Premium:
2009-2010	\$398,845 ¹
2010-2011	\$362,010 ^{1, 2}
2011-2012	\$361,030 ^{1, 2}
2012-2013	\$315,968 ^{1, 2}
2013-2014	\$320,182 ^{1, 2}

¹Total premium includes the five-year premium for Pollution Liability paid in 2009-2010, which is amortized over five-years, beginning in 2009-2010, when the Pollution Liability Policy went into effect, for a total of \$69,927.

² Beginning in 2010-2011, the City began receiving an annual dividend, averaging \$50,000 per year.

The reason our premium is significantly lower than it was five years ago are attributable to these factors:

- 1.) Removal of sewer backup coverage
- 2.) Our overall loss history – which is a credit to city management and staff
- 3.) Two years ago, this office worked with our insurance carrier and city departments to conduct a risk management and general operations discussion with each department. The city’s professional risk management and general operation efforts, including our contracting process and contract provisions go far in insulating the city from liability – reducing the risk exposure to our insurance carrier.
- 4.) This office, in cooperation with city departments, is advanced in our insurance monitoring efforts with respect to coverage we require of others and the audits we

conduct to ensure coverage is properly in place (approximately \$1 billion annually.) Again, this results in less exposure to the pool and further insulates the city from financial loss.

Premium allocation by coverage type – excluding 5-year Pollution Liability:

Coverage Form:	Premium:
General Liability	\$98,586
Police Professional Liability	\$29,018
Public Officials Liability/Errors and Omissions	\$69,079
Auto Coverage, including Auto Liability	\$63,979
Coverage of City's Property	\$75,999
Crime and Bonds	\$ 258
Inland Marine	\$ 6,661
Total	\$343,580¹

Rate comparison:

The city has continued to expand its insurance program to evolve as the city's operations have evolved.

Two years ago, the office conducted an extensive comparison of insurance coverage and interviewed municipalities to determine an adequate rate comparison. Because of the tremendously-broad spectrum of operations, which differ from one municipality to the next, it is difficult to compare with just one or two municipalities.

However, to bring equity in comparison, I used State Equalized Value or SEV, the total assessed value for property within a municipality, as a primary indicator of overall operational complexity and activity. This generally correlates well with the insurance program a given municipality requires. I also used factors such as equipment coverage amounts, municipally-owned and covered property and special endorsements such as marinas, ski hills, electric utilities, etc. Other factors with respect to given policies were also examined.

With respect to SEV as a factor in determining comparison, the city's SEV at the time of comparison was \$969 million; of all comparables, the average SEV was \$1.05 billion, using an SEV range of \$619 million to \$2.2 billion.

The average premium was \$503,012. This year, the city's premium is \$343,580; or \$295,896, when deducting the \$47,684 dividend we will receive upon renewal. There is a dramatic difference between the extensive insurance program and premiums charged by our insurance carrier and others – the dramatic difference is substantially in the city's favor. If we use only those comparables which are less in SEV than the City, the average premium is \$431,182.

¹ Effective premium is \$295,896 (after dividend); excludes pollution liability premium, which is amortized over a 5-year period at \$14,400 annually, largely spread among utilities

Sewer backup coverage not recommended:

\$100,000 in sewer backup coverage is offered to the city at a premium cost of \$55,669. This is based on the city's five year-loss claims-payment history, which is \$15,556, or \$3,111.20 per year.

For the past few years, the city has self-insured this coverage because the maximum we may obtain is \$100,000 (no reinsurance is available). While we average \$3,111.20 per year and there could always be a substantial loss, given the fact that the premium for \$100,000 in coverage is \$55,669. Public Services Director Dave Green, City Treasurer/Finance Director William Twietmeyer and I do not believe this coverage is a good value. Therefore, I recommend we not purchase sewer backup coverage.

Even without purchasing this coverage, our carrier provides administrative claim analysis services, assisting my office in our handling of these claims. This is a value-added benefit of our membership.

Insurance-provided defense included with insurance program:

With the exception of sewer backup lawsuits, when a suit is filed against the city and financial consideration is being sought, our carrier provides specialized defense attorneys to defend the City against the claim; and the City Attorney works in collaboration with the insurance-provided defense. The cost of defense, which in some cases is substantial, is not deducted from the coverage limit.

I recommend that the City Commission approve the 2014-2015 General Insurance Program, including purchase of a 5-year pollution liability policy, in the amount of \$415,580, with Traverse City Light and Power to reimburse the city for its proportionate share of premium for the pollution liability policy.

As always, please contact me with any questions.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ^{JO}JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 WATER MAIN BREAK EMERGENCY REPAIRS

Attached are memos from Dave Green, DPS Director, and Justin Roy, Water/Sewer Maintenance Department Superintendent, regarding the emergency repair to the water main at the intersection of Eastern Avenue and M-37/Peninsula Drive that occurred on February 27, 2014.

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 confirming service order in the amount of \$17,273.47 to Elmer's for the emergency repair of a water main shear break, with funds available in the Water Fund.

JO/jd

cc: Dave Green, DPS Director
Justin Roy, Water/Sewer Maintenance Department Superintendent

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director *DSC*
DATE: June 6, 2014
SUBJECT: 2014 Water Main Break Emergency Repair Invoices

Attached is a memorandum from Justin Roy, Water/Sewer Maintenance Department Superintendent, explaining in detail the circumstances surrounding a water main break that occurred in our system last February 27, 2014 at the intersection of Eastern Avenue and M-37/Peninsula Drive. As Justin points out only one contractor showed us any interest in wanting to help fix what we knew was a very difficult repair in very difficult conditions. I concur with Justin's request.

Therefore, please request City Commission approval for a Confirming service order to be issued to Elmer's Crane & Dozer, Inc. in an amount of \$17,273.47 for the emergency repair of a water main shear break with required funds available in the Water Fund.



CITY OF TRAVERSE CITY
WATER/WASTEWATER MAINTENANCE

TO: DAVE GREEN, DPS DIRECTOR
FROM: JUSTIN ROY, WATER/WASTEWATER MAINTENANCE SUPERINTENDENT JR
SUBJECT: PENINSULA DRIVE WATERMAIN BREAK
DATE: 6/3/2014
CC:

On February 27, 2014 at approximately 6:00 pm, Light & Power dispatch received a call from a customer with a report of water coming out of the ground near 1160 Peninsula Dr. Brian McManus and Bob Zywicki responded to the call.

Upon arrival they found water flowing out of a vault that is part of the AT&T phone system. They called Light & Power for more assistance. Adam Johnson and Cody Klingel Smith responded to the site. They followed protocol by locating the valves that they had determined "should" stop the leak so they would be able to repair it. After turning the valves there was no effect on the amount of water flowing from the vault. They re-checked the valves for location and tightness but still had the same amount of water flowing from the vault.

After trying for a few hours to determine why they were unable to shut the water off Bob called me at approximately 10:00 pm concerned that the 30" main water supply was leaking. I responded immediately to the site. I determined the 30" main was not leaking by the amount of water flowing from the vault. The amount of water coming from the vault was typical of a 6" or 8" water main break and not a 30".

Although it was determined that the 30" main was not broken, we were still unable to determine where the water was coming from. We were able to pump the vault out and witnessed the water flowing into the vault from the conduits entering the North side of the vault. We began to "chase" the water to the North by checking the AT&T vaults. Vaults are spaced approximately 1000' apart. We checked the vault at the intersection of Peninsula Dr. and Eastern Ave. It was full of water and we could see that water had been coming out of it at one time but it was not at that particular point. We proceeded to the next vault which is located in front of 1425 Peninsula Dr. We determined that the small amount of water presently in the vault was either ground water or snow melt.

We were able to narrow down the leak to an 800' stretch by turning off the valves at the intersection of Peninsula Dr. and Eastern, then heading south in front 1205 Peninsula Dr. where we have a cluster of 6" main valves. Once those valves were shut off the leak quit.

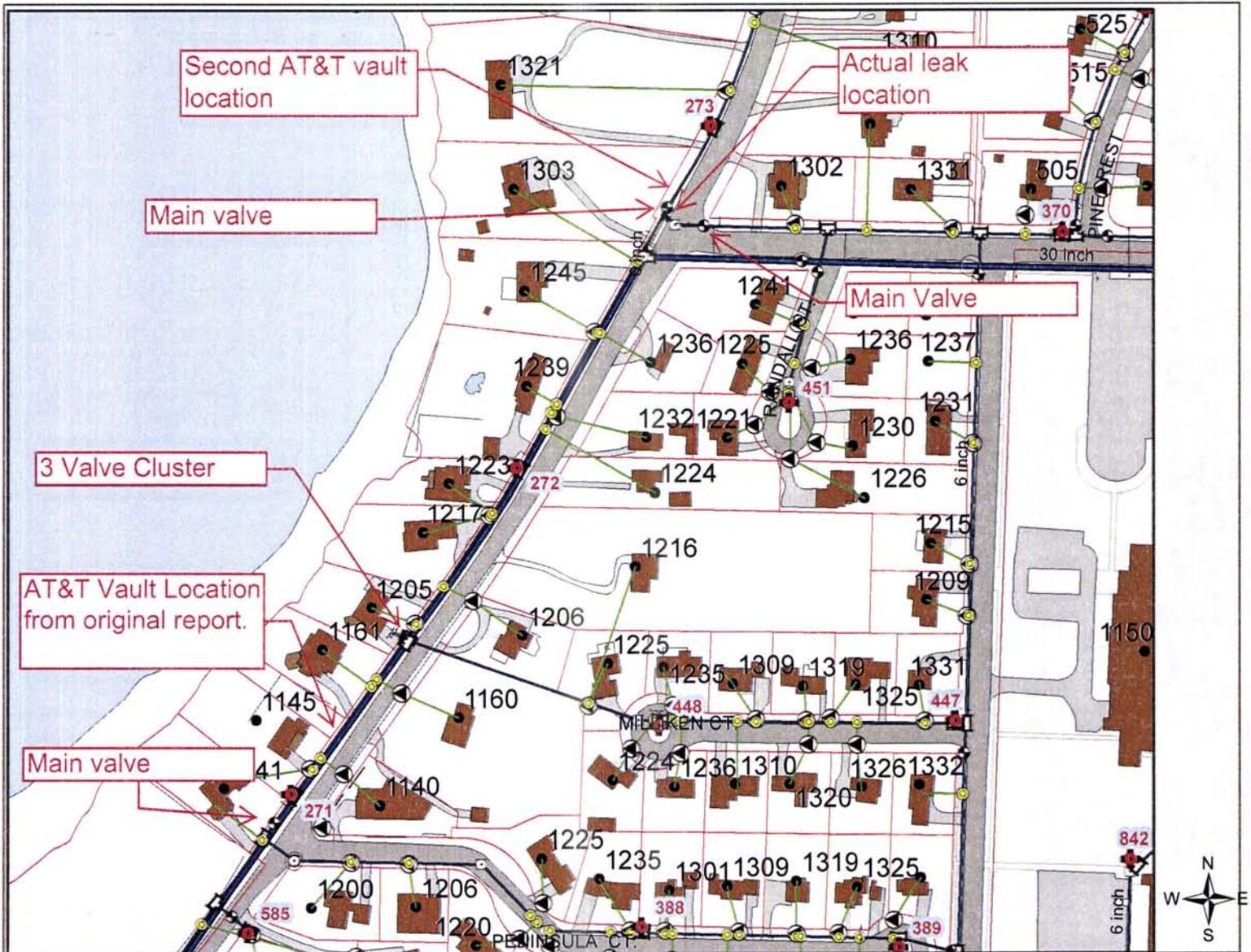
Over the next few days we were able to narrow the leak down to a 50' stretch of main near the intersection of Peninsula Dr. and Eastern Ave. with the assistance of Elmer's who had some leak detection equipment. We then contacted Bay Geophysical to narrow it down even closer using ground penetrating radar. They were able to narrow the area to approximately 5', located just south of the 6" valve on Peninsula Dr.

Because we were so busy with frozen water services and there was 6' of frost in the ground we decided to hire a contractor to perform the repair. I contacted Elmer's, Molon, and Alpers Excavating to obtain 3 bids. Alpers and Molon politely declined the job so we hired Elmer's to complete the repair.

On March 13th, Elmer's began the repair process by bringing in ground heaters to thaw the ground. After three days of ground thawing, on the 16th they excavated the area in which we had determined the leak was. The leak turned out to be a shear break on the 6" water main that runs East/West on Eastern, but was within the original area that Bay Geophysical had located.

After making the repair, a temporary "cold patch" road repair was approved by MDOT, due to the winter time conditions. The permanent road repair was completed May 6th, and final restoration was completed May 11th.

Please request that the City Commission approve a confirming service order to Elmer's Crane and Dozer in the amount of 17,273.47 for the water main repair, with funds available in the Water Budget.





The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014/2015 STREET DEPARTMENT ASPHALT
PURCHASES

Attached are memos from Dave Green, DPS Director, and Mark Jones, Streets Superintendent, regarding the purchase of asphalt for the fiscal year 2014/2015.

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

that the City Manager be authorized to issue two blanket purchase orders: one to Elmer's in the amount of \$50,000 and one to Precision Paving in the amount of \$20,000 for asphalt with funds available in the various Street budgets.

JO/jd

cc: Dave Green, DPS Director
Mark Jones, Streets Superintendent

Memorandum

The City of Traverse City
Department of Public Services



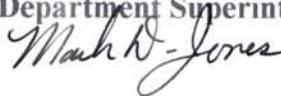
TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director 
DATE: June 5, 2014
SUBJECT: 2014 Street Department Asphalt Blanket Purchase Orders

Attached is a memorandum from Mark Jones, Street Superintendent, explaining his request for blanket purchase orders required to purchase asphalt used in our annual street and alley repair and/or maintenance programs. We buy asphalt in varying quantities almost daily for patching or street repair. There are only two asphalt plants in the area. They are not both open every day, and even if they are, they may not both be producing the particular asphalt mix we require on a given day. So we ask for the flexibility to purchase from whichever plant has the product we need.

Please request City Commission approval of a blanket service order to Elmer's for \$50,000.00 and a blanket purchase order to Precision Paving for \$20,000.00 for asphalt with funds available in the various Street budgets.

Memorandum

To: Dave Green, DPS Director
From: Mark Jones, Street Department Superintendent
Date: 5-14-2014
Subject: Asphalt Purchases



The Street Department purchases asphalt virtually on a daily basis throughout the calendar year. Often the amount of asphalt purchased is a small quantity - one to four tons - and distributed by hand to repair pot holes throughout the City. Other times we purchase a larger amount - between 10 to 50 tons - to restore a utility repair or overlay a particularly troublesome length of pavement in poor condition. During these larger repairs we make use of our paver, which attaches to a tandem truck hauling the asphalt.

During the 2013-14 fiscal years we used 200.34 tons of hot patch material for patching pot holes at the cost of \$12,473.27 We used 102.68 tons of cold patch material at the cost of \$12,337.60 On our larger repair areas we used 342.79 tons at the cost of \$24,124.95. (Patch tonnage does not include 5-14-14 through 6-30-14)

The following will give you an idea of how pricing has increased.

Asphalt Pricing

2008	31A	\$50.00 per ton
2009	31A	\$75.00 per ton
2010	31A	\$72.00 per ton
2011	31A	\$75.00 per ton
2012	31A	\$75.00 per ton
2013	31A	\$75.00 per ton
2014	31A	\$70.00 per ton

Cold Patching Pricing

2008	\$94.00 per ton
2009	\$97.00 per ton
2010	\$101.00 per ton
2011	\$115.00 per ton
2012	\$120.00 per ton

2013	\$125.00 per ton
2014	\$145.00 per ton

For the 2012-13 fiscal year we established blanket purchase orders with two asphalt companies, Elmer's in the amount of \$50,000.00 and ATP Precision Paving for \$20,000.00. (Reason for lower amount for ATP Precision Paving is the distance we would have to travel for material)

Please request the City Commission approval to establish two blanket purchase orders, one for Elmer's in the amount of \$50,000.00. One for ATP Precision Paving in the amount of \$20,000.00 for the purchase of asphalt, and cold patch on an as needed basis. Money has been budgeted in the following accounts for this purchase: 202-202-740.00; 203-203-740.00; 101-441-740.00; and 204-204-740.00. This will allow us to repair local streets, major streets, alleys and the State Trunk line (the later to be reimbursed by the State).



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014/2015 STREET DEPARTMENT CONCRETE
PURCHASES

Attached are memos from Dave Green, DPS Director, and Mark Jones, Streets Superintendent, regarding the purchase of concrete for the fiscal year 2014/2015.

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

that the City Manager be authorized to issue three blanket purchase orders: one to Elmers in the amount of \$15,000, one to Concrete Service in the amount of \$15,000, and one to Cornillie Concrete in the amount of \$15,000 for concrete with funds available in the various Street budgets.

JO/jd

cc: Dave Green, DPS Director
Mark Jones, Streets Superintendent

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director 
DATE: June 5, 2014
SUBJECT: 2014 Street Department Concrete Blanket Purchase Orders

Attached is a memorandum from Mark Jones, Street Superintendent, outlining his request for blanket purchase orders required to purchase quantities of concrete used in our annual street, sidewalk, curb & gutter and alley repair and/or maintenance programs. Concrete purchases are a bit different than asphalt purchases for two reasons: 1) We generally make smaller purchases of concrete at any one time, and 2) Concrete has to be delivered – we don't go somewhere to pick it up. There are three primary concrete suppliers in Traverse City, and we will use any of them that are available on the day that we need to pour for a project.

Please request City Commission approval of a blanket purchase/ service order to Elmer's for \$15,000.00, a blanket purchase/service order to the Concrete Service for \$15,000.00 and a blanket purchase/service order to Cornille Concrete for \$15,000.00 for concrete with funds available in the various Street budgets.

Memorandum

To: Dave Green, DPS Director

From: Mark Jones, Street Department Superintendent

Date: 5-19-2014 

Subject: Concrete Purchases

The Street Department oversees the sidewalks, curbs and streets in the City. Each year we remove, repair and replace a fair amount of broken curb, sidewalk, utility patches, catch basins and other City infrastructure requiring the use of concrete or concrete products.

In order to maintain our flexibility in accessing concrete when it is available, we would like to request a blanket service order to be issued to each of three concrete sources- Elmer's, Concrete Service, and Cornillie Concrete- in the amount of \$15,000.00 from each source. We will not necessarily purchase the total dollar amount of \$15,000.00 from all three companies. With a purchase order available we will be able to order concrete from the company that has a truck available the day we need a delivery, for a competitive price.

Will you kindly request of the City Commission approval to establish three blanket service orders, one for Elmer's, one for Concrete Service and one for Cornillie Concrete in the amount of \$ 15,000.00 each, for the purchase and delivery of concrete on an as needed basis. Money has been budgeted in the following accounts for this purchase: 202-202-740.00; 203-203-740.00; 101-441-740.00; and 204-204-740.00. This would allow us to repair and maintain streets, sidewalks, curbs and catch basins sites on major and local streets, and on State Trunk lines in emergency situations. State Trunk line work would of course be reimbursed by the State.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: PARKING SERVICES OPERATION CONTRACT

Attached is a memo from Downtown Development Authority Executive Director Rob Bacigalupi recommending an amendment to the agreement between the City and the DDA for it to operate the City's Parking Services. The amendment provides that the DDA manage the residential parking permit program on behalf of the City and increase the compensation to the DDA for the reasons articulated in Mr. Bacigalupi's memo.

As explained by Mr. Bacigalupi, the 2014-2015 budget anticipates a \$60,000 increase in the compensation paid to the DDA for their services under this agreement; Mr. Bacigalupi's requested amendment would increase the compensation paid by an additional \$20,000 over what is budgeted in the upcoming fiscal year, or a \$80,000 increase over what is currently being paid.

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

that the Mayor and City Clerk execute the fourth amendment to the Parking Services Operation and Management Contract (originally authorized June 19, 2003), with the Traverse City Downtown Development Authority (DDA), which increases the compensation paid by the City to the DDA to \$410,000 per fiscal year, and provides that the DDA administer the residential parking permit program on behalf of the City, effective July 1, 2014, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/bcm

K:\tcclerk\city commission\agreements\parking services operation contract amendment

copy: Rob Bacigalupi, Downtown Development Authority Executive Director



To: Jered Ottenwess, City Manager

From: Rob Bacigalupi, Executive Director

RMB

Re: Fourth Amendment to the Traverse City Parking Services Operation and Management Contract

Date: Tuesday, June 10, 2014

I am requesting a change to the City's agreement with the Downtown Development Authority to management the City's parking system that would increase the compensation from \$330,000 to \$410,000 to reflect the following:

- Conversion of a part time Clerk to a full-time Parking Support Specialist to provide a dedicated staff person for coin deposits, data management and citation inquiry support.
- Adjust the Parking Administrator and Deputy Parking Administrator salaries to better match the current marketplace for those positions
- Move residential permits from the City Manager's office to Traverse City Parking services where we have systems in place to efficiently manage that program
- Cover additional hours demanded by the continually increasing collections and enforcement in our busy downtown!

The budget we drafted, and was ultimately approved by the City Commission in May, anticipated a \$60,000 increase. Now we are recommending an \$80,000 increase to account specifically for additional salary for the Parking Administrator and Deputy Parking Administrator. The loss of our Parking

Administrator earlier this year caused us to do some cursory wage surveys for both positions which showed how under-market our pay was. I've added an additional \$15,000 of salary which equates to \$20,000 with benefits, therefore our new request for an \$80,000 fee increase versus the original \$60,000.

I ask that this be recommended for approval contingent upon DDA Board approval. If the City Commission acts on this request at their June 16 meeting, the DDA Board would consider this at their June 20 meeting.

**AUTOMOBILE PARKING SERVICES OPERATION
AND MANAGEMENT CONTRACT**

THIS AGREEMENT is made this 19 day of June, 2003, by and between the CITY OF TRAVERSE CITY, a Michigan municipal corporation, of 400 Boardman, Traverse City, Michigan, 49684, (the "City") and the TRAVERSE CITY DOWNTOWN DEVELOPMENT AUTHORITY, a Michigan quasi-municipal corporation, of 303 East State Street, Suite A, Traverse City, Michigan, 49684, (the "DDA");

WHEREAS, the City owns, leases, operates, and maintains an Automobile Parking System ("APS") for the benefit of the public; and

WHEREAS, the City is the owner of the Larry C. Hardy Parking Deck ("Parking Deck"), which is one of the parking facilities within the APS; and

WHEREAS, the City has issued certain general obligation bonds which are to be paid in part by the receipts of the APS and the City expects the receipts of the APS to remain a source of payment of the outstanding bonds; and

WHEREAS, the DDA was established pursuant to state statute for the purpose of promoting economic growth and preventing deterioration within the downtown business district; and

WHEREAS, pursuant to law, the DDA has full authority and desires to operate the APS for the City; and

WHEREAS, the City has in the past delegated and wishes to continue to delegate to the DDA full control and authority to operate the APS, including the Parking Deck; and

WHEREAS, the public and future downtown development are best served by transferring operational control of the APS to the DDA;

NOW, THEREFORE, IT IS AGREED:

1. Operation and Management. The operation, management, and staffing of the APS, including the Parking Deck, is hereby delegated to the DDA, said Automobile Parking System ("APS") being more fully described in the Inventory of Traverse City Automobile Parking System, Attachment "A," which is attached and incorporated herein by reference. This Inventory will be updated annually by the DDA subject to the approval of the City Manager in the budget process.

2. APS Funds. The DDA shall have authority over all APS assets and funds and shall use assets, recommend expenditures, and expend funds for the benefit of the APS in conformity with a budget approved by the City Commission and with City Manager Executive Orders. However, the net revenue from parking meters located outside the DDA District, including revenue from related tickets, shall remain the property of the City and shall not become a part of the APS funds over which the DDA has authority. APS funds shall be used to pay lease payments and all City costs of direct services to the APS, including but not limited to the Parking Violations Bureau, data processing, deposit collections, vehicle maintenance, and storage. APS funds may also be needed to pay debt service on outstanding TIF 97 bonds if TIF revenues are not sufficient.

3. Support Services. The City shall provide support services, including accounting services, to the APS. The City Treasurer's office shall be the fiscal agent for the APS.

4. Personnel. The DDA shall have authority to employ personnel, including personnel for the Parking Deck, except for those APS employees who are City employees as of the date of this contract.

5. Parking Deck Leases. The DDA shall have authority to enter into leases with commercial tenants leasing building space and other space as needed in the Parking Deck for definite

lease terms. Other than those parking spaces committed in the City of Traverse Cooperative Development Agreement, dated September 7, 2000, between Radio Centre, Inc. and the Traverse City Downtown Development Authority and the City of Traverse City, long-term parking leases shall not be allowed without City Commission approval.

6. Parking Leases. The DDA shall have authority to lease property for APS parking purposes, subject to approval as to substance by the City Manager, and to administer existing City leases.

7. No Transfer. No transfer of employees, ownership of personal and real property, leases, or contracts is intended by this Agreement.

8. Maintenance and Repair. The DDA shall maintain and keep in good repair the APS assets and land, including the Parking Deck, and insure the routine maintenance and repair thereof. The DDA shall have the authority for expenditures and to enter into contracts for said maintenance and repair according to City Manager Executive Orders. However, expenditures in excess of \$2,500 shall be subject to City Commission approval.

9. Term. This agreement shall commence July 1, 2003, and continue on a fiscal yearly basis unless terminated. This agreement may be terminated by either party without cause upon sixty (60) days' written notice to the other party.

10. Compensation. The City shall pay the DDA an amount equal to the approved budget for management and staffing expenses of the APS to be adjusted each fiscal year for all services rendered under this contract. Payments shall be made out of APS funds in equal installments on a monthly basis. The budget for management and staffing expenses by the DDA during fiscal year 2003-2004 is \$205,000, which may be amended during the term. The DDA Board of Directors shall

annually prepare a budget for the APS in conformity with the City's budgeting practices and according to the schedule of all other City budgeting operations. As additional compensation to the DDA, the DDA shall be entitled to occupy office space in the Parking Deck during the term of this Contract.

11. Professional Practices. The DDA shall render all services under this agreement in accordance with generally accepted practices for the intended use of the work or project.

12. 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 race, color, religion, national origin, age, sex, height, weight, handicapped status, or marital status. Breach of this covenant may be regarded as a material breach of this agreement.

13. Entire Agreement. This contract, together with all the items incorporated herein by reference constitutes the entire agreement of the parties and there are no valid promises, conditions or understandings which are not contained herein. The Resolution Delegating Control Over the Automobile Parking System adopted October 7, 1991, by the City Commission is superseded and replaced by this contract.

14. Authority to Execute. The parties agree that the signatories appearing below have the authority and are duly authorized to execute this agreement on behalf of the party to the contract.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date and year first above written.

IN THE PRESENCE OF:

CITY OF TRAVERSE CITY

Patricia Saund

Margaret B. Dodd

By: Margaret B. Dodd

Henry Lillhardt

By: Debra A. Curtiss, City Clerk

TRAVERSE CITY DOWNTOWN
DEVELOPMENT AUTHORITY

Richard N. Stein

Richard N. Stein

By: Richard Stein, Chairman

Bryan J. Crough

By: Bryan J. Crough, Executive Director

APPROVED AS TO SUBSTANCE:

Richard I. Lewis
Richard I. Lewis
City Manager

APPROVED AS TO FORM:

W. Peter Doren
W. Peter Doren
City Attorney/General Counsel

Dated May 27, 2003

ATTACHMENT A
INVENTORY OF TRAVERSE CITY AUTOMOBILE PARKING SYSTEM

- I. The physical parking system is composed of the following:
- A. Street parking in the Central Business District ("CBD"). See attached Street Parking Inventory for complete list of metered locations in the CBD.
 - Metered: 447 spaces
8 handicapped spaces
 - Total lot spaces: 455

 - B. Munson Hospital area
 - Metered: 94 spaces
 - Non-metered: 1 handicapped space
 - Total lot spaces: 95

 - C. Parking lots in the Central Business District. See attached Lot Parking System Inventory for complete list of parking lots in the CBD.
 - Metered: 830 spaces
25 handicapped spaces
 - Non-metered: 219 spaces
(Permit type)
 - Total metered: 855 spaces
 - Total non-metered: 219 spaces
 - Total lot spaces: 1,074

 - D. Larry C. Hardy Parking Deck, 303 E. State Street
 - Transient (hourly): 89 spaces
14 handicapped spaces
 - Permit parking: 430 spaces
7 handicapped spaces
 - Total transient: 103 spaces
 - Total permit: 437 spaces
 - Total lot spaces: 540

 - Leasable building space: 3,100 square feet

 - E. Total parking spaces: 2,164

- F. Northwestern Michigan College
Contract between the City and the College to handle parking enforcement and parking violation payments via the City Treasurer's Office (see contract for details).
- G. Inventory of maintenance meters in City Garage:
Electronic type: 12
Mechanical type: 56
Miscellaneous other:
bench tools, parts supply, file cabinets (5), stools (2), desks (2), chairs (4), table grinder, snow thrower, shovels, brooms, meter storage cabinet, mobile radio units (4) with chargers, Dell computer, Brother laser printer, AutoCite ticket writers (4) with a 4-port charger
- H. Miscellaneous personal property consisting of:
Two vehicles:
Ford pick-up truck
Compact Ford sedan
22 h.p. John Deere tractor with blade, blower, and broom
Parking enforcement officers' uniforms
- I. Money account in bank:
Security investments
Uncollected violations in backlog dollars

STREET PARKING INVENTORY

LOCATION	NUMBER	TYPE
100 W. Front	14 16 3	2-hour meters 10-hour meters 30-minute meters
100 E. Front	35 2	2-hour meters (with free 30 minutes) handicapped
200 E. Front	34 2	2-hour meters (with free 30 minutes) handicapped
300 E. Front	25 3	2-hour meters handicapped
400 E. Front	39	2-hour meters
500 E. Front	18 12	2-hour meters 10-hour meters
100 S. Park	13	2-hour meters
100 N. Cass	4	2-hour meters
100 S. Cass	11	2-hour meters
100 N. Union	4	2-hour meters
100 S. Union	14 1	2-hour meters 30-minute meter
200 S. Union	18	2-hour meters
300 S. Union	18	2-hour meters
400 S. Union	24	2-hour meters
100 W. State	7 7	10-hour meters 2-hour meters
100 E. State	33	2-hour meters
200 E. State	19 16	2-hour meters 10-hour meters
300 E. State	29	10-hour meters
200 S. Cass	29 1	10-hour meters handicapped

100 S. Pine	12	10-hour meters
100 S. Madison	8	2-hour meters (with free 30 minutes)
200 S. Madison	28	2-hour meters (with free 30 minutes)
100 Beaumont	17	2-hour meters (with free 30 minutes)
200 Beaumont	10	2-hour meters (with free 30 minutes)
1000 Sixth	16	2-hour meters (with free 30 minutes)
1100 Sixth	7	2-hour meters (with free 30 minutes)
1200 Sixth	10	2-hour meters (with free 30 minutes)

LOT PARKING SYSTEM INVENTORY

LOT	LOCATION	NUMBER	TYPE
A	100 E. Front, north alley, Union to Cass Street, south of the river	4 81 2	30-minute meters 2-hour meters (with free 30 minutes) handicapped
B	Across river from Lot A, entrance off Cass Street, west of Chamber of Commerce building	57 89 2	10-hour meters 2-hour meters handicapped
C	By Chamber of Commerce, east side of building, enter west off Park Street or the Parkway	23 60 2	10-hour meters 2-hour meters handicapped
D	North of Dingeman-Dancer building, enter off Park Street east or the Parkway	52	10-hour meters
E	West of post office, 200 block W. State Street, between Union and Pine	64 2	permit parking allowed 2-hour meters handicapped
F	Behind Bank One building, 200 block E. Front, enter off 100 S. Park	23 8 3 6	2-hour meters 30-minute meters handicapped private
G	By Mode's Bum Steer restaurant, 125 E. State	51 3	2-hour meters handicapped
H	Fifth Third Bank, enter off 110 W. Front Street or N. Union Street	23 2 5	1-hour meters handicapped free customer parking
I	Alley behind Bilmars, off Cass Street, rear 211 E. Front	6	2-hour meters (with free 30 minutes)
J	Union Street Dam at Sixth Street	41	permit parking allowed 10-hour meters
K	Alley southwest of Ameritech, rear 100 E. State Street	22	10-hour meters

L	Governmental Center, 400 Boardman Avenue	14 14 3	30-minute meters (with free 15 minutes) 2-hour meters handicapped
M	Marina - Clinch Park Zoo	89 24 5	2-hour meters 10-hour meters handicapped
N	South side alley, 232 E. State, enter off 200 S. Cass	28	10-hour meters
O	Across from Old City Hall	27	2-hour meters
P	303 E. State Street, corner E. State and Park Streets - Larry C. Hardy Parking Deck	430 7 89 14	permit only handicapped permit only hourly handicapped hourly
Q	River's Edge, west condominiums at 125 Lake Street - private property lease	24	2-hour meters
R	Rear of 100 E. Front, behind stores in south alley	19	2-hour meters (with free 15 minutes)
S	Alley rear of 210 E. State Street, enter off Cass Street - lease via F. Paulos	28	permit only City overflow
T	Corner of N. Union and Grandview, enter off N. Union	143	permit only
U	Alley, 200 E. Front, rear U&I bar	9 2	2-hour meters handicapped
V	100 W. Front - two leased lots - via Calcutt Trust	V1 - 84 V2 - 24	permit only permit only
W	Old BOGI lot, corner of Washington and Cass	133	permit only
X	138 Hall Street - proposed lease with TCL&P	52	permit only
Y	346 E. State Street	32	permit only

SECOND AMENDMENT TO AUTOMOBILE PARKING SYSTEM OPERATION AND
MANAGEMENT CONTRACT

THIS SECOND AMENDMENT ("Amendment") to the Automobile Parking Services Operation and Management Contract dated June 19, 2003, is made this 2nd day of March, 2009, by and between the CITY OF TRAVERSE CITY, a Michigan municipal corporation, of 400 Boardman, Traverse City, Michigan, 49684, ("City") and the TRAVERSE CITY DOWNTOWN DEVELOPMENT AUTHORITY, a Michigan quasi-municipal corporation, of 303 East State Street, Suite A, Traverse City, Michigan, 49684, ("DDA");

WHEREAS, the City and the DDA entered into an Auto Parking Services Operation and Management Contract (the "Contract") on June 19, 2003, which delegated to the DDA the full control and authority to operate the City's Auto Parking System; and

WHEREAS, one of the APS employees who was a City employee at that time has vacated the position; and

WHEREAS, it is the City's desire for the DDA to employ the personnel (the "Personnel") necessary to perform that work as a part of its control and authority over the operation, management, and staffing of the APS; and

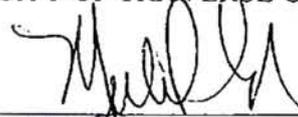
WHEREAS, the DDA shall employ the personnel necessary to perform that work on condition that it is compensated for such services under the Contract;

NOW, THEREFORE, IT IS AGREED that the Contract is amended as follows:

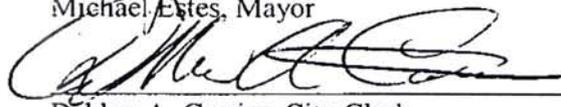
10. Compensation. From the date of this Amendment, the City shall pay the DDA the sum of \$252,000 per fiscal year or \$21,000 per month for all services rendered under this contract unless otherwise amended. For fiscal year 2008-2009, the City shall pay the DDA the sum of \$252,000 pro-rated from the date the DDA hires the Personnel. Payments shall be made out of APS funds in equal installments on a monthly basis. The DDA Board of Directors shall annually prepare a budget for the APS in conformity with the City's budgeting practices and according to the schedule of all other City budgeting operations. As additional compensation to the DDA, the DDA shall be entitled to occupy office space in the Parking Deck during the term of this Contract.

All other provisions of the Automobile Parking System Operation and Management Contract, as amended, shall remain the same.

CITY OF TRAVERSE CITY



Michael Estes, Mayor

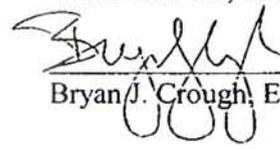


Debra A. Curtiss, City Clerk

TRAVERSE CITY DOWNTOWN
DEVELOPMENT AUTHORITY

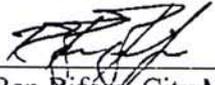


Mark Eckhoff, Chairman



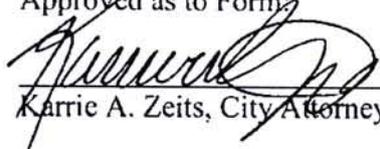
Bryan J. Crough, Executive Director

Approved as to Substance:



R. Ben Bifoss, City Manager

Approved as to Form:



Karrie A. Zeits, City Attorney/General Counsel

THIRD AMENDMENT TO TRAVERSE CITY PARKING SERVICES (formerly known as Auto Parking System or "APS")

OPERATION AND MANAGEMENT CONTRACT

This Third Amendment ("Amendment") to the Traverse City Parking Services (formerly known as Auto Parking System or "APS") Operation and Management Contract dated June 19, 2003 is made this 2 day of APRIL, 2013, by and between the CITY OF TRAVERSE CITY, a Michigan municipal corporation, whose address is 400 Boardman Avenue, Traverse City, Michigan 49684 (the "City") and THE TRAVERSE CITY DOWNTOWN DEVELOPMENT AUTHORITY, a Michigan quasi-municipal corporation of 303 East State Street, Suite A, Traverse City, MI 49684 ("DDA");

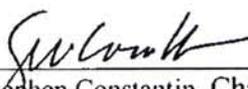
The parties hereby agree to amend the Traverse City Parking Services Operation and Management Contract dated June 19, 2003 in the following manner:

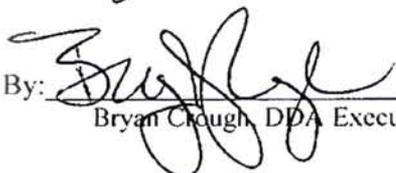
10. Compensation. Effective April 1, 2013, the City shall pay the DDA the sum of three hundred thirty thousand dollars (\$330,000.00) per fiscal year, or twenty-seven thousand five hundred dollars (\$27,500.00) per month for all services rendered under this contract unless otherwise amended. Payments shall be made out of Traverse City Parking Services funds in equal installments on a monthly basis. The DDA Board of Directors shall annually prepare a budget for Traverse City Parking Services in conformity with the City's budgeting practices and according to the schedule of all other City budget operations. As additional compensation to the DDA, the DDA shall be entitled to occupy office space in the Parking Deck during the term of this Contract.

All other terms and conditions of the Traverse City Parking Services Operation and Management Contract dated June 19, 2003, as amended, shall remain unchanged and in full force and effect.

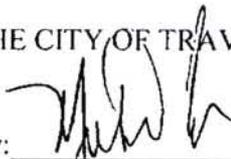
IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the date and year first above written.

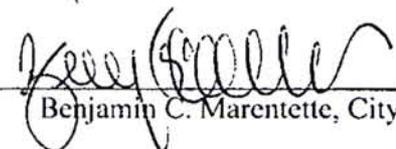
TRAVERSE CITY DOWNTOWN
DEVELOPMENT AUTHORITY

By: 
Stephen Constantin, Chairman

By: 
Bryan Crough, DDA Executive Director

THE CITY OF TRAVERSE CITY

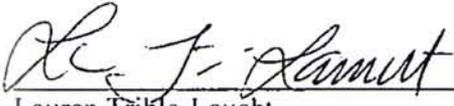
By: 
Michael Estes, Mayor

By: 
Benjamin C. Marentette, City Clerk

Approved as to Substance:


R. Ben Bifoss, City Manager

Approved as to Form:


Lauren Tribble-Laucht,
City Attorney/DDA Counsel

FOURTH AMENDMENT TO TRAVERSE CITY PARKING SERVICES

(formerly known as Auto Parking System or "APS")

OPERATION AND MANAGEMENT CONTRACT

THIS FOURTH AMENDMENT ("Amendment") to the Traverse City Parking Services (formerly known as Auto Parking System or "APS") Operation and Management Contract dated June 19, 2003 (the "Agreement"), is made this _____ day of _____, 2014, by and between the CITY OF TRAVERSE CITY, a Michigan municipal corporation, of 400 Boardman, Traverse City, Michigan, 49684, ("City") and the TRAVERSE CITY DOWNTOWN DEVELOPMENT AUTHORITY, a Michigan quasi-municipal corporation, of 303 East State Street, Suite A, Traverse City, Michigan, 49684, ("DDA");

The parties hereby agree to amend the Agreement in the following manner:

10. Compensation. Effective July 1, 2014 the City shall pay the DDA the sum of FOUR HUNDRED TEN THOUSAND DOLLARS (\$410,000) per fiscal year or THIRTY-FOUR THOUSAND ONE HUNDRED SIXTY-SIX DOLLARS AND SIXTY-SEVEN CENTS (\$34,166.67) per month for all services rendered under this contract unless otherwise amended. Payments shall be made out of Traverse City Parking Services funds in equal installments on a monthly basis. The DDA Board of Directors shall annually prepare a budget for Traverse City Parking Services in conformity with the City's budgeting practices and according to the schedule of all other City budgeting operations. As additional compensation to the DDA, the DDA shall be entitled to occupy office space in the Parking Deck during the term of this Contract.

16. Residential Permits. The DDA shall administer the residential parking permit program on behalf of the City.

All other provisions of the Agreement, as amended, shall remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the date and year first above written.

CITY OF TRAVERSE CITY

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

TRAVERSE CITY DOWNTOWN
DEVELOPMENT AUTHORITY

By: _____
Stephen Constantin, Chairperson

By: _____
Ross Biederman, Secretary

Approved as to Substance:

Rob Bacigalupi, Executive Director

Approved as to Substance:

Jered Ottenwess, City Manager

Approved as to Form:

Lauren Tribble-Laucht, City Attorney/DDA
General Counsel



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 TRAVERSE CITY FILM FESTIVAL

Attached is a memo from City Clerk Benjamin Marentette outlining and recommending that the Commission authorize the 2014 Letter of Agreement with the Traverse City Film Festival.

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

that the Mayor and City Clerk execute the Letter of Agreement with the Traverse City Film Festival outlining the scope of the 2014 Traverse City Film Festival, including use of City personnel and City facilities, such agreement subject to approval as to its substance by the City Manager; and further that the City Clerk be authorized to issue the related Street Use and Park and Public Land Use Permits.

JJO/bcm

K:\tcclerk\city commission\special events\film festival 2014

copy: Deb Lake, Traverse City Film Festival Executive Director
Department Heads

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
COPY: Department Heads
FROM: Benjamin Marentette, City Clerk
DATE: Wednesday, June 11, 2014
SUBJECT: 2014 TRAVERSE CITY FILM FESTIVAL

Attached is the proposed agreement for the 2014 Traverse City Film Festival, along with a high-level calendar view of Film Festival events.

The following are key highlights / changes from last year's agreement:

1. A Founder's Brunch on the patio at the River (in Clinch Park) will be held Sunday, July 27, from 11 a.m. to 1 p.m. -- food and cocktails.
2. City of Riesling Evening Reception in Clinch Park at The River location -- Sunday, July 27, 8 pm., until midnight -- music, food, and cocktails.
3. Cinema Salon and Outdoor Discussion panels in Clinch Park, Wednesday, July 30, through Sunday, August 3.
4. Closing Night Bash in Open Space, Sunday, August 3, 7pm to Midnight -- 'family-friendly games, food and activities.
5. Movies on a Boat, Tuesday, July 29, and Wednesday, July 30 -- passengers loaded from gas dock at 9 p.m. both days, for movies on a boat excursion, passengers will be returned at the dock at midnight both days.
6. While not within the scope of approval for the Commission, the Film Festival has added a tenth indoor movie venue, at Inside Out Gallery.

For both Items #1 and 2, Mike Sutherland of The River is aware and okay with the fact that this will mean his concessions would be closed for Sunday, July 27.

As required by the Commission in the National Cherry Festival contract, language has been added (to page 5 of the agreement) to require that the Film Festival not encumber the TART Trails or any-non-motorized pathway. Additionally, for the areas being utilized by the Film Festival, they will ensure a minimum 2' clear zone on both sides of all non-motorized pathways,

and will endeavor to maintain a 3' clear zone. This was recommended by TART Trails staff.

Last year, the Film Festival invested in equipment to "localize" the sound from movies within the Open Space – this was a fantastic improvement and the City did not receive any formal noise complaints regarding the Film Festival last year.

Additionally, during the debrief, there were a few administrative issues that we have resolved with the Film Festival – beyond those, there were no issues of major concern.

There will continue to be logistics that need to be worked out with Film Festival representatives; and as always, those logistics will continue to be refined up to and during the event. I recommend the City Commission approve the letter of agreement and authorize our office to issue the related permits.

As always, please let me know if you would like to discuss.

Traverse City Film Festival 2014

2014 FESTIVAL PLANS Tenth Annual Festival: July 29 – Aug 3, 2014

EXECUTIVE SUMMARY

Our plans for the 2014 festival are substantively the same as the prior year. As of this writing, we have the following new or noteworthy items:

1. The Warehouse at **517 Wellington** continues to be absolutely critical to our operations, especially June-August, when it is the central hub of our organization. And year-round, not a day goes by when we do not access the warehouse for materials needed for the theaters or festivals. Use of the warehouse is the single greatest benefit the City has given toward our efforts. We understand that discussions are underway regarding use of the Warehouse and we will continue to engage with the City as requested.
2. We would like to move our Founders Party, held in the past at Ciccone Vineyards, downtown. We hope to have the **Founders Brunch** on the patio at The River from 11 am to 1 pm on Sunday, July 27. Bloody Marys and other brunch cocktails will be served along with food; we will fence the area and obtain the appropriate licensing, bonds, and insurance.
3. Later that night, after special screenings of a Riesling related film on the evening of Sunday, July 27 at the Bijou by the Bay, we'd like to co-host a **City of Riesling Evening Reception** in Clinch Park at The River with the event with music, food, and drink from 8 pm until midnight. We will fence the area and handle alcohol and licensing as we do for other festival parties. The footprint will be the same as the morning's Founders Brunch.
4. Due to these two events in the morning and evening of Sunday, July 27, **The River** would not be able to serve concessions during the day. Concessions would operate normally for the rest of the week.
5. From Wednesday, July 30 through Sunday, August 3, we would like to move our Cinema Salon and outdoor panels (formerly located in a separate location in Clinch Park near the marina building) to share space with what was the Music Stage at The River. This **combined panel and music venue** will consolidate our footprint in Clinch Park.
6. We are working with Mike Sutherland and Windemueller on the installation of a **permanent electrical panel**, fed from the panel in the bathrooms unless otherwise directed, that can serve as the service for this stage and for other year-round performances in this area of the patio.
7. The **Opening Night Party** will be held on the 200 block of Front Street from 8:30 pm – 12:30 am on Tuesday, July 29. We will need to close Front Street beginning at 5 pm and will reopen it as soon as possible after the party concludes.
8. The **Filmmaker Party** will again be held on Saturday, August 2 in the Century 21 Northland parking lot at State and Park Streets, and due to capacity issues, like last year, we'd like the party to expand out onto Park Street. We will again request a **street closure of Park St. between State St. and E. Front St.** during the party. We would close the street at 5 pm to begin set up for the party, and reopen it after the party, after midnight. We

- will work with the Park Place to provide signage and volunteers to direct Park Place patrons on a one-block detour to the hotel.
9. **Open Space movies** will be held Tuesday, July 29 – Sunday, August 3, with a full run through test/sneak preview on Sunday, July 27 or Monday, July 28 (weather dependent).
 10. The **Closing Night Bash** will return to Open Space prior to the evening film on Sunday, August 3 – the party will be free and open to the public, will consist of additional free and fun activities for families. Alcohol will not be involved in any Open Space activities. The party runs from 7 pm until the movie begins at 9:30 pm.
 11. **Official TCFB Buskers** will perform at the Jay P. Smith Walkway and along venue lines prior to film screenings, as last year. The buskers will be wearing signage, denoting their official TCFB Busker status, during the festival, July 29-August 3.
 12. As part of our **Movies on a Boat** celebration of the 10th anniversary, the Harbor Master has let us know that the Inland Seas can use the gas dock at 9 pm on Tuesday, July 29 and Wednesday, July 30 to load passengers for the Movies on a Boat excursion, and drop those passengers back at the gas dock following the film, near midnight.
 13. At the request of the community, we plan to make adjustments to our Open Space set up so that members of the community can access **the F Dock** at the end of the peninsula. We will still need to ensure the public's safety by restricting some access to the area behind the screen where the guide wires run, as in previous years.
 14. The **Volunteer Party** will be held at the Village at Grand Traverse Commons and therefore will not impact any City park.

OVERVIEW OF FESTIVAL, JULY 29 – AUGUST 3, 2014

The Traverse City Film Festival, a 501c3 non-profit organization, is preparing its tenth annual event, and requests that the City consider the following proposal for carrying out the festival in 2014.

The dates of the 2014 festival are July 29-August 3. Tuesday, July 29 will be opening day, with an opening night party on the 200 Block of Front Street, nighttime screenings of the opening night film (City Opera House, State Theatre), and a free movie for the public in Open Space.

The Wednesday through Sunday schedule will include free industry panels in the morning plus four to six movie screenings daily in each of the festival's eight indoor movie houses, and free movies for the public outdoors in the Open Space. On Saturday night there will be a Filmmaker Party in the Century 21 Northland Parking Lot. Sunday is the last day of the festival, featuring the closing night film at the State Theatre and a Closing Night Bash free and open to the public at the Open Space. Open Space movies will be held Tuesday, July 29 – Sunday, August 3, with a public sneak preview on Sunday, July 27 or Monday, July 28, weather dependent. The indoor movie venues will be the State Theatre, the City Opera House, the Old Town Playhouse, Lars Hockstad Auditorium, Milliken Auditorium, Dutmers Theater, the Bijou by the Bay, and InsideOut Gallery (new this year).

OPENING NIGHT PARTY 7/29/14

- The TCFB is planning its 200 block party for Opening Night, Tuesday, July 29, 2014, from 8:30 until 12:30 am (no music and no alcohol served after 12 midnight, last call at 11:30 pm).
- Front Street will be closed from Park Street to Cass Street at 5 pm and will reopen as soon as clean up can be completed.

- Signs will go up early in the day alerting people to the fact that cars will begin to be towed at 4:30 pm. TCFF will pay for all parking tickets issued (so that the people being ticketed do not have to pay that cost), and we will pay for all towing. We have found that we do need to begin towing at 4:30 pm, even though the street will still be open to through traffic until 5 pm. We will put small signs on each parking meter to help alert people, in addition to signs posted on cones first thing in the morning, at 7 am. The street will not be blocked until 5 pm.
- The festival will provide all clean up services required.
- The Opening Night Party is a ticketed event. Tickets are \$50 for the public, and \$25 for Friends of the Film Festival. Several sponsors receive free tickets.
- The 200 block will be fenced along both curbs. Attendees will enter through gates at Front and Park and at Front and Cass.
- Sidewalks will be unaffected. The public will be free to use the sidewalks as usual.
- The crosswalk at Horizon Books will function as a drawbridge during the party.
- Food will be provided to party attendees.
- Alcoholic beverages (beer, wine, and a vodka mixed drink) will be served free of charge. The festival will check IDs at the door and at the beverage tables, and issue wristbands to people who are of drinking age. Servers will be TIPS trained and will check wristbands before serving any drink. They will also check the IDs of people drinking. Security will be posted around the fence perimeter (this will require a lot of security). No alcohol will be served outside of the fence, and no alcohol will be permitted to leave the fenced area.
- The festival will obtain a special license from the Michigan Liquor Control Commission.
- We will notify all property owners and merchants on the 200 block about the street closing.
- We wish to use electricity from the umbrella street light poles during the party.

NOISE VARIANCE REQUEST, 200 Block of Front Street, 7/30/13 to 11:59 pm

For the festival's Opening Night Party on the 200 block of Front Street, 7/29/14, we would like to continue amplified music until we stop serving food and beverages at 11:59 pm. This music will be kept at reasonable levels to allow partygoers to both dance and talk while enjoying downtown Traverse City. We will be sensitive to surrounding residential communities and hotels.

FILMMAKER PARTY, 8/2/14

- The filmmaker party on Saturday, August 2 will be held in Century 21 Northland's private parking lot and on Park Street from 8:30 until 12:30 pm (no music and no alcohol will be served after 12 midnight, last call at 11:30 pm).
- The party will be set up to minimize disturbance of area residents and Park Place Hotel guests.
- Park Street will be closed from Front Street to State Street at 5 pm and will reopen as soon as clean up is completed.
- Signs will go up early in the day alerting people to the fact that cars will begin to be towed at 4:30 pm. TCFF will pay for all parking tickets issued (so that the people being ticketed do not have to pay that cost), and we will pay for all towing. We have found that we do need to begin towing at 4:30 pm, even though the street will still be open to through traffic until 5 pm. We will put small signs on each parking meter to help alert people, in addition to signs posted on cones first thing in the morning, at 7 am.
- The festival will provide all clean up services required.
- The Filmmaker Party is a ticketed event. Tickets are \$50 for the public, and \$25 for Friends of the Film Festival. Several sponsors receive free tickets.
- The party area will be fenced along both curbs. Attendees will enter through a gate just south of the entrance to Sorellina.
- The east sidewalk of Park Street will be unaffected. The public will be free to use the sidewalk as usual.
- Food will be provided to party attendees.

- Alcoholic beverages (beer, wine, and a vodka mixed drink) will be served free of charge. The festival will check IDs at the gate and at the beverage tables, and issue wristbands to people who are of drinking age. Servers will be TIPS trained and will check wristbands before serving any drink. They will also check the IDs of people drinking. Security will be posted around the fence perimeter (this will require a lot of security). No alcohol will be served outside of the fence, and no alcohol will be permitted to leave the fenced area.
- The festival will obtain a special license from the Michigan Liquor Control Commission.
- We will notify all property owners and merchants on Park Street about the street closing.

NOISE VARIANCE REQUEST, Park Street, 8/2/14 to 11:59 pm

For the festival's Filmmaker Party on Park between State and Front and in the Century 21 Northland Parking Lot, 8/2/14, we would like to continue amplified music until we stop serving food and beverages at 11:59 pm. Music will be kept at reasonable levels to allow partygoers to both dance and talk while enjoying downtown Traverse City. We will be sensitive to surrounding residential communities and hotels.

WAREHOUSE (517 WELLINGTON)

The festival once again expresses its deep gratitude to the City for allowing us to use the Boys and Girls Club for our year-round warehouse and for our operations center and revision studio during the festival. **The Warehouse continues to be absolutely critical to our operations, especially during the months of June-August, when it is the central hub of our organization.** And year-round, not a day goes by when we do not access the warehouse for materials needed for the State Theatre and Bijou by the Bay, or for the film festival or comedy festival. Use of the warehouse is the single greatest benefit the City has given toward the efforts of the Traverse City Film Festival organization, writ large. We understand that discussions are underway regarding use of the Warehouse and we will continue to engage with the City as requested.

OPEN SPACE

- Open Space free films, the festival's gift to the community, are planned for July 29-August 3, with a full run through test/sneak preview on Sunday, July 27 or Monday, July 28, depending on weather.
- Open Space movies begin at dusk, approximately 9:30 pm.
- Signs will be posted, as in previous years, stating that there is No Smoking in Open Space, which is already the ordinance in place. We also place No Alcohol signs throughout Open Space, and ask that the City Commission agree to a temporary ordinance against drinking during Open Space movies. The drinking and smoking ban will be enforced during the films, and we ask the City police to assist with this.
- As in past years, musicians will play for the crowd before the films begin from a small stage near the screen. Entertainment begins at approximately 7 pm and continues until the movie starts.
- Set up will occur on July 26, 27 and 28; break down will occur August 4; the projection truck and ice truck will be removed from Open Space on August 5.
- The screen will again be on the peninsula, and we will replicate the sound design from 2013, which resulted in no sound complaints, per the festival's wrap up with the City after TCFF9 last year.
- Sprinklers in Open Space will need to be turned off on Friday, July 25 by the end of the day, so that set up can begin on Saturday, July 26 in the morning. We hope to again this year come up with a plan in cooperation with Parks and Rec that will allow for some zone specific morning irrigation daily to keep the grass in good condition during the festival period while still protecting the expensive projection and sound equipment used for the films.

- We will need the two large lights in the Farmer's Market area turned off during the Open Space screenings July 29-August 3, as it interferes with the ability of the public to see the movie on the inflatable screen.
- The festival does not allow alcohol in Open Space during the family movie screenings. We ask for a prohibition on alcohol in Open Space during the film festival so that we can ensure the family atmosphere.
- We request the City's help with maintaining a safe and family atmosphere in Open Space as the crowds grow larger. We will enforce the no smoking and no drinking ordinances with the police's help.
- To block sound and headlights, as part of our sound containment plan, and to provide safety for patrons who will now be closer to the road, we will again place fencing and a sound curtain along the parkway.
- The festival would again like to sell refreshments (popcorn, soda, water, etc.) as well as festival logo merchandise during the showings to help offset the costs of bringing the outdoor movies to the public.
- The food and merchandise tents will be located near the plastic road for easy access and service.
- We request 20 picnic tables for the use of the public, to be placed near the concessions tents.
- We will invite 4-7 third party vendor subcontractors to provide food for the public during the movies. They will sign contracts with the festival and will operate under festival management.
- We ask that the City ensure that the lighting around the perimeter of Open Space is functioning, to help ensure security and safety. We will also provide light towers as we have in the past.
- Each night we will return the park to the condition in which we found it, cleaning up and removing all trash and waste.
- We will provide and oversee recycling of plastic and glass during the event.
- We will keep the TART Trail open for public use during the festival. The festival agrees to not encumber the TART Trails or any non-motorized pathway. Further, with respect to the TART Trail and all non-motorized pathways within the footprint of areas being utilized by the festival, the festival agrees to maintain a minimum 2' clear zone on both sides of all non-motorized pathways, and will endeavor to maintain a 3' clear zone.

CLINCH PARK MUSIC STAGE & OUTDOOR PANELS, 7/30-8/3/14

- We request the use of the patio at The River, Wednesday, July 30 – Sunday, August 3, from 12 noon until 9 pm, for a tent with sound system to be used for a combination of our outdoor panels, Cinema Salon, and Music Stage.
- We hope to place outside the additional chairs and tables that are currently stored in the marina outbuildings to provide for additional seating during the festival period.
- Sound levels will be kept appropriate for the area.

LARS HOCKSTAD AUDITORIUM

- We have worked with Central Neighborhood Association on plans for the 2014 festival, including the fourth year of the west side park & ride lot near Thirlby Field.
- Movies will be shown at 9 am, 12 noon, 3 pm, 6 pm, and 9 pm during the festival.
- A kids fest lawn party will be held outside Central Grade School, free for families, from 11 am until 2 pm Wednesday, July 30 through Saturday, August 2.
- Central Neighborhood Association may ask the City to block public parking in or access to certain alleys during the festival. The TCFE supports the Association's requests to restrict alley access during the festival.
- Because we plan to have many children of all ages on the lawn between Pine and Wadsworth right off 7th Street, we wish to place sawhorses up at Pine and 7th at 11 am on these days, July 30-August 2, and to keep the road closed to through traffic until 2 pm. We do not need to clear parked cars. The route can still be used for emergencies and will be open for people who live on the street and who need to get to and from their homes. We will not be using the road other than to park the fire

and police vehicles that will be part of our Health and Safety Day on Thursday. We will put up detour signs that will route people one block over.

PARKING

- We will request that the parking garage open an account for approved festival personnel during the festival to include our security and guest teams. Details will be provided to the Hardy Parking Garage in the week before the festival. We will ask to be billed for parking garage use by these approved festival personnel.
- We will provide the Hardy Parking Garage with a sample of the symbol that must be on the credential of any person requesting free parking through the TCFF account.
- We will provide a detailed parking meter bagging request by July 23, 2014. These bagged meters are for festival load in and out, print traffic, and the four festival loop shuttle buses, which will be run by BATA this year.

SIGNAGE

- Each stop on the festival loop requires a sidewalk sign indicating the bus stop location, detailing pick up times and loop information. This will encourage people to park outside of downtown to keep downtown parking lots and spaces open for normal business.
- We plan to place temporary festival signage outside on several venues as we have done in the past, to make the venues visibly part of the festival.
- We again request permission to place a sandwich board sign outside of the City Opera House, near the benches, following ordinances.
- We would again like to hang a banner across Front Street during the festival. The banner is higher than 13' 6" off the ground.

POLICE AND FIRE

- The fire lane in front of the State Theatre will be kept clear at all times.
- The festival requests the same support and services from the City's police and fire departments as we did last year.
- We ask that the fire department provide their motorized safety vehicle in Open Space during movies.
- We will ask for police support in maintaining the family atmosphere during Open Space screenings. We request that the police direct the public after Open Space films. We will have volunteers in vests marked festival security to assist with Open Space security.
- We suggest that this year's coordination meeting between the festival and affected City departments be held Tuesday, July 22 at 10 am. At this meeting, City officials will receive a phone contact list for festival managers.

TRASH

- As we do every year, the Traverse City Film Festival will work with its partner American Waste to increase trash handling and containers at all of our indoor venues and in Open Space Park.
- We will also add additional trash containers at The River to accommodate increased use of the patio for our Panels and Music Stage.
- We pay for a dumpster year round for the Bijou by the Bay and handle festival-related trash in Clinch Park using this dedicated dumpster.
- As in previous years, we will monitor trash levels on Front Street during the Opening Night Party and on Park during the Filmmaker Party, and handle any overages seen there.
- We understand that the receptacles on Front and Park will begin empty each festival morning.
- The City will advise if they have additional requests regarding trash handling.

BARRICADES

- We hope to borrow required barricades from the National Cherry Festival and Team Elmers.

BIKE RACKS

- Again this year, the festival will attempt to increase the amount of bike parking near all of our venues, and will work with the City when this involves City property. We are also planning to do a bike valet system outside the State Theatre on two or three nights of the festival, free of charge. Details to be determined.

INSURANCE

- Philadelphia Insurance holds the Traverse City Film Festival event policy. We will provide the City with the required insurance certificate.
- The City of Traverse City is listed as additionally insured on our event insurance policy.

REIMBURSEMENT OF COSTS

The Festival will reimburse the City for its marginal variable costs (hours put in over and beyond the normal hours worked by fire and police city employees, and any expenses mutually agreed upon at the parking deck), per the mutual agreement between the city and the Festival, as we have done for the past six years.

We are happy to answer any questions or supply further documentation. Please contact Deb Lake at 231-944-4117 or email deb@traversecityfilmfest.org. Thank you for your support of the festival.

Respectfully Submitted,
Deb Lake
Executive Director
231-944-4117

July-August 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
JULY 20	21	22	23	24	25	26
Morning and Evening Parties at The River	28	29	30	31	AUGUST 1	2
Open Space Test Evening	Bagged Parking Meters begin Open Space Test Evening	Opening Night Party Front Street Closure 5 pm - 12:30 am Open Space Movie	Stage at The River Open Space Movie	Stage at The River Open Space Movie	Stage at The River Open Space Movie	Open Space Set Up Filmmaker Party Century 21 Northland Park St Closure 5 pm - 12:30 am Stage at The River Open Space Movie
Stage at The River Open Space Movie and Closing Night Bash	3	4	5	6	7	8
	Break down in Open Space	Removal of all trucks from Open Space Bagged Parking Meters End				9

TCFF10

Traverse City Film Festival
July 29 - August 3, 2014

Event Details

Please see 2014
Festival Plans Document



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 10, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: FIREWORKS DISPLAY PERMIT – INDEPENDENCE DAY /
NATIONAL CHERRY FESTIVAL FIREWORKS

Attached is a memo from Traverse City Fire Department Chief James Tuller, recommending that the City Commission authorize a Fireworks Display Permit to Great Lakes Fireworks for the Independence Day fireworks show and for the National Cherry Festival grand finale fireworks show on Saturday, July 12.

I recommend the following motion:

that the City Commission authorizes the City Clerk and other officials to execute the necessary Fireworks Display Permit to Great Lakes Fireworks, LLC, for a display on July 4, 2014, and July 12, 2014,

subject to Great Lakes Fireworks executing a hold harmless agreement indemnifying the city and submitting to the City Clerk a certificate of fireworks liability insurance in the amount of \$5 million per occurrence, naming the city as additional insured.

JJO/kjl

k:\tcclerk\city commission\fireworks\fireworks_2014_independence day and cherry festival

e-copy: James Tuller, Fire Chief
Trevor Tkach, National Cherry Festival Executive Director



Memorandum

From the Office of the Fire Chief

The City of Traverse City
Fire Department

Station 01, 500 West Front Street, Traverse City MI 49684

(231) 922-4930 Ext. 2

TO: Benjamin Marentette, City Clerk

FROM: Chief Jim Tuller

DATE: June 09, 2014

SUBJECT: INDEPENDENCE DAY/CHERRY FESTIVAL FIREWORKS

After a review of the information submitted, I can give my approval for the pyrotechnics display for both Independence Day and the National Cherry Festival.

We have received the applications from both organizations, found them to be in order. We still need copies of the proof of liability insurance certificates, and the annual ATF form for Great Lakes Fireworks LLC. An investigation of Great Lakes Fireworks LLC was performed, and no adverse incidents were discovered for the calendar year of 2013.

Thank you, and please contact me with any questions.

Chief Tuller,
T.C.F.D.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: COLLECTIVE BARGAINING AGREEMENT – FIREFIGHTERS

Based upon the parameters established by the Commission, attached is an excerpt of the negotiated agreement with the Firefighters. The following summarizes the changes:

- Two year contract beginning July 1, 2014 and expiring on June 30, 2016.
- Article 11, *Discipline and Discharge* to make a uniform 36 months when keeping documentation of disciplinary action within a personnel file.
- Article 13, *Promotions* to clarify language regarding the promotional process.
- Article 14, *Salaries*, to clarify language and add Section 6, *Off-Duty Call-In and Court Appearance Pay* for those employees who are called in for duty cases outside their scheduled hours.
- Article 16, *Insurance*, to change the health insurance premium cost share to the 80% employer, 20% employee option; to change language to comply with the Affordable Care Act and IRS guidelines; and to add clarifying language regarding the payment of health insurance opt-out money upon an employee's separation from service mid-year.
- Article 17, *Annual Vacation Leave*, to remove language that allowed for excess vacation hours to be cashed out annually.
- Article 19, *Leaves of Absence*, to add language regarding inclement weather days.
- Article 25, *Uniforms*, to set an annual limit of \$550 towards the cost of uniforms and related items, rather than limit based on number of uniforms.
- Article 33, Section 7, *Non Discrimination*, to comply with the language in the City's Non-Discrimination Ordinance.
- Annual salary increase between 2.0% and 4.0% based on CPI effective July 1, 2014 and July 1, 2015.
- The addition of an annual stipend for educational attainment (\$300 Bachelors, \$600 Masters).

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

that the Mayor and City Clerk execute a collective bargaining agreement with Traverse City Firefighters Association AFL-CIO (Firefighters Unit) for the period July 1, 2014, through June 30, 2016, such agreement subject to approval as to its substance by the City Manager.

If the Commission would like to discuss the negotiation strategy, I recommend that this item be removed from the Consent Calendar and the Commission adopt a motion to go into closed session; and the following motion would be appropriate to do so (a roll call vote with *four* affirmative votes is required):

that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the negotiation of a collective bargaining agreement for the Firefighters Unit.

copy: James Tuller, Fire Chief
William E. Twietmeyer, City Treasurer/Finance Director
Jamie Caroffino, Human Resources Generalist
K:\tcclerk\city commission\agreements\collective bargaining agreement firefighters 201406016

**AGREEMENT
BETWEEN
CITY OF TRAVERSE CITY
AND
TRAVERSE CITY FIREFIGHTERS ASSOCIATION,
AFL-CIO**

07-01-2014 THROUGH 06-30-2016

ARTICLE 11
DISCIPLINE AND DISCHARGE

In the case of any type of disciplinary action taken by the City, appeals from such action shall be in accordance with the Grievance and Arbitration Procedure provisions of this Agreement.

E) All discipline shall be removed from an employee's files and personnel records ~~twenty (20) months after~~ the date it was issued, with the exception of disciplinary suspensions ~~which will be removed after thirty-six (36) months,~~ and shall not thereafter be used in connection with any subsequent discipline.

ARTICLE 13
PROMOTIONS
SUPPRESSION AND PREVENTION/INSPECTION

I. Promotional vacancies within the Fire Department to the positions of Lieutenant and Captain shall be based on the following factors:

E) The written examination shall be given first. The applicant must receive a score of 70% or higher on the written examination to receive further consideration. The City shall choose the candidate having the highest total points (written, oral, seniority, and service rating) shall be entitled to the promotion. Promotions will take place from the current promotional list. ~~Promotions will be effective by the first full pay period after the position becomes vacant.~~

III. **Oral Examination:** 35 points

~~A panel consisting of the Fire Chief and a minimum of 3 Captains~~ **The internal oral examination shall be conducted by a panel consisting of the Chief and the four most senior officers in that rank who are not involved in the testing process.** ~~shall conduct an internal oral examination. If a candidate feels that a conflict exists between themselves and a panel member, he/she may request that the Fire Chief give consideration to striking that Captain from the panel. The panel shall not conduct any oral examination unless all of the specified members are present. Candidates shall be rated on a rating form. Each panel member shall mark a rating form and the average score shall determine the points awarded.~~ **Scoring shall be calculated using the three**

middle scores average. The highest and lowest scores shall be removed from consideration. The format shall be at the discretion of the panel. No scores on other portions of the promotional examination shall be made known to the panel. A minimum of fifteen (15) calendar days advance written notice must be given to the candidates as to the date, time, and location of the interview.

V. **Service Rating:** 10 points

The service rating score shall be calculated by taking the average of the immediate past two (2) years ratings mathematically correlated. (Service rating process/form will be mutually agreed upon by the Union and City.)

Promotional lists will remain in effect for a period of up to two (2) years from the date the list is established, however, if a new list goes into effect it shall supersede the existing list. The tests **Testing** will start between January 15-20 of each year and be completed by April six (6) months prior to the expiration of the current promotional list. If a list is depleted, a new promotional test shall be given as soon as possible if the next scheduled promotional test for that rank is greater than six months away. If it is less than six (6) months until the next scheduled promotional test for that rank then the test shall be conducted on the scheduled date. In either event, until the promotional test is completed and a promotion made, the promotional vacancy shall be filled by the acting officer on that crew. If the crew does not have an acting officer, then the most senior fire fighter on the affected crew will become the acting officer. ~~The Captains test will be on odd years, Lieutenants test will be on even years.~~ If the position tested for is turned down by the candidate, the candidate will be removed from the promotional list.

In all promotional examinations, ties in the total score shall be broken using the following categories in order listed: seniority, written, oral.

Eligibility Requirements;

A) Years and Rank:

1) To be eligible to apply for promotion to Captain, two (2) years in the next lower rank of Lieutenant shall be required; however, if there are less than two (2) persons eligible to apply, then eligibility shall be opened up to the following successive ranks/years, in the following order, until there are at least two (2) persons eligible to apply:

- Lieutenant under two (2) years rank

- Probationary Lieutenant
- Fire Fighter on the Lieutenant list
- Fire Fighter over five (5) years of service
- Fire Fighter under five (5) years of service but greater than one (1) year of service.

2) To be eligible to apply for promotion to Lieutenant, five (5) years in the next lower rank of Fire Fighter shall be required; however, if there are less than two (2) persons eligible to apply, then eligibility shall be opened up to Fire Fighters with less than five (5) years of service but greater than one (1) year of service.

Should a probationary officer fail his or her probation period, they shall be excluded from the next promotional cycle for either rank.

VII. Responsibilities of Officers. All Lieutenants and Captains of the Fire Department are considered to be direct representatives of the Fire Department and of the Fire Chief. It shall be their responsibility to support and enforce all policies and rules of the City of Traverse City. They shall be just, dignified and firm in their dealings with subordinates; shall abstain from violent, abusive and immoderate language in giving orders and directions or in conversation with their subordinates. They shall enforce obedience to rules and orders, and shall promptly report any transgression of laws, rules or orders with adequate sustaining evidence immediately to the Fire Chief. They shall be expected to perform their duties to the utmost of their ability and, in all their actions, to set an outstanding example for their subordinates.

ARTICLE 14

SALARIES

Section 2 - Above Grade Pay (Acting Officer Pay, Assignment): A twenty-four (24) hour shift employee, whom upon request, temporarily assumes the rank, duties and responsibilities of a position that is greater than his/her regularly responsibility, and classified in a higher salary

schedule, shall be paid an additional \$20.00 per shift day, if such temporary assignment is for at least a minimum of six (6) hours of the shift. An eight (8) hour per day employee shall be paid an additional \$1.00 per hour.

~~Any temporary absence for the rank of Acting Chief shall be Captains.~~ In the event of a temporary absence of the Chief, an Acting Chief selected from the existing list of Captains may be designated by the City Manager. Any temporary absence for the rank of Acting Captain shall be Lieutenant. Any temporary absence for the rank of Acting Lieutenant shall be one of the candidates from the current Lieutenant promotional list. The three (3) highest scoring candidates from the current list shall be placed on separate crews. Any subsequent Acting Lieutenant officer vacancies shall be filled using the next highest scoring candidate from the current Lieutenant promotional list.

In cases where the current Lieutenant promotional list is depleted of candidates, the senior firefighter on the affected crew shall be offered the Acting Lieutenant Officer assignment, until a new promotional list is established. (Reference: Article 12, Section IV, Second paragraph.) Employees not eligible for consideration as Acting Lieutenant would be those who failed the probationary process for said position until the next promotional list is established.

Any temporary absence (sickness, accident, vacation, etc.) requiring an Acting Officer shall be filled from the shift on which the vacancy occurs. ~~If a qualified person is not available, the Acting Officer shall be selected from the overtime list. A qualified person shall be a person on the current promotional list.~~ Acting Officers shall only be selected from the top three (3) scores.

Section 5 - Compensatory Time for Voluntary Training: Employees will receive compensatory time for voluntary training provided the employees receive prior approval from the Fire Chief. The following procedure for the accrual of compensatory time will be followed:

- B) 56 Hour Employees: Local Training will be defined as conferences, seminars, workshops, etc., that are held within seventy-five (75) miles from Fire Station #1, one way.

Employees will receive compensatory time for voluntary local training provided the employees receive prior approval from the Fire Chief. Compensatory time will be earned at the rate of time-and-one-half (1.5) for every one (1) hour of travel, classroom, ~~meal~~, and after class study time that is worked on a non-duty

day.

Section 6 - Off-duty Call-in or Court Appearance Pay. Any employee, who in the line of duty, must appear in a court outside their scheduled hours or is called in outside their scheduled hours in a duty case, shall be entitled to three (3) hours call-in pay.

ARTICLE 16

INSURANCE

Section 1 - Medical Insurance: The employer shall provide the following health benefits. The coverage is the Priority Health Savings Account HMO 100% Hospital Plan with minimum individual deductible of \$1150 and family deductibles of \$2300, subject to annual deductible adjustment in accordance with Internal Revenue Service (IRS) regulations, and \$10 generic/\$40 brand name copayment for prescription drugs, or equivalent plan. For employees unable to qualify for the above plan due to IRS regulations, the City will make available Priority Health Copay Alignment HMO 100% Plan with \$20 copayment primary care provider office visit, \$35 copayment specialist office visit and \$10 generic/\$40 brand name copayment for prescription drugs, or equivalent plan, or Priority Health HMO 100% Plan (Priority 1) with \$10 copayment primary care provider office visit, \$10 copayment specialist office visit and \$10 generic/\$30 brand name copayment for prescription drugs, or equivalent plan.

It shall be a requirement of the insurance carrier to provide benefit guides/descriptions fully explaining covered benefits.

There may be the other plans or insurance carriers offered as options to the employees.

It shall be the responsibility of the employee to report changes in status to the Human Resources within thirty (30) days of such change. Such changes include: birth or death of a family member, marriage of a dependent, divorce, or election of coverage under a spouse's policy of hospitalization.

There shall be a City of Traverse City Group Health Insurance Committee consisting of representatives from each union and administrative group. Two (2) members of the Association will be part of this committee. The committee shall periodically examine the health insurance program including, but not limited to, alternate providers, benefit levels, and premiums and shall

make recommendations to the City regarding such.

The City retains the right to review alternate health care providers and to implement such programs provided that the carrier is licensed to do business in the State of Michigan, provides equivalent or greater benefits and coverage, and accepted by the health care community.

New employees shall be entitled to hospitalization insurance ~~the first of the month following date of hire. as soon after completion of the first three (3) months of service as allowed~~ by the health carrier's agreement.

A) For employees enrolled in the Priority Health Savings Account HMO 100% Hospital Plan, the Employer shall be responsible for ~~eighty percent (80%) of the cost of the plan deductible and premium. Employees shall be responsible for twenty percent (20%) of the cost of the plan deductible and premium. For employees enrolled in the Priority Health Savings Account HMO 100% Hospital Plan, the Employer shall be responsible for the cost of the plan deductible and premium up to the cap amount shown below plus fifty percent (50%) of the cost of the plan deductible and premium in excess of the cap. Employees shall be responsible for fifty percent (50%) of the cost of the plan deductible and premium in excess of the cap and such amount shall be payroll deducted.~~ Effective July 1, 2009, the cap for the plan deductible and premium will be:

- | | | |
|----|------------------------|-----------------|
| 1) | Single person | \$266 per month |
| 2) | Double person coverage | \$470 per month |
| 3) | Family coverage | \$496 per month |
| 4) | Family dependent | \$0 per month |

~~Per the above, the cost of the plan deductible will be paid into individual employees' health savings accounts on a semi-annual basis.~~ Per the above, the cost of the plan deductible will be paid into individual employee's health savings accounts on an annual basis. New hires and/or employees who increase coverage level from single to double/family after July 1 shall receive a pro-rata payment into their health savings account beginning with the first full month of insurance eligibility or coverage change through the end of the plan year. Employee shall be responsible for the remainder of the deductible.

B) For employees enrolled in the Priority Health Copay Alignment HMO 100% Plan, or Priority Health HMO 100% Plan (Priority 1), the Employer shall be responsible ~~eighty percent (80%) of the cost of the premium. Employees shall be responsible for twenty percent (20%) of the cost of the premium.~~ For employees enrolled in the Priority Health Copay Alignment HMO 100% Plan, or Priority Health HMO 100% Plan (Priority 1), the Employer shall be responsible for the cost of the premium up to the cap amount shown below plus fifty percent (50%) of the cost of the premium in excess of the cap. Employees shall be responsible for fifty percent (50%) of the cost of the premium in excess of the cap and such amount shall be payroll deducted. Effective April 1, 2005, the cap premium will be:

- | | |
|---------------------------|-----------------|
| 1) Single person | \$266 per month |
| 2) Double person coverage | \$470 per month |
| 3) Family coverage | \$496 per month |
| 4) Family dependent | \$0 per month |

The parties agree to reopen affected articles, should the Federal or State government takeover or substantially change the current system of employer-provided group medical insurance coverage, or costs related thereto.

~~Once the applicable premium exceeds the above limits, the City shall also be responsible for fifty percent (50%) of the excess amount, and the employee shall be responsible for the remaining fifty percent (50%) of the excess amount.~~

~~Effective July 1, 1004, the full cost of continuing a Family Dependent under an employee's coverage shall be the full responsibility of the employee.~~

The Employer agrees to compensate employees who have other health insurance coverage, two thousand four hundred dollars (\$2,400.00) per year pro-rated at two hundred dollars (\$200.00) per month for opting out of the Employer's health insurance coverage. Opt-out compensation will be payable at the end of the

health insurance year for eligible employees. ~~including~~ For those employees who terminate during the year, the applicable monthly opt-out compensation will be paid out in the employee's last paycheck. Eligible employees will be required to sign a Payment in Lieu of Insurance Waiver and Release form annually.

The Employer agrees to provide an I.R.S. qualifying health savings plan Retirement Health Savings (RHS) Plan to allow employees to save for retiree medical expenses with pre-tax dollars. The Employer agrees to match a maximum of one-half percent (.5%) of an employee's gross salary provided an employee contributes a minimum of one and one-half (1.5%) of an employee's gross salary to the plan. ~~There shall be no limit on the amount an employee may contribute. This is an irrevocable contribution.~~ All employees are required to enroll in accordance with I.R.S. regulations covering such plans.

Section 5 - Retiree Hospitalization for New Hires After July 1, 2009:

Effective for any new employees hired after July 1, 2009, there will be no Retiree Health Insurance coverage. Instead, the City will make a 2.0% contribution into an I.R.S. qualifying health savings plan the Retirement Health Savings (RHS) plan, matched by an employee share of 1.5%. All employees are required to enroll in accordance with IRS regulations covering such plans.

ARTICLE 17

ANNUAL VACATION LEAVE

Last Paragraph of Section:

Effective October 1, 2015, annual vacation leave hours may be accumulated by an individual employee, assigned to twenty-four (24) hour shifts, not to exceed two hundred eighty-eight (288) hours carried over on October 1 of each year. Annual vacation leave hours may be accumulated by an individual employee, assigned to an eight (8) hour shift, not to exceed one hundred sixty (160) hours carried over on October 1 of each year. ~~Vacation in excess of two hundred eighty-eight (288) hours for a twenty-four (24) hour shift employee and one hundred sixty (160) hours for an eight (8) hour shift employee shall be cashed out annually on October 1st with the next regular pay check.~~ Upon separation from service, employees will be entitled to compensation for

any unused portion of accumulated annual leave.

ARTICLE 19 LEAVES OF ABSENCE

Section 5 - Snow Days.

If an employee after good faith efforts is unable to report to work for their scheduled duty period because of weather conditions, and if a disaster due to weather is declared by the governor or the Grand Traverse County Chairman of the Board of Commissioners, the employee at the employee's option may take a day's leave without pay or work on a pass day to make up the loss day, or may utilize an accumulated sick leave day or vacation day.

ARTICLE 25 UNIFORMS

Section 1 - Turnout Gear: The City shall furnish all turnout gear required.

Section 2 - Dress Uniforms: New hires, following the successful completion of their probationary period, shall be furnished, by the City:

- | | |
|-----------------------------|-----------------------|
| (1) Dress hat with Badge | (1) Pair White Gloves |
| (1) Class A Coat with Badge | (1) Shirt Badge |
| (1) Class A Pants | |

Section 3 - Work Uniforms:

- A) The City shall provide \$550 towards the cost of uniforms and related items ~~three~~ ~~(3) sets of work uniforms, or cost equivalent items~~ from an approved pre-established list, to each employee per year, during the fiscal year. The use of these funds for other than the employee is strictly prohibited. Purchases in excess of the \$550 shall be paid entirely by the employee.

ARTICLE 33 GENERAL

Section 7 - Non Discrimination: The parties agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, compensation, work classifications, promotions or demotion, termination, transfers, or other conditions of employment ~~conditions~~ ~~or privileges of employment~~, or a matter directly or indirectly related to employment because of their actual or perceived race, color, ~~ered~~, national origin, sex, age, height, weight, marital status, ~~or~~ religion, 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.

SCHEDULE "A"
HOURLY RATE ATTACHMENT
&
ANNUAL EDUCATION STIPEND

There is hereby established the following schedule of hourly compensation for the various classifications of positions in the Fire Department.

Effective July 1, 2014 the annual salary will be increased based upon the change in the April 2014 index as compared to the April 2013 index from the official Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, all items, published by the Bureau of Labor Statistics, U.S. Department of Labor (1982-84-100), such increase shall not be less than 2.0% nor more than 4.0%.

Effective July 1, 2015 the annual salary will be increased based upon the change in the April 2015 index as compared to the April 2014 index from the official Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, all items, published by the Bureau of Labor Statistics, U.S. Department of Labor (1982-84-100), such increase shall not be less than 2.0% nor more than 4.0%.

Pay increases to commence on the first day of a pay period which falls closest in time to the date scheduled for the increase.

Effective the first full pay period in July of each year an employee, upon completion of his/her probationary period, may be eligible for an annual stipend for the successful completion of a qualifying degree that is directly related to the employee's job. The stipend schedule is at most \$300 for a Bachelor's Degree (limit one) or \$600 for a Master's Degree (limit one).



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 WOODMERE PUMP STATION REPAIR

Attached is a memo from Tim Lodge, City Engineer, regarding the emergency underground storage tank removal at the Woodmere Pump Station.

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 confirming service order in the amount of \$11,579.75 to Elmer's for the emergency removal of an underground storage tank at the Woodmere Pump Station with funds available in the Garage Fund.

JO/jd

cc: Tim Lodge, City Engineer

Memorandum

The City of Traverse City
Engineering Department



TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer 

DATE: June 10, 2014

SUBJECT: 2014 Woodmere Pump Station Repair and DPS/Pump Station Back Up Power Project
Underground Storage Tank Removal

In the progress of installing the conduits for the back-up power component of the project, the contractor encountered a previously unknown underground storage tank. The work was immediately suspended and an environmental consultant was mobilized to the site to assess the situation. Ultimately, a 3,600 gallon underground storage tank along the south wall of the wash rack at the DPS building was found.

We assessed whether to remove the tank or abandon it in place because of concerns with destabilizing the adjacent building wall in consultation with our consultant and the MDEQ. We selected to remove the tank and found favorable conditions of the soil around the tank to be able to close the site from an environmental perspective. There was liquid in the tank that was required to be removed by a licensed waste hauler.

Elmer's was the contractor on site so we had them mobilize a waste hauler and additional equipment to remove the tank. They worked very efficiently and we were able to complete the work over a six day period including waiting for the analytical test results to be able to properly dispose of the waste. This resulted in charges of \$7,169.25 for Elmer's work and \$4,410.50 for the waste hauler for a total of \$11,579.75.

Therefore, it is recommended that a confirming service order be authorized by the proper City officials to Elmer's in the amount of \$11,579.75 with funds therefore available in the Sewer Fund and the Garage Fund for this necessary work.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: PUBLIC HEARING -- FISCAL YEAR 2013-2014 BUDGET
AMENDMENTS

A public hearing has been scheduled for Monday night regarding year-end amendments to the Fiscal Year 2013-2014 Budget. Attached is a memo from William Twietmeyer, Treasurer/Finance Director outlining the necessary amendments.

Following the public hearing, I recommend the following motion:

that the budget amendments for Fiscal Year 2013/2014 as outlined in the City Treasurer/Finance Director's memo of June 12, 2014, be approved.

JJO/kjl

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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: Budget Amendments
Date: June 12, 2014

Our office reviewed the accounting records of the City for the fiscal year 2013-2014. It has come to our attention that the City Commission needs to make a series of budget amendments before the fiscal year end. Some of these were identified with the budget presentation in April. A final review indicates that a public hearing will be required, since these amendments will result in an increase in total budgeted revenue and total budgeted expenses in the General Fund and the various Special Revenue Funds.

The first amendment will increase both budgeted revenue and budgeted expenses in the General Fund by \$227,000 to reflect primarily additional costs related to the installation of a new chiller and air flow system at the Government Center, the contract with the Catholic Diocese to handle the Catholic section of the cemetery, the reimbursement for the NMC special election last August, and to reflect revenue contributed by private and public entities for the Hickory Hills study, along with other changes to revenue and expense categories.

The budget amendments to increase both budgeted revenue and budgeted expenses in various funds to reflect adjustment in activities in various funds and departments are as follows:

LTGO Debt Retirement Fund Tax Exempt	\$	500
LTGO Debt Retirement Fund Taxable	\$	500
Old Town LTGO Debt Retirement Fund	\$	500
College Parking Fund	\$	20,000
Better Buildings Grant Fund	\$	9,000
Retiree Health Insurance Fund	\$	70,000
County Senior Center Fund	\$	8,000
State Domestic Preparedness Equip Grant Fund	\$	25,000

Also, in the General Fund the budget amendments are as follows:

Increased Budgeted Expenses		Decrease Budgeted Expenses	
City Planning	\$ 8,000	Transfer Out MVHF	\$ 125,000
Capital Outlay	\$ 10,000	Transfer Out SID	\$ 30,447
Human Resources	\$ 6,000	Police Department	\$ 12,000
Contingencies .	\$ 18,447		
Street Administration	\$ 125,000		

Finally, attached is a communication from Rob Bacigalupi, DDA Executive Director, outlining final year end amendments to the DDA budget. The changes are adjustments within the expense line item categories.

Please place these budget amendments before the City Commission for their review and approval.

Wanda Pond
35% COTTON PAPER 213



To: Jered Ottenwess, City Manager

From: Rob Bacigalupi, Executive Director

BMB

Re: Year End Budget Amendments

Date: Sunday, June 8, 2014

After reviewing revenues and expenses to the budgets for the DDA general fund and the two TIFs, I am recommending adjustments to six of the expenditure line items for the DDA general fund. They are as follows:

Line Item	From	To	Change
Payroll Expense	\$525,000	\$507,550	-\$17,450
Office Supplies	\$7,050	\$8,600	\$1,550
Professional/Contractual	\$18,000	\$31,000	\$13,000
Community Promotion	\$11,600	\$12,000	\$400
Rentals	\$8,000	\$9,500	\$1,500
Legal Expense	\$5,000	\$6,000	\$1,000
Net Change			\$0

This fiscal year, we were working with the budget developed prior to Bryan Crough's untimely passing. Payroll expense ended up considerably less than budgeted, even with a payout to our departing Parking Administrator, Dave Malewitz. Office supplies were up due mainly to an office reorganization. Profession/contractual was up significantly due to our use of Jean Auckerman for the Public Art Commission report, and Otwell Mawby to assist us with

Garland Street Realignment negotiations. Rentals are up due to new copier equipment and finally legal expenses are up because of numerous projects, such as wifi that required a lot of the City Attorney's time.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: CITY COMMISSION AD HOC COMMITTEE ON THE
SIDEWALK CAFÉ ORDINANCE:

MAYOR PRO TEM JIM CARRUTHERS, CHAIR *SC/BW*
COMMISSIONER BARBARA D. BUDROS
COMMISSIONER JEANINE EASTERDAY

SUBJECT: REPORT: SIDEWALK CAFÉ ORDINANCE

Attached is the report from the Committee that was submitted for the June 2, 2014, Regular Meeting. In addition to further discussion the Commission would like to have regarding the Sidewalk Café Ordinance, including Platform Cafés, the following are outstanding matters for the Commission's consideration:

Regarding Fees:

If the Commission enacts the ordinance allowing for Platform Cafés, we recommend the following fees be established:

Application fee: The estimated cost of staff time involved in reviewing/administering the average platform café permit, as estimated by City Clerk Benjamin Marentette, is \$354.97; therefore, we recommend an application be established at \$360.00.

Permit fee: We concur with DDA Executive Director Rob Bacigalupi's recommendation that the permit fee be established at \$10/day/space (which is equal to the meter bagging fee). For purposes of example, if a platform café was installed in one parking space for the entire five months allowed, the permit fee would be approximately \$1,500. Permit fees would be credited to the Auto Parking System Fund, to cover the lost revenue to that fund. However, there is a possibility of considering a set aside of this permit revenue for future parklets, which is discussed below.

Regarding Parklets:

At the Commission meeting on June 2, the Commission did not have an opportunity to discuss the following items regarding the possibility of setting a portion of permit fees aside for parklets; and those questions are:

The committee discussed lightly the possibility of earmarking a portion of permit fee revenue from the platform cafés for future parklets, or “mini-parks.” The committee would like to discuss this concept with the full Commission. Some possible questions are: Would the Commission like to appoint an ad hoc committee to explore this possibility? If so, would the Commission like to have the ad hoc committee work with the Parks and Recreation Commission, Downtown Development Authority, Planning Commission, and/or others to formulate a recommendation?

Review of Ordinance:

We recommend that this ordinance be reviewed in the fall by the committee, with any recommended changes to be brought before the Commission; the following motion would be appropriate:

that an amendment to the Traverse City Code of Ordinances, *Outdoor Café Regulation Clarifications and Outdoor Cafés in Designated On-Street Parking Areas*, Sections 1020.07, 1020.08 and 1020.09, which would clarify the regulations for outdoor cafés and establish regulations to allow for outdoor cafés in designated on-street parking areas, which was introduced June 2, 2014, be enacted with an effective date of June 26, 2014; and further that the Resolution Establishing Fees for City Clerk Department be amended to establish an application fee for Outdoor Cafes in On-Street Parking Spaces of \$360 and a permit fee of \$10 per day per space; and that the Commission consider any possible changes to the ordinance at the November 3, 2014, Regular Meeting.

copy: Russell Soyring, City Planning Director
 Dave Green, Director of Public Services
 Timothy Lodge, City Engineer
 Rob Bacigalupi, DDA Executive Director
 Colleen Paveglio, DDA Deputy Director
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Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 2, 2014

DATE: MAY 29, 2014

FROM: CITY COMMISSION AD HOC COMMITTEE ON THE
SIDEWALK CAFÉ ORDINANCE:

MAYOR PRO TEM JIM CARRUTHERS, CHAIR
COMMISSIONER BARBARA D. BUDROS
COMMISSIONER JEANINE EASTERDAY

SUBJECT: REPORT: SIDEWALK CAFÉ ORDINANCE

We were appointed by the City Commission to review the city's Sidewalk Café Ordinance. We sought the input of the boards of the Downtown Development Authority and Downtown Traverse City Association, which will be referenced later in this report.

Our committee focused primarily on two areas: 1) Refining the city's existing rules for sidewalk cafes; and 2) Preparing an ordinance that would allow for "platform cafes" in certain on-street parking spaces.

Regarding Sidewalk Cafés:

In 2013, the City Clerk's Office licensed 27 sidewalk cafés. Attached are proposed amendments to the Sidewalk Café Ordinance. The following summarizes our recommendations:

- Because we recommend allowing cafes in certain on-street parking spaces, which means not all cafés will be on the sidewalk, we recommend changing the name of the permit from *Sidewalk Café Permit* to *Outdoor Café Permit*.
- For the cafés that are located on the sidewalk, require that all furniture and equipment be removed from public property when the café is not in operation. This was also recommended by the DDA Board.

- Require that the permit holder be responsible for proper disposal of waste associated with their café on a daily basis.
- Require a hard-edge barrier, which would be affixed/anchored to the sidewalk (with method of affixation approved by the City Engineer and aesthetics approved by the City Planning Director) to ensure an unobstructed four foot-wide linear foot access path is maintained for pedestrians, to ensure compliance with the Americans with Disabilities Act. The requirement for the hard-edge barrier could be waived by the city's ADA Coordinator if it could be demonstrated that the hard-edge barrier isn't necessary to ensure the 4-foot clear pedestrian pathway.

We recommend this requirement go into effect April 1, 2015, which would allow time for the City Clerk's Office to give ample notice of the new requirement to food service establishments.

Finally, with respect to this particular recommendation, Mayor Pro Tem Carruthers dissented as he would like to require a minimum five foot-wide unobstructed linear foot access path be maintained by all sidewalk cafés.

- As a technical matter, to ensure compliance with rules of the Michigan Liquor Control Commission, for those cafés on the sidewalk where alcohol is being served and the café is not directly adjacent to the building, meaning a server would be carrying alcohol across the sidewalk, an agreement with the city would be required.

Regarding Platform Cafés:

Using ordinances in Birmingham, Michigan and Bay City, Michigan, as springboards, and after seeking the input of the Downtown Development Authority and Downtown Traverse City Association, we developed the attached proposed ordinance amendment which would allow for "platform cafés" in certain on-street parking spaces. Additionally, attached is an evaluation report prepared by the New York City Department of Transportation regarding the "pop-up cafés or "platform cafés" in New York City.

The following summarizes our recommendations:

- Platform cafés could be located in on-street parking spaces along streets where the posted speed limit is 25 miles per hour or less.
- Platforms could be placed within street parking areas where the majority of the parking spaces is, or are, in front of the food service establishment – therefore, if there were multiple such spaces, the food service establishment could place a platform in such (multiple) spaces.
- The aesthetics of the platform café must be approved by the Planning Director (who will take into account factors such as surrounding architectural features of the buildings in close proximity to the platform).
- “Platforms” could be in place between May 1 and October 1 of each year.
- The owner of the café would be required to enter into an agreement with the city, specifying the conditions of their occupancy, such as: 1) immediate removal of the platform in emergency situations; 2) Removal of the platform as necessary for street maintenance; 3) Responsibility of the café owner to keep the area beneath the platform clear of debris; 4) If the city needs to remove the platform, the city has no financial responsibility for any damage to the platform.
- No amplification of music within the platform. If music is played, it must conform to the city’s Noise Ordinance.
- As an administrative matter, if a platform café was proposed for a space that is currently designated as a handicap parking space, city staff would review to see if it was reasonable to relocate the handicap parking space.
- A business owner could have café seating area on both the sidewalk and in an on-street parking space, provided, the minimum four foot clear pathway was maintained.

- While City Attorney Lauren Tribble-Laucht believes smoking would be prohibited in platform cafés under State Law, because there is some ambiguity, the recommended ordinance specifically prohibits smoking in the platforms and requires a sign be posted informing the public of the smoking ban.
- The platforms would be required to be open to non-patrons of the cafe.
- Based on City Clerk Benjamin Marentette's calculation of the estimated staff time involved in administering the average platform café request, the committee recommends an application fee of \$360.
- The committee concurs with DDA Executive Director Rob Bacigalupi's recommendation that the permit fee be \$10/day/space; or approximately \$1,500/space/season. (This is based on the \$10/day meter bagging fee.)

If the Commission introduces the ordinance amendment and schedules it for possible enactment on June 16, the Commission can consider adopting the application and permit fees at the June 16 meeting.

Finally, we discussed the impact of such platforms on festivals, specifically with the National Cherry Festival and the Downtown Development Authority/DTCA and placement of the platforms should not cause issues for the events on Front Street, for example.

Parklets:

The committee discussed lightly the possibility of earmarking a portion of permit fee revenue from the platform cafés for future parklets, or "mini-parks." The committee would like to discuss this concept with the full Commission. Some possible questions are: Would the Commission like to appoint an ad hoc committee to explore this possibility? If so, would the Commission like to have the ad hoc committee work with the Parks and Recreation Commission, Downtown Development Authority, Planning Commission, and/or others to formulate a recommendation?

Review of Ordinance:

We recommend that this ordinance be reviewed in the fall by the committee, with any recommended changes to be brought before the Commission. If the ordinance is introduced, the recommended motion for enactment will stipulate that the committee review the ordinance in the fall.

The following motion would introduce the ordinance amendment and schedule it for possible enactment on June 16, 2014:

that an amendment to the Traverse City Code of Ordinances, *Outdoor Café Regulation Clarifications and Outdoor Cafés in Designated On-Street Parking Areas*, Sections 1020.07, 1020.08 and 1020.09, which would clarify the regulations for outdoor cafés and establish regulations to allow for outdoor cafés in designated on-street parking areas, be introduced and scheduled for possible enactment on June 16, 2014.

:BCM

copy: Russell Soyring, City Planning Director
 Dave Green, Director of Public Services
 Timothy Lodge, City Engineer
 Rob Bacigalupi, Downtown Development Authority Executive
 Director
 Colleen Paveglio, Downtown Development Authority Deputy
 Director

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TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: OUTDOOR CAFE REGULATION CLARIFICATIONS AND OUTDOOR CAFES IN DESIGNATED ON-STREET PARKING AREAS

THE CITY OF TRAVERSE CITY ORDAINS:

That Sections 1020.07, *Sidewalk Outdoor Café Permit*; and 1020.08, *Outdoor Sidewalk Café with Alcohol Permit*, and 1020.09, *Outdoor Cafes in Designated On-Street Parking Areas*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

1020.07 SIDEWALK OUTDOOR CAFE PERMITS.

(a) Permit Conditions. The City Clerk may issue to a ~~an adjacent~~ food service establishment a revocable ~~sidewalk~~ outdoor café permit to occupy a portion of adjacent City right-of-way to place tables and chairs, planters and windscreens ~~adjacent to the tables and chairs~~ in conjunction with selling and consuming food and beverages under the following terms and conditions:

(1) Prohibitions. The occupancy must not:

- A. Interfere with the use of the right-of-way for pedestrian or vehicular travel.
- B. Unreasonably interfere with the view, access to, or use of property adjacent to said street.
- C. Reduce the pedestrian travel area of any sidewalk to less than four (4) feet in width; a clear linear path at least four feet in width must be maintained at all times. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
- D. Cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way. ~~Any~~ The sidewalk anchoring system to secure an item in ~~to~~ the sidewalk shall be approved by the City Engineer ~~Manager~~ in writing prior to installation.
- E. Cause a violation of any federal, state or local laws.
- F. Be ~~principally~~ used for off-premises advertising. All signs must conform to the Sign Ordinance.
- G. Conceal or detract from the appearance of landscaping features in or adjacent to the street.
- H. Be in or adjacent to property zoned exclusively for residential purposes.
- I. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.

- J. Cause increased risk of theft or vandalism.
 - K. Violate regulations adopted by the City Manager pursuant to this Code.
 - L. Serve alcohol unless the business holds an Sidewalk Outdoor Café with Alcohol Permit issued by the City Clerk.
 - M. Leave any furniture or equipment associated with the Outdoor Café on public property when the café is not in operation. This provision does not apply to Outdoor Cafes located on platforms within on-street parking areas.
 - N. May not operate beyond 11 p.m.
- (2) Notice. Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required before issuing a permit to occupy any right-of-way area between the edge of the vehicle use area of the right-of-way and the right-of-way property line. Said notice should include an enumeration of the conditions or rights provided under Section 1020.07(1) of this Code.
- (3) Fee. Prior to the issuance of a permit, a fee in an amount established by resolution of the City Commission shall be paid to the City Clerk. This fee shall be tripled if any such occupancy occurred prior to the issuance of a permit.
- (4) Insurance. The Permittee shall show proof of and maintain comprehensive general liability insurance and have the City as an additional named insured. The amount of such insurance shall be determined by the City Clerk.
- (5) Waste. Any holder of an Outdoor Café Permit shall be responsible for the proper disposal of all waste associated with their Outdoor Café occupancy and shall ensure that the waste is removed on a daily basis.
- (6) Food Service Establishment. Food service establishment shall be defined in accordance with its meaning in the Food Law of 2000, as amended. MCLA 289.1101.
- (7) Regulations. The City Manager may adopt an executive order controlling the occupancy pursuant to ~~a Sidewalk~~ an Outdoor Café Permit.
- (8) Site Plan and Barrier Required. A site plan shall be submitted with the application showing where a barrier will be placed to maintain an unobstructed foot path four feet wide for pedestrians at all times, to ensure compliance with the Americans with Disabilities Act. A barrier shall delineate the outdoor café and generally be 36" in height and be approved by the City Planning Director. The placement of any required barriers shall be marked on the sidewalk by the Code Enforcement Officer and shall include the sidewalk anchoring system approved by the City Engineer; the barrier shall be such that it is sufficient to ensure compliance with the approved site plan. The barrier shall be removed when the business closes each day. If the city's ADA Coordinator determines that existing conditions are such that a barrier is not required to maintain an unobstructed foot access path at least four feet wide for pedestrians, the requirement for the barrier may be waived by the city's ADA Coordinator. This subsection shall be effective April 1, 2015.
- (9) Compliance with Approved Site Plan. The café shall, at all times, comply with the approved site plan.

- (b) Duration. Permits shall be for the period of April 1 to November 1 for the year in which granted.
- (c) Display. A permit shall only be valid if displayed in a manner visible to the public.
- (d) Permit Revocation. Any permit may be revoked by the City Clerk upon a finding that the occupancy does not meet the standards of this Code, any other provisions of this Code, or other applicable law or regulation, or that the right-of-way is needed for other street or utility purposes. Upon such revocation, the fee paid for any period after termination of the street occupancy shall be refunded and the right-of-way shall be restored at the expense of the Permittee.
- (e) Appeal. Persons who are refused a permit or have had their permit revoked may request in writing a hearing on that determination before the City Manager. The decision of the Manager may be appealed to the City Commission. Requests for a hearing or an appeal must be made within five (5) days of the questioned decision.
- (f) Appearance Tickets. The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.
- (g) Violations. A person who violates this section is responsible for a civil infraction. (Ord. 368. Passed 8-16-93. Ord. 539. Passed 7-26-01. Ord. 570. Passed 7-1-02. Ord. 658. Passed 12-6-04 Ord. 700. Passed 4-3-06)

1020.08 SIDEWALK OUTDOOR CAFÉ WITH ALCOHOL PERMIT.

- (a) Permit Conditions. The City Clerk may issue to ~~an adjacent~~ a food service establishment a revocable Sidewalk Outdoor Café with Alcohol Permit to occupy a portion of adjacent City right-of-way to place tables and chairs, planters and windscreens ~~adjacent to the tables and chairs~~ in conjunction with selling and consuming food and alcoholic beverages, provided the following terms and conditions are met:
 - (1) May not operate beyond 11 p.m.
 - (2) Service of alcohol at the Sidewalk Outdoor Café does not violate any state, federal or local laws, promulgated rules, or policies or executive orders of the City Manager.
 - (3) ~~A barrier shall surround the sidewalk café; it shall be approved by the City Planning Director, generally be 36" in height, and shall be removed when the establishment closes each day.~~ A site plan shall be submitted with the application showing where a barrier will be placed to maintain an unobstructed foot path four feet wide for pedestrians at all times, to ensure compliance with the Americans with Disabilities Act. A barrier shall delineate the outdoor café and generally be 36" in height and be approved by the City Planning Director. The placement of any required barriers shall be marked on the sidewalk by the Code Enforcement Officer and shall include the sidewalk anchoring system approved by the City Engineer; the barrier shall be such that it is sufficient to ensure compliance with the approved site plan. The barrier shall be removed when the business closes each day. If the city's ADA Coordinator determines that existing conductions are such that a barrier is not required to maintain an unobstructed foot access path at

least four feet wide for pedestrians, the requirement for the barrier may be waived by the city's ADA Coordinator. This subsection shall be effective April 1, 2015; provided, however, that a 36" barrier shall be in place as required by the Michigan Liquor Control Commission at all times in advance of April 1, 2015, and the barrier shall be removed when the business closes each day.

- (4) The business must post a sign in a prominent location that is one (1) square foot that indicates, "No beverages beyond the barrier of this Sidewalk Outdoor Café." Specifically, the sign shall be posted within the perimeter of the Sidewalk Outdoor Café.
- (5) ~~Alcohol may not be served beyond 11 p.m.~~
- (6) Prohibitions. The occupancy must not:
 - A. Interfere with the use of the right-of-way for pedestrian or vehicular travel.
 - B. Unreasonably interfere with the view, access to, or use of property adjacent to said street.
 - C. Reduce the pedestrian travel area of any sidewalk to less than four (4) feet in width; a clear linear path at least four feet in width must be maintained at all times. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
 - D. Cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way. ~~Any~~ The sidewalk anchoring system to secure an item in ~~to~~ the sidewalk shall be approved by the City Engineer ~~Manager~~ in writing prior to installation.
 - E. Cause a violation of any state or local laws.
 - F. Be ~~principally~~ used for off-premises advertising. All signs must conform to the Sign Ordinance.
 - G. Conceal or detract from the appearance of landscaping features in or adjacent to the street.
 - H. Be in or adjacent to property zoned exclusively for residential purposes.
 - I. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
 - J. Cause increased risk of theft or vandalism.
 - K. Leave any furniture or equipment associated with the Outdoor Café on public property when the café is not in operation. This provision does not apply to Outdoor Cafes located on platforms within on-street parking areas.
 - L. Violate regulations adopted by the City Manager pursuant to this Code.
- (7) Notice. Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required before issuing a permit to occupy any right-of-way area between the edge of the vehicle use area of the right-of-way and the

- right-of-way property line. Said notice should include an enumeration of the conditions or rights provided under Section 1020.08(1) of this Code.
- (8) Fee. Prior to the issuance of a permit, a fee in an amount established by resolution of the City Commission shall be paid to the City Clerk. This fee shall be tripled if any such occupancy occurred prior to the issuance of a permit.
 - (9) Insurance. The Permittee shall show proof of and maintain comprehensive general liability insurance and liquor liability insurance and have the City of Traverse City as an additional named insured. The amount of such insurance shall be determined by the City Clerk.
 - (10) Waste. Any holder of an Outdoor Café with Alcohol Permit shall be responsible for the proper disposal of all waste remove all waste associated with their Outdoor Café occupancy and shall ensure that the waste is removed on a daily basis.
 - (11) Compliance with Approved Site Plan. The café shall, at all times, comply with the approved site plan.
 - (12) Food Service Establishment. Food service establishment shall be defined in accordance with its meaning in the Food Law of 2000, as amended. MCLA 289.1101.
 - (13) Regulations. The City Manager may adopt an executive order controlling the occupancy pursuant to an Outdoor Café with Alcohol Permit.
 - (14) Agreement For Cafes not Directly Adjacent to Building Required. For Outdoor Cafes where the café area is on sidewalk that is adjacent to the building but configured so that the pedestrian walkway is between the building and the café area, the owner of the Outdoor Café shall enter into an Outdoor Café License Agreement with the city further specifying the terms and conditions of the permit. The City Clerk is authorized to execute such agreements on behalf of the city.
 - (15) Duration. Permits shall be for the period of April 1 to November 1 for the year in which granted.
 - (16) Display. A permit shall only be valid if displayed in a manner visible to the public.
 - (17) Permit Revocation. Any permit or License Agreement may be revoked by the City Clerk upon a finding that the occupancy does not meet the standards of this Code, any other provisions of this Code, or other applicable law or regulation, or that the right-of-way is needed for other street or utility purposes. Upon such revocation, the fee paid for any period after termination of the street occupancy shall be refunded and the right-of-way shall be restored at the expense of the Permittee.
 - (18) Appeal. Persons who are refused a permit or have had their permit revoked may request in writing a hearing on that determination before the City Manager. The decision of the Manager may be appealed to the City Commission. Requests for a hearing or an appeal must be made within five (5) days of the questioned decision.
 - (20) Appearance Tickets. The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as

amended (MCLA 764.9c(2); MSA 28.868(3)(2). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(21) Violations. A person who violates this section is responsible for a misdemeanor. (Ord. 700. Passed 4-3-06)

1020.09. OUTDOOR CAFES IN DESIGNATED ON-STREET PARKING AREAS.

(a) Permit Conditions. The City Clerk may issue to a food service establishment an Outdoor Café Permit authorizing the placement of the outdoor café in on-street parking areas on streets where the posted speed is 25 miles per hour or less, pursuant to Section 1020.07 or 1020.08 of this Code of Ordinances. For Outdoor Café Permits where alcohol is not served, the provisions of Section 1020.07 of this Code of Ordinances shall apply in all respects; provided, however, if there is a conflict between this section and Section 1020.07, the provisions of this section shall survive. For Outdoor Café Permits where alcohol is served, the provisions of Section 1020.08 of this Code of Ordinances shall apply in all respects; provided, however, if there is a conflict between this section and Section 1020.08, the provisions of this section shall survive. Such permits shall be subject to the following terms and conditions:

(1) General conditions.

- A. The Café shall be located within designated street parking areas where the majority of the parking space is in front of the food service establishment applicant.
- B. The Café shall be established upon a removable platform approved by the City Planning Director placed in the designated on-street parking area; the platform shall be placed in such a manner to not create trip hazards.
- C. The Café shall be protected from vehicular traffic and surrounded by a barrier generally 36" in height and be approved by the City Planning Director, which will remain in place at all times when the café is in operation, and shall include markings or other devices or decorations to make the barrier clearly visible at all times.
- D. The platform shall not be placed in the designated on-street parking spaces sooner than May 1 each year and shall be removed no later than October 1 each year.
- E. The Café shall conform to the site plan which shall be incorporated as part of the permit. Such site plan shall show the following: the design, relevant details and location of all temporary structures, including the dimensions of the removable platform, planters, landscaping, railings, tables, chairs and lighting.
- F. If the use of a musical instrument and/or sound reproduction system is planned, such use shall be governed by this Code of Ordinances and there shall be no amplification of live music.
- G. The City Manager may adopt rules and regulations regarding the construction, use and removal of outdoor cafes within designated street parking areas. Outdoor Cafes within designated street parking areas shall be operated in accordance with the rules and

regulations as they may be adopted or amended. An Outdoor Café within a designated on-street parking area which is operated in violation of the rules and regulations shall be removed within 24 hours of written notice.

H. The owner of the Outdoor Café shall enter into an Outdoor Café License Agreement with the City further specifying the terms and conditions of the permit which allows a Café to be placed within designated street parking areas. The City Clerk is authorized to execute such agreements on behalf of the City.

I. The Outdoor Café shall be open to the general public, including non-patrons of the Outdoor Café.

J. Smoking shall be prohibited; and a sign shall be posted within the platform indicating smoking is prohibited.

K. Other conditions established by the City Clerk in the permit.

(2) Prohibitions. The occupancy must not:

A. Violate any provisions of Section 1020.07 or 1020.08 of this Code of Ordinances; provided, however, that if there is a conflict between this section and Section 1020.07 or 1020.08 of this Code of Ordinances, the provisions of this section shall survive.

B. Extend more than seven feet from the curb line.

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

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

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk



**RESOLUTION ESTABLISHING FEES
FOR
CITY CLERK DEPARTMENT**

Because, various requests are made to the City Clerk Department requiring hours of staff time to prepare reports, assemble information, meet and discuss requests, publish notices and to prepare follow-up reports and communications; and

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

Resolved, that the fees for the City Clerk Department be established October 7, 2013, as follows:

<u>Auctioneer Permit</u>	\$75.00
<u>Building Moving</u>	\$180.00
<u>Film Production Permit Application</u>	\$50.00 (plus upon issuance of the permit, reimbursement for City services provided, if any, relating to filming activities)
<u>Going out of Business Permit (new or renewal)</u>	\$50.00/30-day
<u>Honeybee License (new)</u>	\$25.00/calendar year
<u>Honeybee License (renewal)</u>	\$15.00/calendar year
<u>Hunting Permit (Brown Bridge Quiet Area)</u>	\$10.00/week
<u>Industrial Facilities Tax Exemption Certificate Application</u>	\$1,160.00
<u>Land Division/ Boundary Adjustment</u>	\$310.00
<u>Liquor License Registration</u>	\$540.00
<u>Liquor License Registration (existing-licensed location, no new owners)</u>	\$300.00
<u>Liquor License Off-Premise Registration</u>	\$170.00
<u>Liquor License Intermediary Transfer Registration</u>	\$130.00
<u>Liquor License (Other)</u>	Based on Staff Involvement, per Fee Study
<u>Marriage Ceremony</u>	\$40.00
<u>Medical Marihuana Cultivation Facility-Industrial District</u>	
- License Fee (Initial)	\$225.00

- Annual Police Inspection Fee	\$95.00
<u>Mobile Food Vending</u>	
-Vending on city owned and private property	\$1,225/calendar year
- Vending on private property only (non-city property)	\$725/calendar year
- Year-round city food service establishments (city property)	\$500/calendar year
-Year-round city food service establishments (non-city property)	No fee
-Public electricity hookup	\$15/day
 <u>Newsrack Permit</u>	 \$75.00
<u>Pedicab</u>	
New	\$25.00
Renewal	\$15.00
<u>Transient Merchant Non-DDA Residential Areas</u>	
<u>All Other Transient Merchants May 16 through Sept. 14</u>	\$100/day
<u>All Other Transient Merchants Sept. 15 through May 15</u>	\$100/calendar week
<u>Secondhand Store (new and renewal)</u>	\$50.00/calendar year
<u>Sewer Contractor Registration (new and renewal)</u>	\$20.00 /calendar year
<u>Outdoor-Sidewalk Café (new and renewal)</u>	\$110.00/license year
<u>Outdoor-Sidewalk Café with Alcohol</u>	\$165.00/license year
<u>Outdoor Café in On-Street Parking Spaces</u>	\$360 plus \$10/day/space
 <u>Sidewalk Display of Merchandise</u>	 \$35.00
<u>Solicitor's Permit</u>	\$10.00
<u>Street Use Permit – Major Event/Community Event</u>	\$350, plus incremental costs for for-profits; \$50, plus costs for non- profit
 <u>Street Use Permit – Non-Major Event</u>	 \$25.00
<u>Street Performer Permit</u>	\$40.00/calendar year
<u>Tourist Home Permit (new)</u>	\$100.00/calendar year
<u>Tourist Home Permit (renewal)</u>	\$70.00/calendar year

I hereby certify that the above resolution was adopted by the City Commission at its regular meeting held June 16, 2014, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan 49684, to be effective immediately.

Benjamin C. Marentette, CMC, City Clerk

Sidewalk Café Survey

conducted June 6 – 9, 2014

By Ross Richardson, City Commissioner

Twenty-one operating sidewalk cafes in the immediate downtown area were surveyed between Friday, June 6 and Monday, June 9. Weather was very favorable for outdoor café use all 4 days. Measurements were secured and photographs taken.

Some observations:

- 5 of the 21 cafes had barriers; 4 of these were required by the selling of alcohol.
- 5 of the 21 cafes were in violation of the 4-foot clearance provision of the ordinance; one had only 16" clear to a tree grate, although this had been expanded to 38" by the time Zoning Administrator Dave Weston paid a visit later the same day. This particular establishment had only 45" of clearance when the barrier, tables and chairs were stacked for the night.
- If the clearance requirement was changed to 5 feet, 13 of the cafes would have still been in full compliance.
- Cafes varied widely in size and scope, the smallest having 2 very small tables and 4 seats, while the two largest had 24 and 29 seats, respectively.
- In many instances, proper clearances could be achieved by simply moving tables and chairs slightly, or removing one table from the sidewalk.
- While it is early in the season, I was struck by how few of the tables were occupied by diners. (The photographs were all taken between 11:30 AM and 1:30 PM).
- Tables were set-up in 3 of the bumpouts (2 on Front St., 1 on State), but in two of these instances, tables were also set on the sidewalk itself. These were the locations of the two largest cafes, 24 & 29 seats.

Business	Address	Barrier	Tables	Seats	Min Clearance
Ambrosia	124 W. State	Yes	3	10	4'6" Clearance from barrier to curb
Bistro Foufou	118 Cass	Yes			Mounting holes for permanent barrier
Brew	108 E. Front	No	3	6	10 ft Tables set-up in bumpout, off main sidewalk
Cherry Cone	240 E. Front	No	2	5	6-1/2 - 7' Tables at edge of street
Cousin Jenny's	129 S. Union	No	8	29	38" Narrowest where bumpout ends, otherwise ample space
Dish	108 S. Union	No	5	20	5' Generally 6 - 8', minimum is to tree grate
Espresso Bay	202 E. Front	No	4 + 2	8+3	7'+ 4 tables on Cass, 2 on Front (up against building)
Eurostop	300 E. Front	No	4	8	Tables appear to be on private property
Good Harbor	111 W. Front	No	6	12	4'6" Generally 5', minimum is to tree grate
Green House Café	115 E. Front	No	6	24	3'10" Tables extend into bumpout, across frontage of both side neighbors
GT Pie Company	101 N. Park	No	7	14	4'11" Tables against building, clearance minimum at tree grate
House of Doggs	120 S. Union	No	4	14	6' 3 tables by curb (with umbrellas), 1 next to building
Northern Natural Cider House	324 E. Front	Yes	3	8	3'8" Clearance issue caused by protruding base of barrier
Omelette Shop	124 Cass	No	4	14	3'2" Clearance to tree grate, otherwise 6'
Paesano's Pizza	447 E. Front	No	2	4	8' Clearance to curb, but large planters in middle of sidewalk Clearance around planters 4'6"
Pangea Pizza	135 E. Front	No	3	8	6'
Peppercorn	226 E. Front	No	1	4	7' Table at edge of street
Scalawag's	303 E. State	No			Tables not set-up on June 9 - stacked on sidewalk next to building
Seven Monks	128 S. Union	Yes	4	16	16" Barrier very close to tree grate - later moved seating, then 38" clear When barrier, tables & chairs stacked, still only 45" clearance
Simply Cupcakes	445 E. Front	No	2	4	7'6" Tables against building
Union Cantina	127 S. Union	Yes	3	12	47" & 36" Pedestrians must walk around barrier; 36" min caused by bike locked to tree



Ambrosia



Bistro Foufou



Brew



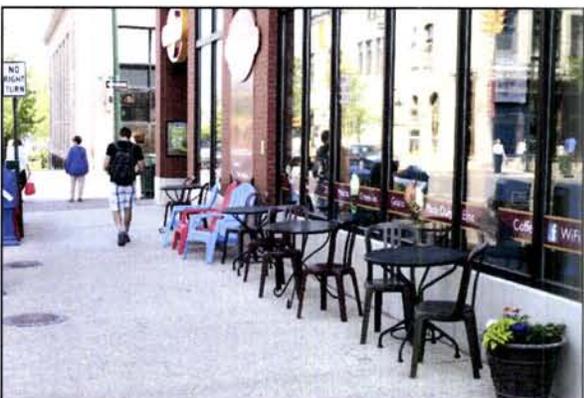
Cherry Cone



Dish



Cousin Jenny's



Espresso Bay—Cass St.



Espresso Bay—E. Front



Eurostop



Good Harbor



Green House Cafe



Green House Cafe



GT Pie Co.



House of Dogs



Northern Natural Cider House



Omelette Shop



Paesano's Pizza



Pangea Pizza



Simply Cupcakes



Peppercorn



7 Monks



7 Monks



Union Cantina



Union Cantina



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: HICKORY HILLS MULTI-SEASON RECREATION MASTER PLAN

At the Commission's Joint Study Session with the Charter Township of Garfield Board of Trustees on June 9, 2014, the Commission heard a presentation of the Hickory Hills Multi-Season Recreation Master Plan.

As you know, the Master Plan, with appendices, is over 200 pages; for the public, a copy is available by clicking *handouts* at the following link for the June 9, 2014, Commission meeting(s): http://www.traversecitymi.gov/comm_meetings.asp

While there will certainly be additional discussion and action points to move this plan forward, I recommend that the Commission take action to approve the Master Plan. I would like to thank the many individuals who contributed to the preparation of the Master Plan for Hickory Hills.

I recommend the following motion:

That the Hickory Hills Multi-Season Recreation Master Plan dated June 2, 2014, be approved.

JJO/bcm

K:\tcclerk\city commission\hickory hills master plan

copy: Chuck Korn, Garfield Township Supervisor
Dave Green, Director of Public Services
Maureen Madion, Preserve Hickory
Laura Ness, Preserve Hickory
Don Stellan, Grand Traverse Ski Club



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ³⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: ORDINANCE AMENDMENTS–MODIFICATIONS TO
TRANSITIONAL HOUSING AND REGULATIONS FOR
EMERGENCY SHELTERS

Attached is a memo from City Planning Director Russell Soyring regarding zoning ordinance amendments for the purpose of allowing emergency shelters to be added by Special Land Use Permit in various districts, establishing regulations for Emergency shelters, and modifying the regulations for Transitional housing, as recommended by the City Planning Commission.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Emergency Shelter Definition*; Section 1320.07, *Definitions*; *Transitional Housing and Emergency Shelter Special Land Use Permits Regulations*, Section 1364.01, *Types of Special Land Use Review*; *Transitional Housing and Emergency Shelter Special Land Use Permit Review*, Section 1364.08, *Special Land Use Permits Granted by the City Commission*; regarding allowing Emergency shelters and establishing regulations for Emergency shelters and modifying the regulations for Transitional housing, as recommended by the Planning Commission, be introduced and scheduled for enactment on July 7, 2014.

JJO/kjl

k:\tcclerk\city commission\ordinance amendments\emergency shelters_intro

e copy: Russell Soyring, City Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: Jered Ottenwess, City Manager

FROM: Russell A. Soyring, Planning Director 

DATE: June 9, 2014

SUBJECT: Ordinance Amendments providing modifications to Transitional housing and regulations for Emergency Shelters

The City of Traverse City received a proposal to use a City-owned building for a homeless shelter at the south end of Wellington Street. A homeless shelter or an emergency shelter is not listed as a permitted use or as a discretionary use (Special Land Use Permit) in any zoning district. Earlier this year the reconstituted Housing Building Committee of the Planning Commission was tasked with developing regulations for Emergency shelters for the city. Planning Commissioners Bergman (Chair), McNally and Warren serve on the committee along with Sarah Lucas of NWMCOG and Kay Serratelli of the Traverse City Housing Commission.

Currently, the zoning code permits "Transitional housing" by Special Land Use Permit in HR, C-1, C-3, H-1 and H-2 districts and "Residential Care and Treatment Facilities" by Special Land Use Permit in R-9, R-15, R-29, HR, C-1, C-3, H-1 or H-2 districts. (Please see Section 1320.08 for definitions for these uses.)

The Planning Commission is recommending that Emergency Shelters be added by Special Land Use Permit in various districts. (Please see the map attached that shows the locations where such uses could be located provided the request meets all the general and specific standards.) The proposed ordinance amendment also recommends that "Transitional housing" requirements are modified to meet nearly the same requirements that are proposed for "Emergency shelters". The process for approval for these uses, should the draft language be adopted, would require public hearings before both the Planning Commission and the City Commission before a Special Land Use Permit could be granted.

On May 6, 2014, the Planning Commission discussed the draft zoning ordinance amendments and held a Public Hearing on June 3, 2014. Twelve people made public comment during the Public Hearing, of which 4 made general comments, 4 opposed and 4 in support.

Commission discussion included opposition to the allowance of 100 bed maximum by Commissioners Dow and Serratelli. Commissioner Twietmeyer expressed concern with the combining of transitional housing with emergency shelters.

Motion by Commissioner Warren, second by Commissioner Bergman that an amendment to the Traverse City Code of Ordinances General Provisions and Definitions Section 1320.07, *Definitions*; Special Land Use Regulations Section 1364.01, *Types of Special Land Use Review* and Section 1364.08, *Special Land Use Permits Granted by the City Commission*, regarding allowing Emergency shelters and establishing regulations for Emergency shelters and modifying the regulations for Transitional housing be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.

Motion carried 5-3 (Commissioners Dow, Serratelli and Twietmeyer opposed, Commissioner McNally recused.)

Please pass on the Planning Commission's recommendation to the City Commission regarding this Zoning Code amendment request.

RAS/ml

Attachments: Housing Inventory and Strategy links

Greater Grand Traverse Area Point-In-Time Count- A Summary of Homelessness
Map showing proposed Zoning Districts for Emergency Shelters/Transitional Housing
Draft Zoning Code Amendments

Background information that is helpful for the discussion on Emergency Shelters

Please go to Grand Traverse County's Housing Inventory and Strategy page: http://www.co.grand-traverse.mi.us/departments/planning/Housing_Initiatives/Housing_Inventory_Strategy.htm

The full [2012 Grand Traverse County Housing Inventory](http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/2012+Grand+Traverse+County+Housing+Inventory.pdf) is available here: <http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/2012+Grand+Traverse+County+Housing+Inventory.pdf>

The Housing Inventory is a detailed report on the value, condition, and other characteristics of the County's housing stock and was prepared for Grand Traverse County by the Northwest Michigan Council of Governments. The Housing Inventory provides a foundation for community planning and strategy development.

The full [2013 Grand Traverse County Housing Strategy](http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Housing+Strategy.pdf) is available here: <http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Housing+Strategy.pdf>

Also prepared for Grand Traverse County by the Northwest Michigan Council of Governments, the Housing Strategy outlines a course of action, specific implementation steps and potential partners for future policy initiatives to address the issues identified in the Housing Inventory.

The [Grand Traverse County Housing Strategy Executive Summary](http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Grand+Traverse+County+Housing+Strategy+Executive+Summary.pdf) highlights both the Housing Inventory and Strategy: <http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Grand+Traverse+County+Housing+Strategy+Executive+Summary.pdf>

GREATER GRAND TRAVERSE AREA POINT-IN-TIME COUNT-A SUMMARY OF HOMELESSNESS

January 29, 2014

540 People were counted as homeless or at risk of homelessness on January 29, 2014, the day of the Point-in-Time Count (PIT). The PIT count is required by HUD for communities that wish to request funds for homeless housing and services from HUD. It is intended to be a one day snapshot of unduplicated numbers of homeless families and individuals in sheltered, unsheltered, and other at risk of homelessness locations in the five counties of Antrim, Benzie, Grand Traverse, Kalkaska, and Leelanau. The PIT is conducted by the Greater Grand Traverse Area Continuum of Care (GGTACOC).

The purpose of this count is to provide information to HUS which helps the GGTACOC bring in over \$1,000,000 in funds for shelter, supportive housing, and services to those who are homeless in the 5 counties. The information collected helps local communities to better plan for services and needs.

➤ **414 People were considered Literally Homeless as defined by HUD. This includes:**

- **36** People were unsheltered-living outdoors, in a car, or other places not meant for human habitation.
- **378** People were residing in the following types of shelters: (1) Emergency Shelter, (2) Transitional Housing programs specifically funded to serve those who are homeless, (3) Jail/prison having entered as homeless and with a stay of 90 days or less, (4) Mental health or Treatment Facility having entered as homeless and with a stay of 90 days or less, (5) Hotel/Motel that is time limited and funded by an agency.

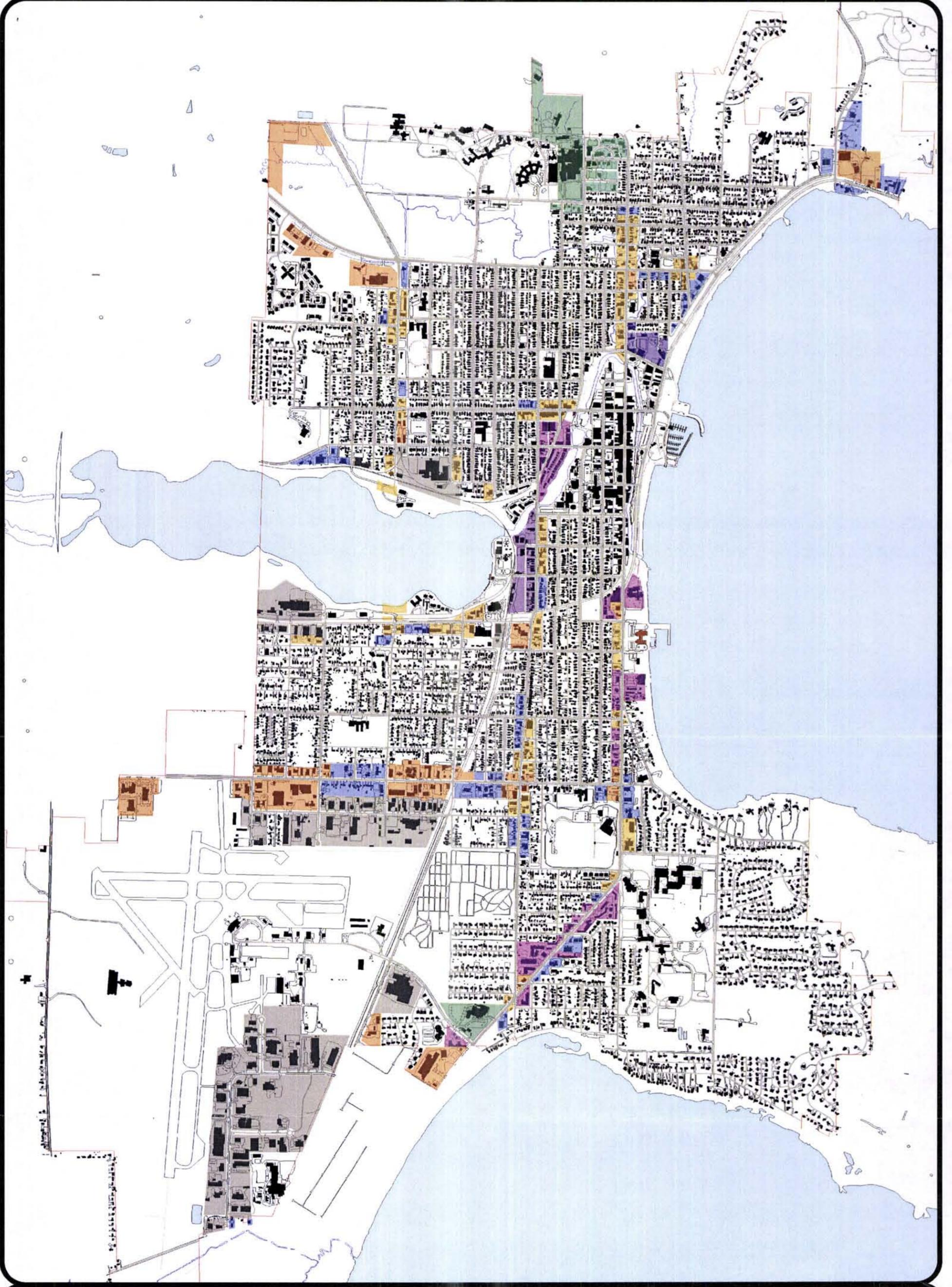
➤ **126 People** were considered to be at risk of homelessness, were doubled up in crowded conditions and/or unable to earn enough income to pay for housing, or were fleeing domestic violence in the 5 counties. This population is difficult to count because they may not be seeking agency help, but relying on families and friends for temporary housing.

Agencies that contributed information for people who were literally homeless or at risk of homeless on the night of the county were:

- Benzie-Leelanau Health DHS
- Catholic Human Services-Host Home Program
- CentraWellness (Benzie-Manistee Community Mental Health)
- Father Fred
- Goodwill Industries of Northwest Michigan-both the shelter in TC and Benzie Rural Shelter
- Leelanau County Health Department
- Michigan Works
- Northern Lakes Community Mental Health
- Northwest Michigan Community Action Agency
- NWM Council of Governments' Prisoner Re-entry Program
- Safe Harbor/Goodwill Industries of NW Michigan-Church sponsored seasonal shelter in TC
- Teen Health Center-Kalkaska
- Third Level-Pete's Place and TLP Voucher Program
- Women's Resource Center for the Grand Traverse Area

DISABILITIES AND CHRONIC HOMELESS INFORMATION (This question was unanswered on many surveys and is provided only for those who are considered Literally Homeless)

1. Chronically homeless (1 year or more, or 4 times in 3 years)- **74**
2. Veterans- **22**
3. Mental Illness- **85**
4. Substance Abuse- **58**
5. HIV- **1**
6. Domestic Violence- **87**
7. **50** Youth age 18-24 are living in shelters, transitional housing programs, and on the streets or in the woods.



- Legend**
- HR Hotel Resort District
 - D-1 Development District
 - C-2 Neighborhood Center District
 - C-1 Office Service District
 - C-3 Community Center District
 - I Industrial District
 - H-1 Hospital District
 - H-2 Hospital District
 - D-2 Development District
 - D-3 Development District



1 inch = 1,764 feet

This map is based on digital databases from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties expressed or implied.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: EMERGENCY SHELTER DEFINITION AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That General Provisions and Definitions Section 1320.07, *Definitions*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1320.01	Title.	1320.08	Standard Industrial Classification.
1320.02	Purpose.	1320.09	Rules of construction.
1320.03	Interpretation; conflict of laws.	1320.10	Uses not mentioned.
1320.04	Changes and amendments.	1320.11	Temporary buildings.
1320.05	Application of Code; compliance required.	1320.12	Recreational vehicles, houseboats and trailers.
1320.06	Severability.	1320.13	Tents or portable buildings.
1320.07	Definitions.	1320.14	Excavation.

CROSS REFERENCES

Zoning and planning in home rule cities - MCLA 117.4i

Regulation of location of trades, building and uses by local authorities - MCLA 125.581

Regulation of buildings; authority to zone - MCLA 125.582

Regulation of congested areas - MCLA 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a

Application of Zoning Code to signs - B & H 1476.15

1320.01 TITLE.

This Title One of Part Thirteen - the Planning and Zoning Code, shall be known and may be cited as the "Zoning Ordinance" or the "Zoning Code."

1320.02 PURPOSE.

This Zoning Code is enacted for the public health, safety and welfare.

1320.03 INTERPRETATION; CONFLICT OF LAWS.

This Zoning Code is the minimum requirement for promoting the public health, safety and general welfare. If it imposes more restrictions than State law or other City ordinances, the provisions of this Zoning Code shall govern. If the *State Housing Law* (MCL 124.401 et seq; MSA 5.2771, et seq) or the *Airport Zoning Act* (MCL 259.431, et seq; MSA 5.3475) or other statutes or ordinances have stricter regulations, the provisions of the statute or other ordinance shall govern. This Zoning Code is not intended to interfere with or annul any easement, covenant or other agreement between parties.

Section titles or headings and any entire section entitled "Purpose" shall be interpretive aids only and shall not be construed to impose any substantive or procedural requirement.

1320.04 CHANGES AND AMENDMENTS.

(A) **Procedure.** The City Commission, on its own motion or on petition, may amend or repeal zoning boundaries or regulations after submitting them to the Planning Commission for its recommendation, report and public hearing. The City Commission

may also hold a public hearing with the notice it deems advisable. A hearing before the Planning Commission shall be granted a person interested at the time of its public hearing. The procedure for the Planning Commission public hearing shall be as follows:

- (1) At least 15 days notice of the public hearing shall be given in an official newspaper of general circulation in the City.
 - (2) At least 15 days notice of the time and place of the public hearing shall be mailed to each airport manager, electric, gas, pipeline, telephone, telecommunications provider, public utility company and to each railroad company owning or operating any public utility or railroad within the districts affected that registers its name and mailing address with the City Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
 - (3) After the ordinance and maps have first been approved by the City Commission, if an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given at least 15 days before the hearing to:
 - (a) The owners of the property in question, unless 11 or more adjacent properties are proposed for rezoning; and All persons to whom real property is assessed within 300 feet of the boundary of the property in question, unless 11 or more adjacent properties are proposed for rezoning; and
 - (b) All persons to whom real property is assessed within 300 feet of the boundary of the property in question, unless 11 or more adjacent properties are proposed for rezoning; and
 - (c) At least one occupant of each dwelling unit or spatial area owned or leased by different persons within 300 feet of the boundary of the property in question. Where a single structure contains more than four dwelling units or distinct spatial areas, notice may be given to the manager or owner of the structure with a request to post the notice at the primary entrance to the structure. The occupants of all structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, the term "occupant" may be used in making notification unless 11 or more adjacent properties are proposed for rezoning.
- (B) **Notice.** The notice shall contain the following:
- (1) A description of the proposed zoning;
 - (2) A description of the subject property including a listing of all existing street addresses within the property where they exist, unless 11 or more adjacent properties are proposed for rezoning;
 - (3) The time and place of the public hearing; and
 - (4) When and where written comments will be received.
- (C) **Protest.** If a protest of the proposed amendment is presented to the City Commission at or before final action on the amendment and it is properly signed by the owners of at least 20 percent of the area of land included in the proposed change, excluding publicly owned land, or by the owners of at least 20 percent of the area of and included within an area extending out 100 feet from any point on the boundary of land included in the proposed change, excluding publicly owned land, then such amendment shall be passed only upon 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.
- (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 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.
 - (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 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 spatially 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.

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 greater than one square meter in a residential district or two square meters in a non-residential district. Antenna does not include federally-licensed amateur radio station, television or radio receive-only antennas or antennas used solely for personal use. Communication antennas are not "essential services," public utilities or private utilities.

Communication tower or tower means any structure that is primarily designed and constructed for the purpose of supporting one or more antennas for telecommunications, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Communication towers are not "essential services," public utilities or private utilities.

Community Garden means a parcel gardened collectively by a group of people.

Convenience store means a retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Country club. See "golf course".

Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree one foot for each one inch of diameter at breast height. The critical root zone shall also extend to a depth of four feet below the natural surface ground level.

Cultural facilities means facilities for activities for the preservation and enhancement for the cultural well-being of the community.

Development means all structures and other modifications of the natural landscape above and below ground or water on a particular site.

Diameter at breast height means the diameter of a tree trunk in inches measured by diameter at four and one-half feet (4.5') above the ground.

District means a section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, setbacks and the intensity of use are uniform.

Drive-in means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-through means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service or obtain goods intended to be consumed off-premises.

Dripline means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Driveway means a means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Driveway, Service means a point of access solely for the use of vehicles designed to load and unload trash receptacles three cubic yards or more in size.

Dwelling means any building or portion thereof which is designed for or used exclusively for residential purposes and containing one or more dwelling units.

Dwelling, multiple family. "Multiple family dwelling" means a building or portion thereof containing three or more dwelling units and designed for or occupied as the home of three or more families living independently of each other.

Dwelling, single-family. "Single-family dwelling" means a detached building containing one dwelling unit and designed for or occupied by only one family.

Dwelling, two-family. "Two-family dwelling" means a building designed for or occupied exclusively by two families living independently of each other.

Dwelling unit means one or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. The existence of a food preparation area within a room or rooms shall be evidence of the existence of a dwelling unit.

Eligible household means a household meeting the income criteria included in Chapter 1376, with income determined in a manner consistent with determinations of lower-income households and area median income under Section 8 of the U.S. Housing Act of 1937, as amended (Section 8 Housing Program).

Eligible housing nonprofit means a 501(c)3 nonprofit housing organization with the means and capacity to guarantee and enforce long-term affordability of affordable housing units meeting the requirements of Chapter 1376.

Emergency shelter means a facility operated by a governmental or nonprofit agency where supportive services and shelter are offered to homeless persons.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential services means the installation, construction, alteration or maintenance by public

utilities or governmental agencies of underground, surface or overhead telephone, electrical, gas, steam, fuel, or water distribution systems, collections, supply or disposal systems, streets, alleys, sidewalks, or trails, including pavement, traffic control devices, signs, poles, wires, mains, drains, sewers, pipes, conduits, cables, padmount transformers, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or governmental agencies for the general public health, safety, convenience or welfare. "Essential services" do not include communication antennas and communication towers.

Essential service-structures. The erection, construction, alteration or maintenance by public utilities or governmental agencies of structures not in the right-of-way over 800 cubic feet in area including, but not limited to, towers, transmission and subtransmission facilities, or buildings related to essential services in all districts.

Facade means the exterior wall of a building exposed to public view.

Family means one or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

Fence means a constructed barrier made of wood, metal, stone, brick or any manufactured materials erected for the enclosure of yard areas.

Flood plain, 100 year. "100 year flood plain" means the lowland areas adjoining inland and coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a one per cent chance of flooding in a given year.

Floor area. See AGross Floor Area@.

Frontage means the total continuous width of the front lot line.

Golf course/country club means any golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges and miniature golf courses as a principal use.

Grade means

1. **For buildings having walls adjoining one street only:** the elevation of the public sidewalk, top of curb, or centerline of the street right-of-way, whichever is closest to the building, where a building wall adjoins a street.
2. **For buildings having walls adjoining more than one street:** the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
3. **For buildings having no wall adjoining the street:** the average of the lowest and highest ground surface elevations in an area within six feet of the foundation line of a building or structure. Any building or structure wall within 35 feet of a public or private street shall be considered as adjoining the street. (See Figure 1-2.)

Greenbelt means a strip of land of definite width and location upon which existing vegetation is preserved or an area is reserved for the planting of living plant materials to serve as an obscuring screen or buffer strip in carrying out the requirements of thisCode.

Grocery store means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Height of building means the vertical distance from the grade to the highest point on a mansard or flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs. (See Figure 1-3).

Home occupation means an accessory use of a dwelling unit for business purposes.

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing

soils, including building, asphalt, concrete, gravel and other surfaces.

Impervious surface ratio means the area of impervious surface less those areas used exclusively for pedestrian circulation or outdoor recreational facilities divided by the gross site area.

Kennel means any lot or premises used for the sale, boarding, or breeding of dogs, cats or other household pets or the keeping of five or more dogs or cats in any combination over the age of six months.

Land clearing means:

1. The clearing of over 8,000 square feet of vegetation from any site, or
2. The removal of more than 20 trees more than 6 inches in diameter at breast height within 50 feet of a public or private street or river.

Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing.

Landing area means a landing pad, area, strip, deck or building roof used to launch or receive aircraft, including, but not limited to, power-driven winged or delta-winged aircraft, gliders, balloons and helicopters.

Landscaping means some combination of planted trees, vines, ground cover, flowers or turf so long as a minimum of 80 per cent of the landscape area is covered by living plant material. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences and benches.

Laundromat means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one principal building together with accessory buildings, open spaces and parking areas required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved private street. The word "lot" includes the words "plot", "tract" or "parcel".

Lodging Facility means a commercial establishment with one or more buildings whose primary use is to provide temporary overnight accommodations within individual guest rooms or suites to the general public for compensation. Accessory uses may include eating places, meeting rooms and other similar uses.

Lot, corner. "Corner lot" means a lot which has at least two contiguous sides abutting on and at the intersection of two or more streets.

Lot of record means a lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat.

Lot, through. A Through lot means an interior lot having frontage on two more or less parallel streets.

Lot width means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Manufacturing means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

Marina means a commercial mooring, berthing, or docking facility for watercraft with or without provisions for launching, haulout, servicing, fueling or sales of accessory supplies.

Mechanical amusement arcade means any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five mechanical amusement devices are located and available for operation. For purposes of this Zoning Code, a mechanical amusement arcade shall not include the following:

1. Mechanical amusement devices located in bars, taverns and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and
2. Mechanical amusement devices located in motels or hotels when the devices are generally

available only to registered guests.

Mechanical amusement device means any machine which, upon the insertion of a coin, slug, token, plate or disk, or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including, but not limited to, games registering a score; electronic video games; mechanical and/or electronic devices, such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables and billiard tables; and all game operations or transactions similar thereto, whether operated by hand, electric power or a combination thereof. "Mechanical amusement device" shall not include:

1. A juke box or other similar device which plays only music for money;
2. A full-size bowling lane or alley;
3. A movie theater seating more than ten persons; and
4. A vending machine dispensing food, drink, tobacco, toys or written material, which material can be utilized away from the premises where the machine is located and does not require further participation by the person inserting the item or paying the price at the location of the machine. A mechanical amusement device located on property used solely for a residential purpose or a private club, which device is not available for use by the general public, shall be exempt from this definition.

Medical Marihuana means marihuana as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq. grown, used, or transferred for "medical use" as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Collective means a use where Medical Marihuana is transferred, pursuant to the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Cultivation means a use where Medical Marihuana is grown as permitted by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Cultivation Facility means a use where more than 72 plants are being cultivated on a Parcel.

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

Non-conforming use means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nursing home. See "Residential care and treatment facility".

Open space, common. "Common open space" means land within or related to a development, not individually owned that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Operator of Medical Marihuana Collective means any person who is employed by or otherwise involved in the operation of a Medical Marihuana Collective.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is identified along Grand Traverse Bay and the lower Boardman River as elevation 581.04 feet USGS.

Owner means any person having an ownership interest in a premises as shown on the latest Traverse City tax records.

Parcel. See a "lot".

Parking area means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, driveways and legally designated areas of public streets.

Parking area, commercial. "Commercial parking area" means a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot and which contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

Parking area, off-street. "Off street parking area" means a land surface or facility providing

vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

Parking area, private. "Private parking area" means a parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking area, public. "Public parking area" means a publicly owned or controlled parking area available to the public, with or without payment of a fee.

Parking space means an area of land provided for vehicles exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Parking structure means a building or structure consisting of more than one level and used to store motor vehicles.

Pavement. "Pavement" and "paved" mean permanent and completely covered with concrete, a bituminous surface, brick or other surface approved by the Planning Director.

Pedestrian scale means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Place of worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Planning director means the head of the City Planning and Zoning Department or the designee of that person.

Plat means a map of a subdivision of and recorded with the Register of Deeds pursuant to State statute

Primary Caregiver means a primary caregiver with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Qualifying Patient means a qualifying patient with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

R-District means a residence district, namely an RC, R-1a, R-1b, R-2, R-9, R-15, and R-29 district.

Recreational facilities means a public or private non-profit facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, indoor and outdoor swimming pools.

Recreational vehicle means a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Residential Care and Treatment Facility means a facility providing:

1. Services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation;
2. Temporary emergency shelter and services for battered individuals and their children in a residential structure.

Restaurant, family means an establishment where food and drink are prepared and served to seated customers. Customer turnover rates are typically less than one hour. Generally, these establishments serve breakfast, lunch, and dinner and sometimes are open 24 hours a day. It may include cafeteria-style facilities.

Restaurant, fast food means an establishment where food and drink are served to customers at a

counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

Restaurant, fine means an establishment where food and drink are prepared and served. Customer turnover rates are typically one hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch.

Right-of-way means a public or private street, alley or easement permanently established for the passage of persons or vehicles.

Rooming house means a residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include lodging facilities, apartment houses, two and multi-family dwellings or fraternity and sorority houses.

School means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Screen, opaque means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial separation.

Setback means the distance required between a lot line and a building wall.

Setback, front. A Front setback@ means the minimum required distance, extending the full lot width, between the principal building and the front lot line.

Setback, rear. A Rear setback@ means the minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

Setback, side. A Side setback@ means the minimum required distance, extending from the front setback to the rear setback, between the principal and accessory building and the side lot line.

Site diagram means a drawing, drawn to scale, showing the location of buildings and structures on a lot, as well as driveways, curb cuts, alleys, streets, easements and utilities. See Appendix 1, Figure 1-4.

Site plan means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Stop work order means an administrative order which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Code.

Street means any public way, such as a public street, avenue or boulevard, at least 16 feet wide. Street does not mean "alley". See also "Private street".

Street, access. "Access street" means a street or alley designed primarily to provide access to properties.

Street, arterial. "Arterial street" means a street designed to carry high traffic volumes through the community.

Street, collector. "Collector street" means a street designed to carry moderately high traffic volumes from arterial and access streets.

Street, private. "Private street" means an officially approved thoroughfare, other than a public street or alley, permanently reserved as the principal means of access to abutting property.

Structural alterations means any change in a building requiring a building permit.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts and pergolas.

Tourist home means a single-family dwelling owned and occupied by a person renting out not more than three rooms for compensation to persons who do not stay for more than seven consecutive days.

Townhouse means a multiple dwelling in which each dwelling unit shares a common wall with

at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

Trailer means any enclosure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been or reasonably may be equipped with wheels or devices for transporting the enclosure from place to place. "Trailer" includes motor homes, travel trailers and camper vans.

Transit center means a fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

Transitional housing means a facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating and cooking facilities; and professional services to assist individuals or families in locating permanent housing.

Treelawn means the area of public right-of-way lying between the curb line of a curbed Street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street.

Trip end means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

Vacation Home Rental means a commercial use of a dwelling where the dwelling is rented or sold for any term less than 30 consecutive days.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code.

Yard, front. "Front yard" means all land extending across the width of a property and lying between the building line and the front lot line.

Yard, rear. "Rear yard" means all land extending across the width of the property and lying between the building and the rear lot line.

Yard, side. "Side yard" means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

Zoning Code means Part 13, Title One of the Code of Ordinances of the City of Traverse City and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

1320.08 STANDARD INDUSTRIAL CLASSIFICATION.

The Standard Industrial Classification Manual 1987, Office of Management and Budget, United States Government, has been relied upon by the drafters of this Code for identification of and classification of economic activities. When questions of interpretation arise the Standard Industrial Classification Manual 1987 may be relied upon as an aid.

(Ord. 476. Passed 7-6-99.)

1320.09 RULES OF CONSTRUCTION.

This chapter should be liberally construed to give effect to its purpose and the purposes of the Zoning

Enabling Act. If a definition is not provided, common dictionary definitions may be referred to as interpretive aids. Words used in the present tense include the future tense and the singular includes the plural unless the context clearly indicated the contrary. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

Ord. 476. Passed 7-6-99.)

1320.10 USES NOT MENTIONED.

When a use is not expressly mentioned in this Zoning Code, the Planning Director shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district, similar uses mentioned in a district, and recognized rules of

interpretation. The Planning Director's decision shall be appealable to the Board of Zoning Appeals.

(Ord. 476. Passed 7-6-99.)

1320.11 TEMPORARY BUILDINGS.

Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon the completion of the construction work.

(Ord. 476. Passed 7-6-99.)

1320.12 RECREATIONAL VEHICLES, HOUSEBOATS AND TRAILERS.

Recreational vehicles, houseboats and trailers shall not be used for living purposes in any district other than in a licensed trailer park.

(Ord. 476. Passed 7-6-99.)

1320.13 TENTS OR PORTABLE BUILDINGS.

The use and occupancy of a tent or portable building for the purpose of general living quarters is not permitted in any zoning district.

(Ord. 476. Passed 7-6-99.)

1320.14 EXCAVATION.

The extraction of sand, gravel, or other raw materials at or below grade and the processing of raw materials extracted upon the premises in all districts is allowed subject to the following:

- (A) The land to be excavated shall consist of not less than 10 contiguous acres.
- (B) Mining operations are not likely to create a nuisance or interfere with the reasonable enjoyment of surrounding land.
- (C) It shall be demonstrated by independent professional affidavit that all operations will comply with City noise ordinances.
- (D) Dust, smoke or similar airborne particles shall not leave the property in amounts or degrees greater than from allowable uses in the same district.
- (E) All operations and excavations shall be protected against trespass by fences and other suitable means. Truck traffic to and from the site shall be limited to Monday through Friday and shall not be earlier than 9:00 a.m. or later than 5:00 p.m.
- (F) All operations and excavations shall be set back at least 100 feet from the property line and 200 feet from any abutting body of water or R-district.

(Ord. 476. Passed 7-6-99.)

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

I hereby certify the above ordinance amendment was introduced on June 16, 2014, 2014, at a regular meeting of the City Commission and was enacted on July 7, 2014, 2014, at a regular meeting of the City Commission by a vote of Yes: _____ No: _____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above

ordinance was published in the Traverse City Record Eagle, a
daily newspaper published in Traverse City, Michigan, on

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: TRANSITIONAL HOUSING AND EMERGENCY SHELTER SPECIAL LAND
 USE PERMIT REVIEW ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Special Land Use Regulations Section 1364.01, *Types of Special Land Use Review*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1364.01 TYPES OF SPECIAL LAND USE PERMIT REVIEW.

- (a) **Types of Procedure.** Special Land Use Permits (SLUP's) are reviewed and approved through either a City Commission procedure or an administrative procedure depending upon the potential impact the proposed use or activity may have upon the adjacent land uses and the broader community.
- (b) **City Commission SLUP's.** Applications for special land use permits for the following uses shall be reviewed by the City Commission according to the procedures and standards contained in this chapter:
 - (1) *New buildings 3,000 square feet or larger in gross floor area for allowed uses in an OS or RC district.*
 - (2) *Clustered single family dwellings* allowed in an R-1a, R-1b or R-2 district.
 - (3) *Communication towers* allowed in a T, GP, I, C-3, NMC-2 (except on Grand Traverse Bay) and H-2 District or properties owned by governmental agencies.
 - (4) *Convention centers* in a D district.
 - (5) *Conversions of one-family to two-family dwellings* in an R-1a or R-1b district.
 - (6) *Correctional institutions* allowed in a GP district.
 - (7) *Drive-throughs for finance services* in C-4 and D districts.
 - (8) *Essential services structures.*
 - (9) *Group day care homes, including adult daycare* in an R-1a, R-1b, R-2, R-9, R-15 and R-29 district.
 - (10) *Residential care and treatment facilities* allowed in an R-9, R-15, R-29, HR, C-1, C-2, C-3 or H-1 or H-2 district.
 - (11) *Schools* allowed in an R-1a, R-1b, R-2, R-9, R-15, R-29, C-1, C-2, C-3 or GP district.
 - (12) *Stores, retail, over 8,000 square feet per floor* in a D district.
 - (13) *Taller buildings* allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district.
 - (14) *Temporary accessory dwelling units* in an RC, R-1a or R-1b district.
 - (15) *Theaters, live, and performance art centers* allowed in an R-9, R-15 or R-29, Multiple Family Dwelling District.
 - (16) *Transitional housing and Emergency shelters* allowed in an HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1 or H-2 or I district.
 - (17) *Wind energy system, pole or tower-mounted,* allowed in T, GP, C-3, NMC-1,

NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.

(18) *Wind energy system, building-mounted*, allowed in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR districts.

(c) **Administrative special land use permits**. Applications for special land use permits for the following uses shall be reviewed by the Planning Director according to the procedures and standards contained in this chapter:

- (1) Adult foster care small group home in an RC, R-1a, R-1b and R-2 district.
- (2) *Communication antennas* in all districts.
- (3) *Group day care homes, including adult daycare* in an R-1a, R-1b, R-2, R-9, R-15 and R-29 district.
- (4) *Landing areas* in an H or GP district.
- (5) *Parking area, private*, in a C-4 district if public parking is available within 500 feet of an allowed use;
- (6) *Parking area construction deferral*.
- (7) *Places of worship* in an R-1a, R-1b, R-2, R-9, R-15 and R-29 district.

1364.02 GENERAL STANDARDS FOR APPROVAL.

Each application for a special land use shall be reviewed for the purpose of determining that the proposed use meets all of the following standards:

- (a) The use shall be designed, constructed, operated and maintained so as to be harmonious and compatible in appearance with the intended character of vicinity.
- (b) The use shall not be hazardous nor disturbing to existing or planned uses in the vicinity.
- (c) The use shall be served adequately by existing or proposed public infrastructure and services, including but not limited to, streets and highways, police and fire protection, refuse disposal; water, waste water, and storm sewer facilities; electrical service, and schools.
- (d) The use shall not create excessive additional requirements for infrastructure, facilities, and services provided at public expense.
- (e) The use shall not involve any activities, processes, materials, equipment or conditions of operation that would be detrimental to any person or property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or water runoff.
- (f) Where possible, the use shall preserve, renovate and restore historic buildings or landmarks affected by the development. If the historic structure must be moved from the site, the relocation shall be subject to the standards of this section.
- (g) Elements shall relate the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
- (h) The use shall be consistent with the intent and purposes of the zoning district in which it is proposed.

(Ord. 476. Passed 7-6-99. Ord. 670. Passed 03-21-05. Ord. 831 Passed 5-4-09.)

1364.03 SPECIAL LAND USE APPLICATIONS.

All land for which an application for a special land use permit is made shall be owned by the applicant or by a person who has consented, in writing, to the application. The parcel must be

capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered. The application must be signed by the applicant and by the owner or a person with the owner's written consent and must contain:

- (a) A site plan as described by this Zoning Code;
- (b) A statement of present ownership of all land which is the subject of the request;
- (c) An application fee. This application fee shall be non-refundable. The City Commission shall, by resolution, establish the amount of the application fee.
- (d) Upon the request of the Planning Director or the Planning Commission, the applicant shall provide such other information pertinent to the special land use application. Failure of the applicant to provide such requested information within a reasonable time may be grounds for denial of the application.
- (e) If the application is approved, the applicants shall pay all Register of Deeds recording fees to record the special land use permit.

(Ord. 476. Passed 7-6-99.)

1364.04 CITY COMMISSION PROCEDURE FOR APPROVAL.

The following procedures shall be followed for special land use permits to be granted by the City Commission:

- (a) **Pre-application conference.** Before submitting an application, the applicant shall meet with
 - (1) the Planning Director to review the proposed project, the Traverse City Code of Ordinances, and any planning documents that relate to the property.
- (b) **Application.** A special land use permit application shall be submitted to the Planning Commission for review and recommendation.
- (c) **Public hearings.**
 - (1) The Planning Commission shall hold a public hearing with such notice as it deems advisable. After review, the Planning Commission shall submit a written recommendation to the City Commission based upon the standards of this Zoning Code.
 - (2) A public hearing shall be held by the City Commission on each special land use application properly filed under this Zoning Code. Notice of the public hearing shall be given not less than fifteen days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in the City and shall be mailed or personally delivered to:
 - A. The owners of the property for which approval is being considered;
 - B. All persons to whom real property is assessed within 300 feet of the boundary of the property in question; and
 - C. At least one occupant of each dwelling unit or spacial area owned or leased by different persons within 300 feet of the boundary of the property in question. Where a single structure contains more than four dwelling units or other distinct spatial areas, notice may be given to the manager or owner of the structure with a request to post the notice at the primary entrance of the structure. The occupants of all structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, structures within 300 feet of the

boundary of the property in question. Where the name of the occupant is not known, the term "occupant" may be used in making notification.

- (d) **Notice.** The notice of the City Commission public hearing shall contain:
 - (1) A description of the nature of the special land use request;
 - (2) A description of the property which is the subject of the special land use request, including a listing of all existing street addresses within the property where they exist; and
 - (3) The time and place of consideration of and public hearing on the special land use request; and
 - (4) When and where written comments will be received concerning the request.
- (e) **Decision.** The City Commission may deny, approve or approve with conditions requests for special land use approval after a hearing and notification as provided herein. Its decision shall be in the form of an order which shall incorporate a statement of conclusions and shall specify the basis for the decision and any conditions imposed. An order denying a special land use shall state the standards which have not been met. A decision of the City Commission shall be final. There shall be no appeal of the City Commission's decision to the Board of Zoning Appeals.
- (f) **Order.** If the City Commission determines that the application is consistent with the intent of this Zoning Code as expressed in this chapter and with the other standards and requirements herein contained, it shall issue an order authorizing the special land use in accordance with the application and material submitted, modified as it may consider necessary to carry out the intent and standards of this Zoning Code, and containing any lawful conditions or restrictions which it may consider necessary to carry out the purposes of this Zoning Code and to protect the public health, safety and welfare. The order shall recite the findings of fact and the reasons upon which it is based.
- (g) **Compliance.** After approval of a special land use, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the special land use or only as authorized by the provisions of this Zoning Code which would apply if the special land use order had not been issued.

(Ord. 476. Passed 7-6-99. Ord. 670. Passed 03-21-05. Ord. 721. Passed 2-5-07)

1364.05 ADMINISTRATIVE PROCEDURE FOR APPROVAL.

The following procedure shall be followed for special land use permits to be granted by the Planning Director:

- (a) **Pre-application conference.** Before submitting an application, the applicant shall meet with the Planning Director to review the proposed project, the Traverse City Code of Ordinances, and any planning documents that relate to the property.
- (b) **Application.** A special land use application shall be submitted to the Planning Director for review and decision.
- (c) **Notice.** If the applicant or the Planning Director requests a public hearing, only notification of the public hearing need be made. If not so requested, upon receipt of an application, the Planning Director shall publish in a newspaper of general circulation in the City one notice that the request has been received and shall send by mail or personal delivery such notice to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the

property in question, and to the occupants of all structures within 300 feet. Such notice shall be given not less than fifteen days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in notification. Notification need not be given to more than one occupant of a structure unless there is more than one dwelling unit, in which case one occupant of each unit shall be given notice. Such notice shall do the following:

- (1) Describe the nature of the special land use request;
 - (2) Indicate the property which is the subject of the special land use request;
 - (3) State when and where the special land use request will be considered and;
 - (4) Indicate when and where comments will be received concerning the request;
 - (5) Indicate that a public hearing on a special land use request may be requested by a property owner or occupant of a structure located within 300 feet of the boundary of property being considered for a special use.
- (d) **Public hearing.** At the initiative of the Planning Director, upon the request of the applicant, or upon request of a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required herein shall be held by the Planning Director before rendering a decision.
- (e) **Decision; order.** The Planning Director may deny, approve or approve with conditions, requests for special land use approval after notification as provided in this section. The decision shall be in the form of an order which shall incorporate a statement of conclusions and shall specify the basis for the decision and any conditions imposed. An order denying a special land use shall state the standards which have not been met.
- (f) **Appeals to the Planning Commission.** Any person aggrieved by a final decision of the Planning Director may appeal the decision within 14 days to the Planning Commission. In order to file such an appeal, a person must complete and sign an application for appeal and submit it to the Planning Director on the form provided by that office. In addition, the person appealing must pay the fee established by resolution of the City Commission for such appeals. All reasons and facts in support of the appeal shall be submitted in writing by the person appealing. The Planning Director shall transmit to the Planning Commission all materials submitted in connection with the application including the written decision being appealed and a summary of public comments. Notice of the Planning Commission hearing shall be given in the same manner as notice of a hearing on a special land use granted by the Planning Commission. After a hearing de novo, the Planning Commission shall decide the appeal de novo within a reasonable time and shall submit its decision in writing to the applicant. A decision of the Planning Commission shall be final. There shall be no appeal of the Planning Commission's decision to the City Commission or Board of Zoning Appeals.
- (g) **Compliance.** After approval of a special land use, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the special land use or only as authorized by the provisions of this Zoning Code which would apply if the special land use order had not been issued.
- (h) **Planning Director referral to Planning Commission.** At the discretion of the Planning Director, a special land use requiring administrative approval of the Planning Director may be submitted to the Planning Commission under procedures described in Section

1364.04

(Ord. 701. Passed 5-1-06. Ord. 777. Passed 12-3-07.)

1364.06 AMENDMENTS.

A SLUP order may be amended as follows:

- (a) **Minor amendment.** Minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Planning Director without notice or hearing, provided no such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the site, significantly reduce the usable open space or significantly encroach on natural features proposed by the plan to be protected.
- (b) **Major amendment.** Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the authority granting the SLUP to be amended according to the procedures authorized by this chapter for approval of a SLUP.

Unless otherwise provided by this chapter or the granting order, an order approving a special land use may be amended by the granting authority according to the procedures authorized by this chapter for approval of a special land use.

(Ord. 476. Passed 7-6-99.)

1364.07 TERMINATION OF ORDERS.

A special land use order shall expire two years from the date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion or, where no construction is necessary, if the use authorized has not been commenced. Upon written request stating the reasons therefor, the granting authority may extend the order for one additional year. An order may be terminated upon application by the owners of record of the land subject to a granting order. It shall be submitted and considered under the same process as is then established for granting or amending such order. The applicant shall demonstrate that if the order is terminated the property shall comply with all current requirements for the zoning district(s) of that property. The order may be rescinded at any time by the granting authority for a violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the property and after a hearing on the violation. Upon termination of an order, the zoning requirements shall be the current requirements for the zoning district designated for the property. Any use authorized by a special land use order shall be continuously maintained once the same is commenced, and if not so continuously maintained, the special land use permit shall expire.

(Ord. 476. Passed 7-6-99. Ord. 708. Passed 10-2-06.)

1364.08 SPECIAL LAND USE PERMITS GRANTED BY THE CITY COMMISSION.

The City Commission may grant a special land use permit for the following uses in any district, except as herein qualified:

- (a) *New buildings 3,000 square feet or larger in gross floor area for allowed uses in an OS or RC District* subject to the following:
 - (1) The building is for an allowed use;

- (2) The minimum yard requirements may be changed by the Planning Commission based upon topography and existing site limitations (i.e, water, roads, neighboring buildings).
 - (3) Traffic related to the use shall not substantially increase congestion on surrounding streets and intersections.
 - (4) The use is not likely to create excessive noise across the real property boundary.
- (b) **Clustered single family dwellings.** The purpose of clustered housing is to provide owners of large parcels of single or two-family residential property the alternative to develop their properties in an environmentally sensitive and cost-effective manner by clustering single-family homes or townhouses rather than spreading development over the entire site. By clustering development, sensitive and attractive environmental features can be preserved as common open space to be enjoyed by future residents. Clustered housing is subject to the following:
- (1) The use is located in an R-1a, R-1b or R-2 district.
 - (2) The property is of at least five contiguous acres under single ownership and control.
 - (3) The development must meet the front, side and rear-yard setback requirements of the district on the periphery of the parcel. More than one building may be located on a single lot, but setback requirements for the district shall apply to each building based on hypothetical lot lines approved by the Planning Director as proposed by the applicant.
 - (4) The overall density of the development shall not exceed the allowable density of the district; (4.4 dwelling units per acre in an R-1a district, 5.8 dwelling units per acre in an R-1b district and 10.9 dwelling units per acre in an R-2 district).
 - (5) Townhouses are permitted, provided there are no more than four dwelling units per detached structure. The front building wall plane is interrupted and off-set in order to project the character and appearance of individual dwelling units;
 - (6) A parking area shall be provided only at the side or the rear of the building for which it is designed to service. That portion of the parking area which is exposed to the street shall be screened to minimize the visual impact of the parking area from the public street. Parking areas must also be screened along lot lines bordering residential uses or zones on the periphery of the parcel. Screening shall create an effective visual barrier consisting of a screenwall or a landscaped area at least six feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of two-inch caliper when planted. Native trees and shrubs shall be planted whenever possible. In instances where healthy plant material exists on the site prior to development, in part or in whole, for purposes of off-street parking, the Planning Commission may adjust the application of the above-stated standard to allow credit for such plant material.
 - (7) Trash containers shall be properly screened.
 - (8) All other standards not specifically altered in the zoning district shall apply to clustered housing.
- (c) **Communication towers.** The intent of this section is to ensure communication towers are constructed and placed in a manner which will protect the public health, safety and

welfare and where visual impact will be minimized. Communication towers are permitted if all of the following requirements are met:

- (1) The communication tower is located in a T, GP, C-3, NMC-2 (except on Grand Traverse Bay), H-2 or I district and properties owned by governmental agencies.
 - (2) The communication tower complies with all applicable FCC and FAA regulations and all applicable building codes.
 - (3) The tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the tower's intended purpose, but in no case shall the tower exceed 50 feet above the height restrictions of the district. Height is measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
 - (4) Communication towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. Guys and accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
 - (5) The design of the buildings and structures related to communication towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (6) The tower shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
 - (7) Cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
 - (8) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
 - (9) The communications tower and operating equipment shall comply with the general standards for approval contained in this chapter. Any tower that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned tower within said 90 days may be removed by the City at the owner's expense.
- (d) **Convention centers** in a D district, subject to the following:
- (1) The building is limited to 30,000 square feet;
 - (2) Thirty five percent of the building facade shall be windows or other street level activity;
 - (3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.
- (e) **Conversions of one-family dwellings to two-family dwellings** in a R-1a or R-1b district, subject to the following:
- (1) The dwelling and lot existed prior to December 10, 1958, substantially as they exist at the time of the request for a special land use permit for purposes of complying or determining compliance with these requirements. Any change made after 1958 may not be used to demonstrate compliance with these requirements.

- (2) The dwelling is a minimum of twenty percent larger than the average area of those neighboring single-family dwellings within 300 feet to each side of the subject property, including those dwellings along the opposite side of the street.
 - (3) The lot area is not less than 4,000 square feet per proposed dwelling unit.
 - (4) A minimum of 800 square feet of interior living area is required for a one bedroom dwelling unit and 1,200 square feet of living area is required for a two bedroom dwelling unit. In no case shall any secondary dwelling unit provide more than two bedrooms.
 - (5) The dwelling has a minimum of 2,800 square feet of living area exclusive of any basement or third story area.
 - (6) A dwelling unit or portion of a dwelling unit is not provided in the basement, and the basement area shall not be considered to fulfill any requirement of this Zoning Code.
 - (7) No part of a dwelling unit, other than storage, exists above the second story.
 - (8) Access to a second floor dwelling unit is provided from the interior of the structure.
 - (9) The exterior appearance of the structure is not altered from its single-family character.
 - (10) Off-street parking is provided as required by this Zoning Code.
- (f) ***Correctional institutions*** subject to the following:
- (1) The use is located in a GP district.
 - (2) All open recreational areas shall be in completely enclosed courtyards.
 - (3) Cell windows and openings shall be screened from the public street view.
 - (4) A master site and facilities plan shall be submitted.
- (g) ***Drive-throughs for finance services in C-4 and D districts*** subject to the following:
- (1) The drive-through meets all of the standards of Section 1374.06, unless a more restrictive standard is imposed by this section.
 - (2) The drive-through shall be accessed from an alley, not a street. However, a single lane driveway may exit onto a street if such driveway existed and was utilized prior to July 16, 1999, and it can be clearly demonstrated that alley egress for the drive-through is not practical.
 - (3) The drive-through shall be limited to two service lanes.
 - (4) The building associated with the drive-through shall be streetward of the approach lanes to screen the vehicle service lanes.
- (h) ***Essential services structures.*** Are subject to the following:
- (1) The structure and use are reasonably necessary for the public convenience or welfare and, where applicable, a certificate of public convenience and necessity has been obtained from the appropriate regulating agency.
 - (2) Noise, lights, glare and odor will not disturb the surrounding land uses or members of the public.
 - (3) Fencing or other adequate security is constructed to adequately protect the public.
 - (4) If potential adverse effects have been identified, alternative sites have been examined and the proposed site is reasonably necessary to provide the essential service to residents and visitors of the City.
 - (5) Evidence of the appropriate franchise, license or other required governmental

permission is demonstrated.

- (6) Setbacks of the district shall apply unless varied by the Planning Commission for good cause. Communication towers shall be regulated pursuant to Traverse City Code Section 1364.09.
- (i) **Group day care homes, including adult day care**, in an R-1a, R-1b, R-2, R-9, R-15 and R-29 as defined by MCL 722.111 et seq, as amended, subject to the following specific requirements, except child care centers located in and operated by hospitals and churches having a valid special land use permit for off-street parking in any R-District:
 - (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
 - (2) The lot is not located within 1,500 feet of another lot devoted to such use.
 - (3) For child day centers, fenced outside recreation areas of 1,200 square feet or more of playable ground surface shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstances.
 - (4) The use is not allowed in an apartment.
 - (5) The use is limited to an established and recognized work or shift period and shall not be operated on a 24-hour basis unless approved by the Planning Commission.
 - (6) The premises are approved by the City Fire Marshal prior to the issuance of the special land use permit and at least annually thereafter to maintain the special land use permit.
 - (7) For child care centers, "Approved Child Care Provider" identification is prominently displayed in a street side window so as to be clearly identifiable from the public street, or as otherwise required by the City Commission.
 - (8) No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, four parking spaces shall be provided on premise.
 - (9) As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.
- (j) **Residential care and treatment facilities** subject to the following:
 - (1) The use is located in an R-9, R-15, R-29, HR, C-1, C-2, C-3 or H-1 or H-2 district.
 - (2) The facility shall be located on an arterial or collector street as shown on the Zoning Map if such facility has more than 12 residents.
 - (3) Off-street parking is provided as required by this Zoning Code, except that the Planning Commission may vary the number of parking spaces required.
 - (4) The design of the structure is approved by the Fire Marshall prior to the issuance of the special land use permit and at least annually thereafter to maintain the permit.
 - (5) The structure is not used as a medical clinic or for outpatient treatment unless located in a C-1, C-2 or C-3 District.
 - (6) The structure is not used primarily for office, administrative or regular meetings if located in a multiple family dwelling district, although occasional meetings may

be allowed upon approval of the Planning Commission.

- (7) All necessary licenses are obtained and maintained.
 - (8) The operators of the facility maintain a list of all persons residing at the facility and record their length of stay. State licensed residential facilities (e.g., adult foster care homes) with under seven residents are considered by State law to be single family residences, and State law preempts this Code. MCL 125.583(b); MSA 5.2933(2).
- (k) **Schools** subject to the following:
- (1) The use is located in an R-1a, R-1b, R-2, R-9, R-15, R-29, C-1, C-2 C-3 or GP district.
 - (2) A master site and facilities plan is submitted to and approved by the Planning Commission showing:
 - A. Existing facilities and planned facilities for the ensuing five years.
 - B. Adequate street crossing facilities, pedestrian routes and projected number of pedestrians.
 - C. Sufficient areas for motor vehicle and bus circulation routes, together with areas for pick up and drop off of students.
 - D. If child care use is provided, the facilities for such use shall be designated in the plan, together with the child care hours of operation.
 - (3) A traffic study must be submitted to the Planning Commission.
- (l) **Stores, retail, over 8,000 square feet per floor** in a D district, subject to the following:
- (1) The building is limited to 30,000 square feet;
 - (2) Thirty five percent of the building facade shall be windows or other street level activity;
 - (3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.
- (m) **Taller buildings.** "Taller buildings" mean those buildings greater than 60 feet in height. The purpose of this section is to encourage sensitive design for taller buildings. Since there are very few buildings taller than 60 feet in the City, it is of public interest that prominent buildings, simply by order of their height, are designed in a manner which will maintain the pedestrian scale at the street level. At the same time, the physical, visual and spatial characteristics of the City are encouraged to be promoted by consistent use, compatible urban design and architectural design elements. Taller buildings are allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district subject to the following:
- (1) The building's height is consistent with Section 1368.01.
 - (2) Roof top mechanical equipment and penthouse space that are an integral part of the architectural design are permitted. All mechanical equipment, appurtenances and access areas shall be completely architecturally screened from view and enclosed.
 - (3) Extended heights for steeples and other architectural embellishments less than 400 square feet each shall not be used to determine the height of the building.
 - (4) The applicant shall prepare and deliver to the Planning Director a scale model, video image or other similar depiction of the taller building in relation to surrounding land and buildings.
- (n) **Temporary accessory dwelling units (TAD)** in an RC, R-1a or R-1b district, subject to

the following:

- (1) The existing site and use are substantially in compliance with this Zoning Code.
 - (2) The floor area of the TAD unit is not larger than 676 square feet.
 - (3) The applicant shall present sufficient evidence to the Planning Commission to establish a substantial need for the TAD unit. The TAD shall be discontinued when the person or persons with the substantial need permanently moves to a different domicile or when there is a change in the circumstances where the substantial need no longer exists.
 - (4) A TAD unit is developed within an existing single-family and/or usual accessory use under this Zoning Code.
 - (5) A special land use permit for a TAD unit is not assignable or transferable and will expire automatically unless the applicant submits written evidence that a substantial need continues to exist three years from the date of approval and thereafter every five years.
 - (6) Upon the expiration of the special land use permit the TAD unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code.
 - (7) Individual site plans, floor plans, elevation drawings and building plans for both the proposed TAD unit and the subsequent reconversion to conventional single-family residence and/or accessory use shall be submitted with the application for a special land use permit and shall be prepared by a registered architect or engineer licensed to practice in the State.
- (o) ***Transit centers***, subject to the following:
- (1) The center is located in a C-4, D-2, D-3 or GP district.
 - (2) Buses can directly access the center without being dependent upon an access or sub collector street in a residential district.
 - (3) Existing streets in the area accommodate the projected bus traffic.
 - (4) The location of the center lends itself to an integrated transportation system (i.e., walk, bus, bike, rail).
 - (5) The center is within one quarter mile to a high concentration of job sites or dwellings.
 - (6) Noise, lights, glare and odor will not unreasonably disturb the surrounding land uses or members of the public.
 - (7) If potential adverse effects have been identified, alternative sites have been examined and determined by the applicant not to be feasible.
 - (8) No transit vehicle fueling, repair or storage is allowed.
- (p) ***Theaters, live, and performance art centers in an R-9, R-15, or R-29, Multiple Family Dwelling District***, subject to the following conditions:
- (1) The use must have existed prior to 2005.
 - (2) Minor additions are allowed provided the addition is for barrier free access, fire safety ort space that will not increase the seating capacity of the facility.
 - (3) Additions are architecturally compatible with the existing structure and the character of the neighborhood.
 - (4) The applicant submits a parking plan that demonstrates there is sufficient parking within 500 feet to meet the theater's parking demand.

- (5) On-site exterior lighting is directed to minimize impacts on adjacent residential areas.
 - (6) Performances are not allowed between the hours of 12:00 midnight and 8:00 a.m.
- (q) **Transitional housing**, subject to the following:
- (1) The facility is located in an HR, C-1 or C-3, H-1 or H-2 District.
 - (2) The facility is located on an arterial or collector street, as shown on the Zoning Map.
 - (3) The lot is not located within 1,500 feet of another lot devoted to transitional housing or a residential care and treatment facility.
 - (4) The use shall have a maximum of 30 beds.
 - (5) The site provides a minimum of 625 square feet of lot area per resident and a minimum lot area of 10,000 square feet.
 - (6) The facility shall have 24 hour supervision.
 - (7) The use shall have an effective ongoing professional housing assistance program on the premises to place the residents into permanent housing.
 - (8) Except for employees, only persons with no other residence or domicile shall occupy the structure and then for no more than one year.
 - (9) The operators of the facility shall maintain a list of all persons residing at the facility and record each person's length of stay.
- (r) **Wind energy system, pole or tower-mounted structures**. The intent of this section is to ensure that free-standing wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Free-standing wind energy systems are permitted if all of the following requirements are met:
- (1) The free-standing wind energy system is located in a T, GP, C-3, NMC-1, NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.
 - (2) Guy wires are only permitted to be used in the I and T districts.
 - (3) The free-standing wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
 - (4) The pole or tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height restrictions of the district.
 - (5) Wind energy systems must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
 - (6) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

- (7) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
 - (8) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
 - (9) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
 - (10) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
 - (11) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.
- (s) ***Wind energy system, building-mounted structures.*** The intent of this section is to ensure that building-mounted wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Building-mounted wind energy systems may exceed the 20 feet above the height limitation of the district if all of the following requirements are met:
- (1) Height exceptions to what is allowed by right will not be allowed in the GP, PR, RC, R-1a, R-1b, R-2, R-9, R-15, R-29 Districts.
 - (2) A taller building-mounted wind energy system may be located in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR districts.
 - (3) Guy wires are only permitted to be used in the I and T districts.
 - (4) The building-mounted wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
 - (5) A building-mounted wind energy system is no higher than 20 feet above the height of the roof deck in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height of the roof.
 - (6) The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
 - (7) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

SPECIAL LAND USE REGULATIONS

- (8) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- (9) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- (10) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
- (11) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
- (12) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.

(Ord. 476. Passed 7-6-99. Ord. 527. Passed 3-19-01. Ord. 556. Passed 2-4-02. Ord. 592. Passed 1-06-03. Ord. 620. Passed 2-2-04. Ord. 676. Passed 05-02-05. Ord 688. Passed 10-03-05. Ord. 740. Passed 3-19-07. Ord. 780. Passed 1-7-08. Ord. 785. Passed 3-17-08. Ord. 871. Passed 7-19-10. Ord. 932 Passed 2-6-12 Ord. 938. Passed 4-2-12. Ord. 971. Passed 6-3-13)

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

I hereby certify the above ordinance amendment was introduced on June 16, 2014, at a regular meeting of the City Commission and was enacted on July 7, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: TRANSITIONAL HOUSING AND EMERGENCY SHELTER SPECIAL LAND USE PERMITS REGULATIONS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Special Land Use Regulations Section 1364.08, *Special Land Use Permits Granted by the City Commission*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1364.08 SPECIAL LAND USE PERMITS GRANTED BY THE CITY COMMISSION.

The City Commission may grant a special land use permit for the following uses in any district, except as herein qualified:

(a) ***New buildings 3,000 square feet or larger in gross floor area for allowed uses in an OS or RC District*** subject to the following:

- (1) The building is for an allowed use;
- (2) The minimum yard requirements may be changed by the Planning Commission based upon topography and existing site limitations (i.e, water, roads, neighboring buildings).
- (3) Traffic related to the use shall not substantially increase congestion on surrounding streets and intersections.
- (4) The use is not likely to create excessive noise across the real property boundary.

(b) ***Clustered single family dwellings.*** The purpose of clustered housing is to provide owners of large parcels of single or two-family residential property the alternative to develop their properties in an environmentally sensitive and cost-effective manner by clustering single-family homes or townhouses rather than spreading development over the entire site. By clustering development, sensitive and attractive environmental features can be preserved as common open space to be enjoyed by future residents. Clustered housing is subject to the following:

- (1) The use is located in an R-1a, R-1b or R-2 district.
- (2) The property is of at least five contiguous acres under single ownership and control.
- (3) The development must meet the front, side and rear-yard setback requirements of the district on the periphery of the parcel. More than one building may be located on a single lot, but setback requirements for the district shall apply to each building based on hypothetical lot lines approved by the Planning Director as proposed by the applicant.
- (4) The overall density of the development shall not exceed the allowable density of the district; (4.4 dwelling units per acre in an R-1a district, 5.8 dwelling units per acre in an R-1b district and 10.9 dwelling units per acre in an R-2 district).
- (5) Townhouses are permitted, provided there are no more than four dwelling units per detached structure. The front building wall plane is interrupted and off-set in order to project the character and appearance of individual dwelling units;
- (6) A parking area shall be provided only at the side or the rear of the building for which it is designed to service. That portion of the parking area which is exposed to the street shall be screened to minimize the visual impact of the parking area from the public street. Parking areas must also be screened along lot lines bordering residential uses or zones on the periphery of the parcel. Screening shall create an effective visual barrier consisting of a screenwall or a landscaped area at

least six feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of two-inch caliper when planted. Native trees and shrubs shall be planted whenever possible. In instances where healthy plant material exists on the site prior to development, in part or in whole, for purposes of off-street parking, the Planning Commission may adjust the application of the above-stated standard to allow credit for such plant material.

- (7) Trash containers shall be properly screened.
- (8) All other standards not specifically altered in the zoning district shall apply to clustered housing.

(c) **Communication towers.** The intent of this section is to ensure communication towers are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Communication towers are permitted if all of the following requirements are met:

- (1) The communication tower is located in a T, GP, C-3, NMC-2 (except on Grand Traverse Bay), H-2 or I district and properties owned by governmental agencies.
- (2) The communication tower complies with all applicable FCC and FAA regulations and all applicable building codes.
- (3) The tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the tower's intended purpose, but in no case shall the tower exceed 50 feet above the height restrictions of the district. Height is measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (4) Communication towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. Guys and accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- (5) The design of the buildings and structures related to communication towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- (6) The tower shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- (7) Cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- (8) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
- (9) The communications tower and operating equipment shall comply with the general standards for approval contained in this chapter. Any tower that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned tower within said 90 days may be removed by the City at the owner's expense.

(d) **Convention centers** in a D district, subject to the following:

- (1) The building is limited to 30,000 square feet;
- (2) Thirty five percent of the building facade shall be windows or other street level activity;
- (3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

(e) **Conversions of one-family dwellings to two-family dwellings** in a R-1a or R-1b district, subject to the following:

- (1) The dwelling and lot existed prior to December 10, 1958, substantially as they exist at the time of the request for a special land use permit for purposes of complying or determining compliance with these requirements. Any change made after 1958 may not be used to demonstrate compliance with these requirements.
 - (2) The dwelling is a minimum of twenty percent larger than the average area of those neighboring single-family dwellings within 300 feet to each side of the subject property, including those dwellings along the opposite side of the street.
 - (3) The lot area is not less than 4,000 square feet per proposed dwelling unit.
 - (4) A minimum of 800 square feet of interior living area is required for a one bedroom dwelling unit and 1,200 square feet of living area is required for a two bedroom dwelling unit. In no case shall any secondary dwelling unit provide more than two bedrooms.
 - (5) The dwelling has a minimum of 2,800 square feet of living area exclusive of any basement or third story area.
 - (6) A dwelling unit or portion of a dwelling unit is not provided in the basement, and the basement area shall not be considered to fulfill any requirement of this Zoning Code.
 - (7) No part of a dwelling unit, other than storage, exists above the second story.
 - (8) Access to a second floor dwelling unit is provided from the interior of the structure.
 - (9) The exterior appearance of the structure is not altered from its single-family character.
 - (10) Off-street parking is provided as required by this Zoning Code.
- (f) ***Correctional institutions*** subject to the following:
- (1) The use is located in a GP district.
 - (2) All open recreational areas shall be in completely enclosed courtyards.
 - (3) Cell windows and openings shall be screened from the public street view.
 - (4) A master site and facilities plan shall be submitted.
- (g) ***Drive-throughs for finance services in C-4 and D districts*** subject to the following:
- (1) The drive-through meets all of the standards of Section 1374.06, unless a more restrictive standard is imposed by this section.
 - (2) The drive-through shall be accessed from an alley, not a street. However, a single lane driveway may exit onto a street if such driveway existed and was utilized prior to July 16, 1999, and it can be clearly demonstrated that alley egress for the drive-through is not practical.
 - (3) The drive-through shall be limited to two service lanes.
 - (4) The building associated with the drive-through shall be streetward of the approach lanes to screen the vehicle service lanes.
- (h) ***Essential services structures***. Are subject to the following:
- (1) The structure and use are reasonably necessary for the public convenience or welfare and, where applicable, a certificate of public convenience and necessity has been obtained from the appropriate regulating agency.
 - (2) Noise, lights, glare and odor will not disturb the surrounding land uses or members of the public.
 - (3) Fencing or other adequate security is constructed to adequately protect the public.
 - (4) If potential adverse effects have been identified, alternative sites have been examined and the proposed site is reasonably necessary to provide the essential service to residents and visitors of the City.
 - (5) Evidence of the appropriate franchise, license or other required governmental permission is demonstrated.
 - (6) Setbacks of the district shall apply unless varied by the Planning Commission for good cause. Communication towers shall be regulated pursuant to Traverse City Code Section 1364.09.

- (i) **Group day care homes, including adult day care**, in an R-1a, R-1b, R-2, R-9, R-15 and R-29 as defined by MCL 722.111 et seq, as amended, subject to the following specific requirements, except child care centers located in and operated by hospitals and churches having a valid special land use permit for off-street parking in any R-District:
- (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
 - (2) The lot is not located within 1,500 feet of another lot devoted to such use.
 - (3) For child day centers, fenced outside recreation areas of 1,200 square feet or more of playable ground surface shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstances.
 - (4) The use is not allowed in an apartment.
 - (5) The use is limited to an established and recognized work or shift period and shall not be operated on a 24-hour basis unless approved by the Planning Commission.
 - (6) The premises are approved by the City Fire Marshal prior to the issuance of the special land use permit and at least annually thereafter to maintain the special land use permit.
 - (7) For child care centers, "Approved Child Care Provider" identification is prominently displayed in a street side window so as to be clearly identifiable from the public street, or as otherwise required by the City Commission.
 - (8) No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, four parking spaces shall be provided on premise.
 - (9) As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.
- (j) **Residential care and treatment facilities** subject to the following:
- (1) The use is located in an R-9, R-15, R-29, HR, C-1, C-2, C-3 or H-1 or H-2 district.
 - (2) The facility shall be located on an arterial or collector street as shown on the Zoning Map if such facility has more than 12 residents.
 - (3) Off-street parking is provided as required by this Zoning Code, except that the Planning Commission may vary the number of parking spaces required.
 - (4) The design of the structure is approved by the Fire Marshall prior to the issuance of the special land use permit and at least annually thereafter to maintain the permit.
 - (5) The structure is not used as a medical clinic or for outpatient treatment unless located in a C-1, C-2 or C-3 District.
 - (6) The structure is not used primarily for office, administrative or regular meetings if located in a multiple family dwelling district, although occasional meetings may be allowed upon approval of the Planning Commission.
 - (7) All necessary licenses are obtained and maintained.
 - (8) The operators of the facility maintain a list of all persons residing at the facility and record their length of stay. State licensed residential facilities (e.g., adult foster care homes) with under seven residents are considered by State law to be single family residences, and State law preempts this Code. MCL 125.583(b); MSA 5.2933(2).
- (k) **Schools** subject to the following:
- (1) The use is located in an R-1a, R-1b, R-2, R-9, R-15, R-29, C-1, C-2 C-3 or GP district.
 - (2) A master site and facilities plan is submitted to and approved by the Planning Commission showing:

- A. Existing facilities and planned facilities for the ensuing five years.
 - B. Adequate street crossing facilities, pedestrian routes and projected number of pedestrians.
 - C. Sufficient areas for motor vehicle and bus circulation routes, together with areas for pick up and drop off of students.
 - D. If child care use is provided, the facilities for such use shall be designated in the plan, together with the child care hours of operation.
- (3) A traffic study must be submitted to the Planning Commission.
- (l) **Stores, retail, over 8,000 square feet per floor** in a D district, subject to the following:
- (1) The building is limited to 30,000 square feet;
 - (2) Thirty five percent of the building facade shall be windows or other street level activity;
 - (3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.
- (m) **Taller buildings.** "Taller buildings" mean those buildings greater than 60 feet in height. The purpose of this section is to encourage sensitive design for taller buildings. Since there are very few buildings taller than 60 feet in the City, it is of public interest that prominent buildings, simply by order of their height, are designed in a manner which will maintain the pedestrian scale at the street level. At the same time, the physical, visual and spatial characteristics of the City are encouraged to be promoted by consistent use, compatible urban design and architectural design elements. Taller buildings are allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district subject to the following:
- (1) The building's height is consistent with Section 1368.01.
 - (2) Roof top mechanical equipment and penthouse space that are an integral part of the architectural design are permitted. All mechanical equipment, appurtenances and access areas shall be completely architecturally screened from view and enclosed.
 - (3) Extended heights for steeples and other architectural embellishments less than 400 square feet each shall not be used to determine the height of the building.
 - (4) The applicant shall prepare and deliver to the Planning Director a scale model, video image or other similar depiction of the taller building in relation to surrounding land and buildings.
- (n) **Temporary accessory dwelling units (TAD)** in an RC, R-1a or R-1b district, subject to the following:
- (1) The existing site and use are substantially in compliance with this Zoning Code.
 - (2) The floor area of the TAD unit is not larger than 676 square feet.
 - (3) The applicant shall present sufficient evidence to the Planning Commission to establish a substantial need for the TAD unit. The TAD shall be discontinued when the person or persons with the substantial need permanently moves to a different domicile or when there is a change in the circumstances where the substantial need no longer exists.
 - (4) A TAD unit is developed within an existing single-family and/or usual accessory use under this Zoning Code.
 - (5) A special land use permit for a TAD unit is not assignable or transferable and will expire automatically unless the applicant submits written evidence that a substantial need continues to exist three years from the date of approval and thereafter every five years.
 - (6) Upon the expiration of the special land use permit the TAD unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code.
 - (7) Individual site plans, floor plans, elevation drawings and building plans for both the proposed TAD unit and the subsequent reconversion to conventional single-family residence and/or accessory use shall be submitted with the application for a

special land use permit and shall be prepared by a registered architect or engineer licensed to practice in the State.

(o) **Transit centers**, subject to the following:

- (1) The center is located in a C-4, D-2, D-3 or GP district.
- (2) Buses can directly access the center without being dependent upon an access or sub collector street in a residential district.
- (3) Existing streets in the area accommodate the projected bus traffic.
- (4) The location of the center lends itself to an integrated transportation system (i.e., walk, bus, bike, rail).
- (5) The center is within one quarter mile to a high concentration of job sites or dwellings.
- (6) Noise, lights, glare and odor will not unreasonably disturb the surrounding land uses or members of the public.
- (7) If potential adverse effects have been identified, alternative sites have been examined and determined by the applicant not to be feasible.
- (8) No transit vehicle fueling, repair or storage is allowed.

(p) **Theaters, live, and performance art centers in an R-9, R-15, or R-29, Multiple Family Dwelling District**, subject to the following conditions:

- (1) The use must have existed prior to 2005.
- (2) Minor additions are allowed provided the addition is for barrier free access, fire safety or space that will not increase the seating capacity of the facility.
- (3) Additions are architecturally compatible with the existing structure and the character of the neighborhood.
- (4) The applicant submits a parking plan that demonstrates there is sufficient parking within 500 feet to meet the theater's parking demand.
- (5) On-site exterior lighting is directed to minimize impacts on adjacent residential areas.
- (6) Performances are not allowed between the hours of 12:00 midnight and 8:00 a.m.

(q) **Transitional housing and Emergency shelters**, subject to the following:

- (1) The facility is fully enclosed in a building located in an HR, C-1, C-2, ~~or~~ C-3, D-1, D-2, D-3, H-1, ~~or~~ H-2, or I District.
- (2) The site is located within a ½ mile of a bus stop connected by sidewalks or bike trails. ~~The facility is located on an arterial or collector street, as shown on the Zoning Map.~~
- (3) The lot is not located within 1,500 feet of another lot devoted to transitional housing, emergency shelter, ~~or a residential care and treatment facility.~~
- (4) The facility shall have a maximum of 100 beds and/or sleeping pads. ~~use shall have a maximum of 30 beds.~~
- (5) The building provides 50 square feet of heated building space per person staying overnight at the facility. ~~The site provides a minimum of 625 square feet of lot area per resident and a minimum lot area of 10,000 square feet.~~
- (6) The operator of the Emergency shelter shall provide continuous, on-site supervision by an employee or volunteer during all hours of operation. ~~The facility shall have 24 hour supervision.~~
- (7) The operator of the facility shall have a written management plan including, as applicable, staffing levels, provisions for staff and volunteer training, neighborhood outreach, length of stay of residents, hours of operation, crime prevention, security, screening of residents to insure compatibility and the mission of service provided at the facility. The management plan shall establish a maximum length of time which clients may be accommodated. ~~The use shall have an effective ongoing professional housing assistance program on the premises to place the residents into permanent housing.~~
- (8) The operator shall have an ongoing housing assistance program on the premises to

place the residents into permanent housing and maintain a list of all persons residing at the facility. ~~Except for employees, only persons with no other residence or domicile shall occupy the structure and then for no more than one year.~~

- (9) ~~Parking requirements would be determined by the Planning Director based on the intensity of the operation described in the management plan. The operators of the facility shall maintain a list of all persons residing at the facility and record each person's length of stay.~~
- (r) **Wind energy system, pole or tower-mounted structures.** The intent of this section is to ensure that free-standing wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Free-standing wind energy systems are permitted if all of the following requirements are met:
- (1) The free-standing wind energy system is located in a T, GP, C-3, NMC-1, NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.
 - (2) Guy wires are only permitted to be used in the I and T districts.
 - (3) The free-standing wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
 - (4) The pole or tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height restrictions of the district.
 - (5) Wind energy systems must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
 - (6) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (7) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
 - (8) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
 - (9) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
 - (10) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
 - (11) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.
- (s) **Wind energy system, building-mounted structures.** The intent of this section is to ensure that building-mounted wind energy systems are constructed and placed in a manner which

will protect the public health, safety and welfare and where visual impact is minimized. Building-mounted wind energy systems may exceed the 20 feet above the height limitation of the district if all of the following requirements are met:

- (1) Height exceptions to what is allowed by right will not be allowed in the GP, PR, RC, R-1a, R-1b, R-2, R-9, R-15, R-29 Districts.
- (2) A taller building-mounted wind energy system may be located in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR districts.
- (3) Guy wires are only permitted to be used in the I and T districts.
- (4) The building-mounted wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
- (5) A building-mounted wind energy system is no higher than 20 feet above the height of the roof deck in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height of the roof.
- (6) The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- (7) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- (8) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- (9) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- (10) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
- (11) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
- (12) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.

1364.09 ADMINISTRATIVE SPECIAL LAND USE PERMITS.

The Planning Director may grant an Administrative Special Land Use Permit for the following uses in any district except as herein qualified:

- (a) Adult foster care small group home in an R-C, R-1a, R-1b and R-2 subject to the following specific requirements:
 - (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
 - (2) The adult foster care licensee shall be a member of the household and an occupant

of the residence.

- (3) The lot is not located within 500 feet of another lot devoted to such use.
 - (4) The use is not allowed in an apartment.
 - (5) No additional parking is required for the Adult Foster Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, two parking spaces shall be provided on premise.
- (b) **Communication antennas.** The intent of this section is to ensure that communication antennas are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Co-location of communication antennas are permitted, subject to the following:
- (1) Communications antennas and cabinets housing operating equipment are not permitted for residential buildings or structures in a R District. When associated with a building, the antenna(s) and cabinet(s) housing operating equipment shall be located inside the building.
 - (2) The antenna(s) is no taller than 8 feet above a building or structure.
 - (3) The antenna(s) shall be screened, located or designed in a manner which minimizes views from adjacent properties and street level views or blends with the architecture so as not to be noticed.
 - (4) Cabinets housing operating equipment located on a building roof shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
 - (5) Cabinets housing operations equipment not located in a building or on a building roof shall be architecturally screened from adjacent properties and street level views.
 - (6) All necessary licenses shall be obtained and maintained.
 - (7) The antenna(s) and operating equipment shall comply with the general standards for approval contained in this chapter.
- (c) Group day care homes, including adult day care, in an R-1a, R-1b, R-2, R-9, R-15 and R-29 as defined by MCL 722.111 et seq, as amended, subject to the following specific requirements, except child care centers located in and operated by hospitals and churches having a valid special land use permit for off-street parking in any R-District:
- (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
 - (2) The lot is not located within 500 feet of another lot devoted to such use.
 - (3) A fenced outside recreation area shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstances.
 - (4) The use is not allowed in an apartment.
 - (5) The use is limited to an established and recognized work or shift period and shall not be operated on a 24-hour basis unless approved by the Planning Commission.
 - (6) No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, two parking spaces shall be provided on premise.
 - (7) As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.
- (d) **Landing areas.** A landing pad, area, strip, deck or building roof used to launch or receive aircraft, including, but not limited to power-driven winged or delta winged aircraft, gliders, balloons, and helicopters, subject to the following:
- (1) The use is located in an H-1, H-2, or GP district.
 - (2) A noise contour map shall be constructed and overlaid on a land use map.

- (3) The noise contours shall be based on the noise exposure forecasts.
 - (4) Noise loads shall not exceed maximum recommended FAA noise standards for residentially developed areas.
- (e) **Parking area, private, in a C-4 district if public parking is available within 500 feet of an allowed use**, subject to the following standards:
- (1) No buildings may be removed or demolished to provide the private parking area.
 - (2) Access shall be from an alley or adjacent property only, not from a public street.
 - (3) All requirements of Chapter 1374, *Circulation and Parking*, are met, except Section 1374.03(d), *Parking space requirements*.
 - (4) All requirements of Sections 1372.06, *Screening requirements for parking areas*, and 1372.08, *Landscape development internal to a parking area* are met.
 - (5) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
- (f) **Parking area construction deferral**. It is the intent of this section to provide a mechanism whereby a portion of the off-street parking otherwise required by this Code may be deferred to a future time if it can be demonstrated by the applicant that the number of required parking spaces is excessive of the actual need of a specific use.
- (1) **Standards**. The following standards shall be met for the approval of any parking deferral:
 - A. The property must be located in a GP or I district.
 - B. No more than 50 percent of the parking otherwise required by this Code shall be deferred.
 - C. The area of the site where parking has been deferred shall remain clear of any new structure.
 - D. This clear area shall not be used for parking, the location of a new building, an area to satisfy storm-water management requirements, open space requirements, or screening requirements of this Code.
 - E. A land banked area shall be maintained in its natural condition or landscaped depending upon which is most appropriate for the development in the vicinity as determined by the Planning Director.
 - (2) **Process**. In addition to other special land use application requirements, the following shall be submitted for review and approval:
 - A. A completed application for parking deferral signed by the landowner and business owner as applicants
 - B. A project site plan showing the off-street parking area proposed to be developed and the treatment of the area of the site where parking is to be deferred.
 - C. A written narrative, signed by the applicant(s), describing in detail the current use of the property, the working shifts, the number of full and part-time employees on each shift, the expected customer counts per day based upon past experience, and records of any operational characteristics which are unique to the subject use which would impact the demand for parking.
- (g) **Places of worship** in an R-1a, R-1b, R-2, R-9, R-15 and R-29 district, subject to the following:
- (1) The building shall be designed and used primarily for worship.
 - (2) The use and related parking shall not necessitate the removal of any historically significant structure as determined by the Historic Districts Commission.
 - (3) The maximum lot size shall be 15,000 square feet if located in an R-1a, R-1b or R-2 district and having frontage only on an access street.
 - (4) On street parking within 600 feet from the site may account for up to fifty percent of the required parking. All off-street parking shall be located to the rear of the primary building.
 - (5) The building and parking area shall not exceed 70 percent of the lot area.

(6) Parking is allowed in an R-District if associated with a building located in an R-District.

(Ord. 476. Passed 7-6-99 Ord. 586. Passed 11-04-02. Ord. 629. Passed 3-15-04. Ord 711 Passed 10-2-06. Ord. 786. Passed 3-17-08. Ord. 871. Passed 7-19-10. Ord. 897. Passed 12-6-10.)

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

I hereby certify the above ordinance amendment was introduced on June 16, 2014, at a regular meeting of the City Commission and was enacted on July 4, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: MARINA TELEVISION SERVICES

Attached is a memo from Marina Dockmaster Barry Smith recommending an agreement for the provision of television services at the Marina.

When the Marina was upgraded, the City invested in infrastructure at each dock to provide cable to slip users. This contract essentially provides the cable signal through that existing infrastructure as an amenity to slip users as part of their rate.

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

that the Mayor and City Clerk execute a five-year agreement with Private Cable Systems of Michigan, Inc., in the amount of \$6,714.96 annually, for the provision of television services at the Duncan L. Clinch Marina, with funds available in the Marina Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/bcm

K:\tcclerk\city commission\agreements\marina digital cable television

copy: Dave Green, Director of Public Services

Barry Smith, Marina Dockmaster

City of Traverse City Memorandum

To: Jered Ottenwess, City Manager
From: Barry Smith, Dockmaster BAS
Re: Marina Cable Television Agreement
Date: June 9, 2014

Duncan L. Clinch Marina provides cable television service to seasonal and transient boaters. The current service agreement with Charter Communications is up for renewal at a significant rate increase and as of March 25, 2014 Charter Communications switched to an all-digital system, eliminating analog television service. The switch to digital would require the marina to provide a converter box to all boat slips. Bases on these factors it has become necessary to seek other options for the marina television service:

Service Provider	Equipment Cost	Cost per Unit	Monthly Cost
CC Michigan (Charter)	\$ 3,500.00	\$13.93	\$1,365.14 12mos.
New Edge Satellite (Direct TV)	\$10,560.00	\$ 6.56	\$ 642.60 6mos.
Private Cable Systems (Direct TV)	0.00	\$11.60	\$ 568.50 12mos.
Private Cable Systems (Dish Net)	0.00	\$11.42	\$ 559.58 12mos.

Base on no equipment cost and the lowest monthly rate. I would request that the City Commission approve a service agreement with Private Cable Systems of Michigan, Inc., for a period of 5 years, with service provided from May 1st to Oct 31st annually. Annual cost of \$6,714.96 to be paid with available Marina Funds.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: WATER PLANT CHEMICAL PURCHASE

Attached are memos from Dave Green, DPS Director, and Art Krueger, Water Treatment Plant Superintendent, outlining the bids received for Hydrofluosilicic Acid (fluoride) for water treatment.

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

that the City Manager be authorized to issue a blanket purchase order to Key Chemical in the amount of \$0.249 per pound for approximately 38 tons of Hydrofluosilicic Acid in an amount not exceed \$20,000, for use by the Water Plant, with funds available in the Water Fund.

JO/jd

cc: Dave Green, DPS Director
Art Krueger, Water Plant Superintendent

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director 
DATE: June 6, 2014
SUBJECT: 2014 Water Treatment Plant Fluoride Supply Purchase

Every year the City needs to purchase certain chemicals to be used at our Water Treatment Plant in order to produce the safest, tastiest, most aesthetically pleasing water we can for customers. One of the chemicals we purchase is Hydrofluosilicic Acid or fluoride. As you may know, the City has added fluoride to our treated water since 1951 as a tooth decay preventative measure at target levels recommended by the Michigan Department of Environmental Quality and the Centers for Disease Control and Prevention which currently is 0.7 parts per million.

Attached is a memorandum from Art Krueger, Water Treatment Plant Superintendent, explaining that bids were advertised for and received on May 15, 2014. Seven bids were submitted based on the estimated quantity of 38 tons with the low bid coming in at:

- Hydrofluosilicic Acid (Fluoride), Key Chemical, Inc.,
\$0.249/lb.

Please request City Commission approval for an annual blanket purchase order to be issued to Key Chemical, Inc. in a not to exceed amount of \$20,000 for approximately 38 tons of Hydrofluosilicic Acid (Fluoride) to be used at the Water Treatment Plant with required funds available in the Water Fund.

Memorandum

City of Traverse City
Water Treatment Plant

TO: Dave Green, DPS Director

FROM: Art Krueger, WTP Superintendent



DATE: June 6, 2014

SUBJECT: Chemical Bids for Fluoride

In order to meet the recommended MDEQ target of 0.7 parts per million (ppm) of Fluoride in the City's drinking water, we need to purchase approximately 76,000 pounds (38 Tons) of liquid Fluoride, an additive that promotes strong teeth.

We received the following bids for our annual chemical supply of liquid Fluoride and the bid results along with my recommendation are summarized below:

FLUORIDE:

One year supply of liquid fluoride.

Key Chemical, Inc.	\$0.249/Lb.
Mosaic	\$0.25375/Lb.
Pencco, Inc.	\$0.2643/Lb.
PVS Nolwood Chemicals	\$0.272/Lb.
Alexander Chemical Corp.	\$0.2725/Lb.
Solvay Fluorides, LLC	\$0.2925/Lb.
Rowell Chemical Corp.	No Bid

Recommend awarding a Blanket Purchase Order to the low bidder, Key Chemical, Inc. at \$0.249/Lb. x 76,000 Lbs. for an estimated annual total of \$18,924.00. This annual amount may vary based upon the actual amount of water treated at the water treatment plant.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JJO JERED OTTENWESS, CITY MANAGER

SUBJECT: HUMAN RIGHTS COMMISSION – ESTABLISHING
RESOLUTION

The current membership of the Human Rights Commission provides that at least seven of the nine members shall be city residents. Mayor Michael Estes has requested that the membership be changed to allow up to, but not more than, four of the members to be non-city residents. A majority of the members would be city residents (at least five out of nine).

The following motion would approve the Mayor's recommendation:

that the Resolution Establishing the Human Rights Commission (adopted June 6, 2005, amended July 6, 2009, and September 4, 2009), be amended to allow at least five of the nine members to be city residents, and up to, but no more than four of the nine members to be non-city residents, be adopted.

JJO/kjl

K:\tcclerk\city commission\resolutions\human rights commission membership

copy Kelli Schroeder, Human Resources Generalist/Ex-Officio Human Rights Commissioner



RESOLUTION REESTABLISHING HUMAN RIGHTS COMMISSION

WHEREAS, the Traverse City Human Relations Commission was established by resolution of the Traverse City City Commission on August 18, 1969, and by resolution of the Traverse City City Commission on January 17, 1983; and

WHEREAS, the Traverse City City Commission reestablished the Human Rights Commission on June 7, 1993, and amended said resolution on December 7, 1998; and

WHEREAS, the Traverse City City Commission reestablished the Human Rights Commission on June 6, 2005, and amended said resolution on July 6, 2009; and

WHEREAS, the Traverse City City Commission reestablished the Human Rights Commission on amended said resolution on September 4, 2009; and

WHEREAS, the Traverse City City Commission has been reexamining the purpose, role and implementation of the Traverse City Human Rights Commission; and

WHEREAS, it is in the best interests of the citizens of the City of Traverse City to restate the purposes, role and implementation of the Traverse City Human Rights Commission; now, therefore, be it

RESOLVED, that a resolution reestablishing the Traverse City Human Rights Commission be adopted as follows:

1. Public Policy; Establishment. It is the public policy of the City of Traverse City that all persons subject to its jurisdiction shall enjoy equal freedom to peaceably pursue their just aspirations, and that practices or conditions based on or resulting from consideration of religion, race, color, national origin, age, sex, height, weight, marital status, familial status, disability or sexual orientation, which result in hindrances or restrictions upon the enjoyment or exercise of that freedom are harmful to the common good and contrary to the public policy of the City of Traverse City. There is hereby established a Human Rights Commission to oversee the fulfillment of this public policy.

2. Commission. The Human Rights Commission shall be composed of ten members, nine members to be appointed by the Mayor with the approval of the City Commission and the tenth member as ex officio described below. All appointments shall be for three-year terms. Each vacancy among the appointed members shall be filled in the manner provided for making original appointments and such appointments shall be for the balance of the term vacated. At least seven of the nine ~~five of the nine~~ members shall be city residents, and up to but no more

than four members shall be non-city residents. The City Manager or his/her designee shall serve on said Commission as Ex Officio with no voting authority, as a liaison between the Human Rights Commission and the City Commission. Any member may be removed at any time by the vote of the City Commission.

3. Duties and Functions. The Human Rights Commission shall:

- (a) Foster mutual understanding and respect among all groups in the City. It shall discourage discriminatory practices among any such groups or any members thereof. It shall cooperate with City, State and Federal Agencies, as well as with non-governmental organizations. It shall examine and make such studies in any field of human rights as will aid in effectuating its general purpose.
- (b) Advise and recommend methods for furnishing equal service to all residents of the City. It shall develop pamphlets prescribing methods for effectuating the general purposes of the Human Rights Commission. It shall give counsel and advice on how to protect the rights of all persons.
- (c) Formulate and carry out programs of community education and information, with the object of discouraging and eliminating any such tensions, prejudice and discrimination.
- (d) Further issue such publications and reports research as will tend to minimize or eliminate prejudice, intolerance, race or area tensions and discrimination, and which will promote or tend to promote good will.
- (e) Secure the cooperation of various racial, religious, nationality and ethnic groups, formal or informal groupings in the community, veterans organizations, and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance and discrimination.
- (f) Cooperate with other governmental or private agencies in developing courses of instruction for presentation in schools, in public libraries or any other suitable place.
- (g) Take an active role in working with other forums to resolve human rights issues that might arise in the community.
- (h) Develop and implement programs for the enlightenment of everyone who chooses to participate, with subject matter emphasis on issues and concerns which are of interest to Traverse City residents, businesses, workers and groups that have a substantial presence within Traverse City or impact on the City or its residents.

(i) Receive complaints regarding possible occurrences of acts of prejudice or discrimination within Traverse City for the purpose of referring them to the appropriate agency and to assist the Human Rights Commission in focusing its educational efforts. It may also carry on studies to obtain factual data to ascertain the status and treatment of racial, religious, ethnic and other groups or persons in the City and the best means of progressively improving human rights in the City.

4. Meetings; Rules; Officers; Committees; Facilities and Staff.

The Human Rights Commission shall adopt, by majority vote, such rules as it deems expedient for the conduct of its business, which shall be submitted to the City Commission for its approval before the rules become effective. It shall elect a Secretary and such other officers as it deems necessary. The Chairperson shall appoint such committees as its rules of the Board may provide and such other committees as may from time to time be found necessary. Monthly meetings will be scheduled.

5. Meeting Place and Secretarial Services. The staff of the City Manager's office shall coordinate activities, monitor and assist in the affairs of the Human Rights Commission and budget expenditures according to City procedures.

I hereby certify that the above Resolution was adopted by the Traverse City City Commission at its regular meeting held on September 4, 2012, and was amended at its regular meeting held on June 16, 2014, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin Marentette, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: EIGHTH STREET RE-STRIPING

At the April 28 City Commission meeting, petitioners from the Boardman Neighborhood and vicinity presented a request for the City to re-stripe Eighth Street as a traffic calming measure. Subsequently, I received supportive feedback from several City Commissioners and the Planning Commission has formally addressed the issue on two separate occasions. Please refer to the attached memorandum from Planning Director Russell Soyring.

The Planning Commission passed a motion on June 3, 2014 stating that re-striping Eighth Street with a striping configuration that will enhance the walking and bicycling environment along Eighth Street between Woodmere Avenue to Lake Avenue is consistent with the Master Plan and Corridors Master Plan in terms of location, extent, and character. The motion also recommended that the City Commission consider re-striping for a one-year evaluation period to determine impacts on the corridor and adjacent neighborhood.

In order to implement the re-striping project in a comprehensive manner, staff has worked with consulting firm URS to develop a cost proposal (attached). The cost proposal includes eight different tasks and is summarized in City Engineer Timothy Lodge's attached memorandum. Three different re-striping configurations would be implemented through the proposed project: two-lane, three-lane, and unbalanced four-lane. The City Commission may consider reducing the number of options to be implemented and analyzed as part of the project, thereby lowering the scope and cost of the project. URS has provided respective costs for each option. If the City Commission so chooses, the following motion would still be appropriate with a different cost inserted into the motion.

URS has been involved in studying east-west mobility issues along the Eighth Street corridor and is familiar with the project. Therefore, I recommend waiving

competitive bidding requirements for their services.

The FY14-15 Budget includes \$100,000 as a “traffic calming” set-aside in the Capital Improvement Plan. I recommend using that line item for this project (no other funds are specifically budgeted).

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

That the public interest will be best served by not obtaining competitive bids and that the Mayor and City Clerk execute a consultant agreement with URS for completing the work described in their cost proposal to re-stripe Eighth Street at a cost not to exceed \$54,000 with funds available in the Capital Projects Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, and that the City Manager be authorized to implement the re-striping project as developed through the consultant agreement.

e-copy: Timothy Lodge, City Engineer
Russell Soyring, Planning Director

Memorandum

The City of Traverse City
Engineering Department



TO: Jered Ottenwess, City Manager
FROM: Timothy J. Lodge, City Engineer 
DATE: June 9, 2014
SUBJECT: Eighth Street Re-Striping Trials
Consulting Engineer Recommendation

Attached is the Cost Proposal from URS relating to the request from the Planning Commission for temporary trials of alternate configurations on 8th Street between Woodmere and Lake Avenue. We have solicited the proposal from them as they have performed similar work on this corridor and are familiar with many of the data metrics that may be considered for the temporary trial. They also have the resources and technical expertise to analyze and make recommendations to the traffic signal operation in this corridor. Finally, our existing work load is such that we would not be able to consider this temporary trial without the assistance of a consultant. As you are aware, the corridor is scheduled for reconstruction in the 2018 fiscal year using MDOT Small Urban Funds.

We have provided two communications to you in regard to our concerns with changing the vehicular operation of 8th Street in this location. These are our May 20, 2014 Communication "*Eighth Street Evolution*" and our May 28, 2014 communication "*TC-TALUS Technical Committee Memorandum East-West Transportation Options*". These memorandums can be found on the Traffic Page of our web site: <http://www.traverscitymi.gov/engtraffic.asp>

The work for the consultant is proposed to include the following:

- Collect baseline traffic data to determine trends, evaluate effects and determine what improvements are most needed and most effective.
- Conduct a public involvement discussion to gain input, consider problems and issues with the current configuration, develop options and discuss what results are desired to achieve a successful change to the current configuration.
- Develop pavement marking plans for up to three options
- Develop signal operation changes required to ensure the success of the trial.
- Collect traffic data for up to three trials
- Prepare a summary report of the traffic trials

Therefore, we recommend that the proper City officials be authorized to execute a Consultant Agreement with URS in the amount up to \$54,000 for completing the work as described in their proposal with funds available in the Traffic Calming set aside in the Capital Projects Fund of the 2014-15 Budget.

Exhibit A

Cost Proposal 8th Street Restriping Study Traverse City, MI

URS Corporation (URS) is pleased to submit this proposal for traffic engineering services for the above-referenced project. Included in this letter is our proposed scope of services and cost estimate.

PROJECT UNDERSTANDING

8th Street is an existing four-lane undivided roadway between Lake Avenue and Woodmere Avenue in Traverse City. The existing Average Daily Traffic (ADT) of 8th Street is approximately 20,000 vehicles per day west of Woodmere Avenue, according to traffic counts collected by the city in June 2013.

The City is considering different lane configuration options for the four blocks of 8th Street from Lake Avenue to Woodmere Avenue. The City of Traverse City Corridors Master Plan states that the current configuration of 8th Street involves inefficient movement of passenger vehicles and creates a less-than-hospitable pedestrian environment. The four blocks are in an area of Traverse City primarily designated as Downtown Neighborhood, or TC-5. A TC-5 neighborhood represents high-intensity, regional, commercial activity with a pedestrian focus, with a high level of service for public transit.

The City is considering three different lane configuration options for 8th Street between Lake Avenue and Woodmere Avenue, including:

- Option 1: Restriping 8th Street as a two-lane two-way roadway in order to match the cross-section west of Lake Avenue.
- Option 2: Restriping 8th Street as a three-lane cross-section with bicycle lanes on the outside. (8th Street is already a three-lane cross-section east of Rose Street.)
- Option 3: Restriping 8th Street as an unbalanced four-lane cross-section to provide two (2) westbound lanes (like today), but with one (1) eastbound lane and one (1) two-way center turn lane in between. Historic traffic counts reveal a higher flow of westbound traffic than eastbound traffic on 8th Street, which provides the basis for considering an unbalanced lane arrangement.

Restriping 8th Street in these ways will reduce the capacity for one or both directions of travel, potentially increasing traffic on other area roadways, as motorists find new travel paths. The City desires to analyze the traffic impacts created by these restriping scenarios, potentially through trial implementation of one or more of these three scenarios in the field.

Each restriping option will be installed by a pavement marking and/or traffic signal contractor on behalf of the City for a period of at least 90 days, during which time traffic will adjust to the new striping plan. Each restriping option will also include adding police enforcement and marked pedestrian crosswalks. The City tentatively desires the first scenario to be operational over the upcoming winter months. For each scenario implemented in the field, traffic counts will be collected along 8th Street and other nearby roadways to determine how traffic has redistributed itself to a new equilibrium condition, and newly-formed "hot spots" of traffic congestion (or existing congested areas that are exacerbated by the restriping) will be reviewed in the field and compared with the "before" condition.

Ultimately, the City will choose one option and incorporate the lane requirements into its planned reconstruction of 8th Street in 2018.

Exhibit A

WORK PLAN

Task 1 – Initial Tube Counts and Turning Movement Counts

URS will collect tube counts and turning movement counts, including pedestrians and bicyclists, to determine a “baseline” condition of existing traffic volumes.

URS will collect the following tube counts on east-west roads:

- 8th Street (west of Cass Street)
- 8th Street (over Boardman Avenue)
- 8th Street (east of Woodmere Avenue)
- South Airport Road (east of Cass Road)
- South Airport Road (east of Park Drive)
- Grandview Parkway (east of Cass Street)
- Front Street (east of Cass Street)
- Front Street (east of Boardman Avenue)
- Front Street (east of Railroad Avenue)
- State Street (east of Cass Street)
- Washington Avenue (east of Boardman Ave)
- Webster Street (east of Boardman Avenue)

URS will collect tube counts on the following north-south roads:

- Cass Street (north of 8th Street)
- Cass Street (south of 8th Street)
- Union Street (north of 8th Street)
- Union Street (south of 8th Street)
- Woodmere Avenue (south of 8th Street)
- Woodmere Avenue (north of South Airport Rd)
- Railroad Avenue (north of 8th Street)
- Boardman Avenue (north of 8th Street)

URS will also collect peak-hour turning movement counts at the 8th Street/Woodmere Avenue intersection from 7-9am and 4-6pm on a weekday.

Task 2 – Initial Public Meeting

Public opinion varies regarding the potential benefits and costs associated with restriping 8th Street. The City desires that a public information gathering session be completed at the project outset in order to gauge public opinion regarding questions such as:

- What does the public view as the best option and why?
- What concerns does the public have regarding a reduction in capacity along 8th Street?
- What concerns does the public have regarding non-motorized travel along 8th Street?
- What should be done about the existing northbound dual left-turn lane on the Woodmere Avenue approach to 8th Street?
- What evaluation criteria is important to the public in order to quantify whether the project is successful. Sample criteria could potentially include: 1) reduction in speed along 8th Street, 2) increases in traffic along other streets not greater than some small percentage, 3) Level of Service at the 8th Street/ Woodmere Avenue intersection remains manageable after implementation, 4) Non-motorized travel Level of Service.

URS will work with the City to determine an appropriate meeting format and timeframe. URS will compile the results of the public meeting and provide to the City.

Task 3 – Signing and Pavement Marking Plans

The City intends to solicit a Contractor to install the signing and markings for each option that is examined. URS will develop pavement marking plans and signing plans and quantities for the three (3) restriping options and submit to

Exhibit A

the City for review. Signing modifications will be required for the dual-lane northbound left-turn onto westbound 8th Street as there may not be dual lanes to accept the left-turning traffic. One option would be to only have one northbound left-turn lane. A second option would be to maintain the dual left-turn with one of the lanes leading to westbound 8th Street and the other requiring motorists to immediately turn right onto northbound Railroad Street. Public sentiment regarding these two options can be gauged at the initial public meeting in Task 2.

It is not anticipated that signal design plans will be created by URS. Any signal head bagging at the 8th Street/Woodmere intersection will be completed by City forces. Signal design work is not included in the scope of work herein.

Task 3 also includes the efforts required to coordinate with the City to secure a Contractor. URS will be on-site with City staff during the installation of the markings and to provide any immediate fine-tuning of the traffic signal at the 8th Street/Woodmere Avenue intersection that may be necessary.

Task 4 – Traffic Operations Modeling

URS will develop a traffic simulation model of the proposed restriping and analyze potential signal timing modifications that would be needed at the 8th Street/Woodmere Avenue intersection. The peak-hour turning movement counts collected in Task 1 would be modeled under the restriping scenario to determine new signal phase splits. Cycle length may also need to be modified prior to implementation of the restriping scenario. URS will make recommendations to the City, and the City will install the new timings as part of the striping implementation. The modeling would be completed prior to implementation of each restriping scenario.

Task 5 – Traffic Counts During Option 1 (Two-Lane Two-Way Road)

URS will collect tube counts and peak-hour turning movement counts at the same locations as in Task 1 approximately 60-90 days after the installation of the markings for Option 1 in order to allow sufficient time for traffic circulation paths to achieve the new "normal". The results will be compared to determine the amount and location of any traffic diversion.

URS will also respond to City direction regarding potential signal timing changes that may be needed along 8th Street or elsewhere as a result of traffic redistribution. URS will perform peak-hour turning movement counts at up to four (4) intersections that may have become impacted by the traffic redistribution in order to develop potential countermeasures. URS will provide recommended timing changes and provide them to the City for installation by City forces.

Task 6 – Traffic Counts During Option 2 (Three-Lane Cross-Section)

URS will collect tube counts and peak-hour turning movement counts at the same locations as in Task 1 approximately 60-90 days after the installation of the markings for Option 2 in order to allow sufficient time for traffic circulation paths to achieve the new "normal". The results will be compared to determine the amount and location of any traffic diversion.

URS will also respond to City direction regarding potential signal timing changes that may be needed along 8th Street or elsewhere as a result of traffic redistribution. URS will perform peak-hour turning movement counts at up to four (4) intersections that may have become impacted by the traffic redistribution in order to develop potential countermeasures. URS will provide recommended timing changes and provide them to the City for installation by City forces.

Exhibit A

Task 7 – Traffic Counts During Option 3 (Unbalanced Four-Lane Cross-Section)

URS will collect tube counts and peak-hour turning movement counts at the same locations as in Task 1 approximately 60-90 days after the installation of the markings for Option 3 in order to allow sufficient time for traffic circulation paths to achieve the new "normal". The results will be compared to determine the amount and location of any traffic diversion.

URS will also respond to City direction regarding potential signal timing changes that may be needed along 8th Street or elsewhere as a result of traffic redistribution. URS will perform peak-hour turning movement counts at up to four (4) intersections that may have become impacted by the traffic redistribution in order to develop potential countermeasures. URS will provide recommended timing changes and provide them to the City for installation by City forces.

Task 8 – Technical Memoranda and Final Public Meeting

URS will develop a technical memorandum that discusses the traffic diversion that was observed and provides recommendations for mitigation measures. URS will also be available to present the findings to the City at a regular council meeting where the public can attend.

CONDITIONS AND FEES

Following is a breakdown of fees by task:

Task 1. Initial Tube Counts and Turning Movement Counts:	\$4,000
Task 2. Initial Public Meeting:	\$3,000
Task 3. Signing and Pavement Marking Plans:	\$7,500 per restriping option
Task 4. Traffic Operations Modeling:	\$2,000 per restriping option
Task 5. Traffic Counts During Option 1:	\$4,500
Task 6. Traffic Counts During Option 2:	\$4,500
Task 7. Traffic Counts During Option 3:	\$4,500
Task 8. Technical Memorandum and Presentation:	\$5,000

URS proposes to perform the scope of work described above for a lump sum fee of **\$54,000**. This fee is based on completion of all tasks, including implementation of all three restriping scenarios. If the City chooses to implement just one restriping scenario, the cost would be \$26,000. If the City chooses to implement two restriping scenarios, the cost would be \$40,000.

If additional locations need to be counted, or if additional tasks need to be completed that are not contained herein, additional services and compensation will be negotiated.

Memorandum

The City of Traverse City
Planning Department

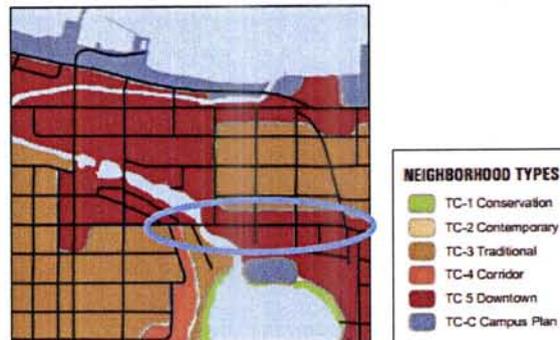


TO: Jered Ottenwess, City Manager
FROM: Russell A. Soyring, Planning Director
DATE: June 9, 2014
SUBJECT: Eighth Street Recommendations

A handwritten signature in blue ink, appearing to read "R. Soyring".

The City of Traverse City received a petition from a group of business owners residents asking that the City Commission try a low-cost solution, on a temporary basis to restripe Eighth Street with a different configuration from Woodmere Avenue from to Lake Avenue. The letter attached to the petition requests the newly configured striping for the street occur prior to the City investing considerable expenses with the planned re-construction of the Eighth Street bridge.

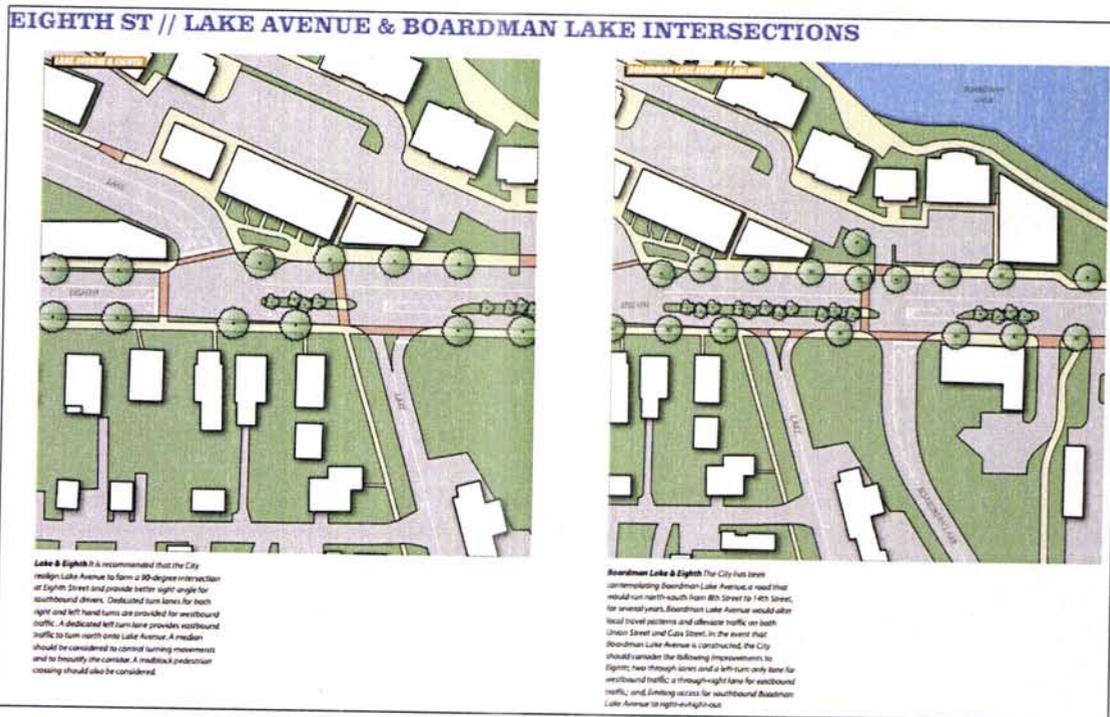
These four blocks of Eighth are located in an area of the community primarily designated as a TC-5 (Downtown Neighborhood). The focus of a TC-5 neighborhood is planned for high intensity, regional, commercial activity with a pedestrian focus. Public transit is to be at a high level of service. The Plan recommends restrictions for motorized travel in terms of travel speed, parking costs and access.



The Corridors Master Plan notes that this section of Eighth Street has several challenges and much potential. The document states the current configuration complicates efficient movement of cars and creates a less than hospitable pedestrian environment. Appropriate uses for the area include a range of retail, service, office, and multiple-family residential. Buildings are suggested to be at or near the sidewalk with a continuous street wall of buildings with commercial uses on the first floor.

The street cross section shows the segment of the street between Woodmere and Boardman Avenues to be a three-lane section (two travel lanes and a center turn lane) with bike lanes.

West of Boardman Avenue is shown as a boulevard section with three travel lanes, one turn lane and on-street parking on both sides of the street.



In April, Bob Gibbs, a renowned New Urbanist, suggested- after a walking tour of this section of Eighth Street- that the street be transformed to look more like Union Street in Old Town with on-street parking on both sides of the street with two maneuvering lanes.

Attached is a draft timeline of how the temporary striping test and proposed design charrette for Eighth Street could follow. Please note, the schedule is developed with optimism that decisions and grant funding will progress quickly.

At the June 3, 2014 Planning Commission meeting, the Commission considered both the Eighth Street Temporary Restriping and Eighth Street Design Charrette.

Prior to taking action, commission discussion included adding a police enforcement component to go along with the restriping and adding marked pedestrian crosswalks to

the restriping plan. Commission discussion also included timing the lights, so drivers going the speed limit make the lights. Eleven people made public comment on the restriping request, of which 1 made general comments and 10 in support.

Motion by Commissioner McNally, second by Commissioner Werner, that the temporary restriping of Eighth Street with a striping configuration that will enhance the walking and bicycling environment along Eighth Street between Woodmere Avenue to Lake Avenue is found to be consistent with the Traverse City Master Plan and Corridors Master Plan in terms of location, extent and character and that the temporary restriping be evaluated for one year to determine the impacts the reconfigured striping will have on the corridor and adjacent neighborhood be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.

Motion carried 9-0.

Please pass on the Planning Commission's recommendation to the City Commission regarding the Eighth Street Temporary Restriping request.

RAS

Attachments: Eighth Street Restriping Request
Draft Eighth Street timeline
Road Diet Conversions Excerpt

April 28, 2014

RE: 8th Street temporary re-striping request – Woodmere to Lake

Dear Mayor Estes and City Commissioners,

We are a group of residents and business owners who have grown weary of the four-lane section of 8th Street between Woodmere and Lake Avenue. We believe this section of City Street is not comfortable or efficient to drive through with the fast, swerving traffic. It is also uncomfortable to walk along, unsafe to cross as a pedestrian and scary to bike along. With the pending 2014 re-construction of the Boardman River Bridge, and the re-construction of the full section of this street scheduled for 2018, we ask the City Commission to be proactive in trying low-cost solutions to this street, on a temporary basis, so that we may all judge if there may be a better configuration for vehicles, businesses, pedestrians, cyclists and residents. We will have to live with the re-constructed bridge and street for decades. Trialing new solutions *in advance of major financial investments* will help identify the best possible outcome.

Several experts have come to our city over the past 15 years and recommended a simple re-striping to three auto lanes and two bike lanes. The recent corridor study recommends a similar cross section. Studies have shown that streets that convert from four auto lanes to three auto lanes move a higher volume of traffic with more efficiency at a safer speed. Studies have also shown a conversion from four auto lanes to three auto lanes increases economic development and private investment. Our city has in fact tried this configuration on the eastern end of 8th Street, first as a trial several years ago, and now this change is permanent. The eastern section of 8th Street now performs as a well-mannered street that carries significant auto traffic volume, moves trucks, is comfortable for biking, and is nicer to walk along because the bike lanes move the cars farther from the curb.

Before we invest considerable expense in a permanently re-constructed bridge and 8th Street, let's be sure we are designing a street that enhances quality of life, drives economic development and accommodates all users into the future. The City may have either city staff or outside consultants design a striping and signage plan for this trial.

In closing, we ask that the City Commission test temporary new configurations of 8th Street in advance of the expensive permanent planned reconstruction of this stretch of road. Thank you for your consideration of our request.

Sincerely,

See Attached Pages for Resident & Business Signatures

**8th Street Re-Striping Request
Location of Signers
April 28, 2014**

-  Resident (44)
-  Business (25)



8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: [Handwritten Signature]

Name / Organization: BRICK WHEELS

Address: 736 E 8TH ST

Signature: [Handwritten Signature]

Name / Organization: Michael Strom

Address: 605 E State

Signature: [Handwritten Signature]

Name / Organization: JORDAN OWEN

Address: 624 5th St

Signature: [Handwritten Signature]

Name / Organization: Suzanne Stepan

Address: 526 Webster St.

Signature: [Handwritten Signature]

Name / Organization: LAURA BROWN

Address: 624 5th St

Signature: [Handwritten Signature]

Name / Organization: Adam J. Gahr

Address: 321 Wellington

Signature: [Handwritten Signature]

Name / Organization: Amy Strom

Address: 605 E. State St.
TC.

Signature: [Handwritten Signature]

Name / Organization: JEROME R. JENKINS

Address: 502 WASHINGTON ST.
T.C.

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: [Signature]

Name / Organization: JOHANNA SCHMIDT

Address: 841 WASHINGTON ST

Signature: [Signature]

Name / Organization: PETE KIRKWOOD
(THE WORKSHOP BREWING CO.)

Address: 861 WASH. ST.

Signature: [Signature]

Name / Organization: JY SCHMIDT

Address: 841 Washington St

Signature: [Signature]

Name / Organization: Elizabeth Kirkwood

Address: 861 Washington St.

Signature: [Signature]

Name / Organization: Maureen Voss

Address: 727 Washington St.

Signature: [Signature]

Name / Organization: RICHARD D. LYMAN

Address: 516 WEBSTER ST.

Signature: [Signature]

Name / Organization: HANS VOSS

Address: 727 WASHINGTON

Signature: [Signature]

Name / Organization: Paara Lyman

Address: 516 Webster St.

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: Elizabeth Kushman

Signature: Chris Kushman

Name / Organization: Elizabeth Kushman

Name / Organization: Chris Kushman

Address: 810 Washington St., TC

Address: 810 Washington St. T.C.

Signature: William Palladino

Signature: Jan Harris

Name / Organization: William Palladino

Name / Organization: Jan Harris

Address: 206 MIDTOWN DR

Address: 206 MIDTOWN DRIVE

Signature: Mike Grant

Signature: Tracy Andrews

Name / Organization: Mike Grant

Name / Organization: Tracy Andrews

Address: 619 Webster

Address: 619 E. Webster

Signature: Daniel S. Pearson

Signature: Robin G. Pearson

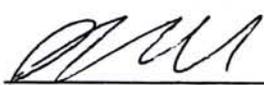
Name / Organization: DANIEL S. PEARSON

Name / Organization: Robin Pearson

Address: 523 WEBSTER ST.

Address: 523 Webster St.

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: 

Name / Organization: Paula Colombo

Address: 622 Washington St

Signature: 

Name / Organization: Curtis Cummins

Address: 622 Washington St

Signature: 

Name / Organization: AMY PFLUGHOEFT

Address: 537 Webster St, TC

Signature: 

Name / Organization: Brett Karis

Address: 317 Wellington

Signature: 

Name / Organization: Fern Spence

City Address:
Address: 1930 Wayne Street
TC 49684

Signature: 

Name / Organization: Doug Spence Jr

Mailing Address:
Address: 658 Old Hochee Farm Trail
TC 49684

Signature: 

Debra Graetz MD PLC
Owner 647 Eighth St Development
Name / Organization: _____

Address: _____

Signature: Sue B Snow

Name / Organization: Sue Snow

Address: 532 Washington, TC 49686

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: Aaron G. Shroy

Name / Organization: Homeowner

Address: 518 Webster TC MI
49686

Signature: [Signature]

Name / Organization: HEATHER & BRANDON
THEOPHILUS

Address: 512 WEBSTER ST.
TRAVERSE CITY, MI 49686

Signature: Michelle Stevenson

Name / Organization: Home Owner

Address: 521 Webster TC MI
49686

Signature: [Signature]

Name / Organization: Mike Coco &
Marci Puttemoier.

Address: 325 Wellington

Signature: Nancy Bagmore

Name / Organization: Home owner

Address: 447 Webster St
49686

Signature: [Signature]

Name / Organization: Joshua Renshaw

Address: 520 Franklin 49686

Signature: [Signature]

Name / Organization: Homeowner

Address: 435 W. 11th TC
49684

Signature: _____

Name / Organization: Scott & Michele Howard + family

Address: _____

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: M Lynn Hartwell

Name / Organization: M Lynn Hartwell
Peddlemore Bags

Address: 511 Depot View / 8th St.

Signature: Cindy Hardy

Name / Organization: Cindy Hardy

Address: 521 Washington St.

Signature: Marsha Smith

Name / Organization: Marsha Smith

Address: 529 Washington St.

Signature: Meagan McLain

Name / Organization: Meagan McLain - McLain cycle

Address: 750 East 8th street

Signature: Joni Sommerville

Name / Organization: Joni Sommerville

Address: 635 E 8th Street.

Signature: Leah Brown

Name / Organization: Old Mission Multigvan

Address: 454 E 8th Street

Signature: Marc Fenton

Name / Organization: MARC FENTON

Address: 625 Washington St.
Traverse City, MI
49686

Signature: Jill Fenton

Name / Organization: JILL FENTON

Address: 625 Washington
TC, MI 49686

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: Molly M

Name / Organization: Molly Makewitz

Address: 527 E Eighth

Signature: [Signature]

Name / Organization: LeeAnn Wares

Address: 527 E 8th

Signature: Kathy Kenny

Name / Organization: Kathy Kenny

Address: 527 E. 8th

Signature: [Signature]

Name / Organization: Pamela Hess Details

Address: 527 8th St

Signature: [Signature]

Name / Organization: Jamie Jasman / Family Chiropractic

Address: 541 E 8th St.

Signature: [Signature]

Name / Organization: MARK DESSLER / CON VIN

Address: 539 E. 8th St.

Signature: [Signature]

Name / Organization: M. E ALLEN

Address: 610 E. STATE ST

Signature: Elizabeth R. Allen

Name / Organization: Elizabeth R. Allen

Address: 610 East State St.

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: [Handwritten Signature]

Name / Organization: TABA WARD

Address: 425 E. STATE ST.

Signature: Mark K Mitchell

Name / Organization: MARK MITCHELL

Address: 425 E. STATE ST.

Signature: Lee Kurt

Name / Organization: Lee Kurt / ART

Address: 428 E. State St.
TC, MI 49686
Boardman Neighborhood

Signature: [Handwritten Signature]

Name / Organization: ERIC KURT / HAGERTY
BOARDMAN

Address: 428 E. STATE ST.
TC, MI 49686

Signature: [Handwritten Signature]

Name / Organization: GARY SCHULKEY
Boardman Neighborhood

Address: 421 Webster

Signature: Lisa Raymo

Name / Organization: LISA RAYMO

Address: 421 Webster St.

Signature: Jonathan Snow

Name / Organization: Jonathan Snow

Address: 536 Washington

Signature: Robert A. Wick

Name / Organization: Robert A. Wick

Address: 226 Midtown

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: Claire Karner

Name / Organization: Claire Karner

Address: 1914 Shawnee St.

Signature: Tracy Welch

Name / Organization: Tracy Welch

Address: 534 Washington

Signature: John F. Welch

Name / Organization: John Welch

Address: 534 Washington

Signature: Michael Fitzhugh

Name / Organization: Michael Fitzhugh - Architect

Address: 413 East 8th St.

Signature: Jim Stewart

Name / Organization: Veran Tan
Details Hair & Nail

Address: 527 E 8TH ST Salem

Signature: Karen H. Mauro-Doren

Name / Organization: Karen H. Mauro-Doren

Address: 408 E. State St.

Signature: W. Peter Doran
W Peter Doran

Name / Organization: _____

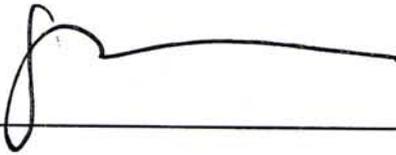
Address: 408 E State

Signature: Jennifer Connolly

Name / Organization: Jennifer Connolly / Law Offices of Matthew Connolly LLC

Address: 409 E. 8th St.

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: 

Name / Organization: GTSC

Address: 534 E. 8th

Signature: Approved By Email 4/28/2014

Name / Organization: Ed Smith

Address: 539 Webster.

Signature: V Oosterlund

Name / Organization: Foreword Reviews

Address: 425 Boardman Ave

Signature: V Oosterlund

Name / Organization: The Box

Address: 425 Boardman Ave

Signature: Matt Sutherland
Matt Sutherland.

Name / Organization: V Oosterlund

Address: 425 Boardman Ave.

Signature: Doug Mead

Name / Organization: Doug Mead Top Comics

Address: 516 E. 8th St.

Signature: 

Name / Organization: CHRIS BZDOK & CALLEN MASTERSON - BZDOK

Address: 616 W. 7th St.

Signature: 

Name / Organization: Mid-American Title

Address: 522 E. Eighth St.

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: Bob Laura Otwell Signature: [Signature]

Name / Organization: BOB & LAURA OTWELL Name / Organization: Crantz Household

Address: 525 WASHINGTON Address: 644 Webster

Signature: Sharon Flesher Signature: Sam P Copeland

Name / Organization: Sharon Flesher Name / Organization: SAM P COPELAND, D.O. Center for Health

Address: 629 Washington St. Address: 615 E 8th St.

Signature: [Signature] Signature: Wendy Saunman

Name / Organization: Bill Nall/Dino's Name / Organization: Details Salon

Address: 543 E 8th Address: 527 - E 8th St.

Signature: Jim Moore Sign: Mark Jensen

Name / Organization: Jim Moore/Disability Network Name / Organization: MARK JENSEN/JENSEN CUSTOM LOGO GEAR

Address: 415 E. Eighth St. Address: 502 E. 8TH

8th Street Restriping Request to Mayor Estes & City Commissioners - April 28, 2014

Signature: [Handwritten Signature]

Name / Organization: Mint on Curbs, LLC

Address: 511 E 8th St. 49686

Signature: [Handwritten Signature]

Name / Organization: Mint on Curbs LLC

Address: 511 E 8th St, 49686

Signature: SEEDS - Approved via
Email 4/28/14

Name / Organization: Sarna Salzman

Address: 934 E 8th St.

Signature: Elizabeth Whelan

Name / Organization: Boardman Neighborhood

Address: 442 Webster St.

Signature: _____

Name / Organization: _____

Address: _____

- 
- Develop a pilot striping plan for three blocks of 8th Street (due staff time limitations, outside services will be needed)
 - Create and disseminate informational material for the public regarding the pilot striping project
 - Measure existing traffic dynamics and street activity on selected streets. Outside services will be needed.
 - Meet with MSU School of Planning, Design and Construction's "world-class" corridor revitalization outreach activities and ongoing student intern community service projects.

- 
- Restripe 8th Street; adjust signs and traffic signal timing as warranted. Painters are in town to mark the school crosswalks in late August.
 - Measure changed traffic and street activity on selected streets . Outside assistance will be needed due to staff time limitations.

- 
- Prepare and submit grant request to MSHDA grant to conduct a design charrette and assist in writing a zoning overlay district for the 8th Street corridor.
 - Continue to Measure traffic dynamics and street activity on selected streets.

December
2014-May
2015

- **Receive notification of MSHDA grant award.**
- Develop RFP from consultants to conduct a design charrette/develop a zoning overlay district
- Hire consultant and prepare for the design charrette with notices, background studies, etc.
- Prepare for the design charrette,
- **Measure traffic flow and street activity on selected streets**

May 2015

- Conduct a design charrette
- Develop draft overlay district regulations to code the street type and building types.
- **Survey property owners, merchants, residents regarding business activity and level of happiness.**

June-July
2015

- **Hold public meeting on the pilot restriping project to receive public reaction to the restriping. City Commission recommends to continue or discontinue the pilot striping project based on public sentiment.**

August –
September 2015

- Seek approval of the street section (lanes, sidewalk, streetscape) and development regulations
- Include project scope in the Capital Improvement Program

October-
December 2015
or later

- Design street to meet the prescribed overlay regulations for the public realm

May 2016 or
later

- Reconstruct 8th Street Small Urban Development fund, enterprise utility funds and general funds.



Pedestrian and Bicycle Information Center

White Paper Series

Road Diet Conversions: A Synthesis of Safety Research

May 2013

Libby Thomas, Senior Associate, UNC HSRC

For:
Federal Highway Administration
DTFH61-11-H-00024

Conclusions

A relatively small number of robust studies have analyzed the safety impacts of road diet conversions, mostly from four-lane, undivided corridors to three-lane corridors including TWLTL (frequently with added bike lanes). The most robust studies have, however, encompassed a substantial number of converted sites and comparison locations.

Based on these studies, road diet treatments seem to be one of the success stories with regard to crash and speed reductions. Road diets are also compatible with providing a number of other community and roadway use benefits. In addition, conversions utilizing existing right of way can be very economically implemented through the use of paint, but perhaps enhanced with additional measures such as raised medians and turn pockets.

The most robust estimates range from 19 percent average reduction in total crashes on corridors in larger urban areas to 47 percent for more rural highways passing through small urban areas. Crash reductions have been documented for a range of conditions including highways passing through smaller localities, for corridors in larger urban/suburban areas, as well as intensively urban New York City. 14

Actual crash reductions can be expected to vary depending on the site conditions, crash types analyzed, and methodologies used. In terms of site conditions, there has been significant conjecture that pre-conversion conditions such as density of unsignalized junctions, frequency of left turning movements, numbers of slowing or stopping vehicles, changes in operating speeds, and prevalence of certain crash types, among other factors may affect results obtained, but there are insufficient data at present to support or refute these conjectures. The extent of speed reductions achieved may also help to explain variation in the degree of safety effects that has been noted in different environments. Lower operating speeds have the potential to affect all types of crashes and crash severity.

Impacts on more severe crashes (fatalities and injuries) and operating speed changes should be a prime consideration in future evaluations. Since it is typically more challenging to detect effects on lower numbers of severe crashes, documenting effects on travel speed distributions would help to document safety benefits and reduction in risk of more severe injuries. Motor vehicle speed is a prime safety consideration for pedestrians. However, there are still questions about what conditions are most conducive to the greatest safety benefits, as well as maintenance of good operational and access conditions for various users.

Road diet treatment generally seems compatible with maintaining motor vehicle capacity under the volume conditions studied, most often in moderate ranges from around 5,000 up to 24,000 vehicles per day, or up to around 1,500 – 1,750 vehicles per peak hour. Case study evidence suggests that other types of traffic, including bicycles and pedestrians, may increase after a road conversion.

It is not entirely clear whether the mobility assessments to date have well-captured actual operational effects of road diets, or whether short term traffic diversion noted in some instances have continued over time. Some studies have shown a short term shift in flows to other corridors, with volumes returning in time. Much of the information to date is in anecdotal or case study format, or based on simulation modeling exercises, which necessarily simplify and omit parameters that may have a bearing on flows. Many of the “worst case” volume scenarios in simulation studies might never occur, or might be mitigated through optimizing signal timing, provision of intermittent turn pockets or roundabouts at intersections, shifts in travel mode if alternate facilities are provided, and other outcomes that have been reported by practitioners.

Road diet conversions to three-lanes seem to be a low-cost way to enhance safety for a fairly wide range of urban and suburban four-lane, undivided corridors of low to moderate volumes. If a road diet additionally meets other local objectives, then it should be considered a viable option based on the safety evidence.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: ^{JO}JERED OTTENWESS, CITY MANAGER

SUBJECT: J&S HAMBURG – DINING SPACE ON CITY PROPERTY

A couple weeks ago, it came to the attention of the City that J & S Hamburg set up dining space on City-owned property at 300 West Front Street. Because that use was not authorized by the Commission, we had them remove the dining space and have worked with the owners to develop a proposed short-term lease for the Commission's consideration.

Attached is a memo from City Attorney Lauren Tribble-Laucht regarding the request.

City staff and DDA staff have discussed this request and recommend it be approved. Additionally, given the fact that the City can terminate the lease at any time, I recommend that the Commission approve the lease; and the following motion would be appropriate (5 affirmative votes required):

that the Mayor and City Clerk execute a Lease Agreement with Northpointe J&S LLC to lease City-owned property at 300 West Front Street for placement of tables, chairs, planters and windscreens in conjunction with selling and consuming food and beverages, in the amount of \$110.00, with the lease to expire November 1, 2014, or earlier if terminated by the City, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/bcm

K:\tcclerk\city commission\agreements\j and s hamburg dining space on city property

copy: Robert Bacigalupi, Downtown Development Authority Executive Director
Joseph Quandt, Attorney for Northpointe J&S LLC –
jequandt@kbdqlaw.com

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
COPY:
FROM: Lauren Tribble-Laucht, City Attorney *LTL*
DATE: June 10, 2014
SUBJECT: Lease of 300 West Front Street

The City has been approached by the owner of the property located at 302 West Front Street (J&S Hamburg) regarding the City-owned property immediately east of the J&S Hamburg building. The City's property is located at 300 West Front Street. You may be familiar with this property because it is the site that has long been planned for construction of a pedestrian walkway and bridge across the Boardman River. The City's parcel is currently vacant. The owner of 302 West Front Street wishes to use the City's property as an outdoor café similar to a sidewalk café, however because this area is a parcel of property owned by the City and not a sidewalk right-of-way, it is not eligible for a sidewalk café permit. The City corresponded with the owner of 302 West Front Street and proposed the solution of leasing the City-owned parcel to them for the summer under terms which mimic those of a sidewalk café permit. The rent proposed also reflects the permit fee for a sidewalk café permit. The term of the lease would end November 1, 2014, the end date of sidewalk café permits. The lease can be terminated by the City sooner if necessary when the bridge construction commences. The proposed lease is attached for your consideration. Importantly, it recognizes the City's ownership of the parcel at 300 West Front Street and the tenant waives any recourse it otherwise might have had in this regard. It is possible this otherwise may have become an issue. Please let me know if you have questions.

LEASE AGREEMENT

This lease ("Lease") has been entered into this ___ day of _____, 2014, between NORTHPOINTE J&S LLC, whose address is _____ hereafter called "Tenant", and the CITY OF TRAVERSE CITY, a Michigan municipal corporation, of 400 Boardman Avenue, Traverse City, Michigan 49684, hereafter called "City".

In consideration of the mutual covenants herein contained, Tenant and the City agree as follows:

1. Premises. The City leases to the Tenant, and the Tenant leases from City, on the terms and subject to the conditions herein contained, the real estate owned by the City and located in the County of Grand Traverse, State of Michigan described as Parcel Number 28-51-706-007-00, commonly known as 300 West Front Street, Traverse City, Michigan 49684 and further described as:

LOT 26 HANNAH LAY & CO'S 5TH SUB & THT PRT OF BLOCK 26 OF ORIG PLAT LYING S OF BOARDMAN RIVER AND ADJ TO ABOVE REFERENCED LOT

(the "Premises").

2. Term and Termination. The term of this Lease shall begin on the date it is executed and shall continue until November 1, 2014 unless otherwise terminated as provided herein or amended by the parties in writing. This Lease may be terminated by the City upon a finding that the occupancy does not meet the standards of the City's Code of Ordinances, or other applicable law or regulation; that there has been a breach of the terms of this Lease; or that the Premises is needed for other street, utility or City purposes. This Lease may be terminated by the Tenant upon written notice to the City. Upon such termination, the fee paid for any period after termination of the occupancy shall be refunded and any property placed by the Tenant on the Premises shall be immediately removed therefrom. Tenant hereby expressly acknowledges the City anticipates construction on the Premises, to begin in or around the fall of 2014, which construction will interfere with the use described herein. Tenant hereby waives any recourse otherwise available to it under this Lease or any other statute, law or regulation due to the interruption or interference of its use of the Premises or termination of this Lease resulting from the aforementioned construction.
3. Rent. The Tenant shall pay City as rent, upon execution of this Lease, the sum of one hundred ten dollars (\$110.00).
4. Use of the Premises. The Tenant shall use and occupy the Premises for placement of tables, chairs, planters and windscreens adjacent to the tables and chairs in conjunction with selling and consuming food and beverages as depicted in the attached site plan, which is hereby incorporated herein by reference (**Attachment A**), under the following terms and conditions:

The occupancy must not:

- A. Interfere with the use of the adjacent right-of-way for pedestrian or vehicular travel.
- B. Unreasonably interfere with the view, access to, or use of property adjacent to the Premises.
- C. Obstruct the sidewalk directly to the south and adjacent to the Premises.
- D. Cause damage to the Premises or to trees, benches, landscaping, or other objects lawfully located in the Premises. Any anchoring system to secure an item to the Premises shall be approved by the City Manager in writing prior to installation.
- E. Cause a violation of any state or local laws.
- F. Be principally used for off-premises advertising. All signs must conform to the Sign Ordinance.
- G. Conceal or detract from the appearance of landscaping features in or adjacent to the street.
- H. Be in or adjacent to property zoned exclusively for residential purposes.
- I. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
- J. Cause increased risk of theft or vandalism.
- K. Violate regulations adopted by the City Manager pursuant to the City's Code of Ordinances.
- L. Serve alcohol unless the Tenant holds the appropriate licenses, permits and registrations from the Michigan Liquor Control Commission and the City Clerk; and if alcohol is served, provide suitable proof of insurance acceptable to the City Clerk.
- M. May not operate beyond 11 p.m.

Tenant shall not use the Premises for any other purpose without the prior written consent of the City, which consent may be withheld in City's sole discretion. The Tenant acknowledges that it has made its own determination as to the suitability of the Premises for this use and that City has made no representations with respect thereto. The Tenant agrees that its use and occupancy shall conform in all respects to all applicable statutes, ordinances, rules, regulations, and orders.

- 5. Assignment and Subletting. The Tenant shall not assign this Lease without the prior written consent of the City. No consent by City to an assignment or subletting shall be construed to relieve the Tenant from its obligations hereunder or from obtaining City's written consent to any further assignment.
- 6. Condition of Premises.

The City shall have no obligation to maintain or repair the Premises whatsoever and the Tenant acknowledges that it accepts the same in "as-is" condition without any warranty or representation whatsoever. Tenant shall maintain the Premises in good, clean and safe condition.

Notwithstanding the foregoing or anything else herein to the contrary the Tenant shall at its sole expense, repair or shall cause the repair of any damage to the Premises caused by or in connection with the Tenant's use of the Premises. City may, but shall have no

obligation to, perform any repair or maintenance of the Premises or any part thereof that City in its sole discretion deems reasonably necessary, if the Tenant has not taken steps to cure its failure to repair or restore the Premises as required herein within ten (10) days of written notice thereof, in which case Tenant shall reimburse City for the cost and expense of the repair upon receipt of an itemized invoice. City's rights to perform such repair and maintenance are in addition to and not in limitation of City's right to pursue any other remedy set forth herein or otherwise available to the City at law or in equity as a result of the foregoing or any other default hereof (all of which is expressly reserved).

7. Default. The Tenant's failure to pay rent when due, or to perform any of its obligations hereunder, shall constitute a default. If a default occurs, City may, at its option, terminate this Lease and regain possession of the Premises in accordance with applicable law.
8. Waiver. City's failure to enforce any term of this Lease shall not be deemed a waiver of the enforcement of that or any other term, nor shall any acceptance of a partial payment of rent be deemed a waiver of City's right to the full amount thereof.
9. Notices. Any notice which either party may, or is required to give hereunder, may be served personally or sent by first-class mail, postage prepaid, to the other party at their address above, or at such other places as may be designated in writing by the parties from time to time.
10. Security Deposit. No deposit for security is being required under this Lease.
11. Legal Effect. This Lease shall be binding upon and inure to the benefit of the parties hereto and their respective administrators, successors, and assigns.
12. 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.
13. Amendments. The parties agree to permit modifications of this Lease from time to time, but such modifications shall be in writing and signed by both parties.
14. Venue. Any and all suits for any and every breach of this agreement may be instituted and maintained in any court of competent jurisdiction in the County of Grand Traverse, State of Michigan.
15. Interpretation. This Lease shall be governed by the laws of the State of Michigan, both as to interpretation and performance.
16. Severability. In the event that any part of this Lease shall be held invalid, the remainder thereof shall remain in full force and effect.

17. Entire Agreement. This Lease, together with, all the items incorporated herein by reference, constitutes the entire agreement of the parties and there are no valid promises, conditions, or understandings which are not contained herein.
18. Construction Disruption. The City reserves the right to perform construction on the Premises as needed for maintenance and improvement of the site. Tenant acknowledges that this may cause disruption to the Tenant's use of the Premises.
19. Insurance. The Tenant shall acquire and maintain commercial general liability insurance coverage in the amount of \$1,000,000 per occurrence with an endorsement to the policy naming the City as additional insured for all claims arising out of the Tenant's use and occupancy of the Premises. Tenant shall list the City Clerk of Traverse City as certificate holder and provide suitable proof of insurance to the City Clerk.
20. Authority to Execute. The parties agree that the signatories appearing below have the authority and are duly authorized to execute this Lease on behalf of the party to this agreement.

IN WITNESS WHEREOF, the undersigned have executed this Lease as of the date first above written.

Dated: _____, 2014

CITY OF TRAVERSE CITY

By: Michael Estes, Mayor

By: Benjamin C. Marentette, City Clerk

Dated: _____, 2014

NORTHPOINTE J&S LLC

By:
Its: _____

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM

Jered Ottenwess, City Manager

Lauren Tribble-Laucht, City Attorney



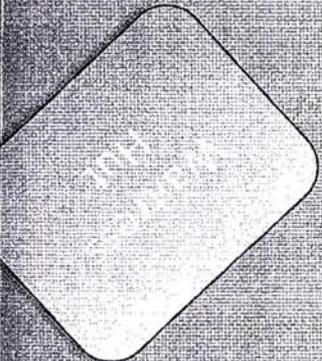
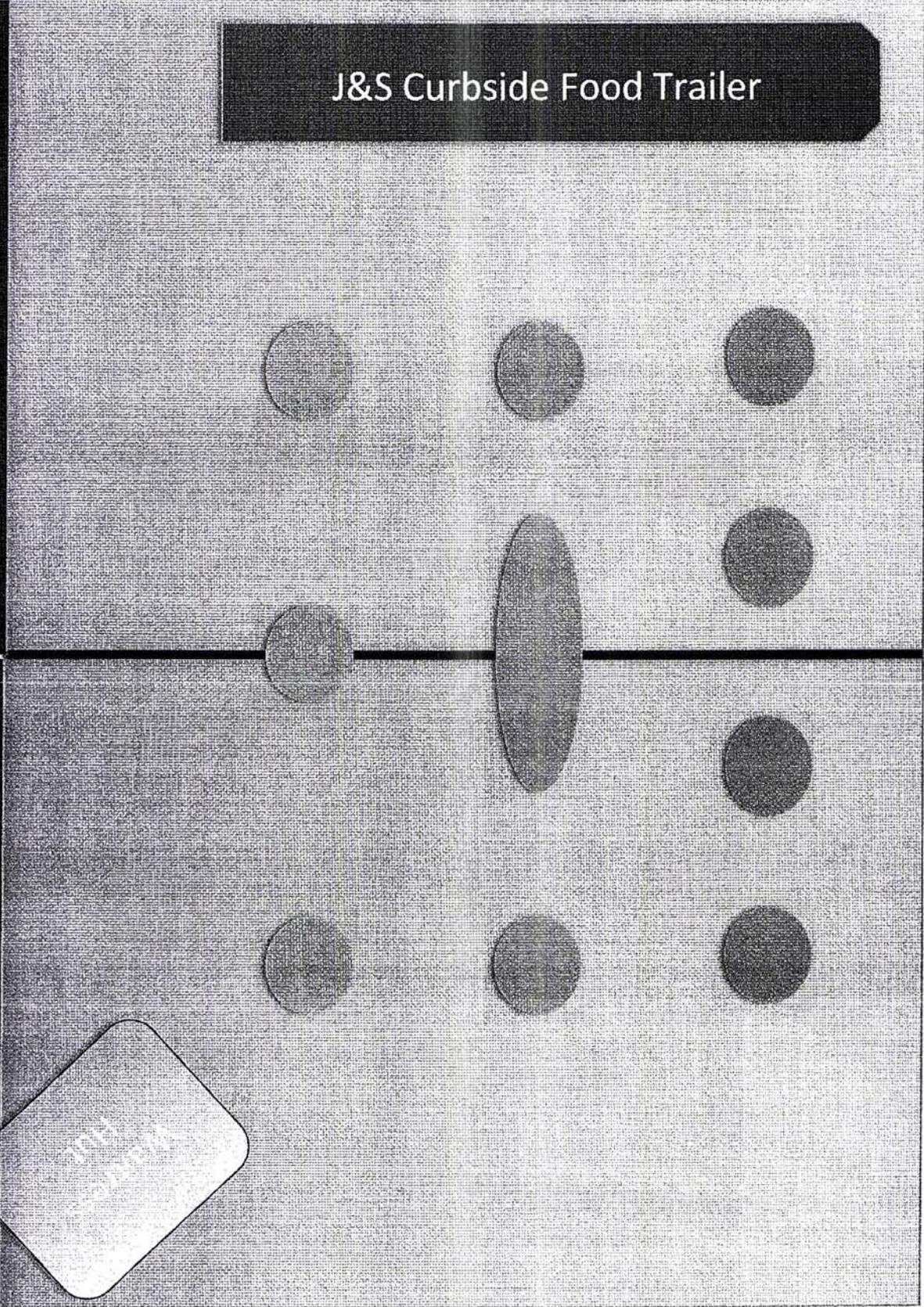
Federated Property

J&S Curbside Food Trailer

West Front Street

J&S Owned Private Property at 290 West Front Street

City Owned Private Parking at 300 West Front Street



J&S Building

Memorandum

The City of Traverse City



To: Jered Ottenwess, City Manager
From: William E. Twietmeyer, City Treasurer/Finance Director *W.E.T.*
Subject: Certification of the City's Contribution to ACT 345 Retirement System
Date: May 28, 2014

MSA 5.3375 (2) (4) requires the ACT 345 Retirement System Board to certify to the City the amount to be contributed by the City as provided in ACT 345, P.A. 1937 as amended.

Upon reviewing the actuarial report, the City's required contribution to the ACT 345 Retirement System for fiscal year 2013-14 will total \$1,998,035 for both the retirement system and retiree health insurance. These funds are budgeted in the Act 345 Millage Fund and the Police and Fire Department budgets. This communication serves as notice that the ACT 345 Retirement System Board certifies that the amount to be contributed is correct and accurate. The contribution will be made within two weeks.

Please place this item under Reports and Communications to the City Commission for its next scheduled Commission meeting.

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: June 9, 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 went out in May. This letter was to inform the owners that there are outstanding water and/or sewer charges as of December 31, 2013 on their property. The property owners were given until May 2014 to pay the balance due or to try to collect it from tenants before it will be placed on their summer 2014 taxes.

The total water and sewer delinquent amount that is being 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.

June 16

MINUTES

ACT 345 RETIREMENT SYSTEM

DATE: April 30, 2014
 LOCATION: Mayors Conference Room, Government Center, 400 Boardman Ave., Traverse City, MI 49684
 TIME: 12:00 Noon.
 PRESENT: W. Kuhn, W. Twietmeyer, J. Bussell, C. Rueckert
 ABSENT: J. Jenkins
 GUESTS: M. Buis, J. Anderson, C. Kuhn
 STAFF: B. Postma

J. Bussell called the regular meeting to order at 12:05 pm.

Moved by W. Kuhn, seconded by C. Rueckert that the minutes of the March 26, 2014 regular meeting be approved.

Motion approved 4-0.

Warrant No. 576 in the amount of \$185,105.28 for Retirees Benefits for May 2014 was approved and signed by C. Rueckert and J. Bussell.

Mark Buis and Jim Anderson of Gabriel, Roeder, Smith & Company gave a presentation of the June 30, 2013 actuarial report. The Board asked questions about the report and the actuarial assumptions.

Moved by C. Rueckert, seconded by W. Kuhn that the Board authorize payment of \$2,000 to Gabriel, Roeder, Smith & Company for preparation of the Summary Annual Report and the Participant Benefit Statements.

Motion approved 4-0.

Chris Kuhn of Gray & Company gave a report to the Board. A snapshot of market value with a target market value as of April 28, 2014 was provided to the Board. Also discussed was the investment of retiree health assets and that a recommendation would be forthcoming from Gray & Company to invest those proceeds. The Board asked various questions.

It was announced that a Membership Form and Nomination of Beneficiary Form was received from Jacob Steichen. These were received and filed.

A communication from VanOverbeke, Michaud, & Timmony, P.C. dated April 28, 2014 was distributed to the Board. The communication contained recent legal issues and decisions pertaining to benefits administration, retiree health care, collective bargaining, FOIA/open meetings act, disability, and domestic relations.

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

Motion approved 4-0.

Meeting adjourned at 12:54 pm.

William E. Twietmeyer
William E. Twietmeyer
Secretary/Treasurer



Save 16-cc Report

MONTHLY OPERATING REPORT

TO: Jered Ottenwess, Traverse City Manager
Mike Slater, Grand Traverse County

COPY: Grand Traverse County Board of Public Works
John Bowman, CH2M HILL, Regional Business Manager
Dave Green, Director of Public Services

FROM: Casey Rose, CH2M HILL Project Manager *CR*

DATE: June 12, 2014

SUBJECT: Monthly Operations Report for May 2014

Attached is a copy of the report to the state, which we submit electronically.

The data sheet showing flows and loadings from the Townships, the City, and the Septage Plant for May is attached to this report. Also attached is financial information for April and May as I was unable to provide April's financial information for last month's report.

TRAVERSE CITY

OPERATIONS AND PROJECTS

The treatment plant continued to be in compliance for May 2014.

We completed cleaning and inspecting the South Aeration Basin. The diffuser heads were cleaned and a few minor repairs completed. The Basin is now back in service.

We continue our annual recovery cleans for each membrane train. Fouling of the membranes is greater than in the past. We believe we will have to perform recovery cleans twice a year until the membranes are replaced. Typically we have performed recovery cleans once a year. Operations has begun planning membrane cassette replacement. We will relocate the cassettes in train 1 to the remaining trains. At this time we will perform our bi-annual inspections.

Maintenance

One of the mixers at the Bay Street lift station has been repaired. The mixer failed and the pump had a seal failure.

The Air Relief Valves were serviced for all 8 membrane trains.

The Scour Air Blowers were inspected by the manufacturer and we are awaiting the report. The technician did state there were no major issues discovered.

Maintenance continued

Removed failed pump from Clinch Park lift station, and installed the spare pump. Failed pump was sent in for repairs. This is not the same pump that failed last year.

IPP

The discharge permit for the Hotel Indigo was renewed until June 1st. They are currently discharging beyond their permit and have violated cyanide every week since April 21st. This information has been forwarded to the City Manager and asked how he would like me to proceed.

The Inspection Manhole at Brewery Ferment is still not installed. They had until May 31st to complete this project. This information has also been given to the City Manager to determine our next course of actions.

The Inspection Manhole at Ambrosia Café is also not yet installed. The agreement they had with the City said that it would be completed before they opened for the summer and it doesn't appear that they are yet open.

Bay's Pizza is no longer open for business. They needed to install an inspection manhole as well and went out of business before the work was complete.

We spoke with the owner of Georgina's, who is moving his restaurant to the old location of Phil's on Front. He was informed there were several grease trap modifications that needed to occur at that location, but have not yet met with him to do a walk through. We determined that grease was a problem there last fall when we investigated Phil's.

Along with the City Sewer Maintenance Crew, we started investigating the Aero Park Drive Industrial Park again for the source of the grease/oil that keeps showing up in the Coast Guard Lift Station. We observed an oily discharge coming from Clark Manufacturing and performed an inspection of that facility. The investigation is ongoing.

A site inspection was performed at the new distillery on the corner of Cass and 14th Street. They do have an inspection manhole at that site.

We followed up with Britten Banners last month and tested the pH of the discharge from their 2466 location. It was in the acceptable range.

OTHER

This past year has shown an increase in daily flows of 510,000 gallons per day. The increase in flow and age of the membranes has increased the cleaning frequency. This coming year we anticipate doubling our cleaning schedule.

GRAND TRAVERSE SEPTAGE FACILITY

Operations

Total flow from the Septage Facility to the Regional Plant was 1,146,500 gallons with an average of 3.51 lbs/day BOD in May.

Windemuller began the planning process for the SCADA upgrade design.

Maintenance

The new card reader has been tested and is close to being online.

Other

Michigan Department of Environmental Quality Monthly Discharge Monitoring Report (DMR)

DISTRICT: Cadillac
COUNTY: Grand Traverse

PERMIT NUMBER: M10027481
MONITORING POINT: 001A

PERMITTEE NAME: Traverse City WWTP
MAILING ADDRESS: 606 Franklin Street
Traverse City, MI 49684
FACILITY: Traverse City WWTP
LOCATION: 606 Hannah
Traverse City, MI 49686

Monitoring Period: 2014-05-01 To: 2014-05-31

NO DISCHARGE FROM SITE: ()

Parameter	Quantity of Loading		Units	Quality or Concentration		Units	Frequency of Analysis	Sample Type
	Average	Maximum		Minimum	Maximum			
Flow	5.041	5.611		*****	*****	0	Daily	Report Total Daily Flow
PARAM CODE: 50050 Mon. Site No.: 001A Stage Code: 1	(report) Maximum Monthly Average	(report) Maximum Daily	MGD	*****	*****	*****	Daily	Report Total Daily Flow
Total Suspended Solids	86	110	lbs/day	*****	2.7	0	3X Weekly	24-Hr Composite
PARAM CODE: 00530 Mon. Site No.: 001A Stage Code: 1	Maximum Monthly Average	Maximum 7-Day Average	lbs/day	*****	30 Maximum Monthly Average	0	3X Weekly	24-Hr Composite
Carbonaceous Biochemical Oxygen Demand (CBOD5)	100	129	lbs/day	*****	2.4	0	3X Weekly	24-Hr Composite
PARAM CODE: 80082 Mon. Site No.: 001A Stage Code: 1	Maximum Monthly Average	Maximum 7-Day Average	lbs/day	*****	25 Maximum Monthly Average	0	3X Weekly	24-Hr Composite
Ammonia Nitrogen (as N)	206	*****		*****	4.88	0	3X Weekly	24-Hr Composite
PARAM CODE: 00610 Mon. Site No.: 001A Stage Code: 1	Maximum Monthly Average	Maximum 7-Day Average	lbs/day	*****	11 Maximum Monthly Average	0	3X Weekly	24-Hr Composite
Total Phosphorus (as P)	15.0	*****		*****	0.36	0	3X Weekly	24-Hr Composite
PARAM CODE: 00665 Mon. Site No.: 001A Stage Code: 1	Maximum Monthly Average	Maximum Monthly Average	lbs/day	*****	0.5 Maximum Monthly Average	0	3X Weekly	24-Hr Composite
Total Copper	*****	*****		*****	%G	0	Quarterly	24-Hr Composite
PARAM CODE: 01042 Mon. Site No.: 001A Stage Code: 1	Maximum Monthly Average	Maximum Monthly Average	*****	*****	(report) Maximum Monthly Average	0	Quarterly	24-Hr Composite
Total Mercury	*****	*****		*****	%G	0	Quarterly	Grab
PARAM CODE: 71900 Mon. Site No.: 001A Stage Code: 1	Maximum Monthly Average	Maximum Monthly Average	*****	*****	(report) Maximum Monthly Average	0	Quarterly	24-Hr Composite

I certify under penalty of law that I have personally examined and am familiar with the information submitted herewith, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Principal Executive Officer Or Authorized Agent: Elizabeth Hart
Telephone No: 231-922-4922
Date (MM/DD/YYYY): 2014-06-04

Signature of Principal Executive Officer Or Authorized Agent: Casey Rose/Project Manager
Telephone No: 48909-7773
Date (MM/DD/YYYY): 2014-06-04

Grand Traverse

COUNTY:

001A

MONITORING GROUP:

MAILING ADDRESS: 606 Franklin Street
 Traverse City, MI 49684
 Traverse City WWTP
 606 Hannah
 Traverse City, MI 49686

()

NO DISCHARGE FROM SITE:

Monitoring Period : 2014-05-01 To: 2014-05-31

Parameter	Sample Measurement Permit Requirement	Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type	
		Average	Maximum		Minimum	Average					Maximum
Fecal Coliform	Sample Measurement Permit Requirement	*****	*****	*****	*****	11.2	17.0	0	3X Weekly	Grab	
PARAM CODE: 74055 Mon. Site No.: 001A Stage Code: 1		*****	*****	*****	*****	200 Max Monthly Geometric Mean	400 Max 7-Day Geometric Mean		3X Weekly	Grab	
pH	Sample Measurement Permit Requirement	*****	*****	*****	*****	6.8	7.2	0	3X Weekly	Grab	
PARAM CODE: 00400 Mon. Site No.: 001A Stage Code: 1		*****	*****	*****	*****	6.0 Minimum Daily	9.0 Maximum Daily		3X Weekly	Grab	
Dissolved Oxygen	Sample Measurement Permit Requirement	*****	*****	*****	*****	8.3	*****	0	3X Weekly	Grab	
PARAM CODE: 00300 Mon. Site No.: 001A Stage Code: 1		*****	*****	*****	*****	4.0 Minimum Daily	*****		3X Weekly	Grab	
CBOD5 Minimum % Removal	Sample Measurement Permit Requirement	*****	*****	*****	*****	98.4	*****	0	Monthly	Calculation	
PARAM CODE: 80091 Mon. Site No.: 001A Stage Code: K		*****	*****	*****	*****	85 Minimum Monthly % Removal	*****		Monthly	Calculation	
Total Suspended Solids Minimum % Removal	Sample Measurement Permit Requirement	*****	*****	*****	*****	99.0	*****	0	Monthly	Calculation	
PARAM CODE: 81011 Mon. Site No.: 001A Stage Code: K		*****	*****	*****	*****	85 Minimum Monthly % Removal	*****		Monthly	Calculation	
I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.											
Name/Title of Principal Executive Officer Or Authorized Agent								Signature of Principal Executive Officer Or Authorized Agent		Telephone No	Date (MM/DD/YYYY)
Casey Rose/Project Manager								Elizabeth Hart		231-922-4922	2014-06-04

When completed mail this report to: PCS-Data Entry, MDEQ-WD, P.O. Box 30273, Lansing, MI, 48909-7773

BOD average Concentrations	Average											
	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14 to date
Blair Twp	249	268	228	237	231	255	270	273	265	226	222	#DIV/0!
Garfield Twp	381	543	253	230	209	238	273	247	184	165	179	0
Elmwood Twp	277	323	433	437	237	276	237	258	229	221	247	#DIV/0!
East Bay Twp	251	402	211	189	162	164	191	207	144	119	133	#DIV/0!
Acme Twp	151	146	140	139	158	161	167	161	111	135	120	0
Peninsula twp	289	201	207	196	205	215	217	223	188	196	225	#DIV/0!
City	489	184	36	81	1114	214	1104	121	76	28	24	#DIV/0!
Septage												314

* We have no BOD data for Blair Township. Loadings are calculated using plant influent BOD as a surrogate for Blair Twp BOD concentration

BOD Loadings in Pounds per day	Average											
	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14 to date
Blair	68	51	45	42	36	35	39	38	37	35	41	0
Garfield Twp	2991	2776	2533	2604	2437	2623	3151	2858	2942	2598	2507	0
Elmwood Twp	668	736	306	290	322	286	348	270	221	295	334	0
East Bay Twp	984	1184	878	809	657	446	418	414	389	408	597	0
Acme Twp	1045	228	481	397	298	293	392	380	288	257	252	0
Peninsula Twp	71	57	61	60	68	71	81	65	51	83	71	0
Septage	118	43	7	19	199	21	74	8	6	4	7	0
City	5031	5142	4945	4388	4561	4710	4013	4442	4027	4682	5398	0
Total	10875	10217	9256	8610	8579	8486	8517	8475	7962	8381	9207	0

Average Daily Flows, MGD	Average											
	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14 to date
Blair	0.029	0.025	0.024	0.023	0.020	0.018	0.020	0.019	0.021	0.021	0.023	0.000
Garfield Twp	1.378	1.188	1.285	1.265	1.222	1.204	1.374	1.230	1.289	1.343	1.299	0.000
Elmwood Twp	0.210	0.163	0.145	0.151	0.185	0.144	0.153	0.131	0.144	0.214	0.224	0.000
East Bay Twp	0.426	0.439	0.243	0.222	0.333	0.194	0.212	0.193	0.204	0.221	0.290	0.000
Acme Twp	0.489	0.068	0.273	0.252	0.220	0.214	0.247	0.220	0.240	0.259	0.227	0.000
Peninsula Twp	0.056	0.047	0.052	0.052	0.052	0.053	0.058	0.048	0.055	0.074	0.071	0.000
Septage	0.030	0.028	0.023	0.028	0.021	0.012	0.008	0.008	0.009	0.015	0.034	0.000
City	2.088	3.064	2.866	2.678	2.865	2.623	2.220	2.386	2.573	2.865	2.873	0.000
Total	4.717	5.021	4.911	4.671	4.718	4.463	4.291	4.234	4.546	5.013	5.041	0.000

Traverse City Regional Wastewater Treatment Plant 2013-2014

	April			Year-to-date		
	Budget	Actual	Variance	Total Budget	Total Actual	Total Variance
CHEMICALS	15,583	15,773	-190	155,826	154,187	1,639
CLIENT PLANT AND EQUIPMENT	9,583	11,139	-1,556	95,833	102,232	-6,399
DUES AND SUBSCRIPTIONS	40	0	40	402	389	13
EDUCATION, TRAINING, MEETINGS	465	450	15	4,651	6,649	-1,998
ELECTRICITY	33,170	35,769	-2,599	331,700	361,505	-29,805
EMPLOYEE EXPENSE	602	1,317	-715	6,017	12,516	-6,499
INSURANCE	2,534	2,440	94	25,337	26,314	-977
LABOR	69,159	65,717	3,442	700,811	718,500	-17,689
OPERATING EXPENSES	19,478	19,239	239	195,181	250,765	-55,584
OUTSIDE SERVICES	2,458	1,823	635	24,583	57,919	-33,336
SOLIDS HANDLING	48,760	569	48,191	149,500	93,074	56,426
SUPPLIES	1,417	2,121	-704	14,167	7,674	6,493
TELECOMMUNICATIONS	739	1,392	-653	7,392	7,236	156
TRAVEL COSTS	1,725	396	1,329	267,643	274,686	-7,044
UTILITIES-OPERATIONS	1,713	1,262	451	17,126	14,393	2,733
Total Cost	207,426	159,407	48,019	1,996,169	2,088,039	-91,871

REPAIRS (included in the above) 9,167 39,854 -30,687

91,670 128,920 -37,250

Traverse City Regional Wastewater Treatment Plant 2013-2014

	May			Year-to-date		
	Budget	Actual	Variance	Total Budget	Total Actual	Total Variance
CHEMICALS	15,583	23,713	-8,130	171,409	162,127	9,282
CLIENT PLANT AND EQUIPMENT	9,583	8,060	1,523	105,416	99,153	6,263
DUES AND SUBSCRIPTIONS	40	62	-22	442	451	-9
EDUCATION, TRAINING, MEETINGS	465	1,146	-681	5,116	7,345	-2,229
ELECTRICITY	33,170	50,709	-17,539	364,870	376,445	-11,575
EMPLOYEE EXPENSE	602	629	-27	6,619	11,828	-5,209
INSURANCE	2,534	3,007	-473	27,871	26,881	990
LABOR	71,465	56,983	14,482	774,582	709,766	64,816
OPERATING EXPENSES	19,578	26,107	-6,529	214,859	257,633	-42,774
OUTSIDE SERVICES	2,458	5,042	-2,584	27,041	61,138	-34,097
SOLIDS HANDLING	460	49,893	-49,433	101,660	142,398	-40,738
SUPPLIES	1,417	-588	2,005	15,584	4,965	10,619
TELECOMMUNICATIONS	739	239	500	8,131	6,083	2,048
TRAVEL COSTS	1,725	4,129	-2,404	267,643	278,419	-10,777
UTILITIES-OPERATIONS	1,713	2,962	-1,249	17,126	16,093	1,033
Total Cost	161,532	232,093	-70,561	2,108,369	2,160,725	-52,357

REPAIRS (included in the above)

100,837 135,562 -34,725

Fractile Emergency Response Times

Company IS NORTH FLIGHT INC; AND Trip Date IS BETWEEN 05/01/2014 AND 05/31/2014; AND Call Types IS Prehospital; AND Initial Priorities IS P - 1, Lights and Sirens; AND Response Zones IS TRAVERSE CITY, CITY OF-28

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
<i>Negative Times</i>	11	11	9.00%	9%
<i>00:00 - 00:59</i>	5	16	4.00%	13%
<i>01:00 - 01:59</i>	2	18	2.00%	15%
<i>02:00 - 02:59</i>	4	22	3.00%	18%
<i>03:00 - 03:59</i>	13	35	11.00%	29%
<i>04:00 - 04:59</i>	18	53	15.00%	45%
<i>05:00 - 05:59</i>	21	74	18.00%	62%
<i>06:00 - 06:59</i>	17	91	14.00%	76%
<i>07:00 - 07:59</i>	9	100	8.00%	84%
<i>08:00 - 08:59</i>	4	104	3.00%	87%
<i>09:00 - 09:59</i>	3	107	3.00%	90%
<i>10:00 - 10:59</i>	7	114	6.00%	96%
<i>11:00 - 11:59</i>	3	117	3.00%	98%
<i>14:00 - 14:59</i>	2	119	2.00%	100%
Total Calls:	119			



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 16, 2014

DATE: JUNE 12, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: PUBLIC COMMENT REQUEST – SUSAN DEMING –
MICHIGAN DEPARTMENT OF COMMUNITY HEALTH

Attached is a reserved public comment request from Susan Deming, representing the Michigan Department of Community Health, to address the Commission regarding the safety and effectiveness of community water fluoridation.

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

JJO/kjl

e-copy: Susan Deming –demings@michigan.gov

k:\teclerk\city commission\public comment\reserved_deming

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



Request

"Public Comment - Reserved"

(at end of meeting)

City Commission of Traverse City

Regular Meeting

Please Print or Type

I, Susan Deming, representing Michigan Dept. of Comm. Health
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, June 16, 2014.

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:

Safety and Effectiveness of
Community Water Fluoridation

5-28-14
Date
517 373-3624
Daytime Phone
demings@michigan.gov
E-mail

Susan Deming
Signature
201 Townsend
Address
Lansing MI
City/Township

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