



# Notice

## City Commission Regular Meeting

7:00 pm

Monday, July 7, 2014

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 07-03-14

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](mailto:tcclerk@traversecitymi.gov)  
Web: [www.traversecitymi.gov](http://www.traversecitymi.gov)  
400 Boardman Avenue  
Traverse City, MI 49684

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*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 16, 2014, and Study Session of June 23, 2014. (Approval recommended) (Jered Ottenwess, Benjamin Marentette)

- b. Consideration of adopting to make permanent traffic control orders which provide:
- two-hour parking between 8 a.m. and 6 p.m. in the 500 block of Washington Street, except Saturdays, Sundays and Holidays
  - no parking on the west side of Lake Avenue from 10<sup>th</sup> Street to the alley south of 10<sup>th</sup> Street and generally on the north side of 10<sup>th</sup> Street from 133 feet to 191 feet west of the easterly intersection with Lake Avenue;
  - two-hour parking between 8 a.m. and 6 p.m. on the south side of Sixth Street approximately 50 feet east of Locust Street; handicap parking outside of 503 South Union Street;
  - 15-minute loading zone on Lake Avenue outside of the Hagerty Building and on Randolph Street outside of 617 Randolph Street (Tilley's); and
  - overnight parking from April 15 to November 15 on Lincoln Street between Rose Street and Garfield Avenue. (Adoption recommended) (Jered Ottenwess, Timothy Lodge)
- c. Consideration of adopting a Resolution of Charitable Gaming License (issued by the Michigan Lottery), to recognize The Traverse City Rotary Club Wheelchairs for Polio Survivors Fund, as a non-profit, so they may apply for a Raffle License from the State of Michigan. (Adoption Recommended) (Jered Ottenwess, Benjamin Marentette)
- d. Consideration of adopting a resolution approving the codification of previously-enacted ordinances so they may be included in the official compilation of ordinances, which is a housekeeping matter. (Adoption recommended) (Jered Ottenwess, Benjamin Marentette)
- e. Consideration of accepting public utility easements and releasing public utility easements in connection with the relocation of utilities for the Munson Cowall Family Cancer Center. (Jered Ottenwess, Lauren Tribble-Laucht)

- f. Consideration of authorizing a contract for the 2014 West Boardman Lake Trail Project, with \$210,000 in funding to be provided by a Michigan Department of Natural Resources Trust Fund Grant and the remainder of local funding to be reimbursed by the Grand Traverse County Brownfield Redevelopment Authority. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)
- g. Consideration of authorizing a contract for the 2014 Paving Preservation Project. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)
- i. Consideration of authorizing a contract for the 2014 Sidewalk Replacement and Gap Infill Project. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)
- j. Consideration of introducing an amendment to the Traverse City Code of Ordinances to clarify that all non-conflicting sections of the city's liquor regulation code applies to Redevelopment Liquor Licenses, which is a housekeeping matter. (Introduction and schedule for possible enactment on July 21, 2014, recommended) (Jered Ottenwess, Lauren Tribble-Laucht, Benjamin Marentette)
- k. Consideration of declaring a 2009 Caterpillar 950H loader surplus and authorizing a purchase order for its scheduled replacement. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- l. Consideration of authorizing a consultant agreement for professional engineering services in connection with the 2014 Water Treatment Plant Monitoring and Control Improvements Project. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- m. Consideration of declaring two motorcycles surplus and authorizing a purchase order for two replacement motorcycles for use by the Police Department, which is a scheduled purchase. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

- n. Consideration of authorizing an agreement to receive \$375,000 in funds from the Michigan Department of Transportation for the reconstruction of West Front Street from Elmwood Avenue west to the edge of the City's corporate limits and authorizing the related budget amendment. (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)
- o. Consideration of declaring five trucks used by the Department of Public Services as surplus and authorizing a purchase order for three Ford F-150 pickup trucks, one Ford F-350 pickup truck and one Ford Transit Van for use by the Department of Public Services. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)

### **Items removed from the Consent Calendar**

- a.
- b.
- c.

### **3. Old Business**

- a. Consideration of enacting an amendment to the Traverse City Code of Ordinances which would 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)

### **4. New Business**

- a. Consideration of entering into closed session to discuss the periodic personnel evaluation of City Manager Jered Ottenwess, as requested by Mr. Ottenwess. (Jered Ottenwess)

- b. Consideration of entering into closed session to discuss the periodic personnel evaluation of City Attorney Lauren Tribble-Laucht, as requested by Ms. Tribble-Laucht. (Lauren Tribble-Laucht)

## **5. Appointments**

- a. Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the City of Traverse City and Charter Township of Garfield Recreational Authority. (Jered Ottenwess, Katie Lowran)
- b. Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointments to the Board of Zoning Appeals. (Jered Ottenwess, Katie Lowran)
- c. Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointments to the Historic Districts Commission. (Jered Ottenwess, Katie Lowran)
- d. Consideration of appointment by the Mayor with approval of the City Commission to the Human Rights Commission. (Mayor Michael Estes)

## **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. Minutes of the Traverse City Light and Power Board meeting of May 13, 2014.
  3. Minutes of the Board of Zoning Appeals meeting of May 13, 2014.
  4. Minutes of the Planning Commission meetings of May 6 and May 20, 2014.
  5. Minutes of the Act 345 Retirement System meeting of May 28, 2014.
- e. Reports and correspondence from non-City officials.

None.

## **7. Public Comment**

- a. Reserved.

None.

- b. General.
- c. Mayor and City Commissioners.

## **8. Adjournment**

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*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

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FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>JO</sup> JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- June 16, 2014, Regular Meeting
- June 23, 2014, Study Session

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

**that the minutes of the June 16, 2014, Regular Meeting and June 23, 2014, Study Session, be approved.**

JJO/kes

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**Minutes of the**  
**City Commission for the City of Traverse City**  
**Regular Meeting**  
**June 16, 2014**

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

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

The following Commissioners were absent: Tim Werner

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

As requested by Commissioner Jeanine Easterday, Agenda Item 2(k) was removed from the Consent Calendar for full discussion.

There being no objection, Mayor Michael Estes indicated he would place Agenda Item 2(k) as New Business 4(g).

**2. Consent Calendar**

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

- a. 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.

- b. the City Manager be authorized to issue a purchase order to KM International in the amount of \$74,900 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.
- c. 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.
- d. 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.
- e. the public interest will be best served by not obtaining competitive bids and that the Mayor and City Clerk 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 Wastewater 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.
- f. the Resolution Concurring with Grand Traverse County Brownfield Plan Amendment Regarding Traverse Bay Area Credit Union (626 and 636 East Front Street), be adopted.
- g. 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.

- h. 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.
- i. 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.
- j. the City Manager be authorized to issue three blanket purchase orders: one to Elmer's 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.
- k. Removed from the Consent Calendar.
- l. 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.
- m. 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.
- n. 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.
- o. 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.

CARRIED unanimously. (Werner absent)

### **3. Old Business**

#### **3(a).**

Public Hearing regarding year-end budget amendments for Fiscal Year 2013-2014.

Mayor Estes opened the public hearing.

There being no one desiring to speak, Mayor Michael Estes closed the public hearing.

Moved by Budros, seconded by Richardson, 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.

CARRIED unanimously. (Werner absent)

#### **3(b).**

Consideration of enacting an amendment to the Traverse City Code of Ordinances, Outdoor Café 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.

Moved by Richardson, seconded by Howe, to refer the sidewalk café ordinance to the ad hoc committee for further review particularly with respect to addressing issues regarding minimum clearance.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street – made general comments

Jim Moore, 246 Boughey, Disability Network Executive Director – expressed support

Kathy Tucker, 141 Rivers Edge - made general comments

Rene Mitchell, 4325 Sugar Maple Drive, Blair Township - made general comments

Annie Campbell, Disability Network, 827 ½ West Front Street – made general comments

Donna Gerhard, 780 Monroe - made general comments

Lynn Morton, 2847 Princeton Drive, Garfield Township, Brickways – made general comments

Steven Chapman, 3840 Leaside Lane, East Bay Township - made general comments

CARRIED unanimously. (Werner absent)

**3(c).**

Consideration of adopting the Hickory Hills Master Plan.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Richardson, that the Hickory Hills Master Plan be referred to the Parks and Recreation Commission for its review and recommendation.

Rick Buckhalter, 932 Kelley Street – made general comments

Lee Bowman, 717 Woodmere Avenue – made general comments

CARRIED unanimously.

**4. New Business**

**4(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.

The following addressed the Commission:

Russell Soyring, City Planning Director

Moved by Carruthers, seconded by Easterday, 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, and *Transitional Housing and Emergency Shelter Special Districts Ordinance Amendment*, Sections 1338.02, 1340.02, 1342.02, 1344.02, 1347.02, 1356.02, and 1358.02, be introduced and scheduled for enactment on July 7, 2014.

Rick Buckhalter, 932 Kelley Street – made general comments

Peter Starkel, 1343 West Outer Drive, Long Lake Township, Safe Harbor Chairman – made general comments

Tom Emmott, 1702 Lincoln – made general comments

Nancy Briggs, 12850 Briar Drive, Elmwood Township - made general comments

Lee Bowman, 717 Woodmere – made general comments

Kathrin Anslow, 1408 North Orchard Drive, city business owner – made general comments

Sharon Neumann, 401 Washington Street – made general comments

John Cunningham, 145 West Twelfth Street – made general comments

Richard Kushell, 500 Webster Street – made general comments

Darcy Pickran, 916 Pine Street – made general comments

Raymond Minervini, 800 Cottageview Drive – made general comments

Timothy Grey, 144 ½ East Front Street – made general comments  
Bill Myers, 2217 Aspen Drive - expressed support  
Charlene Hunt, 10630 Timberlane Drive - made general comments  
Wendy Kozelka, 317 West Meinard Street, Leland Township - made general comments  
Ken Kleinrichert, 1235 Lake Drive , city business owner – made general comments  
Ryan Hannon, 3753 South Airport Road, Garfield Township, Safe Harbor Steering Committee Chairperson, Street Outreach Coordinator for Goodwill Industries  
Krista Bedells, 422 Washington Street – made general comments  
Jered Ottenwess, City Manager

Roll Call:

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

No - Estes.

CARRIED. (Werner absent)

There being no objection, Mayor Michael Estes declared a recess.

**4(b).**

Consideration of authorizing an agreement for the provision of digital cable television services for Marina seasonal and transient boaters.

The following addressed the Commission:

Jered Ottenwess, City Manager  
Dave Green, Director of Public Services

Moved by Richardson, seconded by Howe, 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.

Jim Sarna, 8266 Woodland Shore Drive, Brighton – made general comments  
Mike Quirk, 535 Quail Ridge Drive – made general comments  
Bill Fig, 8045 Shield Road, Dexter - made general comments

CARRIED unanimously. (Werner absent)

**4(c).**

Consideration of authorizing a blanket purchase order for fluoride for use at the Water Treatment Plant.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Easterday, 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.

Eric Ranieri, 6390 Sugar Maple, Lake Ann – expressed support  
D. Robert Cameron, 855 Webster Street – made general comments  
Patrick Kelly, 8648 Peninsula Drive, Peninsula Township – expressed support  
Bill Williston, 1766 Indian Woods Drive – expressed opposition  
Chris Bazzett, 926 State Street – made general comments  
Dr. James Reznich, 1919 South Quail Court – made general comments  
Dr. Tom Littlefield, 3552 Lookout Point, East Bay Township – made general comments  
Dr. Kerry Kaysserian, 1742 West Silverlake Drive, Long Lake Township – made general comments  
David Koss, 2664 Chandler Road, East Bay Township – made general comments  
Ellen Fivenson, 717 Bloomfield – made general comments  
Wendy Kozelka, 317 West Meinard Street, Leland Township - made general

comments

Wendy Trute, 3593 Manchester Road, East Bay Township, Grand Traverse County Health Department Health Officer – made general comments

Jeffrey Hagg, 710 East Orchard Avenue – made general comments

Matt Annville, 14001 Campbell Road, Kewadin – expressed support

Jennifer Vanwingen, 6946 Winwood Avenue, Lake Ann – expressed support

Jen Ranieri, 6390 Sugar Maple Lane, Lake Ann – made general comments

Vincent Mack, 5220 Heritage Way, Garfield Township, Northwest Michigan Representative to Michigan Dental Association

Susan Deming, Michigan Department of Community Health, 201 Townsend, Lansing

Tom Kochheiser, 3657 Okemos Road, Okemos – made general comments

Karlene Ketola, 7215 Westshire Drive, Lansing , Michigan Oral Health Coalition

Michael Hutcheson, 3927 Village Circle Drive, East Bay Township – made general comments

Randy Day, 820 Boon Street – expressed opposition

Chad Beers, 2661 South Cherry Tree Lane, Suttons Bay – made general comments

Timothy Grey, 144 ½ East Front Street – made general comments

Tom Buss, 6046 Beverly Drive, Long Lake Township, Grand Traverse County Health Department Director of Environmental Health – made general comments

Dr. Carl Madion, 11710 Bluff Road, Peninsula Township - made general comments

Ben Hansen, 926 East State Street, Fluoride Free in TC Co-Founder – made general comments

Roll Call:

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

No - Carruthers.

CARRIED. (Werner absent)

**4(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.

Moved by Easterday, seconded by Richardson, 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.

Roll Call:

Yes - Easterday, Estes.

No - Howe, Richardson, Carruthers, Budros.

FAILED. (Werner absent)

**4(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.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Budros, seconded by Richardson, that the public interest 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 necessary to trial a three-lane cross-section re-striping of Eighth Street, as described in their cost proposal to re-stripe Eighth Street, with URS to complete Tasks 1, 3, 4, 6 and 8 at a cost not-to-exceed \$23,000 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 restriping project as developed through the consultant agreement; furthermore, that the City Manager be authorized to spend up to \$25,000 for services and materials

necessary to implement the trial including but not limited to painting, signage and traffic signal operations.

Bob Otwell, 525 Washington Street – expressed support  
Dr. Tom Auer, 6757 Franklin Woods Drive, Garfield Township, TART Trails Board of Directors – expressed support  
Richard Kushell, 500 Webster Street, Riverine Apartments Owner – made general comments  
Hans Benghauser, 944 South Garfield Avenue – made general comments  
Mike Coco, 325 Wellington Street – expressed support  
Peter Spaulding, 724 State Street – expressed support

CARRIED unanimously. (Werner absent)

**4(f).**

Consideration of authorizing a lease for J & S Hamburg to lease City-owned property adjacent to its building for dining purposes.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Richardson, 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.

Lauren Tribble-Laucht, City Attorney  
Cindy Warner, 17850 Smokey Hollow Road, Peninsula Township, J & S Hamburg Owner – made general comments

CARRIED unanimously.

**4(g).**

The next item being from the Consent Calendar, “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.”

Moved by Easterday, seconded by Howe, 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.

CARRIED unanimously. (Werner absent)

**5. Appointments**

None.

**6. Reports and Communications**

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.

1. 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**

The following addressed the Commission:

1. Reserved.

Susan Deming, who had requested reserved public comment departed the meeting prior to this point in the Agenda; and therefore, this item was removed from the Agenda.

2. General.

Ken Hinton, 7855 Sparling Road, Fife Lake Township, candidate for State Representative

3. Mayor and City Commissioners.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 10:56 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 23, 2014**

A study session of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

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

The following Commissioners were absent: None.

Mayor Michael Estes presided at the meeting.

1.

Discussion regarding a possible joint City of Traverse City - Grand Traverse County Housing Task Force.

The following addressed the Commission:

Jered Ottenwess, City Manager

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.

Discussion regarding City Commission goals and objectives.

The following addressed the Commission:

Jered Ottenwess, City Manager

4.

Announcements from the City Clerk.

The following addressed the Commission:

Benjamin Marentette, City Clerk

5.

Public comment.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street

Justin Reid, 630 Cottageview Drive

Sharon Carmean, 1662 Moonrise Court, Peninsula Township, city business owner

Mike McDonald, 10843 Talon Court, Peninsula Township

Patricia Nugent, 11633 Willow Point Drive, Peninsula Township

Commissioner Gary Howe

Mayor Pro Tem James Carruthers

Commissioner Ross Richardson

Mayor Michael Estes

There being no objection, Mayor Michael Estes declared the meeting adjourned at 8:25 pm.

  
\_\_\_\_\_  
Benjamin C Marentette, CMC  
City Clerk

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

DRAFT



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup>JERED OTTENWESS, CITY MANAGER

SUBJECT: TRAFFIC CONTROL ORDERS TO BE MADE PERMANENT

Attached is a memo from the Engineering Department recommending that Temporary Traffic Control Orders 565, 567, 568, 569, 570, and 571 be made permanent.

I recommend the following motion:

**That the Temporary Traffic Control Orders:**

**#565 authorizing “2 Hour Parking 8am to 6pm Except Saturdays, Sundays, and Holidays” signs in the 500 block of Washington Street, from Wellington Street to Franklin Street;**

**#567 authorizing “No Parking” signs on the west side of Lake Avenue from Tenth Street to the alley south of Tenth Street and on the north side of Tenth Street from 133 feet to 191 feet west of the easterly intersection of Lake Avenue;**

**#568 authorizing “2 Hour Parking from 8am to 6pm Except Sundays and Holidays” signs on the south side of Sixth Street approximately 50 feet east of Locust Street;**

**#569 authorizing “Handicap Parking” signs outside of 503 S. Union Street;**

**#570 authorizing “15 Minute Loading Zone” signed on Lake Avenue outside of the Hagerty Building on Randolph Street outside of Tilley’s (617 Randolph Street); and**

**#571 authorizing “Overnight Parking Permitted April 15 to November 15”**

July 7, 2014

**signed on Lincoln Street between Rose Street and Garfield Avenue;**

**Be adopted to be made permanent.**

JJO/kes

K:\ccclerk\City Commission Communications\traffic control order\TCO 565, 567, 568, 569, 570, 571.doc.

cc: Tim Lodge, City Engineer

# Memorandum

The City of Traverse City  
Engineering Department



TO: Jered Ottenwess, City Manager  
Timothy J. Lodge, P.E., City Engineer *JL*

FROM: Jessica L. Cichowski, E.I.T., Engineering Technician *JL*

DATE: Thursday June 19, 2014

SUBJECT: Traffic Control Orders 565, 567, 568, 569, 570, 571, and 572 to be made permanent

The following Temporary Traffic Control Orders have been in effect for at least 90 days and are ready to be made permanent.

#	What	Where
565	2 Hour Parking 8am to 6pm Except Saturdays, Sundays, and Holidays	In the 500 block of Washington St, from Wellington Street to Franklin Street
567	No Parking	On the west side of Lake Ave from Tenth St to the alley south of Tenth St and on the north side of Tenth St from 133 feet to 191 feet west of the easterly intersection with Lake Ave
568	2 Hour Parking 8am to 6pm Except Sundays and Holidays	On the south side of Sixth St approximately 50 feet east of Locust St
569	Handicap Parking	Outside of 503 S Union St
570	15 Minute Loading Zone	On Lake Ave outside of the Hagerty Building and on Randolph St outside of Tilley's (617 Randolph St)
571	Overnight Parking Permitted April 15 to Nov 15	On Lincoln St between Rose St and Garfield Ave

TCO 565 was in response to a request from Washing St residents for two hour parking signs. Staff surveyed the residents. This request and survey results were reviewed by the Transportation Committee (formerly known as the Traffic Committee) and it was the consensus to place 2-hour parking signs in the 500 block of Washington St.

TCO 567 was in response to a request from staff due to parking concerns around Oryana Natural Foods Market. This request was reviewed by the Transportation Committee and it was the consensus to approve "No Parking" signs on the west side of Lake Ave from Tenth St to the alley south of Tenth St and on the north side of Tenth St between the westerly and easterly intersection with Lake Ave.

TCO 568 was in response to Sixth St residents for 2 hour parking signs. Staff surveyed the residents. This request and survey results were reviewed by the Transportation Committee and it was the consensus to place 2-hour parking signs in the 100 block of Sixth St.

TCO 569 was in response to 530 S Union St resident for a handicap parking sign. The resident submitted a residential handicap parking sign application. This request and application was reviewed by the Transportation Committee and it was the consensus to approve a "Handicap Parking" sign outside of 530 S Union St.

TCO 570 was in response to Hagerty Insurance Building and Tilley's Party Store requests for "15 Minute Loading Zone" signs. These requests were reviewed by the Transportation Committee and it was the consensus to approve "15 Minute Loading Zone" signs on Lake Ave outside of the Hagerty Building and on Randolph St outside of Tilley's (617 Randolph St).

TCO 571 was in response to Lincoln St residents for overnight parking. Staff surveyed the residents. This request and survey results were reviewed by the Transportation Committee and it was the consensus to place "Overnight Parking Permitted April 15 to Nov 15" signs on Lincoln St between Rose St and Garfield Ave.

The authority of the City Manager for these Temporary Traffic Control orders has expired and they must be extended or made permanent by the City Commission in order to continue. The City Commission can always rescind a Traffic Control Order at a later date if they so choose.

Staff is recommending that TCOs 565, 567, 568, 569, 570, and 571 be made permanent.

Temporary Traffic Control Orders are on file with the City Clerk's office.

The City of Traverse City



## Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup>JERED OTTENWESS, CITY MANAGER

SUBJECT: TRAVERSE CITY ROTARY CLUB WHEELCHAIRS FOR POLIO  
SURVIVORS FUND; WHEELS OF HOPE – STATE RAFFLE  
LICENSE

Attached is a memo from City Clerk Benjamin Marentette, explaining the request from Traverse City Rotary Club Wheelchairs for Polio Survivors Fund, Wheels of Hope, for it to be recognized as a local non-profit organization. If so recognized, the organization can apply for a State Raffle License to hold a raffle and/or drawing.

I recommend the following motion:

**that the Local Governing Body Resolution for Charitable Gaming Licenses (issued by the Michigan Lottery), to recognize Traverse City Area Rotary Club Wheelchairs for Polio Survivors Fund; Wheels of Hope as a local non-profit organization, be adopted.**

JJO/kes

K:\tclerk\City Commission\Non Profit Resolutions\nonprofitWheelsofHope\_20140707.doc

copy: [sruby5058@gmail.com](mailto:sruby5058@gmail.com)

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# Memorandum

The City of Traverse City



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TO: Jered Ottenwess, City Manager

COPY:

FROM: Benjamin C. Marentette, City Clerk 

DATE: Thursday, July 3, 2014

SUBJECT: Traverse City Rotary Club Wheelchairs for Polio Survivors Fund; Wheels of Hope – State Raffle License

Traverse City Rotary Club Wheelchairs for Polio Survivors Fund, also known as Wheels of Hope is requesting that the City Commission recognize it as a local non-profit organization. If so recognized, Wheels of Hope may apply for a State Raffle License which will allow them to hold a raffle and/or drawing.

Wheels of Hope is a unique 501 (c) 3 international leadership project of the Rotary Club of Traverse City, Michigan, and a partnership agreement with four Rotary Clubs located in Jos, Nigeria. By fundraising, this organization helps to furnish wheelchairs for those who have suffered from polio.

We have had similar requests in the past to recognize organizations as a local non-profit. To do so, certain documentation is required, including a letter from the IRS indicating the organization is recognized by it as a non-profit; articles of incorporation with provisions that all assets, upon dissolution will be given to another non-profit, etc. This office has reviewed that documentation and determined compliance.

Therefore, I respectfully recommend the City Commission adopt a resolution recognizing the Foundation as a local non-profit organization. As always, please feel free to contact me with any questions.

bcm/kes



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL.432.103(K)(ii))

At a Regular meeting of the Traverse City City Commission  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on July 7, 2014  
DATE

at 7:00 PM a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from Wheels of Hope of Traverse City,  
NAME OF ORGANIZATION CITY

county of Grand Traverse, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for APPROVAL.  
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Traverse City City Commission at a Regular meeting held on July 7, 2014.  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

Benjamin C. Marentette, CMC, City Clerk  
PRINTED NAME AND TITLE

400 Boardman Avenue, Traverse City, MI 49684  
ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R6/09)



**Wheels of Hope**  
**202 E. Grandview Parkway, Suite 201**  
**Traverse City, MI 49684**



*Giving the Gift of Mobility*

June 19, 2014

To: The City Commission of Traverse City

From: Steve Ruby/President, Wheels of Hope

Ladies and Gentlemen of the City Commission,

Wheels of Hope is asking for your recognition as a local nonprofit for the purpose of executing a raffle in partnership with One of a Kind Cycle. Wheels of Hope is a 501 (c) (3) nonprofit organization associated with the Traverse City Rotary Club. Our purpose is to raise funds to support an NGO (non-governmental organization) in Jos, Nigeria to build wheelchairs to be provided free of charge to polio survivors in the area surrounding Jos. Our efforts are vetted through the Rotary Club of Jos. Our video on You Tube <http://youtu.be/2-KYIJzLu0w> provides an excellent understanding of the need/results of what we do.

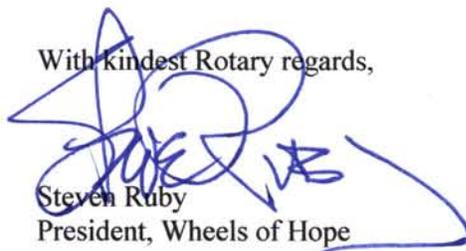
The raffle we propose provides the giveaway of a custom built, bicycle provided by One of a Kind Cycle of Traverse City. The estimated value of the bicycle is up to \$5,000. We will sell a maximum of 500 tickets at \$20 per ticket (3 for \$50). The cost for materials will be deducted from the revenue (approximately \$2000) as will be the cost of printing (approximately \$400). The remaining proceeds, projected around \$8000 would go to Wheels of Hope.

I have included our Articles of Incorporation, Bylaws, and a list of our board members with their contact information. In addition, I have included the form required by the Charitable Gaming Division.

If you have any question or need additional information, please feel free to contact me. My contact information is listed below.

Thank you in advance for the earliest possible decision on this matter. We are hoping to conduct the raffle in July and August culminating in the drawing on August 9<sup>th</sup>.

With kindest Rotary regards,

  
Steven Ruby  
President, Wheels of Hope

**RECEIVED**

**JUN 19 2014**

**CITY OF TRAVERSE CITY  
CITY CLERKS OFFICE**

Wheels of Hope  
Board Members 2013-14

Name	Position	Address	Phone	Email
Steven Ruby	President	5063 Timber Ridge Dr Kingsley, 49649	231-357-0785	<a href="mailto:sruby5058@gmail.com">sruby5058@gmail.com</a>
Marsha Minervini	Vice President	13492 Peninsula Dr Traverse City, 49686	231-947-1006	<a href="mailto:marsha@marshaminervini.com">marsha@marshaminervini.com</a>
Lee Torrey	Treasurer	910 Lincoln St Traverse City, 49686	231-590-0555	<a href="mailto:leetorrey@charterinternet.cm">leetorrey@charterinternet.cm</a>
Lisa Froning	Secretary	3563 LaCasita Traverse City, 49684	231-429-4526	<a href="mailto:lisafroning@9and10news.com">lisafroning@9and10news.com</a>
Al Bonney	Past President	12660 Sundown Lane Traverse City, 49686	231-392-6538	<a href="mailto:albonney2@gmail.com">albonney2@gmail.com</a>
Joe Reeder	Member	1043 Manitou Dr Traverse City, 49686	231-519-1543	<a href="mailto:jreeder@lighthousegroup.net">jreeder@lighthousegroup.net</a>
David Gabel	Member	1050 Peninsula Dr. Traverse City, 49686	231-929-2327	<a href="mailto:gabeldg@charter.net">gabeldg@charter.net</a>
Kat Phillips	Member	4071 Bridlewood Dr Traverse City, 49684	231-590-1208	<a href="mailto:katphillips@gmail.com">katphillips@gmail.com</a>



# Communication to the City Commission

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FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup> JERED OTTENWESS, CITY MANAGER

SUBJECT: CODIFICATION RESOLUTION

Attached is a resolution which will approve the codifying of various ordinances that have been previously enacted by the City Commission. This is a housekeeping matter that allows the amendments to be placed in proper format for insertion into the official compilation of ordinances.

I recommend the following motion:

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

JJO/kes

k:\tcclerk\city commission\codification\_2014A.doc



**RESOLUTION**  
**APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS**  
**PART OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES.**

WHEREAS, the City Clerk has completed another updating of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by the City Commission since the date of the last updating of the Codified Ordinances of the City;

THE CITY OF TRAVERSE CITY ORDAINS:

1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Eff. Date</u>	<u>C.O. Section</u>	<u>Brief description</u>
987	1/16/2014	1374.04	Limit to One Driveway Per Parcel for Single and Two-Family Dwelling Districts
988	1/31/2014	865.08	Mobile Food Vending Hours of Operation
989	2/28/2014	1324.04	Board of Zoning Appeals Rules of Procedures Amendment
990	4/17/2014	232.04	Notification Process for Single-Parcel Special Assessments
991	4/17/2014	Part 13	Revert the Conditional Rezoning of 10597 East Traverse Highway
992	6/12/2014	1368.01	Size and Area Requirements Building Height
993	6/12/2014	1338.06, 1338.09	Hotel Resort (HR) Building Height
994	6/12/2014	1340.06, 1340.09	Office Service (C-1) District Residential Bonus Building Height
995	6/12/2014	1342.06, 1342.09	Neighborhood Center (C-2) District Residential Bonus Building Height
996	6/12/2014	1344.09, 1346.09, 1347.09	Community Center (C-3), Regional Center (C-4), and Development (D) Districts First Floor 15-Foot Requirement
997	6/26/2014	863	Transient Merchant License Application Requirements

2. That all ordinances or parts thereof which are in conflict or inconsistent with any

provision of the Codified Ordinances are hereby repealed as of the effective date of these ordinances except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and re-codification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to July 7, 2014.

The effective date of this Resolution shall be July 7, 2014.

I hereby certify that the above Resolution was adopted by the Traverse City City Commission at its regular meeting held on July 7, 2014, in the Commission Chambers, Governmental Center, 400 Boardman, Traverse City, Michigan.

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Benjamin C. Marentette, City Clerk



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: ~~J~~ JERED OTTENWESS, CITY MANAGER

SUBJECT: EASEMENTS – RELATING TO MUNSON CANCER CENTER –  
6<sup>th</sup> STREET BETWEEN S. MADISON STREET AND MONROE  
STREET

Attached is a memo from City Attorney Lauren Tribble-Laucht outlining the request from Munson Medical Center to alter the utility easements north of 6<sup>th</sup> Street between S. Madison Street and Monroe Street due to the anticipated construction of the new Munson Cancer Center. This construction also necessitates the relocation of the easements.

In order to accomplish this, the city should formally accept the new easements and agree to release the prior easements.

I recommend the following motion:

**that the Mayor and City Clerk execute the Grant of Public Utility Easements and Release of Easements, for the purpose of relocating utility easements relating to 6<sup>th</sup> Street between S. Madison Street and Monroe Street due to anticipated construction of the new Munson Cancer Center; and**

**that the City commission accept the new utility easement; and**

**that the Mayor and City Clerk execute an Agreement to relinquish its public utility easements in this location pursuant to MCL 560.222a.**

JJO/kjl

k:\tcclerk\city commission\deeds and easements\easement\_munson cancer center

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# Memorandum

The City of Traverse City



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TO: City Commission  
COPY: Jered Ottenwess, City Manager  
FROM: Lauren Tribble-Laucht, City Attorney *LJL*  
DATE: June 30, 2014  
SUBJECT: Easements for Munson Cancer Center

In anticipation of the construction of the new Munson Cancer Center, Munson has approached the City with a request to in essence relocate the utility easements north of 6<sup>th</sup> Street between S. Madison Street and Monroe Street. You may recall the City participated in an action to vacate the unimproved alley in this location some time ago in order to allow the plans for the Cancer Center to move forward. As you will see from the attached easement and survey, the utility easements must be altered to allow for construction of the building. Basically the utilities are moving, so the easements must follow them. In order to accomplish this, the City should formally accept the new easements and agree to release the prior utility easements. Additionally, because the prior easements are included in the plat, the City Commission should authorize an agreement to relinquish its public utility easements in this location pursuant to MCL 560.222a. This agreement will avoid the necessity of filing a Circuit Court action to relinquish the easements. Finally, the City Commission should authorize execution of the Grant of Public Utility Easements and Release of Easements.

## GRANT OF PUBLIC UTILITY EASEMENTS AND RELEASE OF EASEMENTS

Grantor, **MUNSON MEDICAL CENTER**, a not for profit Michigan corporation (the "Grantor") of 1105 Sixth Street, Traverse City, Michigan 49684 grants and conveys to the **CITY OF TRAVERSE CITY**, a Michigan municipal corporation, whose address is 400 Boardman Avenue, Traverse City, Michigan, 49684, ("the City"), its successors and assigns, easements for public utility purposes in, over, upon, and under the real estate situated in the City of Traverse City, County of Grand Traverse, State of Michigan, described as:

### 20' WIDE PUBLIC AND PRIVATE UTILITY EASEMENT

A 20.00 foot wide easement for public and private utilities, being part of the Amended Plat of Lots 1 through 24, and vacated alley, Block 2, Plat of The Lay Park Addition to the City of Traverse City, in part of the Southeast One-quarter of Section 4, Town 27 North, Range 11 West, City of Traverse City, Grand Traverse County, Michigan, more fully described as follows:

The Westerly 20.00 feet of Lots 45, 46, 47 and 48 and the Southerly 1.13 feet of the Westerly 20.00 feet of Lot 44.

Contains 4,149.27 square feet of land, more or less.

### 15' WIDE PUBLIC AND PRIVATE UTILITY EASEMENT

A 15.00 foot wide easement for public and private utilities, being part of the Amended Plat of Lots 1 through 24, and vacated alley, Block 2, Plat of The Lay Park Addition to the City of Traverse City, in part of the Southeast One-quarter of Section 4, Town 27 North, Range 11 West, City of Traverse City, Grand Traverse County, Michigan, more fully described as follows:

The Easterly 15.00 feet of Lots 33, 34, 35 and 36, except for the Northerly 8.18 feet of said Lot 33.

Contains 2,977.40 square feet of land, more or less.

### 45' WIDE PUBLIC AND PRIVATE UTILITY EASEMENT

A 45.00 foot wide easement for public and private utilities, being part of the Amended Plat of Lots 1 through 24, and vacated alley, Block 2, Plat of The Plat of Lay Park Addition to the

City of Traverse City, in part of the Southeast One-quarter of Section 4, Town 27 North, Range 11 West, City of Traverse City, Grand Traverse County, Michigan, more fully described as follows:

Lot 44, except the Northerly 3.89 feet and except the Southerly 1.13 feet thereof and Lot 32, except the Northerly 13.17 feet thereof and the Northerly 8.18 feet of Lot 33.

Contains 16,337.09 square feet of land, more or less.

Collectively referred to as the *Burdened Property* and as depicted in the attached **Exhibit A**.

1. In exchange for the easements granted in this agreement the City hereby releases and discharges those utility easements set forth in liber 736 page 617 and liber 736 page 618, Grand Traverse County Register of Deeds.
2. This conveyance includes the right to install public utility facilities including but not limited to water mains, sewer mains, meters, hydrants, sanitary sewers and storm drains. This conveyance includes the consent of the Grantor to the removal at any time of such, trees, shrubs and vegetation as, in the judgment of the City, is necessary to the construction and maintenance of public utilities.
3. After consulting with the Grantor and with the consent of the Grantor in order to mitigate the effects upon Grantor's operations, (in non-emergency situations) The City has the right to temporarily use any adjacent property of the Grantor for ingress and egress to the *Burdened Property* as necessary to affect the purposes of the easements granted by this instrument.
4. The easements granted shall include the right to excavate and to install, repair, maintain and improve all facilities placed in, over and upon said land as necessary in the sole discretion of the City.
5. Grantor agrees that unless it shall first secure the consent of the City, it will not place any additional buildings or other structures within the *Burdened Property*. Consent by the City to any such placement shall be in writing and on such terms and conditions as shall be approved by the City; however such consent shall not be unreasonably withheld. In the event the City consents to such placement and the City subsequently requires access to the facilities located within the easement it shall notify the Grantor of such need and the Grantor, at its sole expense shall make access to the utilities for purposes of repair and maintenance feasible. The City shall, as reasonably practicable, cooperate and coordinate with the Grantor in terms of timing of the modifications of the structures and the staging of the work.
6. The parties acknowledge that a portion of the Grantor's cancer treatment center building, specifically the canopy of the proposed building, will lie within the *Burdened Property*. The parties agree to work cooperatively to insure that excavation in that portion of the *Burdened Property* can occur without removal of the canopy. Alternatively, if it is determined that that is not feasible, the Grantor shall dismantle the canopy so as to permit

excavation at Grantor's sole cost and expense. Grantor agrees to reimburse the City for costs incurred by the City as a result of the placement of the canopy within the *Burdened Property*, in the event that such costs exceed the City's usual costs of operating, maintaining or replacing the public infrastructure within its easement.

- 7. Any repairs to or replacement of structures placed within the *Burdened Property* by Grantor shall be at the sole cost and expense of the Grantor. Grantor shall indemnify and hold the City harmless from any and all cost, expense or liability resulting from or on account of Grantor's placement of any building or structure within the *Burdened Property* as provided in this paragraph.
- 8. Should the City undertake activities within the *Burdened Property* it will make a reasonable effort to leave the premises in as good a condition as prior to undertaking the activities.. This conveyance includes a release of any and all claims of damages against the Grantor or the *Burdened Property*, arising from the City's use of the *Burdened Property*.
- 9. The easement described herein is in gross for the benefit of the public, runs with the *Burdened Property*, and may be assigned or transferred by the City in whole or in part to another public entity.

Consideration for this easement is \$1.00 the adequacy and receipt of which is acknowledged.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

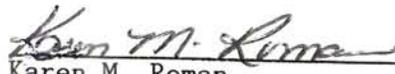
GRANTOR:  
MUNSON MEDICAL CENTER



By: Alfred E. Pilon, Jr.  
Its: President

STATE OF MICHIGAN )  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me this 20th day of May, 2014, by Alfred E. Pilon, Jr., on behalf of Munson Medical Center, as its President.

  
Karen M. Roman Notary Public  
Grand Traverse County, Michigan  
My Commission Expires: November 11, 2020  
Acting in the County of Grand Traverse

GRANTEE:  
CITY OF TRAVERSE CITY

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MICHIGAN )  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2014, by \_\_\_\_\_, on behalf of the City of Traverse City as its  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

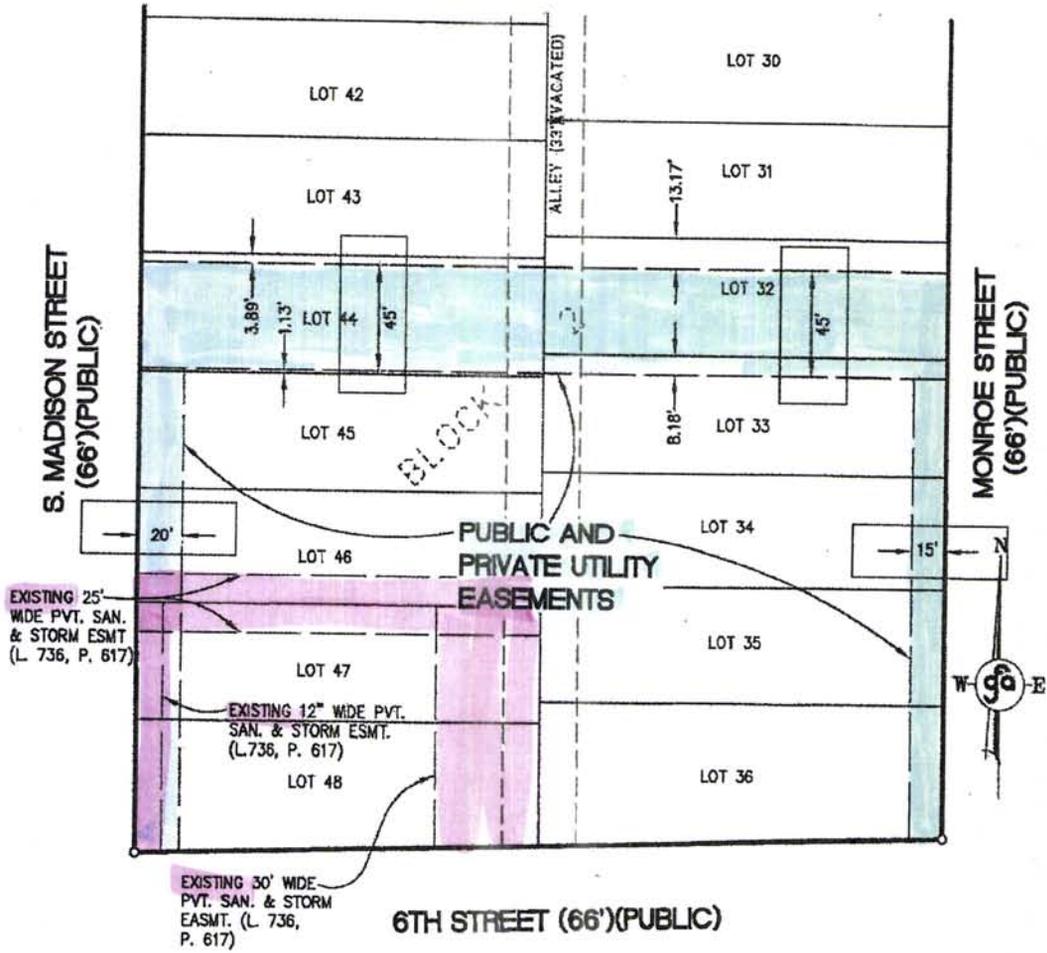
This instrument drafted by:  
Robert W. Parker, Attorney  
Smith, Haughey, Rice & Roegge  
101 N. Park Street  
Traverse City, MI 49684  
231-929-4878  
rparker@shrr.com

When recorded return to:  
Benjamin Marentette, City Clerk  
400 Boardman Ave.  
Traverse City, MI 49684

# EASEMENT EXHIBIT

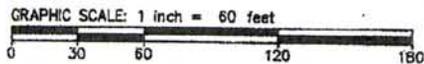
DATE: \_\_\_\_\_  
 (SIGNED) STEVEN P. BYE  
 Registration No. 35991

THIS SPACE RESERVED FOR REGISTER OF DEEDS



## Legend

- Iron Found
- Iron Set
- ⊙ Monument Found
- ⊕ Monument Set



PREPARED FOR: **MUNSON MEDICAL CENTER**

BASIS OF BEARINGS:

PH 231.946.5874  
 FAX 231.946.3703  
 WWW.gourdiefraser.com

123 W. Front Street  
 Traverse City, MI 49684

**gfa Gourdie-Fraser**  
 Municipal | Development | Transportation

Location: **PUBLIC & PRIVATE UTILITY EASEMENTS  
 PARTS OF THE AMENDED PLAT OF LOTS 1  
 THRU 24 AND VACATED ALLEY, BLOCK 2, PLAT OF  
 LAY PARK ADD'N TO THE CITY OF TRAVERSE CITY**

DATE: 03-21-14  
 P.L.N.: DAN WAGNER  
 DR: CDL CIO: SPB  
 13163  
 SHT 1 OF 4

# EASEMENT DESCRIPTION

THIS SPACE RESERVED FOR REGISTER OF DEEDS

PREPARED FOR: MUNSON MEDICAL CENTER

20' WIDE PUBLIC AND PRIVATE UTILITY EASEMENT

A 20.00 foot wide easement for public and private utilities, being part of the Amended Plat of Lots 1 through 24, and vacated alley, Block 2, Plat of The Lay Park Addition to the City of Traverse City, in part of the Southeast One-quarter of Section 4, Town 27 North, Range 11 West, City of Traverse City, Grand Traverse County, Michigan, more fully described as follows:

The Westerly 20.00 feet of Lots 45, 46, 47 and 48 and the Southerly 1.13 feet of the Westerly 20.00 feet of Lot 44.

Contains 4,149.27 square feet of land, more or less.

Subject to easements and restrictions of record, if any.

PREPARED FOR: **MUNSON MEDICAL CENTER**

BASIS OF BEARINGS:

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefraser.com	 <b>Gourdie-Fraser</b> Municipal   Development   Transportation	Location: <b>PUBLIC &amp; PRIVATE UTILITY EASEMENTS                  PARTS OF THE AMENDED PLAT OF LOTS 1                  THRU 24 AND VACATED ALLEY, BLOCK 2, PLAT OF                  LAY PARK ADD'N TO THE CITY OF TRAVERSE CITY</b>	DATE: 03-21-14 P.M.: DAN WAGNER DL: COL   CD: SPB <b>13163</b> SHT 2 OF 4
--	---	--	---

# EASEMENT EXHIBIT

PREPARED FOR: MUNSON MEDICAL CENTER

THIS SPACE RESERVED FOR REGISTER OF DEEDS

## 45' WIDE PUBLIC AND PRIVATE UTILITY EASEMENT

A 45.00 foot wide easement for public and private utilities, being part of the Amended Plat of Lots 1 through 24, and vacated alley, Block 2, Plat of The Plat of Lay Park Addition to the City of Traverse City, in part of the Southeast One-quarter of Section 4, Town 27 North, Range 11 West, City of Traverse City, Grand Traverse County, Michigan, more fully described as follows:

Lot 44, except the Northerly 3.89 feet and except the Southerly 1.13 feet thereof and Lot 32, except the Northerly 13.17 feet thereof and the Northerly 8.18 feet of Lot 33.

Contains 16,337.09 square feet of land, more or less.

Subject to easements and restrictions of record, if any.

PREPARED FOR: **MUNSON MEDICAL CENTER**

BASIS OF BEARINGS:

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefraser.com	 Municipal   Development   Transportation	Location: <b>PUBLIC &amp; PRIVATE UTILITY EASEMENTS PARTS OF THE AMENDED PLAT OF LOTS 1 THRU 24 AND VACATED ALLEY, BLOCK 2, PLAT OF LAY PARK ADD'N TO THE CITY OF TRAVERSE CITY</b>	DATE: <b>03-21-14</b>
123 W. Front Street Traverse City, MI 49684		DR: <b>CDL</b> CIO: <b>SPB</b> <b>13163</b> SHT <b>3</b> OF <b>4</b>	

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.  
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REV:

# EASEMENT EXHIBIT

PREPARED FOR: MUNSON MEDICAL CENTER

THIS SPACE RESERVED FOR REGISTER OF DEEDS

15' WIDE PUBLIC AND PRIVATE UTILITY EASEMENT

A 15.00 foot wide easement for public and private utilities, being part of the Amended Plat of Lots 1 through 24, and vacated alley, Block 2, Plat of The Lay Park Addition to the City of Traverse City, in part of the Southeast One-quarter of Section 4, Town 27 North, Range 11 West, City of Traverse City, Grand Traverse County, Michigan, more fully described as follows:

The Easterly 15.00 feet of Lots 33, 34, 35 and 36, except for the Northerly 8.18 feet of said Lot 33.

Contains 2,977.40 square feet of land, more or less.

Subject to easements and restrictions of record, if any.

PREPARED FOR: **MUNSON MEDICAL CENTER**

BASIS OF BEARINGS:

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefraser.com  123 W. Front Street Traverse City, MI 49684	 <b>Gourdie-Fraser</b> Municipal   Development   Transportation	Location: <b>PUBLIC &amp; PRIVATE UTILITY EASEMENTS                  PARTS OF THE AMENDED PLAT OF LOTS 1                  THRU 24 AND VACATED ALLEY, BLOCK 2, PLAT OF                  LAY PARK ADD'N TO THE CITY OF TRAVERSE CITY</b>	DATE: <b>03-21-14</b> P.M.: <b>DAN WAGNER</b> DR: <b>COL</b>   CR: <b>SPB</b> <b>13163</b> SHT <b>4</b> OF <b>4</b>
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THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.  
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REV:



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup> JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 WEST BOARDMAN LAKE TRAIL PROJECT

Attached is a memo from City Engineer Timothy Lodge recommending a contract for the 2014 West Boardman Lake Trail Project. As explained by Mr. Lodge, this project consists of a nearly one-mile (5,068 feet) recreational trail along the western shoreline of Boardman Lake from the end of the paved path from the bridge crossing to 14<sup>th</sup> Street. Attached is a map depicting the project's footprint.

Funding for this project will come from two sources:

Funding source:	Funding amount:
Michigan Department of Natural Resources Trust Fund Grant	\$210,000.00
City's Capital Projects Fund, reimbursed by the Grand Traverse County Brownfield Redevelopment Authority	\$487,149.60

**Total: \$697,149.60**

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

**that the Mayor and City Clerk execute a unit prices contract in the amount of \$697,149.60, more or less, with Elmer's Crane and Dozer, for the 2014 West Boardman Lake Trail Project, at the unit prices indicated in its bid, with funds available in the Capital Projects Fund, with \$210,000 to come from a Michigan Department of Natural Resources Trust Fund Grant and the remaining amount to be reimbursed by the Grand Traverse County**

*-Motion continued on following page-*

**Brownfield Redevelopment Authority, contingent upon concurrence with contractor selection by the Michigan Department of Natural Resources, such contract subject to approval as to its substance by the City Manager and its from by the City Attorney.**

JJO/bcm

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copy: Timothy Lodge, City Engineer

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# Memorandum

The City of Traverse City  
Engineering Department



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TO: Jered Ottenwess, City Manager

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

DATE: June 30, 2014

SUBJECT: 2014 West Boardman Lake Trail

Sealed proposals were advertised for and were received on June 26, 2014 for the reference project. Plans and specifications were reviewed by more than twenty five contractors and two bids were received for this work as follows:

Hallmark Construction, Inc.	Traverse City	\$ 748,044.34
Elmer's Crane and Dozer, Inc	Traverse City	\$ 697,149.60

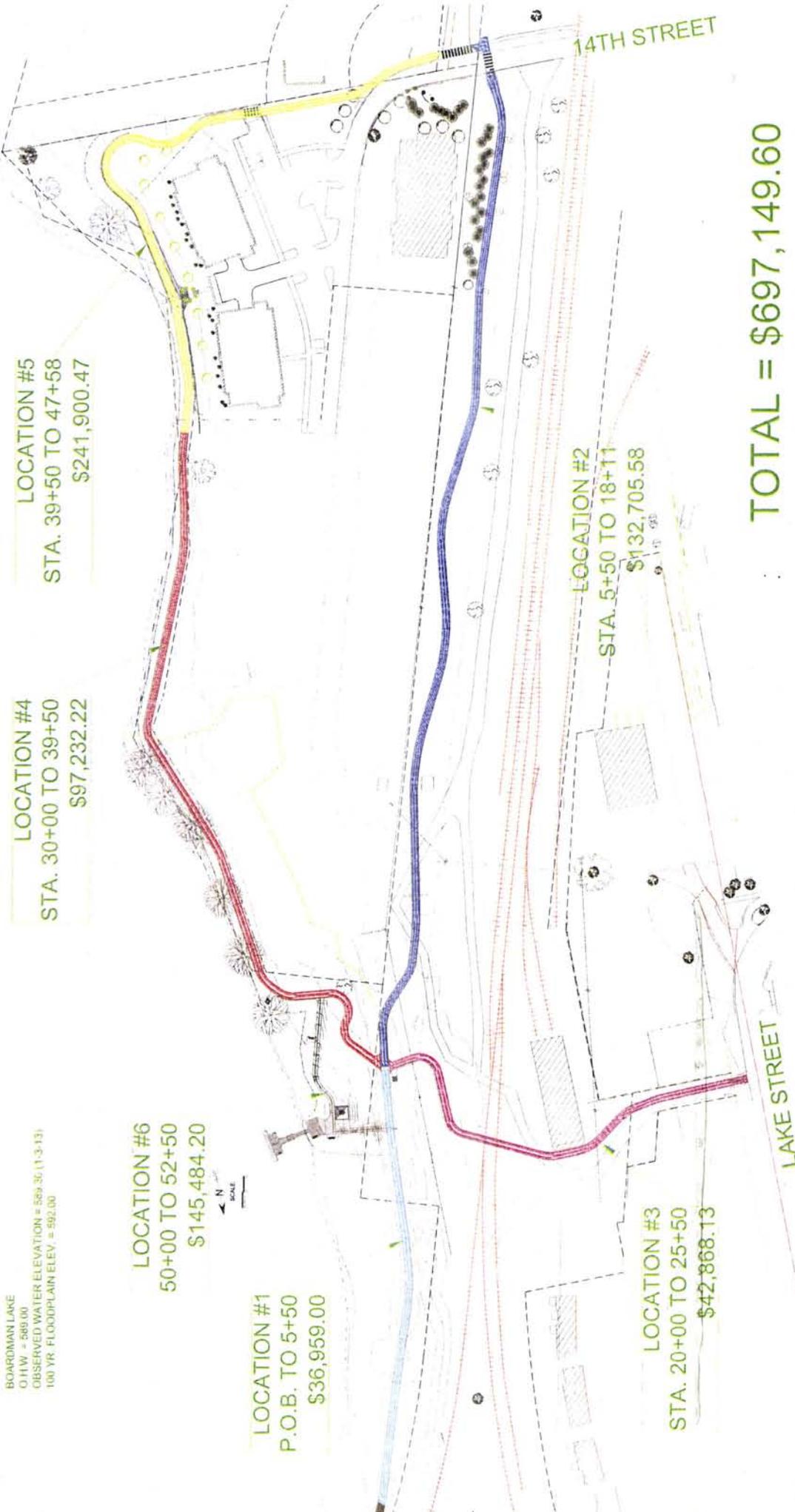
The Engineering Department's preliminary estimate for this work was \$663,840.66. The low bid is 5% over the estimate and is mainly attributed to the mobilization and topsoil line items in the bid proposal. We evaluated these items and found them acceptable in consideration of the site access and environmental constraints on the site.

This project consists of a 5068 foot long recreation trail along the western shoreline of Boardman Lake from then end of the paved path from the bridge crossing the Boardman River to 14<sup>th</sup> Street. The project includes a shoreline route, an upland route and a connection across the railroad tracks near 12<sup>th</sup> Street. Site improvements on the City property include a shelter structure, dock and kayak launch along with landscaping.

The project is funded by the \$210,000 MDNR Trust Fund Grant and local funding from the City and will be reimbursed through the County Brownfield Authority. Therefore, it is recommended, that this work be awarded to the low bidder, Elmer's Crane and Dozer, Inc. and that the proper City officials be authorized to execute a unit price contract with the above-mentioned low bidder, in the amount of \$697,149.60 more or less, with funds therefore available in the public improvements projects funds, contingent upon contractor selection concurrence by the MDNR Grant Administrator and reimbursement by the County Brownfield Authority.

# 2014 WEST BOARDMAN LAKE TRAIL 7/1/14 COST ESTIMATE

BOARDMAN LAKE  
O.H.W. = 569.00  
OBSERVED WATER ELEVATION = 559.36 (1-3-13)  
100 YR. FLOODPLAIN ELEV. = 592.00



LOCATION #5  
STA. 39+50 TO 47+58  
\$241,900.47

LOCATION #4  
STA. 30+00 TO 39+50  
\$97,232.22

LOCATION #6  
50+00 TO 52+50  
\$145,484.20

LOCATION #1  
P.O.B. TO 5+50  
\$36,959.00

LOCATION #2  
STA. 5+50 TO 18+11  
\$132,705.58

LOCATION #3  
STA. 20+00 TO 25+50  
\$42,868.13

TOTAL = \$697,149.60



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>10</sup>JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 PAVEMENT PRESERVATION PROJECT

Attached is a memo from City Engineer Timothy Lodge recommending a contract for the 2014 Pavement Preservation Project. As explained by Mr. Lodge, the bids came in above the Engineering Department's preliminary estimate as well as the budget.

Staff in City Engineering and the Streets Division evaluated different options with the bids presented, to find the best value for the city within the budgeted amount of \$750,000. (Approximately \$200,000 of the \$950,000 contract recommended is for work to be performed for, and reimbursed by, the Michigan Department of Transportation.)

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

**that the Mayor and City Clerk execute a unit prices contract with Rieth Riley Construction Company in the amount of \$950,000, more or less for the 2014 Pavement Preservation Project, at the unit prices indicated in its bid, with funds available in the Capital Projects Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney, with Michigan Department of Transportation to reimburse the City for the costs associated with the work on M-72/US-31 from the Holiday Inn to Airport Access Drive, in the estimated amount of \$200,000.**

JJO/bcm

K:\tcclerk\city commission\agreements\pavement preservation project 2014

copy: Timothy Lodge, City Engineer

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# Memorandum

The City of Traverse City  
Engineering Department



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TO: Jered Ottenwess, City Manager  
FROM: Timothy J. Lodge, City Engineer *TJ Lodge*  
DATE: July 1, 2014  
SUBJECT: 2014 Pavement Preservation Project

The Engineering and Street Departments evaluated Capital Preventative Maintenance (CPM) techniques to improve pavement conditions cost effectively. Two CPM techniques, crush, shape and resurface and cold milling and resurfacing were selected for the 2014 Pavement Preservation Project. This information was included in the information from the DPS Director, Dave Green at the March 31, 2014 Study Session which targeted CPM work for 20 locations throughout the City. A map of these locations is attached for reference. Ultimately, \$750,000 was allocated for this work type by the adoption of the budget. In May, the MDOT approached the City and requested assistance with CPM similar work on M-72/US-31 from the Holiday Inn to Airport Access Drive and provided a \$200,000 work authorization to the City for their work.

Sealed proposals were advertised for and were received on June 30, 2014 for the 2014 Pavement Preservation Project that uses the above mentioned CPM techniques to improve hot mix asphalt (HMA) pavement conditions. Plans and specifications were provided to Contractors through the Builders Exchange of Northwest Michigan and three bids were received for this work as follows:

Contractor		Bid Amount
Elmer's Crane and Dozer, Inc.	Traverse City	\$ 1,153,963.80
Rieth Riley Construction Co. Inc.	Grawn	\$ 1,155,869.48
DJ McQuestion & Sons, Inc	Leroy	\$1,021,691.63

The Engineering Department's preliminary estimate for this work is \$965,958.17. Since all bids exceed the budget for the work we considered rejecting all bids and re-bidding the project with less work locations. However, with the remaining days in the construction season and the work for other City projects scheduled after labor day, we do not recommend re-bidding the work and delaying the contract award to the August 4, 2014 City Commission meeting.

The lowest bidder did not include all of the necessary documentation for a proper bid and did not meet the requirements to self-perform at least 50% of the work as required by the Bid Documents. Also, MDOT indicated that the paving subcontractor to the low bidder was not currently certified to provide the required HMA mix for their work. Thus the low bid was rejected.

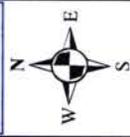
With the remaining two bids over budget we worked in conjunction with the Streets Department of the Department of Public Services to evaluate the bids and prioritize the 20 locations such that the work can fall within the budgeted amount. We also examined the unit prices for the work

as the cost difference between the two bids, as they were submitted, is only \$1,905.68 or less than 0.2% of the total bid amount. Both Elmer's and Rieth Riley have made commitments to have the project fall within the budgeted amount. Thus, we determined the following three options for proceeding with the project:

1. Split the work to take advantage of the "As Bid" cost differences between the two contractors. Award the cold milling CPM work to Elmer's whose bid \$380,380.30 vs Rieth Riley's bid of \$431,991.34 and award the crush and shape CPM and the MDOT work to Rieth Riley whose bid was \$723,878.14 vs Elmer's bid of \$773,583.50. The resulting \$1,104,258.44 cost would reduce the cost to the City by nearly \$50,000. Because the contract is a unit price contract, the work would be pared down to be within the \$950,000 budgeted through a reduction in the work locations. Both contractors also offered to examine their unit costs and offered additional savings to the City to meet the budget.
2. Award the contract to Elmer's, the low bidder from the two bids meeting all of the bid requirements. Because the contract is a unit price contract, the work would be pared down to be within the \$950,000 budgeted through a reduction in the work locations. Elmer's also offered to examine their unit costs and offered additional savings to the City to meet the budget.
3. Award the contract to Rieth Riley, who had lower unit prices for the controlling items of work (pavement preparation and paving items) when compared with Elmer's bid allowing more work to be completed for the lower unit cost. Because the contract is a unit price contract, the work would be pared down to be within the \$950,000 budgeted through a reduction in the work locations. Rieth Riley also offered to examine their unit costs and offered additional savings to the City to meet the budget.

We do not recommend the first of these options. Having two contractors will double the staff burden to complete. Also, we can foresee scheduling and coordination problems with traffic detours if two contractors are working on the project at the same time. Of the two remaining options, we consider the lower unit costs submitted by Rieth Riley for the pavement preparation and paving items to be in the best interest of the City for this work.

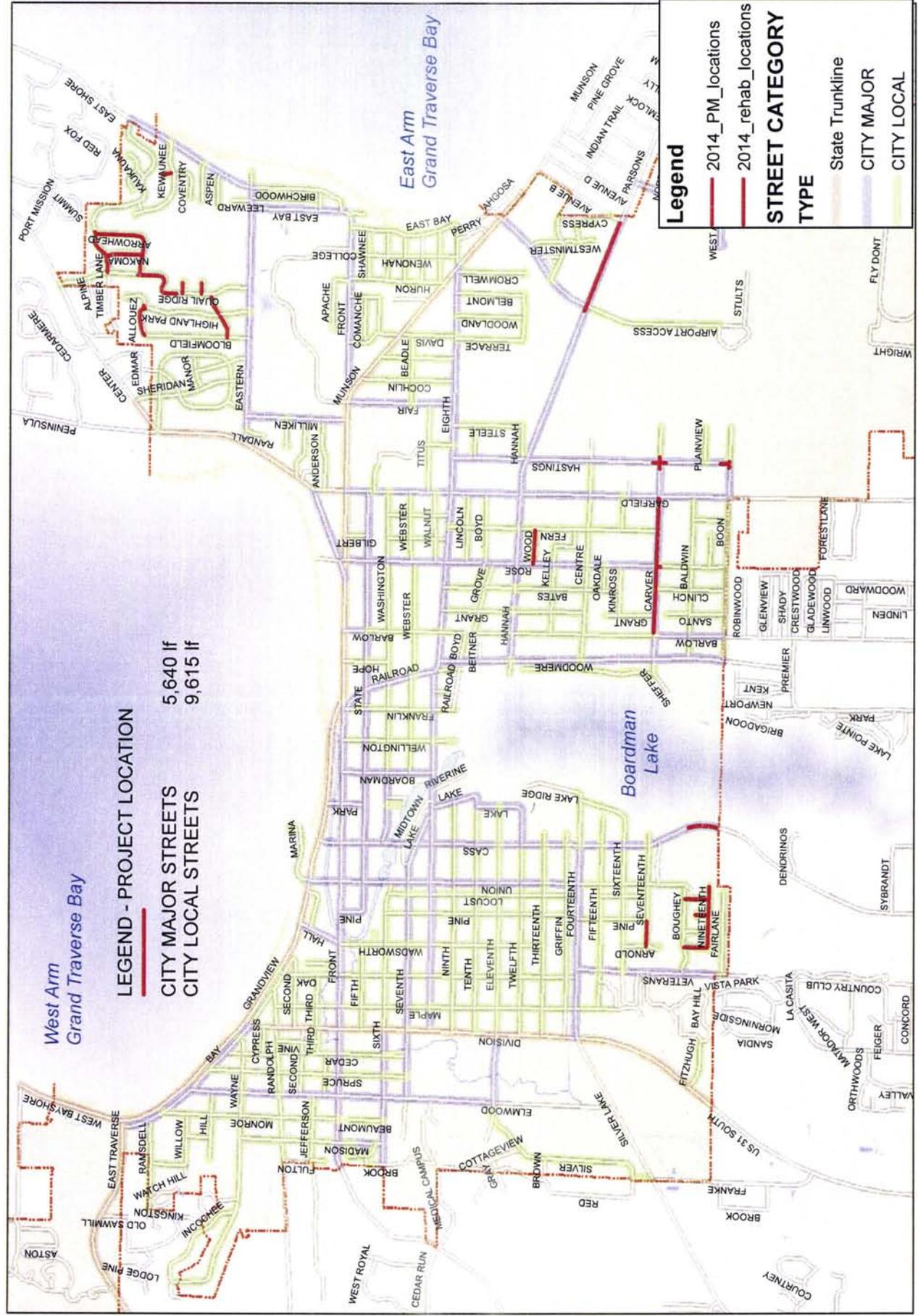
Therefore, it is recommended that this work be awarded to the bidder, Rieth Riley Construction Company, Inc. and that the proper City officials be authorized to execute a unit price contract with the above-mentioned bidder, in the amount of \$950,000.00, more or less, with funds therefore available in various Capital Projects Funds and partially reimbursed by the MDOT. Staff would pare down the 20 locations of work to meet the budgeted amount of \$950,000 for this work. Locations not completed under this contract will be considered as part of future CPM work.



# City of Traverse City 2014 Spring Street Maintenance/ Rehabilitation Projects

REVISED  
6-10-14  
3-24-14  
JPT

This map is based on digital data provided by the City of Traverse City. The City of Traverse City is not responsible for any errors or omissions on this map. There may be unrecorded changes to the data.



2014 Pavement Preservation Project

Location #1  
Cold Mill Locations  
(Cold Mill and Overlay, 2" HMA)

Item No.	Est. Qty	Unit	Description of Items	Engineers Estimate			DJ McQuestion & Sons			Elmer's			Reith Riley			Bid Analysis	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	RR vs Elmers	Price Difference		
1	1.00	LSUM	Mobilization/Traffic Control	\$ 5,000.00	\$ 5,000.00	\$ 30,000.00	\$ 30,000.00	\$ 27,000.00	\$ 27,000.00	\$ 45,100.00	\$ 45,100.00	167%	\$ (18,100.00)				
2	15448	SYD	Cold Milling HMA Surface	\$ 2.00	\$ 30,896.00	\$ 1.70	\$ 26,261.60	\$ 2.90	\$ 44,799.20	\$ 2.05	\$ 31,668.40	71%	\$ (13,130.80)				
3	1940	SYD	HMA Surface, Rem	\$ 2.00	\$ 3,880.00	\$ 5.00	\$ 9,700.00	\$ 2.80	\$ 5,432.00	\$ 1.90	\$ 3,682.00	64%	\$ (1,940.00)				
4	1	LSUM	Pav. Cleaning	\$ 25,000.00	\$ 25,000.00	\$ 9,000.00	\$ 9,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,800.00	\$ 1,800.00	32%	\$ (3,400.00)				
5	290	FT	Cur and Gutter, Rem	\$ 6.50	\$ 1,885.00	\$ 9.00	\$ 2,610.00	\$ 2.50	\$ 725.00	\$ 9.75	\$ 2,827.50	34%	\$ (5,437.50)				
6	13	EA	Dr Structure Cover, EJ 7045 Casting, Furnish/Adjust	\$ 500.00	\$ 6,500.00	\$ 900.00	\$ 11,700.00	\$ 1,250.00	\$ 16,250.00	\$ 910.00	\$ 11,830.00	79%	\$ (4,420.00)				
7	10	EA	Gate Box, Adj. Case 1	\$ 200.00	\$ 2,000.00	\$ 200.00	\$ 2,000.00	\$ 350.00	\$ 3,500.00	\$ 800.00	\$ 8,000.00	229%	\$ 4,500.00				
8	64	EA	Dr Structure Cover, Adj. Case 1	\$ 300.00	\$ 19,200.00	\$ 400.00	\$ 25,600.00	\$ 500.00	\$ 32,000.00	\$ 1,500.00	\$ 96,000.00	300%	\$ 64,000.00				
9	290	TON	HMA, 13A (165#SYD) Top Course	\$ 18.00	\$ 5,220.00	\$ 18.00	\$ 5,220.00	\$ 6.90	\$ 2,001.00	\$ 25.00	\$ 7,250.00	147%	\$ 2,334.50				
10	2941	TON	HMA, 13A (165#SYD) Top Course	\$ 72.00	\$ 211,752.00	\$ 72.65	\$ 213,663.65	\$ 70.10	\$ 206,184.10	\$ 65.90	\$ 193,811.90	94%	\$ (12,352.20)				
11	169	TON	HMA, 13A (165#SYD) Top Course	\$ 75.00	\$ 12,675.00	\$ 63.15	\$ 10,672.35	\$ 70.10	\$ 11,846.50	\$ 80.00	\$ 13,520.00	114%	\$ 1,673.10				
12	169	TON	HMA, 13A (165#SYD) Top Course	\$ 75.00	\$ 12,675.00	\$ 72.75	\$ 12,294.75	\$ 70.10	\$ 11,846.50	\$ 80.00	\$ 13,520.00	114%	\$ 1,673.10				
13	26	FT	Pav Mng. Overlay Cold Plastic, 24 Inch, Crossw. Bar	\$ 12.00	\$ 312.00	\$ 13.35	\$ 347.10	\$ 14.70	\$ 382.20	\$ 13.25	\$ 344.50	90%	\$ (37.20)				
14	180	FT	Pav Mng. Overlay Cold Plastic, 6 Inch, Crossw. Bar	\$ 6.00	\$ 1,080.00	\$ 3.35	\$ 603.00	\$ 3.70	\$ 666.00	\$ 3.35	\$ 603.00	91%	\$ (63.00)				
15	1	EA	Pav Mng. Overlay Cold Plastic, LT Turn Arrow Symbol	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	\$ 138.00	\$ 138.00	\$ 125.00	\$ 125.00	91%	\$ (13.00)				
16	1	EA	Pav Mng. Overlay Cold Plastic, Thru and RT Turn Arrow Symbol	\$ 125.00	\$ 125.00	\$ 195.00	\$ 195.00	\$ 215.00	\$ 215.00	\$ 195.00	\$ 195.00	91%	\$ (20.00)				
17	1	EA	Pav Mng. Overlay Cold Plastic, ONLY	\$ 125.00	\$ 125.00	\$ 135.00	\$ 135.00	\$ 150.00	\$ 150.00	\$ 135.00	\$ 135.00	90%	\$ (15.00)				
18	2	EA	Pav Mng. Overlay Cold Plastic, Special Emphasis Crossw. Bar	\$ 200.00	\$ 400.00	\$ 250.00	\$ 500.00	\$ 275.00	\$ 550.00	\$ 250.00	\$ 500.00	91%	\$ (50.00)				
19	66	FT	Pav Mng. Overlay Cold Plastic, Special Emphasis Crossw. Bar	\$ 11.00	\$ 726.00	\$ 7.00	\$ 462.00	\$ 7.70	\$ 508.20	\$ 7.00	\$ 462.00	91%	\$ (46.20)				
20	400	FT	Pav Mng. 4" Yellow, Waterborne	\$ 0.25	\$ 100.00	\$ 0.12	\$ 48.00	\$ 0.15	\$ 60.00	\$ 0.12	\$ 48.00	80%	\$ (12.00)				
21	742	FT	Pav Mng. 4" White, Waterborne	\$ 0.25	\$ 185.50	\$ 0.12	\$ 89.04	\$ 0.15	\$ 111.30	\$ 0.12	\$ 89.04	80%	\$ (22.28)				
22	29	SYD	4" Screened Topsoil, Seed, Vert. Mulch	\$ 6.00	\$ 174.00	\$ 10.00	\$ 290.00	\$ 20.00	\$ 580.00	\$ 30.00	\$ 870.00	150%	\$ 290.00				
<b>Total for Cold Mill Locations</b>					\$ 340,035.50		\$ 363,256.49		\$ 380,380.30		\$ 431,991.34		\$ 51,611.04				

Location #2  
Crush and Shape Locations  
(Crush and Shape, 3" HMA)

Item No.	Est. Qty	Unit	Description of Items	Engineers Estimate			DJ McQuestion & Sons			Elmer's			Reith Riley			Bid Analysis	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	RR vs Elmers	Price Difference		
23	1.00	LSUM	Mobilization/Traffic Control	\$ 5,000.00	\$ 5,000.00	\$ 30,000.00	\$ 30,000.00	\$ 28,000.00	\$ 28,000.00	\$ 11,500.00	\$ 11,500.00	41%	\$ (16,500.00)				
24	28897	SYD	HMA Base, Crushing and Shaping	\$ 1.11	\$ 32,075.67	\$ 2.25	\$ 65,018.25	\$ 2.60	\$ 75,132.20	\$ 2.10	\$ 60,683.70	81%	\$ (14,448.50)				
25	20	FT	Cur and Gutter, Rem	\$ 6.50	\$ 130.00	\$ 10.00	\$ 200.00	\$ 7.50	\$ 150.00	\$ 10.25	\$ 205.00	14%	\$ (1,285.00)				
26	1	EA	Dr Structure Cover, EJ 7045 Casting, Furnish/Adjust	\$ 500.00	\$ 500.00	\$ 1,300.00	\$ 1,300.00	\$ 1,250.00	\$ 1,250.00	\$ 910.00	\$ 910.00	73%	\$ (340.00)				
27	2	EA	Gate Box, Adj. Case 1	\$ 200.00	\$ 400.00	\$ 300.00	\$ 600.00	\$ 350.00	\$ 700.00	\$ 800.00	\$ 1,600.00	229%	\$ 900.00				
28	8	EA	Dr Structure Cover, Adj. Case 1	\$ 300.00	\$ 2,400.00	\$ 400.00	\$ 3,200.00	\$ 500.00	\$ 4,000.00	\$ 1,500.00	\$ 12,000.00	300%	\$ 8,000.00				
29	20	FT	Cur and Gutter, Conc. Det. CA	\$ 18.00	\$ 360.00	\$ 28.00	\$ 560.00	\$ 35.00	\$ 700.00	\$ 44.75	\$ 895.00	128%	\$ 195.00				
30	2419	TON	HMA, 13A (165#SYD) Leveling Course	\$ 75.00	\$ 181,425.00	\$ 62.75	\$ 151,792.25	\$ 70.10	\$ 169,571.90	\$ 69.00	\$ 166,911.00	96%	\$ (2,660.90)				
31	2520	TON	HMA, 13A (165#SYD) Top Course	\$ 75.00	\$ 189,000.00	\$ 72.75	\$ 183,922.50	\$ 70.10	\$ 176,652.00	\$ 69.00	\$ 173,880.00	98%	\$ (2,772.00)				
32	53	SYD	HMA, Spillway	\$ 25.00	\$ 1,325.00	\$ 20.00	\$ 1,060.00	\$ 70.00	\$ 3,710.00	\$ 45.00	\$ 2,385.00	64%	\$ (1,325.00)				
33	43	FT	Rip Rep. Plan	\$ 7.00	\$ 301.00	\$ 55.00	\$ 2,365.00	\$ 65.00	\$ 2,795.00	\$ 50.00	\$ 2,150.00	77%	\$ (645.00)				
34	30	FT	Pav Mng. Overlay Cold Plastic, 24 Inch, Stop Bar	\$ 12.00	\$ 360.00	\$ 13.35	\$ 400.50	\$ 15.00	\$ 450.00	\$ 13.35	\$ 400.50	89%	\$ (49.50)				
35	1	EA	Pav Mng. Overlay Cold Plastic, LT Turn Arrow Symbol	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	\$ 140.00	\$ 140.00	\$ 125.00	\$ 125.00	91%	\$ (15.00)				
36	1	EA	Pav Mng. Overlay Cold Plastic, Thru and RT Turn Arrow Symbol	\$ 125.00	\$ 125.00	\$ 195.00	\$ 195.00	\$ 215.00	\$ 215.00	\$ 195.00	\$ 195.00	91%	\$ (20.00)				
37	1	EA	Pav Mng. Overlay Cold Plastic, ONLY	\$ 125.00	\$ 125.00	\$ 135.00	\$ 135.00	\$ 150.00	\$ 150.00	\$ 135.00	\$ 135.00	90%	\$ (15.00)				
38	5096	FT	Pav Mng. 4" Yellow, Waterborne	\$ 0.25	\$ 1,274.00	\$ 0.12	\$ 611.52	\$ 0.15	\$ 764.40	\$ 0.12	\$ 611.52	80%	\$ (152.88)				
39	5096	FT	Pav Mng. 4" White, Waterborne	\$ 0.25	\$ 1,274.00	\$ 0.12	\$ 611.52	\$ 0.15	\$ 764.40	\$ 0.12	\$ 611.52	80%	\$ (152.88)				
40	3201	SYD	4" Screened Topsoil, Seed, Fert., Mulch	\$ 6.00	\$ 19,206.00	\$ 6.50	\$ 20,805.50	\$ 8.50	\$ 27,208.50	\$ 9.00	\$ 28,809.00	106%	\$ 1,600.50				
41	990	SYD	High Velocity Mulch Bandet	\$ 2.00	\$ 1,980.00	\$ 1.25	\$ 1,237.50	\$ 2.50	\$ 2,475.00	\$ 1.25	\$ 1,237.50	50%	\$ (1,237.50)				
42	525	FT	Guardrail, Type B, With 8 Posts	\$ 15.00	\$ 7,875.00	\$ 18.00	\$ 9,400.00	\$ 18.00	\$ 9,400.00	\$ 16.00	\$ 8,400.00	84%	\$ (1,575.00)				
43	2	EA	Guardrail Approach Terminal, Type 2B, With 8 Posts	\$ 2,000.00	\$ 4,000.00	\$ 2,150.00	\$ 4,300.00	\$ 2,500.00	\$ 5,000.00	\$ 2,150.00	\$ 4,300.00	86%	\$ (700.00)				
44	30	FT	Infrared Joint Repair	\$ 20.00	\$ 600.00	\$ 12.50	\$ 375.00	\$ 50.00	\$ 1,500.00	\$ 35.00	\$ 1,050.00	70%	\$ (450.00)				
45	1	LSUM	Single Lane Closure with Traffic Regulator	\$ 4,000.00	\$ 4,000.00	\$ 10,000.00	\$ 10,000.00	\$ 2,700.00	\$ 2,700.00	\$ 3,850.00	\$ 3,850.00	143%	\$ 1,150.00				
46	625	FT	Guardrail, Rem	\$ 1.20	\$ 750.00	\$ 1.50	\$ 937.50	\$ 2.50	\$ 1,562.50	\$ 1.50	\$ 937.50	60%	\$ (625.00)				
47	1	EA	Diversion Swale	\$ 7,000.00	\$ 7,000.00	\$ 5,000.00	\$ 5,000.00	\$ 9,800.00	\$ 9,800.00	\$ 4,000.00	\$ 4,000.00	41%	\$ (3,000.00)				
48	3	EA	Dr Structure 48" Leaching Basin, 3 Sump, Casting and Gate	\$ 1,700.00	\$ 5,100.00	\$ 2,600.00	\$ 7,800.00	\$ 2,600.00	\$ 7,800.00	\$ 2,500.00	\$ 7,500.00	96%	\$ (300.00)				
49	1	EA	Dr Structure 24" Casting and Gate	\$ 1,400.00	\$ 1,400.00	\$ 1,800.00	\$ 1,800.00	\$ 1,050.00	\$ 1,050.00	\$ 1,550.00	\$ 1,550.00	157%	\$ 600.00				
50	60	FT	12" C-900 PVC Storm Sewer	\$ 20.00	\$ 1,200.00	\$ 39.00	\$ 2,340.00	\$ 45.00	\$ 2,700.00	\$ 47.00	\$ 2,820.00	104%	\$ 120.00				
<b>Total for Crush and Shape Locations</b>					\$ 469,310.67		\$ 504,590.54		\$ 538,285.90		\$ 499,752.24		\$ (38,513.66)				
<b>Total Bid (Items 1 through 50, Inclusive)</b>					\$ 809,346.17		\$ 867,757.03		\$ 918,646.20		\$ 931,743.58		\$ 13,097.38				

Location #3  
MDOT Pavement Repair

Item No.	Est. Qty	Unit	Description of Items	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	RR vs Elmers	Price Difference
51	1	LSUM	Mobilization/Traffic Control	\$ 15,000.00	\$ 15,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 28,500.00	\$ 36,300.00	\$ 36,300.00	\$ 36,300.00	127%	\$ 7,800.00
52	13986	SYD	Cold Milling HMA Surface	\$ 2.00	\$ 27,972.00	\$ 1.90	\$ 26,573.40	\$ 5.80	\$ 77,313.60	\$ 2.65	\$ 36,595.90	\$ 36,595.90	\$ 36,595.90	47%	\$ (40,727.70)
53	1520	TON	HMA, 4E-11 High Stress	\$ 75.00	\$ 114,000.00	\$ 79.41	\$ 120,703.20	\$ 82.20	\$ 124,952.40	\$ 99.50	\$ 151,240.00	\$ 151,240.00	\$ 151,240.00	117%	\$ 21,736.00
<b>Total</b>					\$ 156,612.00		\$ 153,924.60		\$ 225,317.60		\$ 224,125.90		\$ 1,191.70		\$ 1,905.88



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM:  JARED OTTENWESS, CITY MANAGER

SUBJECT: 2014 SIDEWALK REPLACEMENT AND GAP INFILL PROJECT

Attached is a memo from City Engineer Timothy Lodge recommending a contract for the 2014 Sidewalk Replacement and Gap Infill Project. As explained by Mr. Lodge, this project includes the replacement of existing residential sidewalks based upon a condition assessment conducted by the Streets Division.

The project also includes sidewalk gap infill areas as noted in Mr. Lodge's memo and depicted on the attached map. Mr. Lodge articulates in his memo the process for selecting these locations.

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

**that the Mayor and City Clerk execute a unit prices contract in the amount of \$315,081.15, with Hallmark Construction for the 2014 Sidewalk Replacement and Gap Infill Project at the unit prices indicated in its bid, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Capital Projects Fund.**

JJO/bcm

K:\tcclerk\city commission\agreements\sidewalk replacement and gap infill project 2014

copy: Timothy Lodge, City Engineer

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# Memorandum

The City of Traverse City  
Engineering Department



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TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer

A handwritten signature in black ink, appearing to read "T. Lodge", written over the printed name of Timothy J. Lodge.

DATE: June 30, 2014

SUBJECT: 2014 Sidewalk Replacement and Gap Infill Project

The Engineering Department prepared a communication for the March 31, 2014 which identified the locations and costs for sidewalk gap infill. The locations were an adaption from the 1999 sidewalk gap map prepared by the City Planning Department that focused on filling gaps near schools along major streets. The map was verified and other existing high pedestrian traffic areas that are identified by dirt paths along existing streets were added. The communication also identified that annual investments of \$98,000 to \$130,000 would complete the sidewalk infill in a 20 or 15 year period respectfully. During the preparation of the budget \$200,000 was allocated for this work in addition to the \$100,000 allocated for existing sidewalk repair.

This year's project consists of replacing existing sidewalks in residential areas at City expense, city wide, as determined by our Streets Department through a recent condition assessment. The focus for this project will include Maple St. from 10th Street to Griffin Street and 9th St. from Lake St. to Division St. except for the block between Union Street and Pine Street.

Also included in this year's project are sidewalk gap infill areas:

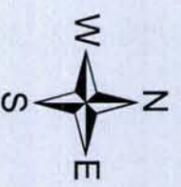
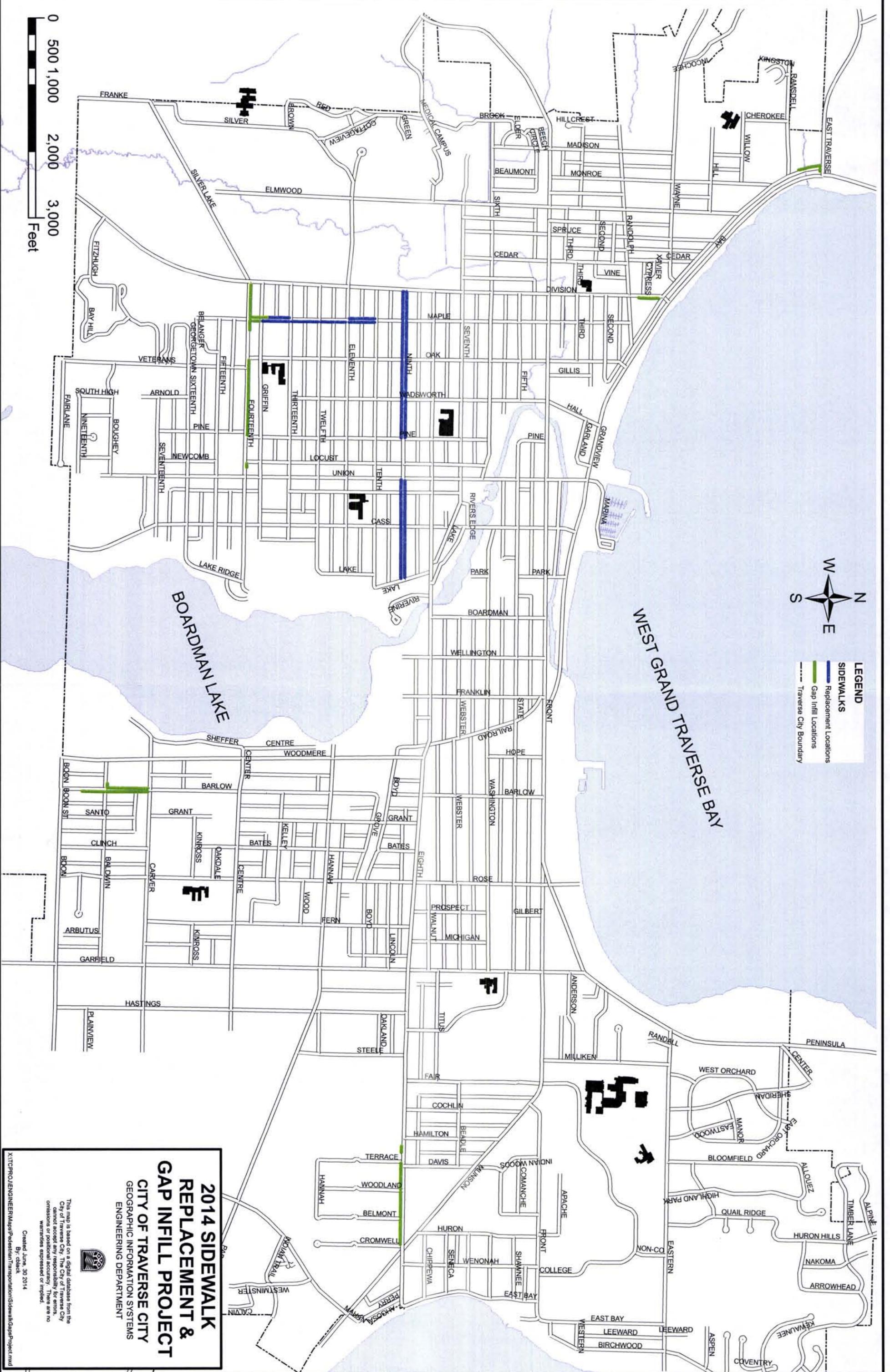
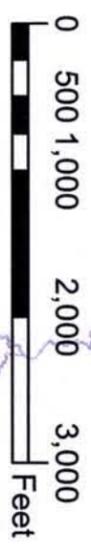
1. Bay Street near M-72;
2. Division Street near Bay Street;
3. Eighth Street between the Cemetery and Cromwell;
4. 14th Street from Division Street to Locust Street;
5. Maple Street from Griffin to 14th Street;
6. Barlow Street from Center to Boon and Baldwin Streets.

These areas were selected by staff from the locations identified at the March Budget Study session in consultation with the Active Transportation Plan Committee of the Planning Commission and representatives from BATA. A map showing these locations is attached for reference. Sidewalks in other areas will be included if the property owner agrees to pay half of the cost through the special assessment policy. Barrier free ramps will be replaced only if they are identified as in poor condition.

Sealed proposals were advertised for and were received on June 30, 2014 for the above referenced project. Plans and specifications were provided to three contractors and/or suppliers with one bid being received for this work as follows:

Hallmark Construction, Inc.	Traverse City	\$ 315,081.15
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The Engineering Department's preliminary estimate for this work was \$337,209.75. Therefore, it is recommended, that this work be awarded to the low bidder, Hallmark Construction, Inc. and that the proper City officials be authorized to execute a unit price contract with the above-mentioned low bidder, in the amount of \$315,081.15 more or less, with funds therefore available in the public improvements projects funds.



- LEGEND**
- **SIDEWALKS**
  - Replacement Locations
  - Gap Infill Locations
  - - - Traverse City Boundary

**2014 SIDEWALK REPLACEMENT & GAP INFILL PROJECT**

**CITY OF TRAVERSE CITY**  
GEOGRAPHIC INFORMATION SYSTEMS  
ENGINEERING DEPARTMENT

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

Created June, 30 2014  
By: dblack  
X:\ITPRO\ENGINEER\MapInfo\Pedestrian\Transportation\Sidewalk\Gap\Project.mxd



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>10</sup>JERED OTTENWESS, CITY MANAGER

SUBJECT: REDEVELOPMENT LIQUOR LICENSE ORDINANCE –  
CLARIFICATION

Attached is a memo from City Clerk Benjamin Marentette recommending, as a housekeeping matter, that the redevelopment liquor license ordinance be amended to clarify that all non-conflicting sections of the city's overall liquor license ordinance apply.

I recommend the following motion:

**that an amendment to the Traverse City Code of Ordinances, *Redevelopment Liquor License Clarification*, Section 834.06, which clarifies that all non-conflicting sections of Chapter 834 apply to redevelopment liquor licenses, be introduced and scheduled for possible enactment on July 21, 2014.**

JJO/bcm

K:\tcclerk\city commission\ordinance amendments\redevelopment liquor licenses

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# Memorandum

The City of Traverse City



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TO: Jered Ottenwess, City Manager

COPY: Lauren Tribble-Laucht, City Attorney

FROM: Benjamin Marentette, City Clerk

DATE: Tuesday, July 2, 2014

SUBJECT: REDEVELOPMENT LIQUOR LICENSE ORDINANCE – CLARIFICATION

When the Redevelopment Liquor License Ordinance within the City's Liquor Code was originally written, it was intended that the non-conflicting sections of the City's Liquor Code apply to redevelopment liquor licenses. When the Nolan's Tobacco Liquor License application was being reviewed, City Attorney Lauren Tribble-Laucht and I identified that, as a housekeeping matter, the Redevelopment Liquor License section should be amended to make this clear. For example, the conditions for denial within the City's Liquor Code should apply to redevelopment liquor licenses.

Therefore, attached is an ordinance amendment that would make this clarification, as a housekeeping matter.

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

## TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. \_\_\_\_\_

Effective date: \_\_\_\_\_

TITLE: REDEVELOPMENT LIQUOR LICENSE CLARIFICATION

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 834.06, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

### **834.01 INTENT; APPLICATION OF CHAPTER.**

The intent of this chapter is to provide uniform standards for the City's regulation of liquor licenses and for recommendations regarding State liquor license decisions. This chapter shall apply to all individuals, corporations or entities who wish to sell intoxicating liquors in the city, except those licenses issued to nonprofit and similar organizations pursuant to the special license provisions of the State Liquor Control Act.

(Ord. 169. Passed 7-2-84.)

### **834.02 LICENSE APPLICATIONS.**

Applications for local approval of a new license to sell beer, wine or alcoholic liquor for consumption on the premises shall be made to the City Clerk. Such application shall be made in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a partnership or corporation. Such application shall contain:

- (a) In the case of an individual, the name, age and address of the applicant; in the case of a co partnership, the persons entitled to share in the profits thereof; and in the case of a corporation the names and addresses of the officers and directors, and if an aggregate of more than five percent of the stock of such corporation is owned by any one person or his or her nominee, the name and address of such person;
- (b) The nature and business of the applicant, and in the case of a corporation, the object for which it was formed;
- (c) The length of time such applicant has been in business of that nature, or, in the case of a corporation, the date when its certificate of incorporation was issued.
- (d) The location and description of the premises which are to be operated under such license;
- (e) If the business of the applicant is to be operated or conducted by a local manager or agent, the name and address of such manager or agent;
- (f) A statement as to whether or not the applicant has, prior to this application, made application for a liquor license and the date, place and disposition of such application;
- (g) A statement that the applicant has never been convicted of a felony and is not

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- disqualified to receive approval for a license by reason of any matter or thing contained in this chapter or in the laws of the State;
- (h) A statement that the applicant and the applicant's employees and agents will not violate any of the ordinances of the City or the laws of the State or of the United States in the conduct of its business;
  - (i) A statement that, if any of the information provided in the application or any attachment thereto changes during the term of the license or any renewal thereof, the applicant shall notify the City Clerk, in writing, within thirty days of such change;
  - (j) A statement as to whether or not dancing or entertainment is to be provided on the premises, and if entertainment is to be provided, a description of the type of such entertainment;
  - (k) An eight and one-half inch by eleven inch building and grounds layout diagram showing the entire structure, premises and grounds, and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, noise control, means of egress and, where appropriate, plans for screening.
  - (l) A nonrefundable application fee which shall be established by the City Commission in such amount as it deems appropriate from time to time to defray the costs of processing the application.
  - (m) Other information as required.
- (Ord. 169. Passed 7-2-84.)

#### **834.03            CONDITIONS FOR DENIAL.**

A liquor license application shall not be recommended for approval if any of the following conditions exist as to such application:

- (a) The premises are determined by the City Commission to be unsuitable for the activity proposed by the application, considering:
  - (1) The proximity of other premises licensed to sell beer, wine or alcoholic liquor for on-premises consumption;
  - (2) The lack of any other facilities or uses on the premises to be licensed which are compatible with a liquor license (e.g. restaurant, hotel);
  - (3) The distance from public or private schools for minors or places where minors congregate, such as parks;
  - (4) The proximity of an inconsistent zoning classification or land use;
  - (5) The Zoning Code and the City Plan;
  - (6) Traffic safety;
  - (7) Public safety;
  - (8) Accessibility to the site from abutting roads;
  - (9) The capability of roads, utilities and public services to accommodate the commercial activity; or
  - (10) Such other relevant factors as the City Commission may deem appropriate.
- (b) It is determined by a majority of the City Commission that the premises do not or will not, within six months of the approval of the application by the Commission, or prior to

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the commencement of business, whichever occurs first, have adequate off-street parking, lighting, refuse disposal facilities, screening or noise or nuisance control. However, upon timely request and for good cause shown, the Commission may extend any deadline established by this subsection.

- (c) Except for applications to transfer ownership only, any premises which do not or will not, within three months of the approval of the application by the Commission, comply with current applicable construction codes, fire codes, zoning regulations or public health regulations. However, upon timely request and for good cause shown, the Commission may extend any deadline established by this subsection.
  - (d) The applicant does not own the premises for which the approval is sought or does not have a lease therefore.
  - (e) The applicant is a law enforcing public official or any member of the Commission. No such official may be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of beer, wine or alcoholic liquor.
  - (f) A person named in the application is, at the time of application for such approval, transfer or renewal, delinquent in the payment of any taxes, fees or other charges owed to or collected by the City. Additionally, an entity with two or less members or partners either of whom are delinquent in the payment of any taxes, fees, or other charges owed to or collected by the City at the time of the application for approval, transfer, or renewal .
  - (g) Ad valorem taxes, charges, or assessments imposed by the City on the premises identified in the application or personal property associated with the premises identified in the application for approval, transfer, or renewal are delinquent.
  - (h) The applicant has had a license revoked for cause within the last two years.
  - (h) One or more of the members of a co-partnership do not qualify for approval of a license.
  - (i) One or more officers, managers or directors of a corporation, or a stockholder owning in the aggregate more than five percent of the stock of such corporation, are not eligible to receive approval for a license.
  - (i) If the applicant's place of business is operated or conducted by a manager or agent, such manager or agent does not possess the same qualifications required of the applicant.
  - (j) An applicant has been convicted of a violation of any Federal or State law concerning the manufacture or sale of alcoholic liquor.
  - (l) An applicant has made a false statement in the application procedure or has submitted an incomplete application.
  - (k) For a Redevelopment Project Area Liquor License, as provided for in MCL 436.1521a, the premises licensed will or is intended to regularly close later than 11 pm or serve liquor after 11 pm on any day. A premises will or is intended to "regularly close" within the meaning of this subsection if such business is intended to or will not admit new customers after 11 pm at least 5 days a week.
  - (l) Other relevant factors as the City Commission may deem appropriate.
- (Ord. 169. Passed 7-2-84. Ord. 839. Passed 7-16-09. Ord. 926, Passed 10-17-11)

#### **834.04 NEW LICENSES; SELECTION OF APPLICANTS.**

When any new liquor license is available for issuance, either by lapse of a current license or by

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the authorization and allocation of additional licenses to the City, and where there exist more qualified applicants for such license than the number of new licenses available, the City Commission may choose for approval the most qualified applicant based upon the following criteria:

- (a) The location of the proposed new business and its desirability in light of its location, the preferability of locations in an existing business district as opposed to outlying locations, the surrounding land uses and its proximity to other premises licensed for on-premises consumption;
  - (b) The experience of the applicant;
  - (c) The other uses proposed to be included on the premises or in the development (e.g. restaurant, motel);
  - (d) The cost and size of the overall project and the number of jobs to be created by the new business;
  - (e) The relative suitability of the design and size of the new business to the property on which it is proposed to be located, as evidenced by the building and grounds layout diagram required to be submitted with the application;
  - (f) The overall development or redevelopment of the City; and
  - (g) Such other relevant factors as the City Commission may deem appropriate.
- The City Commission may decide to not award a license until an application is submitted, which application meets the requirements of this chapter and best serves the goals and policies of the City.

(Ord. 169. Passed 7-2-84.)

#### **834.05 CONDITIONS OF ISSUANCE.**

Approval of a liquor license application shall be upon the condition that any necessary remodeling or new construction for the use of the license required by the City Commission or indicated on the building and grounds layout diagram submitted with the application be completed within six months of the approval of the license by the Commission, or prior to the commencement of business, whichever occurs first. The Commission may impose other reasonable conditions on the approval of an application, which conditions are related to the health, safety and welfare of the City.

(Ord. 169. Passed 7-2-84.)

#### **834.06 REDEVELOPMENT PROJECT AREA LIQUOR LICENSES.**

To the extent that they do not conflict with this section, all provisions of this Chapter shall apply to Redevelopment Project Area Liquor Licenses; if there is a conflict between a provision of this section and another provision contained in this Chapter, the provision of this section shall control, and the remaining, non-conflicting provisions of this Chapter shall survive.

- (a) A premises operating under a Redevelopment Project Area Liquor License, as provided for in Michigan Public Act 501 of 2006, shall:
  - (1) Regularly close no later than 12 a.m. A premises "regularly closes" within the meaning of this subsection if the premises does not admit new customers after 12 a.m. at least 5 days a week.

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- (2) Not serve liquor between the hours of 12 a.m. and 7:00 a.m., or other hours as otherwise prohibited by state law or Michigan Liquor Control Commission Promulgated Rule..
  - (b) The provisions of this section shall not apply to Banquet Facility Permits or A Hotel or B. Hotel Licenses issued by the Michigan Liquor Control Commission as part of a Redevelopment Project Area Liquor License.
  - (c) A licensee who violates this Section shall be responsible for a civil infraction and shall be fined \$500.00 for each offense.
- (Ord. 839. Passed 7-6-09. Ord. 868. Passed 6-21-10. Ord. 898. Passed 12-20-10.)

**834.07 LIQUOR LICENSE REGISTRATION REQUIREMENT.**

- (1) No liquor licenses issued by the Michigan Liquor Control Commission shall be operated unless the same has been issued a registration by the City Clerk. In the event of a transfer of a Michigan Liquor Control Commission Liquor License, the license holder shall obtain a registration from the City Clerk. In order to receive registration from the City Clerk, the license holder shall make application to the City Clerk for registration with a non-refundable fee in the amount established by resolution of the City Commission.
- (2) The holder of any liquor license currently in place upon the effective date of this ordinance shall be issued a registration by the City Clerk; and for such licenses currently in place, no fee shall be required.
- (3) All applications for registration shall contain the same information as required in Section 834.02 of these ordinances.
- (4) Conditions for denial of a registration shall be the same as those in Section 834.03 of these ordinances; provided, however, for those registrations that do not require City Commission approval, that the City Clerk shall determine if a condition for denial as outlined in Section 834.03 applies.
- (5) The City Clerk is authorized to issue a registration under this Section provided none of the conditions for denial are determined applicable; provided, however, that the City Clerk may only issue a registration for any on-premise consumption license upon adoption by the City Commission of a resolution authorizing the City Clerk to issue such registration.
- (6) In the case of any liquor license or subsidiary permit where City Commission approval is required by the Michigan Liquor Control Commission and the City Commission recommends approval, shall be issued a registration from the City Clerk.
- (7) If the City Clerk denies a registration under this ordinance, the City Clerk shall provide written notice, by first class mail, to the address indicated on the application of such denial and the reasons for the denial. The notice of denial shall indicate that the City Clerk's denial may be appealed as provided for in this Section. The City Clerk shall provide a copy of Chapter 834 of the Traverse City Code of Ordinances with the notice of denial.
- (8) Denial by the City Clerk of a registration under this Section may be appealed to the City Manager within thirty (30) calendar days following the date of the notice of denial from the City Clerk. Such appeal shall clearly state the basis for appeal. The City Manager

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shall investigate the reasons for the City Clerk's denial of the registration and shall decide the appeal within thirty (30) calendar days following the date the appeal was received by the City Manager. The City Manager's decision on the appeal shall be final. If the City Manager's decision is to overrule the City Clerk's denial of the registration and grant the registration, the City Clerk shall issue such registration, which registration shall take immediate effect.

- (9) The Liquor License registration shall be prominently displayed on the premises.

**834.08 ANNUAL RENEWAL; LICENSE REVOCATION; AND APPEAL.**

- (1) The City Clerk shall annually convene a meeting of the Chief of Police and appropriate officials before February 1 to review on-premises liquor licenses to determine whether or not to object to the Michigan Liquor Control Commission's renewal of liquor licenses under its authority as set forth in MCL 436.1502(2). Investigations and recommendations as to each renewal request shall be undertaken and provided by the Police Department, Fire Department, appropriate building and zoning officials, and others deemed appropriate. Any recommendation to object to the renewal of a liquor license shall be made in writing to the City Manager.
- (2) Upon a determination of a violation of the conditions set forth in this section, the City Manager will notify the licensee of the specific violation(s) and afford the licensee an opportunity to come into compliance with this Section. Licensee must reach compliance in that time established by the City Manager, but in no event more than ten days after notification to licensee by city of such violation. Absent compliance within that time established the City Manager may then forward the recommendation for revocation or objection to renewal to the City Commission who shall hold a hearing as set forth in this section prior to the recommendation for revocation or objection to renewal of the liquor license for any of the following reasons:
- (a) Failure to comply with all standards and plans and conditions established and approved at the time of issuance of the license or at a time of later city approval.
  - (b) Failure to timely pay all personal property taxes and all real property taxes or have delinquent any personal property tax or real property taxes or obligation due and payable to the City or Light & power as of the date of the annual review.
  - (c) Repeated violations of state law.
  - (d) Violations of this chapter or other city ordinance, executive order, administrative order or policy by the licensee.
  - (e) Maintenance of a nuisance upon or in connection with the licensed premises, including but not limited, to any of the following:
    - i. Violations of the building code, electrical code, fire prevention code, mechanical code, plumbing code, health code or other applicable code.
    - ii. Violation of the zoning ordinance.
    - iii. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law or disturbs the peace, order, and tranquility of the neighborhood including types of police, fire or medical services related to the licensed premises.

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- iv. Failure to maintain the grounds and exterior of licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining properties.
  - v. Entertainment on the licensed premises without a permit or entertainment that disturbs the peace, order and tranquility of the neighborhood of the licensed premises
  - vi. Any advertising, promotion or activity in connection with the licensed premises that causes, creates or contributes to disorder, disobedience of rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
  - vii. Numerous police contacts with the licensed premises or the patrons of the premises.
- (f) Repeated reports that the licensee is serving minors or intoxicated persons.
  - (g) Failure by the licensee to permit the inspection of the licensed premises by the city's employees, agents and/or representatives in connection with the enforcement of this chapter.
- (3) Prior to filing with the Michigan Liquor Control Commission an objection to the renewal of a liquor license or a recommendation for the revocation of a liquor license, the City shall do the following:
- (a) Serve written notice on the license, which shall include:
    - i. Notice of the proposed action and the reasons for the action.
    - ii. Date, time and location of hearing on the matter and a statement that at the hearing, the licensee may present evidence and arguments on its behalf, confront witnesses and may be represented by a licensed attorney.
    - iii. A statement requiring the licensee to notify the city attorney's office at least three days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf.
  - (b) The hearing may be conducted by the City Commission as a whole or the City Commission may delegate to a hearing officer the function of holding the hearing. The hearing officer shall thereafter submit his or her findings and recommendations to the Commission. The licensee may, at his or her expense, employ a reporter to transcribe the testimony given at the hearing and make a transcript of such testimony.
  - (c) The City Commission shall make a written resolution as to its findings and determination and mail same to licensee and the Michigan Liquor Control Commission.

(Ord. 839. Passed 7-16-09.)

**834.09 SEVERABILITY.**

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

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**834.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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

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FOR THE CITY COMMISSION REGULAR MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup> JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 LOADER PURCHASE

Attached are memos from Dave Green, DPS Director, and Scott Meter, Garage Superintendent, requesting approval to purchase a 2014 Caterpillar 950M loader and declare a 2009 Caterpillar 950H surplus. This equipment would be purchased through the MIDEAL Program, which is a state program that provides competitive pricing for entities to take advantage of across Michigan. This was a scheduled purchase.

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

**that the City Manager be authorized to declare a 2009 Caterpillar 950H surplus so that it may be returned to Michigan Cat under a five year buyback agreement, in the amount of \$92,000.00 and that the City Manager be authorized to approve a purchase order to Michigan Cat in the amount of \$280,240.00, under a buy back arrangement for a 2014 Caterpillar 950M loader, with funds available in the Garage Fund.**

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

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# Memorandum

The City of Traverse City  
Department of Public Services



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TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director 

DATE: June 30, 2014

SUBJECT: 2014 Loader Purchase

We have four wheel loaders in the DPS. Without getting into too much detail, two are large capacity loaders and two are smaller. The one due for replacement, #155, is a large loader with a 4 cubic yard bucket. We use loaders for a variety of tasks. Loaders are used to push snow out of the downtown area after lesser snowfalls and, using a large blower attachment, to load snow into trucks to be hauled away during heavy snowfalls. The larger, more powerful loaders are required for these snow blowing and pushing tasks. We also use all of the loaders to remove snow from parking lots, to push back snow at intersections, and to load snow into trucks for removal to the Keystone dump site. Loaders are used to mix salt and sand at the Garage facility and to load the mix into sander trucks. Loaders are used during leaf season to push leaves and load them into dump trucks for hauling. The large loaders are used year-round at the Keystone composting facility to operate the 'wildcat', our compost turning machine, and to load compost for purchasers. Finally, they are used in a variety of construction tasks throughout the year, including sewer and water main repairs, street repairs, and sidewalk construction.

We have some options when it comes to acquiring large, expensive machinery such as wheel loaders. We can buy the equipment outright, we can lease it, or we can purchase it with a buyback agreement. For wheel loaders and backhoes, we think it has worked out best to use the buyback program because it is an effective way to control total costs for this equipment. The combination of purchase price and repair costs, less the guaranteed buyback price, is our "total cost" to operate the equipment during the period. The Caterpillar loader that is due for replacement was purchased in 2009 for \$198,000. We have a guarantee that we can sell the loader back to the dealer for \$92,000. The dealer also guaranteed that our cost of repairs would not exceed \$3500 during the five years. So our "total cost" to operate the Caterpillar for five years was \$109,500, or \$21,900 per year.

Attached is a memorandum from Scott Meter, Garage Superintendent, explaining a loader that meets the size and specifications of the loader we need is available through the State's MIDEAL program and includes the buyback option and guaranteed repair cost as described. Although the price for a similar size loader has increased in 5 years we feel the purchase/buyback process, especially using the MIDEAL program is still the way to go. The City can purchase a new 2014 950M Caterpillar loader for \$280,240.00 through MIDEAL that still has a guaranteed 5 year repair cost of \$3,500 and a revised guaranteed

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# Memorandum

The City of Traverse City  
Department of Public Services



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buy back amount of \$135,000.00 giving us a total cost to operate amount of \$29,748 per year. Currently a lease on a loader of this size is about \$3500 a month or \$42,000 for an annual lease agreement. Again, our cost to own this new loader will be only \$29,748 per year. If we purchase a loader outright, we would keep it in service longer than five years, but after the five year warranty period is up our maintenance costs would start to grow. Our maintenance cost for the new Cat will be guaranteed at just \$3,500 for five years. In addition, under the guaranteed buyback, the dealer must provide repair parts to the City within 48 hours or the parts are free.

With that as background, we are recommending that we buy a new Cat loader and exercise the buyback option on the old Cat. At an annual cost of \$29,748, the buyback option is still less costly than a lease and the guaranteed maximum repair cost the City will have to pay is next to nothing.

The purchase of this wheel loader was identified in the 2014-2015 Garage budget and is a planned replacement.

Please request that the City Commission declare a 2009 Caterpillar 950H surplus so it may be returned for its five year buy back price of \$92,000.00 and approve the purchase of a 2014 Caterpillar 950M loader from Michigan Cat for \$280,240.00 with funds available in the Garage fund.

MEMO

To: Dave Green  
From: Scott Meteer *sm*  
Garage Superintendent  
Subject: Equipment Replacement  
Date: June 24, 2014

The Streets Department currently utilizes two large and two small pay loaders. All four loaders are on a guaranteed buyback. One of the large loaders, #155, is due for replacement September 2014.

The Streets Department has a 950H, and a 950K from Caterpillar. The current model available from Cat is a 950M. It is available at MiDeal pricing. The price from Michigan Cat is \$280,240.00. This includes the normal required options, such as a Pemberton hitch that mates with our current attachments. There is one item on this loader not purchased on previous loaders. The Streets Department has requested the option of high lift arms to ease loading of larger trucks.

After five years or 5000 hours, provided the machine is maintained to the proper level, Michigan Cat will buy back the unit for \$135,000.00.

Please request of the City Commission permission to issue a purchase order to Michigan Cat for \$280,240.00 for a 2014 950M Caterpillar loader.

Also, please request the City Commission to declare old unit #155, a 2009 Caterpillar 950H, surplus so it may be returned for its five year buy back. After the unit is inspected by Michigan Cat for excess wear or damage, and none is found, they will issue us a check for the previously agreed amount of \$92,000.00.



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 WATER PLANT MONITORING AND CONTROL  
IMPROVEMENT PROJECT

Attached is a memo from Director of Public Services Dave Green recommending a consultant agreement for engineering services associated with the 2014 Water Plant Monitoring and Control Improvement Project.

As articulated by Mr. Green, the monitoring and control systems at the Water Treatment Plant are over 50 years old and, as recommended in the Water System Reliability Study, the systems need to be upgraded to current technology. We refer to these controls as SCADA – or Supervisory Control and Data Acquisition.

The City has developed a relationship with Prein and Newhof as we embark on extensive capital improvements to the Water Treatment Plant over the next three years. Prein and Newhof has been engaged by the city for recent engineering services, including initial SCADA System engineering services and the Water Distribution System Reliability Study. Because of these factors, I believe the public interest will be best served in this instance by not obtaining competitive bids, and that we engage Prein & Newhof for engineering and construction phasing services associated with the 2014 Water Plant Monitoring and Control Improvement Project.

The engineering and construction phasing services, as well as the actual construction itself, are included in the 2014-2015 Capital Improvement Plan.

I recommend the motion on the following page. (5 affirmative votes required).

*-See following page for recommended motion-*

**that the competitive bidding process be waived; and that the Mayor and City Clerk execute a consultant agreement with Prein & Newhof in the amount of \$107,500 for professional engineering and construction phasing services in connection with the 2014 Water Plant Monitoring and Control Improvement Project (SCADA), with funds available in the Water 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\water treatment plant monitoring and control improvements project 2014

copy: Dave Green, Director of Public Services

Timothy Lodge, City Engineer

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# Memorandum

The City of Traverse City  
Department of Public Services



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TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director 

DATE: June 30, 2014

SUBJECT: Water Plant Monitoring and Control Improvements Project

The instruments and controls used to treat, process, and pump water at the Water Treatment Plant are aged. Most of the gauges, recorders, meters, and switches used to monitor and regulate pumps and valves that maintain water pressure and reservoir levels have been in place since plant construction and are nearly 50 years old. This is especially true of the main control panel and computer - not a compact modern computer, but rather a multitude of logic controllers connected by miles of wiring. Replacement components for much of this old equipment are no longer available, leading to concerns about future reliability.

New instrumentation and control systems are generally referred to as SCADA systems. SCADA is an acronym for Supervisory Control and Data Acquisition. With SCADA, a desk-top computer performs the functions of an entire room full of instruments and controllers. Computer screens are generally designed to mirror the physical layout of the plant and equipment, and operators monitor and control all systems from a central location. In addition, the SCADA computer can be programmed to store a tremendous amount of detailed information. Data that operators currently record manually on an hourly or daily basis is monitored continuously with SCADA.

An MDEQ requirement for continuous monitoring and recording of turbidity data prompted us to install a very limited SCADA system in 2001. At that time we decided not to connect all the other plant systems to SCADA, preferring to eke a few more years out of our old instruments and controls. In its 2007 Sanitary Survey of our water system, the MDEQ recommended that we adopt a long-term goal to convert old controllers and recorders to SCADA. In 2012, the City hired Prein & Newhof to conduct a Phase 1 SCADA System Preliminary Engineering Report needed to prepare us both logistically and financially to be able to invest in an overall WTP upgrade and improvement project. In the 2013 MDEQ approved Water System Reliability Study the number one priority improvement project was the overall SCADA System Improvements combined with Flow Meter Replacement and Filters 1, 2 & 3 Rate of Flow System Upgrades. Combining the 3 projects limits the down time of the plant which is critical to overall operational performance and customer expectations.

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# Memorandum

The City of Traverse City  
Department of Public Services



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Page 2  
June 30, 2014  
J. Ottenwess

Because of concerns over the reliability of current instruments and controls, the length of time the City has been preparing for the project and the fact that our recently completed Reliability Study reinforces the importance of getting it completed I believe the time has come to fully engage our efforts in this critical improvement project. Undertaking this group of projects now will strengthen our commitment to our customers and start the process of bringing the aging Traverse City Water Treatment Plant into the 21<sup>st</sup> century.

Based on their Phase 1 work on the SCADA system as well as their overall knowledge of our plant and its pressing needs I asked Prein & Newhof to provide us with an engineering services proposal. The proposal not only covers the plans, specifications and cost estimates for the SCADA Improvements, Flow Meter Replacement, Filter 1, 2 & 3 Rate of Flow Upgrades, Pressure Relief Valve Replacements and the Filter to Waste Line Modifications for the riser serving Filter's 4 & 5 but also the construction phasing plan required to limit plant disruption. This proposal will also include assistance in securing the required permit for water system improvements from the MDEQ, bid package preparation, bid process involvement, bid review and award letter. The cost for Prein & Newhof to perform this work based on a time and materials basis plus expenses is a not to exceed total of \$107,500.00. We have included the overall project cost, including design, construction, and construction inspection services costs plus an allowance for construction contingencies suitable for a retrofit project in the recently approved Capital Improvement Plan for the 2014-2015 fiscal year (Project ID # 103).

Please request City Commission approval of a service order/contract for professional services in the amount of \$107,500.00 with Prein & Newhof for 2014 Water Treatment Plant Monitoring and Control Improvements Project with funds available in the Water Fund.

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## Memorandum

City of Traverse City  
Water Treatment Plant

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TO: Dave Green, DPS Director

FROM: Art Krueger, WTP Superintendent



DATE: June 30, 2014

SUBJECT: Water Treatment Plant SCADA Monitoring and Control Improvements

Many of the instruments and controls at the Water Treatment Plant (WTP) currently being used are original equipment installed in 1965 and are reaching the end of their useful life. In addition, when repairs are needed, it will be very difficult to find replacement components / parts to keep instruments functioning that are critical to control the water treatment process. The updating of the SCADA monitoring system has been discussed on and off over the past ten years, but we are now at a critical point needing to move forward with this project along with some important control / mechanical upgrades at the WTP including:

- Flow Meters Replacement
- Pressure Relief Valve Replacements at High Service and Backwash Pumps
- Filter to Waste Riser Line Modifications at Filters #4 and 5

Over the past year and a half, I have been working closely with Prein & Newhof to complete several projects at the WTP including the Phase 1 SCADA System Preliminary Engineering Report, Filter #4 and 5 Emergency Repair and the Water System Reliability Study. Due to their expanded knowledge base from previous engineering work performed at the WTP and excellent work performance to date, I am requesting that a service order / contract be awarded to Prein & Newhof for professional services as outlined in more detail in Dave Green's Memo to Jered Ottenwess, City Manager, dated June 30, 2014 in the amount of \$107,500.00 for the 2014 Water Treatment Plant Monitoring and Control Improvements Project with funds available in the Water Fund.



The City of Traverse City

## Communication to the City Commission

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FOR THE CITY COMMISSION REGULAR MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM:  JERED OTTENWESS, CITY MANAGER

SUBJECT: 2015 POLICE MOTORCYCLES

Attached are memos from Dave Green, DPS Director, and Scott Meteer, Garage Superintendent, requesting approval to purchase two (2) 2015 Harley Davidson patrol motorcycles. This is a scheduled purchase.

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

**that the City Manager be authorized to declare two (2) 2005 Harley Davidsons (#36 & #37) surplus, and that the City Manager be authorized to approve a purchase order to Classic Motor Sports in the amount of \$36,900.00, for two (2) 2015 Harley Davidson Road King patrol motorcycles to be used by the Police Department, with funds available in the Garage Fund for this planned replacement.**

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

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## Memorandum

The City of Traverse City  
Department of Public Services



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TO: Jered Ottenwess, City Manager  
FROM: Dave Green, DPS Director *DG*  
DATE: June 30, 2014  
SUBJECT: 2014 Scheduled Fleet Equipment Replacement

Attached is a memorandum from Scott Meter, Garage Superintendent, requesting approval to purchase two 2015 Harley Davidson patrol motorcycles to replace two 2005 Harley Davidsons (#36 & #37) that have reached the end of their useful life and are starting to show signs of major maintenance and repair issues. The Police Department use these vehicles in the summer months for enforcement operations, crowd control activities at festivals, and other police activities that smaller vehicle's with quicker maneuverability in crowds are more efficient and safer at then our cruisers and K9 vehicles.

Please request that the City Commission declare motorcycles # 36 and # 37 be declared surplus and approve a purchase order in the amount of \$36,900.00 to Classic Motor Sports for the purchase of two 2015 Harley Davidson Road King patrol motorcycles to be used by the Police Department with funds available in the Garage Fund for this planned replacement.

MEMO

To: Dave Green  
From: Scott Meteer   
Garage Superintendent  
Subject: Equipment Replacement  
Date: June 30, 2014

Number 36 and 37, 2005 Harley Davidson patrol motorcycles were scheduled for replacement in February 2009.

Bids were solicited and received to replace the above motorcycles and are as follows:

Zips of Gaylord: No bid.

Classic Motor Sports of Traverse City: \$18,450.00 Each.

Please request of the City Commission permission to issue a purchase order in the amount of \$36,900.00 to Classic Motor Sports for two 2015 Harley Davidson Road King patrol motorcycles..

Also, please request that #36, and #37 be declared surplus so that they may be disposed of.

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



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM:  JERED OTTENWESS, CITY MANAGER

SUBJECT: WEST FRONT STREET RECONSTRUCTION PROJECT

Attached is a memo from City Engineer Timothy Lodge recommending the City Commission authorize an agreement with the Michigan Department of Transportation (MDOT) for it to provide \$375,000 in funds for the reconstruction of West Front Street from Elmwood Avenue west to the City limits. If you would like a copy of the agreement, please let us know. This project's estimated cost is \$702,400 – MDOT will hold the construction contract. The following are funding sources:

Funding source:	Funding amount:
Michigan Department of Transportation – Small Urban Program Funds	\$375,000
City's Water and Sewer Funds	\$202,400
City's General Fund	\$125,000
<b>Total:</b>	<b>\$702,400</b>

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

**that the Mayor and City Clerk execute a contract with the Michigan Department of Transportation for it to provide funding in the amount of \$375,000 for the West Front Street Reconstruction Project, with the City to provide \$202,400 total the Sewer and Water Funds and \$125,000 from the General Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney; and further that a budget amendment be approved to increase both budgeted revenue and budgeted expenses in the Capital Projects Fund to reflect the receipt of \$375,000 in funds from the Michigan Department of Transportation and the subsequent expenditure.**

JJO/bcmK:\tcclerk\city commission\agreements\west front street reconstruction project mdot funding  
copy: Timothy Lodge, City Engineer

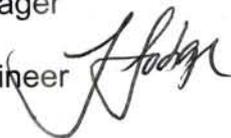
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# Memorandum

The City of Traverse City  
Engineering Department



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TO: Jered Ottenwess, City Manager  
FROM: Timothy J. Lodge, City Engineer   
DATE: June 30, 2014  
SUBJECT: West Front Street Reconstruction Project  
City Limits to Elmwood Avenue  
MDOT Project Number 117229A

We have received the Agreement from the Michigan Department of Transportation (MDOT) for reconstructing West Front Street from the City Limits to Elmwood Avenue. This document is MDOT's standard agreement form used on previous projects that receive federal funding. The project is currently advertised for bids with a scheduled bid opening of July 11, 2014 by the MDOT. The work is scheduled to start in after Labor Day. The agreement allows us to receive \$375,000 in Small Urban Program funds. The project cost is estimated to be \$702,400 with \$125,000 from the General Fund and the remaining \$202,400 cost paid by the Water and Sewer Funds.

The project was included in the 2014 Street Project discussion with the City Planning Commission and was approved at their September 4, 2013 meeting. The plan is to reconstruct the street from the City Limits to Elmwood Avenue with new curb, gutter and pavement and replace the sanitary sewer, water main and storm sewers. A bike lane is planned on both sides of the street and on-street parking will be eliminated. An entry feature west of Madison Street consisting of a raised curbed island in the center of the street will function as a gateway into the City. At both Madison Street and Elmwood Avenue, high-visibility crosswalks are planned. Sections of existing 6-foot sidewalk in need of repair will be replaced during the project and the sidewalks will be extended to the City limits on the north and south sides of the street.

Please have the City Commission authorize the proper City officials to sign this agreement. It is necessary to return both signed copies, along with a certified resolution authorizing those individuals to sign the agreement to MDOT in accordance with the instructions from MDOT.



The City of Traverse City

## Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup> JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014/2015 FLEET EQUIPMENT REPLACEMENTS

Attached are memos from Dave Green, DPS Director, and Scott Meteer, Garage Superintendent, requesting approval to purchase three (3) new 2014 Ford F150 pickups, one (1) new 2015 Ford Transit Van and one (1) new 2015 Ford F350 pickup. This was a scheduled purchase.

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

**that the City Manager be authorized to declare Trucks #46, 51, 121, 128 and Van #80 surplus, and that the City Manager be authorized to approve a purchase order to Signature Ford in the amount of \$113,173.00, for three new 2014 Ford F150 pickups, one new 2015 Ford Transit Van and one new 2015 Ford F350 pickup, with funds available in the Garage Fund for these planned replacements.**

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

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# Memorandum

The City of Traverse City  
Department of Public Services



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TO: Jered Ottenwess, City Manager

FROM: Dave Green, DPS Director 

DATE: July 1, 2014

SUBJECT: 2014/2015 Fleet Equipment Replacement #'s 46, 51, 80, 121 & 128

Attached is a memorandum from Scott Meteer, Garage Superintendent, requesting approval to purchase five replacement vehicles, four for the Parks and Recreation Department and one for the Streets Division. All five vehicles have been budgeted for replacement in the 2014/2015 fiscal year budget recently approved.

Truck # 46 is a 1999 Ford Ranger that is used by the Parks Department and will be replaced with a 2014 Ford F150, 4X4 pickup. We use this vehicle for day to day operations at both the City Marina and Hickory Hills including shuttling small equipment back and forth to the garage for repair and maintenance, helping boaters in trouble at our boat ramp, picking up supplies, etc.

Truck # 51 is a 1995 Chevrolet S10 that is used by the Parks Department and will be replaced with a 2014 Ford F150 pickup. This vehicle is used as a crew/work truck to transport employees, tools and equipment to various job sites around town.

Truck # 80 is a 1988 C30 Chevrolet van that is used by the Parks Department and will be replaced with a 2015 Ford Transit 250. This vehicle is instrumental in the winter months in order to transport items around to various job sites and/or buildings that need to be protected from the elements. Hoses used in the ice rink maintenance operations, City voting equipment, etc. During the summer months it is used mainly as an irrigation maintenance vehicle which allows us to lock the tools, parts and sprinkler heads we need to stock and have available at the job site in the van versus sitting out in the back end of a pickup.

Truck # 121 is a 2001 Dodge Dakota pickup that is used by the Parks Department and will be replaced with a 2014 Ford F150 pickup. This vehicle is used as a crew/work truck to transport employees, tools and equipment to various job sites around town.

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## Memorandum

The City of Traverse City  
Department of Public Services



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Truck # 128 is a 1999 Ford F350 that is used by the Streets Department and will be replaced with a 2014 Ford F350. This truck is used for pulling the cement mixer and/or concrete operation trailer, is one of our pothole patching trucks that pulls the hot patch trailer around during the summer months.

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

Please request that the City Commission declare Truck's # 46, 51, 121, 128 and Van # 80 surplus and approve a purchase order in the amount of \$113,173.00 to Signature Ford for the purchase of three new 2014 Ford F150 pickups, one new 2015 Ford Transit Van and one new 2015 Ford F350 pickup to be used by the Parks and Streets Departments with funds available in the Garage Fund for these needed replacements.

MEMO

To: Dave Green  
From: Scott Meter *scm*  
Garage Superintendent  
Subject: Equipment Replacement  
Date: June 30, 2014

Truck number 46, a 1999 Ford Ranger, was due for replacement in March, 2005. It is split between Hickory Hills and the Marina.

Truck number 51, a 1995 Chevrolet S10, was due for replacement March 2001. It is used by the Park Department.

Truck number 121, a 2001 Dodge Dakota, was due for replacement February 2009. It is used by the Parks Department.

Van number 80, a 1988 C30 Chevrolet van was due for replacement May 1998. It is used by the Parks Department.

Truck number 128, a 1999 F350 Ford was due for replacement November 2006. It is used by the Streets Department.

Bids were solicited through normal channels as well as e-mailing several dealers. Only one returned a bid:

Signature Ford of Owosso:

(Truck 46)	2014 Ford F150:	\$25,678.00
(Truck 51)	2014 Ford F150	\$19,214.00
(Truck 121)	2014 Ford F150	\$19,214.00
(Van 80)	2015 Ford Transit 250	\$25,131.00
(Truck 128)	2015 Ford F350	\$23,936.00

Please request of the City Commission permission to issue a purchase order in the amount of \$113,173.00 for the vehicles listed above.

Also, please request that #46, #51, #121, #80, and #128 be declared surplus so that they may be disposed of.

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



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM:  JERED OTTENWESS, CITY MANAGER

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

Attached is a previously submitted 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, and *Transitional Housing and Emergency Shelter Special Districts Ordinance Amendment*, Sections 1338.02, 1340.02, 1342.02, 1344.02, 1347.02, 1356.02, and 1358.02, which was introduced on June 16, 2014, be enacted with an effective date of July 17, 2014.**

JJO/kjl

k:\ccclerk\city commission\ordinance amendments\emergency shelters\_enact

copy: Russell Soyring, City Planning Director

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# Memorandum

The City of Traverse City  
Planning Department



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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](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.

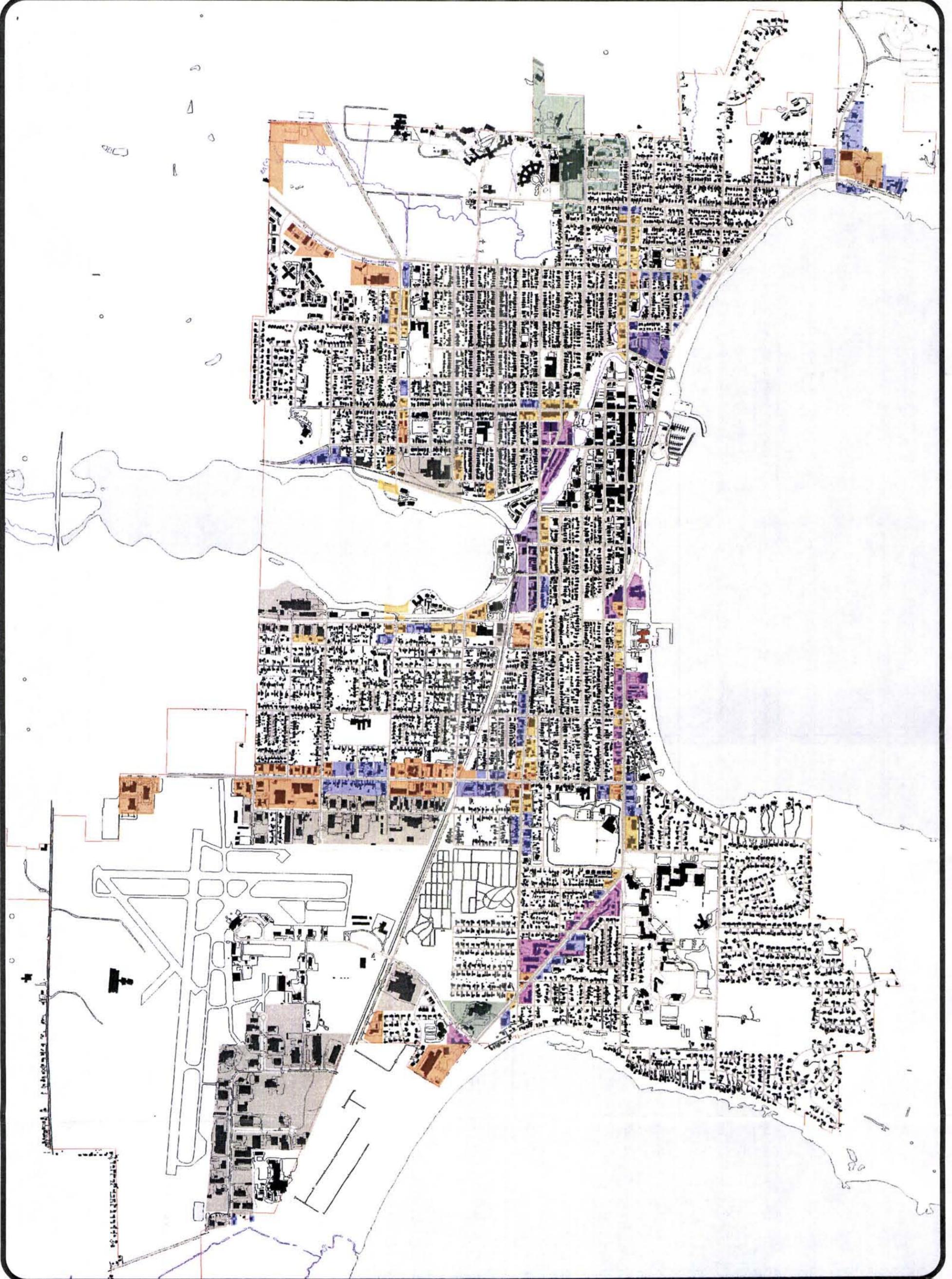
➤ **126 People** were considered to be at risk of homelessness, were doubled up in crowded conditions and/or unable to earn enough income to pay for housing, or were fleeing domestic violence in the 5 counties. This population is difficult to count because they may not be seeking agency help, but relying 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
1320.02	Purpose.		Classification.
1320.03	Interpretation; conflict	1320.09	Rules of construction.
	of laws.	1320.10	Uses not mentioned.
1320.04	Changes and amendments.	1320.11	Temporary buildings.
1320.05	Application of Code;	1320.12	Recreational vehicles,
	compliance required.		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 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**, 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

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. \_\_\_\_\_

Effective date: \_\_\_\_\_

TITLE: TRANSITIONAL HOUSING AND EMERGENCY SHELTER SPECIAL DISTRICTS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Hotel Resort District Section 1338.02, *Uses allowed by Special Land Use Permit*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1338.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

The following uses of land and buildings, together with accessory uses, are allowed in the Hotel Resort District if a special land use permit is issued according to the standards of this Code:

- (a) Essential services buildings
- (b) Residential care and treatment facilities
- (c) Transitional housing
- (d) Communication towers and Emergency shelters
- (e) Wind Energy Building-Mount

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

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2014, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 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 DISTRICTS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Office Service District Section 1340.02, *Uses allowed by Special Land Use Permit*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1340.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

The following uses of land and buildings, together with Accessory Uses, are allowed in the Office Service District if a Special Land Use Permit is issued according to the standards of this Code:

- Communication towers
- Essential services buildings
- Residential care and treatment facilities
- Schools
- Transitional housing and Emergency shelters
- Wind Energy Building-Mount

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

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2014, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 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 DISTRICTS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Neighborhood Center District Section 1342.02, *Uses allowed by Special Land Use Permit*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1342.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

The following uses of land and buildings, together with accessory uses, are allowed in the Neighborhood Center District if a special land use permit is issued according to the standards of this Code:

- Residential care & treatment facilities;
- Schools.
- Transitional housing and Emergency shelters
- Wind Energy Building-mount.

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

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2014, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 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 DISTRICTS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Community Center District Section 1344.02, *Uses allowed by Special Land Use Permit*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1344.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

The following uses of land and buildings, together with accessory uses, are allowed in the Community Center district if a special land use permit is issued according to the standards of this Code:

- Communication towers;
- Essential services buildings;
- Residential care and treatment facilities;
- Schools;
- Transitional housing and Emergency shelters
- Wind Energy Pole/Tower-Mount
- Wind Energy Building-Mount

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

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2014, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 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 DISTRICTS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Development Districts Section 1347.02, *Uses allowed by Special Land Use Permit*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1347.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

The following uses of land and buildings, together with accessory uses, are allowed if a special land use permit is issued according to the standards of this Code:

- Communication towers;
- Convention centers;
- Essential services buildings;
- Finance services with drive-throughs;
- Stores, retail, over 8,000 square feet per floor;
- Taller buildings (buildings taller than 60 feet or over 4 stories),
- Transit centers in the D-2 and D-3 District.
- Transitional housing and Emergency shelters
- Wind Energy Building-Mount

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

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2014, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 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 DISTRICTS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Industrial District Section 1356.02, *Uses allowed by Special Land Use Permit*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1356.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

When applying for a land use permit NMC shall present a master site and facilities plan for the current uses on all the campus property and all anticipated uses within a minimum of the next five years. The following uses of land and buildings, together with accessory uses, are allowed in the NMC Districts, if a special land use permit is issued according to the standards of this Code:

- Communication towers,
- Essential services buildings in a NMC-1 District,
- Taller buildings in an NMC-2 district except buildings located on Grand Traverse Bay are limited to three stories and 50 feet.
- Transitional housing and Emergency shelters
- Wind Energy Pole/Tower-Mount
- Wind Energy Building-Mount

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

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2014, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 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 DISTRICTS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Hospital Districts Section 1358.02, *Uses allowed by Special Land Use Permit*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1358.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

The following uses of land and buildings, together with accessory uses, are allowed if a special land use permit is issued according to the standards of this Zoning Code:

- Communication towers;
- Essential services buildings;
- Landing areas;
- Taller buildings for H-2 district uses;
- Transitional housing and Emergency shelters
- Wind Energy Pole/Tower-Mount
- Wind Energy Building-Mount

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

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

\_\_\_\_\_  
Michael Estes, Mayor

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk

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

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk



The City of Traverse City

## Communication to the City Commission

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FOR THE CITY COMMISSION STUDY SESSION OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup> JERED OTTENWESS, CITY MANAGER

SUBJECT: CLOSED SESSION – CITY MANAGER

As allowed by the Open Meetings Act, I request a closed session of the City Commission to consider the City Commission's periodic personnel evaluation of my performance as City Manager. If the meeting Monday evening is running rather late, I may ask that this item be deferred to a future meeting.

A Roll Call vote is required with four affirmative votes.

The following recommended motion would be appropriate to do so:

**that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the periodic personnel evaluation of City Manager Jered Ottenwess as requested by the City Manager.**

JJO/bcm

K:\tcclerk\city commission\closed session\city manager 2014



The City of Traverse City

## Communication to the City Commission

FOR THE CITY COMMISSION STUDY SESSION OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: LAUREN TRIBLE-LAUCHT, CITY ATTORNEY *LTL*

SUBJECT: CLOSED SESSION – CITY ATTORNEY

As allowed by the Open Meetings Act, I request a closed session of the City Commission to consider the City Commission's periodic personnel evaluation of me as City Attorney. If the meeting Monday evening is running rather late, I may ask that this item be deferred to a future meeting that hasn't run so late into the evening.

A Roll Call vote is required with four affirmative votes.

The following recommended motion would be appropriate to do so:

**that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the periodic personnel evaluation of City Attorney Lauren Tribble-Laucht as requested by the City Attorney.**

LTL/bcm

K:\tcclerk\city commission\closed session\city attorney 2014



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: CITY OF TRAVERSE CITY AND CHARTER TOWNSHIP OF  
GARFIELD RECREATIONAL AUTHORITY BOARD OF  
DIRECTORS – TERM EXPIRATIONS

Attached is a memo from Deputy City Clerk Katie Lowran, regarding one upcoming term expiration on the City of Traverse City Charter Township of Garfield Recreational Authority Board of Directors.

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

The following are sample motions:

1 – to establish an ad hoc interview committee

**that an ad hoc interview committee be established to make a recommendation regarding one three-year term (seat previously held by Ross Biederman) expiring June 30, 2017, on the City of Traverse City Charter Township of Garfield Recreational Authority Board of Directors; and that Commissioners \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ be appointed to such Committee, with Commissioner \_\_\_\_\_ to serve as Chair.**

2-to reappoint Ross Biederman

**that Ross Biederman be reappointed to one three-year term expiring June 30, 2017, on the City of Traverse City Charter Township of Garfield Recreational Authority Board of Directors.**

JJO/kjl

K:\tcclerk\city commission\appointments\adhocreauth\_2014

copy: Matt Cowall, Garfield Township Recreational Authority Executive  
Director

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# Memorandum

The City of Traverse City



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TO: Jered Ottenwess, City Manager

COPY:

FROM: Katie Lowran, Deputy City Clerk

A handwritten signature in blue ink, appearing to read "Katie Lowran", written over the printed name.

DATE: July 2, 2014

SUBJECT: CITY OF TRAVERSE CITY CHARTER TOWNSHIP OF GARFIELD  
RECREATIONAL AUTHORITY BOARD OF DIRECTORS - TERM  
EXPIRATIONS

There is one upcoming term expiration on the City of Traverse City Charter Township of Garfield Recreational Authority Board of Directors. Mr. Ross Biederman has served in this capacity since 2003. Mr. Biederman is seeking reappointment. Matt Cowall, Executive Director for the Garfield Township Recreational Authority has written a letter of recommendation for reappointment. (See attached) This appointment is for one three-year term expiring on June 30, 2017.

In 2013, Mr. Biederman attended 9/11 meetings.

This is a City Commission appointment.

Applications on file.

Ross Biederman, recommended for appointment by the Garfield Township Recreational Authority

Mattias Johnson (Mr. Johnson is also interested in appointment to the Board of Zoning Appeals and the Human Rights Commission. The Recreational Authority is Mr. Johnson's first choice for appointment.)

The purpose of the City of Traverse City and Charter Township of Garfield Recreational Authority Board of Directors is for acquisition, construction, operation, maintenance or improvement of public recreation centers, public parks, and public conference centers as may be acquired by the Authority.

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

---

The City of Traverse City and Charter Township of Garfield  
Recreational Authority

324 Munson Avenue  
Traverse City, MI 49686  
(231) 929-3696

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May 13, 2014

Mayor Michael Estes &  
Traverse City City Commission  
400 Boardman Avenue  
Traverse City, MI 49684

Re: Request for reappointment of Ross Biederman to the Recreational Authority Board of Directors

Dear Members of the City Commission:

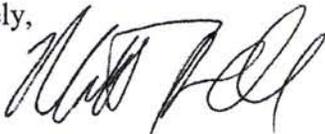
Please accept this letter in enthusiastic support for the reappointment of Ross Biederman to the Recreational Authority Board of Directors.

Mr. Biederman has been an instrumental member of the Authority board since its inception in 2003. All along, he has provided selfless amounts of time, energy, expertise and leadership to the Authority and currently serves as board chair. He also served as co-chair of the capital fundraising campaign that is helping to execute the public's vision for Historic Barns Park, including the first phase of rehabilitation work this summer on the majestic Cathedral Barn.

As you are already aware, Mr. Biederman's service to our community extends well beyond his efforts on behalf of the Recreational Authority. He is a notable business leader and has been extensively involved in local philanthropic efforts for decades. He is also an appointee to the Traverse City Downtown Development Authority. The Recreational Authority is fortunate to benefit from his broad array of skills, his experience, and his deep commitment to improving the quality of life in our region.

Thank you for appointing such excellent representation to the Recreational Authority board. I cannot think of a better candidate, and all involved are glad that Mr. Biederman is willing to continue his service to the Authority and its parklands. Please let me know if there is anything I or the Board of Directors can do to further support Mr. Biederman's reappointment.

Sincerely,



Matt Cowall  
Executive Director

e-copy: Recreational Authority Board of Directors  
Chuck Korn, Supervisor, Charter Township of Garfield



# City of Traverse City Application to Become Involved

Board(s)/Committee(s) on which you are interested in serving: Garfield Rec. Comm. (1), Board Of Zoning Appeals (2) Human Rights Comm. (3)

(Please limit to three boards/committees)

Name: Mattias F Johnson E-Mail Address: tias.johnson@gmail.com

Address: 402 w. 15th St. Traverse City MI 49684  
(Street) (City) (State) (Zip)

Occupation: Attorney (if retired, please provide your career)

Home telephone number: (231) 883-1456 Work telephone number: ( )

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

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

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

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

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

Signature \_\_\_\_\_

Date **RECEIVED**

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

**MAY 09 2014**

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

CITY OF TRAVERSE CITY  
CITY CLERK'S OFFICE  
K:\TCCLERK\Forms\boardapplication.doc

City of Traverse City  
Application to Become Involved  
5/7/14

TO WHOM IT MAY CONCERN:

My name is Mattias Johnson and I am a new attorney in town with the law firm Elhart & Horvath. Up until recently I was also an adjunct earth science instructor at Northwestern Michigan College, though my current schedule does not allow me to continue that wonderful opportunity. The purpose of this letter is to see if it might be possible to fill any of the upcoming board vacancies.

I grew up in Traverse City and returned this past year after law school and graduate school in South Carolina. I live downtown and am truly enjoying being back. I am looking for ways to give back to the community that has given so much to me over the past 27 years and figured that representing the people of this community to whatever extent possible would be a good way of going about that task. I spoke with Katie Lowran who informed me that there would be openings this June on the Garfield Rec. Authority, Board of Zoning Appeals, and Human Rights Commission. I would be interested in helping out on any of these with the Rec. Authority probably being my first choice, and BOZA second. I spend a great deal of time enjoying the various recreation areas in this community, and believe that I could be a great asset to the Rec. Commission. I also truly enjoy land use planning, have done considerable amounts of study on the topic, and believe that I would be able to fit in nicely with BOZA. I would certainly be open to any other openings should they come available, especially with the Downtown Development Authority or Traverse City Light and Power.

I believe that it is critical to get the growing young professional population in this area involved in continuing to make Traverse City a great place to live for people of all ages. I would relish the opportunity to meet with you at your convenience to discuss this further.

I appreciate your time and consideration!

Mattias F. Johnson  
402 W. 15<sup>th</sup> St.  
Traverse City, MI 49684  
(231) 883-1456  
tias.johnson@gmail.com

RECEIVED

MAY 09 2014

CITY OF TRAVERSE CITY  
CITY CLERKS OFFICE

# Mattias Frederick Johnson

[tias.johnson@gmail.com](mailto:tias.johnson@gmail.com)

402 W. 15th St.  
Traverse City, MI 49684  
(231) 883-1456

RECEIVED

MAY 09 2014

## EDUCATION:

**UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW & GRADUATE SCHOOL OF EARTH AND OCEAN SCIENCES**, Columbia, SC  
**Dual Degree Law Program:** JD/MS in Earth and Environmental Resource Management, 2013  
**Honors and Activities:** Dean's List (Spring 2012) Environmental Law Society- President (2013) & Treasurer (2012), Phi Delta Phi (international legal honors fraternity), Imperial Barrel Award Competition (graduate geology team), Intramural Mock Trial Competition (2011, 2012)  
Intramural: Basketball, Sand Volleyball, Floor Hockey, Football, Softball, Soccer

**MICHIGAN STATE UNIVERSITY-James Madison College**, East Lansing, MI  
B.A. in Social Relations and Public Policy, 2008

## EMPLOYMENT:

**Elhart & Horvath PLC**, Traverse City, MI  
Associate Attorney, 2014-present  
Currently assisting in all matters of litigation on a litany of topics.

**Northwestern Michigan College**, Traverse City, MI  
Adjunct Earth Science Professor, 2013-present  
Currently teaching Earth Science lecture and lab, allowing myself to hone my skills in geology, meteorology, land use, and public speaking.

**Law Offices of Kristyn J. Houle PLC**, Traverse City, MI  
Law Clerk (Contract), August 2013-January 2014  
Assisted in all matters of litigation on pending lawsuit involving water use, the public trust, floodplain management and governmental takings.

**Michigan Land, Air, Water Defense (MLAWD)**, Traverse City, MI  
Clerk and Researcher, Summer 2013 (mornings)  
While studying for the Bar Exam, researched and worked directly with the hired council from Olson, Bzdok, and Howard to draft motions, summaries, and responses for litigation involving state land leases.

**South Carolina Administrative Law Court**, Columbia, SC  
Intern, Summer 2011  
Assisted judicial clerks with opinions, electronic filings, case management systems, and Westlaw uploads. Work included extensive courtroom visits and consultations with judges.

**University of South Carolina**, Columbia, SC  
Teaching Assistant, 2009-2012  
Taught labs to undergraduate students for the classes: Introduction to the Environment, Oceans and Man, Green Politics

**Conservation Voters of South Carolina**, Columbia, SC  
Intern, Summer 2010  
Worked on all aspects of several political campaigns, as well as with various agencies throughout the Southeast on policy formation directed at offshore natural gas exploration.

## SKILLS:

Basic conversational Spanish, Dual Citizenship (German, American), extensive study in Earth Sciences, Master's thesis project on offshore aquaculture, extensive traditional (oil and gas) and non-traditional (alternative) energy research and study, Master's course of study focusing in hydrology. Extensive legal research regarding Public Trust, land conservancies, and real property. Fluent with Microsoft operating systems.

**City of Traverse City and Charter Township of Garfield Recreational Authority  
Board of Directors**

	<u>Initial Apt. Date</u>	<u>Termination</u>
Molly Agostinelli (Garfield Board Rep) 1645 Lake Dr, TC, 49864 995-7442 (Bus) <a href="mailto:molly@mollyago.com">molly@mollyago.com</a>	12/11/08	06/30/16
Ross Biederman (City Commission Apt) 1003 Peninsula Dr, TC, 49686 947-1838 (Res) 947-7674 ext. 121 (Bus) <a href="mailto:rossb@wtcmradio.com">rossb@wtcmradio.com</a>	09/02/03	06/30/14
-Term Expiring, Seeking Reappointment, Recommended for Reappointment by Executive Director Matt Cowell		
Matt McDonough (Land Conservancy Apt) 3860 N. Long Lake Rd, Ste. C, TC, 49684 409-4285 (Cell) 922-1245 (Bus) <a href="mailto:matt@grlc.org">matt@grlc.org</a>	05/2012	06/30/15
Michael Groleau (Garfield Apt) 493 East Silver Lake Rd. TC. 49685 463-8201 (Cell) 933-6160 (Res) 947-3111 ext. 113 (Bus) <a href="mailto:mike.groleau@rjinc.com">mike.groleau@rjinc.com</a>	11/10/03	06/30/15
Tim Hughes (Garfield Apt) 1127 Silver Valley Lane, TC, 49684 946-9929 (Res) 645-4883 (Cell) <a href="mailto:tjjhughes@chartermi.net">tjjhughes@chartermi.net</a>	11/10/03	06/30/17
Chris Bzdok (City Commission Apt) 616 W. 7th St, TC, 49684 590-0067 (Cell) 946-0044 (Bus) <a href="mailto:chrisbzdok@gmail.com">chrisbzdok@gmail.com</a>	05/07/12	06/30/15
Jeanine Easterday (City Commission Rep) 1011 Lake Ridge Dr, #102, TC, 49684 947-0047 (Res) <a href="mailto:jeasterday@traversecitymi.gov">jeasterday@traversecitymi.gov</a>	11/10/11	06/30/16
Matt Cowall, Executive Director/Staff 324 Munson Ave, TC, 49686 929-3696 (Bus) <a href="mailto:mcowall@liaa.org">mcowall@liaa.org</a>		

This board consists of seven members; those members are appointed as follows:

Three are appointed by the City Commission, with one of those three being a City Commissioner

Three are appointed by the Garfield Township Board, with one of those three being a Garfield Township Board member

One is appointed by the Board of Directors of the Grand Traverse Regional Land Conservancy (this appointee must be a resident of the City of Traverse City or Garfield Township)

All appointments are for three years, and expire 6/30.

Creation provided for under the provisions of Public Act. No. 321, Public Acts of 2000 (The Recreational Authorities Act).

**Purpose:** "The Authority is incorporated for the purpose of the acquisition, construction, operation, maintenance or improvement of public recreation centers, public parks, and public conference centers as may be acquired by the Authority or as may be transferred to it by a participating municipality. The Authority may donate, sell, lease or transfer any such facilities so acquired only to a participating municipality." (Articles of Incorporation, adopted June 30, 2003.)

Regular Board meetings are the first Wednesday of the month at 7:00 p.m. and alternate between the Garfield Township Hall (3848 Veterans Drive) and the Governmental Center (400 Boardman Avenue). Study sessions and special meetings are held as needed.



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM: <sup>50</sup> JERED OTTENWESS, CITY MANAGER

SUBJECT: BOARD OF ZONING APPEALS – TERM EXPIRATIONS

Attached is a memo from Deputy City Clerk Katie Lowran, regarding three upcoming term expirations on the Board of Zoning Appeals.

As indicated by Ms. Lowran, these are City Commission appointments.

The following motion would establish an ad hoc interview committee:

**that an ad hoc interview committee be established to make a recommendation regarding three Regular Member three-year terms (seats previously held by Kathryn Henning- Callison, Jennifer Jones, and Douglas Donaldson) expiring June 30, 2017, on the Board of Zoning Appeals; and that Commissioners \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ be appointed to such Committee, with Commissioner \_\_\_\_\_ to serve as Chair.**

JJO/kjl

K:\tcclerk\city commission\appointments\adhocbza\_2014

copy: Dave Weston, Zoning Administrator

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# Memorandum

The City of Traverse City



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TO: Jered Ottenwess, City Manager

COPY:

FROM: Katie Lowran, Deputy City Clerk

DATE: July 2, 2014

SUBJECT: BOARD OF ZONING APPEALS - TERM EXPIRATIONS

There are three upcoming term expirations on the Board of Zoning Appeals. The seats currently held by Kathryn Henning-Callison, Jennifer Jones and Douglas Donaldson will be expiring on June 30, 2014. Ms. Henning-Callison, Ms. Jones and Mr. Donaldson are all seeking reappointment. Ms. Henning-Callison has served since 2011; Ms. Jones has served in this capacity since 2010 while, Mr. Donaldson has served in this capacity since 2012. Mr. Bradley Matson was appointed to the Board of Zoning Appeals Board as an Alternate Member this past April, is also interested in being considered for appointment to a Regular Member. In the event that Mr. Matson is elevated to a Regular Member position, there will subsequently be one unexpired Alternate Member position expiring on June 30, 2015. The Regular Member terms are three year terms expiring on June 30, 2017.

In 2013, Ms. Henning-Callison attended 5/5 meetings; and Ms. Jones and Mr. Donaldson each attended 3/5 meetings.

These are City Commission appointments.

Applications on file.

Kathyr Henning-Callison, seeking reappointment

Douglas Donaldson, seeking reappointment

Jennifer Jones, seeking reappointment

Bradley Matson, current Alternate member, seeking appointment to Regular member

Mattias Johnson (Mr. Johnson is also interested in appointment to the Recreational Authority and the Human Rights Commission. The Board of Zoning Appeals is Mr. Johnson's second choice for appointment.)

Nathan Miller

The purpose of the Board of Zoning Appeals is to decide appeals where it is alleged by the application that there is an error in any order, requirement etc.

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

## Board of Zoning Appeals

	<u>Initial Apt. Date</u>	<u>Termination</u>
<p>Jeff Cockfield (Chairperson)                      1621 Comanche St, TC, 49686                      218-4986 (Cell)</p>	12/16/02	06/30/16
<p>Kathryn Henning-Callison                      421 E. State St, Apt. 6, TC, 49686                      409-5252 (Cell)  <a href="mailto:khalbert.tc@gmail.com">khalbert.tc@gmail.com</a></p> <p style="text-align: center;">-Term Expiring, Seeking Reappointment-</p>	06/20/11 (Eff. 06/30/11)	06/30/14
<p>Jennifer Jones                      215 E. 11th St, TC, 49684                      631-4348 (Res) 922-5651 (Bus)  <a href="mailto:jennifer.jones@huntington.com">jennifer.jones@huntington.com</a></p> <p style="text-align: center;">-Term Expiring, Seeking Reappointment</p>	11/01/10 (10/19/09 as an alternate member)	06/30/14
<p>Douglas Donaldson                      326 W. Seventh St, TC, 49684                      929-9617 (Res) 256-9872 (Bus)  <a href="mailto:ddonaldsonlaw@gmail.com">ddonaldsonlaw@gmail.com</a></p> <p style="text-align: center;">-Term Expiring, Seeking Reappointment-</p>	10/01/12 (02/19/08 as an alternate member)	06/30/14
<p>Martin Lomasney                      817 Webster St, TC, 49686                      421-1702 (Res) 301-377-8386 (Cell)  <a href="mailto:mjlomasnev@verizon.net">mjlomasnev@verizon.net</a></p>	12/17/12	06/30/15.
<p>Margaret Szajner                      647 W. Orchard Dr, TC, 49686                      392-3933 (Res) 941-1986 (Bus)  <a href="mailto:keendanlex@gmail.com">keendanlex@gmail.com</a></p>	01/03/11	06/30/15
<p>Quinn Rafferty                      515 Monroe St, TC, 49684                      649-7998 (Cell)  <a href="mailto:quinnrafferty@gmail.com">quinnrafferty@gmail.com</a></p>	06/17/13 (Eff. 06/30/13)	06/30/16
<p>Matt Hanley                      515 W. 9th St, TC, 49684                      218-3346 (Res) 929-0500 (Bus)  <a href="mailto:mhanley@ddc-law.com">mhanley@ddc-law.com</a></p>	03/17/14 (08/05/13 as an alternate member)	06/30/15

Jody Bergman (Planning Commission Rep) 01/07/14 06/30/16  
110 Boughy St, TC, 49684  
947-6464 (Res)  
[jbergman@comstockconstruction.com](mailto:jbergman@comstockconstruction.com)

Brad Matson (Alternate Member) 04/21/14 06/30/15  
309 E. 8th St, TC, 49684  
342-8389 (Cell)  
[bematson@gmail.com](mailto:bematson@gmail.com)

-Seeking Appointment to Regular Member-

James Wegener (Alternate Member) 08/20/12 06/30/15  
837 Rose St, TC, 49686  
947-5111 (Res)

Dave Weston (Zoning Administrator) - staff

This board consists of **9 members** - **at least one member shall also be member of the City Planning Commission.** Appointments are made by City Commission. The City Commission shall appoint 2 alternate members for 3-yr terms.

Members shall **not be in default** to the City, shall be **adults**, and shall be **residents of the City of Traverse City.**

(Policy on Appointments and Committees)

**Any vacancy on the Board of Zoning Appeals must be filled within one month.** (Effective July 1, 2006. 2006 PA 110, Section 601(9)).

All appointments are **3-year terms** expiring 6/30.

Creation provided for under 1921 PA 207 as amended MCL 125.585 et seq and TC Code §1254.

**Purpose:** "To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, etc. made by the Building Official, Zoning Administrator, etc. in administering or enforcing the provision of Ordinance." "To interpret provisions of Ordinance." "To authorize variances and exceptions."

This Board also serves as the body which hears appeals made under the City's Rental Housing Code and State Housing Law (assumed the responsibilities of the Rental Housing Board of Appeals). Ordinance amendment 599, enacted April 21, 2003.

Meets the Second Tuesday of the month at 7:00 pm.



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# Memorandum

The City of Traverse City



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TO: Jered Ottenwess, City Manager

COPY:

FROM: Katie Lowran, Deputy City Clerk

A handwritten signature in blue ink that reads "Katie Lowran".

DATE: July 2, 2014

SUBJECT: HISTORIC DISTRICTS COMMISSION - TERM EXPIRATIONS

There are three upcoming term expirations on the Historic Districts Commission. The seats currently held by Michael Callahan, Mark Crane and Karl Brockmiller will be expiring on June 30, 2014. Mr. Callahan has served in this capacity since August 1999 and would like to be reappointed. Mr. Crane has served since 2008 and would also like to be reappointed. Mr. Brockmiller is not seeking reappointment. The terms are for three years expiring on June 30, 2017.

In 2013, both Mr. Callahan and Mr. Crane each attended 8/9 meetings.

These are City Commission appointments.

No other applications are on file at this time.

The purpose of the Historic Districts Commission is to safeguard heritage of City - to preserve cultural, political or architectural history - to preserve historic landmarks - to foster civic beauty, etc.

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

## Historic Districts Commission

	<u>Initial Apt. Date</u>	<u>Termination</u>
<b>Michael Callahan (Architect)</b> 521 Spruce Street, TC, 49684 947-8875 (Res) -Term Expiring, Seeking Reappointment-	08/16/99	06/30/14
<b>Mark Crane</b> 721 South Union St, TC, 49684 947-9039 (Res) 941-1200 (Bus) <a href="mailto:cranemarkus@yahoo.com">cranemarkus@yahoo.com</a> -Term Expiring, Seeking Reappointment-	06/02/08 (eff. 6/30/08)	06/30/14
<b>Andy Andres</b> 1107 Barlow St, Apt. B, TC, 49686 342-5819 (Cell) <a href="mailto:a.andres@charter.net">a.andres@charter.net</a>	02/04/13	06/30/15
<b>Karl Brockmiller</b> 1018 Washington, TC, 49686 935-1492 (Red) 876-9782 (Bus) <a href="mailto:karlbrockmiller@9and10news.com">karlbrockmiller@9and10news.com</a> -Term Expiring, Not Seeking Reappointment-	03/05/12	06/30/14
<b>Eric Mansuy</b> 1010 Rose St, TC, 49684 499-6768 (Res)	12/03/07	06/30/15
<b>Suzannah Tobin (Architect)</b> 562 Fifth St, TC, 49684 929-4465 (Res) 883-9146 (Bus) <a href="mailto:suzannahtobin@yahoo.com">suzannahtobin@yahoo.com</a>	06/21/10	06/30/16
<b>Ken Zacks (Hist Dist Prop Owner/Bus Owner)</b> 203 Wadsworth, TC, 49684 946-2312 (Res)	07/02/01	06/30/16

David Weston, Zoning Administrator - staff

This Commission consists of 7 members **appointed by the City Commission**. Members **must reside in the City** of Traverse City.

- One Member shall be a licensed Architect.
- Two Members shall be selected from a list submitted by duly organized and existing preservation societies or historical groups.

All appointments are for **3-year terms** expiring 6/30.

An appointment to fill a vacancy shall be made by the City Commission to complete the unexpired term.

Creation of the Historic Districts Commission provided for by 1970 PA 169 as amended MCL399.205 et seq and TC Code §1462.03.

**Purpose:** To carry out the provisions of Chapter 1462, Part Fourteen, Historic Districts Commission, Traverse City Code of Ordinances. To investigate and recommend to City Commission areas it deems valuable for designation as Historic Districts, to recommend to City Commission structures it deems valuable for designation as Historic Landmarks, etc. Purposes of Ordinance are to safeguard heritage of City - to preserve cultural, political or architectural history - to preserve historic landmarks - to foster civic beauty, etc.

Meets last Thursday of the Month at 7pm.

The City of Traverse City

Office of the City Clerk

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



April 1, 2014

RECEIVED

APR 08 2014

CITY OF TRAVERSE CITY  
CITY CLERKS OFFICE

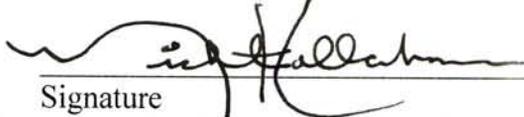
Mr. Michael Callahan  
521 Spruce St.  
Traverse City, MI 49684

Dear Mr. Callahan:

Subject: Term expiring – Historic Districts Commission

As you are aware, your appointment to the Historic Districts Commission expires on June 30, 2014. On behalf of the City Commission, I respectfully request that you sign below to indicate if you wish to be reappointed.

Please allow this to serve as my willingness and desire to be considered as a member on the Historic Districts Commission.

  
\_\_\_\_\_  
Signature

5 April 2014  
Date

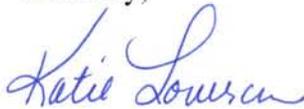
It is with regret that I do not wish to be considered for another term on the Historic Districts Commission.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

Sincerely,



Katie Lowran  
Deputy City Clerk

copy: David Weston, Zoning Administrator

The City of Traverse City

Office of the City Clerk

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



April 1, 2014

Mark Crane  
721 S. Union St.  
Traverse City, MI 49684

RECEIVED

APR 07 2014

CITY OF TRAVERSE CITY  
CITY CLERKS OFFICE

Dear Mr. Crane:

Subject: Term expiring – Historic Districts Commission

As you are aware, your appointment to the Historic Districts Commission expires on June 30, 2014. On behalf of the City Commission, I respectfully request that you sign below to indicate if you wish to be reappointed.

Please allow this to serve as my willingness and desire to be considered as a member on the Historic Districts Commission.

Mark A. Crane  
Signature

4-07-14  
Date

It is with regret that I do not wish to be considered for another term on the Historic Districts Commission.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

Sincerely,

Katie Lowran

Katie Lowran  
Deputy City Clerk

copy: David Weston, Zoning Administrator



# Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 7, 2014

DATE: JULY 3, 2014

FROM:  JERED OTTENWESS, CITY MANAGER

SUBJECT: HUMAN RIGHTS COMMISSION – TERM EXPIRATIONS

Attached is a memo from Deputy City Clerk Katie Lowran, regarding three term expirations on the Human Rights Commission.

As indicated by Ms. Lowran, these are Mayoral appointments with City Commission approval.

The following motion would be appropriate:

**that the Mayor's reappointment of Barbara McClellan to one three-year term (seat previously held by Barbara McClellan) and the appointments of Mattias Johnson and Patricia Nugent (seats previously held by Taylor Nash and Kathryn Henning Callison) expiring June 30, 2017, on the Human Rights Commission, be approved.**

JJO/kjl

K:\tcclerk\city commission\appointments\adhohrc\_2014

copy: Jamie Carrifino, Human Resource Specialist

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# Memorandum

The City of Traverse City



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TO: Jered Ottenwess, City Manager

COPY:

FROM: Katie Lowran, Deputy City Clerk

DATE: July 2, 2014

SUBJECT: HUMAN RIGHTS COMMISSION - TERM EXPIRATIONS

There are three term expirations on the Human Rights Commission. (Barbara McClellan, Taylor Nash and Kathryn Henning Callison). Ms. McClellan is the only incumbent seeking reappointment and has been serving in this capacity since 2010. Terms are for three years expiring on June 30, 2017.

In 2013, Ms. McClellan attended 11/12 meetings

These are Mayoral appointments with City Commission approval. Mayor Estes has recommended the appointment of the three applicants on file, subject to City Commission approval.

The following applications are on file:

Barbara McClellan; incumbent seeking reappointment

Mattias Johnson

Patricia Nugent

The purpose of the Human Rights Commission is to foster mutual understanding and respect among all groups and discourage discriminatory practices, formulate and carry out programs of community education and information.

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



# City of Traverse City Application to Become Involved

Board(s)/Committee(s) on which you are interested in serving: Garfield Rec. Comm. (1), Board Of Zoning Appeals (2) Human Rights Comm. (3)

(Please limit to three boards/committees)

Name: Mattias F Johnson E-Mail Address: tias.johnson@gmail.com

Address: 402 w. 15th St. Traverse City MI 49684  
(Street) (City) (State) (Zip)

Occupation: Attorney (if retired, please provide your career)

Home telephone number: (231) 883-1456 Work telephone number: ( )

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

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

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

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

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

Signature \_\_\_\_\_

Date RECEIVED

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

MAY 09 2014

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

CITY OF TRAVERSE CITY  
CITY CLERK'S OFFICE  
K:\TCCLERK\Forms\boardapplication.doc

City of Traverse City  
Application to Become Involved  
5/7/14

TO WHOM IT MAY CONCERN:

My name is Mattias Johnson and I am a new attorney in town with the law firm Elhart & Horvath. Up until recently I was also an adjunct earth science instructor at Northwestern Michigan College, though my current schedule does not allow me to continue that wonderful opportunity. The purpose of this letter is to see if it might be possible to fill any of the upcoming board vacancies.

I grew up in Traverse City and returned this past year after law school and graduate school in South Carolina. I live downtown and am truly enjoying being back. I am looking for ways to give back to the community that has given so much to me over the past 27 years and figured that representing the people of this community to whatever extent possible would be a good way of going about that task. I spoke with Katie Lowran who informed me that there would be openings this June on the Garfield Rec. Authority, Board of Zoning Appeals, and Human Rights Commission. I would be interested in helping out on any of these with the Rec. Authority probably being my first choice, and BOZA second. I spend a great deal of time enjoying the various recreation areas in this community, and believe that I could be a great asset to the Rec. Commission. I also truly enjoy land use planning, have done considerable amounts of study on the topic, and believe that I would be able to fit in nicely with BOZA. I would certainly be open to any other openings should they come available, especially with the Downtown Development Authority or Traverse City Light and Power.

I believe that it is critical to get the growing young professional population in this area involved in continuing to make Traverse City a great place to live for people of all ages. I would relish the opportunity to meet with you at your convenience to discuss this further.

I appreciate your time and consideration!

Mattias F. Johnson  
402 W. 15<sup>th</sup> St.  
Traverse City, MI 49684  
(231) 883-1456  
tias.johnson@gmail.com

RECEIVED

MAY 09 2014

CITY OF TRAVERSE CITY  
CITY CLERKS OFFICE

# Mattias Frederick Johnson

tias.johnson@gmail.com

402 W. 15th St.  
Traverse City, MI 49684  
(231) 883-1456

RECEIVED

MAY 09 2014

## EDUCATION:

**UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW & GRADUATE SCHOOL OF EARTH AND OCEAN SCIENCES, Columbia, SC**  
**Dual Degree Law Program:** JD/MS in Earth and Environmental Resource Management, 2013  
**Honors and Activities:** Dean's List (Spring 2012) Environmental Law Society- President (2013) & Treasurer (2012), Phi Delta Phi (international legal honors fraternity), Imperial Barrel Award Competition (graduate geology team), Intramural Mock Trial Competition (2011, 2012)  
Intramural: Basketball, Sand Volleyball, Floor Hockey, Football, Softball, Soccer

**MICHIGAN STATE UNIVERSITY-James Madison College, East Lansing, MI**  
B.A. in Social Relations and Public Policy, 2008

## EMPLOYMENT:

**Elhart & Horvath PLC, Traverse City, MI**  
Associate Attorney, 2014-present  
Currently assisting in all matters of litigation on a litany of topics.

**Northwestern Michigan College, Traverse City, MI**  
Adjunct Earth Science Professor, 2013-present  
Currently teaching Earth Science lecture and lab, allowing myself to hone my skills in geology, meteorology, land use, and public speaking.

**Law Offices of Kristyn J. Houle PLC, Traverse City, MI**  
Law Clerk (Contract), August 2013-January 2014  
Assisted in all matters of litigation on pending lawsuit involving water use, the public trust, floodplain management and governmental takings.

**Michigan Land, Air, Water Defense (MLAWD), Traverse City, MI**  
Clerk and Researcher, Summer 2013 (mornings)  
While studying for the Bar Exam, researched and worked directly with the hired council from Olson, Bzdok, and Howard to draft motions, summaries, and responses for litigation involving state land leases.

**South Carolina Administrative Law Court, Columbia, SC**  
Intern, Summer 2011  
Assisted judicial clerks with opinions, electronic filings, case management systems, and Westlaw uploads. Work included extensive courtroom visits and consultations with judges.

**University of South Carolina, Columbia, SC**  
Teaching Assistant, 2009-2012  
Taught labs to undergraduate students for the classes: Introduction to the Environment, Oceans and Man, Green Politics

**Conservation Voters of South Carolina, Columbia, SC**  
Intern, Summer 2010  
Worked on all aspects of several political campaigns, as well as with various agencies throughout the Southeast on policy formation directed at offshore natural gas exploration.

## SKILLS:

Basic conversational Spanish, Dual Citizenship (German, American), extensive study in Earth Sciences, Master's thesis project on offshore aquaculture, extensive traditional (oil and gas) and non-traditional (alternative) energy research and study, Master's course of study focusing in hydrology. Extensive legal research regarding Public Trust, land conservancies, and real property. Fluent with Microsoft operating systems.



City of Traverse City
Application to Become Involved

Board(s)/Committee(s) on which you are interested in serving: Housing Commission
Human Rights

Name: Patricia Nugent E-Mail Address: patriciaannugent@gmail.com

Address: 11633 Willow Point Dr Traverse City MI 49686

Occupation: retired Director of Public Policy (if retired, please provide your career) New Business Development - Dow Chemical

Home telephone number: 888 859-9504 Work telephone number: ( )

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

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

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

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

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

Signature Patricia Nugent

Date 5/28/2014

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

# Patricia Nugent

11633 Willow Point Drive • Traverse City, MI 49686 • Phone: 989.8599.506  
E-Mail: patriciaannugent@gmail.com

April 13, 2014

Benjamin Marentette  
City Clerk  
400 Boardman Avenue  
Traverse City, MI 49684

Dear Mr. Marentette:

Enclosed is my application to become involved on the Board of Zoning Appeals for Traverse City. I moved to Traverse City last June after retiring from The Dow Chemical Company. I am applying for the board to learn more about the city with respect to its operations and development. I also have the time to devote to understanding the impact of zoning changes to successful city development.

My experience at Dow, especially in Dow Building Solutions and Dow Solar, gave me experience with city codes and ordinances. I worked at policy development at both the city and federal levels.

I also have considerable experience writing and securing funding with several federal agencies.

Also enclosed is a copy of my resume.

Sincerely,

Patricia Nugent

# Patricia Nugent

11633 Willow Point Drive • Traverse City, MI 49686 • Phone: 989-859-9506 • E-Mail: patriciaannnugent@gmail.com

## Experience

*Dow Chemical Corporation, Midland MI*

December 1987 – May 2013

Director of Policy and Business Development – Dow Solar

- Developed and led solar policy efforts at the state and national level
- Directly responsible for passage of industry bill in Colorado reducing residential solar costs
- Led efforts for writing Department of Energy grant resulting in multi million dollar award to support second generation solar shingle

Director of Business Development – Dow Building Solutions

- Led efforts for writing Department of Energy grant resulting in winning multi million dollar award to support development of solar shingles
- Led commercial efforts on multi functional team building solar business

Leader Dow Ventures

- Explored and developed options for new business /products for Dow at the corporate level in Alternative Energy

Leader for Industrial Biotechnology

Dow Chemical Research and Development

Midland Hospital Center, Midland MI

January 1978 – November 1987

Medical Technologist

Jewish Hospital, Cincinnati, OH

June 1975 – May 1977

Medical Technologist and internship

## Education

*Michigan Technological University*

September 1971-1974

Bachelor of Science – Medical Technology

*Northwood University, Richard DeVos School of Executive Management*

September 1993 – 1996

Executive MBA

*University of Chicago Booth School of Business*

November 2010

Mergers and Acquisitions

## Leadership

- Member of the Solar Energy Industry Association as Executive Vice Chair - work included advocacy efforts at both the state and federal levels ☐☐
- Board and Founding member of SPEER - South-central Partnership for Energy Efficiency as a Resource ☐☐
- Board and founding member of CEIR - Center for Environmental Innovation in Roofing ☐☐
- Board member of RISE - Roof Integrated Solar Energy linked to the NRCA

## Skills

Proficient in Microsoft Word, Excel and Power Point

## Human Rights Commission

	<u>Initial Apt. Date</u>	<u>Termination</u>
<p>Theresa Gardner, Chair (City Resident)            408 S. Civic Center Dr, TC, 49686            499-8016 (Res)  <a href="mailto:tgardner808@yahoo.com">tgardner808@yahoo.com</a></p>	<p>04/20/09            (Effective 6/30/09)</p>	<p>06/30/15</p>
<p>Lee Hornberger, Vice-Chair (Non-City Resident)            6730 Mission Ridge, TC, 49686            941-0746 (Res)  <a href="mailto:leehornberger@leehornberger.com">leehornberger@leehornberger.com</a></p>	<p>04/20/09</p>	<p>06/30/15</p>
<p>Barbara McClellan (City Resident)            501 Georgetown, No. 24, TC, 49684            941-2368 (Res)  <a href="mailto:bingo2755@gmail.com">bingo2755@gmail.com</a></p>	<p>07/06/10</p>	<p>06/30/14</p>
<p><b>-Term Expiring, Seeking Reappointment-</b></p>		
<p>Steve Mentzer (City Resident)            1030 Huron Hills Dr, TC, 49686            421-3360 (Res) 946-6957 (Bus)  <a href="mailto:smentzer@charter.net">smentzer@charter.net</a></p>	<p>07/6/10</p>	<p>06/30/16</p>
<p>Kathryn A. Henning Callison (City Resident)            421 E. State Street, Apt. 6 T.C. 49686            409-5252 (Res)  <a href="mailto:KHalbert.TC@gmail.com">KHalbert.TC@gmail.com</a></p>	<p>06/20/11            (Effective 06/30/11)</p>	<p>06/30/14</p>
<p><b>-Term Expiring, Not Seeking Reappointment-</b></p>		
<p>Laura Nerone (City Resident)            619 West Ninth St, TC 49684            676-7600 (Res) 935-3791 (Bus)  <a href="mailto:dog1cat4@hotmail.com">dog1cat4@hotmail.com</a></p>	<p>06/04/12</p>	<p>06/30/15</p>
<p>Robert Donick (City Resident)            1708 Comanche, TC, 49686            947-6617 (Res) 941-0303 ext. 2 (Bus)  <a href="mailto:rdonicklocal214@aim.com">rdonicklocal214@aim.com</a></p>	<p>6/17/13            (Effective 6/30/13)</p>	<p>06/30/16</p>
<p>Jodi Stinnet (City Resident)            1010 Nakoma Dr. TC, 49686            929-3894 (Res) 929-7070 (Bus)  <a href="mailto:jlstinnet@gmail.com">jlstinnet@gmail.com</a></p>	<p>7/15/13</p>	<p>06/30/16</p>

Taylor Nash (City Resident)  
423 N. Spruce, TC, 49684  
995-1139 (Bus) 590-6417 (Cell)  
[tnash@nmc.edu](mailto:tnash@nmc.edu)

11/10/11

06/30/14

-Term Expiring, Not Seeking Reappointment-

Kelli Schroeder, Human Resources Specialist, 922-4481, [kschroeder@traversecitymi.gov](mailto:kschroeder@traversecitymi.gov),  
- Ex Officio (no voting authority) and staff.

All appointments are for 3-year terms expiring 6/30.

This commission consists of 9 members to be appointed by the Mayor with the approval of the City Commission. At least seven of the nine members shall be City residents.

The City Manager or his/her designee serves on the Human Rights Commission as Ex-Officio; the Ex-Officio is considered a Human Rights Commissioner, although such Commissioner has no voting authority, cannot make motions, and cannot be counted when determining a quorum, per 8/13/04 opinion from the City Attorney.

**Purpose** "To foster mutual understanding and respect among all groups and discourage discriminatory practices, formulate and carry out programs of community education and information, receive and act as conciliator regarding occurrences of acts of prejudice or discrimination, and secure the cooperation of various community groups in educational campaigns devoted to eliminating prejudice and discrimination."

Resolution reestablishing the Human Rights Commission was adopted by the City Commission on June 7, 1993; amended on December 7, 1998; reestablished June 6, 2005; and amended July 6, 2009.

Meets 2nd Monday of each month at 5:30 pm.

TRAVERSE CITY  
LIGHT AND POWER BOARD

7/7/14 - CC reports

Minutes of Regular Meeting  
Held at 5:15 p.m., Commission Chambers, Governmental Center  
Tuesday, May 13, 2014

**Board Members -**

Present: Barbara Budros, Jim Carruthers, Jan Geht, Jeff Palisin, Bob Spence, John Taylor, Patrick McGuire

**Ex Officio Member -**

Present: Jered Ottenwess, City Manager

**Others:** Tim Arends, Scott Menhart, Karla Myers-Beman, Tom Olney, Kelli Schroeder, Stephanie Tvardek, Mark Watson, Jessica Wheaton, Blake Wilson

The meeting was called to order at 5:15 p.m. by Chairman Taylor.

Tim Arends requested items 2c and 2d be removed from the agenda to be discussed at a future meeting.

Tim Arends requested item 6B4, Hall to Gray Transmission Line upgrade process update, be added to Staff Reports.

**Item 2 on the Agenda being Consent Calendar**

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

- a. Minutes of the Regular Meeting of April 22, 2014.
- b. Receive and file minutes of the Human Resources Ad Hoc Committee Meeting of April 11, 2014.
- c. *Removed from the Consent Calendar (Operation & Maintenance Agreement for the WiFi system).*
- d. *Removed from the Consent Calendar (Construction Contract for the WiFi system).*

CARRIED unanimously.

**Items Removed from the Consent Calendar**

None.

**Item 3 on the Agenda being Unfinished Business**

None.

**Item 4 on the Agenda being New Business**

None.

**Item 5 on the Agenda being Appointments**

None.

**Item 6 on the Agenda being Reports and Communications**

A. From Legal Counsel.

None.

B. From Staff.

1. Karla Myers-Beman reported on the second quarter financials.

The following individuals addressed the Board:

Tim Arends, Executive Director

2. Tom Olney provided an update re: the BW-31 circuit rehab project.

The following individuals addressed the Board:

Tim Arends, Executive Director

3. Staff provided an update re: the Strategic Plan.

The following individuals addressed the Board:

Tim Arends, Executive Director

Karla Myers-Beman, Controller

Tom Olney, Operations Manager

Blake Wilson, System Engineer

Scott Menhart, Manager of Telecom & Technology

Kelli Schroeder, Human Resource Generalist

Jessica Wheaton, Marketing & Community Relations Coordinator

4. Tim Arends provided an update re: the Hall to Gray Transmission Line upgrade process.

The following individuals addressed the Board:

Jered Ottenwess, City Manager

C. From Board.

1. Chairman Taylor announced the May 27, 2014 Regular Meeting will be canceled.

**Item 7 on the Agenda being Public Comment**

Patty Olson, 1815 Wayne Street, Ratepayer

Willow Al-Shamma, 131 North Elmwood, Ratepayer

Sandy Cartwright, 602 North Elmwood, Ratepayer

There being no objection, Chairman Taylor declared the meeting adjourned at 6:36 p.m.



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Tim Arends, Secretary  
LIGHT AND POWER BOARD

/st

**MINUTES  
TRAVERSE CITY BOARD OF ZONING APPEALS  
REGULAR MEETING  
TUESDAY, MAY 13, 2014**

**7:00 P.M.**

**Committee Room, Governmental Center, 2<sup>nd</sup> Floor  
Governmental Center  
400 Boardman Avenue  
Traverse City, Michigan 49684  
231-922-4464**

**PRESENT:** Members Bergman, Jones, Donaldson, Lomasney, Wegener, Matson, Hanley, Vice-Chairperson Callison (7:05) and Chairperson Cockfield.

**ABSENT:** Members Raferty and Szajner

**1. CALL MEETING TO ORDER**

*The meeting was called to order at 7:00 p.m.*

**2. APPROVAL OF MINUTES-** Approval of the April 8, 2014 regular meeting minutes.

*Motion by Member Donaldson, seconded by Member Jones to approve the April 8, 2014 regular meeting minutes as presented. Upon vote the motion carried 8-0.*

**3. REQUEST 14-BZA-04 – A REQUEST FROM PETER AND CAROL SPAULDING, 724 EAST STATE STREET, TRAVERSE CITY, MICHIGAN, for the following:**

A dimensional variance to allow for a wraparound front porch to be located 0.57 feet from the east (side) property line located at the property mentioned.

A dimensional variance to allow for a wraparound porch, entry foyer addition, kitchen addition and side entry porch to be 6.56 feet from the west (side) property line located at the property mentioned.

*Peter Spaulding presented drawings and answered question from the Board. Motion by Member Lomasney, seconded by Vice-Chairperson Callison to grant a dimensional variance to allow for a wraparound front porch to be located 0.57 feet from the east (side) property line and to allow for a wraparound porch, entry foyer addition, kitchen addition and side entry porch to be 6.56 feet from the west (side) property line located at the property commonly known as 724 East State Street based on the Statement of*

*Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-04. Upon vote the motion carried 9-0.*

**4. CONSIDERATION OF ADOPTING RULES AND PROCEDURES FOR THE CITY OF TRAVERSE CITY BOARD OF ZONING APPEALS.**

*Motion by Member Donaldson, seconded by Vice-Chairperson Callison to adopt the Rules and Procedures for the City of Traverse City Board of Zoning Appeals. Upon vote the motion carried 9-0.*

**5. PUBLIC COMMENT**

*None.*

**6. ADJOURNMENT**

*The meeting was adjourned at 7:25 p.m.*

Respectfully submitted,



David Weston, Planning and Zoning Administrator

Date: 10-10-14

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 14-BZA-04**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 724 E State Street, Traverse City, Michigan  
Property Description: E 30 FT OF LOT 2 BLOCK G HANNAH LAY & CO'S 7TH ADD  
Variance Granted: A dimensional variance to allow for a wraparound front porch to be located 0.57 feet from the east (side) property line and to allow for a wraparound porch, entry foyer addition, kitchen addition and side entry porch to be 6.56 feet from the west (side) property line.  
Applicant: Peter Spaulding

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on JUNE 10, 2014, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: 06-10-14

  
David Weston, Planning and Zoning  
Administrator

**Note:** A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

## STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 14-BZA-04

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 14-BZA-04, for the property commonly known as **724 East State Street**, Traverse City, Michigan, from the City of Traverse City and Snowden Development.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

**The foregoing Statement of Conclusions are supported by the following Findings of Fact No 14-BZA-04:**

1. The lot is a nonconforming lot with a width of 30 feet.
2. The existing home is nonconforming and is in both side yard setbacks.
3. There is an existing covered porch on the west side of the home which is 6.56 feet from the property line.
4. The existing porch will be removed and the new porch and addition will be the same distance away from the property line as the old porch.
5. The Planning Director approved a second story addition over an existing one story portion of the home which is located in the required side yard setback subject to the conditions outlined in section 1370.02(a)(2).
6. The Planning Director could approve the extension of the front porch on the east side of the home subject to the conditions outlined in Section 1370.02(a)(4).
7. The additions to the west side of the home meets the minimum side yard setback 6 feet but does not meet the aggregate of 14 feet.
8. There are 18 homes on the 700 block of East State Street and 9 of them are nonconforming with the homes located in the required side yard setback.

7/7 CC Reports

**MINUTES  
TRAVERSE CITY PLANNING COMMISSION**

**TUESDAY, May 6, 2014  
7:30 P.M.  
Commission Chambers  
Governmental Center, 2nd Floor  
400 Boardman Avenue  
Traverse City, Michigan 49684**

**PRESENT:** Vice-Chairperson Jody Bergman, Commissioners Michael Dow, Jeanine Easterday, Janet Fleshman, Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer, Janice Warren (arrived at 7:55 p.m.) and Tim Werner  
**ABSENT:** None.  
**STAFF PRESENT:** Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant; Benjamin Marentette, City Clerk; Lauren Tribble-Laucht, City Attorney

- 1. **CALL MEETING TO ORDER-** Chairperson Serratelli called the meeting to order at 7:30 p.m.
- 2. **ROLL CALL**
- 3. **ANNOUNCEMENTS-** None.

4. **CONSENT CALENDAR**  
The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

- A. April 1, 2014 Regular Meeting and April 15, 2014 Study Session Meeting minutes (Approval recommended)
- B. Elmwood Charter Township Notice of Intent to Prepare a Master Plan (Action Requested)
- C. East Bay Charter Township Notice of Intent to Prepare a Master Plan (Action Requested)

Motion by Commissioner Easterday, second by Commissioner McNally, that the Consent Calendar be approved as presented.

Motion carried 8-0 (Commissioner Warren absent.)

5. PRESENTATION

- A. Brief overview of Freedom of Information Act, Open Meetings Act, Planning Commission Rules, Capital Improvement Plan Review, Ethics & Conflicts of Interest (Benjamin Marentette, Lauren Tribble-Laucht)

Mr. Marentette and Mrs. Tribble-Laucht presented and addressed questions from the Planning Commission.

Commissioner Warren joined the meeting at 7:55 p.m.

6. OLD BUSINESS

- A. Public Hearing to consider an amendment to Size and Area Requirements , Section 1368.01, *Building Height*; Hotel Resort (HR) District, Section 1338.06, *Building Height*, and Section 1338.09, *Special Requirements*; Office Service (C-1) District, Section 1340.06, *Building Height*, and Section 1340.09, *Special Requirements*; Neighborhood Center (C-2) District, Section 1342.06, *Building Height*, and Section 1342.09, *Special Requirements*; Community Center (C-3) District, Section 1344.09, *Special Requirements*; Regional Center (C-4) Districts, Section 1346.09, *Special Requirements*; and Development (D) Districts, Section 1347.09, *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 15-foot first floor height in HR, C-1, C-2, C-3, C-4, and D Districts (Action requested)

Mr. Soyering summarized his May 1, 2014 communication to the Planning Commission and explained the amendment.

Commission discussion.

The Public Hearing was opened. The following members of the public made comments:

- Mike Wills, 110 Fairway Hills Dr, city resident, made comments in support of the amendment
- Seamus Shinnors, 410 7<sup>th</sup> Street, made general comments

The Public Hearing was closed.

Motion by Commissioner Easterday, second by Commissioner Warren, that an amendment to the Traverse City Code of Ordinances Size and Area Requirements , Section 1368.01, *Building Height*; Hotel Resort (HR) District, Section 1338.06, *Building Height*, and Section 1338.09, *Special Requirements*; Office Service (C-1) District, Section 1340.06, *Building Height*, and Section 1340.09, *Special*

*Requirements; Neighborhood Center (C-2) District, Section 1342.06, Building Height, and Section 1342.09, Special Requirements; Community Center (C-3) District, Section 1344.09, Special Requirements; Regional Center (C-4) Districts, Section 1346.09, Special Requirements; and Development (D) Districts, Section 1347.09, 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 be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.*

Motion carried 9-0.

- B. 2014-15 Capital Projects for further review by the Planning Commission (Action requested)

Mrs. Luick summarized the May 1, 2014 communication to the Planning Commission.

Commission discussion.

Motion by Commissioner Warren, second by Commissioner McNally, that the Planning Commission accepts the "2014-15 Capital Projects for further review by the Planning Commission" document dated 4/23/14 and staff will bring forward the projects on that list for review for consistency with the Master Plan when project details are available.

Motion carried 9-0.

## 7. NEW BUSINESS

- A. Consideration of an amendment to 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 for introduction and possibly setting a Public Hearing on June 3, 2014 as recommended by the Housing and Building Committee.

Mr. Soyring summarized his May 2, 2014 communication to the Planning Commission. The proposed ordinance amendment was drafted by the Housing and Building Committee.

Commissioner McNally recused himself from the discussion stating an appearance of a conflict of interest due to his employment with Goodwill. Commissioner McNally left the meeting at 8:18 p.m.

Commissioners Bergman and Warren, both members of the Housing and Building Committee, explained how the committee made considerations when drafting the proposed regulations.

Commission discussion.

Motion by Commissioner Warren, second by Commissioner Bergman, that a Public Hearing be scheduled for June 3, 2014 to consider an amendment to 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.

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

- Deni Scudato, 422 E. State St, made general comments
- Susan Kuchell, 500 Webster St, made general comments
- Richard Kuchell, 500 Webster St, opposes the amendment

Motion carried 8-0 (Commissioner McNally recused.)

Commissioner McNally rejoined the meeting at 9:12 p.m.

**B. Proposed 2014-15 Streets Project list (Discussion)**

Mr. Soyering summarized his May 1, 2014 communication to the Planning Commission. Mr. Soyering further explained that an additional street has been proposed late last week and now there are a total of seven streets proposed for reconstruction in 2015. They include portions of State, Franklin, Seventh, Ninth, Eleventh, Union and Plainview Streets.

Commission discussion.

Commission consensus was to discuss the proposed 2014-15 Street Projects further at the May 20, 2014 study session.

**8. CORRESPONDENCE**

- A. Capital Improvement Program Quarterly Update dated May 1, 2014**

Mrs. Luick explained that the CIP quarterly update includes projects that the Commission has asked regular correspondence on. If the Commission would like to receive updates on additional projects in the CIP, please contact staff and we'll add them to the quarterly updates.

- B. William Plough letter dated April 21, 2014

Mr. Soyring explained that the letter is related to a co-location of a cell carrier on an existing cell tower. The decision will be handled administratively, but Mr. Plough asked that his letter be shared with the Planning Commission.

9. **REPORTS**

- A. City Commission- Commissioners Easterday and Werner reported.  
B. Board of Zoning Appeals- Commissioner Bergman reported.  
C. Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli and Warren reported.  
D. Planning Commission  
1. Housing Building Committee— Commissioner Bergman reported.  
2. Active Transportation Committee—Commissioner Werner reported.  
3. Master Plan Review Committee—No report.  
E. Planning Department—Mr. Soyring- No report.  
1. Capital Improvement Program- No report.

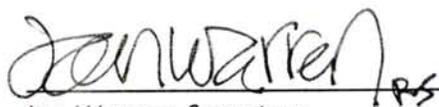
10. **PUBLIC COMMENT**

- Seamus Shinnors, 410 7<sup>th</sup> Street, made general comments regarding the Capital Improvement Program and 2014-15 Street Projects
- Julie Clark, 604 W 12<sup>th</sup> Street, made general comments regarding 2014-15 Street Projects
- Mary Erickson, 1010 Cass Street, made general comments regarding 2014-15 Street Projects.

11. **ADJOURNMENT-** Meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Date: JUNE 3, 2014

  
Jan Warren, Secretary

7/7 cc reports

## STUDY SESSION MINUTES TRAVERSE CITY PLANNING COMMISSION

TUESDAY MAY 20, 2014

7:30 P.M.

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

**PRESENT:** Vice-Chairperson Jody Bergman, Commissioners Michael Dow, Jeanine Easterday, Janet Fleshman Cecil McNally Chairperson John Serratelli, Bill Twietmeyer, Janice Warren, and Tim Werner (arrived at 8:17 p.m.)

**ABSENT:** None.

**STAFF PRESENT:** Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant; Tim Lodge, City Engineer

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:30 p.m.
2. **ROLL CALL**
3. **ANNOUNCEMENTS-** None.
4. **DISCUSSION OF 4/15/14 "TRANSFORMING OUR MAJOR STREETS" PRESENTATION BY BOB GIBBS AND POSSIBLE GRANT REQUEST FOR 8<sup>TH</sup> STREET DESIGN CHARRETTE OR CORRIDOR ZONING DISTRICT OVERLAY (DISCUSSION)**

Mr. Soyring explained that he has had preliminary discussions with the Michigan State Housing Development Authority regarding applying for a grant request for an Eighth Street Design Charrette and Corridor Zoning Overlay District as an action step for implementation of the Corridors Master Plan. The next grant cycle opens on October 1, 2014.

Commission discussion.

Commission consensus was to move ahead with plans to submit a grant application for Eighth Street in October.

5. **8<sup>TH</sup> STREET RESTRIPIING REQUEST DATED 4/28/14 (DISCUSSION)**

Mr. Soyring explained the Eighth Street temporary restriping request that was submitted to the City Commission by over 50 letter signers in the Boardman Neighborhood area. The current street width is 45 feet wide, with four lanes. The Corridor Plan calls for the street to

**PLANNING COMMISSION**

**STUDY SESSION**

**May 20, 2014**

**Page 2**

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be 43 feet wide with three lanes and two bicycle lanes. The request is to restripe Eighth Street from Woodmere to Lake Street to three auto lanes and two bicycle lanes.

Mr. Lodge addressed the commission and discussed the May 20, 2014 Eighth Street Evolution memo that was distributed to the commission this evening.

Commission discussion.

Commissioner Werner arrived at 8:17 p.m.

The following made public comment on the subject:

- Bob Otwell, 525 Washington St, city resident, supports the request
- Richard Kuchell, 500 Webster, city resident and city business owner, opposes the request
- Gary Howe, 926 Lincoln St, city resident, made general comments
- George Golubovskis, 325 Washington St, city resident, made general comments

Commission discussion.

Commission consensus was to present a memo at the June 3, 2014 Regular Meeting of an action plan regarding Eighth Street including the following:

- Temporary Eighth Street restriping request
  - Public process approvals required
  - Evaluation strategy/measurement criteria
- Eighth Street Design Charrette/Zoning Overlay application
  - Proposal overview including timeline
- 2018 Eighth Street Reconstruction

**6. 2014-15 STREET PROJECTS (DISCUSSION)**

Mr. Soyering explained his updated memo to the Commission dated May 12, 2014 regarding the following streets that have been identified for reconstruction: State Street, Franklin Street, Seventh Street, Ninth Street, Eleventh Street, Union Street and Plainview Street.

Commission discussion included preferences for bumpouts near schools, parks or downtown; replacement of street trees during reconstruction and innovative stormwater management.

The following made public comment on the subject:

- Julie Clark, 604 W Twelfth, city resident, made general comments

**PLANNING COMMISSION**

**STUDY SESSION**

**May 20, 2014**

**Page 3**

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Staff will proceed to send letters requesting feedback to residents/occupants along the affected streets. Staff will revise the proposed street plans based upon both the Commission comments received at both the May 6, 2014 and May 20, 2014 meetings and comments received from residents/occupants. The Commission will review the 2014-15 street projects for consistency with the Master Plan at the August 5, 2014 Regular Meeting.

**7. ACCESSORY DWELLING UNIT ORDINANCE (DISCUSSION)**

Mrs. Luick explained Mr. Soyring's May 13, 2014 memo to the Commission.

Mr. Soyring addressed the Commission.

Commission discussion.

Commission consensus was to refer the possible expansion of the Accessory Dwelling Unit Overlay District to the Housing and Building Committee and the committee will bring a recommendation back to the Commission at a future meeting.

The following made public comment on the subject:

- Gary Howe, 926 Lincoln Street, city resident, supports expanding the ADU Overlay District
- Bob Otwell, 525 Washington Street, city resident, supports expanding the ADU Overlay District

**8. HONEY BEEKEEPING IN MULTI-FAMILY DWELLINGS (DISCUSSION)**

Mrs. Luick explained her May 13, 2014 memo to the Commission and briefly explained the Honeybee ordinance.

Commission discussion.

The following made public comment on the subject:

- Ken Richmond, 333 Boardman Ave, city resident and city business owner, supports expanding honey beekeeping
- David Ford, 742 Washington Street, city resident, supports expanding honey beekeeping

Commission consensus is for Staff to work on draft revisions to the ordinance to allow honeybee keeping on parcels with more than one dwelling for discussion at a future meeting.

**9. PUBLIC COMMENT- None.**

10. ADJOURNMENT- Meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Date: June 3, 2014

Jan Warren ps  
Jan Warren, Secretary

## MINUTES

## ACT 345 RETIREMENT SYSTEM

DATE: May 28, 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: C. Kuhn  
STAFF: B. Postma

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

Moved by W. Kuhn, seconded by J. Bussell that the minutes of the April 30, 2014 regular meeting as revised be approved.

### **Motion approved 4-0.**

Warrant No. 577 in the amount of \$184,661.73 for Retirees Benefits for June 2014 was approved and signed by W. Kuhn and J. Bussell.

W. Kuhn and B. Postma gave an update on the most recent MAPERS Conference. Handouts on various topics were provided to the Board. The Board asked various questions.

Chris Kuhn of Gray & Company gave a performance report to the Board for the period ending March 31, 2014. The report included a capital market review, a total fund performance and analysis, and an investment manager performance and analysis. A snapshot of market value with a target market value as of May 23, 2014 was provided to the Board. Also provided to the Board was a proposed target allocation for the retiree health trust proceeds. The Board asked various questions.

Moved by C. Rueckert, seconded by W. Kuhn that the Retirement Board certify to the City Commission that the required contribution amount for 2013-14 is \$1,639,480 for retirement benefits and \$358,555 for retiree health insurance for a total of \$1,998,035.

### **Motion approved 4-0.**

Moved by C. Rueckert, seconded by W. Kuhn to transfer \$746,107 from the Reserve for Employer Contributions to the Reserve for Retired Benefit payments as recommended in the June 30, 2013 actuarial valuation.

### **Motion approved 4-0.**

Moved, by W. Kuhn, seconded by C. Rueckert to authorize the payment of \$8,400 to Gabriel, Roeder, Smith & Company for the actuarial valuation report.

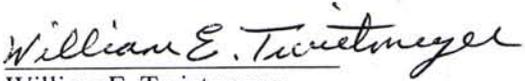
### **Motion approved 4-0.**

It was reported that the Board will be processing a retirement application at its next Board meeting.

Moved by W. Kuhn, seconded by C. Rueckert to adjourn.

**Motion approved 4-0.**

Meeting adjourned at 1:03 pm.

  
William E. Twietmeyer  
Secretary/Treasurer