



Notice

City Commission Regular Meeting

7:00 pm

Monday, July 21, 2014

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 07-17-14

Meeting informational packet is available for public inspection at the Traverse Area District Library, City Police Station, City Manager's Office and City Clerk's Office.

The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4440, TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

City Commission:
c/o Benjamin C. Marentette, CMC, City Clerk
(231) 922-4480
Email: tcclerk@traversecitymi.gov
Web: www.traversecitymi.gov
400 Boardman Avenue
Traverse City, MI 49684

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

Welcome to the Traverse City Commission meeting!

Agenda

Any interested person or group may address the City Commission on any agenda item when recognized by the presiding officer or upon request of any Commissioner. Also, any interested person or group may address the City Commission on any matter of City concern not on the Agenda during the agenda item designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Commission.

Pledge of Allegiance

1. Roll Call

2. Consent Calendar

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

- a. Consideration of approving minutes of the Regular Meeting of July 7, 2014, and Study Session of July 14, 2014. (Approval recommended) (Jered Ottenwess, Benjamin Marentette)

- b. Consideration of authorizing a service order for the 2014 Preventative Maintenance Crack Sealing Project to increase the service life of various streets, with a portion to be reimbursed by the Michigan Department of Transportation. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- c. Consideration of adopting a resolution granting settlement authority to the City Manager regarding class action litigation associated with noncompetitive pricing for certain automotive parts. (Adoption recommended) (Jered Ottenwess, Lauren Tribble-Laucht) (5 affirmative votes required)
- d. Consideration of authorizing a confirming purchase order for gasoline for city operational use. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- e. Consideration of declaring two front-end plows surplus and authorizing a purchase order for their scheduled replacement, with the front-end plows to be used by the Streets Division. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- f. Consideration of enacting an amendment to the Traverse City Code of Ordinances which clarifies that all non-conflicting sections of the city's liquor regulation code applies to Redevelopment Liquor Licenses, which is a housekeeping matter. (Enactment recommended) (Jered Ottenwess, Lauren Tribble-Laucht, Benjamin Marentette)
- g. Consideration of scheduling a public hearing for August 18, 2014, regarding a request from Mark and Sandy Oliver for a Special Land Use Permit which would allow for a group day care home at 1012 Centre Street, as recommended by the City Planning Commission. (Schedule public hearing for August 18, 2014, recommended) (Jered Ottenwess, Russell Soyring)

- h. Consideration of adopting a Resolution recommending approval of a request from the Traverse City Whiskey Company, LLC for a New Distillers License and authorizing the City Clerk to issue a registration for operation of such license at 201 E. Fourteenth Street. (Adoption and approval recommended) (Jered Ottenwess, Benjamin Marentette)
- i. Consideration of adopting a resolution authorizing the city to participate in the Michigan Economic Development Corporation's *Redevelopment Ready Communities Program* and authorizing the related memorandum of understanding. (Adoption recommended) (Jered Ottenwess, Russell Soyring) (5 affirmative votes required)
- j. Consideration of adopting a resolution scheduling a public hearing for August 18, 2014, regarding a request for a Special Improvement District for paving an existing gravel alley South of Grove Street between Grant and Bates Street. (Adoption recommended) (Timothy Lodge, Polly Cairns)
- k. Consideration of adopting a resolution scheduling a public hearing for August 18, 2014, regarding a request for a Special Improvement District for street width reconstruction to including parking and drainage improvements to Barlow Street between Eighth Street and Boyd Avenue.

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Presentation of the report from the City Commission Ad Hoc Committee regarding Sidewalk Cafes and consideration of introducing an ordinance amendment which would make various changes to the sidewalk café ordinance; and consideration of establishing a City Commission ad hoc committee to consider making a recommendation regarding public parklets. (Mayor Pro Tem Jim Carruthers, Chairman; Commissioner Barbara Budros; Commissioner Jeanine Easterday)
- b. Consideration of entering into closed session to discuss the periodic personnel evaluation of City Manager Jered Ottenwess, as requested by Mr. Ottenwess. (Jered Ottenwess)
- c. 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)

4. New Business

- a. Consideration of adopting an amendment to the Infrastructure Strategy Policy to incorporate the National Association of City Transportation Officials *Urban Street Design Guide* as a technical resource as part of the City's Infrastructure Strategy Policy and amending the policy regarding sidewalk spending. (Jered Ottenwess, Russell Soyring, Timothy Lodge)

5. Appointments

None.

6. Reports, Announcements and Correspondence

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

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Reports from members of the Commission serving on boards.
 2. Quarterly Financial Report from the City Treasurer/Finance Director for the Fiscal Quarter ended March 31, 2014.
 3. Minutes of the June 3, 2014, and June 17, 2014, meetings of the Planning Commission.
 4. Minutes of the May 23, 2014, and May 29, 2014, meetings of the Historic Districts Commission.
 5. Minutes of the June 10, 2014, meeting of the Board of Zoning Appeals.
 6. Minutes of the June 11, 2014, meeting of the Traverse City Light and Power Board.
- e. Reports and correspondence from non-City officials.
 1. Fractile Emergency Response Report from North Flight for June 2014.

7. Public Comment

a. Reserved.

None.

b. General.

c. Mayor and City Commissioners.

8. Adjournment

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

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Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- July 7, 2014, Regular Meeting
- July 14, 2014, Study Session

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

that the minutes of the July 7, 2014, Regular Meeting and July 14, 2014, Study Session, be approved.

JJO/kes

k:\tcclerk\city commission\minutes

Minutes of the
City Commission for the City of Traverse City
Regular Meeting
July 7, 2014



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

The following Commissioners were present, constituting a quorum: Mayor Michael Estes (arrived at 7:24 p.m.), Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary L. Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Pro Tem James Carruthers presided at the meeting

As requested by Troy Broad, Elmer's Crane and Dozer, Agenda Item 2(g) was removed from the Consent Calendar for full discussion.

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

Commissioner Howe made the following disclosure: One of the traffic control orders included in Agenda Item 2(b) affects the section of street in front of his house as well as a project he worked on prior. While Commissioner Howe does not have a financial conflict of interest, he has what may appear to be a conflict of interest and will be refraining from participating in the making of a decision regarding Agenda Item 2(b).

2. Consent Calendar

Moved by Richardson, 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 16, 2014, Regular Meeting and June 23, 2014, Study Session, be approved.
- b. 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” signed on Lincoln Street between Rose Street and Garfield Avenue, be adopted to be made permanent.
- c. 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.
- d. the Resolution Approving the Editing and Inclusion of Certain Ordinances as Part of the Various Component Codes of the Codified Ordinances, be adopted.
- e. 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 6th 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.

- f. 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 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 form by the City Attorney.
- g. Removed from the Consent Calendar.
- h. Removed from the Consent Calendar.
- i. 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.
- j. 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 buyback arrangement for a 2014 Caterpillar 950M loader, with funds available in the Garage Fund.
- k. 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.
- l. 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.
- m. the Mayor and City Clerk execute a contract with the Michigan Department of Transportation for it to provide funding in the amount of \$375,000.00 for the West Front Street Reconstruction Project, with the City to provide \$202,400.00 total the Sewer and Water Funds and \$125,000.00 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 \$375,000.00 in funds from the Michigan Department of Transportation and the subsequent expenditure.
- n. 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.

CARRIED unanimously. (Estes absent)

Commissioner Howe abstained and refrained from voting upon or otherwise participating in the making of a decision regarding Agenda Item 2(b).

Items removed from the Consent Calendar

a.

Consideration of authorizing a contract for the 2014 Paving Preservation Project.

The following addressed the Commission:

Troy Broad, Elmer's Crane and Dozer
Jered Ottenwess, City Manager

Timothy Lodge, City Engineer

(Mayor Michael Estes arrived)

Lauren Tribble-Laucht, City Attorney

Moved by Howe, seconded by Richardson, that the Mayor and City Clerk execute a unit prices contract with Rieth Riley Construction Company in the amount of \$950,000.00, 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 \$200,000.00.

CARRIED unanimously.

Mayor Michael Estes assumed the role of Presiding Officer.

b.

Consideration of authorizing a contract for the 2014 Sidewalk Replacement and Gap Infill Project.

The following addressed the Commission:

Jered Ottenwess, City Manager

Timothy Lodge, City Engineer

Moved by Werner, seconded by Howe, 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.

CARRIED unanimously.

3. Old Business

3(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.

The following addressed the Commission:

Jered Ottenwess, City Manager
Russell Soyring, City Planning Director

Moved by Easterday, seconded by Carruthers, 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.

Deni Scrudato, 422 State Street – made general comments
Linda Koebert, 319 Washington Street – made general comments
Richard Kuschell, 500 Webster Street – made general comments
Jim Stewart, 527 East Eighth Street city business owner – expressed opposition
Christie Minervini, 604 Sixth Street, Safe Harbor Board Member – expressed support
Jean Larson, 415 Wellington Street – expressed opposition
Jason Nye, 4242 County Road 633, Grawn - expressed opposition

Tom Emmott, 1702 Lincoln – made general comments
Jim Chan, 511 East Eighth Street – expressed opposition
Tom Krause, 4579 Summit View Drive – made general comments
Karen McCarthy, 908 South Union Street – made general comments
Jim Heston, 9796 South West Bay Shore Drive, Elmwood Township –
expressed opposition
Kathrin Anslow, 1408 North Orchard Drive – made general comments
Ryan Hannon, Street Outreach Coordinator for Goodwill Industries and Safe
Harbor Steering Committee Chairperson – made general comments
Gary Hughey, 641 Riverine Drive – made general comments
Rick Buckhalter, 932 Kelley Street – made general comments
Dale Hunt, 522 East Eighth Street – made general comments
Brandon Hunt, 717 Highland Park Drive – made general comments
Vicki Armour, 700 Washington Street – made general comments
Mike Dow, 436 Washington Street – made general comments
Peter Starkel, 1436 West Outer Drive, Long Lake Township – made general
comments
Charlene Hunt, 10630 South Timberlee, Elmwood Township, City business
owner – made general comments

Roll Call:

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

No - Budros, Estes.

CARRIED.

4. New Business

4(a).

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

Roll Call:

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

No - None.

Moved by Easterday, seconded by Budros, 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.

CARRIED unanimously.

4(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.

Moved by Budros, seconded by Carruthers, 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.

Roll Call:

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

No - None.

CARRIED unanimously.

5. Appointments

5(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.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Richardson, 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.

Roll Call:

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

No - Budros, Howe.

CARRIED.

5(b).

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointments to the Board of Zoning Appeals.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Carruthers, 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 Howe, Werner and Easterday be appointed to such Committee, with Commissioner Easterday to serve as Chair.

CARRIED unanimously.

5(c).

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointments to the Historic Districts Commission.

Moved by Carruthers, seconded by Budros, that Michael Callahan (seat previously held by Michael Callahan) and Mark Crane (seat previously held by Mark Crane) each be reappointed to one three-year term expiring June 30, 2017, on the Historic Districts Commission, and that an ad hoc interview committee be established to make a recommendation regarding one three-year term (seat previously held by Karl Brockmiller) on the Historic Districts Commission, expiring June 30, 2017; and that Commissioner Richardson, Mayor Pro Tem Carruthers and Mayor Estes be appointed to such Committee, with Commissioner Richardson to serve as Chair.

Roll Call:

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

No - Howe.

CARRIED.

5(d).

Consideration of appointment by the Mayor with approval of the City Commission to the Human Rights Commission.

Moved by Howe, seconded by Easterday, 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.

CARRIED unanimously.

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 - 1. 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

The following addressed the Commission:

- 1. Reserved.

None

- 2. General.

Chris Maxbauer, 503 West Eighth Street

John Scudato, 422 East State Street
Jason Nye, 4242 County Road 633, Grawn
Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

Mayor Pro Tem James Carruthers
Commissioner Tim Werner
Commissioner Ross Richardson

The Commission entered into closed session at 9:10 pm.

The Commission returned to open session at 9:18 pm.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:18 pm.



Benjamin C. Marentette, CMC
City Clerk

Approved: _____,
(Date) (Initials)



Minutes of the
City Commission for the City of Traverse City
Study Session
July 14, 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.

Pledge of Allegiance.

Roll Call.

1.

Presentation by the Michigan Economic Development Corporation regarding the Redevelopment Ready Communities Program.

The following addressed the Commission:

Jered Ottenwess, City Manager
Jennifer Rigterink, Community Assistance Team Specialist, Redevelopment Ready Communities, Michigan Economic Development Corporation
Dan Leonard, Community Assistance Team Specialist, Redevelopment Ready Communities, Michigan Economic Development Corporation

2.

Discussion regarding the proposal from Safe Harbor to lease the city-owned building at 517 Wellington Street.

The following addressed the Commission:

Jered Ottenwess, City Manager

Christie Minervini, 604 Sixth Street, Safe Harbor Board Member – expressed support

Tom Krause, 488 Munson Avenue, Krause Realty Solutions – made general comments

Steve Cruzen, 705 B Lake Avenue, 4039 Park Lane, Acme Township – made general comments

Darrell Rogers 1326 Lindale Drive, Peninsula Township, President at NorthStar Soccer, Inc. – made general comments

Rick Buckhalter, 932 Kelley Street– made general comments

Kathy Anslow, 1408 N. Orchard Drive, Long Lake Township – expressed support

Mark Ryan, 191 W. Hammond Road, Garfield Township– made general comments

Randy McClure, 1297 Londolyn Terrace North, Peninsula Township – expressed support

Jan Geht, 620 Woodmere Avenue - made general comments

Harry Hubbell, 5351 Blair Town Hall Road, Grawn– made general comments

Tom Emmott, 1702 Lincoln, Safe Harbor Mentor– expressed support

Richard Kuschell, 500 Webster Street – expressed opposition

Mary Ellen Sanok, 84 Wakulat Lane, Peninsula Township – expressed support

Deb Knowles, 2491 Leisure Lane, Kings Court, Garfield Township – made general comments

Susan Kuschell, 500 Webster Street – expressed opposition

Brad Houston, no address given – expressed support

Jenika Burdon, 805 Traditions Drive, Garfield Township, Safe Harbor Volunteer – expressed support
Jim Stewart, 3366 Summer Leaf Drive – made general comments
Michael Gillespie, 535 Ash Street, Kingsley – made general comments
Maxine Rideout, 2164 Hammond Place Center, Garfield Township, Safe Harbor Volunteer – expressed support
Carol Butzow, 2625 Old Barn Road, Long Lake Township, Safe Harbor Volunteer – expressed support
Ryan Hannon, Street Outreach Coordinator at Goodwill Industries of Northern Michigan, Safe Harbor Chairperson, Garfield Township – expressed support
Julie Green, 130 Center Street, Elk Rapids – expressed support

3.

Announcements from the Deputy City Clerk.

The following addressed the Commission:

Katie Lowran, Deputy City Clerk

4.

Public comment.

The following addressed the Commission:

Mayor Pro Tem James Carruthers
Commissioner Jeanine Easterday
Commissioner Gary Howe
Mayor Michael Estes

There being no objection, Mayor Estes declared the meeting adjourned at 9:14 pm.



Katie Lowran
Deputy City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: ^{JO}JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 PREVENTATIVE MAINTENANCE CRACK SEALING

Attached are memos from Dave Green, DPS Director, and Mark Jones, Street Superintendent, regarding preventative maintenance crack sealing for City streets.

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

that the City Manager be authorized to issue a service order to Scodeller Construction, for crack sealing operations on approximately 14 miles of the City's street system and 1.2 miles of MDOT highway, in the amount of \$66,512.40, with funds available in the Capital Improvement Project Funds, and \$6,512.40 to be reimbursed by MDOT.

JO/jd

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

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director *DJG*
DATE: July 14, 2014
SUBJECT: 2014 Preventative Maintenance Crack Sealing Service Order

Attached is a request from Mark Jones, Street Superintendent, for the approval of a service order for the annual crack sealing preventative maintenance program on our City streets that have a fair to good Paser rating in an effort to extend their remaining service life (RSL). We received two bids for the work as follows:

Scodeller Construction	Wixom	\$130,641.90
Fahrner Asphalt Sealers, LLC	Saginaw	\$166,855.00

In the spring of this year we asked for and received \$60,000.00 in the CIP Budget for Preventative Maintenance work during the 2014/2015 fiscal year. Not knowing where the price per mile for street crack sealing would come in at this year we included approximately 25 miles of road segments in the bid package we hoped we could get sealed. In hind sight, I should have reduced the size of the project to more closely mimic the budget amount but I was optimistic the prices would come in low. I was wrong. Fortunately we included a clause in the bid package that would allow us to delete 50% of the work with no change in the unit price. We have the project divided up into segments based on Paser ratings and will monitor and control the project work locations to keep it at a not to exceed price of \$60,000.00 for the City work in order to stay within the budgeted amount. Also, we included Division Street from 14th Street to Grandview Parkway for MDOT to be sealed with MDOT reimbursing us full price for the trunk line work.

Therefore, please request City Commission approval of a Service Order in the amount of \$66,512.40 to Scodeller Construction for crack sealing operations on approximately 14 miles of our street system and 1.2 miles of MDOT highway with \$66,512.40 available in the Capital Improvement Funds and \$6,512.40 to be reimbursed by the Michigan Department of Transportation.

Memorandum

To: Dave Green, DPS Director
From: Mark Jones, Street Superintendent
Date: 07-14-14 *Mark W. Jones*
Subject: 2014 Preventative Maintenance Crack Sealing Projects

We received two bids for the 2014 Preventative Maintenance Crack Sealing Projects.

Scodeller Construction Inc. \$130,641.90

Fahrner Asphalt Sealers Inc. \$166,855.00

Scodeller Construction Inc. came in with low bid at \$130,641.90, therefore I would recommend that Scodeller Construction Inc. be awarded the bid for the 2014 Preventative Crack Sealing Projects. Staff will revise the 2014 Crack Sealing Project List to stay within budgeted amount. Will you kindly request City Commission approval for a service order in the amount of \$66,512.40 for approximately 14 centerline miles of crack sealing. Funds are available in capitol improvements.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: SETTLEMENT AUTHORITY - CLASS ACTION LITIGATION –
PRICE FIXING AND ANTICOMPETITIVE ACTIVITY FOR
AUTOMOTIVE PARTS

Attached is a memo from City Attorney Lauren Tribble-Laucht recommending the Commission adopt a resolution granting settlement authority to the City Manager in connection with the above-referenced class action litigation.

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

that the Resolution Granting Settlement Authority to City Manager, in connection with class action litigation regarding price fixing and anticompetitive activity associated with the prices of automotive parts, be adopted.

JJO/bcm

K:\tcclerk\city commission\resolutions\settlement authority class action litigation automotive parts

Memorandum

The City of Traverse City



TO: City Commission
COPY: Jered Ottenwess, City Manager
FROM: Lauren Tribble-Laucht, City Attorney *LJL*
DATE: July 15, 2014
SUBJECT: Resolution Granting Settlement Authority

As you know, the City has retained the firm of Green and Noblin, PC to represent it in certain litigation regarding price fixing and anticompetitive activity related to the prices of automotive parts. The agreement for services (dated March 24, 2014) requires Green and Noblin PC to use its best efforts to obtain certification of a class of similarly situated consumers in an action or actions to be filed by Green and Noblin PC on behalf of the City. The nature of this type of class action litigation may make it necessary for the City to frequently evaluate and respond to settlement proposals (i.e. approve, oppose or comment upon any proposed settlement of all or part of the class action lawsuit(s)). In order to streamline this process I recommend that settlement authority be delegated to the City Manager, with the assistance of legal counsel for these matters. Under the applicable law and court rules, settlement of a class action matter must be approved by the court as well. Attached is a resolution for your consideration that would accomplish this delegation of authority. Please contact me if you have questions or concerns. Thank you.



RESOLUTION GRANTING SETTLEMENT AUTHORITY TO CITY MANAGER

- Whereas, the City of Traverse City has engaged the firm of Green and Noblin, PC to represent it in certain litigation regarding price fixing and anticompetitive activity related to the prices of automotive parts pursuant to an agreement for legal services dated March 24, 2014; and
- Whereas, the City has directed Green and Noblin PC to use its best efforts to obtain certification of a class of similarly situated consumers in an action or actions to be filed by Green and Noblin PC on behalf of the City; and
- Whereas, should an action be certified as a class action, the City will retain the right, as a class member, under the rules applicable to class action lawsuits, to approve, oppose, or comment upon any proposed settlement of all or part of the class action; and
- Whereas, pursuant to applicable law and court rules, any resolution of a class action lawsuit, such as by settlement or dismissal, is subject to court approval; and
- Whereas, due to the nature of the litigation, it is possible that it will be necessary to evaluate and respond to settlement proposals frequently; and
- Whereas, the City Commission of the City of Traverse City wishes to delegate authority to the City Manager, with the assistance and advice of legal counsel, to evaluate and approve, oppose, or comment upon proposed settlements related to the litigation.

NOW THEREFORE BE IT RESOLVED that the City Manager shall have the authority to approve, oppose, or comment upon proposed settlements related to the litigation herein described pursuant to applicable statutes, court rules, policies and procedures, and execute all necessary documents to accomplish any such settlement and further that notice of any such settlement shall be given to the City Commission by the City Manager.

I hereby certify that the above resolution was adopted by the Traverse City Commission at its Regular Meeting held July 21, 2014 in the Commission Chambers of the Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JULY 21, 2014.

DATE: JULY 17, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: UNLEADED GASOLINE PURCHASE

Telephone / fax bids were received for unleaded gasoline for use by various city departments.

The following is a summary of these bids.

<u>Vendor</u>	<u>City</u>	<u>Price/gallon</u>
Crystal Flash	Traverse City	\$2.94975
Lemmen Oil	Coopersville, MI	\$2.96175
Brenner Oil Company	Holland, MI	Did not bid
Blarney Castle	Traverse City	Did not bid
Fick & Sons	Grayling	Did not bid
Gilberts Service Oil Co.	Traverse City	Did not bid
Schmuckal Oil	Traverse City	Did not bid

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

that the City Manager be authorized to issue a confirming purchase/service order in the amount of \$29,494.55 to Crystal Flash Energy for 9,999 gallons of unleaded gasoline priced at \$2.94975 per gallon with funds available in the Garage Fund.

JJO/wb

The previous purchase price on 5/15/14 was \$2.82975 per gallon.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: 2014 FRONT END PLOW REPLACEMENTS

Attached are memos from Dave Green, DPS Director, and Scott Meter, Garage Superintendent, requesting approval to purchase two (2) new large front end plows, and to declare two old plows surplus. This is a scheduled purchase.

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

that the City Manager be authorized to declare old plows #275 and #283 surplus, and that the City Manager be authorized to approve a purchase order to Truck and Trailer Specialties of Boyne Falls in the amount of \$13,272.00, for two new Monroe MP38-64-11-RGD large front end plows, with funds available in the Garage Fund for these planned replacements.

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

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director *DG*
DATE: July 10, 2014
SUBJECT: 2014 Equipment Replacement

Attached is a memorandum from Scott Meter, Garage Superintendent, requesting approval to purchase two new large front end plows for use in the Streets Department. We have ten of these plows in our fleet and we started the process of replacing the worst conditioned of the bunch last fall when the City Commission gave us permission to purchase 2 during the 2013/2014 fiscal year budget. This request, if granted, will complete our short term scheduled replacement goal as the remaining 6 plows are in good shape and should last us 5 years or more before needing to be replaced. We received bids from four vendors with Truck and Trailer Specialties of Boyne Falls being the low bidder on the scheduled purchase.

Please request that the City Commission approve a purchase order in the amount of \$13,282.00 to Truck and Trailer Specialties of Boyne Falls for the purchase of two new, Monroe MP38-64-11-RGD large front end plows to be used by the Streets Departments with funds available in the Garage Fund for these needed replacements.

MEMO

To: Dave Green
From: Scott Meteer *sm*
Garage Superintendent
Subject: Equipment Replacement
Date: July 3, 2014

Bids were solicited for two new large front end plows for use in the Streets Department. The bids received are as follows:

Tenco Industries, Lakeville New York. Tenco model TCO11S66SRST, \$21,900.00 for (2) plows.

Wausau Equipment Co., New Berlin WI. Wausau RG Series, \$16,576.00 for (2) plows.

AIS Construction, Williamsburg, MI., Henke model 40-65-11, \$13,830.00 for (2) plows.

Truck & Trailer Specialties, Boyne Falls, MI., Monroe model MP38-64-11-RGD, \$13,282.00 for (2) plows.

Please request of the City Commission permission to issue a purchase order in the amount of \$13,282.00 to Truck and Trailer Specialties of Boyne Falls for two new front end plows.

Also, please request that old plows #275 (a 1997 Wausau), and #283 (a 1986 Gledhill) be declared surplus so that they may be disposed of.

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



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: REDEVELOPMENT LIQUOR LICENSE ORDINANCE –
CLARIFICATION

Attached is a previously submitted 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, which was introduced on July 7, 2014, be enacted with an effective date of July 31, 2014.

JJO/bcm

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Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
COPY: Lauren Tribble-Laucht, City Attorney
FROM: Benjamin Marentette, City Clerk *[Handwritten signature]*
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.

BMarentette

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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



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: REQUEST FOR SPECIAL LAND USE PERMIT 14-SLUP-01 -
1012 CENTRE STREET GROUP DAY CARE HOME

Attached is a memo from City Planning Director Russell Soyring, regarding the above matter.

Also attached is an application and accompanying information submitted by Applicant Sandy Oliver requesting a Special Land Use Permit. This Special Land Use Permit would allow for a group day care home at 1012 Centre Street for not more than twelve (12) children at one time, with conditions as specified.

I recommend the following motion:

that the request from Applicant Sandy Oliver for Special Land Use Permit 14-SLUP-01, to allow for a Group Day Care Home at 1012 Centre Street, as recommended by the City Planning Commission, provided that the general and specific standards in sections 1364.02 and 1364.08 (i) respectively are met, any violations noted by the Fire Marshal are corrected, all necessary State licenses are obtained and "Approved Child Care Provider" identification is prominently displayed in a street-side window, be scheduled for public hearing on August 18, 2014.

JJO/kjl

copy –

Russell Soyring, City Planning Director
Sandy Oliver, Applicant – 1012 Centre Street

Memorandum

The City of Traverse City
Planning Department



TO: Jered Ottenwess, City Manager
FROM: Russell A. Soyring, Planning Director *Russ Soyring*
DATE: July 7, 2014
SUBJECT: 1012 Centre Street group day care home recommendation

The Planning Commission discussed a Special Land Use Permit request by Sandy Oliver, of 1012 Centre Street, to operate a group day care home at 1012 Centre Street on June 3, 2014 and held a Public Hearing on July 1, 2014. The parcel is located in a Two Family Dwelling (R-2) District. Group day care homes are allowed by Special Land Use Permit.

Group Day Care Homes must meet §1364.02 *General Standards of Approval* and the specific requirements of §1364.08(i) *Group day care homes, including adult day care*.

At the Public Hearing, there were no public comments.

The following motion was made:

Motion by Commissioner Easterday, second by Commissioner Warren, that the request for a Special Land Use Permit 14-SLUP-01 to allow for a Group Day Care Home at 1012 Centre Street be hereby approved by the Planning Commission provided that the general and specific standards in sections 1364.02 and 1364.08 (i) respectively are met, any violations noted by the Fire Marshall are corrected, all necessary State licenses are obtained and "Approved Child Care Provider" identification is prominently displayed in a street side window; and further that the recommendation be passed along to the City Commission for consideration.

Motion carried 8-0 (Commissioner Twietmeyer absent).

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

RAS/ml

Attachments: SLUP Application, Proposed site plan, Location Map, Site Photographs, excerpts from the Zoning Code sections 1364.02 *General Standards for Approval* and 1364.08 (i) *Group day care homes, including adult day care*, Staff Report dated June 27, 2014



City of Traverse City

SPECIAL LAND USE PERMIT APPLICATION

Planning Department, 400 Boardman, Traverse City, MI 49684 (231) 922-4778 Telefax (231) 922-4457

NOTE: BEFORE SUBMITTING AN APPLICATION, AN APPLICANT SHALL MEET WITH THE PLANNING DIRECTOR TO REVIEW THE PROPOSED PROJECT, THE TRAVERSE CITY CODE OF ORDINANCES AND THE CITY PLAN. Traverse City Code, Sec. 1364.04(a)

APPLICATION FEE:	\$830.00	DATE:	5-23-14
CHECK NO.	418958	HEARING DATE:	
RECEIPT NO.	18401	PARCEL NUMBER:	

Property address: 1012 Centre Street
Traverse City Mich. 49686

Legal description: Family owned home - would like to use for group day care. Fenced in back yard. 2 story light grey house with unattached garage.

Description of request: Request for Group daycare home. Drop off and pick up children in alley way off of Centre St.

THE COMPLETED APPLICATION AND FOURTEEN (14)* COPIES OF THE SITE PLAN SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED FOR INTRODUCTION. THE SITE PLAN SHALL MEET ALL THE REQUIREMENTS OF TRAVERSE CITY CODE, CHAPTER 1366, SITE PLANS AND SITE DEVELOPMENT STANDARDS.

Names of all property owners: Mark and Sandy Oliver

Applicant's name: Sandy Oliver

Address: 1012 Centre St. Traverse City, Mi. 49686

Telephone: 231-620-6347 Telefax:

The undersigned acknowledges that in the event that it is determined by the Planning Director or the Planning Commission pursuant to Sections 1322.01 or 1322.05 of the Zoning Ordinance that the Application Fee will not cover the actual costs of processing this Application, including, but not limited to, costs for per diem expenses of staff, staff review and preparation time, professional reviews, attorney fees and other related expenses, outside professional planners, engineers, surveyors, architects or landscape architects, the undersigned shall be responsible for such additional fees in an amount determined by the Planning Director or the Planning Commission as provided by the Zoning Ordinance

Signature of owner(s): Mark Oliver Sandy Oliver

Signature of applicant (if different than owner):

Relationship of applicant to owner: Wife

*Note: After the Planning Commission has acted upon the request, ten (10) additional copies of the site plan shall be submitted to the City Clerk. The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

CENTRE ST

1005

901

913

OUTDOOR
PLAY
AREA

56.ft
Backyard Fence

1012

27.ft
House width

Facing street

40ft
House length

23ft

Alley

22ft

Pick Up / Drop off
AREA IN
ALLEY
USING
SIDEPOCK

1022

Business Hours
7:00am - 5:00pm
Mon - Fri

1" = 20'

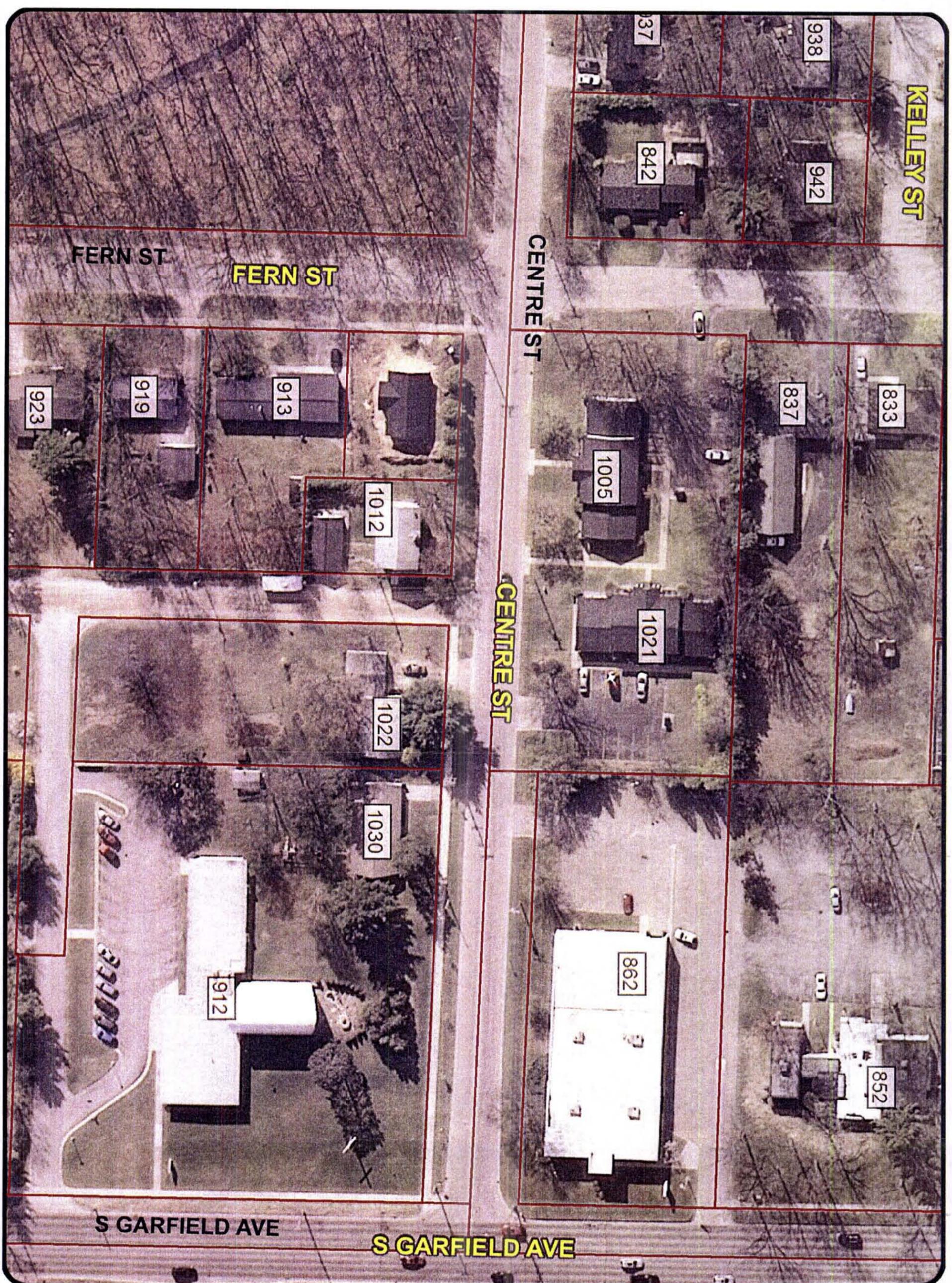
Legend

Road Name
Parcel



1 inch = 20 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.



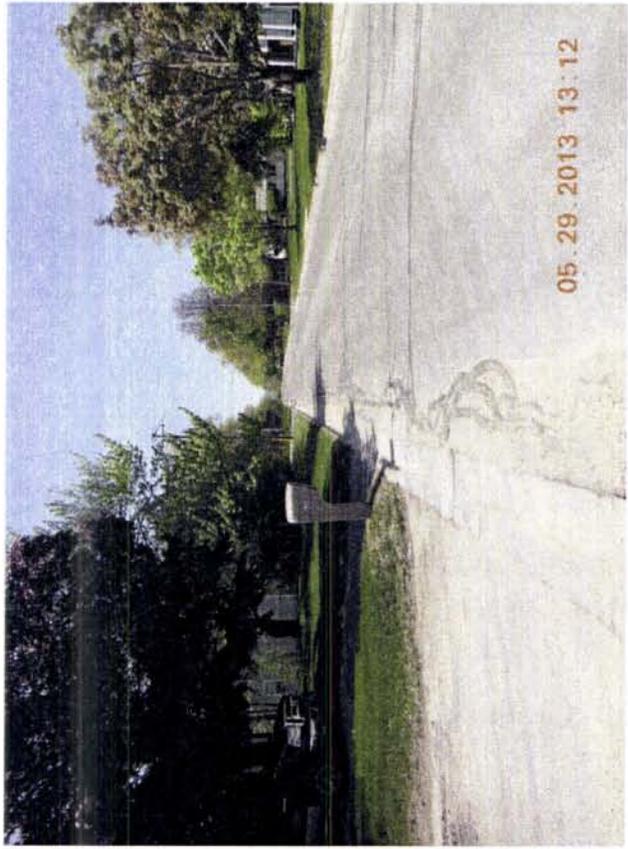
1012 centre street location map



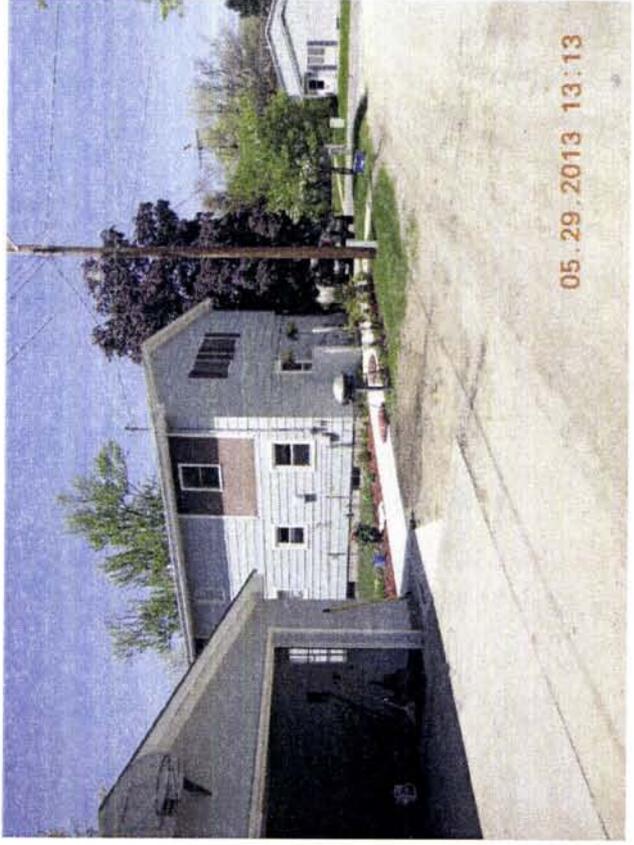
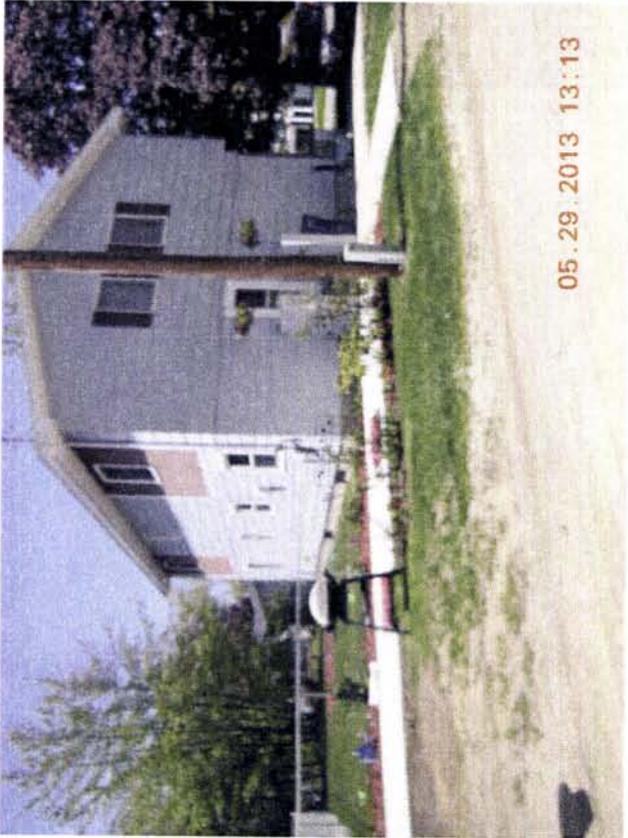
1 inch = 60 feet

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.

1012 Centre Street Site Photographs



1012 Centre Street Site Photographs



SPECIAL LAND USE REGULATIONS (excerpts from Traverse City Code of Ordinances)

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.

1364.08 SPECIAL LAND USE PERMITS GRANTED BY THE CITY COMMISSION.

- (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.

STAFF REPORT

14-SLUP-01

DATE: June 27, 2014

APPLICANT: Sandy Oliver.

PROPERTY OWNERS: Mark and Sandy Oliver.

STATUS OF APPLICANT: Owner of property.

PROPERTY ADDRESS: 1012 Centre Street
REQUESTED ACTION: Group Day Care Home (childcare, more than 6 children, but no more than 12 at one time).

DESCRIPTION: E 65 FT OF LOTS 20 & 21 BLOCK A BURCH ADD.

EXISTING CONDITIONS:

SITE SIZE: 65' x 101'
TOPOGRAPHY: Flat.
VEGETATION: Grass and trees.
SOILS: Sandy loam, well drained.
EXISTING ZONING: R-2 (Two Family Dwelling District)

SURROUNDING ZONING/LAND USE:

NORTH: R-2 (Two Family Dwelling District).
SOUTH: R-2 (Two Family Dwelling District).
EAST: R-2 (Two Family Dwelling District).
WEST: R-1b (Single Family Dwelling District).

ZONING HISTORY: From 1958 to 1999 the property was zoned Single Family. In 1999 the property was rezoned to Two Family.

RELEVANT SECTIONS OF THE ZONING ORDINANCE:

Section 1364.02 General Standards for Approval (pages 138-139).

Section 1364.08(i) specific requirements (page 146).

RELATIONSHIP TO THE CITY PLAN: The City Plan designates this area as a TC-2 Neighborhood. The City Plan states that home occupations, schools and places of worship should be conveniently located.

PUBLIC UTILITIES: There are adequate utilities to serve this use.

TRAFFIC No more than 12 children can be present at one time. If all 12 children are full time, 24 trip ends could be generated. Trip ends could double if part time children are present, 12 in the morning and 12 in the afternoon.

ACCESS: The property will be accessed from Centre Street and an alley to the east. There are no sidewalks on Centre Street adjacent to the property and the sidewalks are incomplete in the general neighborhood.

PARKING: Parking is available on both sides of Centre Street and the home has a nonconforming driveway on Centre Street which is approximately 60 feet long. Two parking spaces are available in front of the detached garage located in the alley.

ANALYSIS:

General Standards 1364.02:

The use shall be harmonious with and in accordance with the general principles and proposals of the City Plan.

The City Plan designates this area as a TC-2 Neighborhood and states home occupations, schools and places of worship should be conveniently located. Traverse Heights Elementary School is located one block to the west for the applicant's parcel. Even though Group Day Care Homes are not specifically mentioned in the City Plan, having before and after school day care providers adjacent to schools (Traverse Heights Elementary School) allows children the ability to walk to and from school.

- (a) The use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

The Group Day Care Home will be operated at the applicant's residence. No exterior changes to the dwelling will be made to accommodate this use. Operation will be typical day care hours from 7:00 a.m. to 5:30 p.m.

- (b) The use shall not be hazardous or disturbing to existing or planned future uses in the same general vicinity.

The applicant's parcel is a typical residential lot (65' x 101') with a large back yard for children to play. Hours of operation are occurring when most residences are likely to be away from their homes. The potential noise of children playing will be minimal and likely will not disturb the general 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.

The proposed use will be adequately served by existing public facilities and services.

- (d) The use shall not create excessive additional requirements for infrastructure, facilities, and services provided at public expense.

No additional requirements or public costs will be associated with the proposed use.

- (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.

No more than 12 children can be present at one time. If all 12 children are full time, 24 trip ends may be generated. It's possible this number could double if part time children are present, 12 in the morning and 12 in the afternoon. This use would be equivalent to the traffic that is generated by 2-5 single family homes. The use should not be detrimental to any person or property in the general vicinity.

- (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.

The property is not in a Historic District. No changes to the exterior appearance of the dwelling is anticipated.

- (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.

Again, no changes to the exterior appearance of the dwelling is anticipated. The play area will be in the rear yard and is fenced in. The fence is chain link with a height of 3 ½ feet.

- (h) The use shall be consistent with the intent and purposes of the zoning district in which it is proposed.

The intent of the R-2 Zoning District is for the purpose of accommodating single family and two family homes on small lots. The home will still be used primarily for single family living.

Specific Requirements 1364.08 (i)

- (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.

The applicant will be obtaining State licenses if the Special Land Use Permit is granted.

- (2) The lot is not located within 1,500 feet of another lot devoted to such use.

There are no Group Day Care Homes located within 1,500 feet of the property.

- (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.

The rear yard is fenced in with a chain link with a height of 3 ½ feet. The fenced in area approximately 1,766 square feet. All play equipment will be located in the rear yard.

- (4) The use is not allowed in an apartment.

The proposed use will be located in a single family home.

- (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.

Hours of operation will be weekly from 7:00 a.m. to 5:00 p.m.

- (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.

The property has not yet been inspected by the Fire Marshall. An inspection is required and all violations of the International Fire Code observed would need to be rectified prior to issuance of 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.

Signs will need to be installed once the S.L.U.P is granted and licenses and inspections are approved.

- (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.

Parking is allowed and is available on both sides of Carver Street and the home has a nonconforming driveway approximately 60 feet long, with additional parking available in front of the detached garage adjacent to the alley.

- (6) 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.

A site plan was submitted with the application with the required information.

RECOMMENDATION:

Staff recommends the Special Land Use Permit be approved provided the following conditions are met.

Any violations noted by the Fire Marshall are corrected.

All necessary State licenses are obtained.

"Approved Child Care Provider" identification is prominently displayed in a street side window.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: LIQUOR LICENSE REQUEST – TRAVERSE CITY WHISKEY
COMPANY, LLC

Attached is a memo from City Clerk Benjamin Marentette, recommending approval of a request from the Traverse City Whiskey Company, LLC, (Christopher Fredrickson) for a new Small Distillers License for operation at 201 E. Fourteenth Street.

I recommend the following motion:

that the resolution recommending approval of a request from the Traverse City Whiskey Company, LLC, for a New Small Distillers License, be adopted; and that the City Clerk be authorized to issue a Liquor License Registration to Traverse City Whiskey Company, LLC to operate such license at 201 E. Fourteenth Street.

JJO/kcs

K:\tcclerk\City Commission Communications\liquor license_regular\New Distiller_TC Whiskey Co_20140721.doc

copy: Christopher Fredrickson, cf@tcwhiskey.com

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
FROM: Benjamin C. Marentette, City Clerk *B. Marentette*
DATE: Thursday, July 17, 2014
SUBJECT: Liquor License Request – Traverse City Whiskey Company, LLC

The Traverse City Whiskey Company, LLC, is requesting a New Small Distillers License for operation at 201 E. Fourteenth Street (the small brick building at the corner of Cass and Fourteenth).

A Small Distillers License allows for the manufacturing of spirits and Brandy in an amount not to exceed 60,000 gallons annually of all brands combined.

If the City Commission adopts the resolution approving the license, then it will be provided to the Michigan Liquor Control Commission (MLCC) and it then may consider granting or not granting the license. The applicant has paid the appropriate application fee and this request has been reviewed by the appropriate city departments, including the Police Department, and meets all ordinance/law requirements. The supporting documentation is on file with this office.

This license cannot be operated unless the City Commission authorizes the City Clerk to issue a registration to the Traverse City Whiskey Company, LLC. I respectfully recommend that the City Commission authorize the City Clerk to issue the registration.

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

bcm/kes



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a Regular meeting of the City of Traverse City council/board
(regular or special) (township, city, village)

called to order by _____ on Jul 21, 2014 at 7:00 PM
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Traverse City Whiskey Company, LLC (TCWC, LLC)
(name of applicant)

for the following license(s): Small Distillers License
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

to be located at 201 E. Fourteenth Street, Traverse City, MI 49684

be considered for _____
(approval or disapproval)

Approval

Yeas: _____

Nays: _____

Absent: _____

Disapproval

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the City of Traverse City
 council/board at a Regular meeting held on Jul 21, 2014 .
(regular or special) (date) (township, city, village)

Name and title of authorized officer (please print): Benjamin C. Marentette, CMC, City Clerk

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: 231-922-4480, tcclerk@traversecitymi.gov



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: *JO* JERED OTTENWESS, CITY MANAGER

SUBJECT: REDEVELOPMENT READY COMMUNITY PROGRAM

At the July 14 Study Session, the Commission heard a presentation from the Michigan Economic Development Corporation regarding its Redevelopment Ready Community Program; the Commission indicated its desire to move forward with participating in this program.

Attached is a memo from City Planning Director Russell Soyring indicating that out of 65 applicants, Traverse City was one of 14 communities selected to participate in this program.

As the Commission is aware, this program includes a comprehensive review of development processes within City government, and will make recommendations to improve transparency and effective communication. As a result of that review, a recommendation will be made to the City Commission on strategies to implement the recommendations and receive certification; following that, the Commission must adopt a resolution indicating its intent to implement the recommendations to achieve certification.

Once certification is awarded, the program will assist the City in marketing up to three properties for redevelopment (multiple contiguous properties can count as one property).

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

-See following page for recommended motion-

that the Resolution Authorizing the City of Traverse City to Approve and Fully Participate in the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities Program and Approve the Memorandum of Understanding, be adopted.

JJO/bcm

K:\tcclerk\city commission\resolutions\redevelopment ready communities program

copy: Russell Soyring, City Planning Director
 Timothy Lodge, City Engineer
 Rob Bacigalupi, Downtown Development Authority Executive
 Director
 Jean Derenzy, Grand Traverse County Deputy Director of Planning
 and Development

The City of Traverse City

Planning Department

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



To: Jered Ottenwess, City Manager
From: Russ Soyring, City Planning Director *R. Soyring*
Subject: Redevelopment Ready Community MOU and Resolution execution request
Date: July 16, 2014

In March 2014 Traverse City was one of 14 communities selected to participate in the State of Michigan's Redevelopment Ready Communities program (RRC). Over 65 communities had applied to participate. Certification as a Redevelopment Ready Community indicates the community has taken steps to be development ready and competitive in today's economy. The State of Michigan also will assist communities that are RRC certified with technical assistance and will help to market three properties ready for redevelopment.

To proceed, the City Commission will need to approve a resolution of support and authorize a Memorandum of Understanding that states the responsibilities of for both the City of Traverse City and the State of Michigan within 30 days of the kick-off presentation, which was July 14, 2014. The resolution and Memorandum of Understanding are attached.

**RESOLUTION AUTHORIZING THE CITY OF TRAVERSE CITY TO
APPROVE AND FULLY PARTICIPATE IN THE MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION (MEDC) REDEVELOPMENT READY
COMMUNITIES PROGRAM AND APPROVE THE MEMORANDUM OF
UNDERSTANDING**

WHEREAS, the Michigan Economic Development Corporation (MEDC), selected the City of Traverse City as a community to participate in the Redevelopment Ready Communities Program; and

WHEREAS, the expectation of the program is to complete a comprehensive review of the City of Traverse City development processes as established by the City of Traverse City, to make improvements in transparency and effective communication; and

WHEREAS, the program includes evaluating the strong partnerships with the City Boards related to development, including the Downtown Development Authority, Planning Commission, Grand Traverse Commons Joint Planning Commission, Board of Zoning Appeals and the Historic Districts Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Commission of the City of Traverse City is willing to participate in the MEDC Redevelopment Ready Communities Program, which will involve interaction with the Downtown Development Authority, Planning Commission, Grand Traverse Commons Joint Planning Commission, Board of Zoning Appeals and the Historic Districts Commission.
2. The City Commission of the City of Traverse City authorizes Jered Ottenwess, City Manager, to sign the Memorandum of Understanding, and all other documentation related to the program as provided by the MEDC, in order to fully participate in the program.
3. This resolution shall take effect upon authorization of the City Commission of the City of Traverse City.
4. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Upon motion made by Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted:

AYES:

NAY:

I, Benjamin C. Marentette, City Clerk for the City of Traverse City, do hereby certify that the above is a true and correct copy of the Resolution relative to the Redevelopment Ready Community program with the Michigan Economic Development Corporation, which Resolution was adopted by the City Commission of the City of Traverse City at its _____ meeting of _____, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



Redevelopment Ready Communities® Joint Memorandum of Understanding

This Memorandum of Understanding ("MOU") by and between the Michigan Economic Development Corporation ("MEDC"), 300 North Washington Square, Lansing, Michigan and City of Traverse City ("Community"), 400 Boardman Avenue, Traverse City, Michigan, jointly referred to as the "Parties" and individually as the "Party" is effective as of August 13, 2014 ("Effective Date").

The Community is interested in applying to the MEDC under the Redevelopment Ready Communities® Program ("Program") to become certified as a Redevelopment Ready Community ("RRC") and receive assistance from the Program in promoting sites within the Community.

The MEDC is interested in evaluating the Community and making recommendations for the Community to become certified as a RRC under the Program and help market the Community to the public for redevelopment purposes.

Therefore, the above entities have come together in a strategic collaboration to achieve the above stated goals. This collaboration is based on the following understandings:

Community Responsibilities

1. Identifying a primary Program contact who will serve as the lead contact and provide overall technical support for all aspects of this project on behalf of the Community.
2. Provide adequate staff personnel to attend trainings, perform research collection and assessment of current practices of the Community, respond in a timely manner to MEDC questions, and to implement the needed strategies to achieve certification of the Program after the evaluation.
3. Within thirty (30) days of this MOU, complete the Pre-Evaluation document and provide supporting information as required by the MEDC.
4. Provide monthly updates to the Community's elected governing body on status of Program progress.
5. Within fourteen (14) days of receiving the draft Community Assessment Report and Evaluation Findings, provide comments and any additional documentation, and schedule the report out presentation for the Community's elected governing body.
6. Within thirty (30) days of the Community Assessment Report and Evaluation Findings presentation, provide a resolution adopted by the Community's elected governing body that supports the Community's intent to implement the needed strategies to achieve certification if necessary to meet the Program best practices.
7. Within one hundred eighty (180) days, complete implementation of the needed strategies to achieve certification, if necessary, to meet the Program best practices.

- 8. Provide documentation that the Community meets the Program best practices as determined by the MEDC prior to being awarded certification.

MEDC Responsibilities

- 1. Provide general training on the Program.
- 2. Provide general technical support to the primary Program contact of the Community in collecting the information necessary to complete the Pre-Evaluation document and implementation of the best practices.
- 3. Evaluate the information from the Pre-Evaluation documents.
- 4. If necessary, make recommendations of steps to meet the best practices as identified by the MEDC.
- 5. Once the Program evaluation is completed, the MEDC will coordinate with the RRC Advisory Council to receive input in certifying the Community as a RRC.
- 6. If certified as a RRC, assist the Community in marketing to the public up to three sites as redevelopment ready.
- 7. Prepare a license agreement between the Community and the MEDC for Community's use of the RRC logo.

This MOU sets forth the intent of the Parties only and does not, and is not intended to, impose any binding obligations on the Parties nor shall it be the basis for any legal claims or liabilities by or among the Parties. Any liability of the Parties, whether in contract, tort or under any other legal or equitable theory, arising out of or in connection with this MOU shall be explicitly excluded. Neither Party shall be entitled to claim compensation for any expenses or losses incurred in bad faith if the intention of this MOU cannot be reached entirely or in part.

This MOU constitutes the entire agreement between the Parties hereto. This MOU may be modified, altered, revised, extended or renewed by mutual written consent of all Parties, by the issuance of a written amendment, signed and dated by all the Parties.

This MOU may be signed in multiple copies and in counterparts which, when taken together, shall constitute the executed MOU. Faxed or scanned copies shall be considered an original.

This MOU is effective until the three year anniversary of the date the Community is certified as a RRC, unless terminated earlier. However, either Party may terminate the MOU by providing notice in writing to the other Party thirty (30) days in advance of the termination.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their respective authorized representatives.

Jered Ottenwess, City Manager

Date

Jennifer Nelson, Senior VP & General Counsel
Michigan Economic Development Corporation

Date



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: SUBJECT: SPECIAL IMPROVEMENT DISTRICT SID 2014-005
– PAVING EXISTING GRAVEL ALLEY SOUTH OF GROVE
STREET BETWEEN GRANT AND BATES STREET

Attached is a memo from City Assessor Polly Cairns, explaining a petition from property owners for paving an existing gravel alley South of Grove Street between Grant and Bates Street.

If it is the desire of the Commission to move forward, then the next step is to adopt a resolution scheduling a public hearing (which allows the City Engineer to move forward with the bidding process).

The following motion would be appropriate:

that the Resolution Scheduling Public Hearing on Special Improvement District No. 2014-005 be adopted, scheduling the public hearing for August 18, 2014.

JJO/kjl

copy: Polly Cairns, City Assessor
Timothy Lodge, City Engineer
Property owners within proposed special improvement district

Memorandum

The City of Traverse City



TO: JERED OTTENWESS, CITY MANAGER
FROM: POLLY CAIRNS, CITY ASSESSOR *PSC*
SUBJECT: Tentative Special Improvement District
DATE: July 15, 2014

A petition has been submitted for the following special improvement district by the property owners of record and is now ready for City Commission action.

Tentative S.I.D. 2014-005

Type of Improvement: Pave alley South of Grove St between Grant and Bates St

Properties to be improved:

	Parcel #	Owner	Address
1	28-51-778-190-10	BAK MICHELLE L	810 GROVE ST
2	28-51-778-191-00	PLEVA LEONARD S JR	605 GRANT ST
3	28-51-778-192-00	ERICKSON JUSTIN G &	615 GRANT ST
4	28-51-778-193-01	BISHOP JOANN C & MATTHEW	621 GRANT ST
5	28-51-778-193-10	DALQUIST DAVID J	619 GRANT ST
6	28-51-778-194-00	WEBER BARBARA J	844 GROVE ST
7	28-51-778-195-00	FOLLETT BEATRICE M TRUST	608 BATES ST
8	28-51-778-196-00	EVENS SHARON L & ROGER M	616 BATES ST
9	28-51-778-197-00	HENRY KURT A	618 BATES ST
10	28-51-778-198-00	HENRY KURT A	622 BATES ST

Total Estimated Cost: \$29,107.26
City Share (50%) \$14,533.63
Property Owners Share (50%) \$14,533.63

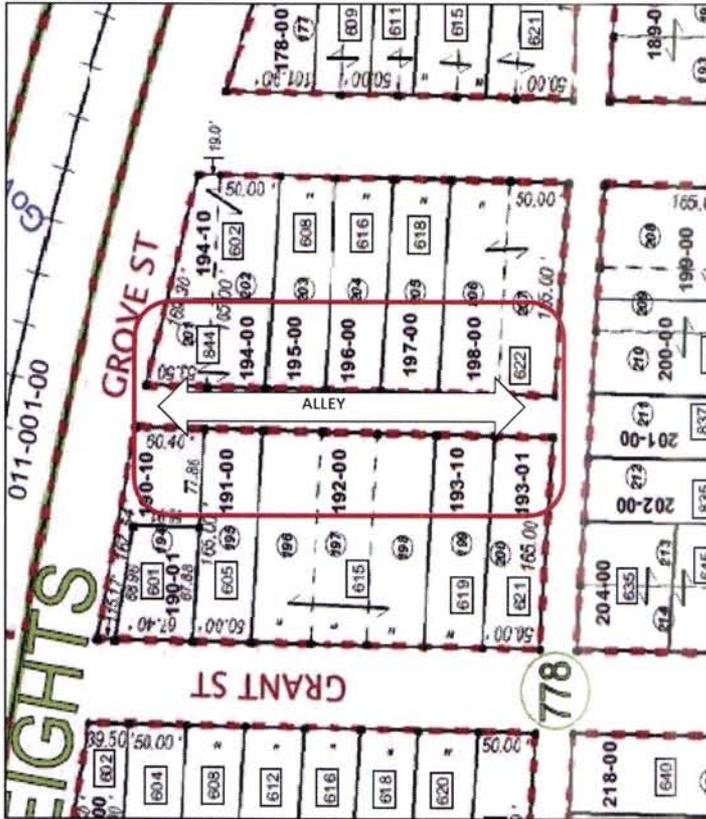
Assessable Costs:
Approximately Assessable Costs: \$20.59/front foot
Largest Total Assessment (+/-) \$3,087.76
Lowest Total Assessment (+/-) \$1,029.25

Petition Signed (to date): In Favor % No Response %
60% N/A

ESTIMATE

Assessors SID reference:
 2014-005
 SID Pave alley South of Grove St
 between Grant and Bates St

Prepared on:
 15-Jul-14



Total Parcels	10
Total Cost Spread	\$29,107.26
City Share	50.00%
City's Cost	\$14,553.63
Own.'s Cost	\$14,553.63
Owner's Fr Ft Rate	\$20.59
Annual Int.	6.00%
Period (Yrs.)	10

	Percent Response	No Response
Parcel Ct.	X	
Frontage	60.00%	
Survey	64.64%	
Parcel Ct.	Y	No Response
Frontage	10	
Survey	707.00	

Total Percent - Petition & Survey		
Total	Yes	No
Parcel Ct	60.00%	
Frontage	64.64%	

Parcel #	Owner	Address	SID Footage	Depth	Approx Site Size Acres	MOL	Adjustment Reason	Assessment	Petitioned	Survey	Total Estimated Assessment	Annual Payment Estimate	Depth/ Frontage Ratio
10	TOTAL SID												
TOTAL S MINUS CITY PORTION													
			Alley										
1	BAK MICHELLE L	810 GROVE ST	60.00	82.00	0.11		N/A	\$1,235.10	x	y	\$1,235.10	\$167.81	73.17%
2	PLEVA LEONARD S JR	605 GRANT ST	50.00	165.00	0.19		N/A	\$1,029.25		y	\$1,029.25	\$139.84	30.30%
3	ERICKSON JUSTIN G &	615 GRANT ST	150.00	165.00	0.57		N/A	\$3,087.76	x	y	\$3,087.76	\$419.53	90.91%
4	BISHOP JOANN C & MATTHEW	621 GRANT ST	50.00	165.00	0.19		N/A	\$1,029.25		y	\$1,029.25	\$139.84	30.30%
5	DALQUIST DAVID J	619 GRANT ST	50.00	165.00	0.19		N/A	\$1,029.25	x	y	\$1,029.25	\$139.84	30.30%
6	WEBER BARBARA J	844 GROVE ST	97.00	69.00	0.15		N/A	\$1,996.75	x	y	\$1,996.75	\$271.29	140.58%
7	FOLLETT BEATRICE M TRUST	608 BATES ST	50.00	165.00	0.19		N/A	\$1,029.25	x	y	\$1,029.25	\$139.84	30.30%
8	EVENS SHARON L & ROGER M	616 BATES ST	50.00	165.00	0.19		N/A	\$1,029.25	x	y	\$1,029.25	\$139.84	30.30%
9	HENRY KURT A	618 BATES ST	50.00	165.00	0.19		N/A	\$1,029.25		y	\$1,029.25	\$139.84	30.30%
10	HENRY KURT A	622 BATES ST	100.00	165.00	0.38		N/A	\$2,058.50		y	\$2,058.50	\$279.68	60.61%
10			707.00					\$14,553.61	6	10	\$14,553.61	\$1,977.37	54.71%



**Resolution Scheduling Public Hearing
On Special Improvement District No. 2014-005**

Because, the City Commission of the City of Traverse City, has determined to make an improvement known as Special Improvement District Number 2014-005, which would cause the paving of existing gravel alley South of Grove Street between Grant and Bates Street, at the following locations:

Parcel #	Owner	Address
28-51-778-190-10	Bak, Michelle	810 Grove Street
28-51-778-191-00	Pleva, Leonard	605 Grant Street
28-51-778-192-00	Erickson, Justin	615 Grant Street
28-51-778-193-01	Bishop, Joann & Matthew	621 Grant Street
28-51-778-193-10	Dalquist, David	619 Grant Street
28-51-778-194-00	Weber, Barbara	844 Grove Street
28-51-778-195-00	Follett, Beatrice Trust	608 Bates Street
28-51-778-196-00	Evans, Sharon & Roger	616 Bates Street
28-51-778-197-00	Henry, Kurt	619 Bates Street
28-51-778-198-00	Henry, Kurt	622 Bates Street

Because, the City Commission has determined that the cost of this improvement shall be defrayed by special assessment and that 50% shall be paid for by city funds; it is further

Resolved, that the City Commission of the City of Traverse City approves the preliminary plans for the improvement, determined the estimated cost, which is \$29,107.26 and that the city shall pay for 50% of the improvement, and the benefited property owners shall pay 50%; be it further

Resolved, that the Special Improvement District is established as indicated in this resolution and that the City Assessor be directed to prepare a special assessment roll in accordance with this determination and to report the same to the City Commission for confirmation; be it further

Resolved, that the City Engineer is directed to proceed with the preparation of final plans and specification for the improvement and to proceed with the advertising and taking of bids in accordance with city purchasing requirements; be it further,

Resolved, that a public hearing shall be held on August 18, 2014, at 7:00 p.m., in the

Commission Chambers, 2nd Floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, where the City Commission shall meet to review the roll and hear all persons interested in the necessity for improvement, and the City Clerk is directed to give notice of this hearing as outlined in city ordinance.

I hereby certify that this resolution was adopted by the City Commission at its regular meeting held on July 21, 2014, in the Commission Chambers, 2nd Floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: SUBJECT: SPECIAL IMPROVEMENT DISTRICT SID 2014-01 –
STREET WIDTH RECONSTRUCTION WITH PARKING AND
DRAINAGE IMPROVEMENTS TO BARLOW STREET
BETWEEN EIGHTH STREET AND BOYD AVENUE

Attached is a memo from City Assessor Polly Cairns, explaining a petition from property owners for street width reconstruction with parking and drainage improvements to Barlow Street.

If it is the desire of the Commission to move forward, then the next step is to adopt a resolution scheduling a public hearing (which allows the City Engineer to move forward with the bidding process).

The following motion would be appropriate:

that the Resolution Scheduling Public Hearing on Special Improvement District No. 2014-01 be adopted, scheduling the public hearing for August 18, 2014.

JJO/kjl

copy: Polly Cairns, City Assessor
Timothy Lodge, City Engineer
Property owners within proposed special improvement district

Memorandum

The City of Traverse City



TO: JERED OTTENWESS, CITY MANAGER
FROM: POLLY CAIRNS, CITY ASSESSOR PSC
SUBJECT: Tentative Special Improvement District
DATE: July 16, 2014

A petition has been submitted for the following special improvement district by the property owners of record and is now ready for City Commission action.

Tentative S.I.D. 2014-001

Type of Improvement: Barlow St between Eighth and Boyd St – street width reconstruction with parking and drainage improvements

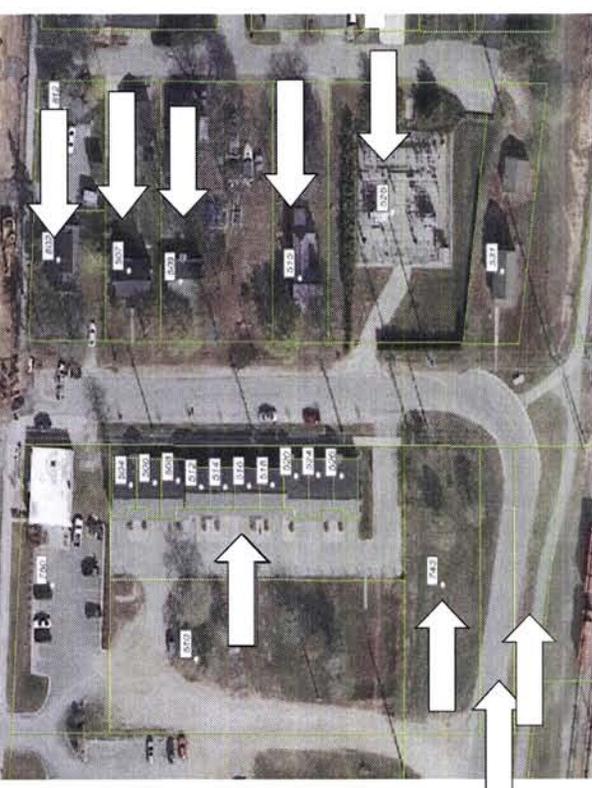
Properties to be improved:

	Parcel #	Owner	Address
1	28-51-895-001-00	GAUDETTE CYNTHIA A TRUST	504 BARLOW ST
2	28-51-895-002-00	ANDERSON MARCIA F	506 BARLOW ST
3	28-51-895-003-00	JONES MICHELLE A	508 BARLOW ST
4	28-51-895-004-00	HEMMING LISA	512 BARLOW ST
5	28-51-895-005-00	HEMMING LAND LLC & HEMMING LISA	514 BARLOW ST
6	28-51-895-006-00	HEMMING JOHN T & ELIZABETH M	516 BARLOW ST
7	28-51-895-007-00	ADRAY SHARON	518 BARLOW ST
8	28-51-895-008-00	WNUK LUKE M	520 BARLOW ST
9	28-51-895-009-00	TELFOR KEITH & VENUS M	524 BARLOW ST
10	28-51-895-010-00	WEMPLE EMILY TRUST &	526 BARLOW ST
11	28-51-642-293-00	TRAVERSE CITY LAND CORP - CITY OF TRAVERSE CITY	743 BOYD AVE/BARLOW ST
12	28-51-642-294-00	TRAVERSE CITY LAND CORP - CITY OF TRAVERSE CITY	BOYD AVE/BARLOW ST
13	28-51-642-300-00	TRAVERSE CITY CITY OF	BOYD AVE/BARLOW ST
14	28-51-778-144-00	ANNIS JERRY R & LYDIA LOU	507 BARLOW ST
15	28-51-778-146-00	BUCHAN PATRICK C	509 BARLOW ST
16	28-51-778-147-00	SCHAUB LYNN J & JOAN E	515 BARLOW ST
17	28-51-778-148-00	TRAVERSE CITY CITY OF	525 BARLOW ST
18	28-51-778-143-00	CHRISTIANSEN ROBERT K	802 E EIGHTH ST

Total Estimated Cost: **\$45,047.46**
City Share (50%) \$22,523.73
Property Owners Share (50%) \$22,523.73

Assessable Costs:
Approximately Assessable Costs: \$28.26/front foot
Largest Total Assessment (+/-) \$3,744.63
Lowest Total Assessment (+/-) \$521.42

Petition Signed (to date): In Favor % No Response %
50.00% N/A



DESCRIPTION: Varied Width Street Reconstruction w/ Parking and Drainage Improvements

Total Parcels	16
Total Cost Sprea	\$45,047.46
City Share	50.00%
City's Cost	\$22,523.73
Own.'s Cost	\$22,523.73
Owner's Fr Ft Ra	\$28.26
Annual Int.	3.5300%
Period (Yrs.)	10

Percent Response		No Response	
Parcel Ct.	X	Parcel Ct.	No Response
Frontage	50.00%	Frontage	311.24
Survey	Y	Survey	No
	N		Response
Parcel Ct.	9	Parcel Ct.	311.24
Frontage	311.24	Frontage	

Total Percent - Petition & Survey		Total	
Parcel Ct.	Yes	Parcel Ct.	No
Frontage		Frontage	Response

Parcel #	TOTAL SID	Owner	Address	SID Footage Frontage	Depth	Approx Site Size Acres MOL	Adjustment Reason	Assessment	Petitioned	Survey	Total Estimated Assessment	Annual Payment Estimate	Depth/ Frontage Ratio
1	28-51-895-001-00	GAUDETTE CYNTHIA A TRUST	504 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
2	28-51-895-002-00	ANDERSON MARCIA F	506 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
3	28-51-895-003-00	JONES MICHELLE A	508 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
4	28-51-895-004-00	HEMMING LISA	512 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
5	28-51-895-005-00	HEMMING LAND LLC & HEMMING LISA	514 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
6	28-51-895-006-00	HEMMING JOHN T & ELIZABETH M	516 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
7	28-51-895-007-00	ADRAY SHARON	518 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
8	28-51-895-008-00	WNLUK LUKE M	520 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
9	28-51-895-009-00	TWLFOR KEITH & VENUS M	524 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
10	28-51-895-010-00	WEMPLE EMILY TRUST &	526 BARLOW ST	26.41	85.00	0.05	N/A	\$746.24	X	Y	\$746.24	\$89.86	31.06%
11	28-51-842-293-00	TRAVERSE CITY LAND CORP - CITY OF TRAVERSE CITY	743 BOYD AVE/BARLOW ST	73.98	182.33	0.31	N/A	\$2,090.77			\$2,090.77	\$251.78	40.57%
12	28-51-842-294-00	TRAVERSE CITY LAND CORP - CITY OF TRAVERSE CITY	BOYD AVE/BARLOW ST	40.00	185.13	0.17	N/A	\$1,130.45			\$1,130.45	\$136.13	21.61%
13	28-51-842-300-00	TRAVERSE CITY CITY OF	BOYD AVE/BARLOW ST	18.45	66.00	0.03	N/A	\$521.42			\$521.42	\$62.79	27.95%
14	28-51-778-144-00	ANNIS JERRY R & LYDIA LOU	507 BARLOW ST	50.00	165.00	0.19	N/A	\$1,413.07		Y	\$1,413.07	\$170.17	30.30%
15	28-51-778-146-00	BUCHAN PATRICK C	509 BARLOW ST	100.00	165.00	0.38	N/A	\$2,826.13	X		\$2,826.13	\$340.33	60.61%
16	28-51-778-147-00	SCHAUB LYNN J & JOAN E	515 BARLOW ST	50.00	165.00	0.19	N/A	\$1,413.07			\$1,413.07	\$170.17	30.30%
17	28-51-778-148-00	TRAVERSE CITY CITY OF	525 BARLOW ST	132.50	165.00	0.50	N/A	\$3,744.63			\$3,744.63	\$450.94	80.30%
18	28-51-778-143-00	CHRISTIANSEN ROBERT K	802 E EIGHTH ST	68.00	83.00	0.13	N/A	\$1,921.77			\$1,921.77	\$231.43	81.93%
				796.88				\$22,523.71	9	9	\$22,523.71	\$2,712.38	





**Resolution Scheduling Public Hearing
On Special Improvement District No. 2014-01**

Because, the City Commission of the City of Traverse City, has determined to make an improvement known as Special Improvement District Number 2014-01, which would cause street width reconstruction with parking and drainage improvements to Barlow Street between Eighth and Boyd Avenue, at the following locations:

Parcel #	Owner	Address
28-51-895-001-00	Gaudette, Cynthia	504 Barlow Street
28-51-895-002-00	Anderson, Marcia	506 Barlow Street
28-51-895-003-00	Jones, Michelle	508 Barlow Street
28-51-895-004-00	Hemming, Lisa	512 Barlow Street
28-51-895-005-00	Hemming Land LLC & Hemming Lisa	514 Barlow Street
28-51-895-006-00	Hemming John & Elizabeth	516 Barlow Street
28-51-895-007-00	Adray, Sharon	518 Barlow Street
28-51-895-008-00	Wnuk, Luke	520 Barlow Street
28-51-895-009-00	Telfor Keith & Venus	524 Barlow Street
28-51-895-010-00	Wemple Emily Trust	526 Barlow Street
28-51-642-293-00	Traverse City Land Corporation	743 Boyd Ave/Barlow
28-51-642-294-00	Traverse City Land Corporation	Boyd Ave/Barlow
28-51-642-300-00	Traverse City, City of	Boyd Ave/Barlow
28-51-178-144-00	Annis, Jerry & Lydia	507 Barlow Street
28-51-778-146-00	Buchan, Patrick	509 Barlow Street
28-51-778-147-00	Schaub Lynn & Joan	515 Barlow Street
28-51-778-148-00	Traverse City, City of	525 Barlow Street
28-51-778-143-00	Christiansen, Robert	802 E. Eight Street

Because, the City Commission has determined that the cost of this improvement shall be defrayed by special assessment and that 50% shall be paid for by city funds; it is further

Resolved, that the City Commission of the City of Traverse City approves the preliminary plans for the improvement, determined the estimated cost, which is \$45,047.46 and that the city shall pay for 50% of the improvement, and the benefited property owners shall pay 50%; be it further

Resolved, that the Special Improvement District is established as indicated in this resolution and that the City Assessor be directed to prepare a special assessment roll in accordance with this determination and to report the same to the City Commission for confirmation; be it further

Resolved, that the City Engineer is directed to proceed with the preparation of final plans and specification for the improvement and to proceed with the advertising and taking of bids in accordance with city purchasing requirements; be it further,

Resolved, that a public hearing shall be held on August 18, 2014, at 7:00 p.m., in the Commission Chambers, 2nd Floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, where the City Commission shall meet to review the roll and hear all persons interested in the necessity for improvement, and the City Clerk is directed to give notice of this hearing as outlined in city ordinance.

I hereby certify that this resolution was adopted by the City Commission at its regular meeting held on July 21, 2014, in the Commission Chambers, 2nd Floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: CITY COMMISSION AD HOC COMMITTEE ON SIDEWALK CAFÉS

MAYOR PRO TEM JIM CARRUTHERS, CHAIRMAN *JC*
COMMISSIONER BARBARA BUDROS
COMMISSIONER JEANINE EASTERDAY

SUBJECT: REPORT – SIDEWALK CAFÉ ORDINANCE

Our Committee was appointed by the City Commission to review the Sidewalk Café Ordinance. Our committee presented a report to the Commission in June, which included a recommendation to allow platform cafés in designated on-street parking spaces.

The Commission requested that the Committee reconvene to further discuss the ordinance, particularly with respect to the minimum clear pedestrian pathway that is required to be maintained by Sidewalk Café operators. Currently, the ordinance requires a minimum four foot wide clear pedestrian pathway – meaning, a sidewalk café may only be set up if it will not reduce the clear pedestrian travel area to less than four feet in width.

There were also concerns expressed regarding the possibility of allowing platform cafés.

We reconvened on July 8, 2014, and recommend the following:

With respect to the ordinance:

To be effective *beginning April 1, 2015* (the next Sidewalk Café season):

- Requirement that a clear linear pedestrian pathway of at least five (5) feet in width be maintained at all times. This is an increase over the current requirement of a four (4) foot clear pedestrian pathway and was supported

by Jim Moore, Executive Director for the Disability Action Network.

- That there be a default requirement that all café operators install a barrier to surround the sidewalk café that is anchored in the sidewalk (with the anchoring system to be approved by the City Engineer prior to its installation) – to ensure tables and chairs aren't moved, so that the 5'-wide clear pedestrian pathway is maintained. This requirement could be waived by Assistant City Manager Penny Hill, who serves as the ADA Coordinator, if it is determined the barrier is not necessary to ensure the clear pathway is maintained.
- That all furniture and equipment associated with the café be removed from city property when the café isn't in operation, i.e., at closing each day.

To be effective *10 days following enactment* of the ordinance:

- Permit holders shall be responsible for the proper disposal of all waste associated with their café occupancy and ensure it is removed on a daily basis.
- Prohibit the issuance of a permit for the following year for any business that has two (2) or more outdoor café ordinance violations in a year – such as a citation for not maintaining the minimum clear pedestrian pathway.

If the Commission enacts the ordinance, the City Clerk will send a letter to all city food service establishments informing them of the changes; and for the changes that would go in effect next permit season, this would give permit holders plenty of advance notice.

With respect to platform cafés and parklets:

The Committee has decided to not recommend the Commission pass an ordinance to allow for platform cafés in designated on-street parking areas. Rather, the Committee recommends that the Commission appoint an ad hoc committee to consider making a recommendation regarding the provision of parklets in various places throughout the City – and these parklets would not be exclusive to food service establishments, and would have broader possibilities.

We recommend the motion on the following page.

that an amendment to the Traverse City Code of Ordinances, *Sidewalk Café Regulation Changes*, Sections 1020.07 and 1020.08, which make various changes to the regulations regarding sidewalk cafés (outdoor cafés), as recommended by the City Commission Ad Hoc Committee Regarding Sidewalk Cafés, be introduced and scheduled for possible enactment on August 4, 2014; and further

that the City Commission Ad Hoc Committee Regarding Sidewalk Cafés be dissolved; and that a City Commission Ad Hoc Committee on Parklets be established to consider making a recommendation regarding the provision of parklets in various places throughout the City and that Commissioners _____, _____ and _____ be appointed to such Committee, with Commissioner _____ to serve as Chair, with the Committee to expire January 21, 2015.

:BCM

e-copy: Russell Soyring, City Planning Director
 Rob Bacigalupi, Downtown Development Authority Executive
 Director
 Dave Green, Director of Public Services
 Timothy Lodge, City Engineer
 Jim Moore, Disability Action Network

K:\tcclerk\city commission\ordinance amendments\sidewalk café ordinance report 20140721

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: SIDEWALK CAFE REGULATION CHANGES

THE CITY OF TRAVERSE CITY ORDAINS:

That Sections 1020.07, *Sidewalk Café Permit*; and 1020.08, *Sidewalk Café with Alcohol Permit*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

1020.07 SIDEWALK CAFÉ PERMITS.

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

(1) Prohibitions. The occupancy must not:

- A. Interfere with the use of the right-of-way for pedestrian or vehicular travel.
- B. Unreasonably interfere with the view, access to, or use of property adjacent to said street.
- C. Reduce the pedestrian travel area of any sidewalk to less than four (4) feet in width; a clear linear path at least four (4) feet in width must be maintained at all times; and effective April 1, 2015, not reduce the pedestrian travel area of any sidewalk to less than five (5) feet in width; a clear linear path at least five (5) feet in width shall be maintained at all times. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
- D. Cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way. ~~Any~~ The sidewalk anchoring system to secure an item in ~~to~~ the sidewalk shall be approved by the City Engineer ~~Manager~~ in writing prior to installation.
- E. Cause a violation of any federal, state or local laws.
- F. Be ~~principally~~ used for off-premises advertising. All signs must conform to the Sign Ordinance.
- G. Conceal or detract from the appearance of landscaping features in or adjacent to the street.
- H. Be in or adjacent to property zoned exclusively for residential purposes.

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

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

1020.08 SIDEWALK CAFÉ WITH ALCOHOL PERMIT.

- (a) Permit Conditions. The City Clerk may issue to ~~an adjacent~~ a food service establishment a revocable Sidewalk Café with Alcohol Permit to occupy a portion of adjacent City right-of-way to place tables and chairs, planters and windscreens ~~adjacent to the tables and chairs~~ in conjunction with selling and consuming food and alcoholic beverages, provided the following terms and conditions are met:
 - (1) May not operate beyond 11 p.m.
 - (2) Service of alcohol at the Sidewalk Café does not violate any state, federal or local laws, promulgated rules, or policies or executive orders of the City Manager.
 - (3) A barrier shall surround the sidewalk café; it shall be approved by the City Planning Director, generally be 36" in height, and shall be removed when the establishment closes each day.
 - (4) A site plan shall be submitted with the application showing where a barrier will be placed to maintain an unobstructed foot path five (5) feet wide for pedestrians at all times, to ensure compliance with the Americans with Disabilities Act. The placement of any required barriers shall be marked on the sidewalk by the Code Enforcement Officer and shall include the sidewalk anchoring system approved by the City Engineer; the barrier shall be such that it is sufficient to ensure compliance with the approved site plan. The barrier shall be removed when the business closes each day. If the city's ADA Coordinator determines that existing conditions are such that a barrier is not required to maintain an unobstructed foot

access path at least five feet wide for pedestrians, the requirement for the barrier may be waived by the city's ADA Coordinator. This subsection shall be effective April 1, 2015.

- (5) The business must post a sign in a prominent location that is one (1) square foot that indicates, "No beverages beyond the barrier of this Sidewalk Café." Specifically, the sign shall be posted within the perimeter of the Sidewalk Café.
- ~~(6) Alcohol may not be served beyond 11 p.m.~~
- (7) Prohibitions. The occupancy must not:
 - A. Interfere with the use of the right-of-way for pedestrian or vehicular travel.
 - B. Unreasonably interfere with the view, access to, or use of property adjacent to said street.
 - C. Reduce the pedestrian travel area of any sidewalk to less than four (4) feet in width; a clear linear path at least four (4) feet in width must be maintained at all times. Effective April 1, 2015, the occupancy must not reduce the pedestrian travel area of any sidewalk to less than five (5) feet in width; a clear linear path at least five (5) feet in width must be maintained at all times. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
 - D. Cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way. ~~Any~~ The sidewalk anchoring system to secure an item ~~in to~~ the sidewalk shall be approved by the City ~~Engineer~~ Manager in writing prior to installation.
 - E. Cause a violation of any state or local laws.
 - F. Be ~~principally~~ used for off-premises advertising. All signs must conform to the Sign Ordinance.
 - G. Conceal or detract from the appearance of landscaping features in or adjacent to the street.
 - H. Be in or adjacent to property zoned exclusively for residential purposes.
 - I. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
 - J. Cause increased risk of theft or vandalism.
 - K. Leave any furniture or equipment associated with the Sidewalk Café on public property when the café is not in operation. This subsection shall be effective April 1, 2015.
 - L. Violate regulations adopted by the City Manager pursuant to this Code.
- (8) Notice. Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required before issuing a permit to occupy any right-of-way area between the edge of the vehicle use area of the right-of-way and the right-of-way property line. Said notice should include an enumeration of the conditions or rights provided under Section 1020.08(1) of this Code.

- (9) Fee. Prior to the issuance of a permit, a fee in an amount established by resolution of the City Commission shall be paid to the City Clerk. This fee shall be tripled if any such occupancy occurred prior to the issuance of a permit.
- (10) Insurance. The Permittee shall show proof of and maintain comprehensive general liability insurance and liquor liability insurance and have the City of Traverse City as an additional named insured. The amount of such insurance shall be determined by the City Clerk.
- (11) Waste. Any holder of an Sidewalk Café with Alcohol Permit shall be responsible for the proper disposal of all waste with their Sidewalk Café occupancy and shall ensure that the waste is removed on a daily basis.
- (12) Compliance with Approved Site Plan. The café shall, at all times, comply with the approved site plan.
- (13) Food Service Establishment. Food service establishment shall be defined in accordance with its meaning in the Food Law of 2000, as amended. MCLA 289.1101.
- (14) Regulations. The City Manager may adopt an executive order controlling the occupancy pursuant to a Sidewalk Café with Alcohol Permit.
- (15) Agreement For Cafes not Directly Adjacent to Building Required. For Sidewalk Cafes where the café area is on sidewalk that is adjacent to the building but configured so that the pedestrian walkway is between the building and the café area, the owner of the Sidewalk Café shall enter into an Sidewalk Café License Agreement with the city further specifying the terms and conditions of the permit. The City Clerk is authorized to execute such agreements on behalf of the city.
- (16) Duration. Permits shall be for the period of April 1 to November 1 for the year in which granted.
- (17) Display. A permit shall only be valid if displayed in a manner visible to the public.
- (18) Permit Revocation. Any permit or License Agreement may be revoked by the City Clerk upon a finding that the occupancy does not meet the standards of this Code, any other provisions of this Code, or other applicable law or regulation, or that the right-of-way is needed for other street or utility purposes. Upon such revocation, the fee paid for any period after termination of the street occupancy shall be refunded and the right-of-way shall be restored at the expense of the Permittee.
- (19) Appeal. Persons who are refused a permit or have had their permit revoked may request in writing a hearing on that determination before the City Manager. The decision of the Manager may be appealed to the City Commission. Requests for a hearing or an appeal must be made within five (5) days of the questioned decision.
- (20) Non-renewal of permit. If a permit holder has two (2) or more violations in a permit year, the City Clerk shall not renew the permit the following permit year.
- (21) Appearance Tickets. The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2)). Appearance tickets shall be in

such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(22) Violations. A person who violates this section is responsible for a misdemeanor.

(Ord. 700. Passed 4-3-06)

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

FOR THE CITY COMMISSION STUDY SESSION OF JULY 21, 2014

DATE: JULY 17, 2014

FROM: ⁵⁰ 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.

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:\ccclerk\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 21, 2014

DATE: JULY 17, 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.

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 21, 2014

DATE: JULY 17, 2014

FROM: ^{JO}JERED OTTENWESS, CITY MANAGER

SUBJECT: INFRASTRUCTURE STRATEGY POLICY

Attached is a memo from City Planning Director Russell Soyring indicating the Planning Commission's recommendation that the National Association of City Transportation Officials (NACTO) Urban Street Design Guide be adopted as technical resource within the City's Infrastructure Strategy Policy.

Additionally, based on previous feedback from and discussion by the City Commission, suggested amendments to the policy are made in Section 1 with respect to sidewalks to reflect that:

- (1) the city spend not less than 10% of total infrastructure spending on sidewalks that do not meet minimum safety standards.
- (2) infill projects be filled in accordance with a 15-year plan, with funding to be provided to complete the identified gaps within 15 years.

I recommend the following motion:

That the Infrastructure Strategy Policy be amended to adopt the Urban Street Design Guide (2013) by the National Association of City Transportation Officials as a resource document and that Section 1 be amended with respect to spending on sidewalks.

JJO/bcm

K:\tcclerk\city commission\policies\infrastructure strategy

copy: Timothy Lodge, City Engineer
Dave Green, Director of Public Services
Russell Soyring, City Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: Jered Ottenwess, City Manager
FROM: Russell A. Soyring, Planning Director *Russ Soyring*
DATE: July 1, 2014
SUBJECT: NACTO "Urban Street Design Guide" Recommendations

The Planning Commission discussed inclusion of the National Association of City Transportation Officials (NACTO) 'Urban Street Design Guide' for use as a technical resource guide in the City's Infrastructure Strategy Policy at the June 17, 2014 Special Meeting and July 1, 2014 Regular Meeting.

An online version of the publication can be found here <http://nacto.org/usdg/>

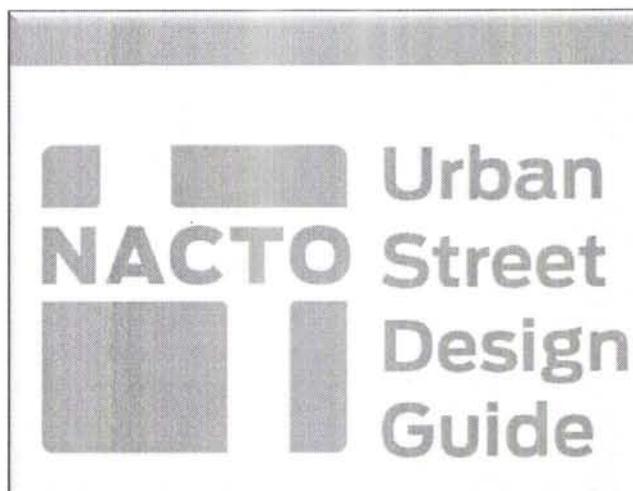
The following motion was made at the July 1, 2014 Planning Commission meeting:

Motion by Commissioner Bergman, second by Commissioner McNally, that the National Association of City Transportation Officials 'Urban Street Design Guide' be recommended by the Planning Commission for its inclusion as a technical resource as part of the City's Infrastructure Strategy Policy and such recommendation be forwarded to the City Commission for their consideration.

Motion carried 8-0 (Commissioner Twietmeyer absent).

RAS:mll

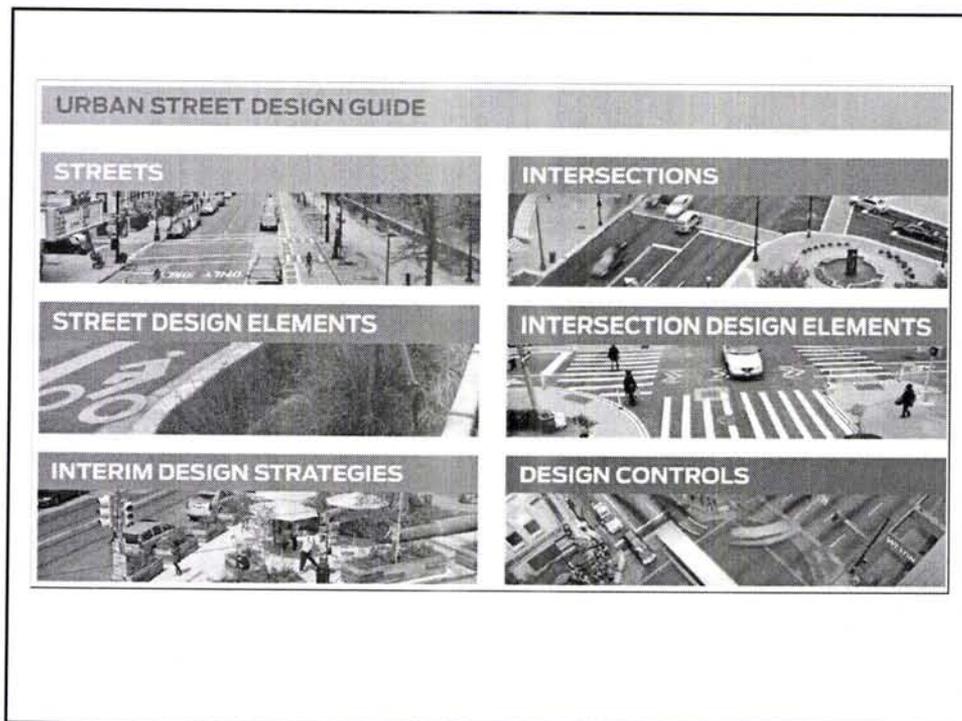
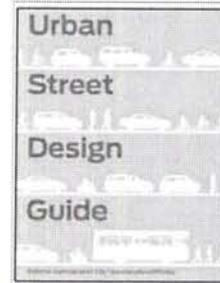
Attachment: 6/17/14 presentation by Russ Soyring to Planning Commission



**National Association of City Transportation
Officials**

The Urban Street Design Guide shows how streets of every size can be reimagined and reoriented to prioritize safe driving and transit, biking, walking, and public activity.

Unlike older, more conservative engineering manuals, this design guide emphasizes the core principle that urban streets are public places and have a larger role to play in communities than solely being conduits for traffic.



Designing Streets as Public Places



The NACTO gives cities the tools they need as they strive to make the most of their streets.



Roadways once conceived singularly as arterials for traffic have been recast and retrofitted as public spaces crucial to the economic success, safety and vitality of the city.



City transportation departments are making space for bicycles and transit in the street, whether through bike paths, light-rail corridors or bus rapid transit





Five Principles of Urban Design

1



Streets are Public Spaces

Streets are often the most vital, yet underutilized public spaces in cities. Conventional highway design standards tend to look at streets as thoroughfares for traffic and measure their performance in terms of speed, delay, throughput and congestion.

In reality, streets play a much larger role in the public life of cities and communities and should be designed to include public spaces as well as channels for movement.

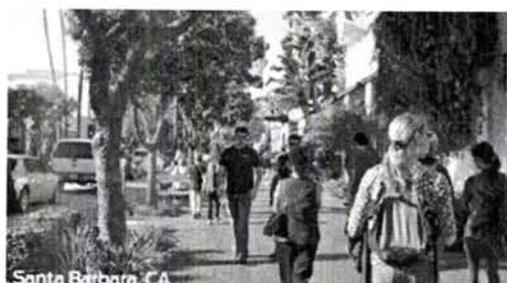


2



Great Streets are Great for Business

Cities have realized that streets are an economic asset as much as a functional element. Well-designed streets generate higher revenues for businesses and higher values for homeowners.



Santa Barbara, CA

3



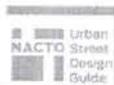
Design for Safety

In 2010, 32,885 people were killed in traffic crashes, which are also the leading cause of death among children aged 5 to 14. These deaths and hundreds of thousands of injuries are avoidable. Traffic engineers can and should do better, by designing streets where people walking, parking, shopping, bicycling, working and driving can cross paths safely.



Safety campaign in New York City

4



Streets can be Changed

Transportation engineers can work flexibly within the building envelope of a street. This includes moving curbs, changing alignments, daylighting corners and redirecting traffic where necessary. Many city streets were created in a different era and need to be reconfigured to meet new needs.

Street space can also be reused for different purposes, such as parklets, bicycle parking and pop-up cafes.



New York, NY

5



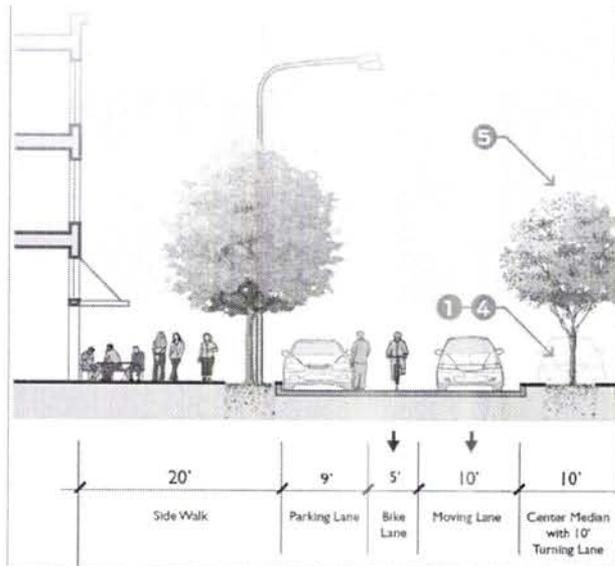
Act Now!

Implementing projects quickly using temporary materials helps inform public decision making. Cities across the US have begun using a stepped approach to major redesigns, where temporary materials are used in the short term, to be replaced by permanent materials after the public has tested the design thoroughly.



Brooklyn, NY

Sample Images and Text



Bike lanes were installed and the parking lane widened. This provides enough space for cyclists to ride just outside the door zone.



CITY OF TRAVERSE CITY

INFRASTRUCTURE STRATEGY POLICY

The City Commission adopts the following goals, priorities and strategies associated with its infrastructure. Three broad principles apply.

- A. An Asset Management Plan has been developed. Asset management is a systematic process of maintaining, upgrading, and operating physical assets cost-effectively. It optimizes preservation, upgrades, and replacement of assets through effective programming and resource allocation. It involves collecting data about existing physical resources and managing conditions based on strategic goals. It is a systematic, rather than purely tactical, process of inventory, scenario evaluation, and action that results, ideally, in selecting the best method of implementation to achieve specified goals and objectives.
- B. All projects should use the technical resources:
 - a. *“Urban Street Design Guide”* (2013) by the National Association of City Transportation Officials. The guide shows how streets of every size can be reimagined and reoriented to prioritize safe driving and transit, biking, walking, and public activity.
 - b. *“Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities.”* Context Sensitive Solutions (CSS) is a process of balancing the needs of all users of the system, including non-vehicular uses. It is a “Complete Streets” approach that incorporates methods to reduce vehicular traffic impacts on adjacent neighborhoods.
- C. Infrastructure needs to be managed as a system, including the underground components. Utility upgrades need to be coordinated with aboveground work to minimize the need to disrupt surface improvements. While it is impossible to eliminate utility cuts on new streets due to unknowns associated with the underground system, every effort needs to be made to coordinate aboveground and belowground improvements. Coordination with Traverse City Light and Power on undergrounding electric lines is included in this systemic approach.

Following these principles, the priorities are:

1. Sidewalks/bikeways

From the 2006 Pavement Management Report, approximately 10% of the total spending need is for sidewalk and bikeway improvements. As such, the City shall should dedicate approximately 10% of its resources to sidewalk and bikeway facilities as this part of the annual infrastructure system spending.

Expenditure priorities should be:

- a. Fixing the existing network. An amount not less than 10% of the total infrastructure spending shall be used for ~~S~~sections of sidewalks that don't meet minimum safety standards ~~should be the first priority~~. This provision includes sidewalks in commercial areas. Within the DDA, this anticipates DDA cooperation. Streetscape improvements would continue to be 50% cost sharing with the adjacent property owners.
- b. Infill projects. In locations where there is a gap in an otherwise continuous system, that gap should be filled in accordance with a 15-year plan. Funding shall be provided to complete these identified gaps within a 15-year period.
- c. New extensions. Extensions to the sidewalk and bikeway system should follow a.) and b.) unless otherwise dedicated grant funds are available.

2. Local Streets

Local streets account for approximately 63% of the City's street system. Local streets should receive at least that proportion of available funding. Having allocated approximately 10% of available funding to sidewalks/bikeways, approximately 60% of available funds should be used for local streets and associated storm sewer systems.

All local street construction should include a bias in favor of sidewalk or bikeway construction in conjunction with the street (in addition to the #1 sidewalk above). There may be cause to not include either sidewalks or bikeways but that cause would need to be demonstrated.

- a. Due to the existing condition of the street system, during the first two years of this program, attention is necessary for the very worst streets. Approximately ½ of available funds will be focused on these streets.
- b. Asset Management. An asset management program is not a "worst first" approach. Using a life cycle costing approach, it will be advantageous to invest dollars to improve streets classified as "fair" "good" and even "very good." Curb and gutter would be included at locations where it currently exists but not on streets where it does not exist unless 1) it is necessary for the City to control storm water or 2) it is included for consistency with the Master Plan or 3) it is petitioned for special assessment.
- c. Economic Development. Infrastructure spending can lead to new economic development opportunities. These opportunities may be limited on the local street system, but to the degree that they exist, they should be pursued.
- d. Existing Brick Streets. The City maintains a number of brick streets throughout the community. These streets represent a unique situation. In considering the

reconstruction of brick streets, the life cycle cost of a brick street will be compared to the life cycle cost of a typical asphalt street. If the residents adjacent to the street desire a brick street and by majority petition to bear the cost difference between the brick and asphalt street as a special assessment, the brick street will be reconstructed in brick. If there is no special assessment for the life cycle cost difference, the street will be reconstructed with asphalt.

3. Major Streets

Major streets account for approximately 37% of the City's street system and would receive the balance of funds available. These funds can be matched by grant funds and would be used on major streets and associated storm sewers as follows. All major street construction should include a bias in favor of sidewalk or bikeway construction in conjunction with the street (in addition to the #1 sidewalk above). There may be cause to not include either sidewalks or bikeways but that cause would need to be demonstrated.

- a. Asset Management. An asset management program is not a "worst first" approach. Using a life cycle costing approach, it will be advantageous to invest some dollars to improve streets classified as "fair" "good" and even "very good."

- (1) Curb and gutter along with associated storm sewer would be included on all major streets.

- b. Economic Development. Infrastructure spending can lead to new economic development opportunities. Woodmere Avenue is an excellent example of private investment following public investment.
- c. Existing Brick Streets. The City maintains a number of brick streets throughout the community. These streets represent a unique situation. In considering the reconstruction of brick streets, the life cycle cost of a brick street will be compared to the life cycle cost of a typical asphalt street. If the property owners adjacent to the street desire a brick street and by majority petition to bear the cost difference between the brick and asphalt street as a special assessment, the brick street will be reconstructed in brick. If there is no special assessment for the life cycle cost difference, the street will be reconstructed with asphalt.

4. Special Assessments

When the City follows an Asset Management Plan, street and bikeway/sidewalk improvements can be scheduled into future years. Citizens may see that their street is not scheduled for improvements for 5 years. If that citizen and their neighbors do not want to wait on the City schedule, they could jump to the head of the line with a petition for a special assessment. All special assessments for streets would be standardized at 50% of the "residential equivalent." The assessments would include the necessary discretion for the City Assessor to address odd shaped lots and other irregularities that are in the current ordinance.

Only petitions representing majority support would be considered. If one or more property owners were willing to pay the one-half for all the neighbors by contract, that would be treated the same way. The only reason a special assessment would be considered would be to jump to the head of the line, or in the case of local streets, for curb and gutter not included by the City. Property owners could petition for streets, curb and gutters, sidewalks, water and sewer system improvements and traffic calming not otherwise included in the City project or any public infrastructure.

This provision helps in the transition from a special assessment based financing system to an alternate system.

Greenfield Development would remain an exception to the policy. New developments would be expected to include all infrastructure costs in the development package. There will be tradeoffs with each new development that are unique to that development, so each would continue to be addressed on a case-by-case basis.

5. Residential and Commercial Alleys

In almost all cases, the alley represents a “double loading” of infrastructure. The City provides twice the access (with associated cost) compared to areas without alleys. Alleys are expensive to maintain.

All alley improvements will be special assessed. The City will participate with 50% of the necessary funding with 50% of the cost assessed to adjacent properties. Only petitioned improvements will be considered with majority support. Some alleys serve commercial businesses. Commercial users will be assessed disproportionately more as the benefit is higher, as determined by the City Assessor.

As a petitioned improvement and because alley improvements reduce the City’s maintenance cost, alleys will receive the same priority as petitioned street improvements.

The City Manager is directed to present ordinance amendments as may be necessary to implement the above infrastructure management strategies. This policy and all of its provisions are effective upon their adoption. ~~This entire policy is calendared for review by the City Commission in July 2011.~~

I hereby certify that the above policy was adopted by the City Commission of the City of Traverse City at its regular meeting of September 21, 2009, and amended at its regular meeting of July 19, 2010, and amended at its July 21, 2014, Regular Meeting, held in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC
City Clerk

CITY OF TRAVERSE CITY

MEMORANDUM

To: Jered Ottenwess, City Manager
From: William E. Twietmeyer, City Treasurer/Finance Director *W.E.T.*
Subject: Quarterly Report
Date: June 30, 2014

Attached is a copy of the quarterly financial report for the third quarter operations ending March 31, 2014. Activity in each of the major fund categories appears to be consistent with their budget and with prior year activities.

It should be noted that the Water Fund and Sewer Fund are performing as expected and I am hopeful that this trend will continue through the end of the fiscal year.

It should also be noted that expenditures for maintenance in the Major Street Fund, Local Street Fund and Trunkline Maintenance Fund are significantly higher compared to the previous year. This is due in great measure to the long and harsh winter season.. Please forward this memo with attachments to the City Commission under Reports and Communications.

Encl.

**City of Traverse City
Quarterly Reports
Fiscal Year 2013-14**

GENERAL FUND	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
REVENUE												
Current	13,607,650.00	13,607,650.00	8,517,235.20	1,219,213.72	1,083,184.03	0.00	8,517,235.20	9,736,448.92	10,819,632.95	0.00	10,819,632.95	79.51%
Surplus	529,435.00	529,435.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Total	14,137,085.00	14,137,085.00	8,517,235.20	1,219,213.72	1,083,184.03	0.00	8,517,235.20	9,736,448.92	10,819,632.95	0.00	10,819,632.95	76.53%
EXPENDITURES												
Personnel	8,467,590.00	8,467,590.00	2,054,895.16	1,953,912.67	2,080,298.22	0.00	2,054,895.16	4,008,807.83	6,089,106.05	0.00	6,089,106.05	71.91%
Supplies	326,100.00	326,100.00	51,729.84	54,025.92	77,908.65	0.00	51,729.84	105,755.76	183,664.41	0.00	183,664.41	56.32%
Contractual	1,253,495.00	1,253,495.00	211,592.78	242,973.93	417,140.64	0.00	211,592.78	454,566.71	871,707.35	0.00	871,707.35	69.54%
Other	1,666,350.00	1,666,350.00	527,294.74	312,889.53	256,311.48	0.00	527,294.74	840,184.27	1,096,495.75	0.00	1,096,495.75	65.80%
Contingency	30,000.00	30,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Transfers	2,393,550.00	2,393,550.00	0.00	0.00	1,315,450.00	0.00	0.00	0.00	1,315,450.00	0.00	1,315,450.00	54.96%
Total	14,137,085.00	14,137,085.00	2,845,512.52	2,563,802.05	4,147,108.99	0.00	2,845,512.52	5,409,314.57	9,556,423.56	0.00	9,556,423.56	67.60%

WATER FUND	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
REVENUE												
Current	3,869,500.00	3,869,500.00	1,299,907.39	892,520.28	563,741.81	0.00	1,299,907.39	2,192,427.67	2,756,169.48	0.00	2,756,169.48	71.23%
Surplus	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Total	3,869,500.00	3,869,500.00	1,299,907.39	892,520.28	563,741.81	0.00	1,299,907.39	2,192,427.67	2,756,169.48	0.00	2,756,169.48	71.23%
EXPENDITURES												
Treatment Plant	1,140,900.00	1,140,900.00	273,279.54	273,997.78	279,608.74	0.00	273,279.54	547,277.32	826,886.06	0.00	826,886.06	72.48%
Distribution	1,082,025.00	1,082,025.00	231,573.27	215,573.11	227,127.81	0.00	231,573.27	447,146.38	674,274.19	0.00	674,274.19	62.32%
Utility Acct	480,950.00	480,950.00	93,910.02	84,986.33	87,715.64	0.00	93,910.02	178,896.35	266,611.99	0.00	266,611.99	55.43%
Contingency	1,165,625.00	1,165,625.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Total	3,869,500.00	3,869,500.00	598,762.83	574,557.22	594,452.19	0.00	598,762.83	1,173,320.05	1,767,772.24	0.00	1,767,772.24	45.68%

**City of Traverse City
Quarterly Reports
Fiscal Year 2013-14**

SEWER FUND	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
REVENUE												
Current	6,157,550.00	6,157,550.00	1,581,466.55	1,850,529.31	1,962,887.89	0.00	1,581,466.55	3,431,995.86	5,394,883.75	0.00	87.61%	
Surplus	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	
Total	6,157,550.00	6,157,550.00	1,581,466.55	1,850,529.31	1,962,887.89	0.00	1,581,466.55	3,431,995.86	5,394,883.75	0.00	87.61%	
EXPENDITURES												
Treatment Plant	2,901,000.00	2,901,000.00	881,277.63	724,193.84	831,375.05	0.00	881,277.63	1,605,471.47	2,436,846.52	0.00	84.00%	
Distribution	844,600.00	844,600.00	172,771.43	174,775.65	177,278.35	0.00	172,771.43	347,547.08	524,825.43	0.00	62.14%	
Utility Acct	990,500.00	990,500.00	223,998.18	215,238.26	215,222.35	0.00	223,998.18	439,236.44	654,458.79	0.00	66.07%	
Contingency	1,421,450.00	1,421,450.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	
Total	6,157,550.00	6,157,550.00	1,278,047.24	1,114,207.75	1,223,875.75	0.00	1,278,047.24	2,392,254.99	3,616,130.74	0.00	58.73%	

BOARDMAN RIVER DAM REMOVAL	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
REVENUE												
	115,000.00	115,000.00	7,020.70	46,766.46	10,438.50	0.00	7,020.70	53,787.16	64,225.66	0.00	55.85%	
EXPENDITURES												
	115,000.00	115,000.00	7,020.70	46,766.56	4,858.54	0.00	7,020.70	53,787.26	58,645.80	0.00	51.00%	

**City of Traverse City
Quarterly Reports
Fiscal Year 2013-14**

PARKING SYSTEM	BUDGET AMENDED	QUARTER				TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QUARTE	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
		1ST	2ND	3RD	4TH									

REVENUE	1,966,945.00	518,623.93	388,730.53	857,966.83	0.00	518,623.93	907,354.46	1,765,322.29	0.00				89.75%
EXPENDITURES													
Operating	1,966,945.00	285,721.44	356,476.30	529,872.83	0.00	285,721.44	642,197.74	1,172,070.57	0.00				59.59%
Contingency	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				0.00%
Total	1,966,945.00	285,721.44	356,476.30	529,872.83	0.00	285,721.44	642,197.74	1,172,070.57	0.00				59.59%

MARINA	BUDGET AMENDED	QUARTER				TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QUARTE	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
		1ST	2ND	3RD	4TH									

REVENUE	580,650.00	192,206.03	235,630.52	55,603.98	0.00	192,206.03	427,836.55	483,440.53	0.00				83.26%
EXPENDITURES													
Operating	580,650.00	172,377.64	123,262.50	75,606.89	0.00	172,377.64	295,640.14	371,247.03	0.00				63.94%
Contingency	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				0.00%
Total	580,650.00	172,377.64	123,262.50	75,606.89	0.00	172,377.64	295,640.14	371,247.03	0.00				63.94%

GARAGE	BUDGET AMENDED	QUARTER				TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QUARTE	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
		1ST	2ND	3RD	4TH									

REVENUE													
Current	2,658,956.00	678,825.95	900,667.43	672,505.16	0.00	678,825.95	1,579,493.38	2,251,998.54	0.00				84.69%
Surplus	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				0.00%
Total	2,658,956.00	678,825.95	900,667.43	672,505.16	0.00	678,825.95	1,579,493.38	2,251,998.54	0.00				84.69%
EXPENDITURES													
	2,658,956.00	426,619.16	479,553.67	535,447.47	0.00	426,619.16	906,172.83	1,441,620.30	0.00				54.22%

**City of Traverse City
Quarterly Reports
Fiscal Year 2013-14**

PUBLIC IMPROVEMENT	BUDGET AMENDED	QUARTER				TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QUARTE	TOTAL 4TH QTR	% TO DATE
		1ST	2ND	3RD	4TH						
REVENUE											
Current	3,733,000.00	102,211.16	26,776.06	206,809.71	102,211.16	128,987.22	335,796.93	9.00%			
Transfer In	1,315,450.00	0.00	0.00	1,315,450.00	0.00	0.00	1,315,450.00	100.00%			
Prior Year Surplus	693,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%			
Total	5,741,450.00	102,211.16	26,776.06	1,522,259.71	102,211.16	128,987.22	1,651,246.93	28.76%			
EXPENDITURES											
	5,741,450.00	1,833,113.83	980,403.79	181,817.27	1,833,113.83	2,813,517.62	2,995,334.89	52.17%			

MAJOR STREET	BUDGET AMENDED	QUARTER				TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QUARTE	TOTAL 4TH QTR	% TO DATE
		1ST	2ND	3RD	4TH						
REVENUE											
Reimbursements	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%			
State Source	780,000.00	75,833.96	184,918.08	228,091.15	75,833.96	260,752.04	488,843.19	62.67%			
Interest & Div	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%			
Transfer In	136,200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%			
Prior Year's Surplus	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%			
Total	916,700.00	75,833.96	184,918.08	228,091.15	75,833.96	260,752.04	488,843.19	53.33%			

EXPENDITURES	BUDGET AMENDED	QUARTER				TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QUARTE	TOTAL 4TH QTR	% TO DATE
		1ST	2ND	3RD	4TH						
Personnel	405,500.00	62,939.24	80,525.31	130,189.99	62,939.24	143,464.55	273,654.54	67.49%			
Supplies	120,000.00	17,975.38	38,255.41	46,753.73	17,975.38	56,230.79	102,984.52	85.82%			
Contractual	80,000.00	46,732.80	845.25	2,791.25	46,732.80	47,578.05	50,369.30	62.96%			
Other	311,200.00	34,613.59	117,550.08	165,374.13	34,613.59	152,163.67	317,537.80	102.04%			
Total	916,700.00	162,261.01	237,176.05	345,109.10	162,261.01	399,437.06	744,546.16	81.22%			

**City of Traverse City
Quarterly Reports
Fiscal Year 2013-14**

<i>LOCAL STREET</i>	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
<i>REVENUE</i>												
Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Metro Authority	46,000.00	46,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
State Source	280,000.00	280,000.00	26,420.67	64,424.53	103,275.54	0.00	26,420.67	90,845.20	194,120.74	0.00	194,120.74	69.33%
Transfer In	941,900.00	941,900.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Total	1,267,900.00	1,267,900.00	26,420.67	64,424.53	103,275.54	0.00	26,420.67	90,845.20	194,120.74	0.00	194,120.74	15.31%

<i>EXPENDITURES</i>	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
Personnel	596,900.00	596,900.00	151,544.89	138,133.39	115,342.21	0.00	151,544.89	289,678.28	405,020.49	0.00	405,020.49	67.85%
Supplies	86,000.00	86,000.00	24,808.58	27,040.07	14,487.18	0.00	24,808.58	51,848.65	66,335.83	0.00	66,335.83	77.13%
Contractual	60,000.00	60,000.00	14,982.50	845.25	0.00	0.00	14,982.50	15,827.75	15,827.75	0.00	15,827.75	26.38%
Other	525,000.00	525,000.00	164,973.70	163,549.32	148,630.65	0.00	164,973.70	328,523.02	477,153.67	0.00	477,153.67	90.89%
Total	1,267,900.00	1,267,900.00	356,309.67	329,568.03	278,460.04	0.00	356,309.67	685,877.70	964,337.74	0.00	964,337.74	76.06%

<i>TRUNK LINE</i>	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
<i>REVENUE</i>												
State Source	206,100.00	206,100.00	3,411.14	77,659.54	138,367.80	0.00	3,411.14	81,070.68	219,438.48	0.00	219,438.48	106.47%
Interest & Div	200.00	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Reimbursements	300.00	300.00	157.57	272.73	177.29	0.00	157.57	430.30	607.59	0.00	607.59	202.53%
Prior Years Surplus	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Total	206,600.00	206,600.00	3,568.71	77,932.27	138,545.09	0.00	3,568.71	81,500.98	220,046.07	0.00	220,046.07	106.51%

<i>EXPENDITURES</i>	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	TOTAL	% TO DATE
Personnel	60,600.00	60,600.00	8,939.51	17,995.93	38,053.25	0.00	8,939.51	26,935.44	64,988.69	0.00	64,988.69	107.24%
Supplies	45,000.00	45,000.00	105.63	22,382.81	21,011.64	0.00	105.63	22,488.44	43,500.08	0.00	43,500.08	96.67%
Contractual	10,000.00	10,000.00	0.00	22,785.60	0.00	0.00	0.00	22,785.60	22,785.60	0.00	22,785.60	227.86%
Other	91,000.00	91,000.00	15,081.69	35,329.73	63,227.14	0.00	15,081.69	50,411.42	113,638.56	0.00	113,638.56	124.88%
Total	206,600.00	206,600.00	24,126.83	98,494.07	122,292.03	0.00	24,126.83	122,620.90	244,912.93	0.00	244,912.93	118.54%

MINUTES
TRAVERSE CITY PLANNING COMMISSION

TUESDAY, June 3, 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

ABSENT: None.

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** Chairperson Serratelli called the meeting to order at 7:30 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** None.

4. **APPROVAL OF MINUTES**

A. May 6, 2014 Regular Meeting and May 20, 2014 Study Session Meeting minutes (Approval recommended)

Motion by Commissioner Warren, second by Commissioner McNally, that the May 6, 2014 Regular Meeting and May 20, 2014 Study Session Meeting minutes be approved as presented.

Motion carried 9-0.

5. **OLD BUSINESS**

A. Public Hearing 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 (Action requested)

Mr. Soyring summarized his May 30, 2014 memo to the Commission and explained that emergency shelters are a reasonable use in the City and it is the role of the Planning Commission to establish criteria for such a use within the City limits. Mr.

Soyring explained that Emergency Shelters are being proposed as a use that is allowed by Special Land Use Permit. It is the role of the City to approve Special Land Use Requests if the general and specific standards are met.

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 7:37 p.m.

Commission discussion.

Commission consensus was to edit §1368.08(q)(2) to read, "The site is located within a ½ mile of a bus stop connected by sidewalks or bike trails" and to edit §1368.08(q)(8) to read, "The operator shall have an ongoing housing assistance program on the premises to place residents into permanent housing and maintain a list of all persons residing at the facility."

Commission discussion.

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

- Deni Scudato, 442 E. State Street, city resident, made general comments
- Richard Kuchell, 500 Webster, city resident and city business owner, opposes the amendment
- Rick Buckhalter, 932 Kelly Street, city resident, opposes the amendment
- Tina Allen, non-city resident, made general comments
- Susan Kuchell, 500 Webster, city resident and city business owner, made general comments
- Mark Jensen, city business owner at 515 Wellington, opposes the amendment
- John Scudato, 442 E. State Street, city resident, made general comments
- Tom Emmott, 720 Lincoln Street, city resident, supports the amendment
- Carol Moorman, 4875 Arbor Grove, non-city resident, supports the amendment
- Ryan Hannon, non-city resident, supports the amendment
- Al Neuman, 401 Washington Street, city resident, opposes the amendment
- Peter Starkel, non-city resident, supports the amendment

The Public Hearing was closed.

Commission discussion.

Commission discussion included opposition to the allowance of 100 bed maximum by Commissioners Dow and Serratelli. Commissioner Twietmeyer expressed

concern with combining regulations for 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.)

Commissioner McNally rejoined the meeting at 8:44 p.m.

B. 8th Street Restriping Request and Action Plan for 8th Street Design Charrette and Corridor Zoning Overlay District (Action Requested)

Mr. Soyring explained his June 2, 2014 memo to the Commission.

Commission discussion included adding a police enforcement component to go along with the restriping and adding marked pedestrian crosswalks.

Mr. Soyring discussed his conversation with the East Lansing Public Works Director who has undertaken multiple road diets in East Lansing with positive results.

Commission discussion.

Motion by Commissioner McNally, second by Commissioner Werner, that the temporary restriping of Eighth Street with a striping configuration that will enhance the walking and bicycling environment along Eighth Street between Woodmere Avenue to Lake Avenue is found to be consistent with the Traverse City Master Plan and Corridors Master Plan in terms of location, extent and character and that the temporary restriping be evaluated for one year to determine the impacts the reconfigured striping will have on the corridor and adjacent neighborhood be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.

The following members of the public made comments:

- Mike Coco, 325 Wellington Street, city resident, supports the request
- Richard Kuchell, 500 Webster, city resident and city business owner, made general comments
- Maggie Coco, 325 Wellington Street, city resident, supports the request
- Elizabeth Whalen, 442 Webster, city resident, supports the request
- Debra Gratz, 547 8th Street, city resident and city business owner, supports the request
- Paula Colombo, city resident, supports the request
- Bob Otwell, 525 Washington, city resident, supports the request
- Mark Jensen, 515 Wellington, city business owner, supports the request
- John Scrudato, 422 State Street, city resident, supports the request
- Bill Clark, 604 W 12th Street, city resident, supports the request
- Suzanne Stepan, 536 Webster Street, city resident, supports the request

Commission discussion.

Commission discussion included timing the lights, so drivers going the speed limit make the lights.

Motion carried 9-0.

6. NEW BUSINESS

- A. Special Land Use Permit request by Sandy Oliver, 1012 Centre Street, for a Group Daycare Home at the property mentioned (For Introduction and Possibly set a Public Hearing for July 1, 2014)

Mrs. Luick explained her May 29, 2014 memo to the Commission.

Commission discussion.

Motion by Commissioner Bergman, second by Commissioner Easterday, that the request from Sandy Oliver for a Special Land Use Permit to allow for a Group Day Care Home at 1012 Centre Street be Introduced and scheduled for a Public Hearing on July 1, 2014.

Motion carried 9-0.

- B. NorthStar Soccer, Inc. letter requesting Recreational Facilities in the Neighborhood Center (C-2) District (Discussion)

Mr. Soyring explained that currently Recreational Facilities are only allowed in two zoning districts: OS (Open Space) and GP (Government Public) and that if the Commission would like to expand the districts, then an ordinance amendment would be required.

Commission discussion.

Commission consensus was for staff to present recommendations for expanded districts for Recreational Facilities uses at a future meeting.

7. **CORRESPONDENCE** - None.
8. **REPORTS**
 - A. City Commission- Commissioner Werner reported.
 - B. Board of Zoning Appeals- Commissioner Bergman reported
 - C. Grand Traverse Commons Joint Planning Commission- Commissioner Warren reported
 - D. Planning Commission
 1. Housing Building Committee— Commissioner Bergman reported
 2. Active Transportation Committee—Commissioner Werner reported
 3. Master Plan Review Committee—Commissioners Bergman and Dow reported
 - E. Planning Department—No report
 1. Capital Improvement Program—No report.
9. **ADJOURNMENT**- Meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Date: July 1, 2014

Jan Warren
Jan Warren, Secretary

**SPECIAL MEETING MINUTES
TRAVERSE CITY PLANNING COMMISSION**

TUESDAY, JUNE 17, 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, Janet
Fleshman, Cecil McNally, Chairperson John Serratelli, and Bill Twietmeyer
ABSENT: Commissioners Jeanine Easterday, Janice Warren and Tim Werner
STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering
Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:30 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS**

Chairperson Serratelli requested that items 4 and 5 on the agenda be reversed in their discussion order. With no objections from the Commission, 'Recreational facilities' moved to agenda item 4 and NACTO moved to agenda item 5.

Mr. Soyring announced that the emergency shelter ordinance amendment was introduced at the City Commission and will be back on their agenda in 2 weeks for possible enactment.

Mr. Soyring also announced that the City Commission also authorized the 8th Street Restriping request.

Mrs. Luick announced that the Traverse City Public Pier Request for Qualifications were due last week and the City received 7 proposals. Staff and the Traverse City Public Pier Study Group will review the proposals, hold interviews and make a recommendation on the selected consultant to the City Commission.

4. **'RECREATIONAL FACILITIES' REVISED ZONING DISTRICT RECOMMENDATIONS (DISCUSSION)**

Mr. Soyring explained his June 13, 2014 memo to the Commission.

Commission discussion.

The following made public comment on the topic:

- Ed Roy, 412 S Union Street, non-city resident, supports the recommendations

Staff will revise the recommendations based on the discussion and bring it back to the Commission at a future meeting for further consideration.

5. NACTO 'URBAN STREET DESIGN GUIDE' POSSIBLE ENDORSEMENT (ACTION REQUESTED)

Mr. Soyring explained that the current Infrastructure Policy cites the "Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities" as a technical resource. The Planning Commission is being asked to consider that the NACTO "Urban Street Design Guide" be recommended to the City Commission for its inclusion as a technical resource in the City's Infrastructure Policy.

Mr. Soyring gave a presentation regarding the NACTO "Urban Street Design Guide."

Commission discussion included holding off on making a recommendation and studying the document further. The topic will be brought back to the Commission at a future meeting for further consideration.

6. MASTER PLAN REVIEW COMMITTEE RECOMMENDATIONS (DISCUSSION)

Mr. Soyring summarized his June 13, 2014 memo to the Commission and explained that Commissioners Bergman, Dow and Twietmeyer served on the Master Plan Review Committee.

Commission discussion.

There was commission consensus that the Future Land Use Map proposed changes made sense.

There were some concerns regarding changing the HAME "standard" language to "guideline." There were concerns with the core principles and goals on pages 5-6. In addition, the use of the word "neighborhood" needs to be better explained. The intent of transition zones between neighborhood types should be discussed further by the Committee.

The Master Plan Review Committee will reconvene and bring a revised recommendation back to the Commission at a future meeting.

7. PUBLIC COMMENT- None.

PLANNING COMMISSION

SPECIAL MEETING

June 17, 2014

Page 3

8. ADJOURNMENT- Meeting adjourned at 8:43 p.m.

Respectfully submitted,

Date:

July 1, 2014

Jan Warren, Sec

Jan Warren, Secretary

MINUTES
TRAVERSE CITY HISTORIC DISTRICTS COMMISSION
REGULAR MEETING
THURSDAY, MAY 29, 2014
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

PRESENT: Commissioners Mansuy, Zacks, Crane, Andres and Chairperson Callahan.
ABSENT: Commissioner Brockmiller, Mansuy and Vice-Chairperson Tobin
STAFF PRESENT: David Weston

1. CALL MEETING TO ORDER

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

2. APPROVAL OF MINUTES:

Approval of the April 24, 2014 regular meeting minutes.

Motion by Commissioner Crane, seconded by Commissioner Zacks to approve the May 29, 2014 regular meeting minutes as presented. Upon vote the motioned carried.

3. REQUEST 14-HDC-03 FROM DAVE SHELDON, CONTRACTOR FOR BILL LANCASTER 438 FIFTH STREET, TRAVERSE CITY, MICHIGAN for:

Approval of plans for the demolition of an existing attached carport and the construction of a new attached one car attached garage located at the property mentioned. (Central Neighborhood Historic District)

Dave Sheldon presented drawings and answered question from the Commission. Motion by Commissioner Crane, seconded by Commissioner Andres to approve the drawings as presented with the option for windows that match the home to be added to the east elevation and windows added to the garage door. Upon vote the motion carried 4-0. Commissioner Zacks will serve as the project liaison

4. **REQUEST 14-HDC-04 FROM KEVIN AND BETH MURRAY, 611 WEST EIGHTH STREET, TRAVERSE CITY, MICHIGAN for:**

Approval of plans for the demolition of an existing detached garage and the construction of a new detached garage (21'-8" X 27'-4") located at the property commonly known as **615 West Eighth Street**, Traverse City, Michigan. (Central Neighborhood Historic District).

Beth Murray presented drawings and answered question from the Commission. Motion by Commissioner Andres, seconded by Commissioner Crane to approve the drawings as presented. Upon vote the motion carried 4-0. Commissioner Callahan will serve as the project liaison.

5. **REQUEST 14-HDC-05 FROM THOM DARGA, 101 NORTH PARK STREET, SUITE 318, TRAVERSE CITY, MICHIGAN for:**

Approval of plans for the construction of a marquee at the property commonly known as **106 East Front Street** (City Opera House), Traverse City, Michigan. (Downtown Historic District)

Due to the light attendance of the Commission the applicant decided to wait to attend a future meeting.

6. **REQUEST 14-HDC-06 FROM MARK BISCHAK, P.O. BOX 26, ARCADIA, MICHIGAN, ARCHITECT FOR TONY CRAIG, OWNER OF GEORGINA'S, 236 EAST FRONT STREET, TRAVERSE CITY MICHIGAN for:**

Approval of plans for the remodel of the Front Street entrance located at the property mentioned. (Downtown Historic District)

Mark Bischak presented drawings and answered question from the Commission. Motion by Commissioner Zacks, seconded by Commissioner Andres to approve the drawings as presented. Upon vote the motion carried 4-0. Commissioner Zacks will serve as the project liaison.

7. **REQUEST 14-HDC-07 FROM RICH RYBKE, 954 BUSINESS PARK DRIVE, TRAVERSE CITY, MICHIGAN for:**

Approval of plans for a second story roof addition and the construction of a 20' x 22' detached garage located at the property commonly known as **442 Fifth Street**, Traverse City, Michigan. (Central Neighborhood Historic District)

Rich Rybke presented drawings and answered questions from the Commission. Motion by Commissioner Crane, seconded by Commissioner

Andres to approve the drawings as presented. Upon vote the motion carried 4-0. Commissioner Zacks will serve as the project liaison.

8. PRESENTATION FROM SIGRID BERGLAND, HISTORIAN, ENVIORMENTAL SECTION, MICHIGAN DEPARTMENT OF TRANSPORTATION 425 W. OTTAWA, LANSING MICHIGAN.

Ms. Bergland will describe an on-going historic survey of portions of US-31 in Traverse City, including the segment of Division Street within the Central Neighborhood Historic District.

Sigrid Bergland presented to the Commission.

Patty O'Donnell, North Region Planner with the M.D.O.T. presented to the Commission.

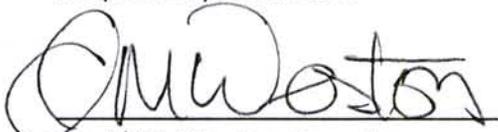
9. OTHER BUSINESS

None.

10. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Respectfully submitted


David M. Weston, Secretary

Date 6-26-14

MINUTES
TRAVERSE CITY HISTORIC DISTRICTS COMMISSION
SPECIAL MEETING
FRIDAY MAY 23, 2014
12:00 NOON
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

PRESENT: Commissioners Mansuy, Zacks, Vice-Chairperson Tobin and
Chairperson Callahan.
ABSENT: Commissioner Brockmiller, Crane and Andres
STAFF PRESENT: David Weston

1. CALL MEETING TO ORDER

The meeting was called to order at 12:05 p.m.

**2. REQUEST 14-HDC-02, FROM MATT MEYERS 454 HAMILTON STRERET
TRAVERSE CITY, MICHIGAN for:**

Approval of changes to approved plans, request 13-HDC-08, located at the property commonly known as 432 Fifth Street, Traverse City, Michigan. (Central Neighborhood Historic District)

The Commission discusses the drawings

Matt Meyers showed up at 12:20 p.m.

Matt Meyers explained the drawings and answered questions from the Commission.

The Commission determined the drawings were incomplete and asked the applicant to revise them and resubmit to the project liaison or bring them back to a future meeting for their consideration.

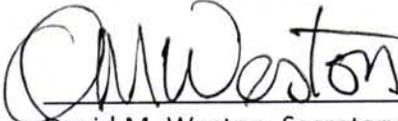
3. PUBLIC COMMENT

None.

4. ADJOURNMENT

The meeting was adjourned at 12:50 p.m.

Respectfully submitted



David M. Weston, Secretary

Date 6-26-14

**MINUTES
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING**

TUESDAY, JUNE 10, 2014

7:00 P.M.

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

PRESENT: Members Bergman, Jones, Lomasney, Raferty, Wegener, Donaldson, Hanley and Vice-Chairperson Callison.

ABSENT: Member Szajner and Chairperson Cockfield

1. CALL MEETING TO ORDER

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

2. APPROVAL OF MINUTES- Approval of the May 13, 2014 regular meeting minutes.

Motion by Member Wegener, seconded by Member Donaldson to approve the May 13, 2014 regular meeting minutes as presented. Upon vote the motion carried 9-0.

3. REQUEST 14-BZA-05 – A REQUEST FROM DAVE SHELDON 911 WAYNE STREET, TRAVERSE CITY, MICHIGAN, CONTRACTOR FOR BILL LANCASTER, 438 FIFTH STREET, TRAVERSE CITY, MICHIGAN for:

A dimensional variance of 1 foot, 1 inch to allow for a new attached garage to be 10 feet, 3 inches from the east (side) property line located at the property mentioned.

Dave Sheldon presented drawings and answered questions from the Board. Motion by Member Donaldson, seconded by Member Lomasney to grant a dimensional variance of 1 foot, 1 inch to allow for a new attached garage to be 10 feet, 3 inches from the east (side) property line located at the property commonly known as 438 Fifth Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-05. Upon vote the motion carried 9-0.

4. REQUEST 14-06 - FROM KEITH AND CHERI HUGGETT, 122 NORTH ELMWOOD AVENUE, TRAVERSE CITY, MICHIGAN for:

A dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3rd Street located at the property mentioned.

Keith and Cheri Huggett presented drawings and answered questions from the Board. Motion by Member Raferty, seconded by Member Jones to grant a dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3rd Street located at the property commonly known as 122 North Elmwood, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-06. Upon vote the motion carried 9-0.

5. REQUEST 14-07 - FROM DAVE HEIM, 2304 LEISURE LANE, TRAVERSE CITY, MICHIGAN, CONSTRUCTION DESIGN CONSULANT FOR THE GRAND TRAVERSE AREA COMMUNITY LIVING CENTER, 935 BARLOW STREET, TRAVERSE CITY MICHIGAN for:

A dimensional variance of 3 feet to allow for a 12 foot by 20 foot deck to be 12 feet from the rear property line located at the property mentioned.

Dave Heim presented drawings and answered questions from the Board.

Peter Brick, 406 East Bay Shore Drive, Traverse City, Michigan presented and answered questions from the Board.

Suzan Owen, Executive Director, Grand Traverse Community Living Center presented and answered questions from the Board.

Motion by Member Hanley, seconded by Member Matson, to grant a dimensional variance of 3 feet to allow for a 12 foot by 20 foot deck to be 12 feet from the rear property line located at the property commonly known as 935 Barlow Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-07. Upon vote the motion carried 8-1 with member Lomasney abstaining.

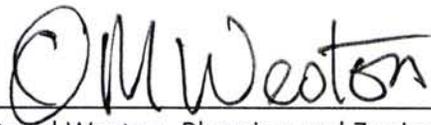
6. PUBLIC COMMENT

None.

7. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,



David Weston, Planning and Zoning Administrator

Date: 7-8-14

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 14-BZA-05**

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: 438 Fifth Street, Traverse City, Michigan
Property Description: LOTS 39 & 40 BLOCK 3 HANNAH LAY & CO'S 10TH ADD
Variance Granted: A dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3rd Street.
Applicant/Owner: Dave Sheldon / Bill and Teri Lancaster.

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 July 8, 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: 7-8-14


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 14-05

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-05, for the property commonly known as **438 Fifth Street**, Traverse City, Michigan, from Dave Sheldon.

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 is supported by the following Findings of Fact No 14-05:

1. There is an existing carport in the location where the proposed garage will be located.
2. The proposed garage will not encroach any more than the existing carport.
3. The north wall of the carport will remain.
4. The existing slab of the carport will remain.
5. The garage meets the min side yard setback of 6 feet on the east side but does not meet the aggregate of 14 feet.
6. The Historic Districts Commission approved the garage addition on May 29, 2014.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 14-BZA-06**

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: 122 North Elmwood Avenue, Traverse City, Michigan
Property Description: LOT 16 BLOCK 8 HANNAH LAY & CO'S 3RD ADD
Variance Granted: A dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3rd Street.
Applicant/Owner: Keith and Cheri Huggett.

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 July 8, 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: 7-8-14


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 14-06

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-06, for the property commonly known as 122 North Elmwood Avenue, Traverse City, Michigan, from Keith and Cheri Huggett.

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 is supported by the following Findings of Fact No 14-06:

1. The parcel is a corner lot with access on Elmwood Avenue and Third Street.
2. A portion of the existing garage is on the property line along Third Street.
3. Third Street functions as an alley for those properties on Front Street.
4. The Zoning Code has provisions to extend an existing sidewall in a required side yard setback for a dwelling but not a garage.
5. There are four detached garages and one home that are located on the property line between Elmwood Ave. and N. Spruce Street.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 14-BZA-07**

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: 935 Barlow Street, Traverse City, Michigan.
Property Description: S 46 FT OF LOTS 12 AND 13 BLK 8 HANNAH LAY & CO'S 5TH ADD.
Variance Granted: A dimensional variance of 3 feet to allow for a 12 foot by 20 foot deck to be 12 feet from the rear property line located at the property commonly known as 935 Barlow Street.
Applicant/Owner: Dave Heim, Designer / Grand Traverse Community Living Center.

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 July 8, 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: 7-8-14


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 14-07

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-07, for the property commonly known as **935 Barlow Street**, Traverse City, Michigan, from Dave Heim.

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 is supported by the following Findings of Fact No 14-07:

1. The existing building is not square on the site.
2. The parcel behind 935 Barlow (920 Grant Street) is an assisted living facility and is owned by Grand Traverse Community Living Center.
3. Residents from both facilities will use the deck and it provides barrier free access between both facilities.
4. The owner could have done a boundary line adjustment between 935 Barlow and 920 Grant Street to give more property to 935 Barlow and a dimensional variance would not be required.

**TRAVERSE CITY
LIGHT AND POWER BOARD**

Minutes of Regular Meeting
Held at 5:15 p.m., Light and Power Service Center
Wednesday, June 11, 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, W. Peter Doren, 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.

As requested by Budros, Agenda Item 2(h) was removed from the Consent Calendar for full discussion.

W. Peter Doren noted the bond paragraph was mistakenly removed from the Construction Contract for the WiFi system, item 2(d). It will be reinserted into the final copy of the Contract for execution.

Item 2 on the Agenda being Consent Calendar

Moved by Budros, seconded by Palisin, 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 May 13, 2014.
- b. Transfer of the Coal Dock Deed to the City of Traverse City.
- c. Gray Substation Interconnection Facilities Agreement.
- d. Construction Contract for the WiFi system.
- e. Operation & Maintenance Agreement for the WiFi system.
- f. Approval of the budget and capital plan for 2014-2015.
- g. Withdrawal of funds from the MPPA competitive trust.
- h. *Removed from the Consent Calendar.*
- i. 2014-2015 insurance renewal.
- j. AT&T Agreement for the T1 line to the Kalkaska Combustion Turbine.

CARRIED unanimously.

Items Removed from the Consent Calendar

- a. Consideration of approving the Affordable Care Act new hire waiting period.

The following individuals addressed the Board:

Kelli Schroeder, Human Resource Generalist
Tim Arends, Executive Director

Moved by Spence, seconded by Geht, that the Board authorize the Executive Director to sign the Letter of Agreement between TCL&P and the Utility Workers Union of America Local, No. 295 in order to change the hospitalization insurance waiting period for new hires to the first of the month following date of hire in order to comply with the requirements under the Affordable Care Act.

CARRIED unanimously.

Item 3 on the Agenda being Unfinished Business

None.

Item 4 on the Agenda being New Business

- a. Proposed rate increase July 1, 2014.

The following individuals addressed the Board:

Tim Arends, Executive Director
Karla Myers-Beman, Controller

Moved by McGuire, seconded by Budros, that the Board authorizes the Secretary to set a public hearing for the proposed July 1st rate increase to be held at the June 24, 2014 regular meeting; and further that a notice of the public hearing be posted on the utility's website and placed in the Traverse City Record Eagle.

CARRIED unanimously.

- b. Consideration of Hastings Street Service Center addition.

The following individuals addressed the Board:

Tim Arends, Executive Director
Bob Sommerville, AAI

5:37 p.m. meeting continued with a brief tour of building B.

5:45 p.m. meeting resumed in the service center cafeteria.

W. Peter Doren noted for the record Bob Spence is a potential bidder, and therefore has a conflict of interest on this project and will be abstaining from voting or participating in the discussion of this agenda item.

Moved by Budros, seconded by McGuire, that the Board authorizes staff to seek bids for Hastings Street Building B expansion project as presented; and further directs staff to prepare contracts with the successful bidder(s) for the Board's consideration.

Roll Call Vote:

Yes – Budros, McGuire, Palisin, Geht, Taylor

No – Carruthers

Abstain – Spence

CARRIED.

c. Consideration of a periodic personnel evaluation of Tim Arends, Executive Director.

5:49 p.m. Bob Spence rejoined the meeting.

The following individuals addressed the Board:

Tim Arends, Executive Director

Moved by Budros, seconded by Palisin, that the Light and Power Board renew the Employment Contract with Tim Arends as Executive Director, with an effective date of June 11, 2014, to include the terms as recommended by the Human Resources Ad Hoc Committee, subject to form by General Counsel.

CARRIED unanimously.

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. Jessica Wheaton presented the launch of the TCL&P Facebook page.

The following individuals addressed the Board:

Tim Arends, Executive Director

2. Tim Arends provided an update on the Community Solar Project Phase II.

The following individuals addressed the Board:

Jessica Wheaton, Marketing and Community Relations Coordinator

3. *TCL&P news and correspondence. (General – no official report).*

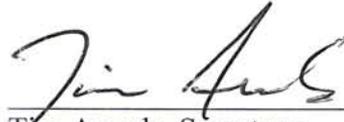
C. From Board.

1. Barbara Budros congratulated Jessica Wheaton on her recent announcement.

Item 7 on the Agenda being Public Comment

Barbara Solmonson, Ratepayer

There being no objection, Chairman Taylor declared the meeting adjourned at 6:23 p.m.



Tim Arends, Secretary
LIGHT AND POWER BOARD

/st

7/21 - CC Reports
 Company IS NORTH FLIGHT INC; AND Trip Date IS BETWEEN 06/01/2014 AND 06/30/2014; AND Call Types IS Prehospital; AND Initial Priorities IS P - 1, Lights and Sirens; AND Response Zones IS TRAVERSE CITY, CITY OF-28

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
<i>Negative Times</i>	8	8	8.00%	8%
<i>00:00 - 00:59</i>	1	9	1.00%	9%
<i>01:00 - 01:59</i>	4	13	4.00%	12%
<i>02:00 - 02:59</i>	8	21	8.00%	20%
<i>03:00 - 03:59</i>	4	25	4.00%	24%
<i>04:00 - 04:59</i>	24	49	23.00%	47%
<i>05:00 - 05:59</i>	20	69	19.00%	66%
<i>06:00 - 06:59</i>	7	76	7.00%	72%
<i>07:00 - 07:59</i>	11	87	10.00%	83%
<i>08:00 - 08:59</i>	5	92	5.00%	88%
<i>09:00 - 09:59</i>	6	98	6.00%	93%
<i>10:00 - 10:59</i>	4	102	4.00%	97%
<i>11:00 - 11:59</i>	1	103	1.00%	98%
<i>13:00 - 13:59</i>	1	104	1.00%	99%
<i>14:00 - 14:59</i>	1	105	1.00%	100%
Total Calls:	105			