



**Minutes of the**  
**City Commission for the City of Traverse City**  
**Regular Meeting**  
**August 18, 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 7:07pm, 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 Commissioner Timothy Werner, Agenda Item 2(e) was removed from the Consent Calendar for full discussion.

**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 August 4, 2014, Regular Meeting, and the August 11, 2014, Study Session, be approved.
- b. an amendment to the Traverse City Code of Ordinances, *Recreational Facility Definition Amendment and Elimination of the Definition for Mechanical Amusement Arcades*, Section 1320.07, *Definitions; Recreational Facility Use Allowed* Sections 1328.01 *Open Space (OS) District Uses*

*Allowed; 1338.01 Hotel Resort (HR) District Uses Allowed; 1340.01 Office Service (C-1) District Uses Allowed; 1344.01 Community Center (C-3) District Uses Allowed; 1350.01 Government/Public (GP) District Uses Allowed; and 1358.01 Hospital (H) Districts Uses Allowed; regarding recreational facilities, as recommended by the Planning Commission, be introduced and scheduled for possible enactment on September 2, 2014.*

- c. one iMac computer be declared surplus from Parking Administration and authorized for sale to the Downtown Development Authority.
- d. the Mayor and City Clerk execute a unit prices contract with B&B Environmental in the amount of \$26,800, more or less for the 2014/ 2015 Storm Water Treatment Systems Maintenance Project, at the unit prices indicated in its bid, with funds available in the Sewer Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.
- e. Removed from the Consent Calendar.
- f. the City Commission grants the extension of the remaining two years for personal property, local certificate 2012-01, to Boride Engineered Abrasives, in connection with the City Commission action of October 15, 2012, as outlined in the original terms of its agreement with respect to the State of Michigan Industrial Facilities Tax Exemption Certificate 2012-383.
- g. the Mayor and City Clerk execute a collective bargaining agreement with Teamsters State, County and Municipal Workers Local 214 (Police Sergeant's Unit) for the period of July 1, 2014, through June 30, 2016, such agreement subject to approval as to its substance by the City Manager.

CARRIED unanimously. (Estes absent)

Mayor Michael Estes arrived and assumed the role of presiding officer.

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

- a.

Consideration of authorizing a contract with MDOT for state trunkline maintenance for portions of highways M-37, M-31 and M-72, which transverse the city.

The following addressed the commission:

Jered Ottenwess, City Manager

Moved by Werner, seconded by Budros, that the Resolution authorizing the Michigan Department of Transportation State Trunkline Maintenance Contract City of Traverse City (MDOT Contract No. 2009-0391) for the City's continual maintenance of state trunkline highways within the City limits be adopted.

CARRIED unanimously.

### **3. Old Business**

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

Consideration of adopting a joint resolution with the Charter Township of Garfield adopting the Hickory Hills Master Plan

The following addressed the Commission:

Jered Ottenwess, City Manager

Rick Buckhalter, 932 Kelley Street – expressed opposition

Moved by Werner, seconded by Carruthers, that the Joint Resolution – City of Traverse City and Charter Township of Garfield – Adopting the Hickory Hills Multi-Season Recreation Master Plan, be adopted.

CARRIED unanimously.

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

Consideration of authorizing a contract with Grand Traverse County for its Planning and Development Department to provide community development services to the City and Downtown Development Authority.

The following addressed the Commission:

Jered Ottenwess, City Manager

Rick Buckhalter, 932 Kelley Street – expressed opposition

Moved by Howe, seconded by Easterday, that the Mayor and City Clerk execute the Community Development Services Agreement with the Downtown Development Authority and the County of Grand Traverse, which agreement shall be for a three year period, with an annual contribution of \$10,000 to be paid out of the Economic Development Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

CARRIED unanimously.

#### **4. New Business**

##### **4(a).**

Public Hearing on a request for a Special Land Use Permit as requested by Sandy Oliver to operate a Group Day Care Home, as recommended by the Planning Commission.

Consideration of adopting the Order Granting Special Land Use Permit 14-SLUP-01, which would allow for the applicant to operate a Group Day Care Home at 1012 Centre Street.

Mayor Estes opened the public hearing.

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

Moved by Easterday, seconded by Werner, that the Order Granting Special Land Use Permit No. 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 adopted.

CARRIED unanimously.

**4(b).**

Public Hearing on the assessment roll for Special Improvement District SID 2014-001 which would cause street width reconstruction with parking and drainage improvements to Barlow Street between Eighth and Boyd Avenue, and adopting the necessary resolution to approve the district and adopting the related budget amendment.

Acting City Clerk Katie Lowran asked that those who are a part of the special assessment to state their name and address to preserve their right for further appeal; and no one responded.

Mayor Estes opened the public hearing.

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

Moved by Werner, seconded by Carruthers, that the Resolution Approving Special Improvement District SID No. 2014-001, be adopted, and that a budget amendment be made to increase the budgeted revenue and budgeted expenses in the Special Assessment Fund by \$45,100 to reflect the revenue and expenses for this project.

CARRIED unanimously.

**4(c).**

Public Hearing on the assessment roll for Special Improvement District SID 2014-005 which would cause the paving of existing gravel alley south of Grove Street between Grant and Bates Street, and adopting the necessary resolution to approve the district and adopting the related budget amendment.

Acting City Clerk Katie Lowran asked that those who are a part of the special assessment to state their name and address to preserve their right for further appeal; and the following individual responded:

Roger Evans, 616 Bates Street

Mayor Estes opened the public hearing.

The following addressed the Commission:

Roger Evans, 616 Bates Street – made general comments

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

Moved by Richardson, seconded by Budros, that the Resolution Approving Special Improvement District SID No. 2014-005, be adopted, and that a budget amendment be made to increase the budgeted revenue and budgeted expenses in the Special Assessment Fund by \$29,200 to reflect the revenue and expenses for this project.

CARRIED unanimously.

**4(d).**

Consideration of request by Depot Neighborhood, LLC to remove certain of deed restrictions and to establish a cost sharing agreement for infrastructure improvements related to the project.

The following addressed the Commission:

Jered Ottenwess, City Manager

Rick Buckhalter, 932 Kelley Street – made general comments

Moved by Easterday, seconded by Budros, that so long as Depot Neighborhood, LLC continues to work in good faith toward fulfilling the terms of the deed restrictions, the City of Traverse City hereby elects not to exercise its rights under Warranty Deed (dated December 27, 2012) section (b) until after September 30, 2015, and section (c) so long as Depot Neighborhood, LLC continues to make service fee payments upon closing each Affordable Housing Unit, and that the City Clerk be directed to send one certified copy of the minutes of the August 18, 2014 City Commission meeting to Depot Neighborhood, LLC and one copy to be filed with the City's copy of the Warranty Deed.

CARRIED unanimously.

## **5. Appointments**

### **5(a).**

Consideration of appointing an ad hoc committee to make recommendation regarding appointment to the United States Coast Guard City Committee.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Carruthers, that an ad hoc interview committee be established to make recommendation regarding three three-year terms (seats previously held by Joe Muha, Glen VanRiper, and Kevin Bavers) expiring August 25, 2014, on the United States Coast Guard City Committee; and that Commissioners Richardson, and Budros and Mayor Estes be appointed to such Committee, with Commissioner Richardson to serve as Chair.

CARRIED unanimously.

### **5(b).**

Consideration of appointing an ad hoc committee to make recommendation regarding appointment to the Parks and Recreation Commission.

Moved by Howe, seconded by Carruthers, that the resignation of Arianne Whittaker dated August 3, 2014, from the Parks and Recreation Commission be accepted; and that Brian Haas and Brooke DiGiacomo (seats previously held by Brian Haas and Brooke DiGiacomo) each be reappointed to one three-year term expiring September 1, 2017, on the Parks and Recreation Commission; and that John Gessner (seat previously held by Arianne Whittaker) be appointed to one unexpired term expiring September 1, 2015, on the Parks and Recreation Commission, be approved.

CARRIED unanimously.

**5(c).**

Consideration of appointment of three Regular Members to the Board of Zoning Appeals.

Moved by Easterday, seconded by Werner, that Kathryn Henning – Callison, Jennifer Jones, and Douglas Donaldson (seats previously held by Kathryn Henning – Callison, Jennifer Jones, and Douglas Donaldson) each be reappointed to one three-year term expiring June 30, 2017, on the Board of Zoning Appeals.

CARRIED unanimously.

**5(d).**

Consideration of establishing a City Commission Ad Hoc Committee to make recommendation regarding the future use of the Carnegie Building with the process outlined by the City Manager in his memo dated August 6, 2014, including a proposed policy for possible disposal or use of city-owned property.

The following addressed the Commission:

Jered Ottenwess, City Manager

John Noonan, 908 S. Union Street – expressed support

Rick Buckhalter, 932 Kelley Street –made general comments

Moved by Easterday, seconded by Carruthers, that a City Commission Carnegie Building Ad Hoc Committee be established to address the future use of the building and make a recommendation to the City Commission; and further, to develop a process for property disposal that may be applied to other City-owned properties; and that Commissioners Easterday, Richardson, and Howe be appointed to such committee, with Commissioner Easterday to serve as Chair, with the Committee set to expire February 18, 2015.

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 Acting 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 Historic Districts Commission Regular Meeting of June 26 and Special Meeting of July 17, 2014.
  3. Minutes of the Human Rights Commission Regular Meetings of June 9 and July 14, 2014.
- e. Reports and correspondence from non-City officials.
  1. Fractile Emergency Response Report from North Flight for July 2014.

## **7. Public Comment**

1. Reserved.

None.

2. General.

Rick Buckhalter, 932 Kelley Street – made general comments

3. Mayor and City Commissioners.

Commissioner Gary Howe  
Commissioner Jeanine Easterday

Mayor Pro Tem James Carruthers  
Mayor Michael Estes  
Commissioner Ross Richardson  
Commissioner Tim Werner

There being no objection, Mayor Estes declared the meeting adjourned at 8:24 pm.

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Katie Lowran  
Acting City Clerk

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