



**Minutes of the**  
**City Commission for the City of Traverse City**  
**Regular Meeting**  
**October 20, 2014**

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

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

The following Commissioner was absent: Jeanine Easterday.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

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

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

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

As requested by Rick Buckhalter, 932 Kelley Street, Agenda Items 2(d) and 2(g) were removed from the Consent Calendar for full discussion.

There being no objection, Mayor Michael Estes placed the items removed from the Consent Calendar for full discussion under New Business, to be considered in the order from which they were removed from the Consent Calendar.

## **2. Consent Calendar**

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

- a. the minutes of the October 6, 2014, Regular Meeting and the October 13, 2014, Study Session, be approved.
- b. the Mayor and City Clerk execute a consultant agreement with Gosling Czubak Engineering Sciences, Inc., in the amount of \$15,577 for the 2014/2015 Topographic Surveying and Mapping Project, with funds available in the Public Improvements Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.
- c. the City cast its 2014 ballot for the Michigan Municipal League Liability and Property Pool as follows: Jason Eppler as Board Member; Sue Osborn as Board Member; and Dave Post as Board Member; and further that the City Clerk be authorized to certify the ballot.
- d. Removed from the Consent Calendar.
- e. the competitive bidding process be waived; and that the City Manager be authorized to issue a blanket service order to Molon Excavating for downtown snow plowing and snow hauling services, at the rates attached to the October 13, 2014, communication from the Director of Public Services, with funds available in the Parking Services and Streets Division budgets.
- f. Based on the recommendation of the City Attorney, as authorized by City Charter Section 47, the Mayor and City Clerk execute a retention agreement with Foley, Baron, Metzger & Juip, PLLC, for outside legal counsel associated with the Department of Environmental Quality Enforcement Notice in connection with the Brown Bridge Dam Deconstruction Project at the rate of \$225 per hour for Principal Attorneys; \$185 per hour for Associate Principal Attorneys and Senior Associate/Associate Attorneys; and \$75 per hour for legal assistant services, plus expenses, with funds

available in the City Attorney Budget, such agreement 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. Removed from the Consent Calendar.
- j. the resolution recommending approval of the request to transfer ownership of a Micro-Brewers Liquor License from Gourmet Organic Products, LLC to Brewery Ferment of MI, Inc. be adopted and that the City Clerk be authorized to issue a Liquor License Registration to Brewery Ferment of MI, Inc. to operate such license at 511 S. Union Street.
- k. that the resolution recommending approval of the request for a new Redevelopment Liquor License with Class C Privileges from Grand Traverse Senior Living, LLC, d/b/a Cordia, be adopted, and that the City Clerk be authorized to issue a Liquor License Registration to Grand Traverse Senior Living, LLC, to operate such license at 600 Cottageview Drive.
- l. the Temporary Traffic Control Orders: #572, authorizing “(No Parking) Bus Stop” signs at all designated bus stop locations throughout the city; and #574, Removal of “No Parking at Any Time” signs on both sides of Hastings Street from Parsons Road to Carver Street, be adopted to be made permanent.
- m. the Resolution Encouraging Traverse City Residents to Avoid the Use of Personal Care Products Containing Microbeads and Urging the Michigan Legislature to Enact Legislation Prohibiting the Manufacture of Personal Products that Contain Microbeads, be adopted.
- n. that the City Commission accepts the executed Public Utility Easement from Eric Strang at 442 Fifth Street with the additional stipulations outlined in the City Engineer’s October 13, 2014, communication.
- o. Removed from the Consent Calendar.

CARRIED unanimously. (Easterday absent)

### **3. Old Business**

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

Public Hearing on a request to vacate a portion of the east/west alley north of the 1400 block of East Eighth Street, contingent upon the provision of utility easements, as recommended by the Planning Commission.

Jered Ottenwess, City Manager  
Russell Soyring, City Planning Director

Mayor Michael Estes opened the public hearing.

Cindy Elliott, 10753 Pine Bluff Road, Unit D - expressed support  
Judy Sheffer, 1132 Titus Avenue – made general comments  
Leane Zaleski, 440 Cochlin Street – expressed support

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

Russell Soyring, City Planning Director

Moved by Budros, seconded by Carruthers, that the Resolution Deeming it Advisable to Vacate Certain Unimproved Alley (located at the 1400 block of East Eighth Street), as recommended by the City Planning Commission, be adopted.

CARRIED unanimously. (Easterday absent)

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

Consideration of scheduling a public hearing for November 17, 2014, regarding the request from Safe Harbor of Grand Traverse, Inc., for a Special Land Use Permit to allow an emergency shelter at 517 Wellington Street with conditions, as recommended by the Planning Commission.

The following addressed the Commission:

Moved by Carruthers, seconded by Werner, that the request from Applicant Safe Harbor of Grand Traverse, Inc. for Special Land Use Permit 14-SLUP-03, to allow an emergency shelter at 517 Wellington Street, with conditions, as recommended by the Planning Commission, be scheduled for public hearing on November 17, 2014.

Justin Reed, 630 Cottageview Drive, Apt. 1B – expressed support  
Steve Shane, 517 West 11<sup>th</sup> Street – expressed support  
JoAnne Willis, 803 Mulberry Drive, Green Lake Township - made general comments  
Rachel Calderon 710 Centre Place - made general comments  
Deni Scrudato, 422 East State Street – made general comments  
Christie Minervini, 604 Sixth Street – made general comments  
David Rapson, 646 Brakel Point Drive #DE, Blair Township – made general comments  
Ryan Hannon, Goodwill Industries Street Outreach Coordinator – expressed support  
Charlene Hunt, 522 East Eighth Street – made general comments  
Richard Kuschell, 500 Webster Street – expressed opposition  
Emily Kuschell, 1226 Oakland Street – made general comments  
Rich Roundtree, 3651 North Spider Lake Road, East Bay Township – made general comments

Roll Call:

Yes - Howe, Richardson, Werner, Carruthers.

No - Budros, Estes.

CARRIED. (Easterday absent)

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

a.

From the Consent Calendar: Consideration of adopting a Resolution Establishing Fees for Hickory Hills Ski Area for the 2014-2015 season, which

increases the rate for seasonal passes by \$10 for individuals and \$25 for families in all categories and increases the cross county season passes by \$5, as recommended by the Parks and Recreation Commission.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Werner, that the Resolution Establishing Fees for Hickory Hills Ski Area 2014-2015 season, which , increases the rates for downhill season passes and cross country season passes, as recommended by the Parks and Recreation Commission, be adopted.

CARRIED unanimously. (Easterday absent)

b.

From the Consent Calendar: Consideration of authorizing a service order for a rapid flash pedestrian crossing sign at West Front Street and Elmwood Avenue.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Carruthers, that the competitive bidding process be waived; and the City Manager be authorized to issue a purchase order to Carrier and Gables, Inc., in the amount of \$9,506.10, more or less, to purchase traffic signal equipment for the West Front Street and Elmwood Avenue intersection, with funds available in the Capital Projects Fund.

Timothy Lodge, City Engineer

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously. (Easterday absent)

c.

From the Consent Calendar: Consideration of scheduling a public hearing

for November 17, 2014, regarding a request from Owen Architects Collaborative, on behalf of Federated Properties, LLC for a Special Land Use Permit which would allow the construction of a 68' (five-story) mixed-use building at 124 West Front Street, with conditions, as recommended by the Planning Commission.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Howe, that the request from Applicant Owen Architects Collaborative, LLC, on behalf of land owner Federated Properties, LLC, for Special Land Use Permit 14-SLUP-02, to allow for the construction of a 68' tall mixed-use building at 124 West Front Street, with conditions, as recommended by the Planning Commission, be scheduled for public hearing on November 17, 2014.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously. (Easterday absent)

d.

From the Consent Calendar: Consideration of authorizing a letter of support from the Mayor on behalf of the City to apply for a free Small Growth America grant which will be used for a parking audit funded by the United States Environmental Protection Agency, which will provide recommendations for public parking policy.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Werner, that the City Commission authorize a letter of commitment from Mayor Michael Estes for the City's application to Smart Growth America for it to provide a public parking audit.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously. (Easterday absent)

e.

From the Consent Calendar: Consideration of authorizing an agreement to receive \$1 million in Road and Reserve Risk Project Funds from the Michigan Department of Transportation for the West Front Street Reconstruction from Division Street to Pine Street.

Moved by Richardson, seconded by Werner, that the Mayor and City Clerk execute a contract with the Michigan Department of Transportation for it to provide funding in the amount of \$1 million in Road and Risk Reserve Project Funds for the West Front Street Reconstruction Project (Division Street to Pine Street), MDOT Project Number 2015-0054, with Traverse City Light and Power to fund \$150,000 of the project for the lighting component, such agreement 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 by \$1 million in the Capital Projects Fund to reflect the receipt of the funds from the Michigan Department of Transportation and the subsequent expenditure.

The following addressed the Commission:

Jered Ottenwess, City Manager

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously. (Easterday absent)

## **5. Appointments**

**5(a).**

Consideration of appointing three members to the United States Coast Guard Committee.

Moved by Richardson, seconded by Budros, that David Barr, Daniel Baker, and Polly Cairns, (seats previously held by Joe Muha, Glen VanRiper, and Kevin Bavers) each be appointed to one three-year term expiring August 25, 2017, on the

United States Coast Guard Committee.

CARRIED unanimously. (Easterday absent)

## **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. Report from the Code Enforcement Officer for July through September 2014.
- e. Reports and correspondence from non-City officials.
  1. Fractile Emergency Response Report from North Flight for September 2014.

## **7. Public Comment**

The following addressed the Commission:

1. Reserved.

None

2. General.

Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

Commissioner Gary Howe  
Mayor Pro Tem James Carruthers  
City Manager Jered Ottenwess  
Mayor Michael Estes

There being no objection, Mayor Michael Estes declared the meeting adjourned at 8:19 pm.

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Benjamin C. Marentette, CMC  
City Clerk

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