



Notice

City Commission Regular Meeting

7:00 pm

Tuesday, February 17, 2015

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 02-12-2015

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 individual consideration by the Commission; 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 City Commission meetings of February 2, 2015, and February 9, 2015. (Approval recommended) (Jered Ottenwess, Benjamin Marentette)

- b. Consideration of adopting a resolution which schedules a public hearing for March 23, 2015, regarding a City-initiated Special Improvement District for streetscape improvements associated with the West Front Street Reconstruction Project. (Adoption recommended) (Jered Ottenwess, Timothy Lodge)
- c. Consideration of authorizing a purchase order for uniforms and their cleaning for Department of Public Services employees. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- d. Consideration of declaring two loaders surplus so they may be sold for their guaranteed buy-back price and authorizing a purchase order for their replacement, for use by the Department of Public Services. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- e. Consideration of authorizing a confirming purchase order for diesel fuel for City operational use. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- f. Consideration of authorizing an agreement to allow an approximately 1'x4' encroachment over the City's easement for a projection sign at 201 East 14th Street (Traverse City Whiskey). (Approval recommended) (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)
- g. Consideration of enacting an amendment to the Traverse City Code of Ordinances which makes various housekeeping changes to the ordinance establishing the Brown Bridge Advisory Committee. (Enactment recommended) (Jered Ottenwess)
- h. Consideration of approving a letter from Mayor Estes urging the renewal of Traverse City's designation as a Coast Guard City. (Mayor Michael Estes, Jered Ottenwess)
- i. Consideration of adopting a resolution recognizing BrickWays Paths to Independence as a local non-profit organization so they may apply for a State of Michigan Raffle License. (Adoption recommended) (Jered Ottenwess, Benjamin Marentette)

- j. Consideration of introducing an amendment to the Traverse City Code of Ordinances to eliminate the requirement for Street Performers to obtain a permit, while maintaining time, place and manner restrictions and makes other housekeeping changes to the ordinance. (Introduction and schedule for possible enactment on March 16, 2015, recommended) (Jered Ottenwess, Lauren Tribble-Laucht, Benjamin Marentette)
- k. Consideration of enacting an amendment to the Traverse City Code of Ordinances, Amendment to Sidewalk Cafe Ordinance Anchoring System Requirement, which would allow the required barrier surrounding a sidewalk cafe to be anchored into the adjacent building with the building owner's permission as an alternative to anchoring the barrier into the sidewalk. (Enactment recommended) (Jered Ottenwess, Benjamin Marentette)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Consideration of enacting an amendment to the Traverse City Code of Ordinances which would establish a Public Art Ordinance, as recommended by the Downtown Development Authority Board of Trustees, and rescinding the Monument and Public Art Policy. (Jered Ottenwess, Robert Bacigalupi)
- b. Consideration of authorizing contracts related to the purchase of membrane technology at the Wastewater Treatment Plant. (Jered Ottenwess) (5 affirmative votes required)

4. New Business

- a. Consideration of introducing amendments to the Traverse City Code of Ordinances which would allow accessory dwelling units in R-1a, R-1b, RC and MU Districts, and repealing Chapter 1377, which allows accessory dwelling units in the Traverse Heights Neighborhood, and scheduling the ordinances for possible enactment on March 16, 2015, as recommended by the Planning Commission. (Jered Ottenwess, Russell Soyring)
- b. Consideration of adopting a resolution concurring with the Brownfield Plan for 603, 605, 609 and 615 Randolph Street (Randolph Street Development), which makes the project eligible for brownfield incentives. (Jered Ottenwess)

5. Appointments

- a. Consideration of appointing a City Commission Ad Hoc Committee to review the framework for administration of the Garage Fund. (Mayor Michael Estes)
- b. Consideration of re-establishing the City Commission Ad Hoc Committee for City Assets/Carnegie Building. (Jered Ottenwess)
- c. Consideration of appointing a City Commission Ad Hoc Committee to make a recommendation regarding appointments to the Arts Commission. (Jered Ottenwess, Katie Stroven)
- d. Consideration of adopting a resolution establishing a City of Traverse City and Traverse City Area Public Schools Collective Resource Committee, to make recommendations on areas of collaboration; and consideration of appointing two representatives of the City Commission to serve on the Committee. (Commissioner Jim Carruthers, Commissioner Jeanine Easterday, Jered Ottenwess)

6. Reports, Announcements and Correspondence

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

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Reports from members of the Commission serving on boards.
 2. Minutes of the Human Rights Commission meeting of December 8, 2014.
 3. Minutes of the Planning Commission meeting of January 6, 2015.
 4. Quarterly Financial Report from the City Treasurer/Finance Director for the quarter which ended December 31, 2014.
- e. Reports and correspondence from non-City officials.
 1. Fractile Emergency Response Report from North Flight for January 2015.

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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The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 17,
2015

DATE: FEBRUARY 12, 2015

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

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

- February 2, 2015, Regular Meeting
- February 9, 2015, Study Session

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

that the minutes of the February 2, 2015, Regular Meeting and February 9, 2015, Study Session, be approved.

JJO/slm

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



Regular Meeting

February 2, 2015

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 Barbara D. Budros, James Carruthers, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Estes presided at the meeting.

2. Consent Calendar

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

- a. the minutes of the January 20, 2015, Regular Meeting and January 26, 2015, Study Session, be approved.
- b. the City Commission approves the use of Public Surplus online auction service for the sale of vehicles and Garage Division equipment that has been declared surplus by the Commission, with Public Surplus to retain up to 10% of the sale price as compensation.
- c. the City Attorney be authorized to take the steps necessary to terminate the Agreement for Legal Services with Green & Noblin PC for legal services associated with the City's claims of price fixing of wire harnesses

(authorized March 17, 2014); and that the Mayor and City Clerk execute an Agreement for Legal Services with Block & Leviton LLP for legal services associated with the City's claims of price fixing of wire harnesses against affiliated wire harness systems and related product manufacturers under the terms provided in the Agreement for Legal Services dated March 24, 2014, with Green & Noblin PC provided that such representation is at no cost to the City, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

- 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. that an amendment to the Traverse City Code of Ordinances, *Amendment to Sidewalk Café Ordinance Anchoring System Requirement*, Sections 1020.07, and 1020.08, which would allow the required barrier surrounding a sidewalk café to be anchored into the adjacent building with the building owner's permission as an alternative to anchoring the barrier into the sidewalk, be introduced and scheduled for possible enactment on February 17, 2015.
- f. that an amendment to the Traverse City Code of Ordinances, *Brown Bridge Conservation*, Sections 1065.02 and 1065.03, which modifies the composition and organization of the Brown Bridge Advisory Committee and makes various housekeeping changes, as recommended by the Brown Bridge Advisory Committee, be introduced and scheduled for possible enactment on February 17, 2015.

CARRIED unanimously

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Consideration of approving the design, phasing and project budget for the

Traverse City Public Pier Project.

The following addressed the Commission:

Missy Luick, Planning and Engineering Assistant
Pat Doher, SmithGroup JJR
Bob Doyle, SmithGroup JJR
Jered Ottenwess, City Manager

Moved by Richardson, seconded by Budros, that the City Commission approves Phase One Site Investigation and Design and the proposed project and authorizes Smith Group JJR to proceed with Phase Two Preliminary Design, to be presented to the City Commission for approval before proceeding with Phase Three Final Design.

Rick Buckhalter, 932 Kelley Street – expressed opposition
Richard Zehner, 516 Sixth Street – made general comments
Dave Petrove, 9988 Riley Road, Interlochen – made general comments
Ted Kraimer, 3517 Jefferson, #B, Garfield Township – made general comments
Bill Calcutt, 1141 Peninsula Drive – expressed opposition
Brian Haas, 227 East 10th Street – made general comments

CARRIED unanimously.

3(b).

Consideration of authorizing an agreement for the 2015 Water Treatment Plant Monitoring and Control Improvements Project, authorizing a related contingency and an amendment to an existing agreement to provide for construction administration services.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Werner, that the Mayor and City Clerk execute a unit prices agreement with Windemuller Electric, Inc., for the 2015 Water Treatment Plant Monitoring and Control Improvements Project (SCADA), in the amount of \$871,640, more or less, at the unit prices indicated in its bid, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Water Fund; and further that the City Manager be authorized to approve additional payments to Windemuller Electric, Inc., not-to-exceed \$14,200, with the Mayor and City Clerk to execute any related necessary documents; and further that the competitive bidding process be waived; and that the Mayor and City Clerk execute an agreement with Prein & Newhof in the amount not-to-exceed \$96,300 for construction administration and other services related to the 2015 Water Treatment Plant Monitoring and Control Improvements Project as outlined in the City Engineer's January 26, 2015, communication, 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.

CARRIED unanimously.

4. New Business

4(a).

Consideration of authorizing an agreement for a feasibility and conceptual design study to complete a Union Street Dam Betterment Plan.

The following addressed the Commission:

Jered Ottenwess, City Manager
Timothy Lodge, City Engineer

Moved by Howe, seconded by Richardson, that the Mayor and City Clerk execute an agreement with John Anderson/McLaughlin Whitewater in the amount of \$19,800 for the preparation of a Union Street Dam Betterment Plan (analysis of project feasibility and the creation of a conceptual design and detailed cost estimate), such agreement 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.

Rick Buckhalter, 932 Kelley Street – expressed support
Eric Clone, 9083 Hewitt Road, Cedar – made general comments
Brian Haas, 227 East 10th Street – expressed support

CARRIED unanimously.

4(b).

Consideration of a request from Commissioner Carruthers for the City Commission to consider adopting a resolution recognizing the second Monday in October as Indigenous Peoples Day, which does not remove its designation by the United States government as Columbus Day.

The following addressed the Commission:

Lee Hornberger, Human Rights Commission Chairman
Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Richardson, that the Resolution Recognizing the Second Monday of October as Indigenous Peoples Day, be adopted.

Timothy Grey, 123 ½ West Front – expressed support
Randy Day, 820 Boon Street, Garfield Township – expressed support
Arlene Kashata, 2815 Hilltop Court, Garfield Township, Grand Traverse Band of Ottawa and Chippewa Indians – expressed support
Steven Perry, 5455 Bunker Hill Road, Acme Township – made general comments
Blase Masserant, 1342 Innwood North, Interlochen – expressed support
Jesse Dittmer, 536 Bates Street – expressed support
Mark Wilson, 826 Bates Street – expressed support
Angeline Antoine, 4231 Williamston Court, Williamsburg – made general comments
Linda Dittmer, 804 Indian Trail Boulevard – made general comments
Ann Rogers, 1236 Peninsula Drive – made general comments
Pete Moller, 414 West 16th Street – expressed support

CARRIED unanimously.

5. Appointments

5(a).

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the Election Commission.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Easterday, that John Walton (seat previously held by John Walton) be reappointed, to one three-year term expiring December 11, 2017, on the Election Commission.

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. Report from the Code Enforcement Officer for October-December 2014.

3. Capital Improvement Program Quarterly Project Update from the Planning Director and City Engineer dated January 26, 2015.
 4. Minutes of the Traverse City Light and Power Board meeting of December 9, 2014.
- e. Reports and correspondence from non-City officials.
1. Monthly Operations Report from CH2M Hill for the Wastewater Treatment Plant for December 2014.
 2. Minutes of the Traverse Area District Library Board of Trustees meeting of December 18, 2014.

7. Public Comment

The following addressed the Commission:

1. Reserved.
None
2. General.
3. Mayor and City Commissioners.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:02 p.m..



Benjamin C. Marentette, CMC
City Clerk

Approved: _____,
(Date) (Initials)



Minutes of the
City Commission for the City of Traverse City
Study Session
February 9, 2015

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 Pro Tem Barbara D. Budros, James Carruthers, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioner was absent: Mayor Michael Estes.

Mayor Pro Tem Barbara D. Budros presided at the meeting.

1.

Discussion regarding the National Cherry Festival.

The following addressed the Commission:

Jered Ottenwess, City Manager
Benjamin Marentette, City Clerk
Lauren Tribble-Laucht, City Attorney

2.

Presentation regarding the West Front Street Reconstruction Project.

The following addressed the Commission:

Jered Ottenwess, City Manager
Timothy Lodge, City Engineer

3.

Announcements from the City Clerk.

The following addressed the Commission:

Benjamin Marentette, City Clerk

4.

Public comment.

The following addressed the Commission:

Trevor Tkach, National Cherry Festival Executive Director
Chuck Judson, National Cherry Festival legal counsel, 6861 Franklin Woods Drive, Peninsula Township, City business owner
Rick Buckhalter, 932 Kelley Street
David Barr, 936 Wood Avenue, National Cherry Festival Board of Governors President
Cat Muncey, 1129 Woodmere Drive, City business owner
Commissioner James Carruthers

There being no objection, Mayor Pro Tem Barbara Budros declared the meeting adjourned at 8:40 pm.



Benjamin C Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ³⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: SPECIAL IMPROVEMENT DISTRICT 2014-008, WEST FRONT STREET RECONSTRUCTION PROJECT (DIVISION STREET TO HALL STREET)

Attached is a memo from City Assessor Polly Cairns explaining a special improvement district relating to the streetscape improvements associated with the West Front Street Reconstruction Project. As you may be aware, this is a City initiated district. You will also find attached a memo from City Engineer Timothy Lodge explaining the overall reconstruction project in detail.

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. 2014-008, be adopted, scheduling the public hearing for March 23, 2015.

JJO/kes

K:\tcclerk\city commission\special improvement districts\schedule ph_west front street_20150217.doc

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

MEMORANDUM

CITY OF TRAVERSE CITY

ASSESSING DEPARTMENT



TO: JERED OTTENWESS, CITY MANAGER
FROM: POLLY CAIRNS, CITY ASSESSOR *PSC*
SUBJECT: Tentative S.I.D. – West Front Street Reconstruction
DATE: February 10, 2015

A request has been submitted to initiate a special improvement district for the below-described purpose.

Tentative S.I.D. 2014-008
Type of Improvement: West Front Street Reconstruction
Properties to be improved: 38 Parcels - See attached listing

Total Estimated Cost:	\$250,000
City Share (50%)	\$125,000
Property Owners Share (50%)	\$125,000

Assessable Estimated Annual Costs:

Approximately Assessable Costs:	\$42.67/Front Foot Average
Largest Total Assessment (+/-)	\$17,069.95 - Estimate
Lowest Total Assessment (+/-)	\$100.00 - Estimate

In accordance with City Ordinance, a public hearing must be held to create a special assessment district. This public hearing provides a review of the proposed construction plans and assessment roll, as well as acts as the Board of Review for the property owners in the special assessment district. Terms to be considered are ten (10) year annual installments with up to 6% interest on the unpaid balance.

A schedule of the affected parcels and costing information listed on the attached spreadsheet.

Please schedule a public hearing to be held Monday, March 23, 2015, 7:00P.M., City Commission Chambers of the Governmental Center, 400 Boardman Avenue.

Thank you for your consideration.

ESTIMATE

Assessors SID reference: **2014-008**
 Front Street - Division to Pine Estimate

Prepared on: 12/31/2014
 Ammended 10-Feb-15



Total Parcels	38
Total Cost Spread	\$250,000.00
City Share	50.00%
City's Cost	\$125,000.00
Own.'s Cost	\$125,000.00
Owner's Fr Ft Rate	\$42.67
Annual Int.	6.00%
Period (Yrs.)	10

	Percent Response	
	Petitioned	No Response
Parcel Ct.	X	
Frontage		
	Survey	Survey
Parcel Ct.	Y	N
Frontage		

	Total Percent - Petition & Survey		
	Total Yes	Total No	No Response
Parcel Ct			
Frontage	2929.12		

38		TOTAL SID		TOTALS MINUS CITY PORTION									
Parcel #	Owner	Address	SID Footage	Depth	Approx Site Size Acres MOL	Adjustment Reason	Assessment	Petitioned	Survey	Total Estimated Assessment	Annual Payment Estimate		
1	28-51-103-018-00	GDO INVESTMENTS	341 W FRONT ST	90.00	130.00	0.27	N/A	\$3,840.74		\$3,840.74	\$521.83		
2	28-51-103-019-00	EV ENTERPRISES LLC	401 W FRONT ST	90.00	106.48	0.22	N/A	\$3,840.74		\$3,840.74	\$521.83		
3	28-51-103-022-00	WALTERS & HEMMING INC	417 W FRONT ST	52.62	177.90	0.21	N/A	\$2,245.55		\$2,245.55	\$305.10		
4	28-51-103-022-10	EV ENTERPRISES LLC	413 W FRONT ST	54.00	282.33	0.35	N/A	\$2,304.44		\$2,304.44	\$313.10		
5	28-51-103-023-01	FOLGARELLI-FISHER DONNA M	424 W FRONT ST	210.00	138.98	0.67	N/A	\$8,961.73		\$8,961.73	\$1,217.61		
6	28-51-654-001-00	HUNTINGTON NATIONAL BANK	441 W FRONT ST	100.00	165.00	0.38	N/A	\$4,267.49		\$4,267.49	\$579.82		
7	28-51-654-001-10	DINGEMAN LLC	439 W FRONT ST	10.00	30.00	0.01	N/A	\$426.75		\$426.75	\$57.98		
8	28-51-654-002-00	HUNTINGTON NATIONAL BANK	427 W FRONT ST	150.00	165.00	0.57	N/A	\$6,401.23		\$6,401.23	\$869.72		
9	28-51-654-004-00	WALTERS & HEMMING INC	421 W FRONT ST	99.00	165.00	0.38	N/A	\$4,224.81		\$4,224.81	\$574.02		
10	28-51-654-014-00	MCCONNELL THOMAS & SUSAN	541 W FRONT ST	25.00	165.00	0.09	N/A	\$1,066.87		\$1,066.87	\$144.95		
11	28-51-654-015-00	BOUDJALIS PROPERTIES LLC	539 W FRONT ST	50.00	165.00	0.19	N/A	\$2,133.74		\$2,133.74	\$289.91		
12	28-51-654-016-00	CARLETON CINDY LEE	535 W FRONT ST	25.00	165.00	0.09	N/A	\$1,066.87		\$1,066.87	\$144.95		
13	28-51-654-017-00	PEDLOW LINDA J	531 W FRONT ST	50.00	165.00	0.19	N/A	\$2,133.74		\$2,133.74	\$289.91		
14	28-51-654-018-00	SCARBROUGH E & S LLC	527 W FRONT ST	50.00	165.00	0.19	N/A	\$2,133.74		\$2,133.74	\$289.91		
15	28-51-654-019-00	TM REAL ESTATE INVESTMENTS LLC	525 W FRONT ST	100.00	165.00	0.38	N/A	\$4,267.49		\$4,267.49	\$579.82		
16	28-51-654-021-00	KTB PROPERTIES LLC	507 W FRONT ST	150.00	165.00	0.57	N/A	\$6,401.23		\$6,401.23	\$869.72		
17	28-51-654-022-00	STONER IRWIN B TRUST	501 W FRONT ST	74.00	165.00	0.28	N/A	\$3,157.94		\$3,157.94	\$429.06		
18	28-51-654-043-00	TRAVERSE CITY CITY OF	500 W FRONT ST	400.00	165.00	1.52	N/A	\$17,069.95		\$17,069.95	\$2,319.26		
19	28-51-654-044-00	FREUND PHYLLIS A	540 W FRONT ST	97.00	165.00	0.37	N/A	\$4,139.46		\$4,139.46	\$562.42		
20	28-51-654-045-00	DEERING MICHAEL P & ROSEMARY	542 W FRONT ST	27.00	165.00	0.10	N/A	\$1,152.22		\$1,152.22	\$156.55		
21	28-51-654-069-00	WEST FRONT ST PARTNERS	600 W FRONT ST	50.00	165.00	0.19	N/A	\$2,133.74		\$2,133.74	\$289.91		
22	28-51-654-074-01	TVC TRAVERSE CITY CO LLC	626 W FRONT ST	299.00	165.00	1.13	N/A	\$12,759.79		\$12,759.79	\$1,733.65		
23	28-51-654-075-10	WJS OF TRAVERSE CITY LLC	627 W FRONT ST	126.50	166.00	0.48	N/A	\$5,398.37		\$5,398.37	\$733.47		
24	28-51-654-077-00	CORCORAN MICHAEL P	617 W FRONT ST	33.00	166.00	0.13	N/A	\$1,408.27		\$1,408.27	\$191.34		
25	28-51-654-078-00	CORCORAN MICHAEL P	615 W FRONT ST	50.00	166.00	0.19	N/A	\$2,133.74		\$2,133.74	\$289.91		
26	28-51-654-079-00	NASH LINDA L	611 W FRONT ST	50.00	166.00	0.19	N/A	\$2,133.74		\$2,133.74	\$289.91		
27	28-51-654-080-00	NASH JOY K TRUST	607 W FRONT ST	50.00	166.00	0.19	N/A	\$2,133.74		\$2,133.74	\$289.91		
28	28-51-654-081-00	CHAISSON REAL ESTATE CORP	601 W FRONT ST	50.00	116.00	0.13	N/A	\$2,133.74		\$2,133.74	\$289.91		
29	28-51-658-022-00	440 WEST FRONT LTD	440 W FRONT ST	75.00	160.00	0.28	N/A	\$3,200.62		\$3,200.62	\$434.86		
30	28-51-658-023-00	GEG LLC	436 W FRONT ST	75.00	160.00	0.28	N/A	\$3,200.62		\$3,200.62	\$434.86		
31	28-51-658-046-00	TVC PROPERTIES LLC	336 W FRONT ST	100.00	173.00	0.40	N/A	\$4,267.49		\$4,267.49	\$579.82		
32	28-51-752-001-10	400 WEST FRONT STREET UNIT 1 LLC	400 W FRONT ST 1	12.57	47.81	0.01	N/A	\$536.62		\$536.62	\$72.91		
33	28-51-752-002-00	WEST WASHINGTON ST ASSOC LLC	400 W FRONT ST 2	20.43	77.68	0.04	N/A	\$871.95		\$871.95	\$118.47		
34	28-51-752-003-00	98 LEASING LP	400 W FRONT ST 3	17.00	64.63	0.03	N/A	\$725.40		\$725.40	\$98.56		
35	28-51-752-004-01	MACKENZIE SARAH	400 W FRONT ST 4	2.34	8.91	0.00	N/A	\$100.00		\$100.00	\$13.59		
36	28-51-752-007-00	PITTMAN RAYMOND J	400 W FRONT ST 7	4.52	17.20	0.00	N/A	\$193.10		\$193.10	\$26.24		
37	28-51-752-008-00	PITTMAN RAYMOND J	400 W FRONT ST 8	6.96	26.46	0.00	N/A	\$296.97		\$296.97	\$40.35		
38	28-51-752-009-00	PITTMAN RAYMOND J	400 W FRONT ST 9	3.17	12.06	0.00	N/A	\$135.34		\$135.34	\$18.39		
38			2929.12					\$124,999.97	0	0	\$124,999.97	\$16,983.49	

Memorandum

The City of Traverse City
Engineering Department



TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer 

DATE: February 10, 2015

SUBJECT: West Front Street Reconstruction
Division Street to Hall Street
MDOT Contract Number 2015-0054

We have been working with our project consultant, Influence Design Forum (IDF), property owners, Traverse City Light and Power (TCLP) and other utility companies to complete the design for the above referenced project. As discussed at the February 6, 2015 we believe that these improvements will significantly benefit the adjacent property as well as City right of way. Therefore we have suggested that the property owner share in portions of the costs of the project in an amount of 25% of the RRR Grant of \$1,000,000. We are proposing property owner cost participation for the project in the amount of \$250,000 with the provision that property owners could pay their share with interest over a 10 year period in accordance with the normal Special Improvements District (SID) process.

The money allocated for the SID will be targeted to items relating to the streetscape elements and creating the sense of place for the project. Therefore it is recommended that the proper City officials set the public hearing for the Special Improvements District pursuant to the communication from City Assessor for SID 2014-008 for a meeting to be held on March 23, 2015.

We are receiving bids for the project on March 19, 2015 and will be able to confirm that the items planned to be included in this SID are within the \$250,000 allocation proposed. Should the amount be different, we will be able to discuss the next steps required to amend the amount of the SID if necessary.



**Resolution Scheduling Public Hearing
On Special Improvement District No. 2014-008**

Because, the City Commission of the City of Traverse City, has determined to make an improvement known as Special Improvement District Number 2014-008, which would cause streetscape elements associated with the West Front Street Reconstruction Project on West Front Street between Division Street and Hall Street, at the following locations:

Parcel #	Owner	Address
28-51-103-018-00	GDO INVESTMENTS	341 W FRONT ST
28-51-103-019-00	EV ENTERPRISES LLC	401 W FRONT ST
28-51-103-022-00	WALTERS & HEMMING INC	417 W FRONT ST
28-51-103-022-10	EV ENTERPRISES LLC	413 W FRONT ST
28-51-103-023-01	FOLGARELLI-FISHER DM	424 W FRONT ST
28-51-654-001-00	HUNTINGTON NAT'L BANK	441 W FRONT ST
28-51-654-001-10	DINGEMAN LLC	439 W FRONT ST
28-51-654-002-00	HUNTINGTON NAT'L BANK	427 W FRONT ST
28-51-654-004-00	WALTERS & HEMMING INC	421 W FRONT ST
28-51-654-014-00	MCCONNELL THOMAS & SUSAN	541 W FRONT ST
28-51-654-015-00	BOUDJALIS PROPERTIES LLC	539 W FRONT ST
28-51-654-016-00	CARLETON CINDY LEE	535 W FRONT ST
28-51-654-017-00	PEDLOW LINDA J	531 W FRONT ST
28-51-654-018-00	SCARBROUGH E & S LLC	527 W FRONT ST
28-51-654-019-00	TM REAL ESTATE INVESTMENTS LLC	525 W FRONT ST
28-51-654-021-00	KTB PROPERTIES LLC	507 W FRONT ST
28-51-654-022-00	STONER IRWIN B TRUST	501 W FRONT ST
28-51-654-043-00	TRAVERSE CITY CITY OF	500 W FRONT ST
28-51-654-044-00	FREUND PHYLLIS A	540 W FRONT ST
28-51-654-045-00	DEERING MICHAEL P & ROSEMARY	542 W FRONT ST
28-51-654-069-00	WEST FRONT ST PARTNERS	600 W FRONT ST
28-51-654-074-01	TVC TRAVERSE CITY CO LLC	626 W FRONT ST
28-51-654-075-10	WJS OF TRAVERSE CITY LLC	627 W FRONT ST
28-51-654-077-00	CORCORAN MICHAEL P	617 W FRONT ST
28-51-654-078-00	CORCORAN MICHAEL P	615 W FRONT ST
28-51-654-079-00	NASH LINDA L	611 W FRONT ST
28-51-654-080-00	NASH JOY K TRUST	607 W FRONT ST
28-51-654-081-00	CHAISSON REAL ESTATE CORP	601 W FRONT ST
28-51-658-022-00	440 WEST FRONT LTD	440 W FRONT ST
28-51-658-023-00	GEG LLC	436 W FRONT ST
28-51-658-046-00	TVC PROPERTIES LLC	336 W FRONT ST
28-51-752-001-10	400 WEST FRONT STREET UNIT 1 LLC	400 W FRONT ST 1
28-51-752-002-00	WEST WASHINGTON ST ASSOC LLC	400 W FRONT ST 2
28-51-752-003-00	98 LEASING LP	400 W FRONT ST 3
28-51-752-004-01	MACKENZIE SARAH	400 W FRONT ST 4
28-51-752-007-00	PITTMAN RAYMOND J	400 W FRONT ST 7
28-51-752-008-00	PITTMAN RAYMOND J	400 W FRONT ST 8
28-51-752-009-00	PITTMAN RAYMOND J	400 W FRONT ST 9

Resolution Scheduling Public Hearing
On Special Improvement District No. 2014-008

Page 2

- 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 \$250,000 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 March 23, 2015, 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 February 17, 2015, in the Commission Chambers, 2nd Floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ^{JO} JERED OTTENWESS, CITY MANAGER

SUBJECT: UNIFORM SUPPLY AND CLEANING CONTRACT

Attached is a memo from Director of Public Services Dave Green, recommending the City enter into a two-year contract with Continental Linen Services, for uniforms and uniform laundering for the DPS Department. Mr. Green recommends we have the option to renew for up to two, two-year subsequent terms.

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

that the Mayor and City Clerk execute a contract with Continental Linen Services for a two-year term, with the option to renew for up to two, two-year subsequent terms for uniform supply and cleaning for Department of Public Services employees, at a rate of \$4.75 per employee, per week (approximately \$11,362 annually), with funds available in the Garage Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.

JJO/bcm

K:\tcclerk\city commission\agreements\DPS uniform supply and cleaning 2015
copy: Dave Green, Director of Public Services

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director 
DATE: February 10, 2015
SUBJECT: Uniform Supply and Cleaning Contract

Our contract with Continental Linen Services to provide and launder uniforms for the Department of Public Services expires on March 21, 2015. The original contract has been extended two years at a time since first being authorized in 2007 and we felt it was time to request new bids.

Again, as sometimes happened earlier this year while buying various vehicles and/or pieces of equipment, current advertising and notification practice was used on this service request and only one bid was received for the linen service as follows:

Continental Linen Services \$4.75 per employee per week

We feel Continental's bid is a good bid and we have been more than satisfied with their service over the last 8 years and recommend that they continue to provide uniforms to our employees as required under Article 32 of the Collective Bargaining Contract.

Just a note on why we bid this "per employee per week". Our workforce size fluctuates somewhat due to retirements, long-term illnesses, and other vacancies. We are only charged for the number of employees actually using the uniform service. At our authorized employee strength of 46, this contract is valued at \$22,725.00 over the two year period. Our cost during the past two-year contract with Continental was closer to \$26,500.00.

Please request City Commission approval for a two-year contract with the option for renewal if mutually agreed upon for a period of up to two additional renewable contracts in two year increments with Continental Linen Services to provide uniforms and uniform laundering for the Department of Public Services for \$4.75 per employee per week.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015
FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER
SUBJECT: TWO (2) WHEEL LOADER PURCHASE

Attached are memos from Dave Green, DPS Director, and Dave Courtad, Garage Superintendent, regarding the approval to declare two (2) 2010 Komatsu loaders surplus so they may be sold back to the dealer, and to approve the purchase of two (2) 2015 Volvo wheel loaders for use by the Streets Division, with a full warranty and maintenance agreement for a period of five(5) years.

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

that the City Manager be authorized to declare two (2) 2010 Komatsu loaders surplus, so they may be sold back to the dealer at the guaranteed buyback price of \$116,000; and that the City Manager be authorized to issue a purchase order to Alta Equipment LLC in the amount of \$329,180 for the purchase of two (2) 2015 Volvo L60G wheel loaders, with funds available in the Garage Fund.

JJO/bcm

K:\teclerk\city commission\purchase orders\loaders 20150217

cc: Dave Green, Director of Public Services
Dave Courtad, Garage Superintendent

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director *DSG*
DATE: February 6, 2015
SUBJECT: 2015 Loader Purchase, Vehicle Number's 132 & 133

We have two loaders due for replacement under the terms of the guaranteed buyback provision under which they were purchased. We are recommending that we exercise the buyback option and sell them back at their guaranteed price of \$58,000 each and purchase two new loaders.

Before getting into the specifics about the loaders, I should review some purchasing information for the Commission. The Garage Fund purchases all mobile equipment (vehicles and heavy equipment) for City Departments. The Garage Fund is an internal service fund, its costs being covered by "at cost" fees charged to internal customers. The Departments then pay rent to the Garage Fund for each piece of equipment that the Department uses. (The rent that a Department pays to the Garage Fund for vehicles and equipment is normally included in the budget under the line item "Rentals".) The rental rates are established by the Garage Superintendent based on depreciation, past actual and projected future maintenance costs, and insurance. An inflation cost is factored into the rental formula so that at the end of the equipment's life cycle, adequate funds are on hand in the garage budget to purchase replacements. We are currently using 5% as the inflation cost in our calculations.

When it's time for a piece of equipment to be replaced, the Garage Superintendent works with Department Supervisors to identify requirements, analyze equipment usage and costs, determine life cycles, develop bid specifications, and analyze bids. The bid is not always awarded based on lowest price, but rather on the best overall value to the City. Meeting bid specifications, resale value, fuel economy, and performance are examples of factors that impact the recommendation on which vehicle to purchase.

We have four wheel loaders in the DPS. Without getting into too much detail, two are large capacity loaders and two are smaller. The two due for replacement are the small loaders with 2.5 cubic yard buckets. We use loaders for a variety of tasks. Loaders are used to push snow out of the downtown area after lesser snowfalls and, using a large blower attachment, to load snow into trucks to be hauled away during heavy snowfalls. We also use all of the loaders to remove snow from parking lots, to push back snow at intersections, and to load snow into trucks for removal to the Keystone dump site. Loaders are used to mix salt and

Memorandum

The City of Traverse City
Department of Public Services



sand at the Garage facility and to load the mix into sander trucks. Loaders are used during leaf season to push leaves and load them into dump trucks for hauling. The large loaders are used year-round at the Keystone composting facility to operate the 'wildcat', our compost turning machine, and to load compost for purchasers. Finally, they are used in a variety of construction tasks throughout the year, including sewer and water main repairs, street repairs, sidewalk construction, and beach cleaning operations.

We have some options when it comes to acquiring large, expensive machinery such as wheel loaders. We can buy the equipment outright, we can lease it, or we can purchase it with a buyback agreement. For wheel loaders and backhoes, we think it has worked out best to use the buyback program because it is an effective way to control total costs for this equipment. Under the buyback program, we require bidders not only to give us a purchase price, but also a guaranteed price for which they will buy the equipment back from us at the end of five years. We also require them to guarantee the maximum repair costs that we will incur during the five year period as well as giving us a not to exceed figure for a full 5 year maintenance agreement for comparison. The combination of purchase price and repair costs and/or maintenance agreement cost, less the guaranteed buyback price, is our "total cost" to operate the equipment during the period. The Volvo loaders that we are proposing to buy this year have a price tag of \$164,590 each. That price includes a guarantee that we can sell the loaders back to the dealer after five years for \$85,000 each. The price also includes a full machine warranty at no additional charge and a full, five year maintenance agreement guaranteed for \$10,800. So our "total cost" to operate one of the Volvo loaders for five years would be \$79,590 or \$15,918 per year.

Attached is a memo and bid results from Dave Courtad, Garage Superintendent, requesting City Commission approval to purchase two new wheel loaders. I concur with Dave's request and recommend that we buy two new loaders and exercise the buyback option on the Komatsu loaders we currently have.

The purchase of two small wheel loaders was identified in the 2014-2015 Garage Vehicle Replacement Schedule and estimated at \$336,000.00.

Please request City Commission approval for the purchase of two 2015 Volvo L60G wheel loaders and that they authorize a purchase order to Alta Equipment L.L.C. for \$329,180.00 for said purchase with funds available in the Garage Fund and declare two 2010 Komatsu loaders surplus so they may be sold back to the dealer at the guaranteed buyback price of \$116,000.

Memorandum

The City of Traverse City
Department of Public Works



TO: Dave Green

CC:

FROM: Dave Courtad Garage Superintendent

DATE: February 05, 2015

SUBJECT: Two (2) Wheel loaders

Please request of the City Commission authorization to purchase two (2) Wheel Loaders for use by the Street Division. Also, please declare two Komatsu WA200-6 Wheel Loaders surplus.

Bids were received from three different local vendors, AIS Equipment, ALTA Equipment and Michigan Cat; six different machines were bid with only two of the machines meeting specifications. The two meeting specifications were a John Deere 524K from AIS Equipment and a Volvo L60G from ALTA equipment; I have summarized below for ease of comparison and attached the Bid Page's of both.

	John Deere 524K	Volvo L60G
Net cost (each)	\$157,100.00	\$153,790.00
"Full Machine" Warranty (additional)	\$2,500.00	INCLUDED
Maintenance Agreement (full 5yrs , 4000 hrs)	\$9,400.00	\$10,800.00
Total	\$169,000.00	\$164,590.00
Guaranteed repurchase	- <u>\$66,000.00</u>	- <u>\$85,000.00</u>
Total Cost to the City (after 5yrs, 4000 hrs)	\$103,000.00	\$79,590.00

You will notice on the Bid Pages of each I requested several different options to explore and determine which would be in the City's best interest, in this I have also included leasing as a possible option, the only viable lease option equipped to our specifications would be the John Deere and would not be the lowest overall cost at \$81,800.00.

Please also notice that in the Bid I requested a price for a "Full" machine warranty in past my predecessors have asked for a "guaranteed repair cost" and it seemed to always be \$3500.00 (the history I have has exceeded this over the life of the term), as you can see based on the cost of the "Full Machine Warranty" it is the best solution.

Additionally I asked for a cost of a Maintenance agreement to cover the 5 year/4000 hours, as maintenance costs rise and specialty fluids and filters are more widely used I feel it is in the best interest to have the trained factory technicians maintaining and repairing these very specialized vehicles, allowing the current Garage Vehicle Equipment Technicians to concentrate on the less specialized equipment reducing training costs on short term, unfamiliar equipment. With the AVL/GIS systems used in these loaders the dealer will likely know a problem or a service due exists before we do. Over the past five years our maintenance and potentially warranted repair costs were approximately \$23,000.00 for the two Wheel Loaders, and leaving out any inflationary figure this makes the cost of "Full Warranty" and a maintenance agreement the best value for the City. In addition this will allow the Streets Division more consistent and precise budgeting numbers.

I recommend we purchase two Volvo L60G Wheel Loaders from ALTA Equipment including both the "Full" warranty and the total term "Maintenance Agreement".

Please request the City Commission to authorize a purchase order to ALTA Equipment in the amount of \$329,180.00 for two Volvo L60G including the full Warranty and Maintenance agreement.

Delivery of the Wheel Loaders is anticipated to be before March 31, 2015 when the current Wheel Loaders are due to be returned. Funds have been budgeted and are available in the Garage Fund for this purchase. Please keep in mind that we will receive \$116,000.00 from the guaranteed re-purchase when the two Wheel Loaders currently in service are declared surplus and returned to AIS.

A handwritten signature in blue ink, appearing to be 'L. J. ...', is located at the bottom of the page.

BID PAGE
2.5 – 3 yd WHEEL LOADER
Please complete and return

We the undersigned agree to furnish the City of Traverse City with (2) two front end loaders meeting above specifications, both to be delivered on or before March 31, 2015. If we cannot furnish the new units on that date we will provide a comparable unit, for the city to use (at no cost to the City), until the new units are delivered. Buyback to start on date of delivery of the new unit.

1) Net cost to the City, F.O.B., Traverse City Garage (each).

Loader Make and Model VOLVO L60G \$ 153,790

“Guaranteed Repurchase Price” at the end of five (5) years or
4,000 hours of operation (whichever comes first). (Subtract) \$ 85,000

(Total cost to City) each \$ 68,790

Additional cost for “FULL” Machine Warranty \$ INCLUDED

Additional Cost for a Maintenance Agreement to cover the full
(5) five year 4,000 hour operation. \$ 10,800

Please provide a five (5) year 4000 hour “lease” option also if
available. \$ 2,741.85 MONTHLY
\$ 32,372.22 ANNUALLY

BY: SHAWN TANDY DATE: 2/4/2014

COMPANY: ALTA EQUIPMENT LLC

ADDRESS: 1061 STEPKE CT TRAVERSE CITY MI 49685

TELEPHONE: (231) 499-8473

SIGNATURE: *Shawn Tandy*

NOTE: Bidder must bid on all items or the bid will be rejected as being incomplete. City of Traverse City will pay only the amount of Item # 1 (unless chooses to add additional warranty coverage and/or maintenance agreement) above. Equipment and Performance bond must be satisfactorily delivered to the City before payment will be made to the successful bidder.

BID PAGE
2.5 - 3 yd WHEEL LOADER
Please complete and return

We the undersigned agree to furnish the City of Traverse City with (2) two front end loaders meeting above specifications, both to be delivered on or before March 31, 2015. If we cannot furnish the new units on that date we will provide a comparable unit, for the city to use (at no cost to the City), until the new units are delivered. Buyback to start on date of delivery of the new unit.

1) Net cost to the City, F.O.B., Traverse City Garage (each).

Loader Make and Model DEERE 524K \$ 157,100,-

"Guaranteed Repurchase Price" at the end of five (5) years or 4,000 hours of operation (whichever comes first). (Subtract) \$ 66,000,-

(Total cost to City) each \$ 91,100,-

Additional cost for "FULL" Machine Warranty \$ 2,500,-

Additional Cost for a Maintenance Agreement to cover the full (5) five year 4,000 hour operation. \$ 9,400,-

Please provide a five (5) year 4000 hour "lease" option also if available. TRAVERSE CITY \$ 69,900,-

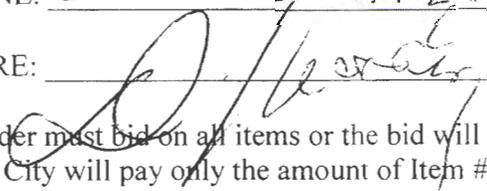
* LEASE INCLUDING PTH WARRANTY, SAME RETURN CONDITIONS AS GUARANTEED REPURCHASE.

BY: DANIEL NOVAK DATE: 2/3/2015

COMPANY: AIS CONSTRUCTION EQUIPMENT COOP.

ADDRESS: 8300 M72 EAST, WILLIAMSBURG, MI 49690

TELEPHONE: 231 267 5060 FAX 231 267 5257 CELL 651 6160

SIGNATURE: 

NOTE: Bidder must bid on all items or the bid will be rejected as being incomplete. City of Traverse City will pay only the amount of Item # 1 (unless chooses to add additional warranty coverage and/or maintenance agreement) above. Equipment and Performance bond must be satisfactorily delivered to the City before payment will be made to the successful bidder.

City of Traverse City, Michigan
INTERNAL SERVICE FUND
GARAGE FUND
2014--15 Vehicle Replacement Schedule

Department	Vehicle Description	Estimated Replacement Costs
Police	2008 Ford Crown Vic.	\$ 26,500
Police	Ford Crown Vic. Patrol Vehicle	26,500
Police	Harley Davidson Patrol	20,000
Police	Harley Davidson Patrol	20,000
Hickory/Marina	Ford Ranger	28,000
Street	Ford F450 Dump	60,000
Park	Chevrolet S10 Pick up	27,500
Street	Chevrolet C&C W/util.Body	65,000
Park	Chevy Van	75,000
Water Dist.	Ford C&CF250	32,000
Park	F350 Dump	55,000
Street	Ford L9000 Plow/Dump	210,000
Park	Dakota Pickup	27,500
Street	F350 Dump Wplow	60,000
* Street	Komatsu WA 200-6 2Yd. Loader	168,000 #132 *
* Street	Komatsu WA 200-6 2Yd. Loader	168,000 #133 *
Park	Bomardier Traxter (Hickory)	13,000
Street	Holder C9700	176,000
Street	Caterpuillar 950H 4 Yard Loader	260,000
TCPS	John Deere 445	40,000
Street	Western Star 4700 Dump,U.Body,Plow	275,000
Street	Solartech Flashing Arrow	10,000
Water Dist.	Sullivan Air Compressor	25,000
Park	Bean 2020 Sprayer	6,000
Street	Swensen Sander Body	20,000
Street	Swensen Sander Body	25,000
Street	Holder 50" Snow Blower	7,500
Street	Holder 50" Snow Blower	7,500
Street	Holder 50" Snow Blower	7,500
Park	Holder Broom	7,500
Stre.	Holder Flail Mower	8,000
Park	Holder Flail Mower	8,000
Street	Holder Broom	8,000
Street	Wasau Front Plow	9,000
Street	Gledhill Front End Plow	9,000
Street	Asphalt Recycler	200,000
Estimated Total Replacement Cost		\$ 2,191,000



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2014
FROM: ^{JO}JERED OTTENWESS CITY MANAGER
SUBJECT: #2 DIESEL FUEL PURCHASE

Telephone / fax bids were received for dyed #2 ultra low sulfur diesel fuel for use by various city departments.

The following is a summary of these bids.

<u>Vendor</u>	<u>City</u>	<u>Price/gallon</u>
Lemmen Oil	Coopersville	\$1.79075
Blarney Castle	Traverse City	\$1.81325
Brenner Oil	Mount Pleasant	Did not bid
Crystal Flash	Traverse City	Did not bid
Fick & Sons	Grayling	Did not bid
Gilberts Service Oil	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 \$17,909.29 to Lemmen Oil Company for 10,001 gallons of dyed #2 ultra low sulfur diesel fuel without additives priced at \$1.79075 per gallon with funds available in the Garage Fund.

JJO/wb

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The previous purchase price on 1/2/15 was \$1.73375 per gallon.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 17,
2015

DATE: FEBRUARY 12, 2015

FROM:  JERED OTTENWESS, CITY MANAGER

SUBJECT: ENCROACHMENT REQUEST – TRAVERSE CITY WHISKEY
COMPANY

Attached is a memo from City Engineer Timothy Lodge regarding a request from Traverse City Whiskey Company for a 1' x 4' encroachment over the City's easement adjacent to their building to allow a projecting sign.

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

that the Mayor and City Clerk execute a Permission of Encroachment Agreement with TCWC Holding Company, LLC (Traverse City Whiskey Company) for an encroachment into the City easement adjacent to the right-of-way at 201 East 14th Street, as described in the February 9, 2015, communication from the City Engineer, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and further subject to receipt of legal descriptions of the actual encroachments including a survey drawing prepared by a professional engineer, and receipt of the insurance policy required by the City Clerk.

JJO/bcm

copy: Timothy Lodge, City Engineer
Chris Frederickson, Manager of Traverse City Whiskey Company

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Memorandum

The City of Traverse City
Engineering Department



TO: Jered Ottenwess, City Manager

FROM: Timothy J. Lodge, City Engineer 

DATE: February 9, 2015

SUBJECT: Encroachment Request for a sign encroachment at 201 E 14th Street

Chris Fredrickson, of 201 E 14th Street, is requesting permission for an encroachment over a City easement that is designated for "right-of-way purposes." The encroachment request is a result of the desire to install one (1) projecting sign that will encroach approximately 1 foot by 4 feet over the City easement adjacent to the right-of-way on the west side of the existing building adjacent to Cass Street as shown in the attached sketch. The property survey showing the location is attached for reference. After routing the request for a staff review the only comment received was from TCLP warning that the installer shall be aware that there are overhead utilities in the vicinity of the sign installation.

City Engineering's position is to generally oppose encroachments that do not result in a public benefit. The encroachment will not result in a public benefit directly. However, the sign will not impede the City's interest in the easement adjacent to the street right-of-way, therefore we recommend the encroachment be approved as requested.

This matter is subject to the direction of the City Commission. Should the City Commission find that the request is in the best interest of the public and decide to approve this request for a "Permission of Encroachment", then an Agreement should be prepared by the City Attorney and should include the following:

1. A legal description of the actual encroachments.
2. A survey drawing prepared by a professional surveyor.
3. The permission of encroachment is granted on the basis of the character of the encroaching structure, provided the owner complies with all building codes and zoning ordinances and in no event shall any encroachment be enlarged or modified to create a greater degree of horizontal encroachment than what was approved.
4. The owner, its successors and assigns, shall hold the City harmless for all damages of any kind whatsoever suffered as a result of the encroachments. Furthermore, the owner, its successors and assigns, shall maintain adequate insurance on the structure for damages caused to third persons by virtue of the encroachments and shall name the City as an additional insured on such policy.

201 E 14th Street
February 9, 2015
Page 2 of 2

Should the City Commission decide to approve this "Permission of Encroachment" request, we suggest the following motion:

The Mayor and City Clerk be authorized to execute a Permission of Encroachment Agreement with TCWC Holding Company, LLC., owner of 201 E 14th Street, for an encroachment into the City easement adjacent to the right-of-way as described in the memo from the City Engineer dated February 9, 2015 subject to approval as to substance by the City Manager and as to form by the City Attorney, and further contingent upon the City's receipt of legal descriptions of the actual encroachments including a survey drawing prepared by a professional surveyor, and a copy of the required insurance policy.

TL/ml

Attachments: Sign Details
Survey Drawing



TCWCo: Building signage

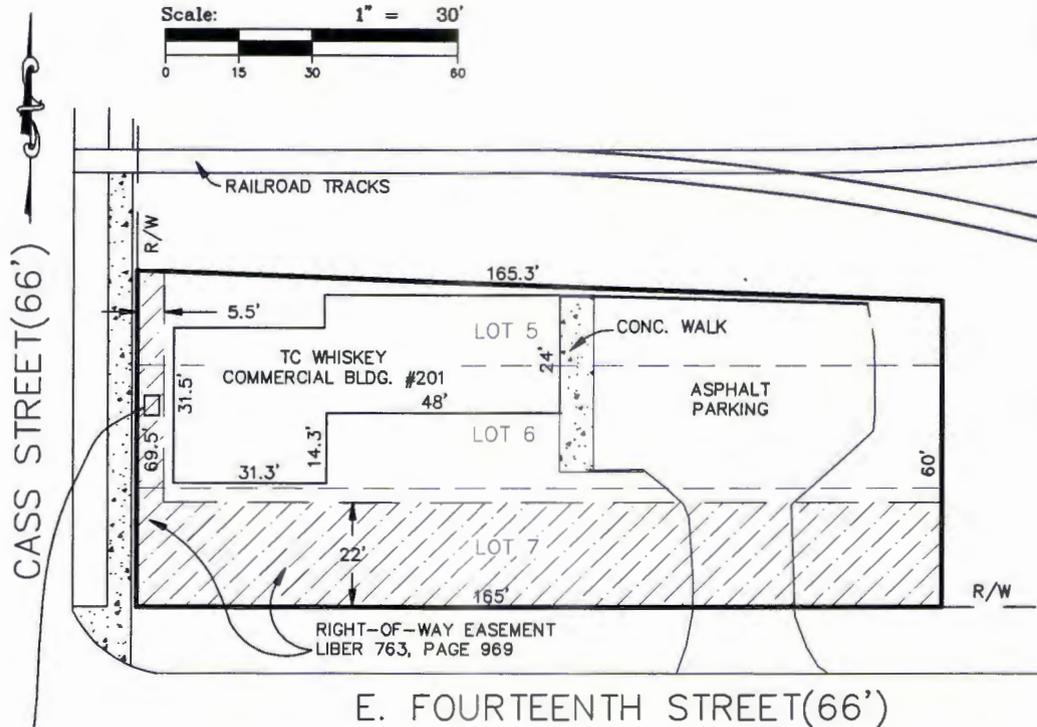
SITEPLAN

DESCRIPTION AS FURNISHED: Situated in the City of Traverse City, County of Grand Traverse, State of Michigan, and described as follows to-wit:

Lots 6 and 7, Block 5 of HANNAH, LAY AND COMPANY'S FOURTEENTH ADDITION, City of Traverse City, Grand Traverse County, Michigan, according to the recorded plat thereof, recorded in Liber 3 of Plats, Page 1, Grand Traverse County Records.

Also that portion of Lot 5, Block 5 of HANNAH, LAY AND COMPANY'S FOURTEENTH ADDITION, City of Traverse City, Grand Traverse County, Michigan, according to the recorded plat thereof, recorded in Liber 3 of Plats, Page 1, Grand Traverse County, described as follows: Beginning at the Southwest corner of Lot 5; thence North along the East line of Cass Street 16.1 feet; thence South 86°48' East 165.3 feet to the East line of said lot; thence South 6.9 feet to the Southeast corner of said lot; thence West along the South line of said lot 165.0 feet to the place of beginning.

SUBJECT TO all agreements, covenants, easements, right-of-ways, reservations and restrictions of record, if any.



PROPOSED 3'X4' PROJECTION SIGN.
SIGN IS 3' FROM BUILDING WALL AND FALLS WITHIN "EASEMENT FOR RIGHT-OF WAY PURPOSES".
SEE LI 763 PG 969 AND IN DEED LI 709 PG 224. A VARIANCE OR WAIVER OF ENCROACHMENT IS LIKELY REQUIRED FROM THE CITY.

SURVEYOR'S NOTE: THE VESTED DEED FOR THIS PARCEL AND THE TITLE POLICY REFLECTS FEE OWNERSHIP OF A RIGHT OF WAY EASEMENT TO THE WEST AND SOUTH OF #201 EAST FOURTEENTH ST. THIS AREA IS SHOWN ON THE COUNTY TAX ROLLS 51-670-057-10 AS A SEPARATE PARCEL, BUT IN FACT IT IS NOT. THE STRIP OF LAND DESCRIBED IN LIBER 763 PAGE 969 WHICH IS THE SOUTH 22 FEET AND THE WEST 5.5 FEET IS ONLY AN EASEMENT. THIS INFORMATION WAS VERIFIED & INSURED BY ATTORNEY'S TITLE AGENCY FILE NO; 28-14369948-TRV.

Jesse E. Mitchell
 Professional Surveyor No. 54433

I, Jesse E. Mitchell, a Licensed Professional Surveyor in the State of Michigan, hereby certify that I have surveyed and mapped the above parcel of land.

CLIENT: CHRIS FREDRICKSON
 TCWC HOLDING COMPANY, LLC

ALTERATION OF ANY PART OF THIS DOCUMENT WITHOUT THE PERMISSION OF BOB MITCHELL & ASSOCIATES IS PROHIBITED.

LOCATION:
 PART OF BLOCK 5, HANNAH LAY & CO'S
 14TH ADDITION TO TRAVERSE CITY,
 CITY OF TRAVERSE CITY,
 GRAND TRAVERSE COUNTY, MICHIGAN



BOB MITCHELL & ASSOCIATES
 SURVEYING / ENGINEERING
 404 West Main Street P.O. Box 306 NORTH 1ST STREET
 Kingsley, MI 49649 Harrison, MI 48625
 (231) 263-5463 • FAX (231) 263-7921
 Toll Free in Michigan 1-800-533-6827
 email jesse@mapcivilsurvey.com

20140175 SIGN SITEPLAN.DWG

DRAWN: MJC	DATE: 1-7-15	FILE NO.: 20140175
CHK: JEM	F.L.D. BK. X	PG. X
		SHEET 1 OF 1



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ^{JO}JERED OTTENWESS, CITY MANAGER

SUBJECT: ORDINANCE AMENDMENT – BROWN BRIDGE ADVISORY COMMITTEE

Attached is a previously submitted ordinance amendment recommended by the Brown Bridge Advisory Committee to amend Chapter 1065 of the Traverse City Code of Ordinances. This amendment would modify the composition of the Brown Bridge Advisory Committee in conjunction with ordinance amendment 872 which removed the requirement that one member should be a representative of Traverse City Light and Power. This amendment would also make various other housekeeping changes to the ordinance.

Since the introduction of this ordinance amendment, adjustments have been made regarding the role of the City Manager on the on the Brown Bridge Advisory Committee. According to Section 30 of the City Charter, the City Manager or their designee shall be a member with full voting authority on all City Commission appointed advisory committees; and therefore, the amendment has been modified accordingly.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Brown Bridge Conservation*, Sections 1065.02 and 1065.03, which modifies the composition and organization of the Brown Bridge Advisory Committee and makes various housekeeping changes, as recommended by the Brown Bridge Advisory Committee, which was introduced on February 2, 2015, be enacted with an effective date of February 27, 2015.

JJO/kes

K:\tcclerk\city commission\ordinance amendments\BBAC_Enact_20150217.doc

copy: Steve Largent, Grand Traverse Conservation District
Dave Green, Director of Public Services

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: HOUSEKEEPING CHANGES TO BROWN BRIDGE CONSERVATION

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1065, *Brown Bridge Conservation*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

1065.01 PURPOSE.

The purpose of this chapter is to assure that the City's property commonly known as the "Brown Bridge Quiet Area" will be preserved in its predominantly natural, scenic, forested and open space condition and to:

- (a) Restore, preserve and protect the integrity of the natural environment, including its inhabitants, yet allow managed public use for generations to come;
- (b) Protect its natural resource and watershed values;
- (c) Maintain and enhance biodiversity, serenity and solitude;
- (d) Retain quality habitat for native plants and animals;
- (e) Maintain and enhance its natural features;
- (f) Prohibit any uses which may impair or interfere with the Management Plan.
- (g) Provide for limited oil and gas extraction.

(Ord. 651. Passed 8-16-04.)

1065.02 ESTABLISHMENT.

~~The~~ Brown Bridge ~~property~~ Pond was established as a natural area for quiet recreation by City Commission resolution on March 21, 1977, and July 1, 1991, on the City-owned property including ~~the entire Brown Bridge Pond and~~ frontage on the Boardman River commonly known as "Brown Bridge Quiet Area" and legally described as: All of Section 15 and Section 14, except the North 1/2 of the Northeast 1/4, East Bay Township (T.26N., R.10W.) and the Northeast 1/4 of the Northwest 1/4 of Section 22, Paradise Township (T.26N., R.10W.), Grand Traverse County, Michigan. The Brown Bridge Quiet Area consists of the following described areas shown in the Brown Bridge Management Plan on a map entitled ~~A~~Brown Bridge Quiet Area:

- (a) **Core Area**, described generally as that portion of the Brown Bridge Quiet Area consisting of all City-owned land south of Hobbs Highway and Ranch ~~Rudolph~~ Road and north of Brown Bridge Road, extending to the east and west property lines of the Quiet Area.
- (b) **Grasshopper Ranch Area** purchased by the City on July 21, 1993.
- (c) **Perimeter Area** described generally as that portion of the Brown Bridge Quiet Area consisting of all City-owned lands outside of the Core area and the Grasshopper Ranch Area.

(Ord. 651. Passed 8-16-04.)

1065.03 BROWN BRIDGE ADVISORY COMMITTEE.

- (a) **Established.** Upon recommendation of the City Manager, the Brown Bridge Advisory Committee is established pursuant to Section 30 of the City Charter. This Committee shall be a committee advisory to the City Commission and City Manager.
- (b) **Composition; terms; expenses; vacancies.** The Brown Bridge Advisory Committee shall consist of twelve voting members. No less than six ~~fifty percent~~ of the members shall ~~to~~ be City residents. Appointments shall be for three-year terms and shall be made by the City Commission, ~~provided that~~ One member shall be the City Manager or his or her designee ex officio with voting authority and one member shall be a City Commissioner with voting authority. Members shall serve without compensation, but may be reimbursed for actual expenses incurred in Committee activities.
- (c) **Organization.** The Brown Bridge Advisory Committee shall hold regular meetings at least quarterly. All meetings shall be open to the public. The Committee may develop rules governing their operations. Seven members shall be considered a quorum.
- (d) **Duties.** The Brown Bridge Advisory Committee shall make recommendations to restore, preserve and protect the integrity of the Brown Bridge Quiet area under the direction of the City Manager. The Committee shall make recommendations regarding the Brown Bridge Quiet Area Management Plan.

(Ord. 651. Passed 8-16-04. Ord. 872. Passed 8-16-10.)

1065.04 MANAGEMENT PLAN.

A Brown Bridge Quiet Area Management Plan shall be prepared by the Brown Bridge Advisory Committee and adopted by the City Commission. The Plan shall be reviewed by the Brown Bridge Advisory Committee every five years or as directed by the City Commission. Any amendments shall be adopted by City Commission.

(Ord. 651. Passed 8-16-04.)

1065.05 REAL PROPERTY DISPOSITION RESTRICTIONS.

The following restrictions apply to disposition of real property in the Brown Bridge Quiet Area:

- (a) **Core Area.** The City Commission may sell, donate, or long-term lease real property in the Core Area only after a public hearing and upon a unanimous vote. Such proposed action shall be introduced and scheduled for a public hearing at least two weeks after introduction. Notice of the public hearing shall be published in an official newspaper of general circulation in the City.
- (b) **Perimeter Area.** The City Commission may sell, donate or long-term lease real property in the Perimeter Area only after a public hearing and upon a vote of at least five affirmative votes. Such proposed action shall be introduced and scheduled for a public hearing at least two weeks after introduction. Notice of the public hearing shall be published in an official newspaper of general circulation in the City.
- (c) **Grasshopper Ranch Area.** Real property in the Grasshopper Ranch Area may only be sold, donated or leased according to the terms of the City Charter and the Michigan Natural Resources Trust Fund Land Acquisition Project Agreement between the Department of Natural Resources and the City of Traverse City dated July 21, 1993.
- (d) **Utility Easements.** The City Commission may grant an easement for utility or related purposes according to its usual procedures.

(Ord. 651. Passed 8-16-04.)

The effective date of this Ordinance is the _____ day of _____, 2015.

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 REGULAR CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: COAST GUARD CITY DESIGNATION RENEWAL REQUEST

In 2010, the City of Traverse City was designated by United States Congress as a Coast Guard City for its support and efforts to honor the men and women of the United States Coast Guard and Air Station Traverse City. Since 2010, the City has continuously worked to build their relationship with the Coast Guard by appointing a committee whose mission is to build awareness and support for those serving our area.

The Coast Guard City designation is not permanent. A city designated as a Coast Guard City is required to reapply for this designation every five years.

Attached is a draft letter from the Mayor on behalf of the City of Traverse City explaining in great detail our growing relationship with those serving the Traverse City community. It is my recommendation that the City Commission endorse this letter and support the City's efforts in reapplying as a Coast Guard City.

I recommend the following motion:

that the City Commission wholeheartedly supports the men and women of the United States Coast Guard and the City of Traverse City renewal application for designation as a Coast Guard City and further authorizes the Mayor to sign the letter of application.

JJO/kes

K:\tcclerk\city commission\Coast Guard City Renewal_20150217.doc

copy Katelyn Stroven, Deputy City Clerk
 Captain Sean Cross, United States Coast Guard
 Coast Guard City Committee



February 12, 2015

Admiral Paul F. Zukunft
Commandant (CG-092)
2703 Martin Luther King, Jr. Avenue SE
Stop 7103
Washington, DC 20593-7362

Dear Admiral Zukunft:

*RE: City of Traverse City, Michigan
Coast Guard City Designation Renewal*

On behalf of the City of Traverse City and its community, I would like to thank you for giving us the honor of being a Coast Guard City since 2010. We have embraced this designation and have continuously worked to grow our relationship with the men and women of Air Station Traverse City and the United States Coast Guard. Please accept this letter and attachments as application for Traverse City to gain renewal of designation as a Coast Guard City.

Since our designation, the community has supported Air Station Traverse City and its members in many ways, including the appointment of the Coast Guard City Committee, a group of community members whose key role is to continuously build the critical link between the community and Air Station Traverse City. This committee facilitated the development, approval, and trademarking of an official Coast Guard City logo for use on various Coast Guard City apparel, signs, banners, and pins. Most recently, the official logo was used on newly implemented Coast Guard City signs that were installed in conjunction with city limits.

In addition to the appointment of a committee and trademarking of an official logo, many local businesses have continued to offer discounts on goods and services to those active duty and retired Coast Guard members. These discounts range from free haircuts to a percentage off the total bill of sale, to complimentary tickets to our semi-professional baseball games. Our community truly embraces our military personnel and their families and believes that all efforts are appropriate to honor them.

Offering discounts is just the beginning of our community's dedication to honoring the men and women of the Coast Guard. Each year, throughout the National Cherry Festival event, the Coast Guard plays a key role in various events. For instance, the Coast Guard is a highlight in the Cherry Royale Parade, which brings well over 10,000 spectators to the area. Representatives of the Coast Guard also participate as the keynote speakers of Hero's Night; a night dedicated to honoring the courage, keenness and devotion of all military, veterans and Coast Guard personnel

in our beautiful area. During the National Cherry Festival Air Show, the Coast Guard is given a reserved spot for a demonstration of their work utilizing a helicopter and performing a simulated rescue in action.

When visitors arrive to the area via the Cherry Capital Airport, one of the first things they see is 'Welcome to Coast Guard City, Traverse City' sign posted as you exit the terminal to baggage claim. As visitors head towards baggage claim, they come to a refurbished rotor hub prominently displaying the official Coast Guard City logo.

Throughout the holidays, the local Elks lodge provides free hams and toys to nearly 200 Coast Guard personnel and their families, furthering community support and highlighting just how much our local community appreciates and values our Coast Guard.

Currently, the Coast Guard City Committee is in the process of re-naming a road which leads to Air Station Traverse City in honor of the late BOSN4 John "Jack" Coppens, a Great Lakes Coast Guard hero that served with Medal of Honor recipient SM1 Douglas Munro at Guadalcanal. The Coast Guard City Committee is also working through the process of developing and constructing a monument to honor all Coast Guard personnel in a local park. The design of the monument was sketched by a local high school student to symbolically embody what it means to be the "Guardians of the Great Lakes."

While this letter only demonstrates a short list of honor and support efforts performed by our community, there are many more to note. I have attached a listing of all acts of honor, support and simple kindness that the Traverse City community has done for the men and woman of Air Station Traverse City.

I hope you find this letter and attached list a grand demonstration of the support we give and the honor we have for the men and women of Air Station Traverse City and the United States Coast Guard.

I look forward to hearing from you if you have any additional questions.

Sincerely,

Michael Estes, Mayor
City of Traverse City

Enclosure

copy: Captain Sean Cross, Air Station Traverse City
United State Senator Debbie Stabenow
United States Senator Gary Peters
Traverse City City Commission

A Demonstration of Support and Honor from the Traverse City Community to the Men and Woman of the United States Coast Guard:

- Each year Traverse City Area Public Schools (TCAPS) hosts the “Traverse City Patriots Game,” a highly attended football game between Traverse City West High School and Traverse City Central High School where each person in the crowd stands up proudly to honor our military personnel of the area with special emphasis on Air Station Traverse City and its members.
- During the Traverse City vs. Grand Haven High School football game, an honoree Coast Guard Cup is given to the winning team to display until the following year’s game.
- TCAPS is sure to include the Coast Guard in their career day events.
- TCAPS is currently working to evolve a “water awareness training program,” utilizing the expertise of the Coast Guard.
- Numerous local radio stations leave an open invitation to the Coast Guard to broadcast regularly.
- All local TV stations actively allow the Coast Guard to broadcast safety messages and events, all the while covering each Coast Guard hosted event such as the Change in Command Ceremony where more than 1000 community members come to watch this highly honored ceremony.
- Continued cooperation and partnerships with all written media and news outlets to broadcast critical safety messages and the timeless story of the Coast Guard.
- American Military League hosts a free spaghetti dinner each year to honor our local Coast Guard personnel and their families.
- Air Station Traverse City is a highlighted "must visit" location by community word of mouth.
- The Coast Guard is continuously considered an honored guest at numerous socials, events in the community, including Veteran's Day Guest Speaker opportunities, TCAPS functions, National Cherry Festival functions, and Elks Lodge functions.
- During the United Way Day of Caring, a free pancake breakfast is hosted and all Coast Guard personnel are encouraged to attend.
- The State Theater offers free entry to all Coast Guard personnel and their families.
- The YMCA gives discounted entry for military and family as well as a discounted one-time yearly fee for use of their state of the art brand new facility.
- The Coast Guard has a designated position in the National Cherry Festival Royale Parade and receives great community recognition.
- An opening demonstration is reserved for Coast Guard helicopters during the National Cherry Festival Airshow.
- During the National Cherry Festival Hero’s Night, the Coast Guard is a keynote speaker while the Coast Guard Color Guard stands proud displaying their official flags.
- Complimentary tickets are given for all major Traverse City events including the National Cherry Festival Queen's Coronation Ball and the Cherry T-Ball drop on New Year’s Eve.
- Each year, the Traverse City Beach Bums, our local semi-professional baseball team, hosts a Coast Guard Night and highlights all members of Air Station Traverse City. They

will give complimentary tickets to Coast Guard personnel and their families to attend games all season.

- The Coast Guard is given special consideration and/or free entry to most sporting events including King of the Mountain challenge, Turkey Trot Race, Iceman Challenge, and the Mud Run.
- Numerous local businesses offer military discounts, including restaurants, amusement parks, ski resorts/facilities, and general merchandise shopping centers.
- The Grand Traverse Yacht Club dedicates a day to host Coast Guard personnel each year for a day of simple fun.
- Rolling Thunder, a non-profit organization dedicated to fighting issues dealing with Prisoners of War/Missing in Action military members, honors the Coast Guard and Veterans at Change of Command, Ancient Albatross Change of Watch, and other Coast Guard hosted events.
- During the holidays, the Elks Lodge Club gives holiday hams and children's gifts to our local Coast Guard personnel.
- The Traverse City City Commission appointed the Coast Guard City Committee whose primary role is to focus on building the critical link between Air Station Traverse City and the community.
- The Coast Guard City Committee facilitated the development and trademarking of an official Coast Guard City logo to recognize our presence in the community.
- The Coast Guard City Committee is in the process of potentially renaming a road after the late John "Jack" Coppens, Coast Guard hero.
- A monument symbolizing the "Guardians of the Great Lakes" is in the midpoint stage of being finalized and placed in a local city park.
- Coast Guard City signs have been placed in conjunction with numerous city limit signs to notify visitors that we are proud to be a Coast Guard City.
- Coast Guard City signs and a refurbished rotor hub have been placed in the Cherry Capital Airport to inform visitors of this great designation.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: BRICKWAYS PATHS TO INDEPENDENCE – STATE RAFFLE
LICENSE

Attached is a memo from City Clerk Benjamin Marentette, explaining the request from BrickWays Paths to Independence, for it to be recognized as a local non-profit organization. If so recognized, the organization can apply for a State Raffle License to hold a raffle and/or drawing.

I recommend the following motion:

that the Local Governing Body Resolution for Charitable Gaming Licenses (issued by the Michigan Lottery), to recognize BrickWays Paths to Independence (Grand Traverse Area Community Living Management) as a local non-profit organization, be adopted.

JJO/slm

K:\ccclerk\City Commission\Non Profit Resolutions\nonprofit_brickways_20150217.doc

copy: Susan Onan, Executive Director of BrickWays

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

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

DATE: Thursday, February 12, 2015

SUBJECT: BrickWays Paths to Independence – State Raffle License

BrickWays Paths to Independence is requesting that the City Commission recognize it as a local non-profit organization. If so recognized, BrickWays Paths to Independence may apply for a State Raffle License which will allow them to hold a raffle and/or drawing.

BrickWays Paths to Independence, is a 501(c)(3) organization that supports the housing and education of adults with developmental disabilities and assists in the management of other non-profit charitable corporations or organizations who provide such services.

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

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

bcm/slm



February 3, 2015

City of Traverse City
City Clerk's Department
Governmental Center 1st Floor
400 Boardman Avenue
Traverse City, MI 49684

RE: Request for Recognition as a nonprofit operating in the community

Dear City Clerk Benjamin Marentette:

Enclosed please find the Articles of Incorporation for the GTA Community Living Management aka BrickWays and the listing of its current Board of Directors.

BrickWays, a registered corporate DBA with the State of Michigan, is one of a group of nonprofits managed by the same Board of Directors, organized and operated to provide low income housing and independent living supports to adults with developmental disabilities.

The first 501c3 nonprofit was the Community Living Center founded by Mary Jean Brick in 1978. Other 501c3 nonprofits have been added as new housing was obtained under various State and Federal programs regulated by HUD.

Funding for IDD (Intellectual & Developmental Disabilities) programs and community inclusion opportunities have diminished and in some cases, eliminated. BrickWays seeks to raise money to offset lost funding and to create new opportunities for these individuals.

If approved for a Charitable Game License, we intend to sell raffle tickets. Currently we plan to do this 2 times per year to coincide with our spring and fall fundraising dinners.

Submission of this request was approved by the BrickWays Board of Directors at their regular monthly meeting held on February 2, 2015 and recorded in the minutes.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Susan Onan".

Susan Onan
Executive Director





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

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

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

called to order by Mayor Michael Estes on February 17, 2015
DATE

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

Moved by _____ and supported by _____

that the request from BrickWays Paths to Independence of Traverse City,
NAME OF ORGANIZATION CITY

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

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

gaming licenses, be considered for APPROVAL.
APPROVAL/DISAPPROVAL

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

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
 adopted by the Traverse City City Commission at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
 meeting held on February 17, 2015.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

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

400 Boardman Avenue, Traverse City, MI 49684
ADDRESS

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



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 17,
2015

DATE: FEBRUARY 12, 2015

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: STREET PERFORMER ORDINANCE

Attached is a memo from City Attorney Lauren Tribble-Laucht recommending that the Street Performer Ordinance be amended to delete the requirement for a permit, while still maintaining time, place and manner restrictions for street performers. As indicated by the City Attorney, an incident last summer prompted a review of the ordinance and there are First Amendment concerns with requiring a permit.

The attached ordinance amendment also makes other housekeeping changes, such as requiring an unobstructed five feet of clear zone on the sidewalk, consistent with the recently-passed changes to the Sidewalk Café Ordinance.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, Chapter 864, *Elimination of Street Performer Permit Requirement*, which eliminates the requirement that those who engage in street performer activities obtain a permit and makes other housekeeping changes, while maintaining time, place and manner restrictions for street performers, be introduced and scheduled for possible enactment on March 16, 2015.

JJO/bcm

K:\tcclerk\city commission\ordinance amendments\street performer

copy: Robert Bacigalupi, Downtown Development Authority Executive
Director
Michael Warren, Chief of Police
Michael Trombley, Code Enforcement Officer

Memorandum

The City of Traverse City



TO: City Commission
COPY: Jered Ottenwess, City Manager
FROM: Lauren Tribble-Laucht, City Attorney *LJL*
DATE: February 11, 2015
SUBJECT: Recommended Ordinance Amendment – Chapter 864

As you are aware an incident last summer involving street performers gave this Office occasion to review the City's Street Performers Ordinance, Chapter 864. The primary recommended change to the Ordinance is the removal of the permit requirement. After having undertaken research and consulting with staff it was determined this requirement would not be enforced pending the Commission's consideration of this amendment. The definitions of Performance and Performer have also been clarified.

The concern with the permit requirement is that it could be construed as a prior restraint on First Amendment activities, triggering a strict scrutiny analysis. Prior restraints on speech are the most serious and least tolerable infringement on First Amendment rights and the government bears the burden of justifying such a regulation of expressive activity in a public forum (i.e. street, sidewalk or park). U.S.C.A. Const. Amend. 1. A permitting requirement bears a 'heavy presumption' against its constitutionality. See *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 130, 112 S.Ct. 2395, 120 L.Ed.2d 101 (1992). A regulation will survive strict scrutiny analysis only if it is the least restrictive means available to further a compelling government interest. *Berger v. City of Seattle*, 569 F.3d 1029 (9th Cir. 2009). By contrast, to pass constitutional muster, a time, place, or manner restriction must meet three criteria: (1) it must be content-neutral; (2) it must be "narrowly tailored to serve a significant governmental interest"; and (3) it must "leave open ample alternative channels for communication of the information." *Ward v. Rock Against Racism*, 491 U.S. 781, 791, 109 S.Ct. 2746, 105 L.Ed.2d 661 (1989). Removing the permit requirement and therefore the "prior restraint" would place the ordinance in the category of a reasonable time, place and manner restriction.

The revised Ordinance would allow the City to continue enforcing rules such as space requirements around certain locations, times, clear path for pedestrian travel, noise level and safety concerns related to performance activities. These regulations address issues which have been problematic in the past and which have a clear relationship to health, safety and welfare concerns. I have shared the draft changes with the attorney who represented the street performers who were the involved in the incident last summer, Mark Risk. He has reviewed it and provided input. Additionally he took the opportunity to discuss the draft with his contacts at the American Civil Liberties Union, who indicated the changes addressed their concerns. For the reasons outlined above, I recommend the City Commission adopt the recommended changes indicated in the attached draft. Thank you and please contact me if you have questions or would like to discuss this matter further.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ELIMINATION OF STREET PERFORMER PERMIT REQUIREMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 864 of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

864.01 INTENT.

Street performers provide a public amenity that enhances the character of the City. The City seeks to encourage such performances in a manner consistent with the overall public interest. The City also recognizes that street performers seek to and do draw crowds to their performances. This can create serious safety problems by impacting the ability of pedestrians to move safely on sidewalks and through crosswalks by impeding the response time of safety personnel. It can also impact access to and egress from businesses. Cognizant that street performers are engaged in First Amendment activities, this chapter imposes reasonable time, place and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audiences and the general public and to prevent unreasonable interference with residents' enjoyment of peace and quiet in their homes or the ability of businesses to conduct business. (Ord. 603. Passed 6-16-03.)

864.02 DEFINITIONS.

As used in this chapter:

1. *Festival* means a City Commission-authorized street fair or other public event.
2. *Perform/Performance* means a live, public presentation or exhibition which includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading aloud, puppetry, sidewalk art, reciting, demonstrating and performing of any sort.
3. *Performer* means a person who has obtained a permit pursuant to this section conducting activities defined as Performance under this Chapter.
4. *Public areas* means public sidewalks, parks, playgrounds and other pedestrian areas.

(Ord. 603. Passed 6-16-03.)

~~864.03 STREET PERFORMER PERMITS.~~

~~No person shall perform in a public area without a permit from the City Clerk. The permit shall bear the name and address of the person performing, term of permit, type and location of performing, a picture, and a statement that the permit does not constitute an endorsement by the City of the purpose of the performing or of the person or group conducting the performance. A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any police officer or City staff person upon request. Performer shall comply with this Code, State laws and regulations and the conditions of the permit. A permit shall be valid from the date on which it is issued through December 31. A permit shall be nontransferable, and shall contain the year in which~~

the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. A copy of this chapter shall accompany each permit. A performer may not receive a permit unless all previous year's tickets for violation of this chapter are paid. (Ord. 603. Passed 6-16-03.)

864.04 ——— STREET PERFORMER PERMIT APPLICATION; FEE.

Every person desiring to perform is required to make written application for a permit from the City Clerk and accompanied by a fee established by resolution of the City Commission. The application form provided by the Clerk shall truthfully state, in full, the information requested on the application such as:

- (a) ——— The applicant's name;
 - (b) ——— Birthdate of applicant;
 - (c) ——— The name, telephone number and address of the person by whom the applicant is employed or whom the applicant represents and the length of time of such employment or representation;
 - (d) ——— A description sufficient for identification of the subject matter and method of the performing in which the applicant will engage;
 - (e) ——— The period of time for which the permit is applied;
 - (f) ——— The locations of all areas in which performing will be conducted; and
 - (g) ——— The date, or approximate date, of the last permit issued under this Chapter;
 - (h) ——— A statement as to whether or not a permit issued to the applicant (or organization) represented under this chapter has ever been revoked, and if so, the reason for the revocation;
 - (i) ——— A statement as to whether or not the applicant has ever been convicted of a felony under the laws of the State or any other State or Federal law;
 - (j) ——— Driver's license or personal identification number;
 - (k) ——— A 2" x 2" color photograph of the head and shoulders of the applicant.
- (Ord. 603. Passed 6-16-03. Ord. 770. Passed 8-20-07)

864.06 RULES AND REGULATIONS.

- (a) **Locations.** Performances may take place in the following locations:
 - (1) In public areas, except within 100 feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Manager or his or her designee in the case of an emergency.
 - (2) In public areas where a City Commission-authorized street fair, public festival, farmer's market or event is being conducted, with the permission of the sponsor. Otherwise, at least one block away from such street fair or public festival, farmer's market or event.
- (b) **Times.** Individuals may perform at the following times:
 - Monday through Saturday between 7:00 a.m. and 10:00 p.m.
 - Sunday, between 12:00 noon and 10:00 p.m.
- (c) **Contributions.** A performer may request contributions or money or property at a performance. Contributions may be received in any receptacle, such as an open

musical instrument case, box or hat.

(d) **Prohibitions.** No performer shall:

- ~~(1)~~ Perform on any public area without first obtaining a permit issued by the City Clerk pursuant to this chapter.
- ~~(12)~~ Perform within ten feet of:
 - A. Any bus stop or street corner or a marked pedestrian crosswalk or
 - B. The outer edge of any entrance of any business, including, but not limited to doors, vestibules, driveways, outdoor dining area entries and emergency exits during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises.
- ~~(23)~~ Perform less than 50 feet from another performer or group of performers.
- ~~(34)~~ Perform in any area excluded by the City Commission in Section 864.07.
- ~~(45)~~ Perform in any area prohibited by the City Manager or his or her designee in the case of an emergency.
- ~~(56)~~ Use:
 - A. Any knife, sword, torch, flame, axe, saw, animal or other object, thing or being that can cause serious bodily injury to any person, or engage in any activity, including but not limited to such as, acrobatics, tumbling or cycling that can cause serious bodily injury to any person.
 - B. Any amplification device.
 - C. Any generator, wet cell battery with removable fill caps, or any other power source that poses a fire or public safety hazard.
 - D. Any connection to or maintenance of an electrical cord to an adjacent building or to a City power source.
- ~~(67)~~ Litter his or her performance site. The performer shall be responsible for clean-up of all litter at the performance site.
- ~~(78)~~ ~~Utilize or p~~Prevent the public from utilizing any public benches, waste receptacles, or other street furniture during the performance.
- ~~(89)~~ ~~Place any object on a public sidewalk which e~~Causes less than a ~~four~~ five foot contiguous sidewalk width being kept clear for pedestrian passage.
- ~~(94)~~ Perform with more instruments, props, equipment, merchandise or other items than the performer can reasonably transport or remove at one time.
- ~~(11)~~ ~~Place his or her instruments, props, equipment, merchandise or other items on a public sidewalk, public street, or public right-of-way for more than two hours without performing in accordance with this provisions of this Chapter.~~
- ~~(12)~~10 Leave his or her instruments, props, equipment, merchandise or other items unattended.
- ~~(13)~~11 Offer for sale or make available for a price or donation any items. Performers who wish to offer items for sale must obtain a transient merchant's license according to Traverse City Code Chapter 863.
- ~~(14)~~ ~~Display any sign other than the street performer permit.~~
- ~~(15)~~12 Perform in contravention of the allowable noise levels established by Chapter 652 of this Code.

~~(4613)~~ Block or obstruct a curb cut.

~~(4714)~~ Block or obstruct the free and safe movement of pedestrians. If a sufficient crowd gathers to observe a performer such that the passage of the public through a public area is blocked or obstructed, a police officer or fire official may disperse that portion of the crowd that is blocking or obstructing the passage of the public. If a performer cannot conduct a performance in a location without blocking or obstructing the passage of the public, a police officer or fire official may cause the performer to leave the location, but shall not prevent the performer from occupying another location in compliance with this Chapter.

~~(18) A minor under the age of sixteen must be accompanied at all times by a responsible adult eighteen years of age or older.~~

(Ord. 603. Passed 6-16-03. Ord. 770. Passed 8-20-07)

864.07 EXCLUSION OF PUBLIC AREAS.

(a) **Specific areas.** The following specific public areas are excluded from performances by decision of the City Commission based upon evidence presented to the City Commission during its deliberations on the adoption of this chapter:

- (1) Due to pedestrian and traffic congestion and other safety issues, sidewalks along Front Street on both sides in the 100, 200 and 300 blocks, except for performances in conjunction with a festival.
- (2) Due to pedestrian and traffic congestion and other safety issues, bridges and riverwalks, parking areas and parking facilities.

(b) **Other Areas.** The City Commission may by resolution exclude other specific areas from performances upon a determination that exclusion is necessary to protect the public health, safety, and welfare.

(c) **Emergency designation.** A public area may be temporarily excluded from performances by the City Manager or his or her designee in the case of an emergency. The area shall be excluded from performance for the duration of the emergency.

~~**864.08 REVOCATION OF PERMIT.**~~

~~A permit shall be revoked by the City Clerk if, upon receipt of written information or upon the Clerk's own investigation, the Clerk has reason to believe a performer:~~

- ~~(a) Has violated any of the provisions of this chapter, the Traverse City Code, or any statute of the State of Michigan.~~
- ~~(b) Has made a false material statement in the application or has otherwise become disqualified for the issuance of such a permit.~~
- ~~(c) Has violated any provision of this Chapter, which violation has been documented by a written complaint certified by the City Clerk.~~
- ~~(d) Has conducted a performance that is in any manner adverse to the protection of the public health, safety or welfare of the City of Traverse City.~~

~~Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the permitted performer in person or by certified mail addressed to his or her place of business or residence address set forth in the application. Immediately upon the giving of such notice, the permit shall become null and void.~~

~~(Ord. 603. Passed 6-16-03.)~~

863.09 — COMPLAINTS; APPEALS.

~~If a written complaint is filed alleging that a performer has violated any provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the performer, together with a notice that an investigation will be made as to the truth of the complaint. The performer shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.~~

~~If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this section, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or the filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to the City Commission. Review by the City Commission shall be under the same standards of review as the determination by the City Manager and shall be in accordance with rules of procedure established by the City Commission. The City Commission's decision may be reviewed by a court of competent jurisdiction.~~

~~(Ord. 603. Passed 6-16-03.)~~

864.10 APPEARANCE TICKETS.

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

(Ord. 603. Passed 6-16-03.)

864.11 CIVIL INFRACTION.

A person who violates this Chapter is responsible for a civil infraction and subject to a fine of not less than \$200 nor more than \$500.

(Ord. 603. Passed 6-16-03.)

The effective date of this Ordinance is the _____ day of _____, 2015.

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:

STREET PERFORMERS

____ 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 REGULAR MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: SIDEWALK CAFÉ ORDINANCE – ANCHORING SYSTEM FOR BARRIER

Attached is a previously submitted memo from City Clerk Benjamin Marentette recommending the Commission amend the Sidewalk Café Ordinance to allow the required barrier for Sidewalk Cafés to be attached to the adjacent building with the building owner's permission. This would provide an alternative to anchoring the barrier into the sidewalk.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Amendment to Sidewalk Café Ordinance Anchoring System Requirement*, Sections 1020.07, and 1020.08, which would allow the required barrier surrounding a sidewalk café to be anchored into the adjacent building with the building owner's permission as an alternative to anchoring the barrier into the sidewalk, which was introduced on February 2, 2015, be enacted with an effective date of February 27, 2015.

JJO/kes

K:\tcclerk\city commission\ordinance amendments\sidewalk café barrier_enact_20150217.doc

copy: Rob Bacigalupi, Downtown Development Authority Executive Director
Russ Soyring, City Planning Director
Timothy Lodge, City Engineer

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY: Penny Hill, Assistant City Manager/ADA Coordinator

FROM: Benjamin Marentette, City Clerk *BM*

DATE: Tuesday, January 27, 2015

SUBJECT: SIDEWALK CAFES – REQUIRED ANCHORING OF HARD-EDGE BARRIER

As I indicated in my January 27 email to you, which you forwarded to the City Commission, substantive changes to the Sidewalk Café Ordinance go into effect this season. The key changes are that all cafes must ensure there is a five foot clear pedestrian pathway, including trees, grates, etc. To ensure the clear pathway, cafes must install a hard-edge barrier anchored into the sidewalk. The requirement for the barrier can be waived if Assistant City Manager / ADA Coordinator Penny Hill determines the barrier is not necessary for maintaining the five foot clear zone.

When the City Commission Ad Hoc Committee deliberated these changes that were ultimately enacted by the City Commission, I understood the purpose of requiring the barrier be anchored into the sidewalk to be so that it would not move. In some cases, anchoring a barrier into the sidewalk could be problematic – for example if there is a snow melt system within the sidewalk. Therefore, as an alternative, I recommend that the cafes be allowed to anchor the barrier into the adjacent building with the building owner's permission. This should accomplish the goal of ensuring the barrier doesn't move, while providing some flexibility in terms of method.

Attached is an ordinance amendment which would implement this recommendation. As always, please let me know if you have any questions.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: AMENDMENT TO SIDEWALK CAFÉ ORDINANCE ANCHORING SYSTEM REQUIREMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1020, *Streets*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

1020.01 STREET MAP.

- (a) Adoption. All streets shall be known and designated by the names applied thereto, respectively, on the map of the City filed with the City Clerk, which map is hereby adopted and made a part of this section by reference. The naming of any new street or the changing of the name of any street shall be done by resolution, which resolution shall amend the map.
- (b) Vacated Streets. Vacated portions of streets and alleys shall be shown on the map. The vacating of any street or alley shall be done by resolution, which resolution shall amend the map. (1976 Code Sec. 9.01)

1020.02 VACATING.

- (a) Resolution. When the City Commission deems it advisable to vacate, discontinue or abolish any street, alley, public ground or part thereof, it shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when it will meet and hear objections to such action.
- (b) Notice. Notice of such meeting, with a copy of the resolution, shall be published in the official newspaper three times, at least one week apart, before the time appointed for such meeting. Notice of such meeting shall also be mailed to all abutting property owners, based on current assessment records, at least seven days prior to such meeting.
- (c) Objections. Objections to such proposed action of the Commission may be filed with the City Clerk, in writing, and if any objection is filed, the street, alley, public ground or any part thereof shall not be vacated or discontinued, except by a concurring vote of five members of the Commission.
- (d) Fee. Before any action is taken as provided in this section, the party proposing, recommending or petitioning for the vacation, discontinuance or abolishment of any street, alley, public ground or part thereof shall pay to the City Treasurer a fee as fixed from time to time by resolution of the City Commission. Under no condition shall such fee or any part thereof be refunded for failure of such vacation, discontinuance or abolishment to be approved by the City Commission.

(1976 Code Sec. 9.02; Ord. 12. Passed 2-21-77; Ord. 39. Passed 11-7-77; Ord. 322. Passed 12-16-91.)

1020.03 OBSTRUCTIONS.

- (a) Prohibitions. No person shall encumber, obstruct or endanger the proper use of any street, sidewalk or alley.
- (b) Liability. Any person having the care, either as owner or occupant, of any premises bordered by a public street or alley shall be liable to the City for any legal liability that may be adjudged against the City as a result of the placing of obstructions of any nature in the public street or alley by such person.

(1976 Code Sec. 9.04)

1020.04 PLAYING IN STREETS AND ALLEYS; TOY VEHICLES.

- (a) No person shall play ball or any other game upon any public street or alley.
- (b) No person upon roller skates or riding any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk. (1976 Code Sec. 9.06)
- (c) A person who violates this section is responsible for a civil infraction.

(Ord. No. 410. Passed 12-19-94).

1020.05 CLOSING STREETS; PERMIT REQUIRED.

No person other than a police officer or firefighter shall close any street without a permit. A person who violates this section is responsible for a civil infraction.

(1976 Code Sec. 9.18. Ord. 411. Passed 12-19-94.)

1020.06 MATERIALS OVERHANGING STREETS.

- (a) In General. No person shall suspend or support any article which will overhang any portion of a public street or alley, except as provided in these Codified Ordinances or except as authorized by written permission in the sound discretion of the City Commission.
- (b) Ropes and Pulleys. No person shall raise anything from or lower anything to any street, alley or public place by means of a rope, chain, pulley or similar device without first obtaining a permit therefor from the City Engineer. Protection for pedestrians using the street or alley shall be provided. A bond in an amount determined by resolution of the City Commission shall be posted with the City Engineer.
- (c) Awnings. No person shall install any awning overhanging any public street or alley unless such awning is of a type that will permit rolling up, elevating or otherwise withdrawing at will or unless authorized by written permission in the sound discretion of the City Commission. No awning shall have less than seven feet of clearance between its lowest projection and the surface of the public street or alley, nor shall it project into the street or alley more than nine feet from the lot line of the premises adjacent thereto.
- (d) Poles and Wires. No person, other than a recognized public utility company, shall place or remove any pole or string or remove any wire in the public streets or alleys without first obtaining a permit therefor from the City Engineer. The issuance of such permit shall be contingent upon the requirement that the placement of such pole or wire shall not be detrimental to the public safety and that the amount of tree trimming required shall be held to a minimum. A bond in an amount determined by resolution of the City Commission shall be posted with the City Engineer to protect the City and the public from damages from such operation.
- (e) Violation. A person who violates this section is responsible for a civil infraction.

(1976 Code; Adopting Ordinance; Ord. 412. Passed 12-19-94. Ord. No. 434. Passed 2-5-96.)

1020.07 SIDEWALK CAFE PERMITS.

(a) Permit Conditions. The City Clerk may issue to an adjacent food service establishment a revocable sidewalk cafe 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 (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. The sidewalk anchoring system to secure an item in the sidewalk shall be approved by the City Engineer in writing prior to installation. Anchoring systems secured to adjacent buildings and approved by the building owner, do not require approval by the City Engineer.
- E. Cause a violation of any state or local laws.
- F. Be 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 a 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 cafe 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. Barriers shall be anchored to the sidewalk upon approval by the City Engineer; alternatively, barriers can be anchored to the adjacent building with the building owner's approval. The placement of any required barriers shall be marked on the sidewalk by the Code Enforcement Officer and shall include ~~the sidewalk an~~ 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.

- (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 7-16-01. Ord. 570. Passed 7-1-02. Ord. 658. Passed 12-6-04 Ord. 700. Passed 4-3-06. Ord. 1009. Passed 8-4-14.)

1020.08 SIDEWALK CAFÉ WITH ALCOHOL PERMIT.

- (a) Permit Conditions. The City Clerk may issue to 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 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.
 - (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. Barriers shall be anchored to the sidewalk upon approval by the City Engineer; alternatively, barriers can be anchored to the adjacent building with the building owner's approval. The placement of any required barriers shall be marked on the sidewalk by the Code Enforcement Officer and shall include ~~the sidewalk an~~ 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 Cafe.
 - (6) Prohibitions. The occupancy must not:

- A. Interfere with the use of the right-of-way for pedestrian or vehicular travel.
 - B. Unreasonably interfere with the view, access to, or use of property adjacent to said street.
 - C. Reduce the pedestrian travel area of any sidewalk to less than four (4) feet in width; a clear linear path at least four (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. The sidewalk anchoring system to secure an item in the sidewalk shall be approved by the City Engineer in writing prior to installation. Anchoring systems secured to adjacent buildings and approved by the building owner, do not require approval by the City Engineer.
 - E. Cause a violation of any state or local laws.
 - F. Be 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.
- (7) Notice. Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required before issuing a permit to occupy any right-of-way area between the edge of the vehicle use area of the right-of-way and the right-of-way property line. Said notice should include an enumeration of the conditions or rights provided under Section 1020.08(1) of this Code.
- (8) Fee. Prior to the issuance of a permit, a fee in an amount established by resolution of the City Commission shall be paid to the City Clerk. This fee shall be tripled if any such occupancy occurred prior to the issuance of a permit.
- (9) Insurance. The Permittee shall show proof of and maintain comprehensive general liability insurance and liquor liability insurance and have the City of

Traverse City as an additional named insured. The amount of such insurance shall be determined by the City Clerk.

- (10) Waste. Any holder of an 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.
 - (11) Compliance with Approved Site Plan. The café shall, at all times, comply with the approved site plan.
 - (12) Food Service Establishment. Food service establishment shall be defined in accordance with its meaning in the Food Law of 2000, as amended. MCLA 289.1101.
 - (13) Regulations. The City Manager may adopt an executive order controlling the occupancy pursuant to a Sidewalk Café with Alcohol Permit.
 - (14) 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.
 - (15) Duration. Permits shall be for the period of April 1 to November 1 for the year in which granted.
 - (16) Display. A permit shall only be valid if displayed in a manner visible to the public.
 - (17) Permit Revocation. Any permit 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.
 - (18) Appeal. Persons who are refused a permit or have had their permit revoked may request in writing a hearing on that determination before the City Manager. The decision of the Manager may be appealed to the City Commission. Requests for a hearing or an appeal must be made within five (5) days of the questioned decision.
 - (19) 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.
 - (20) Appearance Tickets. The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.
 - (21) Violations. A person who violates this section is responsible for a misdemeanor.
- (Ord. 700. Passed 4-3-06. Ord. 1009. Passed 8-4-14)

1020.09. NEWSRACK PERMITS

(a) Purpose. It is the intent of this Section to place reasonable time, place, and manner restrictions on the location of newsracks or newspaper vending machines to further the City's objective in preserving the public health, safety and welfare by providing for the proper and efficient maintenance and intended use of the public rights-of-way and aesthetics while also leaving open adequate means of distribution of newspapers and other publications in public places in a manner that treats all equally regardless of their size, content, circulation, or frequency of publication.

(b) Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection.

"Newsrack" means any self-servicing or coin-operated box, container, vending machine, storage unit or other dispenser installed, used or maintained for the display, sale, or dissemination of any newspaper, news periodicals, or magazines, including the dissemination of any real estate or other publications. "Owner" means the person who is responsible for installing or maintaining a Newsrack.

"Right-of-Way" means lands, by deed, conveyance, agreement, easement, grant, dedication, usage or process of law, dedicated to the general public for street, highway, alley, pedestrian walkway, storm drainage, bicycle path or other purposes.

"Sidewalk" means any surface primarily intended for the use of pedestrians on any Right-of-Way.

(c) Newsracks Prohibited. No person shall install, use or maintain any newsrack or other structure that projects onto, into or over any part of the Right-of-Way except the Sidewalk.

(d) Permit Required. No Owner shall place or install, use or maintain any Newsrack on a Sidewalk without first obtaining a permit from the City Clerk therefore. The City Clerk may issue a revocable Newsrack permit under the following terms and conditions:

(1) The Newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times.

(2) No Newsrack shall exceed a maximum height of 48 inches, 22 inches in depth, and 26 inches in width.

(3) Newsracks shall not be placed, installed, used or maintained:

A. Within 10 feet of any crosswalk.

B. Within 10 feet of any fire hydrant or other fire department connection.

C. Within 10 feet of any driveway.

D. Within 10 feet of any designated bus stop.

E. At any location whereby the clear space for the passageway of pedestrians is reduced to less than 4 feet.

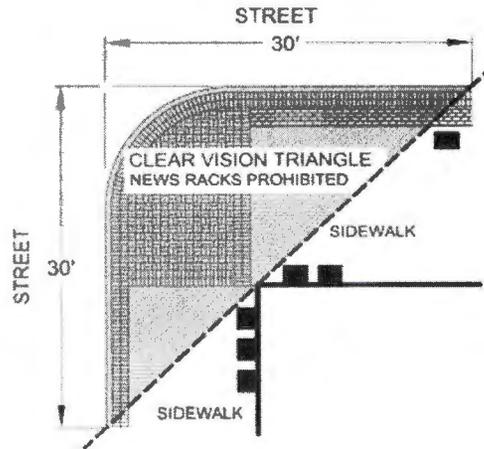
F. On or within 4 feet of any street sign, parking meter, streetlight, water valve, manhole, utility pole or other similar structure.

G. Within 4 feet from outside edges of designated emergency exit or Knox Box.

H. Within the clear vision triangle.

I. Over utility covers.

- (4) All Newsracks placed where on-street parking is permitted shall be placed parallel to and not less than 18 inches or more than 42 inches from the face of the curb.
 - (5) All Newsracks shall be stable and made of durable material.
 - (6) Newsracks shall not be secured to any public property.
 - (7) Newsracks shall not be secured to any private property without the permission of the owner or person in possession of the property.
 - (8) Newsracks shall contain a clearly legible, weather resistant identification plate, not less than 10 square inches in area, stating the name of the Owner along with the installation date and permit number.
- (e) Expiration. Once issued a Permit shall be valid provided that all terms and conditions of the Permit are met and the Newsrack is not otherwise deemed abandoned pursuant to this Section.
- (f) Fee. The permit fee shall be as established, and as may be changed from time to time, by resolution of the City Commission and shall be paid at the time of the application.
- (g) Insurance. Prior to the issuance of the Permit, the Owner shall provide the City with proof of general liability insurance naming the City as an additional insured. Such insurance shall be maintained and the Owner shall provide the City with proof thereof for the term of the Permit. The amount of insurance shall be determined by the City Clerk.
- (h) Permit Revocation. Any permit may be revoked by the City for any of the following reasons:
- (1) The occupancy does not meet the terms and conditions of this Section.
 - (2) The Newsrack has been abandoned. A Newsrack shall be deemed abandoned when no publication is in the Newsrack for a period of more than 30 consecutive days.
 - (3) If the Newsrack constitutes a threat to public health or safety.



If the City determines that any of the above conditions exist, the City shall notify the Owner in writing of the determination. The notice shall specify a reasonable time, not to exceed 10 days, in which the Owner may cure the condition. In addition, a copy of the Notice shall be affixed on the Newsrack. In the event that the Owner fails to take corrective action and does not appeal the determination as provided in subsection (i), the Permit shall be deemed revoked and the City may remove the Newsrack pursuant to subsection (j)(2).

- (i) Appeal. An Owner, who receives notification as provided in subsection (h), may request in writing a hearing on that determination before the City Manager. The City Manager's determination is final. Requests for a hearing or an appeal must be made within 10 days of the date of the notice.
- (j) Removal of Newsrack.

- (1) By Owner. In the event that an Owner desires or is required to remove a Newsrack, the Owner shall notify the City Clerk, completely remove the machine, and restore the Right-of-Way to a safe condition.
 - (2) By City. If the Permit is revoked pursuant to subsection (h), and the Owner fails to remove the Newsrack within 10 days from receipt of notice of such revocation or appeal the determination, the City shall remove the Newsrack. Upon removal, the City shall deliver a notice of removal to the Owner describing the location from which the Newsrack was removed and the address of the location where the Newsrack is being stored.
 - (k) Release of Newsrack. After Removal by the City, a Newsrack shall be released to its Owner, upon proof of ownership and payment of a pick-up and collection charge. If any Newsrack is not claimed within 30 days, the Newsrack shall be deemed abandoned and shall become the property of the City for disposal; and a disposal charge plus the pick-up and collection charge shall be assessed to the owner. The fees shall be as established, and as may be changed from time to time, by resolution of the City Commission.
 - (l) Emergency Removal. Should any Newsrack constitute a threat to the public health or safety, the Newsrack shall be subject to immediate removal by the City. In the event that the Newsrack is so removed the City shall provide the Owner with notice of the removal as soon as practical thereafter.
 - (m) Severability. The provisions of this Section are severable. If any provision of this Section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Section that can be given effect without the invalid provisions or application.
 - (n) Penalty. Any person in violation of this Section shall be responsible for a Municipal Civil Infraction, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (Ord. 823. Passed 1-19-09.)

1020.99 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 _____, 2015.

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 REGULAR MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: ESTABLISHING A PUBLIC ART ORDINANCE

Attached is a previously-submitted memo from Downtown Development Authority Executive Director Rob Bacigalupi outlining the proposed Public Art Ordinance. As you are aware, the proposed ordinance has been discussed and amended to address concerns noted at the December 8, 2014, Study Session and January 5, 2015, Regular Meeting and was officially introduced at the January 20, 2015, Regular Meeting.

This ordinance would establish an Arts Commission, Art Selection Panel and certain guidelines for placement of public art in Traverse City. The following outlines the general scope of the two bodies:

Body:	Scope:
Arts Commission	<ol style="list-style-type: none">1.) Develop a Public Art Master Plan for approval by the Parks & Rec Comm., DDA Board, and City Commission.2.) Seek public art project conceptual approval from City Commission; then issue RFP or RFQ.3.) Approve public art project and authorize expenditure and contracts consistent with prior City Commission approval, following review and recommendation by Art Selection Panel.
Art Selection Panel	As a panel made up of subject matter specialists, review proposals and make recommendations to Arts Commission.

If the City Commission chooses to enact this ordinance at its meeting, the Commission could establish a nominating committee to work on filling the seats on the Arts Commission at that meeting. There is the appointment of an ad hoc committee for consideration under Section 5, Appointments, on the Agenda.

The motion would rescind the Monument and Public Art as previously discussed. Please keep in mind any forthcoming or pending projects will need to adhere to the Public Art Ordinance once it has been enacted.

Also attached is a memo from Downtown Development Authority Executive Director Rob Bacigalupi regarding a Bryan J. Crough Memorial. As mentioned by Mr. Bacigalupi, the Downtown Development Authority has been successful in raising funds to match a Rotary Charities Grant that has been awarded. Rotary Charities has offered timing flexibility to the Downtown Development Authority in effort to utilize the newly appointed Arts Commission. The Downtown Development Authority plans to approach the Arts Commission soon after they have adopted their bylaws in effort to implement the Bryan J. Crough Memorial; and not wait for development of the Master Plan, which would jeopardize the Rotary Grant.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Public Art*, Chapter 299, which would establish an Arts Commission and certain guidelines for placement of public art in Traverse City as recommended by the Downtown Development Authority Board of Trustees, which was introduced on January 20, 2015, be enacted with an effective date of February 27, 2015; and further, that the City Commission Monument and Public Art Policy be rescinded.

JJO/kes

K:\ccclerk\city commission\ordinance amendments\Public Art_Enact_20150217

copy: Robert Bacigalupi, Downtown Development Authority Executive
Director



To: Jered Ottenwess, City Manager

From: Rob Bacigalupi, Executive Director *RMB*

Re: Bryan J. Crough Memorial

Date: Tuesday, February 10, 2015

We here at the DDA are excited that on Monday, the City Commission will consider enactment of an ordinance to create a Public Art Commission taking a more proactive approach to public art in the City of Traverse City. As you know, the DDA Board has been working with Rotary Charities on creating an original piece of art in honor of late DDA Executive Director Bryan Crough. To date, we have raised nearly \$21,000 of private funds to be matched by a Rotary Charities grant for up to \$25,000. As is the case with grants, there are time constraints that we must adhere to. Rotary Charities has been kind enough to extend some flexibility that will allow the Public Arts Commission process to proceed before bringing forth any proposal for a Bryan Crough memorial. Once the Public Art Commission has been formed and adopted bylaws, we plan on approaching them for guidance on implementing the Crough art piece. The Crough memorial will provide a nice opportunity for the newly formed Public Art Commission to do an initial project without spending any public dollars.

As always, if there are any questions regarding our efforts on this project, just let me know.



To: Jered Ottenwess, City Manager

From: Rob Bacigalupi, Executive Director

RMB

Re: Public Art Ordinance

Date: Tuesday, December 2, 2014

The DDA Board, at their October 17, 2014 Board meeting, approved a draft public art ordinance prepared by a committee with the City Attorney's help. We look forward to discussing this in detail with the City Commission at their December 8 Study Session. Attached are the following documents related to the proposed public art ordinance:

- Public Art Ordinance FAQ
- Current Monument and Public Art Policy
- Proposed Traverse City Public Arts Commission Public Art Guidelines
- Proposed Public Art Ordinance
- One Percent For Art (estimating how much revenue one percent of eligible capital improvements would generate for public art annually)

I look forward to discussing this on Monday!

Traverse City Public Art Ordinance Frequently Asked Questions (FAQ)

A. Public Art and Placemaking go hand-in-hand

What is Public Art, and what is its role in Placemaking?

“Public Art” is government sponsored or funded artwork created by or with professional artists and legally sited in publicly-accessible venues. It improves our quality of life because it makes us stop and open our eyes... it ignites conversation. Public Art and Placemaking go hand-in-hand.

B. Traverse City has the opportunity to strategically evolve its current Public Art Policy

Does Traverse City have a Public Art Policy today?

Yes. Currently, there is a *Monument and Public Art Policy* that was adopted by the Traverse City Commission on January 6, 2003. This Policy details how the public or an organization shall make requests for donated monuments and public art pieces to be located within on public property within the city. The city’s Parks and Recreation Commission then the City Commission react and respond to these requests as they occur.

Could Traverse City benefit by evolving its current Policy into a more *proactive* one?

Yes. Traverse City has the opportunity to strategically and consciously expand its collection of public art and monuments. By developing a *proactive* Public Art Ordinance that builds upon the 2003 Policy, Traverse City will have a process in place to plan for, professionally seek out, and evaluate opportunities for locating commissioned, leased, and donated artwork and monuments within the city limits. Over 350 cities throughout the United States have successfully developed and implemented Public Art Policies, and Traverse City can benefit from established best practices.

What would be the objectives of a proactive Public Art program?

A planned, strategic Public Art Ordinance would help to ensure that Traverse City:

- Builds a diverse collection of permanent and temporary artworks, accessible to all
- Engages local, regional, and national artists from multiple disciplines
- Includes artworks of highest design quality – not necessarily highest costs
- Fosters an environment where diverse viewpoints are welcomed and shared
- Provides artists the opportunity to explain their work and help broaden understanding
- Leaves a legacy of artwork for future generations

C. Start with a city-wide approach that serves as catalyst for a regional arts destination

Where would this Public Art Ordinance apply?

It is envisioned that the Public Art Ordinance and Traverse City Arts Commission would serve the entire City of Traverse City. And while the DDA has taken the lead in researching best practices for Public Art Ordinances and how a tailored program may ideally work for Traverse City, the DDA has created a committee consisting of various stakeholders with the intention of successful implementation.

Could bordering townships review and adopt this Policy if they choose?

Yes. Area townships may not have a Public Art Policy today and it may save them time to take implement Traverse City's program, when confirmed, and tailor it to meet their needs if they choose to do so. Subsequently, if neighboring townships institute a policy, there may be opportunities to collaborate with the city on traveling art exhibits or leased artworks to save costs while bringing higher-quality artwork from regionally and nationally-acclaimed artists to our local audiences.

D. Appoint an Arts Commission that has complete responsibility and authority to act

Who would oversee the Public Art Program in Traverse City?

The Public Art Ordinance has been drafted that a dedicated Arts Commission, appointed by the City Commission, would be identified with the responsibility and authority to own the process, manage, and execute for the city.

The Traverse City Arts Commission will consist of seven members who will be registered electors of the City or members of the Downtown Development Authority Board of Directors and will have evidenced interest in the advancement of Public Art in the City of Traverse City. The City Commission will appoint four members from the following public bodies of the City: one from the Parks and Recreation Commission, one from the Downtown Development Authority Board of Directors, one from the Planning Commission, and one from the City Commission. The City Commission will appoint the remaining three members of the Traverse City Arts Commission from the registered electors of the City. The City Manager, or the designee of the City Manager, shall be a member of such an advisory committee with full authority of vote.

A five-member Art Selection Panel would also be appointed to review proposals and make recommendations to the Arts Commission.

What would be some of the main responsibilities of this Arts Commission?

While the Arts Commission would be responsible to identify its own processes and practices, a summary of duties would be:

- Develop a Public Art Master Plan for the City
- Recommend the purchase of works of Public art or commission the design, creation, execution and/or placement of Public Art
- Responsible for promoting the arts in the community
- Advise the City Commission on matters pertaining to the arts program
- Manage all competitions for commissioned artwork

Is there a point in the "process" where public input would be sought?

Yes. Following other cities' best practices, there would be several opportunities for the public to be involved in various parts of the process, such as:

- The development of the Public Art Master Plan would be thoughtfully communicated and seek public input throughout the process
- The make up of the Arts Commission will have representatives from not only the City Commission, but DDA and Parks and Recreation, creating additional opportunities to keep the public informed on the public art programs by discussing all proposals and engaging the public in the process
- Meeting agendas would be posted on the City's web site; every meeting is open to the public

If the Arts Commission is effective, what would they deliver to the community?

The Arts Commission would have full responsibility and authority to act, including setting its annual goals and effectively communicating to the public and city stakeholders. Given this, a possible goal might be to execute one commissioned artwork piece per calendar year. Execution of commissioned artwork could be complemented by adding leased or temporary art in selected Master Plan locations as these opportunities arise.

E. Identify a reliable funding mechanism based on best practices

What are the funding sources that the Arts Commission would be considering?

How a Public Art Policy is set up and funded will help to ensure its success.

Many cities use a 1% or ½% CIP budget to enable a reliable funding mechanism for public art. The Traverse City Arts Commission would consider and seek funding from the DDA and City based on the projections of 1% for Art.

Why public funding?

The arts are an important educational component to foster our community in a positive direction and also serve as an economic development tool. Developing a stable source of funding for public art will ensure community access to arts and instill community pride.

Research shows that youth who participate in comprehensive, sequential, and rigorous arts programs are:

-More likely to be recognized for academic achievement, to be elected to class office within their schools, participate in a math and science fair, to win an award for school attendance, to win an award for writing an essay or poem, and to have improved scores on ACT and SAT tests

F. Communicate consistently and clearly how the process works so that individuals and organizations can become actively involved

How will the Public Arts Commission Process work?

Phase One: Assess the Project
Phase Two: Call for Proposals or Artists
Phase Three: Artist Selection
Phase Four: The Artist and Work of Art
Phase Five: Public Education/Information
Phase Six: Contracts and Budget
Phase Seven: Documentation/Evaluation

What is an example for how “Leased Art and Traveling Exhibitions” would work?

For example, “Leased/temporary Art and Traveling Exhibitions” may be located on a designated site within the Master Plan for a period of time.

Will there be an opportunity for monetary and artwork donations?

Yes. The Public Art Guidelines specifically address how artwork donations and monetary donations will be handled. All artwork donations or monetary donations proposed for a specified project will be evaluated based on the goals of the public art program and the Public Art Master Plan.

G. Ensure everyone understands, up front, how every project cost will be covered

There are many costs associated with public art. Who is responsible for what?

While the Arts Commission would have the responsibility and authority to establish processes and practices and make the final decisions, best practices have identified the following guidelines:

Commissioned Art – The Arts Commission identifies and seeks approval from the City Commission for a budget to commission an artwork: Expenditures would include payment to artist; artwork including transportation to site; installation and lighting; signage; maintenance; insurance; artist’s travel and lodging to Traverse City for public education/speaking purposes.

Leased Artwork and Traveling Exhibitions – The Arts Commission identifies and secures all funds to cover: lease payment to artist or institution; transportation to site; installation and lighting; signage; maintenance; insurance; artist’s travel and lodging to Traverse City for public education/speaking purposes.

Donation of Existing Art and Donation of a Memorial or Monument – The Donor(s) is responsible for all funds to cover: transportation to site; installation and lighting; signage; maintenance; insurance; artist’s travel and lodging to Traverse City for public education/speaking purposes.

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MONUMENT AND PUBLIC ART POLICY

This policy is designed to allow for the managed placement of monuments, memorials and public pieces of art in Traverse City parks and public spaces. The intent of this policy is to provide a structured procedure for the review of the proposal and the subsequent placement of items in parks and other City property (excluding road rights-of-way and alleys). Monuments will be limited to events and groups of historic or local significance and will be limited in total size, including base, to four feet wide, three feet tall and one foot deep.

Monument-free areas on specific monument zones may be designated by the City Commission to protect natural features or the character of a park or public area.

Requests for proposed items will first be reviewed by the Parks and Recreation Commission followed by the City Commission with opportunity at both levels for public input.

1. Monument and Public Art Review Process.
 - A. Review Criteria:

The Parks and Recreation Commission will consider several factors before making a recommendation. These will include but not be limited to:

1. Location, develop list of possible locations.
2. Character of area.
3. Safety factors to pedestrians, park users, motorists.
4. Size of item versus area of proposed installation.
5. Proximity and density of other monuments and/or public art.
6. Blocking of view corridors to bay or other significant natural features.
7. Appropriateness of item for public display.
8. Impact on park and public land usage.

The types of proposed installations to be sent to the Commission would be monuments of historic or local significance recommended by individuals, groups or organizations, and public art pieces. Items to be reviewed only by City Staff would be trees and landscape features, benches, tables, play equipment, drinking fountains, or other simple public improvements.

B. Recommendation Process:

At the conclusion of a favorable review process by the Parks and Recreation Commission, a recommendation to approve the proposed installation would be made to the City Commission. If there were no support from the Parks and Recreation Commission, at the request of the applicant, the request would be forwarded to the City Commission.

C. Upkeep of Monuments and Public Art:

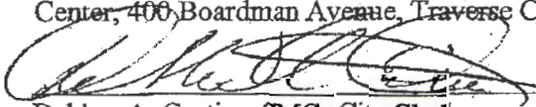
As part of the approval process, the individual or group proposing the installation shall enter into an agreement with the City to provide the necessary financial and/or physical resources to keep the monument or art piece in good condition.

If the monument or public art is damaged due to vandalism, storm, vehicular accidents, or various acts of God, the party responsible for installation of the piece will be responsible to repair or replace it in such a manner and time period deemed acceptable by the City. If the group is unable or unwilling to make the needed repair or replacement, the City may remove the item with no responsibility to repair or replace the item.

D. Public Recognition of the Item Installed:

A small plaque or other identification method may be placed on or near the item as space allows. The size, type and location of such recognition is subject to review by the Parks and Recreation Commission and the City Commission. The recognition could indicate by whom the item is being donated, or in whose honor or memory the item is being donated.

I hereby certify that the above Policy was adopted by the Traverse City City Commission at its regular meeting held on January 6, 2003, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.



Debra A. Curtiss, CMC, City Clerk

Adopted:
Effective:

Traverse City Arts Commission Public Art Guidelines

Introduction

In 2014, the City of Traverse City embarked on a public art program, and joins cities around the country that have enlivened their appearance and their appeal through the placement of art where the community gathers such as parks, buildings, plazas, pedestrian and vehicular access paths.

Funding

The Public Art Ordinance provides the City Commission shall annually appropriate an amount not to exceed \$45,000 from the general fund to the Public Arts Trust starting in fiscal year 2015/16 to be used in accordance with this Chapter. The Downtown Development Authority shall annually appropriate an amount not to exceed \$25,000 to the Public Arts Trust starting in fiscal year 2015/16 to be used for in accordance with this Chapter within the Downtown District Funds collected in the Public Arts Trust will be expended consistent with Chapter 299 of the City of Traverse City's Codified Ordinances.

Statement of Purpose

The City Commission of Traverse City finds that the presence of public art advances the interests of the City, increases its desirability, aids in the enhancement of property values, promotes economic growth, and contributes to the general welfare of the City's citizens. The City Commission believes that public art should be encouraged and, therefore, establishes the following regulations to direct the inclusion of the works of art in the public spaces of the City.

The public art program enhances life in Traverse City. Art in public places provides opportunity for visual delight; it can stimulate community dialogue by challenging familiar experience. Public art enriches lives as it creates a more cultural urban environment.

Goals of the Public Art Program

The goals of the City of Traverse City's Public Art Program are to:

- promote the visual arts in Traverse City.
- include works of art representing a broad variety of media, styles and community interests.
- provide opportunities for artists of all racial, ethnic and cultural backgrounds, disabilities and other diverse groups.
- enhance the urban environment and public spaces throughout the City.
- pursue opportunities to inform the public regarding public art including public participation in all phases of the public art process.

- document, maintain and conserve works of art in the public art collection.

Traverse City Arts Commission

The Traverse City Arts Commission will develop a Public Art Master Plan and recommend its adoption to the City of Traverse City Planning Commission and then City Commission. The Arts Commission shall regularly assess its consistency with the City Master Plan and Parks and Recreation five-year plan.

The Traverse City Arts Commission is responsible for the administration and overall management of the City of Traverse City's Public Art Program, implementation of the Public Art Master Plan, including budget supervision, securing a site location; releasing a call for proposals or call for artists, identifying and contracting with the artist, supervising fabrication and placement, creating signage, coordinating public art dedication and carrying out an educational program.

Art Selection Panel

The Art Selection Panel (ASP), a five-member panel appointed by the Traverse City Arts Commission, will review proposals and make a recommendation to the Traverse City Arts Commission.

The Art Selection Panel members must:

- be art professionals familiar with the special characteristics of Traverse City;
- have a strong background in the visual arts and have been involved in a public art selection process previously;
- be free of conflict of interest or the potential for financial gain from either the project or the purchase of that specific work of art by the City;
- be willing to sign a conflict of interest statement.

The ASP will have a strong working knowledge of public art, including aesthetic concerns, community involvement, compatibility issues, funding and contracts, documentation, placement, landscaping, cost for maintenance and site concerns. The members may consult with landscape architects or other project design professionals as needed.

The ASP is composed of arts professionals to assure objective judgment based on the critical success and professional accomplishments of the artists under consideration and to find the best possible match between the site, the community and artist.

The Traverse City Arts Commission will solicit proposals for specified projects and the ASP will evaluate the proposals based on the goals of the public art program and make a recommendation to the Traverse City Arts Commission.

In cases where there are multiple stakeholders, the Arts Commission may choose to appoint additional non-voting members representing stakeholders to the ASP.

Donations

Groups or individuals may request that the Traverse City Arts Commission consider the placement of a donated work of art or funds to initiate a new public art project.

The following parameters apply:

Artwork Donations

A potential donor of artwork will submit a written proposal, including an example of the proposed artwork, for initial review to the Traverse City Arts Commission. The donor will present the actual artwork or an image of the artwork for approval.

Following the initial Arts Commission review, the artwork will be reviewed by the ASP, which will evaluate the proposal based on the goals of the public art program and the Public Art Master Plan. The Arts Commission does reserve the right to reject artwork donations.

After evaluating the proposal, the ASP will make its recommendation to the Traverse City Arts Commission.

Gift proposals should include:

1. A site plan that locates the artwork if a specific location is proposed
2. Description of materials included in the artwork
3. Installation details
4. Recommended maintenance plan
5. Source of funding, if any, for installation and maintenance

Monetary Donations

A financial donor may contribute monetary gifts to the Public Arts Trust for use in a future public art project.

If the donor proposes a specific project or commission, a written proposal must be submitted to the Traverse City Arts Commission for review and approval.

Following Traverse City Arts Commission approval, the commission will solicit proposals for the specified project and the ASP will evaluate the proposals based on the goals of the public art program and the Public Art Master Plan and make a recommendation to the Traverse City Arts Commission.

In cases where there are multiple stakeholders, the Arts Commission may choose to appoint additional non-voting members representing stakeholders to the Art Selection Panel.

Public Arts Commission Process

The phases below outline the process for carrying out a commissioned public art project. The Arts Commission will engage the public at various stages of the process.

Phase 1: Assess the Project

At the earliest stage, the Traverse City Arts Commission discusses the feasibility of a proposed public art project. These discussions include, but are not limited to, the following questions:

1. How would the public art project serve the goals of the public art program and Public Art Master Plan and the needs of the community?
 - What art is currently included in the City's program?
 - What themes, materials and style will add to the diversity of public art in Traverse City?
 - Is there an expressed interest of style preference for this site or project?
 - What site would work for this placement?
2. What site is currently available for placement and is a feasible, visible location for public art?
3. Will the community have sufficient access to the art once it is placed and will its placement enhance the public art program as a whole?
4. If a site is first chosen, what medium would be best suited for this space?
5. Is the budget sufficient to pay for this placement or will additional funds be required from another source? If other funds are to be sought, will these funds come from a grant, contribution or by collaboration with a private sector entity such as a developer?
6. What difficulties or resistance are likely to be met?
7. What time lines and other site factors that may affect placement need to be considered?
8. What are the maintenance considerations?
9. Who besides the Traverse City Arts Commission will be actively involved in this project? Will there be architects, landscape architects, engineers, residents, affected property owners (commercial or resident), other City staff or donors involved?
10. What is the proposed budget for the project, including the cost of the public art, installation costs, signage and all other associated costs?
11. What is the timeline for the project?

Once the Traverse City Arts Commission has considered the above, it may choose to formally pursue the project by a majority vote of the commission. If the commission is unable to achieve a majority vote of its members for a project, it may continue with the discussion to resolve issues of concern.

Phase Two: Call for Proposals or Artists

Prior to sending out a Request for Proposal (RFP) or Request for Qualifications (RFQ), the Traverse City Arts Commission will seek authorization from the City Commission for expending funds and for the Arts Commission to enter into an agreement with recommended artists. The Arts Commission will then assess the project, establish selection criteria and meet with stakeholders, if any, to be involved in the vision. The Arts Commission will seek approval of a site plan from the appropriate staff. It is suggested that selection criteria be included in the RFP or RFQ.

The selection criteria could include originality of artwork, credentials of artist(s), relevance of artwork's theme, sustainability and maintenance. Criteria can be changed or modified depending on the needs in the RFP. The creation of selection criteria will set up an agreed upon expectation as to what basis the RFP or RFQ should be judged upon.

Upon agreement, the Traverse City Arts Commission will prepare and send out the RFP or RFQ. This call includes project specifics regarding the location, style or nature of the placement, type and theme of project, maintenance considerations and a budget. It is distributed to artists locally, throughout Michigan and nationally, so that the best possible pool of candidates can be assembled.

Applicants may be asked to provide examples of work (2D or 3D), a resume, a statement of interest in the project, an artist's statement and a budget. Artists are free to include other materials as they wish.

The Traverse City Arts Commission staff liaison catalogs all the artists and/or proposals.

Phase Three: Artist Selection

The ASP is called upon by the Traverse City Arts Commission to review the proposals. The ASP will review the proposals and other artist materials. It may choose to interview artists to gather additional information on the proposals, including revisions to artwork.

After deliberating on the proposals, the ASP will make a recommendation to the Traverse City Arts Commission. The ASP may choose to recommend one artist and/or proposal or a set of finalists. The Arts Commission may recommend that the finalists be displayed to the public for community feedback.

Phase Four: The Artist and the Work of Art

Once the ASP has made its recommendation to the Traverse City Arts Commission, the commission then reviews the recommendation and votes to accept or reject the recommendation. Once the recommendation has been approved by the Traverse City Arts Commission, the artist will be notified that he/she is a finalist in the competition.

The Traverse City Arts Commission may also arrange a site visit for the artist(s) so that she/he may learn about the project in more detail, its location and specific features, budget and any architectural/engineering information that is pertinent. In addition, the Traverse City Arts Commission may choose to have the artist meet with community members, stakeholders and City staff involved in the project.

Phase Five: Public Education/Information

A public art program can only be as successful as its community support. This requires an ongoing educational program that provides ample opportunities for community discussion, analysis and debate about the significant topics involved with public art. It must also provide for the informational needs of the community as a particular project is developed. The educational program is a part of the responsibilities of the commission and should be an ongoing part of the commission's annual activities.

Phase Six: Contracts and Budget

Once an artist is selected and a final budget agreed upon, the Traverse City Arts Commission will enter into a contract with the artist. The dollar amount of the contract is subject to the funds approved by City Commission and allocated to the project and the artists' fees and fabrication costs, as well as other expenses as allowed under the terms of the public art ordinance.

The contract itself is completed under the supervision of the City Manager and the City Attorney. It is a standard contract for services and transfers ownership of the art to the City at the time of installation. The contract should ensure that the art becomes the full property of the City, with no rights remaining with the artist, and should also provide for the removal of the art at such time that this is deemed necessary. The contract may also protect the City from the artists duplicating the exact work for sale to others.

The Traverse City Arts Commission and its staff liaison work together with the artist to bring the project to completion. Commissioners may enhance their understanding of the work as it is fabricated by visiting the artist's studio, exchanging photographs or inviting the artist to a meeting for an update. Other City staff, community members and professionals related to the project also collaborate to complete the project. This process may take a number of months, depending on the complexity of the art, the extent of fabrication, and the time needed to install the art.

Once the art is installed, the City may hold a dedication ceremony to formally introduce the art and the artist to the community. City Commission members, the City Manager and the commission will work together to assure this event is appropriate to the art and the location and that the dedication event will be open to the public. The art and artist will be identified with an appropriate plaque on the site.

Phase Seven: Documentation/Evaluation

The Traverse City Arts Commission will periodically review the Public Art Guidelines and Public Art Master Plan to determine how they can be improved to better meet the community's needs and interests, and the goals of the public art program, especially immediately following a selection.

The Traverse City Arts Commission will be responsible for documenting the City of Traverse City's public art. This will include art placed through the public art program and other art that is either donated to the City for public display or is otherwise owned by the City. This documentation will include a file on each work with basic information including date, acquisition process, artist and photographs. It may also include a public art brochure, video tapes and other records of the City's art works.

DRAFT

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ESTABLISHING A PUBLIC ART ORDINANCE

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 299, *Public Art*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

299.01 PURPOSE AND INTENT

The City Commission of Traverse City finds that the presence of public art advances the interests of the City, increases its desirability, aids in the enhancement of property values, promotes economic growth, and contributes to the general welfare of the City's citizens. The City Commission believes that public art should be encouraged and, therefore, establishes the following regulations to direct the inclusion of the works of art in the public spaces of the City.

299.02 DEFINITIONS

- A. "Arts Commission" shall mean the Traverse City Arts Commission established pursuant to Section 30 of the City Charter.
- B. "Art Selection Panel" shall mean a five-member panel appointed by the Traverse City Arts Commission, who reviews proposals made under this ordinance and make recommendations to the Arts Commission.
- C. "Eligible Fund" shall mean a source fund for construction projects from which art is not precluded as an object of expenditure. Eligible Funds shall exclude those funds expended for construction of utilities.
- D. "Public Arts Trust" shall mean a fund established by the City Treasurer to be used consistent with its duties as outlined in this Chapter.
- E. "Public Art" shall mean Works of Art located in highly visible public areas or private property areas that are highly visible from public areas. These are:
 - a. Outdoor areas on public property or outdoor areas on private property that are highly visible from public areas.
 - b. Interior areas that are highly traveled public areas in public or private buildings. Specifically excluded are interior areas not accessible to the general public (offices, work stations, cafeterias).
 - c. Interior and exterior wall surfaces on or in public or private buildings when the work of art is attached to the wall surface, such as a mosaic or mural and the wall surface is visible from an area that is highly traveled by the public.
 - d. Notwithstanding anything to the contrary contained in this Chapter, unless funding from the Public Arts Trust is provided for the Public Art, this Chapter

shall not apply to Public Art to be located on real property not otherwise subject to City authority.

- A. “Works of Art” shall mean all forms of original creations of visual art, including, but not limited to:
- a. Sculpture: In the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
 - b. Painting: All media, including portable and permanently affixed words, such as murals and frescoes.
 - c. Architectural Design Features: Visual interest that may be freestanding or placed on roadway structural features such as noise walls, retaining walls, sidewalks, bridges, bike paths or approved engineered structures.
 - d. Mosaics.
 - e. Mixed media: Any combination of forms or media including collage.
 - f. Digital art: An artistic work or practice that uses digital technology as an essential part of the creative or presentation process.
 - g. Photography.

299.03 ESTABLISHMENT

There is hereby established an Arts Commission pursuant to Section 30 of the City Charter and upon recommendation of the City Manager.

299.04 ESTABLISHMENT OF PUBLIC ARTS TRUST

There is hereby established a “Pubic Arts Trust” fund into which will be deposited the funds appropriated pursuant to this Chapter and from which expenditures may be made for the acquisition, commission, exhibition, and maintenance of works of art consistent with this Chapter.

- A. Funding For Public Art: The City Commission shall annually appropriate funds from the general fund to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter. The Downtown Development Authority shall annually appropriate funds to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter within the Downtown District.
- B. Private Funding of Public Art: All funds placed into the Public Art Fund through private donations or donations creating an exemption shall be expended for Public Art as hereafter provided.

299.05 INCLUSIONS AND EXCLUSIONS RELATIVE TO EXPENDITURES FOR PUBLIC ART

- A. Inclusions. The portion of the Public Arts Trust reserved for Works of Art may be expended for the following:
- a. The cost of the Public Art and its installation.

- b. Identification plaques and labels.
 - c. Waterworks, electrical and mechanical devices and equipment which are an integral part of the Public Art.
 - d. Frames, mats, and simple pedestals necessary for the proper presentation of the Public Art.
 - e. Maintenance and repair of the surface of the Public Art.
 - f. Fees to artists for the execution of final proposals for the arts commission to select from.
 - g. Exhibitions, marketing and educational programs.
 - h. For the support of artistic special events at a cost not to exceed five percent of the appropriation reserved for the Public Art.
 - i. Administrative expenses at a cost not to exceed fifteen percent of the appropriation reserved for the Work of Art.
- B. Exclusions. The portion of the Public Arts Trust reserved for Works of Art may not be expended for the following:
- a. Reproductions by mechanical or other means of original Works of Art, however, limited editions controlled by the artist may be included.
 - b. Art objects which are mass produced or of standard designs, such as playground sculpture or fountains.

299.06 TRVERSE CITY ARTS COMMISSION; COMPOSITION; TERMS OF OFFICE; COMPENSATION; EXPENSES

The Traverse City Arts Commission will consist of nine members who will be registered electors of the City or members of the Downtown Development Authority Board of Directors and will have evidenced interest in the advancement of Public Art in the City of Traverse City. The City Commission will appoint four members from the following public bodies of the City: one from the Parks and Recreation Commission, one from the Downtown Development Authority Board of Directors, one from the Planning Commission, and one from the City Commission. The City Commission will appoint the remaining four members of the Traverse City Arts Commission from the registered electors of the City. The City Manager, or the designee of the City Manager, shall be a member of such an advisory committee with full authority of vote.

All members of the Traverse City Arts Commission, excluding those appointed from the Parks and Recreation Commission, Downtown Development Authority Board of Directors, Planning Commission, and City Commission, will be appointed to terms of three years. All members of the Traverse City Arts Commission appointed from the Parks and Recreation Commission, Downtown Development Authority Board of Directors, Planning Commission, and City Commission will be appointed to terms of three years or for the length of their terms on their respective public bodies, whichever is shorter. Members will be eligible for reappointment. Members will serve without compensation, but may be reimbursed for actual expenses incurred in Commission activities consistent with this Chapter.

The Art Selection Panel, a five-member panel appointed by the Traverse City Arts Commission,

will review proposals and make a recommendation to the Traverse City Arts Commission. The Art Selection Panel shall be comprised of one representative from the Arts Commission and four arts professionals, who have knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) and who understand the challenges of Public Art, actively participate in the selection process of artists and/or artists teams. Members of the Art Selection Panel will be appointed to terms of three years.

In cases where there are one or more stakeholders, the Arts Commission may choose to appoint additional non-voting members representing stakeholders to the Art Selection Panel.

299.07 VACANCIES

In the event of a vacancy on the Arts Commission that cannot otherwise be filled consistent with this section, the City Commission will appoint a replacement to serve the remainder of the unexpired term.

299.08 ORGANIZATION

- a) The Arts Commission will schedule regular meetings to be held at least once each month and at other times as necessary. All meetings shall comply with the Open Meetings Act.
- b) At the first regularly scheduled meeting, the Arts Commission will develop by-laws governing the operations of such Commission.
- c) At the first regularly scheduled meeting, a Chairperson and a Vice-Chairperson will be elected to a term of one year. Administrative staff may act as the Recording Secretary and Administrative Manager of the Arts Commission. Officers thereafter will be elected to one-year terms upon the expiration of the terms of the previously elected officers.
- d) Five members will be considered a quorum for the transaction of business of the Arts Commission.

299.09 DUTIES

- a) The Arts Commission will develop a Public Art Master Plan and recommend its adoption to the City of Traverse City Planning Commission, Parks & Recreation Commission and City Commission. The Arts Commission shall regularly assess its consistency with City Master Plan and Parks and Recreation five-year plan.
- b) It will be the duty of the Arts Commission to study and recommend a policy and guidelines to carry out the City's public art program and Public Art Master Plan, and any amendment thereto, which will include, but will not be limited to, a method or methods for the selection of artists or works of art and for the placement of Public Art in the City.
- c) Recommend the purchase of works of Public Art or commission the design, creation, execution, and/or placement of works of Public Art and the payment therefore from the Public Arts Trust pursuant to the following procedure:
 - i) Prior to sending out a Request for Proposal (RFP) or Request for Qualifications (RFQ), the Arts Commission shall present a conceptual

project to the City Commission and seek authorization from the City Commission for an authorized budget of funds from the Public Arts Trust and for authorization for the appropriate signatories to enter into an agreement on behalf of the City with an artist to be selected and recommended by the Arts Commission for the specific project under consideration. If the City approves the conceptual project the City Commission shall authorize the necessary individuals to execute documents necessary to carry out the project subject to recommendation of the artist by the Arts Commission.

- ii) The Arts Commission will then assess the project, establish selection criteria and meet with stakeholders, if any, to be involved in the vision.
- iii) The Arts Commission will seek approval of a site plan from the appropriate staff.
- iv) The Arts Commission will prepare and send out the RFP or RFQ.
- v) The Arts Commission shall evaluate the proposals submitted in response to the RFP/RFQ and select an artist for the project.
- vi) Once an artist is selected and a final budget agreed upon, the City will enter into a contract with the artist. The dollar amount of the contract is subject to the funds approved by City Commission and allocated to the project and the artists' fees and fabrication costs, as well as other expenses as allowed under the terms of this Chapter.

- C. The Arts Commission shall be responsible for promoting arts in the community, to include, but not be limited to, dissemination of knowledge with regard to arts, recognizing local artists and their work when appropriate, and cooperation with metropolitan agencies also dealing in the arts.
- D. The Arts Commission shall be responsible for reviewing Public Art proposed to be donated to be in compliance with the public art program and Public Art Master Plan. If the Arts Commission determines the proposed Public Art is not in compliance, it shall advise and provide steps to have the proposed donated Public Art comply with the applicable requirements and standards.
- E. Recommend that site plans be approved by appropriate department heads.
- F. Recommend that any proposed Public Art will be reviewed by the department head responsible for operation or maintenance.
- G. Study and recommend rules and regulations consistent with this Chapter to facilitate the implementation of its duties and responsibilities under this Chapter.
- H. Advise the City Commission on matters pertaining to the arts programs within the city including review of requests for support, monetary or otherwise, submitted to the City; advise on the priority of such requests for or donations and placement of Public Art.
- I. The Arts Commission will have such other duties as designated by the City Commission from time to time.

The effective date of this Ordinance is the _____ day of January, 2015.

I hereby certify the above ordinance amendment was

introduced on January 5, 2015, 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



MONUMENT AND PUBLIC ART POLICY

This policy is designed to allow for the managed placement of monuments, memorials and public pieces of art in Traverse City parks and public spaces. The intent of this policy is to provide a structured procedure for the review of the proposal and the subsequent placement of items in parks and other City property (excluding road rights-of-way and alleys). Monuments will be limited to events and groups of historic or local significance and will be limited in total size, including base, to four feet wide, three feet tall and one foot deep.

Monument-free areas on specific monument zones may be designated by the City Commission to protect natural features or the character of a park or public area.

Requests for proposed items will first be reviewed by the Parks and Recreation Commission followed by the City Commission with opportunity at both levels for public input.

1. Monument and Public Art Review Process.

A. Review Criteria:

The Parks and Recreation Commission will consider several factors before making a recommendation. These will include but not be limited to:

1. Location, develop list of possible locations.
2. Character of area.
3. Safety factors to pedestrians, park users, motorists.
4. Size of item versus area of proposed installation.
5. Proximity and density of other monuments and/or public art.
6. Blocking of view corridors to bay or other significant natural features.
7. Appropriateness of item for public display.
8. Impact on park and public land usage.

The types of proposed installations to be sent to the Commission would be monuments of historic or local significance recommended by individuals, groups or organizations, and public art pieces. Items to be reviewed only by City Staff would be trees and landscape features, benches, tables, play equipment, drinking fountains, or other simple public improvements.

B. Recommendation Process:

At the conclusion of a favorable review process by the Parks and Recreation Commission, a recommendation to approve the proposed installation would be made to the City Commission. If there were no support from the Parks and Recreation Commission, at the request of the applicant, the request would be forwarded to the City Commission.

C. Upkeep of Monuments and Public Art:

As part of the approval process, the individual or group proposing the installation shall enter into an agreement with the City to provide the necessary financial and/or physical resources to keep the monument or art piece in good condition.

If the monument or public art is damaged due to vandalism, storm, vehicular accidents, or various acts of God, the party responsible for installation of the piece will be responsible to repair or replace it in such a manner and time period deemed acceptable by the City. If the group is unable or unwilling to make the needed repair or replacement, the City may remove the item with no responsibility to repair or replace the item.

D. Public Recognition of the Item Installed:

A small plaque or other identification method may be placed on or near the item as space allows. The size, type and location of such recognition is subject to review by the Parks and Recreation Commission and the City Commission. The recognition could indicate by whom the item is being donated, or in whose honor or memory the item is being donated.

I hereby certify that the above Policy was adopted by the Traverse City City Commission at its regular meeting held on January 6, 2003, in the Commission Chambers, Governmental Center, 406 Boardman Avenue, Traverse City, Michigan.



Debra A. Curtiss, CMC, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ^{JO} JERED OTTENWESS, CITY MANAGER

SUBJECT: WASTEWATER TREATMENT PLANT MEMBRANE REPLACEMENT

The City Commission has discussed membrane replacement at the Wastewater Treatment Plant over the past year. Representatives of CH2M Hill, who manage our plant, recommend replacement of four membrane trains in 2015.

Based on City Commission discussion, we have obtained final pricing to purchase and install three and four membrane trains. Please refer to the attached letter from Elizabeth Hart, CH2MHILL Project Manager for the WWTP, regarding the out of scope agreement and proposal from GE/ZENON. The full agreement with proposal is a large document (32 pages) not included in the packet and can be provided upon request. The costs are:

Membrane Train Replacement	Out-of-Scope Agreement services w/ CH2MHILL ¹	Direct costs from GE/ZENON (parts, warranty, etc.)	Total
3	\$201,468	\$2,180,433	\$2,381,901
4	\$268,624	\$2,907,244	\$3,175,868

1. Based on cost plus 20% per the agreement with CH2MHILL for operation of the WWTP

Note that the final negotiated prices from GE/ZENON and the costs associated with CH2MHILL's services are slightly lower than estimated in the December 2014 Technical Memorandum from CH2MHILL.

As indicated in my communication to the City Commission for the January 12, 2015, Study Session the cost is shared with the townships who are a party to the

Master Sewer Agreement with the City. The total cost for the City would be approximately 50%, or \$1.59 million for four trains and \$1.19 million for three trains. The City Treasurer and I will present a future recommendation on specific funding for this purchase. Actual costs will not be incurred for several months. It is important that we move forward now to have our order in the queue. Ultimately, I anticipate a minimal impact on FY 15-16 rates as a result of purchasing three or four additional trains in 2015 as we plan to introduce an interfund loan that will smooth the costs over several years as previously indicated.

The Grand Traverse County Board of Public Works Finance Committee, which consists of the townships who participate in the Wastewater Treatment Plant and are party to the Master Sewer Agreement, voted at their February 3, 2015 meeting to support the replacement of three membrane trains.

Please notice the warranty differences between the proposals to purchase three or four trains as indicated in the letter from CH2MHILL. The proposal for three trains includes a 2-year warranty for full replacement, whereas the proposal for four trains includes a 2-year warranty for full replacement plus an additional 8-year prorated warranty (2+8) at a cost that was previously cited by CH2MHILL (Technical Memorandum Addendum dated December 29, 2014) as \$9,632 per train (\$38,528 total). The warranty included with the purchase of one train in 2014 included the 2+8 warranty. GE/ZENON representatives advised me recently that they are no longer willing to offer the 2+8 warranty as part of the negotiated price included with their proposal for four trains for the purchase of three trains or for future train purchases. Rather it would cost an additional \$43,500 per train (\$130,500). CH2MHILL has previously recommended against purchasing the extended, prorated 2+8 warranty and I concur.

I recommend the following motion which would authorize the out-of-scope agreement with CH2MHILL and related equipment purchase agreement with GE/ZENON for the replacement of three membrane trains (5 affirmative votes required):

that the competitive bidding process be waived; and that the Mayor and City Clerk execute an Out-of-Scope Letter of Agreement with CH2MHILL in the amount not-to-exceed \$201,468, for professional services associated with the installation of three new membrane trains at the Wastewater Treatment Plant, with funds available in the Sewer Fund; and further that the competitive bidding process be waived; and that the Mayor and City Clerk

-Motion continued on following page-

execute a Service Agreement with GE/ZENON Environmental Corporation in the not-to-exceed amount of \$2,180,433, for the purchase of three membrane trains and associated equipment, and warranty at the Wastewater Treatment Plant, with funds available in the Sewer Fund, with both agreements subject to funding participation by the townships who are a party to the Master Sewer Agreement and subject to approval as to their substance by the City Manager and their form by the City Attorney.

Alternatively, the following motion would authorize the out-of-scope agreement with CH2MHILL and related equipment purchase through GE/ZENON for the replacement of four membrane trains (5 affirmative votes required):

that the competitive bidding process be waived; and that the Mayor and City Clerk execute an Out-of-Scope Letter of Agreement with CH2MHILL in the amount not-to-exceed \$268,624, for professional services associated with the installation of four new membrane trains at the Wastewater Treatment Plant, with funds available in the Sewer Fund; and further that the competitive bidding process be waived; and that the Mayor and City Clerk execute a Service Agreement with GE/ZENON Environmental Corporation in the not-to-exceed amount of \$2,907,244, for the purchase of four membrane trains and associated equipment, and warranty at the Wastewater Treatment Plant, with funds available in the Sewer Fund, with both agreements subject to funding participation by the townships who are a party to the Master Sewer Agreement and subject to approval as to their substance by the City Manager and their form by the City Attorney.

copy: Elizabeth Hart, Wastewater Treatment Plant Project Manager
Dave Green, Director of Public Services
Timothy Lodge, City Engineer
William Twietmeyer, City Treasurer/Finance Director
John Divozzo, Grand Traverse County Public Works Director

K:\tcclerk\city commission\agreements\membrane replacement wastewater treatment plant 2015



January 22, 2015

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

Re: Membrane Installation Out of Scope Agreement Letter

Dear Mr. Green:

Please accept this memo briefly describing the enclosed Out of Scope Agreement Letters for Membrane Replacement and Upgrade.

The City has before them two separate proposals from GE. One proposal is addressing the Replacement and Upgrade of 4 Membrane trains, and the other is addressing the Replacement and Upgrade of 3 Membrane Trains. The membrane trains to be replaced will be the worst performing of the trains currently operating with 500C cassettes. CH2MHill will work with GE on the Replacement and Upgrade of either 3 or 4 trains as an Out-of-Scope Project.

The enclosed agreement letters outline the cost and scope of the Membrane Replacement and Upgrade Proposal as it pertains to CH2MHill. The budget for the Out-of-Scope Project is detailed below:

Membrane Replacement and Upgrade
 Out-of-Scope Costs

Labor	\$18,735	CH2MHill cost per train \$26,356. Estimated cost in Memorandum from December 4, 2014 was \$30,533/Train. The Non-Labor costs have decrease by \$2,547 compared to last year. Labor costs have increased \$8,026 because we under estimated the labor needed last year and CH2MHill absorbed the cost that was not covered by the Out-Scope Agreement.
Non-Labor	\$7,621	
Membrane Tank Recoating	\$27,500	Recoating is necessary before installing new membranes because the flaking of the current coating could damage membranes. Estimated cost in the Memorandum \$27,480
6% sales tax	\$2,107	CH2MHill is subject to sales tax
Subtotal:	\$55,963	Per Train, last year subtotal equaled \$20,878 but did not include tank recoating and did not cover all the labor needed to replace and upgrade membrane train 1. CH2MHill absorbed the labor not covered by the agreement.
20% Markup	\$11,193	Per Section 2.28 of current contract

Total per Train \$67,156
 Total for 3 Trains \$201,468
 Total for 4 Trains \$268,624

Please note that GE's Proposal deviated from the, non-binding, agreement to use the most recently published value for the US Consumer Price Index-All Urban Users (CPI-U) of 234.812 in December, and instead has used a forecasted CPI-U index of 238.664 for June 2015 (which is the projected average shipping date of the modules for all three trains). The September 2014 CPI-U value of 238.031 was used in the December technical memorandum to estimate the cost of Membrane Replacement. In short, CH2MHill estimated that the cost to replace and upgrade membranes would be \$721,220/train and the actual cost in the GE proposals is \$726,811/train. This change in CPI results in an increased cost of \$5,591.00 per train.

It is also important to note, that the Proposal to replace 4 trains of membranes includes an additional 2+8 year pro-rated warranty, while the proposal to replace 3 trains of membranes includes a 2 year cliff membrane warranty.

Summary of the over Cost of Membrane Replacement:

	Total Cost of Replacing 4 Trains	Total Cost of Replacing 3 Trains
CH2M HILL Services	268,624	201,468
GE's Proposal	2,907,244	2,180,433
Total Cost	\$3,175,868	\$2,381,901

If you have any further questions regarding the Membrane Replacement Proposal, process, or Out-of-Scope Agreement please contact me.

Sincerely,



Elizabeth Hart, CH2MHill Project Manager

cc: John Bowman, CH2MHill Regional Business Manager
Jered Ottenwess, Traverse City Manager



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: ACCESSORY DWELLING UNIT REGULATIONS

Attached is a memo from Planning Director Russell Soyring regarding the Planning Commission recommended ordinance amendments to requirements regarding Accessory Dwelling Units. The proposed amendments would repeal Chapter 1377, Accessory Dwelling Units Overlay Districts which allowed Accessory Dwelling Units in the Traverse Heights Neighborhood only, and amend Chapters 1320 and 1332 to allow permanent Accessory Dwelling Units in Single-Family Districts. This amendment would also amend Chapter 1374, Circulation and Parking, to eliminate the parking permit requirement for those residents living within an Accessory Dwelling Unit.

Please note that the amendment would limit the number of new Accessory Dwelling Units to ten per calendar year and would require all Accessory Dwelling Units to be registered with the City Clerk's Office.

As noted by the City Planning Director, Temporary Accessory Dwelling Units are currently allowed by Special Land Use Permit in single family zones for a person(s) with substantial need. The proposed ordinance amendment would allow for the development of permanent Accessory Dwelling Units by right in R-1a, R-1b, RC, and MU Districts, as described in the attached memo from the City Planning Director. The attached map which delineates the zoning areas in which Accessory Dwelling Units would be allowed by this ordinance amendment.

See motion on the following page

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, Sections 1320.07, Accessory Dwelling Units Definition Amendment; 1332.01, Single Family Dwelling (R-1a, R-1b) District Uses Allowed; 1332.07, Accessory Dwelling Units in Single Family Dwelling Districts with Conditions; 1374.03, Accessory Dwelling Units No Parking Required Amendment, and 1377, Repeal of Accessory Dwelling Units Overlay Districts Ordinance Chapter 1377, as recommended by the Planning Commission, be introduced and scheduled for possible enactment on March 16, 2015.

JJO/kes

K:\tcclerk\city commission\ordinance amendments\ADU_Intro_20150217

copy: Russell Soyring, Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: JERED OTTENWESS, CITY MANAGER
FROM: RUSS SOYRING, PLANNING DIRECTOR 
SUBJECT: ACCESSORY DWELLING UNIT REGULATIONS
DATE: FEBRUARY 5, 2015

The City Planning Commission on a 6-2 vote recommended that Accessory Dwelling Units (ADU's) be allowed by right with specific requirements in the R-1a and R-1b (Single Family Dwelling Districts), RC (Residential Conservation District) and the MU (R-1b / Mixed Use PUD-Morgan Farms Area) . The recommended regulations would replace the set of regulations that allow ADU's by right with requirements in the Traverse Height's neighborhood.

During public comment, ten people spoke; six made supportive comments regarding the regulations and; four either expressed opposition or had concerns regarding the specific requirements proposed for ADU's.

Over the last couple decades the Planning Commission discussed and made recommendations to allow Accessory Dwelling Units by right in single family residential zones. More recently, in 2013, the Planning Commission recommended that the single family zoned areas of Traverse Heights Neighborhood be allowed to have accessory dwellings by right. The City Commission passed the amendment on April 15, 2013. The existing conditions limit the number of accessory dwellings to five per calendar year. To date, there have been no accessory dwelling units constructed in Traverse Heights neighborhood.

In May 2014, the Planning Commission asked the Housing and Building Committee (a committee of the Planning Commission) to discuss the possibility of expanding the areas where accessory dwelling units would be permitted. At the August 5, 2014 meeting, the committee presented draft ordinance amendment recommendations to the Planning Commission and received feedback. The committee reconvened and presented another draft amendment to the Planning Commission on December 2, 2014 and received additional feedback. The Housing and Building Committee met again and revised the ordinance.



Memorandum

The City of Traverse City
Planning Department



Construction of accessory dwelling units would assist with the following:

1. Would help to implement a goal of the Traverse City Master Plan which is to expand residential choices.
2. Creates new housing units while respecting the look and scale of single-family residential zones
3. Supports more efficient use of existing housing stock and infrastructure.
4. Offers environmentally friendly housing options with smaller living quarters.
5. Addresses the needs of the changing family needs, smaller household size and escalating housing costs.
6. Provides accessible housing for seniors and persons with special needs.

It is worthy to note that Temporary accessory dwellings are allowed by Special Land Use Permit in single family zones for a person(s) with a substantial need. When the circumstances change where the substantial need no longer exists, the accessory dwelling must be discontinued. (Please see Section 1364.08(n).) Should the attached set of regulations for ADU's be enacted by the City Commission the regulations for Temporary accessory dwelling would not be needed and could be deleted as a future revision to the Zoning Code.

Please pass on the City Planning Commission's recommendation for an amendment to the Traverse City Code of Ordinances Sections 1320.07, *Definitions*; 1332.01 Single Family Dwelling (R-1a, R-1b) District *Uses Allowed*; 1332.07 Single Family Dwelling (R-1a, R-1b) District *Accessory Buildings*; 1374.03 *Circulation and Parking Motor Vehicle Parking*; and Chapter 1377 *Accessory Dwelling Units Overlay Districts* to allow accessory dwelling units in the single-family dwelling districts with conditions be recommended to the City Commission for adoption.

Attachment: Draft Regulations



TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ACCESSORY DWELLING UNITS DEFINITION AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

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

1320.07 DEFINITIONS.

As used in this Chapter:

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.

Accessory building means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as and spacially separated from the principal building.

Accessory dwelling unit means a secondary, self-contained dwelling allowed only in conjunction with a detached single family dwelling. It is subordinate in size, location and appearance to the primary detached single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. It may be located within, attached to or detached from the primary single family dwelling. smaller, secondary home on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation. There are two types of accessory dwelling units:

- a. Accessory dwelling in an accessory building (examples include converted garages or new construction)
- b. Accessory dwelling that is attached or part of the principal dwelling (examples include converted living space, attached garages, basements or attics; additions; or a combination thereof).

Accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Foster Care Family Home means a private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home State licensee shall be a member of the household and an occupant of the residence.

Adult foster care small group home means a State licensed adult foster care facility with the approved capacity for not more than 12 adult residents to be provided foster care.

Affordable housing means housing units for eligible low-income households where the occupant is paying no more than 30% of gross income for housing costs.

Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Airport terminal means the main passenger location of an airport and includes all office, hotel and retail uses commonly occurring at such locations.

Alley means a way which functions primarily as a service corridor and provides access to properties abutting thereon. "Alley" does not mean "street".

Alteration means any change, addition or modification in construction or type of occupancy; any

change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Basement means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story (see Figure 1-1). A cellar is a basement.

Berm means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block, face. "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boat house means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat livery means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

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

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of. See "Height of building".

Building, principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

Cemetery means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the public.

Cluster means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Communication Antenna means a device, dish or array used to transmit or receive telecommunications signals mounted on a communication tower, building or structure that is greater than one square meter in a residential district or two square meters in a non-residential district. Antenna does not include federally-licensed amateur radio station, television or radio receive-only antennas or antennas used solely for personal use. Communication antennas are not "essential services," public utilities or private utilities.

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

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

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

Country club. See "golf course".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Floor area. See AGross Floor Area@.

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

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

Grade means

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

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

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

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

Height of building means the vertical distance from the grade to the highest point on a mansard

or flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs. (See Figure 1-3).

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

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

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

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

Land clearing means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nursing home. See “Residential care and treatment facility”.

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

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

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

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

Parcel. See a “lot”.

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

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

Parking area, off-street. "Off street parking area" means a land surface or facility providing vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recreational facilities means buildings, or grounds, excluding amusement parks, where a variety of sport or exercise activities are offered.

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

Residential Care and Treatment Facility means a facility providing:

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

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

Restaurant, fast food means an establishment where food and drink are served to customers at a counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

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

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

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

sorority houses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Townhouse means a multiple dwelling in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

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

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

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

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

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

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

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

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

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

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

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

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ACCESSORY DWELLING UNITS IN SINGLE FAMILY DWELLING DISTRICTS WITH CONDITIONS

THE CITY OF TRAVERSE CITY ORDAINS:

That the Single Family Dwelling Districts, Chapter 1332, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1332.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in the Single Family districts:

- Accessory Dwelling Units meeting the following requirements:
 - (1) The existing site and use are substantially in compliance with this Zoning Code.
 - (2) There shall be a maximum limit of ten (10) newly registered Accessory Dwelling Units per calendar year.
 - (3) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.
 - (4) Only one accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
 - (5) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.
 - (6) Accessory dwelling units must meet the following additional requirements:
 - i. Location of entrances. Only one entrance may be located on the façade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - ii. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling.
 - (7) Individual site plans, floor plans, elevation drawings and building plans for the proposed accessory dwelling unit shall be submitted with the application for a land use permit.
 - (8) The accessory dwelling unit incorporated in the principal dwelling may be no more than 800 square feet or the size of the principal dwelling, whichever is less. A unit in an accessory building may not exceed 800 square feet and must meet all the requirements of Section 1332.07. The accessory dwelling unit must have at least 250 square feet of gross floor area.
 - (9) At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit. The owner occupant shall meet the requirements for a

principal residence tax exemption.

(10) The accessory dwelling unit will be registered with the City Clerk's Office.

- Adult foster care family home;
- Athletic fields;
- Boat houses if they are an accessory use, if they are designed for housing a boat, if provisions are made for routing of any boardwalk, and if proper State and federal permits are obtained;
- Community Gardens;
- Dwellings, single family;
- Essential services;
- Golf courses;
- Home occupations subject to the following conditions:
 - (1) A home occupation shall be conducted within the dwelling which is the bona fide residence of the principal practitioner of the occupation, or in a building accessory to such dwelling.
 - (2) All business activity and storage shall take place within the interior of the dwelling and/or accessory building.
 - (3) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (4) The home occupation shall not generate vehicular traffic beyond eight trip-ends per day.
 - (5) Only off-street parking facilities customary for a residential use and located on the premises may be used.
 - (6) No vehicles used in the conduct of the occupation may be parked, kept or otherwise be present on the premises, other than such as are customarily used for domestic or household purposes.
 - (7) Home occupations shall be conducted solely by persons residing at the residence, and no more than two such persons shall be employed in the home occupation.
 - (8) Any sign identifying the occupation must conform to the regulations of Traverse City Code Chapter 1476, *Signs*.
 - (9) No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
 - (10) Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.
 - (11) The use shall not generate noise, vibration or odors detectible beyond the property line.
- Medical Marihuana Cultivation on a Parcel containing one Single Family Dwelling meeting the following requirements:
 - (1) No more than the maximum number of plants one (1) person may cultivate under the Michigan Medical Marihuana Act shall be cultivated per Parcel;
 - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security

devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;

- (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the Parcel and shall not be visible from an adjoining public way;
 - (5) The Principal Use of the Parcel shall be a Dwelling and shall be in actual use as such.
 - (6) No transfer of Medical Marijuana to Qualifying Patients other than Qualifying Patients residing on the Parcel shall occur.
 - (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.
- Medical Marijuana Cultivation on a Parcel containing a more than one Single Family Dwelling, a Two Family Dwelling, or a Multiple Family Dwelling meeting the following requirements:
 - (1) No more than 12 Medical Marijuana plants shall be cultivated per Dwelling Unit;
 - (2) The Medical Marijuana Cultivation shall comply at all times with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (3) All medical marijuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
 - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the dwelling unit and shall not be visible from an adjoining public way;
 - (5) The Principal Use of the Dwelling Unit shall be a Dwelling and shall be in actual use as such;
 - (6) No transfer of Medical Marijuana to Qualifying Patients other than Qualifying Patients residing within the Dwelling Unit shall occur;
 - (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.
 - Playgrounds;
 - Tourist homes meeting the following requirements:
 - (1) Rooms utilized for sleeping shall be part of the primary residential structure and shall not be specifically constructed or remodeled for rental purposes.
 - (2) The tourist home shall not be closer than 1,000 feet to an existing licensed tourist home.
 - (3) The exterior appearance of the structure shall not be altered from its single family character.

- (4) There shall be no separate or additional kitchen facility for the guests.
- (5) Off-street parking shall be provided as required by this Zoning Code and shall be developed in such a manner that the residential character of the property is preserved.
- (6) A site plan is approved according to the Zoning Code. Certain site plan information may be waived at the discretion of the Planning Director.
- (7) A City tourist home license is maintained.
- (8) A tourist home shall be an incidental and secondary use of a dwelling unit for business purposes. The intent of this provision is to ensure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhoods involved, and to ensure that tourist homes are clearly secondary and incidental uses of residential buildings.

(Ord. 476. Passed 7-6-99. Ord. 649. Passed 8-16-04. Ord. 842. Passed 8-3-09. Ord. 875. Passed 8-16-10. Ord. 895. Passed 12-6-10.)

1332.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.

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

- Adult foster care small group home;
- Clustered single family dwellings;
- Conversions of one family dwellings to two-family dwellings;
- Essential services buildings;
- Group day care homes;
- Places of worship;
- Schools;
- Temporary accessory dwelling units.

(Ord. 895. Passed 12-6-10.)

1332.03 LOT, DENSITY AND IMPERVIOUS SURFACE PROVISIONS.

<u>Lot width (min.)</u>	<u>Lot area (min.)</u>	<u>Density (maximum)</u>	<u>Impervious surface</u>
R-1a: 90 feet	9,000 sq. feet	Not applicable	30% maximum
R-1b: 35/45 feet ¹	5,000 sq. feet	Not applicable	45% maximum

¹The minimum lot width for parcels located north or east of the US31/M-72, east of Milliken Drive and south of Eastern Ave are 45 feet.

(Ord. 476. Passed 7-6-99. Ord. 621. Passed 2-2-04. Ord. 916. Passed 6-6-11. Ord. 956. Passed 1-7-13)

1332.04 SETBACKS.

(a) **Front setbacks:**

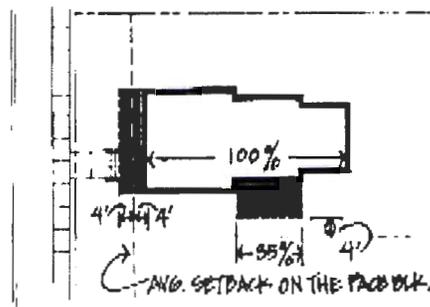
Building:

R-1a: 25 feet minimum.

R-1b: Within 4 feet of the average setback of principal buildings on the same face block, but no closer than 6 feet from the front property line.

Parking area:

R-1a: 3 feet minimum.



R-1b: 3 feet minimum.

(b) Side setbacks (minimum):

Building:	<u>One side</u>	<u>Aggregate</u>
R-1a:	8 feet	20 feet
R-1b:	6 feet*	14 feet

*35% of a building side wall may be located no closer than 4 feet from the side property line.

Parking area: 2 feet

(c) Rear setbacks (minimum):

Building:	R-1a:	30 feet	R-1b:	25 feet
Parking area:	None.			

(d) Through lots and corner lots having a frontage on two streets shall provide the required front setback on both streets.

(e) Water setbacks: 50 feet inland from the ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25 feet from the ordinary high water mark of Boardman River. Where the dock line is established by City ordinance, it shall be measured inland from the dock line.

(f) Storage of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment is limited to the rear yard only. Storage shall mean parking the vehicle or equipment in an area unused for the purpose for which it was designed for a period of 30 consecutive days or more.

(Ord. 476. Passed 7-6-99. Ord. 757. Passed 7-2-07.)

1332.05 ENCROACHMENTS INTO THE SETBACKS.

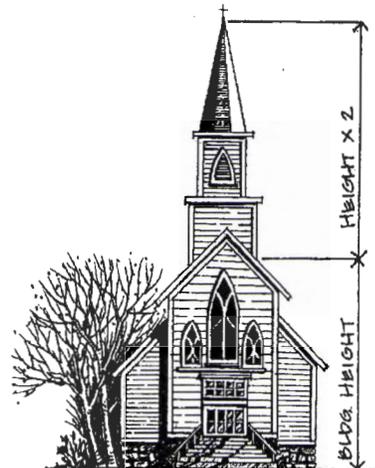
No encroachments into the required setbacks are allowed except:

- (a) Eaves, chimneys, sills, belt courses, cornices and ornamental features** not to exceed 18 inches are permitted to extend within the setbacks.
- (b) Terraces, patios, decks, uncovered and unenclosed porches and other ornamental features** which do not extend more than 30 inches above grade at the nearest side property line may project into a required side setback provided these projections are no closer than 2 feet from the subject side property line.
- (c) An unenclosed balcony, porch or deck** may project into a rear setback for a distance not exceeding 10 feet.
- (d) An unenclosed balcony or porch** may project into a front setback not more than 8 feet from the exterior building line, but not closer than 6 feet from the front property line.

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

1332.06 BUILDING HEIGHT.

- (a) Building height (both districts):**
Maximum 35 feet.
- (b) Exceptions:**
Steeple and clock towers may be erected to a height not exceeding twice the height of the attached building.
Parapet walls may be used to screen existing equipment may be erected if the wall extends around the perimeter of the building and incorporates exterior building materials

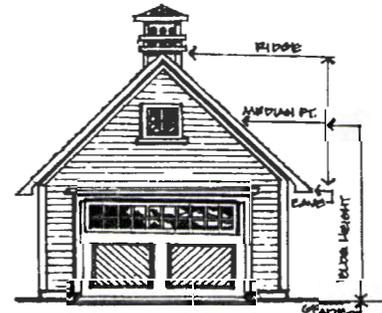


similar to those of the main building.
(Ord. 476. Passed 7-6-99. Ord. 726. Passed 3-19-07.)

1332.07 ACCESSORY BUILDINGS.

Accessory buildings shall:

- (a) Only be permitted in the rear yard except accessory buildings may be located streetward on lots on navigable water and may be located streetward of the principal building on the less traveled street on through lots.
- (b) Not exceed 25 feet or the height of the principal building, whichever is less.
- (c) Not be closer than 4 feet to any side or rear property line. A boat house up to 250 square feet in gross floor area may be built to the water's edge.
- (d) Have a total gross floor area of all accessory buildings on the lot no greater than ~~65~~ 80% of the gross floor area of the principal building.
- (e) Be constructed using materials and features similar to the principal building if the accessory building exceeds 200 square feet in gross floor area.



1332.08 PARKING, LOADING AND DRIVEWAYS.

Minimum parking space requirements for single family dwellings are 1 per dwelling unit.

Additional requirements for parking, loading and driveways are contained in Chapter 1374.

Any residential building or driveway constructed after the effective date of this zoning code which has access to a maintained alley shall not have access to a street nor shall a parking area be located in the front yard.

For parcels having alley access, the parking of a boat, motor home, camper, utility trailer or other recreational vehicle is limited to the rear yard.

Any parking area for single or two family residential use shall, at a minimum, be surfaced and the area clearly defined with gravel, crushed stone, concrete, asphalt, brick or equal material, and be maintained substantially free of dust, mud and standing water.

Parking for motor vehicles shall occur only on a surface permitted by this code.

In addition, athletic fields may provide up to 50% of the required number of organized parking on an area developed in turf grasses. Grassed parking areas are considered as providing one parking space for every 350 square feet of continuous turf-covered area. All grassed parking areas shall be maintained in a healthy, vigorous growing condition and shall not be used more than 12 times per calendar year. When use requires more frequent parking, an impervious surface or approved pervious hard surface parking area shall be developed.

(Ord. 476. Passed 7-6-99. Ord. 758. Passed 7-2-07.)

1332.09 SPECIAL REQUIREMENTS.

To preserve and reinforce the development patterns of the Single Family Dwelling District the

following special requirements shall apply:

- (a) In the Boardman and Central Neighborhood Historic Districts, attached garages for parcels with alley access shall be prohibited.
- (b) In the Boardman and Central Neighborhood Historic Districts, the distance between dwellings and accessory buildings greater than 200 square feet that have alley access shall not be less than 30 feet. The 30 foot separation between dwellings and accessory buildings can be reduced to 20 feet if it is determined to be impractical by the Planning Director.

(Ord. 974. Passed 7-1-13)

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ACCESSORY DWELLING UNITS NO PARKING REQUIRED AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That the Circulation and Parking Section 1374.03, *Motor Vehicle Parking*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1374.03 MOTOR VEHICLE PARKING.

- (a) **Compliance required.** In all districts, except the C-4 districts (where the provision of off-street parking is not required) and those properties located within 500 feet of a public parking structure, off-street parking shall be provided as required by this Chapter unless otherwise provided by parking waiver pursuant to this Zoning Code. In the C-4 district and those properties located within 500 feet of a public parking structure, when private parking is provided, it shall meet all requirements of this Chapter with the exception of the parking space requirements of subsection (d). Full off-street parking compliance is required as follows:
- (1) **New Construction.** For all newly constructed buildings.
 - (2) **Enlargement.** Whenever a building is expanded to increase its gross floor area.
 - (3) **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking pursuant to this Zoning Code than the former use.
 - (4) **Parking Area Construction and Expansion.** For all new parking areas and whenever existing parking areas are expanded. Normal maintenance, such as regrading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.
- (b) **Land use permits; plans; improvement guarantees.** Land use permits shall be required for parking area construction or expansion in all districts. In addition, the following shall be submitted:
- (1) **Plans.** For any parking construction or expansion a plan shall be submitted to and approved by the City Engineer prior to the commencement of construction. Such plan shall include:
 - A. Setbacks, spacing and size of spaces,
 - B. Landscaping and lighting (where applicable),
 - C. Ingress and egress,
 - D. Surfacing and drainage,
 - E. Proposed and existing grades,
 - F. General specifications,
 - G. Parking details and any other information as shall be deemed necessary by

the Planning Director or City Engineer prior to the issuance of a land use permit.

Except for parking areas and driveways for one and two-family dwellings, such plans shall be sealed by a registered professional engineer or architect who is licensed to do business in the State. Specific plan requirements may be waived by the Planning Director or City Engineer when, in their opinion, the proposed changes do not warrant full compliance. In such cases, a written opinion by the Planning Director must be filed with the application for the permit.

- (2) **Improvement Guarantees.** For any parking construction, screening or other site development for which a land use permit is required, a certificate of surety, performance bond, or other financial guarantee, as approved by the Planning Director, in the amount of 110 percent of the estimated construction costs, shall be submitted prior to the issuance of a land use permit or building permit and shall be retained until such site development is completed and found to be in full compliance with the site plan approved by the Planning Director. Where landscape materials are required to be provided or mature trees are required to be saved in any development, the financial guarantee shall include the cost of plant materials and the total appraised value of individual trees to be saved and shall remain in effect for not less than one growing season after planting or completion of project site work, whichever is last.
 - (3) **Leased parking.** The owner or occupier of the property to be served shall own or lease all property utilized to meet minimum parking requirements. The lease shall include a provision that the lease may not be canceled without the permission of the Planning Director. The Planning Director may allow cancellation of all or part of a lease where parking compliance is achieved in some other way or a parking exception is granted.
- (c) **Location of parking areas.** Off-street parking areas shall be located in the same district as the use they are intended to serve, in a district that allows the use, or as provided by a special land use permit or the granting order of a planned unit development. In addition, parking areas are to meet the following requirements:
- (1) **Front setbacks.** Except as otherwise contained in this Zoning Code or as indicated below, parking shall be provided behind or to the side of a principal building as follows:
 - A. **R-1a:** 3 feet minimum.
 - B. **R-1b:** 3 feet minimum.

All other districts: Other than in the R-1a, R-1b and R-2 Districts, a parking area shall be set back a distance equal to the setback of the principal building or 25 feet, whichever is greater. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic, but in no case closer than 25 feet from the front property line
 - (2) **Side setbacks.** In the R-1a, R-1b and R-2 districts, the side setback shall be 2 feet. In all other districts, any parking area which is contiguous to the side property line of an R-District shall provide a minimum side setback of 10 feet from the side contiguous to the R-District. All other parking areas shall maintain a minimum 5 foot side setback. If shared parking is developed, these setbacks would affect only the perimeter of the combined parcels. See Appendix 2, Figure 1-5.

(3) **Rear setbacks.** In the R-1a, R-1b and R-2 districts, no rear setback is required. In all other districts, a rear setback of 20 feet shall be required for any parking area abutting, adjacent to or across a public alley from an R-District and a 5 foot rear setback shall be required otherwise with the exception of the following:

- A. A rear setback requirement may be waived by the Planning Director to allow parking designed to back directly into a public alley when it can be demonstrated that the property exhibits site constraints which preclude or render permitted parking configurations impractical. Whenever such parking is approved, an area no less than ten feet in depth shall be provided immediately in front of the parking and the provided area shall be developed according to the landscaping requirements of Section 1372.05 (a) and (b). See Appendix 2, Figure 1-6.
- B. A required 20 foot rear setback may be reduced in depth by up to 50 percent when a decorative masonry screenwall at least five feet in height is constructed along the 10 foot setback line and the area between the wall and the rear property line is landscaped according to the requirements for front yards in Section 1372.05, *Landscape Development Internal to a Parking Area*.

(4) **Off-site locations.**

- A. All off-street parking areas, except in R-districts, shall be located on the immediate premises or within 500 feet as measured from the nearest point of the parking area to the nearest point of the building intended to be served.
- B. The required number of parking spaces may be reduced on a 1/1 ratio for permit parking spaces and leased spaces in a public parking area within 500 feet of the building to be served. The termination of such a permit or lease shall require replacement of the parking spaces so reduced.

(5) **Use of public right-of-way.**

- A. The required number of off-street parking spaces for a specific use may be reduced in recognition of the number of available on-street parking spaces on a curbed street abutting the property.
- B. Parking is prohibited on the treelawn portion of the right-of-way except where permitted by sign.

(d) **Requirements.** The number of required off-street parking spaces shall be provided by a property owner according to the following schedule. **All requirements are minimum unless otherwise noted.**

Residential 1 per dwelling unit*

Specialized Housing

Adult foster care home	1 per three residents
Child care center	1 per ten children
Residential care and treatment facilities	1 per three beds
Independent living	1 per unit

Institutions

High schools, colleges	3 per 10 students
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All other schools	1.5 per classroom
Places of worship	1 per 4 seats in main area of worship
Hospitals	1 per 400 square feet gross floor area
Governmental offices, post offices	1 per 400 square feet
Auditoriums (excluding schools)	1 per 3 seats

Commercial

Office, financial institutions, retail (Max. 1 per 150 sq. feet)	1 per 350 square feet gross floor area
Medical office (Max. 1 per 150 sq. feet)	1 per 300 square feet gross floor area
Furniture, antique and bicycle shops	1 per 850 square feet gross floor area
Theaters	1 per 3 seats
Restaurants <i>Family</i>	0.4 per seat (alt. 2 for every 5 seats)
<i>Fine / Banquet Halls/ Fast Food</i>	0.7 per seat (alt. 3 for every 4 seats)
Lodging facilities	1 per room or suite
Marinas	1 per boat slip
Grocery, hardware /all other uses	1 per 325 square feet gross floor area

Industrial

Office	1 per 350 square feet gross floor area
Assembly/ Warehouse/Manufacturing	1 per 600 square feet gross floor area

*** No parking is required for Accessory Dwelling Units**

- **Uses not listed.** Any use not specifically addressed or referred to in this list shall have parking requirements determined by the Planning Director.
 - **Fractional spaces.** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
 - **Bicycle rack.** In all except R- districts, one on-site bicycle rack accommodating four
 - **Multiple uses.** Where a building has a multiple use occupancy of any two or more residential, commercial, office or industrial uses, the parking required shall be computed on the basis of the gross floor area in each use.
 - **Upper story dwellings.** Additional parking is not required for upper story dwellings above a first floor commercial or office use in a C-1, C-2, C-3 or H-1 district, however, any parking area supplied shall conform to the provisions of this Code.
 - **Buildings less than 500 square feet gross floor area** for non-residential uses are exempt from parking space requirements.
- (e) **Parking exception.** The Planning Director may grant a parking exception which reduces parking space requirements or location requirements of this Zoning Code, if it has been clearly demonstrated that the provisions of full parking or location requirements are unnecessary or that such requirements would create a practical difficulty with the use of the lot, as contrasted with merely granting an advantage or convenience. Storage areas, other than warehousing space, deemed by the Planning Director to be impractical for the other occupancies, shall require no off-street parking.

(f) **Limitations on use of parking areas.**

- (1) The required parking area shall be used solely for the parking of private passenger vehicles or vehicles used in the business operation.
- (2) No commercial repair work or service of any kind, and no sale, display or storage of new or used vehicles which are not for the use of the occupant, employees and patrons, shall be conducted in such required parking area.
- (3) A parking area in an R-district for a residential use shall be restricted to the use of its owner or lessee and under no circumstances shall such facility be used for a non-residential use or in conjunction with any non-residential use, including the provision of access to a non-residential use or the storage of snow removed from non-residential property or use.
- (4) No truck, trailer or other vehicle having an auxiliary refrigeration unit shall be parked overnight within 150 feet of any residence district while the refrigeration unit is in operation.

(g) **Design and construction standards.** The following standards for off-street parking areas apply to all uses in all districts except as specifically noted:

- (1) **Layout.** Off-street parking areas shall be designed, constructed, and maintained as follows and in accordance with the standards set forth in the table and drawing following the text of this Chapter.
 - A. All maneuvering lanes shall permit only one-way traffic movements, with the exception of the 90 degree pattern where two-way traffic may be permitted.
 - B. Each parking space shall have direct unimpeded access to a maneuvering lane and dead-end maneuvering lanes shall be permitted only with the 90 degree pattern where the maneuvering lane has been extended by a minimum of four feet beyond the last parking space to create a back-up area for exiting vehicles.
 - C. Maneuvering lanes shall not be located within a required setback. A driveway may cross a setback from the street to the parking area.
 - D. Stacking of parking spaces may be allowed by the Planning Director for employee parking only.
- (2) **Surfacing.**
 - A. All parking areas, other than for a single or two-family residential use, shall be paved with concrete, bituminous asphalt, perforated concrete, brick or other permanent equal as approved by the City Engineer.
 - B. Any parking area for single or two-family residential use shall, at a minimum, be surfaced and the area clearly defined with gravel, crushed stone, concrete, asphalt, brick or equal material, and be maintained substantially free of dust, mud and standing water.
 - C. All parking spaces other than for single and two-family residential use shall be striped with suitable paint, reflective tape or other approved contrasting material which is applied upon or as an integral part of the pavement.
- (3) **Curb Types.** All parking areas except those for single and two family dwellings shall have permanent 4 inch minimum high granite, concrete curb or concrete curb and gutter to channel the flow of vehicular traffic, define and contain parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways in the interest of safety and efficient parking area

utilization. In the Industrial District, curbing is required only for that portion of a parking area including the approach driveways and parking lot facing the street. See Appendix 2, Figure 1-7. All landscaped islands shall be protected from vehicular encroachment by curbing, however limited areas of the curb may be lowered to parking area grade, as approved by the City Engineer to accommodate the secondary use of landscape areas for the retention of storm-water runoff and snow storage. The Planning Director may approve variations from strict compliance with the curbing requirements when the applicant can provide an alternative design that is equal to or superior in its ability to channel the flow of vehicular traffic, define and contain parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways.

- (4) **Storm-Water Management.** All parking areas shall provide for storm water management pursuant to Traverse City Code Chapter 1068, *Groundwater Protection and Stormwater Runoff Control*.
- (5) **Screening.** Screening shall be provided pursuant to Traverse City Code Chapter 1372, *Landscaping*.

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: REPEAL OF ACCESSORY DWELLING UNITS OVERLAY DISTRICTS
ORDINANCE CHAPTER 1377

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1377, *Accessory Dwelling Units Overlay Districts*, of the Zoning Code of the Traverse City Code of Ordinances be repealed in its entirety:

Chapter 1377
Accessory Dwelling Units Overlay Districts

The purpose of the Accessory Dwelling Units Overlay Districts in certain areas of the City is to permit small secondary dwellings on single-family zoned parcels to help owners pay expenses, making the house itself more affordable, increase the efficiency of developed land and provide additional housing options.

1377.01 DESCRIPTION OF DISTRICT.

These regulations apply to the Traverse Heights neighborhood. See Traverse Heights neighborhood boundary map below:



1377.02 CONDITIONS.

A land use permit for an accessory dwelling unit may be issued if the following conditions are met and continue to be met during the life of the accessory dwelling unit:

- (a) The existing site and use are substantially in compliance with this Zoning Code.
- (b) There shall be a maximum limit of five (5) Accessory Dwelling Units per calendar year.
- (c) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.
- (d) Only one accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
- (e) Access to an upper story accessory dwelling unit must be internal to the building structure.
- (f) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exteriors appear to be single-family. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the single-family residential character of the premises is permissible.
- (g) The orientation of the accessory dwelling unit shall, to the extent practical, maintain the privacy of residents in adjoining dwellings, as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing and window and door placement.
- (h) If the accessory dwelling unit's primary entrance is not the same as that of the principal dwelling unit, it shall be made less visible from the street view than the main entrance of the principal dwelling unit.
- (i) Individual site plans, floor plans, elevation drawings and building plans for both the proposed accessory dwelling unit and the subsequent reconversion to conventional single-family residence shall be submitted with the application for a land use permit. Any construction of an accessory dwelling unit shall meet all design and building code requirements.
- (j) The accessory dwelling unit may not exceed forty percent of the total floor area of the principal dwelling unit including the garage. The interior staircase of the accessory dwelling unit is not included in the total floor area.
- (k) The accessory dwelling unit must have at least 250 square feet of gross floor area per dweller.
- (l) The dwelling unit that is rented shall not be leased for less than twelve months at a time.
- (m) All off-street parking facilities shall be behind or to the side of the primary dwelling and shall be paved. The petitioner must submit a site diagram indicating the location of proposed off-street parking.
- (n) At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit. The owner occupant shall meet the requirements for a minimum sixty percent principal residence tax exemption.
- (o) An accessory dwelling unit shall meet all applicable requirements of the Traverse City Code of Ordinances.
- (p) Prior to issuing a land use permit, the Planning Director shall notify, ten days in advance by first class mail, abutting property owners so that they may provide input on the pending request to the Planning Director.
- (q) The accessory dwelling unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code if any of the above

conditions are not met.

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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 _____.

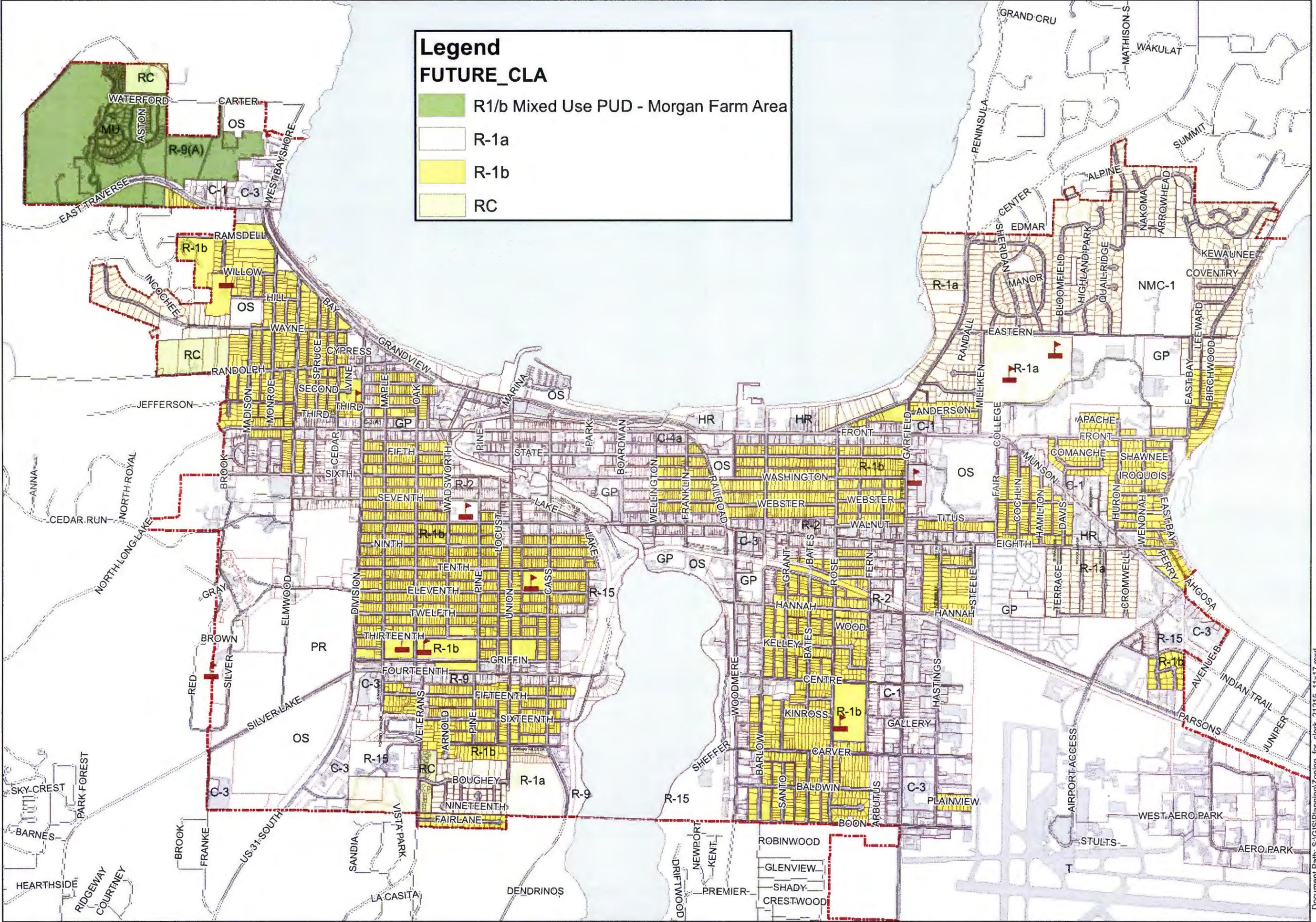
Benjamin C. Marentette, City Clerk



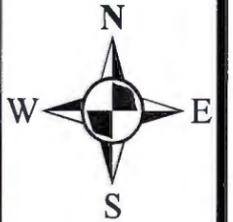
ZONING PARCEL MAP R-1a, R-1b, RC and MU

Legend
FUTURE_CLA

- R1/b Mixed Use PUD - Morgan Farm Area
- R-1a
- R-1b
- RC



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2-12-15
JPT

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.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: BROWNFIELD PLAN CONCURRENCE – RANDOLPH STREET DEVELOPMENT

Attached is a memo from Grand Traverse County Deputy Director for Planning and Development Jean Derenzy, outlining a recommendation that the City Commission concur with a Brownfield Plan for 603, 605, 609 and 615 Randolph Street, for the Randolph Street Development. The plan would expire within 18 years from the date capture starts (2016), meaning it would expire on or before 2034.

This development would consist of the demolition of existing structures and the construction of a building consisting of approximately 27,555 feet²; 15,214 feet² of which would be residential, and 9,380 feet² of which would be commercial. Additionally, a 2,961 feet² parking garage would be constructed.

The following table represents the anticipated changes in taxable value:

Current taxable value	Anticipated taxable value following development	Anticipated net increase in taxable value after development
\$ 207,184	\$1,019,338	\$ 812,154

City Commission concurrence with this Brownfield Plan is required for it to move forward; and I recommend that the City Commission concur with it. Ms. Derenzy will be in attendance at the meeting to answer any questions.

I recommend the motion on the following page.

-See following page for recommended motion-

I recommend the following motion:

That the Resolution Concurring with Grand Traverse County Brownfield Plan for 603, 605, 609 and 615 Randolph Street (Randolph Street Development), be adopted.

JJO/bcm

k:\tcclerk\city commission\brownfield\randolph street development

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



Memorandum

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

To: Traverse City Commission
Jered Ottenwess, City Manager

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

Date: For February 17, 2015 Traverse City Commission Meeting

Subject: Brownfield Plan - 603, 605, 609 and 615 Randolph Street

SUMMARY OF ITEM TO BE PRESENTED:

The Grand Traverse County Brownfield Redevelopment Authority (BRA) met on January 7, 2015 and reviewed a proposed Brownfield Plan encompassing four parcels: 603, 605, 609 and 615 Randolph Street. After due consideration the BRA approved Plan, and, as such, the BRA is seeking the attached Resolution of Concurrence from the City of Traverse City to proceed. Because of the historical use of the site, the brownfield legislation applies due to the sites environmental impact (facility status).

This Brownfield Plan will repurpose these parcels, by demolishing 3 structures and the construction of a new three-story mixed-use building with an associated parking garage. The building will contain approximately 9,380 square feet of commercial space on the first floor and a total of ten residential units on the second and third floors.

The Brownfield Authority when reviewing this Plan highlights for Commissioner's several public benefits:

1. Removing historical environmental conditions at the site.
2. Creating up to 24 new jobs.
3. Increase in taxable value, from the current \$207,184 to \$1,019,338.
4. Implements green infrastructure building techniques to provide energy efficient environmentally sensible structures including green "living" roof as a component which provides a key benefit in stormwater management.
5. Furthering and complementing the recommendations/goals of the Master Plan which identifies this neighborhood to have a range of building types, with closely spaced buildings and "commercial innovation". This development achieves this approach.

Brownfield Plan Costs / Duration

The site qualifies as a brownfield due to the historical contamination on the site, qualifying the site as a facility as defined in Part 201 of the Natural Resource Environmental Protection Act.

The Brownfield costs identified within the Brownfield Plan are \$654,153. The Plan is requested to be in place for 18 years. It is estimated that the Developer will be reimbursed for the eligible activities within 15 years and the Local Site Remediation Fund (LSRF) will capture 3 years into the fund (for a total of 18 years). Should the developer be paid back earlier the LSRF would still capture 3 years into the fund and the project would end earlier. In the reverse if the Developer is paid back in year 17 the LSRF would only capture 1 year and the Plan ends in year 18.

Eligible activities are to be financed by the Developer. The Authority will reimburse the Developer for the cost of approved eligible activities from tax increment revenues generated from the Property.

Community Impact

As identified above, the community impact includes:

- The opportunity to redevelop these 4 parcels while increasing residential and commercial density in the Randolph Street neighborhood.
- The creation of 24 new jobs and an increase in tax base
- Implementation of green infrastructure components.
- Implementation of the City's Master Plan, and continued improvement on the West side of the City.

RECOMMENDATION:

The Brownfield Authority recommends to the City Commission that concurrence be approved for the 603, 605, 609 and 615 Randolph Street Brownfield Plan and adopt the attached resolution of concurrence.

**GRAND TRAVERSE COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY**

BROWNFIELD PLAN

603, 605, 609 and 615 Randolph Street, Traverse City, MI 49684

PREPARED BY

Grand Traverse County Brownfield Redevelopment
Authority
400 Boardman Ave
Traverse City, MI 49684
Contact Person: Jean Derenzy
Email: jderenzy@grandtraverse.org
Phone: (231) 922-4513

AKT Peerless
12719 S. West Bay Shore Dr., Ste. 8
Harbor West Building
Traverse City, MI 49684
Contact Person: Eric Helzer
Email: helzere@aktpeerless.com
Phone: (231) 941-2366

REVISION DATE

January 1, 2015

**BRA APPROVAL
CITY/COUNTY APPROVAL**

PROJECT SUMMARY

PROJECT NAME Randolph Street Redevelopment - Redevelopment and Reuse of Properties Located at 603, 605, 609 and 615 Randolph Street, Traverse City, Michigan (the "subject property")

DEVELOPER Randolph Street Development, LLC
309 Cass Road, Ste. 101
Traverse City, MI 49684
John Socks
(231) 620-5403

ELIGIBLE PROPERTY LOCATION The Eligible Property is located at 603, 605, 609, and 615 Randolph Street, Michigan. Parcel ID Numbers 51-630-020-00, 51-630-019-00, 51-630-018-00, and 51-630-017-00, respectively.

TYPE OF ELIGIBLE PROPERTY Facility

PROJECT DESCRIPTION The project (the "Project") consists of the redevelopment of the subject property, which is located at 603, 605, 609 and 615 Randolph Street in Traverse City. The final plans for the redevelopment have not been completed. However, the Project will include the demolition of the existing structures and construction of an approximately 27,555 square foot mixed-use building containing approximately 9,380 square feet of commercial, 15,214 square feet of residential, and an associated parking garage of approximately 2,961 square feet.

In addition to the economic benefits of this development to the local community and whole of Traverse City, environmental activities are anticipated that would provide a safer and healthier community to the public and environment alike.

The Project is seeking approval of tax increment financing (TIF). Construction is expected to begin in spring of 2015.

ELIGIBLE ACTIVITIES	BEA Activities {Phase I Environmental Site Assessment (ESA), Phase II ESA, BEA}, Due Care Activities, Additional Response Activities, Preparation of a Brownfield Plan and Act 381 Work Plan, Demolition, Lead and Asbestos Abatement, Site Preparation, and Infrastructure Improvements.
REIMBURSABLE COSTS	\$ 599,153 (Est. Eligible Activities & Contingency) <u>\$ 55,000</u> (Interest) \$654,153
DURATION OF PLAN	18 Years
ESTIMATED TOTAL CAPITAL INVESTMENT	\$3,500,000
INITIAL TAXABLE VALUE	\$207,184

LIST OF ACRONYMS AND DEFINITIONS

BEA	Baseline Environmental Assessment (Michigan process to provide new property owners and/or operators with environmental liability exemption)
BFP OR PLAN DEVELOPER	Brownfield Plan Randolph Street Development, LLC
ELIGIBLE PROPERTY	Property for which eligible activities are identified under a Brownfield Plan.
ESA	Environmental Site Assessment
GTCBRA	Grand Traverse County Brownfield Redevelopment Authority
LSRRF	Local Site Remediation Revolving Fund
MDEQ	Michigan Department of Environmental Quality (agency which approves use of school tax revenue to support environmental Brownfield activities)
MEDC	Michigan Economic Development Corporation
MSF	Michigan Strategic Fund (agency which approves use of school tax revenue to support non-environmental Brownfield activities)
PHASE I ESA	An environmental historical review and site inspection (no soil and/or groundwater sampling and analysis)
PHASE II ESA	Environmental subsurface investigation (includes soil, soil gas, and/or groundwater sampling and analysis)
SUBJECT PROPERTY	The Eligible Property, located at 603, 605, 609, and 615 Randolph Street, Traverse City, Michigan. It comprises 4 parcels.
RCC	Residential Cleanup Criteria
TIF	Tax Increment Financing (TIF describes the process of using TIR—i.e., TIF is the use of TIR to provide financial support to a project)
TIR	Tax Increment Revenue (new property tax revenue, usually due to redevelopment and improvement that is generated by a property after approval of a Brownfield Plan)

BROWNFIELD PLAN

603, 605, 609 & 615 Randolph Street, Traverse City MI 49684

1.0 Introduction

Traverse City, Michigan (the “City”), established the Grand Traverse County Brownfield Redevelopment Authority (the “Authority”) on September 24, 1997, pursuant to Michigan Public Act 381 of 1996, as amended (“Act 381”). The primary purpose of Act 381 is to encourage the redevelopment of eligible property by providing economic incentives through tax increment financing for certain eligible activities.

The main purpose of this Brownfield Plan (“Brownfield Plan”) is to promote the redevelopment of and investment in certain “Brownfield” properties within the City. Inclusion of subject property within this Brownfield Plan will facilitate financing of environmental response and other eligible activities at eligible properties, and will also provide tax incentives to eligible taxpayers willing to invest in revitalization of eligible sites, commonly referred to as “Brownfields.” By facilitating redevelopment of Brownfield properties, this Brownfield Plan is intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

The identification or designation of a developer or proposed use for the Eligible Property that is the subject of this Brownfield Plan shall not be integral to the effectiveness or validity of this Brownfield Plan. This Brownfield Plan is intended to apply to the Eligible Property identified in this Brownfield Plan and, if tax increment revenues (TIRs) are proposed to be captured from that Eligible Property, to identify and authorize the eligible activities to be funded by such TIRs. Any change in the proposed developer or proposed use of the Eligible Property shall not necessitate an amendment to this Brownfield Plan, affect the application of this Brownfield Plan to the Eligible Property, or impair the rights available to the Authority under this Brownfield Plan.

This Brownfield Plan is intended to be a living document, which may be modified or amended in accordance with the requirements of Act 381, as necessary to achieve the purposes of Act 381. The applicable sections of Act 381 are noted throughout the Brownfield Plan for reference purposes.

This Brownfield Plan contains information required by Section 13(1) of Act 381.

2.0 General Provisions

The following sections detail information required by Act 381.

2.1 Description of Eligible Property (Section 13 (l)(h))

The Eligible Property (the “subject property”) is located at 603, 605, 609 and 615 Randolph Street (Township 27 North /Range 11 West) in Traverse City, Michigan. The Eligible Property comprises all real and personal property located on the subject property.

The subject property is situated southwest of the intersection of Randolph Street and North Maple Street. The subject property consists of four parcels that contain approximately 0.34 acres.

For ease of reference, AKT Peerless has designated each of the Eligible Property parcels with a letter. These designations have no relevance to legally recorded data about the Eligible Property. See Attachment A, Figure 2 – Eligible Property Boundary Map.

Eligible Property Information

Parcel	Address	Tax Identification Number	Basis of Brownfield Eligibility	Approximate Acreage
A	603 Randolph St	51-630-020-00	Facility	0.06
B	605 Randolph St	51-630-019-00	Facility	0.06
C	609 Randolph St	51-630-018-00	Facility	0.11
D	615 Randolph St	51-630-017-00	Facility	0.11

The subject property is zoned Neighborhood Center District (C-2). Parcel A is a vacant lot. Parcels B, C, and D each contain a vacant residential building.

The project (“Project”) consists of redevelopment of the subject property. The final plans for the redevelopment have not been completed; however, this Project will include the demolition of the existing structures and construction of a 3-story mixed use building and associated 2,961 square foot parking deck. This Project will ultimately put four underutilized properties back to productive use and will radically improve the neighborhood in Traverse City inviting other similar developments to follow. In addition to the economic benefits of this development to the Traverse City community, environmental activities are anticipated that would provide a safer and healthier community for the public and environment alike.

The Project is seeking approval of tax increment financing (TIF). Construction is expected to begin in spring of 2015.

Attachment A includes site maps of the Eligible Property. Refer to: Figure 1, Scaled Property Location Map, Figure 2, Eligible Property Boundary Map (which includes lot dimensions). The legal descriptions of the parcel(s) included in the Eligible Property are presented in Attachment B.

2.2 Basis of Eligibility (Section 13 (1)(h) , Section 2 (m)), Section 2(r)

The subject property is considered “Eligible Property” as defined by Act 381, Section 2 because: (a) the subject property was previously used as residential property; (b) it is located within Traverse City, a qualified local governmental unit, or “Core Community” under Act 381; and (c) each of the parcels comprised by the subject property has been determined to be a “facility.”

In February 2014, a Phase I Environmental Site Assessment (ESA) was conducted on the subject property. In July 2014, a limited Phase II ESA was conducted on the subject property. The results of the Phase II ESA indicated levels of arsenic, cadmium, chromium, lead, mercury, selenium, silver and zinc in subsurface soils at concentrations exceeding the MDEQ part 201 Residential Cleanup Criteria (RCC). Based on the laboratory analytical results, each of the four parcels within the subject property meets the definition of a *facility*, as defined in Part 201 of the NREPA, Michigan PA 451, 1994, as amended.

2.3 Summary of Eligible Activities and Description of Costs (Section 13 (1)(a),(b))

The “eligible activities” that are intended to be carried out at the subject property are considered “eligible activities” as defined by Sec 2 of Act 381, because they include BEA Activities (Phase I ESA,

Phase II ESA, and BEA), due care activities, additional response activities, preparation of Brownfield and Act 381 work plans, lead and asbestos abatement, demolition, site preparation, and infrastructure improvements (see Table 1).

A summary of the eligible activities and the estimated cost of each eligible activity intended to be paid for with TIR from the subject property are shown in the table below. A detailed breakout of the eligible activities and the estimated cost of each eligible activity intended to be paid for with TIR from the subject property are shown in Attachment C, Table 1.

It is currently anticipated that construction will begin in spring 2015 and be completed by fall of 2016.

The Developer desires to be reimbursed for the costs of eligible activities. TIR generated by the subject property will be captured by the Authority and used to reimburse the cost of the eligible activities completed on the subject property after approval of this Brownfield Plan and an associated Reimbursement Agreement.

Estimated Cost of Reimbursable Eligible Activities

Description of Eligible Activity		Estimated Cost*	
1.	BEA Activities	\$	16,685
2.	Due Care Activities	\$	104,925
3.	Additional Response Activities	\$	97,578
4.	Demolition	\$	49,550
5.	Lead and Asbestos Activities	\$	40,300
6.	Site Preparation	\$	95,402
7.	Public Infrastructure Improvements	\$	97,000
Total Environmental and Non-Environmental Eligible Activities		\$	501,440
8.	15% Contingency on Eligible Activities**	\$	72,713
9.	Preparation of a Brownfield Plan	\$	8,000
10.	Preparation of Work Plans, Consulting & Support	\$	17,000
Subtotal		\$	599,153
12.	GTCBRA Administrative Fees***	\$	-
13.	Interest****	\$	55,000
14.	Local Site Remediation Revolving Fund (LSRRF)*****	\$	-
Total Eligible Costs for TIF Reimbursement		\$	654,153

*Estimated costs are subject to approval by MSF and MDEQ. Any costs not approved by the MSF or MDEQ that are not otherwise reimbursable with school taxes may become local only costs paid out of captured tax TIR from locally levied millages with Brownfield Authority prior approval (to the extent available).

**The contingency is applied to the Subtotal of environmental and non-environmental eligible activities, excepting BEA Activities that have already been performed.

***GTCBRA Administrative Fees will be withheld pursuant to Act 381; the specific amount of administrative fees to be paid to the GTCBRA will be stated in the Reimbursement Agreement.

****Interest is calculated annually at 2.5% simple interest on unreimbursed eligible activities, in accordance with GTCBRA policy and capped at \$55,000

*****3 years of capture will be deposited into the LSRRF.

The costs listed in the table above are estimated costs and may increase or decrease depending on the nature and extent of environmental contamination and other unknown conditions encountered on the

subject property. The actual cost of those eligible activities encompassed by this Brownfield Plan that will qualify for reimbursement from TIR of the Authority from the subject property shall be governed by the terms of a Reimbursement Agreement with the Authority (the "Reimbursement Agreement"). No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with the terms and conditions of the Reimbursement Agreement and/or a Development Agreement between the Developer and GTCBRA, if applicable.

In accordance with this Brownfield Plan and the associated Reimbursement Agreement, the amount advanced by the Developer will be repaid by the Authority with 2.5% simple interest, solely from TIR realized from the subject property. Payments will be made to the full extent TIR are or become available for such purpose under the Act. Based on the projected cost of eligible activities, interest reimbursement in this Brownfield Plan is capped at \$55,000. However, if the actual cost of eligible activities turns out to be lower than the above estimates, interest reimbursement may be lower, subject to the 2.5% simple interest calculation.

TIR will first be used to pay or reimburse administrative expenses. Administrative expenses will be calculated pursuant to by Act 381. The specific amount of administrative expenses to be paid will be stated in the Reimbursement Agreement. The amount of school tax revenues, which will be used to reimburse the costs of implementing eligible activities at this site, will be limited as applicable to the cost of eligible activities approved by MDEQ and the MSF, together with the interest rate provided above. In the event that the use of school tax revenues to reimburse specific eligible activities is denied by MDEQ or MSF, these specific activities will be reimbursed with local-only TIR (to the extent available).

2.4 Estimate of Captured Taxable Value and Tax Increment Revenues (Section 13(1)(c)); Impact of Tax Increment Financing On Taxing Jurisdictions (Section 13(1)(g), Section 2(ee))

This Brownfield Plan anticipates the capture of TIR to reimburse the Developer for the costs of eligible activities under this Brownfield Plan, in accordance with the Reimbursement Agreement. A table of estimated TIR to be captured is attached to this Brownfield Plan as Attachment C, Table 2. TIR capture will begin as soon as TIR are generated by the Project; this is estimated to begin in 2015. Tax increments are projected to be captured and applied to (i) reimbursement of eligible activity costs, (ii) payment of GTCBRA administrative and operating expenses, (iii) deposits to GTCBRA's Local Site Remediation Revolving Fund (LSRRF), and (iv) deposits to the State Brownfield Redevelopment Fund. Below is a breakdown of the anticipated reimbursement of eligible activities and deposits to the state Brownfield Redevelopment Fund:

<u>School Capture</u>	Millage Rate	Developer Reimbursement	State Revolving Fund	Taxing Jurisdiction
State Education Tax (SET)	6.0000	\$ 82,166	\$ 65,604	\$ 26,105
School Operating Tax	18.0000	\$ 246,499		\$ 78,316
<u>Local Capture</u>				
COA	0.5000	\$ 7,088		\$ 2,175
MEDICAL CARE	0.6595	\$ 9,349		\$ 2,869
LIBRARY-OPER	0.9548	\$ 13,535		\$ 4,154
NMC-OPERATING	1.0849	\$ 15,380		\$ 4,720
REC AUTH-OPER	0.0994	\$ 1,409		\$ 432
COA-SENIOR CEN	0.1000	\$ 1,418		\$ 435

GTC ROAD 2013-15	1.0000	\$	14,176	\$	4,351
CITY	11.1167	\$	157,591	\$	48,367
CITY ACT 345	2.3200	\$	32,889	\$	10,094
COUNTY	4.9838	\$	70,651	\$	21,684
BATA	0.3454	\$	4,896	\$	1,503
TBA/ISD	2.9312	\$	41,553	\$	12,753
NMC-OPERATING	1.0851	\$	15,382	\$	4,721
TOTALS		\$	713,983	\$	65,604
				\$	222,681

Additionally, the following taxes are expected to be generated but not to be captured during the life of the Plan:

<u>Total Non-Captured Taxes</u>					
LIBRARY-DEBT	0.1502		\$	3,207	
NMC-DEBT	0.3750		\$	8,008	
REC AUTH-DEBT	0.2900		\$	6,193	
TCAPS-DEBT	3.1000		\$	66,199	
NMC-DEBT	0.3750		\$	8,008	

The total estimated cost of the eligible activities and other costs (including contingency, interest) to be reimbursed through the capture of TIR is projected to be \$654,153. This amount does not include withholding for administrative expenses or deposits into the LSRRF. Refer to Attachment C Table 3 for a Reimbursement Allocation Table. The estimated effective initial taxable value for this Brownfield Plan is \$207,184 and is based on land and real property tax only. Redevelopment of the subject property is expected to initially generate incremental taxable value in 2016 with the first significant increase in taxable value of approximately \$809,705 beginning in 2016.

It is estimated that the Authority will capture the 2016 through 2029 TIR to reimburse the cost of the eligible activities, reimburse interest, and make deposits into the State Brownfield Redevelopment Fund. LSRRF and Authority administrative fees will be collected in accordance with Act 381; Authority administrative fees may be paid only out of local TIR captured by the Authority). Refer to Attachment C, Table 3 for an estimated reimbursement allocation schedule. The reimbursement period shall not exceed 18 years.

The captured incremental taxable value and associated TIR will be based on the actual increased taxable value from all taxable improvements on the subject property and the actual millage rates levied by the various taxing jurisdictions during each year of the plan. The TIR projection and millage rates are shown in Attachment C, Table 2. The actual TIR captured will be based on taxable value set through the property assessment process by the local unit of government and equalized by the County and the millage rates set each year by the taxing jurisdictions.

2.5 Plan of Financing (Section 13(1)(d)); Maximum Amount of Indebtedness (Section 13(1)(e))

Eligible activities are to be financed by the Developer. The Authority will reimburse the Developer for the cost of approved eligible activities, but only from TIR generated from the subject property as available and subject to the Reimbursement Agreement.

All reimbursements authorized under this Brownfield Plan shall be governed by the Reimbursement Agreement. The Authority shall not incur any note or bonded indebtedness to finance the purposes of this Brownfield Plan. The inclusion of eligible activities and estimates of costs to be reimbursed in this Brownfield Plan (1) is intended to authorize the Authority to fund such reimbursements; and (2) does not obligate the Authority or the City to fund any reimbursement or to enter into the Reimbursement Agreement providing for the reimbursement of any costs for which TIRs may be captured under this Brownfield Plan, or which are permitted to be reimbursed under this Brownfield Plan. The amount and source of any TIR that will be used for purposes authorized by this Brownfield Plan, and the terms and conditions for such use and upon any reimbursement of the expenses permitted by the Brownfield Plan, will be provided solely under the Reimbursement Agreement contemplated by this Brownfield Plan.

2.6 Duration of Plan (Section 13(1)(f))

In no event shall the duration of the Brownfield Plan exceed 18 years following the date of the resolution approving the Brownfield Plan, nor shall the duration of the tax capture exceed the lesser of the period authorized under subsection (4) and (5) of Section 13 of Act 381 or 30 years. Further, in no event shall the beginning date of the capture of TIR be later than five years after the date of the resolution approving the Brownfield Plan. The reimbursement period shall not exceed 18 years.

2.7 Effective Date of Inclusion in Brownfield Plan

The subject property will become a part of this Brownfield Plan on the date this Brownfield Plan is approved by the Grand Traverse County Board of Commissioners. The date of tax capture shall commence the first year TIR is generated by the subject property pursuant to this Brownfield Plan, unless subsequently agreed upon otherwise. In no event shall the beginning date of tax capture exceed five years beyond the date of the governing body resolution approving the Brownfield Plan.

2.8 Displacement/Relocation of Individuals on Eligible Property (Section 13(1)(i-l))

There are no persons or businesses residing on the subject property, and no occupied residences will be acquired or cleared; therefore, there will be no displacement or relocation of persons or businesses under this Brownfield Plan.

2.9 Local Site Remediation Revolving Fund ("LSRRF") (Section 8, Section 13(1)(m))

The Authority has established a Local Site Remediation Revolving Fund (LSRRF). The Authority will capture incremental local and state school taxes to fund the LSRRF for three years, if available, understanding that the date ending of the Brownfield Plan is 2034.

2.10 Other Information

The tax capture breakdown of TIR anticipated to become available for use in this Brownfield Plan is summarized below.

There are 51.1808 non-homestead mills available for capture, with school millage equaling 24.0000 mills (47%) and local millage equaling 27.1808 mills (53%). None of the project will include homestead residential property. The requested tax capture for MSF and MDEQ eligible activities breaks down as follows:

Tax Capture

State to Local Tax Capture	Eligible Activities, Interest, Contingency
MSF/MDEQ School State tax capture (46.9%)	\$328,665
MSF/MDEQ Local tax capture (53.1%)	\$372,224
Local-Only tax capture	\$13,094
Total	\$713,983

Randolph Street: Brownfield Plan



Prepared by: Grand Traverse County Planning & Development



**Resolution Concurring with Grand Traverse County Brownfield Plan Amendment
Regarding 603, 605, 609 and 615 Randolph Street**

Because, The Brownfield Redevelopment Authority met in regular session on January 7, 2015 and reviewed the Brownfield Plan for 603, 605, 609 and 615 Randolph Street with recommendation for approval; and,

Because, Properties within the Brownfield Plan are in the City of Traverse City; and,

Because, Pursuant to Act 381, concurrence must be received by the governmental unit in which brownfield plan lies, being the City of Traverse City; and,

Because, The Plan identifies eligible activities totaling \$654,153; and

Because, The Plan will allow for the clean-up of contamination and redevelopment of properties located at 603, 605, 609 and 615 Randolph Street into a new three-story mixed-use building with commercial space on the first floor and a total of ten residential units on the second and third floors; therefore, be it

- Resolved,**
1. The Brownfield Plan constitutes a public purpose and will facilitate investment and redevelopment of the properties in the Brownfield Plan by:
 - a. Increasing Tax base while increasing residential and commercial density in the Randolph Street neighborhood.
 - b. Environmental Remediation.
 - c. Creation of 24 new jobs.
 - d. Implementation of green infrastructure components.
 2. The Brownfield Plan is consistent with the requirements of Section 14(1) of Act 381 (MCL 125.2664), in particular:
 - a. The Brownfield Plan provides all of the information required in Section 13 of Act 381 (MCL.2663).
 - b. Financing the costs of eligible activities will be through the capture of tax increment revenue, with brownfield plan ending on or before 2034.
 - c. The costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Brownfield Financing Act.

I certify that the above resolution was adopted by the Traverse City City Commission at its regular meeting held on January 7, 2015 in the Commission Chambers of the Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC
City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF FEBRUARY 17,
2015

DATE: FEBRUARY 12, 2015

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: GARAGE FUND

Mayor Estes has requested that the Commission consider establishing an ad hoc committee to review the administration of the Garage Fund. The Mayor suggests the ad hoc address the following:

- The current fund balance
- Process for developing a target fund balance

Commissioner Richardson has requested that the committee also address how vehicle needs are determined.

If the Commission wishes to establish an ad hoc committee to review the administration of the Garage Fund, to include the items within this memo, the following motion would be appropriate:

that a City Commission Ad Hoc Committee Regarding Administration of the Garage Fund be established to review the administration of the Fund as outlined in the City Manager's February 12, 2015, communication; and that Commissioners _____, _____ and _____ be appointed to the Committee, with Commissioner _____ to serve as Chair, with the committee to expire August 17, 2015.

JJO/bcm

K:\tcclerk\city commission\appointments\garage fund administration

copy: William Twietmeyer, City Treasurer/Finance Director
Dave Green, Director of Public Services



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: City Commission Ad Hoc Committee for Carnegie Building/City Assets:
Commissioner Jeanine Easterday, Chair
Commissioner Gary Howe
Commissioner Ross Richardson

SUBJECT: RECOMMENDATION – CITY COMMISSION AD HOC
COMMITTEE FOR CARNEGIE BUILDING/CITY ASSETS

At its January 13, 2015 meeting, the Carnegie Building Ad Hoc Committee discussed the expiration of the Ad Hoc Committee effective February 18, 2015. While the Ad Hoc Committee has made progress ; the History Center has an Access Agreement for sixty days beyond January 1, 2015 with an option to renew for an additional thirty days; all other leases have expired. Discussions are under way to enter into lease agreements with the History Center and the Crooked Tree Arts Center.

The Ad Hoc Committee is now turning its focus to the longer term charges for the Committee; that is, to work on moving the process of deaccession of the Con Foster Collection forward, and to develop a process for property disposal that may be applied to other City-owned properties.

In order to give the Committee adequate time for the development of these processes, the Ad Hoc Committee respectfully requests that the City Commission extend the Carnegie Building/City Asset Ad Hoc Committee for six (6) months from February 18, 2015.

See motion on following page

I recommend the following motion:

that a City Commission Carnegie Building/City Assets Ad Hoc Committee be re-established (originally established August 18, 2014) to make recommendation regarding the Carnegie Building and City Assets; and that Commissioners Easterday, Howe and Richardson, be reappointed to such committee, with Commissioner Easterday to serve as Chair, with the committee set to expire August 18, 2015.

kes

K:\tcclerk\city commission\appointments\Ad Hoc_Carnegie_20150217.doc

copy: Penny Hill, Assistant City Manager



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: City Commission Ad Hoc Committee for Carnegie Building/City Assets:
Commissioner Jeanine Easterday, Chair
Commissioner Gary Howe
Commissioner Ross Richardson

SUBJECT: CITY COMMISSION AD HOC COMMITTEE FOR CARNEGIE
BUILDING/CITY ASSETS – ACCOMPLISHMENTS TO DATE AND
NEXT STEPS

Charge to Ad Hoc:

The Carnegie Building Ad Hoc Committee was established on August 18, 2014 to address the future use of the Carnegie 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. A related task is to assess and recommend the future use/disposition of the Con Foster Collection.

Accomplishments to Date:

- Assessment of (now expired) leases and communication with tenants
- Public participation meeting was held to seek input regarding future use of Carnegie Building
- Site visit to Crooked Tree Petoskey
- Building Inspection Report by Doug Rigan Inspection Services, Inc. for the Carnegie Building (December 2014)
- General Assessment of Con Foster Collection (10,000 + items) by Timothy J. Chester & Associates (February 2015 – report is being developed)

Next Steps:

Con Foster Collection:

The City must ensure that it has physical control of the collection through conducting an accurate inventory, and intellectual control of the collection through conducting an assessment (by experts) of individual items in the collection, utilizing best practices for documentation.

Of special consideration are:

- Native American Collection: the City as owner must comply with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA). A Frequently Asked Questions sheet regarding NAGPRA is attached for your review.

- Deaccession: the City needs to revise/update current City policy regarding Deaccession

Carnegie Building

- Bring Final Lease Agreements to City Commission:
 - a. Crooked Tree Arts Council
 - b. History Center of Traverse City
 - c. Grand Traverse Rock & Mineral Club

- Address the need for Building Improvements
 - a. Areas of Common Use
 - b. Budget considerations

- Develop Proposal for Property Use and Disposal

What is NAGPRA?

The **Native American Graves Protection and Repatriation Act** is a Federal law passed in 1990. NAGPRA provides a process for museums and Federal agencies to return certain Native American cultural items -- human remains, funerary objects, sacred objects, or objects of cultural patrimony -- to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking. In addition, NAGPRA authorizes Federal **grants** to Indian tribes, Native Hawaiian organizations, and museums to assist with the documentation and repatriation of Native American cultural items, and establishes the Native American Graves Protection and Repatriation **Review Committee** to monitor the NAGPRA process and facilitate the resolution of disputes that may arise concerning repatriation under NAGPRA.

Who is responsible for complying with NAGPRA?

All Federal agencies are subject to NAGPRA. All public and private museums that have received Federal funds, other than the Smithsonian Institution, are subject to NAGPRA. (Repatriation by the Smithsonian Institution is governed by the **National Museum of the American Indian Act of 1989, 20 U.S.C. 80q.**)

What is the repatriation process under NAGPRA?

The principle steps of the NAGPRA repatriation process include --

- Federal agencies and museums must identify cultural items in their collections that are subject to NAGPRA, and prepare inventories and summaries of the items.
- Federal agencies and museums must consult with lineal descendants, Indian tribes, and Native Hawaiian organizations regarding the identification and cultural affiliation of the cultural items listed in their NAGPRA inventories and summaries.
- Federal agencies and museums must send notices to lineal descendants, Indian tribes, and Native Hawaiian organizations describing cultural items and lineal descendancy or cultural affiliation, and stating that the cultural items may be repatriated. The law requires the Secretary of the Interior to publish these notices in the Federal Register.

For more information, go to **Law and Regulations**.

Who may claim Native American cultural items under NAGPRA?

NAGPRA recognizes claims by lineal descendants, Indian tribes, and Native Hawaiian organizations.

An Indian tribe is any tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians

because of their status as Indians. The Department of the Interior has interpreted the definition of "Indian tribe" as applying to approximately 770 Indian tribes and Alaska Native villages that are recognized by the Bureau of Indian Affairs.

A Native Hawaiian organization includes any organization that: (a) serves and represents the interests of Native Hawaiians, (b) has as a primary and stated purpose the provision of services to Native Hawaiians, and (c) has expertise in Native Hawaiian Affairs, and includes the Office of Hawaiian Affairs and Hui Malama I Na Kupuna 'O Hawai'i Nei. The Department of the Interior has interpreted this definition to also include the Hawaiian island burial councils and various 'Ohanas (extended families).

We are a nonfederally recognized tribe. May we still participate in the NAGPRA process?

Under NAGPRA, only Federally recognized Native American tribes and Native Hawaiian organizations may claim cultural items. NAGPRA does not require museums and Federal agencies to consult with nonfederally recognized tribes. However, the Native American Graves Protection and Repatriation **Review Committee** has recognized that there are some cases in which nonfederally recognized tribes may be appropriate claimants for cultural items. Museums, if they wish, may consult with nonfederally recognized tribes. Museums and Federal agencies that wish to return Native American human remains and cultural items to nonfederally recognized tribes must make a **request for review** of a proposed disposition to the Review Committee.

Our museum has never submitted a NAGPRA inventory or summary, and we are concerned that we may be out of compliance. What should we do?

The National NAGPRA program recognizes that making collections information accessible to lineal descendants, Indian tribes, and Native Hawaiian organizations is an important goal of NAGPRA. The National NAGPRA program provides technical assistance to museums and Federal agencies that need to prepare NAGPRA summaries and inventories for the first time. You may contact **National NAGPRA staff** by telephone or e-mail, and a staff member will be assigned to work with you. National NAGPRA staff members do not initiate civil penalties investigations.

What do "control" and "possession" mean?

NAGPRA says that museums and Federal agencies must prepare inventories and summaries of cultural items in their control or possession. "Control" means having a sufficient legal interest in human remains, funerary objects, sacred objects, or objects of cultural patrimony to lawfully permit the museum or Federal agency to treat the objects as part of its collection for purposes of NAGPRA, whether or not the museum or Federal agency has physical custody of the human remains or objects.

In other words, **control** is having a legal interest with or without physical custody, while **possession** is having physical custody. For example, if a museum has physical custody of Native American human remains or cultural items, but lacks legal interest (for example, when a museum is holding a collection on loan from another institution or a private collector), then the museum does not have control of these remains or items for NAGPRA purposes. For more information, see the [NAGPRA Glossary](#) and [Law and Regulations](#).

What's the difference between "associated" and "unassociated" funerary objects in NAGPRA?

Both associated and unassociated funerary objects are cultural items that are reasonably believed to have been placed with individual human remains either at the time of death, or later as part of the death rite or ceremony of a culture. Under NAGPRA, funerary objects are considered to be "unassociated" if the human remains with which the objects were placed are not in the possession or control of a museum or Federal agency. Funerary objects are considered to be "associated" if the human remains with which the objects were placed are in the possession or control of a museum or Federal agency.

Note that a funerary object is an associated funerary object if the human remains are in the possession or control of any museum or Federal agency, not necessarily the same museum or agency that has possession or control of the funerary object. Also note that "associated funerary objects" includes those items that were made exclusively for burial purposes or to contain human remains.

For more information, see the [NAGPRA Glossary](#) and [Law and Regulations](#).

What's the difference between "repatriation" and "disposition" as used in NAGPRA?

The term repatriation means the transfer of legal interest in Native American human remains and cultural items to lineal descendants, Indian tribes, and Native Hawaiian organizations. The term disposition has been used for the Review Committee development of a process regarding culturally unidentifiable Native American human remains. The rule 43 CFR 10.11 became final March 2010. In effect, transfer of interest in Native American human remains and cultural items is repatriation, regardless of whether they are regarded as culturally affiliated or culturally unidentifiable.

In NAGPRA, the term disposition refers to the return of cultural items excavated or inadvertently discovered on Federal or tribal lands after November 16, 1990, to lineal descendants, Indian Tribes, and Native Hawaiian organizations.

For more information, see the [NAGPRA Glossary](#) and [Law and Regulations](#).

If Native American remains are discovered during a construction project, does NAGPRA apply?

The excavation and inadvertent discovery provisions of NAGPRA apply only to Federal and tribal lands. Under NAGPRA, tribal lands are lands (including private lands) within the exterior boundaries of an Indian reservation. If the burial ground is not on Federal or tribal land, then the excavation and inadvertent discovery provisions of NAGPRA do not apply. However, other State and Federal cultural preservation laws may apply, and State or local cemetery laws may also apply. For information on other State and Federal cultural preservation laws, contact your [State Historic Preservation Office](#). For details on the excavation and inadvertent discovery provisions of NAGPRA, go to [Law and Regulations](#).

We recently completed a repatriation. Can we apply for a NAGPRA repatriation grant to reimburse our costs?

No. Applications for NAGPRA repatriation grants must be submitted well in advance of repatriation activities. National NAGPRA recommends that repatriation grants be submitted at least 6 weeks in advance of the repatriation. For more information, go to [Grants](#).

Our tribe is being overwhelmed by consultation requests related to Federal undertakings and inadvertent discoveries. Are there grant funds available to help?

NAGPRA authorizes the Secretary of the Interior to make grants to Indian tribes and Native Hawaiian organization for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items. These grants are limited to activities related to the documentation and repatriation of collections from museums, and may not be used to fund consultation and other activities related to undertakings, inadvertent discoveries, and excavations. However, funds may be available through the National Park Service [Tribal Preservation program](#). The Tribal Preservation program administers [Historic Preservation Fund Grants to Indian Tribes, Alaskan Natives, and Native Hawaiian Organizations](#), which may be used for cultural preservation projects.

How many Native American human remains and cultural items have been repatriated since the passage of NAGPRA?

There is no single source for this information. While museums and Federal agencies are required to keep their own record of repatriations, NAGPRA does not require museums and Federal agencies to report repatriations to the Secretary of the Interior or to the National Park Service. Museums and Federal agencies are required, however, to publish [notices](#) in the Federal Register when they have determined that Native American human remains, funerary objects, sacred objects, and/or objects of cultural patrimony are culturally affiliated and are eligible for repatriation. The National NAGPRA

program compiles statistics yearly on the total number of Native American human remains, funerary objects, sacred objects, and objects of cultural for which Federal Register notices have been published. The current statistics (updated on September 30, 2014) are as follows --

Human remains: 50,518 individuals

Associated funerary objects: 1,185,948 (includes many small items, such as beads)

Unassociated funerary objects: 219,956 (includes many small items, such as beads)

Sacred objects: 4,914

Objects of cultural patrimony: 8,118

Objects that are both sacred and patrimonial: 1,624

Our tribe's contact information in the Native American Consultation Database is incorrect.

How can we update the information?

The contact information provided in the [Native American Consultation Database \(NACD\)](#) is based on the list of federally recognized Indian tribes maintained by the Bureau of Indian Affairs. To change your contact information as it appears in NACD, send a letter with the new contact information to [National NAGPRA](#). The letter must be an original (no photocopies, please) on tribal letterhead, signed by an authorized tribal official.

Our museum has cultural items that were originally collected from Federal land. Does our museum have NAGPRA responsibility for these cultural items?

Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that were originally from Federal lands are usually under the control of the Federal agency that managed or manages the land from which the human remains or other cultural items were removed. In such cases, it is the Federal agency, and not the museum, that has the responsibility for carrying out the NAGPRA process. The museum may wish to contact the appropriate Federal agency to discuss how the NAGPRA process will be completed. Museums should also be aware that Federal archeological collections in nonfederal repositories are also subject to Federal regulation [36 CFR 79, "Curation of Federally-Owned and Administered Archeological Collections."](#) For more information, see [Museums](#) and the [NAGPRA Glossary](#).

Does NAGPRA apply to cultural items that originate outside of the United States?

No. The NAGPRA regulations "apply to human remains, funerary objects, sacred objects, or objects of cultural patrimony which are indigenous to Alaska, Hawaii, and the continental United States, but not to territories of the United States" [43 CFR 10.1(b)(2)]. For more information, go to [International Repatriation](#).

Our tribe has learned that a museum located in another country has control of cultural items that may be culturally affiliated with us. Does NAGPRA apply to institutions outside the United States?

No. NAGPRA is United States law, and applies to United States museums and Federal agencies. However, the United States does have agreements with many foreign nations regarding the movement of cultural property across borders. For more information, go to [International Repatriation](#).

When is a written plan of action (POA) required under NAGPRA with respect to Federal lands?

Under the NAGPRA regulations (43 C.F.R. 10.3 and 10.5), a Federal agency must prepare, approve, and sign a POA if the agency intends to excavate or remove, **or leave in place** NAGPRA cultural items when these cultural items are exposed or are found already-exposed, and does not wish for activity in the area of the exposed cultural items to halt. Excavating or removing, or leaving in place cultural items under a POA is known as an "intentional excavation." Exposing or finding already-exposed cultural items without a POA is known as a "discovery." When a discovery occurs, any activity taking place in the area of the discovery must cease for 30 days. Under the regulations at 43 C.F.R. 10.4, the responsible agency official must initiate consultation on a discovery pursuant to section 10.5 of the regulations. Consultation, in turn, **must** be followed by an approved and signed POA (43 C.F.R. 10.5(e)). The regulations provide no exceptions to this rule. Thus, the agency must prepare, approve, and sign a POA **even if no on-going activity is to occur**. A POA must, at minimum, comply with the requirements at section 10.3(b)(1) of the regulations (which governs an "intentional excavation"). Following the effective date of the POA, exposing or finding already-exposed cultural items within the geographical area covered by the POA will be an "intentional excavation," and will be excavated or removed, or left in place according to the terms of the POA.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: ^{JD} JERED OTTENWESS, CITY MANAGER

SUBJECT: AD HOC COMMITTEE – APPOINTMENT RECOMMENDATIONS
TO ARTS COMMISSION

Attached is a memo from Deputy City Clerk Katelyn Stroven regarding the appointment of an ad hoc committee to make recommendation regarding appointments to the Arts Commission. If the City Commission chooses to enact the proposed Public Art Ordinance on the Agenda, this action is appropriate.

If an Ad Hoc Committee is established, Ms. Stroven will work with the appointed Commissioners to develop a recruitment strategy.

I recommend the following motion:

that an ad hoc interview committee be established to make recommendation regarding appointments to the Arts Commission and that Commissioners _____, _____ and _____ be appointed to such Committee, with Commissioner _____ to serve as Chair.

JJO/kes

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copy Robert Bacigalupi, Downtown Development Authority Executive
Director

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

FROM: Katelyn Stroven, Deputy City Clerk *KS*

DATE: Thursday, February 12, 2015

SUBJECT: Ad Hoc Committee – Appointment Recommendations to Arts Commission

In the event the City Commission enacts the proposed Public Art Ordinance at their meeting on February 17, 2015, the ordinance would implement guidelines for the establishment of an Arts Commission. It would be appropriate for the City Commission to appoint an ad hoc committee to make recommendation regarding appointment of individuals to such Arts Commission in effort to expedite the process of implementing the intent of the Public Art Ordinance.

Since the Arts Commission is a new City board, I am happy to work with the appointed Ad Hoc Committee Commissioners to develop a recruitment strategy to ensure the efficiency of the appointment process.

Please let me know if you have any questions.

Thank you!



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 17, 2015

DATE: FEBRUARY 12, 2015

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: RESOLUTION ESTABLISHING CITY OF TRAVERSE CITY AND TRAVERSE CITY AREA PUBLIC SCHOOLS COLLECTIVE RESOURCE COMMITTEE

Attached is a resolution to establish a Collective Resource Committee between the City of Traverse City and Traverse City Area Public Schools (TCAPS) in effort to identify opportunities for collaboration and to make recommendations regarding such opportunities. The Collective Resource Committee would consist of two Commissioners appointed by the City Commission and two members of the TCAPS Board of Education appointed by it.

Also attached is a memo from Commissioner Gary Howe discussing the possibility of developing a Traverse City Youth Council. Many municipalities have established youth councils with the idea of blending youth development with a more substantive role in their community. While the potential development of a Traverse City Youth Council is in its very early stages, Commissioner Howe is seeking feedback from the City Commission on the idea; which potentially could be explored by the new Collective Resource Committee.

I recommend the following motion:

that the Resolution Establishing City of Traverse City and Traverse Area Public Schools Collective Resource Committee, be adopted, and that Commissioners _____ and _____ each be appointed to one three-year term, expiring February 17, 2018, on the City of Traverse City and Traverse Area Public Schools Collective Resource Committee.

JJO/kes

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Copy: Paul Soma, Interim Superintendent, TCAPS



Resolution Establishing
City of Traverse City and Traverse City Area Public Schools
Collective Resource Committee

- Because, the City of Traverse City and Traverse City Area Public Schools serve the public and are trusted with leveraging the public's resources efficiently; and
- Because, the appeal, vibrancy, attractiveness and success of both public organizations and quality of the execution of their missions are interconnected and interdependent; and
- Because, both organizations recognize the powerful potential of collaboration and desire to examine and recommend a roadmap for collaboration that benefits both organizations and in turn the constituencies served by both organizations; now therefore be it,
- Resolved, that this resolution establishes the City of Traverse City and Traverse City Area Public Schools Collective Resource Committee (TC-TCAPS CRC) as follows:

1. Public policy; establishment, duties and functions. It is the public policy of the City of Traverse City that the TC-TCAPS CRC be established to identify opportunities for collaboration and make recommendations regarding such opportunities, which could include items such as:
 - a. Traffic management
 - b. TCAPS school renovations and capital plans
 - c. Population growth and movement
 - d. Building and grounds collaboration
 - e. Staff, board and administration training/development
 - f. Elections timing and costs
 - g. Affordable/workforce housing

The TC-TCAPS CRC shall foster collaboration between the City of Traverse City and Traverse City Area Public Schools in beneficial areas. Specifically, the TC-TCAPS CRC shall study, advise and recommend methods on specific areas and opportunities for collaboration including those areas identified in Section 1 of this resolution.

2. Committee. The TC-TCAPS CRC shall be composed of four members, each appointed to terms of three (3) years; appointments shall be as follows: two (2) members who serve on the City Commission shall be appointed by it; and two (2) members who serve on the Traverse City Area Public Schools Board of Education shall be appointed by it; members

shall only be eligible for service while they serve on the body which appointed them. In the event of a vacancy, a member of the body that made the appointment to the vacant seat shall appoint a member of such body to serve the remainder of the term. Any member may be removed by a majority vote of the body which appointed them. The City Manager and Superintendent shall provide staff resources to the Committee.

3. Meetings; Rules; Officers; Committees; Facilities and Staff. Meetings shall be open to the public and be called by the Chair or two members of the Committee. The initial meeting shall be called by the City Manager and Superintendent. The TC-TCAPS CRC may adopt rules as it deems expedient for the conduct of its business. The TC-TCAPS CRC shall elect a Chair and a Secretary and other officers as it deems necessary. The Chair shall serve as presiding officer and the Secretary shall authenticate minutes by its signature.

4. Meeting Place and Committee Staff Support Services. The staff of the City Manager's Office and Superintendent's Office shall coordinate activities, monitor and assist in the Committee's affairs.

I certify that this resolution was adopted by the City Commission for the City of Traverse City at its Regular Meeting held on February 17, 2015, in the Commission Chambers, second floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, CMC
City Clerk



Stephanie Murray <smurray@traversecitymi.gov>

TCAPS BOE resolution (TC-TCAPS CRC)

4 messages

Greenan, Michele <greenanmi@tcaps.net>

Thu, Feb 12, 2015 at 8:57 AM

To: "smurray@traversecitymi.gov" <smurray@traversecitymi.gov>

Stevie-

The two Board members from TCAPS that will serve on the committee are President Gary Appel and Treasurer Scott Hardy.

Michele

Michele E. Greenan

Executive Assistant/Business Office

T: 231.933.1735 F: 231.933.1791

greenanmi@tcaps.net



Traverse City Area Public Schools
Great Community, Great Schools

TC-TCAPS CRC BOE Resolution 020915.pdf
808K

Stephanie Murray <smurray@traversecitymi.gov>

Thu, Feb 12, 2015 at 8:58 AM

To: "Greenan, Michele" <greenanmi@tcaps.net>

Thank you very much, Michele!

Kind Regards,

Stevie

Stephanie Murray
Administrative Specialist | City Clerk's Office | City of Traverse City
400 Boardman Ave. | Traverse City, MI 49684
smurray@traversecitymi.gov | www.traversecitymi.gov/city-clerk
O: 231.922.4480 | F: 231.922.4485

**TRAVERSE CITY AREA PUBLIC SCHOOLS
BOARD OF EDUCATION**
GRAND TRAVERSE, LEELANAU AND BENZIE COUNTIES, MICHIGAN

RESOLUTION

A Regular Meeting of the Board of Education of the Traverse City Area Public School District (the "District") was held in the Tompkins Boardman Administration Center, at 412 Webster Street, Traverse City, Michigan on the ninth (9th) day of February 2015.

The meeting was called to order by PRESIDENT APPEL.

Members Present: APPEL, CLARK, CRANDALL, ELLERY, FALCONER, HARDY, KELLY

Members Absent: NONE

The following preamble and resolution was offered by Member HARDY, and seconded by Member KELLY.

WHEREAS, this District and the City of Traverse City serve the public and are trusted with leveraging the public's resources efficiently; and

WHEREAS, the appeal, vibrancy, attractiveness and success of both public organizations and quality of the execution of their missions are interconnected and interdependent; and

WHEREAS, both organizations recognize the powerful potential of collaboration and desire to examine and recommend a roadmap for collaboration that benefits both organizations and in turn the constituencies served by both organizations.

THEREFORE BE IT RESOLVED THAT, this resolution establishes the City of Traverse City and Traverse City Area Public Schools Collective Resource Committee (TC-TCAPS CRC) as follows:

1. Public Policy; Establishment, Duties and Functions. It is the public policy of the District that the TC-TCAPS CRC be established for a period of three (3) years from adoption of this resolution to identify opportunities for collaboration and make recommendations regarding such opportunities, which could include items such as:
 - a. Traffic management;
 - b. TCAPS school renovations and capital plans;
 - c. Population growth and movement;
 - d. Building and grounds collaboration;
 - e. Staff, board and administration training/development;
 - f. Elections timing and costs; and/or
 - g. Affordable/workforce housing.

The TC-TCAPS CRC shall foster collaboration between the District and the City of Traverse City in beneficial areas. Specifically, the TC-TCAPS CRC shall study, advise

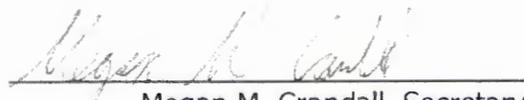
and recommend methods on specific areas and opportunities for collaboration including those areas identified in Section 1 of this resolution.

2. Committee. The TC-TCAPS CRC shall be composed of four members, each appointed to terms of three (3) years; appointments shall be as follows: two (2) members who serve on the District Board of Education shall be appointed by it; and two (2) members who serve on the City Commission shall be appointed by it; members shall only be eligible for service while they serve on the body which appointed them. In the event of a vacancy, a member of the body that made the appointment to the vacant seat shall appoint a member of such body to serve the remainder of the term. Any member may be removed by a majority vote of the body which appointed them. The Superintendent and City Manager shall provide staff resources to the Committee.
3. Meetings; Rules; Officers; Committees; Facilities and Staff. Meetings shall be open to the public and be called by the Chair or two members of the Committee. The initial meeting shall be called by the Superintendent and City Manager. The TC-TCAPS CRC may adopt rules as it deems expedient for the conduct of its business. The TC-TCAPS CRC shall elect a Chair and a Secretary and other officers as it deems necessary. The Chair shall serve as presiding officer and the Secretary shall authenticate minutes by its signature.
4. Meeting Place and Committee Staff Support Services. The staff of the Superintendent's Office and the City Manager's Office shall coordinate activities, monitor and assist in the Committee's affairs.

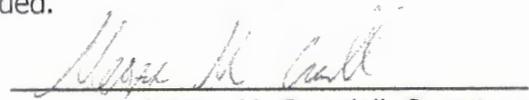
AYES: APPEL, CLARK, CRANDALL, ELLERY, FALCONER, HARDY, KELLY

NAYS: None

Motion declared adopted.


Megan M. Crandall, Secretary
Board of Education
Traverse City Area Public Schools

The undersigned duly qualified and acting Secretary of the Board of Education of Traverse City Area Public Schools, Traverse City, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board of Education, Traverse City, Michigan at its regular meeting held on February 9, 2015, the original of which is part of the Board's minutes, and further certifies that notice of the meetings was given to the public under the Open Meetings Act, 1976 PA 267, as amended.


Megan M. Crandall, Secretary
Board of Education
Traverse City Area Public Schools

MEMO

To: City Commissioners; City Manager
From: City Commissioner, Gary Howe
Date: February 10, 2015
Subject: Establishing a Traverse City Youth Council

During the last month, Benjamin Marentette and I have been discussing the establishment of a Traverse City Youth Council. Our discussions are not too far along, however, it seems appropriate timing to raise the idea for consideration alongside the topic of establishing a Collective Resource Committee with TCAPS.

Youth Councils take any many different forms, but all share a common goal of blending youth development with a more substantive role in their community. Youth councils promote active citizenship, develop student leadership, while fostering a multigenerational community as students become more than spectators. Youth councils typically focus on students ages 16-18, while some councils expand to include younger ages or, in the other direction, college age students. The potential for collaborations in Traverse City, both schools and community partners, is rich with resources that still need to be explored.

How Traverse City's version of a youth council could take shape needs much work and our discussions have been very preliminary. Mr. Marentette and I are willing to explore this concept further and review with the City Commission at a future date if there is interest and support. We are seeking feedback from the Commission in that regard. We are also willing to pass on the idea as the path forward could take many different paths depending on the interest, but certainly working closely with the Collective Resource Committee (if not as an outright project of the committee) is an obvious consideration. In addition, going into the classrooms to get feedback from students before further official commitment is recommended and something we are interested in pursuing.

- Michigan Municipal League List of Michigan Youth Councils

Figure 1: The "Double Arrow"

**Youth Contributing
to Communities**

Young people and adults working together
to create the necessary conditions for
the successful development of themselves,
their peers, their families and their communities

**Communities
Contributing to Youth**

A List of Michigan Municipal Youth Councils

Throughout Michigan, there are youth and teen groups working to make a difference in local communities and municipal governments. Often, these groups take the form of youth councils, which serve as a forum for teen leaders who aim to make their community a better place. Youth councils are organizations through which teens can play an active role in local government, community building and volunteerism. Many youth councils are run through municipal park and recreation departments. (MRPA Professional, Summer 2009)

Dearborn Youth Commission:

Youth Affairs Commissioners share a passion for using their leadership skills and creativity to make Dearborn a better place to live. Students who serve on the commission are selected by school administrators and counselors at each high school in Dearborn based on their leadership abilities and demonstrated passion to give back to the Dearborn community.

Farmington/Farmington Hills Mayor's Youth Council (MYC):

This is civic training at its best, giving kids the outlets and tools they need to increase their understanding of how to run a municipal body and make a difference. The council was established in 1999, the first youth council in Michigan to be developed by ordinance, which made it a permanent organization in the community. Any youth (not just MYC) can be appointed to boards and commissions in both cities.

Grand Rapids Mayor's Youth Council:

Community's Children evaluates public policy and promotes caring partnerships to ensure our children, youth and families thrive within the Grand Rapids community and hold promising futures. Community's Children is a public/private partnership of the city, the Grand Rapids public schools, and the community.

Holland Youth Advisory Board

In partnership with other community leaders, the Holland Youth Advisory Council develops leadership skills; provides advice regarding youth issues; serves its community; and promotes youth participation and civic involvement.

Novi Youth Council

In summer 2005, the Novi city council adopted a policy resolution encouraging Novi youth to become civically active within the community as members of the Novi Youth Council.

township of Plymouth on issues pertaining to youth. The commission members must be youth in grades 7 to 11.

Rochester Hills Youth Council:

City council established the Rochester Hills Government Youth Council (RHGYC) to promote youth involvement in local government through active participation and the mutual exchange of ideas and experience. In addition to service on the Youth Council, the city council established youth representative positions on each of the following committees

2/17 cc approved

**MINUTES
TRAVERSE CITY HUMAN RIGHTS COMMISSION
REGULAR MEETING
MONDAY, DECEMBER 8, 2014
5:30 P.M.
County Committee Room
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684**

PRESENT: Commissioners Gardner, Johnson, McClellan, Mentzer, Nash, Nerone and Stinnet
ABSENT: Commissioner Hornberger and Nugent
STAFF PRESENT: Jamie Caroffino

1. ELECTION OF OFFICERS

- a. Chairperson**
Motion by Commissioner McClellan, seconded by Commissioner Nerone to elect Commissioner Hornberger as Chairperson. Upon vote, motion carried 7-0.
- b. Vice-Chairperson**
Motion by Commissioner Gardner, seconded by Commissioner McClellan to elect Commissioner Mentzer as Vice-Chairperson. Upon vote, motion carried 7-0.

2. APPROVAL OF THE MINUTES OF THE NOVEMBER 10, 2014 REGULAR MEETING

Motion by Commissioner Mentzer, seconded by Commissioner Johnson to approve the November 10, 2014 meeting minutes. Upon vote, motion carried 7-0.

3. PUBLIC COMMENT

Lebel René, Traverse City, addressed the Commission regarding the resolution for Indigenous Peoples Day.

4. OLD BUSINESS

- a. Discussion regarding the Spring Educational Forum.**
The commission discussed the various topics that were submitted. The topics will be reviewed at the January meeting.

Discussion.
- b. Discussion regarding the adoption of a Resolution in support of Indigenous Peoples Day.**
Motion by Commissioner Gardner, seconded by Commissioner McClellan to review the resolution adopted by the Grand Traverse Band of Ottawa and Chippewa Indians that urges governments to recognize Indigenous Peoples Day on the second Monday in October and vote in support at the January meeting. Upon vote, motion carried 7-0.

Discussion.
- c. Discussion regarding the MLK Day Celebration.**
The event will take place on January 19 at the State Theatre. Upon confirmation from the Mayor's Office, the Mayor will be in attendance and will read a proclamation. The commission is a co-sponsor with Building Bridges with Music.

Discussion.

d. Discussion regarding the Sara Hardy Award Celebration.

It was requested that we ask for nominations for the award on the City's Facebook page once it has been published. The PSA will be sent out in early January for nominations.

Discussion.

5. COMMISSIONER COMMENTS

a. Commissioner Mentzer

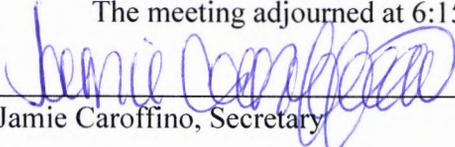
Requested that marriage equality be added to the list of topics for the Spring Educational Forum.

b. Commissioner Gardner

Thanked the Commission for a great year.

6. ADJOURNMENT

The meeting adjourned at 6:15 p.m.



Jamie Caroffino, Secretary

2/4/15

Date

The Traverse City Human Rights Commission

Report to the City Commission

2014

Following is a summary report of activities and actions on behalf of the people of the Traverse City community by Its Human Rights Commission during the period of January 2014 through December 2014. All members of the Commission participated in its preparation and final adoption at a meeting convened for that purpose on January 12, 2015.

Community Forum:

A Community Forum was held on October 23rd titled *Affordable Housing – Fair Housing?* This was a panel discussion dealing with topics such on affordable and fair housing in our community.

Martin Luther King Celebration 2014:

The Commission co-sponsored a series of events titled “Embrace the Dream” in conjunction with many area organizations which celebrated the ideals of tolerance, diversity and Dr. Martin Luther King, Jr. himself. These events took place throughout the Grand Traverse region from January 22 to March 15.

Sara Hardy Humanitarian Award 2014:

The Commission presented the annual Sara Hardy Humanitarian Award to Jane Hayes who is a retired social worker and Program Director at Ferris State University School of Social Work, supporting education and furthering the ideals of equality and diversity.

The Commission experienced turnover with four vacant seats throughout the year. Three orientations were provided for the new members.

2/17 cc reports

MINUTES
TRAVERSE CITY PLANNING COMMISSION

TUESDAY, January 6, 2015
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, Linda Koebert, Chairperson John Serratelli, Janice Warren and Tim Werner
ABSENT: Commissioner Bill Twietmeyer
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. **ELECTION OF OFFICERS**
 - A. **Chairperson**
Motion by Commissioner Warren, second by Commissioner Dow to nominate Commissioner Serratelli to serve as Chairperson. Motion carried 8-0 (Commissioner Twietmeyer absent.)
 - B. **Vice-chairperson**
Motion by Commissioner Easterday, second by Commissioner Werner to nominate Commissioner Bergman to serve as Vice-Chairperson. Motion carried 8-0 (Commissioner Twietmeyer absent.)
 - C. **Secretary**
Motion by Commissioner Easterday, second by Commissioner Koebert to nominate Commissioner Warren to serve as Secretary. Motion carried 8-0 (Commissioner Twietmeyer absent.)
5. **CONSENT CALENDAR**
The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any

member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

- A. December 2, 2014 Regular Meeting minutes (Approval recommended)
- B. Reappointment of Planning Director's Designee as the Recording Secretary for the City of Traverse City Planning Commission (Approval recommended)

Motion by Commissioner Warren, second by Commissioner Koebert, to approve the Consent Calendar. Motion carried 8-0 (Commissioner Twietmeyer absent.)

6. OLD BUSINESS

- A. Consideration of Site Plan Review request by Ted Lockwood on behalf of The Moorings, LLC for the properties commonly known as 10597 E. Traverse Highway and 13910 West Bayshore Drive for a single-family dwelling development (Approval recommended)

Mr. Soyring introduced the Site Plan Review request and summarized his memo dated December 30, 2014.

Commission discussion.

Bob Brick, Peninsula Township resident, and partner of The Moorings, LLC responded to Commission questions

Mr. Brick stated that individual homeowners will be required to build sidewalks and plant street trees when residential homes are built. Mr. Brick indicated that the trails, roads, sewer, gas, water, etc. will be constructed up front by The Moorings, LLC.

Commission discussion.

Mr. Soyring and Mr. Brick responded to Commission questions.

Commission discussion.

The applicant distributed a color site plan to the Commission.

Commission discussion.

Motion by Commissioner Easterday, second by Commissioner Warren, that the request from Ted Lockwood, on behalf of The Moorings, LLC, for Site Plan Review 15-SPR-01 for development of a 97-unit single family site condominium private development located at 10597 E. Traverse Highway and 13910 West Bayshore Drive be approved as submitted.

Motion carried 8-0 (Commissioner Twietmeyer absent.)

- B. Consideration of an amendment to allow Accessory Dwelling Units in single-family dwelling districts throughout the city (Discussion and Possible Action)

Mr. Soyring introduced the Accessory Dwelling Units amendment and summarized his December 22, 2014 communication to the Commission. The amendment was developed by the Housing and Building Committee whose membership includes Vice-Chairperson Bergman, Commissioner Werner, Sarah Lucas, Cecil McNally and Kay Serratelli.

Vice-Chairperson Bergman, who also serves as chair of the Housing and Building Committee, explained the changes to the ordinance amendment since the Planning Commission last reviewed it. Most of the changes were in an effort to clarify and simplify the amendment.

Commission discussion.

Mr. Soyring and Vice-Chairperson Bergman responded.

Several Commission comments require clarification. Staff will clarify how accessory dwelling unit additions to an existing nonconforming building will be handled. The amendment states that 10 accessory dwelling units are allowed per calendar year. Staff will clarify the amendment language, so that it clearly states that 10 accessory dwelling units are allowed per calendar year whether they are new construction or existing.

The following individuals made public comment on the topic:

- Adrienne Rossi, 312 W 7th Street, made general comments
- Mark Nixon, 126 E 8th Street, made general comments
- Sarah Lucas, 222 Midtown Drive and member of the Housing and Building Committee, made comments in support of the amendment
- Tom Krause, 4579 Summit View Dr, non-city resident, made comments in support of the amendment

Motion by Commissioner Warren, second by Vice-Chairperson Bergman, that a Public Hearing be scheduled for February 3, 2015 to consider an amendment to the Traverse City Code of Ordinances Sections 1320.07, *Definitions*; 1332.01 Single Family Dwelling (R-1a, R-1b) District *Uses Allowed*; 1332.07 Single Family Dwelling (R-1a, R-1b) District *Accessory Buildings*; 1374.03 Circulation and Parking *Motor Vehicle Parking*; and Chapter 1377 *Accessory Dwelling Units Overlay Districts*; regarding allowing accessory dwelling units in the single-family dwelling districts with conditions.

Commission discussion included asking Staff to confirm with the City Attorney on the validity of requiring a 6-month or greater lease term.

Motion carried 8-0 (Commissioner Twietmeyer absent.)

7. NEW BUSINESS

A. Annual Report (Review and Discussion)

Mrs. Luick briefly explained that an Annual Report is required by State Law. The report in the packet included all actions taken by the Planning Commission as well as topics of discussion for the year 2014.

8. CORRESPONDENCE

A. Cynthia Anderson letter dated 12/22/14, possible zoning change for 314 E. Eighth Street (Copy Central property) (Discussion)

Mr. Soyering introduced the letter by Mrs. Cynthia Anderson regarding a possible rezoning at 314 E. 8th Street and stated that the Master Plan indicates that the property is on the cusp of three neighborhood types. Mr. Soyering also stated that a portion of the 8th Street corridor is planned to be included in a new form-based zoning code, but that could take over a year to implement.

Commission discussion included references to the Master Plan's Future Land Use Map, the Corridors Master Plan and the Zoning Element. The zoning element is silent on the parcel. The Corridors Master Plan shows the site as the outlet for Boardman Lake Avenue. Chairperson Serratelli indicated that the City Engineer stated that the parcel is no longer desired by the City for Boardman Lake Avenue.

Commission consensus was that they would entertain a rezoning application.

9. REPORTS

- A. City Commission- Commissioners Easterday and Werner reported.**
- B. Board of Zoning Appeals- Commissioner Bergman reported**

PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 6, 2015

Page 5

- C. Grand Traverse Commons Joint Planning Commission- No report.
- D. Planning Commission
 - 1. Housing Building Committee— No additional report.
 - 2. Active Transportation Committee—No report.
 - 3. Master Plan Review Committee—Mr. Soyring reported that letters were sent to adjacent jurisdictions.
 - 4. Parking Regulation Committee- Commissioner Serratelli reported.
- E. Planning Department—No report
 - 1. Capital Improvement Program—No report.

10. PUBLIC COMMENT

11. ADJOURNMENT- Meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Date: February 3, 2015

Jan Warren
Jan Warren, Secretary

MINUTES
TRAVERSE CITY PLANNING COMMISSION

WEDNESDAY, January 21, 2015

7:30 P.M.

Training Room

Governmental Center, 2nd Floor

400 Boardman Avenue

Traverse City, Michigan 49684

PRESENT: Vice-Chairperson Jody Bergman, Commissioners Michael Dow, Jeanine Easterday, Janet Fleshman, Linda Koebert, Chairperson John Serratelli and Bill Twietmeyer

ABSENT: Commissioners 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-** None.
4. **PLANNING COMMISSION GOALS (DISCUSSION)**

Mr. Soyring explained the updates that were made to the existing goals document that was accepted by the Planning Commission in 2014.

Commission discussion.

Mr. Soyring responded.

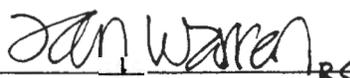
A revised goals document will be included in the 2/3/15 meeting packet for possible acceptance by the Planning Commission.

5. **PUBLIC COMMENT-** None.
6. **ADJOURNMENT-** Meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Date:

~~February 3, 2015~~
1


Jan Warren, Secretary ^{RS}

CITY OF TRAVERSE CITY

MEMORANDUM

To: Jered Ottenwess, City Manager
From: William E. Twietmeyer, City Treasurer/Finance Director *W.E.T.*
Subject: Quarterly Financial Report
Date: February 10, 2015

Attached is a copy of the quarterly financial report for the second quarter ending December 31, 2014. Activity in most of the major fund categories appears to be consistent with prior years or with what has been budgeted in each fund. There are a few exceptions that should be noted. The Road Commission Millage Street Fund shows only expenses for the current fiscal year which are funded from the revenue received last April from the County. This year's allotment of revenue will not be distributed until April. The Sewer Fund had \$500,000 more revenue last year than the current year. Almost all of this is attributed to the dewatering fees that were assessed to two construction projects last year. The Parking System Fund has significantly higher expenses this year compared to the previous year as a result of the purchase of new parking meters and the electronic pay stations. The Trunkline Fund has both higher revenue and expenses this year compared to last as a result of the MDOT funded skip patching project along the curb on US 31 from the City limits to Front Street by the Holiday Inn.

The Public Improvement Projects Fund reported fewer expenses this year compared to last year. This is because last year's activity included significant costs related to the Clinch Park Tunnel, the Wayne Street Reconstruction, and Alley Sanitary Sewer replacement in addition to the typical street resurfacing projects. Finally, we traditionally make the General Fund transfer for street projects to the Capital Projects Fund in the final quarter of the fiscal year. This year we made that transfer at the beginning of the fiscal year so that the funds for various street projects would already be available.

**City of Traverse City
Quarterly Reports
Fiscal Year 2014-15**

<i>GENERAL FUND</i>	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
<i>REVENUE</i>											
Current	14,293,450.00	14,293,450.00	8,672,128.74	1,062,438.70			8,672,128.74	9,734,567.44			68.11%
Surplus	942,800.00	942,800.00	0.00	0.00			0.00	0.00			0.00%
Total	15,236,250.00	15,236,250.00	8,672,128.74	1,062,438.70	0.00	0.00	8,672,128.74	9,734,567.44	0.00	0.00	63.89%
<i>EXPENDITURES</i>											
Personnel	8,943,730.00	8,943,730.00	2,191,097.27	2,059,163.55			2,191,097.27	4,250,260.82			47.52%
Supplies	359,700.00	359,700.00	68,542.60	86,041.26			68,542.60	154,583.86			42.98%
Contractual	1,372,770.00	1,372,770.00	233,759.38	277,857.30			233,759.38	511,616.68			37.27%
Other	1,825,050.00	1,825,050.00	784,875.11	538,381.04			784,875.11	1,323,256.15			72.51%
Contingency	30,000.00	30,000.00	0.00	0.00			0.00	0.00			0.00%
Transfers	2,705,000.00	2,705,000.00	1,458,000.00	0.00			1,458,000.00	1,458,000.00			53.90%
Total	15,236,250.00	15,236,250.00	4,736,274.36	2,961,443.15	0.00	0.00	4,736,274.36	7,697,717.51	0.00	0.00	50.52%
<i>WATER FUND</i>											
<i>REVENUE</i>											
Current	3,750,000.00	3,750,000.00	1,264,532.16	788,960.17			1,264,532.16	2,053,492.33			54.76%
Surplus	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
Total	3,750,000.00	3,750,000.00	1,264,532.16	788,960.17	0.00	0.00	1,264,532.16	2,053,492.33	0.00	0.00	54.76%
<i>EXPENDITURES</i>											
Treatment Plant	1,153,900.00	1,153,900.00	292,780.86	395,507.16			292,780.86	688,288.02			59.65%
Distribution	1,119,500.00	1,119,500.00	225,985.77	226,895.97			225,985.77	452,881.74			40.45%
Utility Acct	476,100.00	476,100.00	105,980.84	99,305.13			105,980.84	205,285.97			43.12%
Contingency	1,000,500.00	1,000,500.00	0.00	0.00			0.00	0.00			0.00%
Total	3,750,000.00	3,750,000.00	624,747.47	721,708.26	0.00	0.00	624,747.47	1,346,455.73	0.00	0.00	35.91%

**City of Traverse City
Quarterly Reports
Fiscal Year 2014-15**

<i>SEWER FUND</i>	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
REVENUE											
Current	6,190,000.00	6,190,000.00	1,613,828.91	1,308,668.36			1,613,828.91	2,922,497.27			47.21%
Surplus	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
Total	6,190,000.00	6,190,000.00	1,613,828.91	1,308,668.36	0.00	0.00	1,613,828.91	2,922,497.27	0.00	0.00	47.21%
EXPENDITURES											
Treatment Plant	2,996,000.00	2,996,000.00	753,983.69	835,460.29			753,983.69	1,589,443.98			53.05%
Distribution	825,000.00	825,000.00	200,138.85	196,541.09			200,138.85	396,679.94			48.08%
Utility Acct	998,300.00	998,300.00	224,880.49	218,617.56			224,880.49	443,498.05			44.43%
Contingency	1,370,700.00	1,370,700.00	0.00	0.00			0.00	0.00			0.00%
Total	6,190,000.00	6,190,000.00	1,179,003.03	1,250,618.94	0.00	0.00	1,179,003.03	2,429,621.97	0.00	0.00	39.25%
Road Commission Millage Str											
	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
REVENUE	750,000.00	750,000.00	0.00	0.00			0.00	0.00			0.00%
EXPENDITURES	750,000.00	750,000.00	362,959.16	290,490.81			362,959.16	653,449.97			87.13%
PARKING SYSTEM											
	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
REVENUE	2,498,850.00	2,498,850.00	586,666.64	488,618.57			586,666.64	1,075,285.21			43.03%
EXPENDITURES											
Operating	2,498,850.00	2,498,850.00	596,695.87	396,769.30			596,695.87	993,465.17			39.76%
Contingency	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
Total	2,498,850.00	2,498,850.00	596,695.87	396,769.30	0.00	0.00	596,695.87	993,465.17	0.00	0.00	39.76%

**City of Traverse City
Quarterly Reports
Fiscal Year 2014-15**

	BUDGET	BUDGET	1ST	2ND	3RD	4TH	TOTAL	TOTAL	TOTAL	TOTAL	% TO
<i>MARINA</i>		AMENDED	QUARTER	QUARTER	QUARTER	QUARTER	1ST QTR	2ND QTR	3RD QTR	4TH QTR	DATE
<i>REVENUE</i>	633,600.00	633,600.00	165,475.16	234,866.18			165,475.16	400,341.34			63.19%
<i>EXPENDITURES</i>											
Operating	633,600.00	633,600.00	193,699.38	117,225.13			193,699.38	310,924.51			49.07%
Contingency	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
Total	633,600.00	633,600.00	193,699.38	117,225.13	0.00	0.00	193,699.38	310,924.51	0.00	0.00	49.07%
<i>GARAGE</i>											
<i>REVENUE</i>											
Current	2,562,091.00	2,562,091.00	786,744.84	616,262.40			786,744.84	1,403,007.24			54.76%
Surplus	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
Total	2,562,091.00	2,562,091.00	786,744.84	616,262.40	0.00	0.00	786,744.84	1,403,007.24	0.00	0.00	54.76%
<i>EXPENDITURES</i>	2,562,091.00	2,562,091.00	487,780.39	470,203.20			487,780.39	957,983.59			37.39%
<i>PUBLIC IMPROVEMENT</i>											
<i>REVENUE</i>											
Current	37,000.00	37,000.00	9,943.84	19.16			9,943.84	9,963.00			26.93%
Transfer In	1,458,000.00	1,458,000.00	1,458,000.00	0.00			1,458,000.00	1,458,000.00			100.00%
Prior Year Surplus	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
Total	1,495,000.00	1,495,000.00	1,467,943.84	19.16	0.00	0.00	1,467,943.84	1,467,963.00	0.00	0.00	98.19%
<i>EXPENDITURES</i>	1,495,000.00	1,495,000.00	379,600.19	1,228,883.22			379,600.19	1,608,483.41			107.59%

**City of Traverse City
Quarterly Reports
Fiscal Year 2014-15**

<i>MAJOR 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	% TO DATE
REVENUE											
Reimbursements	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
State Source	789,500.00	789,500.00	201,541.50	63,923.78			201,541.50	265,465.28			33.62%
Interest & Div	500.00	500.00	0.00	0.00			0.00	0.00			0.00%
Transfer In	80,000.00	80,000.00	0.00	0.00			0.00	0.00			0.00%
Prior Year's Surplus	54,000.00	54,000.00	0.00	0.00			0.00	0.00			0.00%
Total	924,000.00	924,000.00	201,541.50	63,923.78	0.00	0.00	201,541.50	265,465.28	0.00	0.00	28.73%
EXPENDITURES											
Personnel	395,000.00	395,000.00	92,830.03	85,549.13			92,830.03	178,379.16			45.16%
Supplies	95,000.00	95,000.00	24,094.01	33,484.43			24,094.01	57,578.44			60.61%
Contractual	70,000.00	70,000.00	57,123.67	2,384.50			57,123.67	59,508.17			85.01%
Other	364,000.00	364,000.00	44,643.37	62,818.39			44,643.37	107,461.76			29.52%
Total	924,000.00	924,000.00	218,691.08	184,236.45	0.00	0.00	218,691.08	402,927.53	0.00	0.00	43.61%
LOCAL STREET											
	BUDGET	BUDGET AMENDED	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTAL 1ST QTR	TOTAL 2ND QTR	TOTAL 3RD QTR	TOTAL 4TH QTR	% TO DATE
REVENUE											
Reimbursement	0.00	0.00	0.00	1,825.00			0.00	1,825.00			0.00%
Metro Authority	47,000.00	47,000.00	0.00	0.00			0.00	0.00			0.00%
State Source	290,000.00	290,000.00	70,331.64	45,447.44			70,331.64	115,779.08			39.92%
Transfer In	917,000.00	917,000.00	0.00	0.00			0.00	0.00			0.00%
Total	1,254,000.00	1,254,000.00	70,331.64	47,272.44	0.00	0.00	70,331.64	117,604.08	0.00	0.00	9.38%
EXPENDITURES											
Personnel	583,000.00	583,000.00	100,890.08	146,226.36			100,890.08	247,116.44			42.39%
Supplies	86,000.00	86,000.00	8,030.17	16,587.83			8,030.17	24,618.00			28.63%
Contractual	50,000.00	50,000.00	24,187.50	6,034.50			24,187.50	30,222.00			60.44%
Other	535,000.00	535,000.00	102,664.17	107,519.85			102,664.17	210,184.02			39.29%
Total	1,254,000.00	1,254,000.00	235,771.92	276,368.54	0.00	0.00	235,771.92	512,140.46	0.00	0.00	40.84%

**City of Traverse City
Quarterly Reports
Fiscal Year 2014-15**

<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	% TO DATE
<i>REVENUE</i>											
State Source	289,500.00	289,500.00	236,656.13	241,514.12			23,656.13	265,170.25			165.17%
Interest & Div	200.00	200.00	0.00	0.00			0.00	0.00			0.00%
Reimbursements	300	300.00	303.10	291.74			303.10	594.84			198.28%
Prior Years Surplus	0.00	0.00	0.00	0.00			0.00	0.00			0.00%
Total	290,000.00	290,000.00	236,959.23	241,805.86	0.00	0.00	23,959.23	265,765.09	0.00	0.00	165.09%
<i>EXPENDITURES</i>											
Personnel	84,000.00	84,000.00	2,506.09	13,018.11			2,506.09	15,524.20			18.48%
Supplies	45,000.00	45,000.00	0.00	8,776.85			0.00	8,776.85			19.50%
Contractual	30,000.00	30,000.00	6,847.50	224,591.05			6,847.50	231,438.55			771.46%
Other	131,000.00	131,000.00	7,248.49	21,891.16			7,248.49	29,139.65			22.24%
Total	290,000.00	290,000.00	16,602.08	268,277.17	0.00	0.00	16,602.08	284,879.25	0.00	0.00	98.23%

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Total Calls:
101

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