



Notice

City Commission Regular Meeting

7:00 pm

Monday, March 16, 2015

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 3-12-15

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, Acting 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, MMC, 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 Regular Meeting of March 2, 2015. (Approval recommended) (Penny Hill, Benjamin Marentette)
- b. Consideration of approving a lease agreement with the History Center of Traverse City for leasing a portion of the Carnegie Building. (Approval recommended) (Carnegie Building/City Assets Ad Hoc Committee - Easterday, Howe, Richardson) (5 affirmative votes required)

- c. Consideration of declaring surplus six pieces of equipment and authorizing a purchase order for three plow trucks for Streets Division use. (Approval recommended) (Penny Hill, Dave Green) (5 affirmative votes required)
- d. Consideration of authorizing a service order for routine HVAC System maintenance at the Carnegie Building. (Approval recommended) (Penny Hill) (5 affirmative votes required)
- e. Consideration of authorizing a contract for the 2015 Storm Sewer Cleaning/Televising Project in connection with the Stormwater and Wastewater Grant (SAW Grant) with funds to be reimbursed by the SAW Grant. (Approval recommended) (Penny Hill, Timothy Lodge) (5 affirmative votes required)
- f. Consideration of authorizing an easement with Consumers Energy for tree trimming on the Southwest corner of Eighth Street and Garfield Avenue. (Approval recommended) (Penny Hill, Timothy Lodge) (5 affirmative votes required)
- g. Consideration of declaring surplus a Sieve Drum Concentrator control and surveillance cameras so that they may be disposed of. (Approval recommended) (Penny Hill, Dave Green)
- h. Consideration of authorizing a Memorandum of Agreement for the installation of riparian forest buffer and other vegetative plants relating to the Brown Bridge Quiet Area. (Approval recommended) (Penny Hill) (5 affirmative votes required)
- i. Consideration of adopting The Boardman River Plan as a general guideline for enhancement of the riverfronts recommended by the Downtown Development Authority Board of Trustees and the City Planning Commission. (Adoption recommended) (Penny Hill, Russell Soyring)
- j. Consideration of adopting a resolution establishing fees for the Duncan L. Clinch Marina transient rates for the 2015 season. (Adoption recommended) (Penny Hill, Dave Green)

- k. Consideration of enacting 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 other housekeeping changes to the ordinance. (Enactment recommended) (Penny Hill, Lauren Tribble-Laucht, Benjamin Marentette)
- l. Consideration of introducing an amendment to the Traverse City Code of Ordinances to amend Tax Increment Financing and Development Plan #97 to allow reimbursement for Brownfield-eligible expenses to the Grand Traverse County Brownfield Redevelopment Authority, as recommended by the Downtown Development Authority Board; and scheduling a public hearing for April 20, 2015. (Introduction and schedule for possible enactment and public hearing on April 20, 2015, recommended) (Penny Hill, Robert Bacigalupi)
- m. Consideration of introducing an amendment to the Traverse City Code of Ordinances which would rezone the properties at 1015 and 1025 Hannah Avenue from R-2 (Two Family Dwelling) to C-2 (Neighborhood Center District), as recommended by the City Planning Commission. (Introduction and schedule for possible enactment on April 6, 2015, recommended) (Penny Hill, Russell Soyring)
- n. Consideration of introducing an amendment to the Traverse City Code of Ordinances which would rezone the property at 314 East Eighth Street from R-29 (Multi-Family Dwelling) to C-2 (Neighborhood Center District), as recommended by the City Planning Commission. (Introduction and schedule for possible enactment on April 6, 2015, recommended) (Penny Hill, Russell Soyring)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Consideration of making permanent the PILOT program for residential parking permits as recommended by the Downtown Development Authority Board of Trustees. (Penny Hill, Robert Bacigalupi)
- b. Consideration of concurring with an adjustment in parking meter rates as recommended by the Downtown Development Authority Board of Trustees. (Penny Hill, Robert Bacigalupi)
- c. Consideration of enacting an amendment 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, as recommended by the Planning Commission. (Penny Hill, Russell Soyring)

4. New Business

- a. Report from the City Commission Ad Hoc Committee Regarding City Manager Recruitment; and consideration of authorizing funds associated with the recruitment process. (Commissioner Jeanine Easterday, Commissioner Ross Richardson, Commissioner Tim Werner, Penny Hill)
- b. Consideration of adopting a Resolutions of Support for the Michigan Recreation Passport Grant and the Michigan Natural Resources Trust Fund Grant for the Clancy Park Improvement Project. (Penny Hill, Russell Soyring)

5. Appointments

- a. Consideration of establishing an ad hoc interview committee to make recommendation regarding one appointment to the Parks and Recreation Commission. (Penny Hill, Katie Stroven)

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 January 12, 2015.
 3. Minutes of the Traverse City Light and Power Board meeting of February 10, 2015.
- e. Reports and correspondence from non-City officials.

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.

k:\tcclerk\city commission agendas\2015\Agenda_20150316.doc



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: MINUTES

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

- March 2, 2015, Regular Meeting

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

that the minutes of the March 2, 2015, Regular Meeting, be approved.

PH/slm

k:\tcclerk\city commission\minutes

Minutes of the
City Commission for the City of Traverse City



Regular Meeting

March 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.

Consideration of suspending the City Commission Rules to consider accepting the resignation of the City Manager.

The following addressed the Commission:

Katelyn Stroven, Deputy City Clerk

Moved by Richardson, seconded by Easterday, that the City Commission suspends Rule 9(a) to modify Agenda Item 4(a) to be as follows: "Consideration of accepting the resignation of City Manager Jered Ottenwess and consider possibly entering into closed session regarding attorney-client privileged communication regarding the City Manager; and appointing an Acting City Manager and any other actions regarding the vacancy."

CARRIED unanimously.

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 February 17, 2015, Regular Meeting, be approved.
- b. the Assistant City Manager be authorized to issue a confirming purchase/service order in the amount of \$15,559.39 to Brenner Oil Co. for 9,998 gallons of unleaded gasoline priced at \$1.55625 per gallon with funds available in the Garage Fund.
- c. the Resolution recommending approval of a request from OM Café TC, LLC. for a New Banquet Facility Permit, be adopted; and that the City Clerk be authorized to issue a Liquor License Registration to OM Café TC, LLC, to operate such permits at 148 E. Eighth Street.
- d. the Assistant City Manager be authorized to issue a service order to Northern Pump & Well in the amount of \$27,592 for work on the water system's high service pump # 3 and low service pump #1, with funds available in the Water Fund.
- e. the Assistant City Manager be authorized to issue a purchase order to EH Wachs of Harvard, Illinois, in the amount of \$75,900.00 for the purchase of a 2015 Wachs Standard LX Diesel VMT trailer-mounted water valve exercising machine to be used by the Water/Sewer Maintenance Division, with funds available in the Water Fund.
- f. the Resolution Banning the Possession and Consumption of Alcoholic Beverages at Clinch Park Beach, be adopted

CARRIED unanimously

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Report from the City Commission Ad Hoc Committee Regarding City

Assets/Carnegie Building; and consideration of authorizing lease agreements for space within the Carnegie Building.

Moved by Howe, seconded by Richardson, that the Mayor and City Clerk be authorized to execute a non-exclusive Lease Agreement with Crooked Tree Arts Council, Inc. for a portion of the Carnegie Building located at 322 Sixth Street, Traverse City, MI for a three-year period at a cost of \$25,000 per year; and further that the Mayor and City Clerk be authorized to execute a non-exclusive Lease Agreement with Grand Traverse Rock and Mineral Club, Inc. for a portion of the Carnegie Building located at 322 Sixth Street, Traverse City, MI for a three-year period at a cost of \$1,000 per year, with both agreements subject to approval as to their substance by the Assistant City Manager and their form by the City Attorney, with the lease payments to be deposited to the Heritage Center Fund.

CARRIED unanimously.

4. New Business

4(a).

Consideration of accepting the resignation of City Manager Jered Ottenwess and consider possibly entering into closed session regarding attorney-client privileged communication regarding the City Manager; and appointing an Acting City Manager and any other actions regarding the vacancy.

Moved by Richardson, seconded by Carruthers, that the City Commission waives the liquidated damages requirement contained in Paragraph 5(a) of the Employment Agreement for the City Manager dated May 30, 2013 and approves payment to Jered Ottenwess the equivalent of 90 calendar days pay (\$26,254.80) as estimated and payment of health and dental premiums for policies currently in effect for a period of 90 calendar days (equivalent to \$3,544.62) as estimated, subject to Jered Ottenwess' execution of a mutual agreement, waiver and release, of any and all claims or possible claims against the City of Traverse City. The Mayor and City Clerk shall be authorized to execute such agreement, waiver and release subject to approval as to its form by the City Attorney and its content by the Acting City Manager.

The following addressed the Commission:

W. Peter Doren, Acting City Attorney

Matt Vermetten, Attorney Representative for Jered Ottenwess
Rick Buckhalter, 932 Kelley Street
Jan Cleland, 211 West 12th Street

Roll Call.

Yes – Carruthers, Easterday, Howe, Richardson, Budros, Estes

No – Werner

CARRIED.

Moved by Easterday, seconded by Richardson, that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the written attorney-client privileged communication regarding City Manager Jered Ottenwess, as authorized by MCL 15.268(h).

The following addressed the Commission:

W. Peter Doren, Acting City Attorney

By consensus of Commissioner Easterday and Commissioner Richardson, the motion was withdrawn.

Moved by Carruthers, seconded by Easterday that Assistant City Manager Penny Hill be appointed as Acting City Manager until a new City Manager is appointed.

The following addressed the Commission:

W. Peter Doren
Rick Buckhalter, 932 Kelley Street
John Cunningham, 145 E. 12th Street

Roll Call

Yes – Easterday, Howe, Werner, Carruthers, Budros, Estes

No – Richardson

CARRIED.

The following addressed the Commission:

Jamie Caroffino, Human Resource Generalist

Moved by Richardson, seconded by Howe, proceed forward on the search for a new City Manager using option 3 as detailed in the memo from Jamie Caroffino dated March 2, 2015, utilizing the City's Human Resource Department.

Rick Buckhalter, 932 Kelley Street

CARRIED unanimously.

Moved by Budros, seconded by Richardson, to appoint an ad hoc committee to work with the City Human Resource Department to accomplish the preliminary steps in the recruitment process for hiring a new City Manager and that Commissioners Richardson, Easterday, and Werner to serve on such committee.

CARRIED unanimously.

Moved by Richardson, seconded by Budros to make public the attorney-client privileged communication from Lauren Tribble-Laucht, City Attorney to the City Commission dated February 22, 2015.

CARRIED unanimously.

5. Appointments

None

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the Deputy City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City

Commissioners.

- d. Reports and correspondence from other City officials, boards and committees.
 - 1. Reports from members of the Commission serving on boards.
 - 2. Minutes of the Traverse City Light and Power Board meetings of January 13 and January 27, 2015.

7. Public Comment

The following addressed the Commission:

- 1. Reserved.

None

- 2. General.

Jan Cleland, 211 West 12th Street
 Rick Buckhalter, 932 Kelley Street
 Melissa Barrett, 3903 Scenic Ridge, Garfield Township

- 3. Mayor and City Commissioners.

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

Katelyn Stroven
 Deputy City Clerk

Approved: _____, _____
 (Date) (Initials)



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: RECOMMENDATION – LEASE AGREEMENT FOR CARNEGIE BUILDING

As mentioned at the March 2, 2015 City Commission Meeting, the Carnegie Building Ad Hoc Committee reviewed draft leases as prepared by City staff and discussed proposed lease terms for each of three prospective tenants of the Carnegie Building;

The lease agreements with Crooked Tree Arts Council and the Grand Traverse Rock and Mineral Club have been authorized.

The lease agreement with the History Center of Traverse City is similar to the recently authorized leases, giving non-exclusive access to a portion of the Carnegie Building for a three-year period.

The remaining unleased space would be under the control of the City. The Ad Hoc Committee is currently working on a draft "Building Use Policy" for the remaining space, which will come before the City Commission for its approval at a later date.

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

that the Mayor and City Clerk be authorized to execute a non-exclusive Lease Agreement with History Center of Traverse City, for a portion of the Carnegie Building located at 322 Sixth Street, Traverse City, MI for a three-year period at a cost of \$5,800 per year, agreement subject to approval as to its substance by the Acting City Manager and its form by the City Attorney, with the lease payments to be deposited to the Heritage Center Fund.

PH/kes

K:\tcclerk\city commission\agreements\Carnegie bldg lease_histroy center tc_20150316.doc

copy: Maddie Lundy, History Center Traverse City Executive Director

LEASE AGREEMENT

This Lease has been entered into this ____ day of _____, 2015, between the CITY OF TRAVERSE CITY, a Michigan municipal corporation, of 400 Boardman, Traverse City, Michigan, 49684, ("Landlord") and the HISTORY CENTER OF TRAVERSE CITY, a Michigan Nonprofit Corporation, of 322 Sixth Street, Traverse City, Michigan, 49684 ("Tenant").

In consideration of the mutual covenants herein contained, the Landlord and the Tenant agree as follows:

1. Premises. Landlord leases to Tenant, and Tenant hires from Landlord, on the terms and subject to the conditions herein contained, those portions of the building located at 322 Sixth Street, Traverse City, Michigan, commonly known as the Carnegie Building (Tax Parcel ID 28-51-103-015-10, the "Building"), which are attributed to the Tenant on the attached **Exhibit A**, which is hereby incorporated herein by reference (the "Premises"). Tenant may use the kitchen for a breakroom for its employees and volunteers and as a staging area for catered events. The kitchen may not be used for food preparation or for any commercial purpose. The Tenant may use the boardroom subject to the City's building use policy at no charge.

2. Term. The term of this Lease shall be three (3) years commencing on _____ and continuing through _____, subject to the provisions of this Lease Agreement.

3. Rent. The fixed annual rent for the Premises shall be FIVE THOUSAND EIGHT HUNDRED DOLLARS (\$5,800.00) payable in monthly installments. Rent for the first month shall be payable upon execution of this Lease and monthly thereafter upon invoice from the Landlord. The first monthly payment may be prorated if necessary to account for the actual execution date of this Lease.

4. Utilities. Landlord shall pay all charges for water, sewer, heat, gas, electricity, and solid waste collection during the term of this Lease. Tenant shall pay all charges for telephone and internet service during the term of this Lease.

5. Acceptance of Premises. Except as Landlord and Tenant may otherwise agree in writing, the taking of possession by Tenant shall be conclusive evidence that, at such time, the Premises were in satisfactory or acceptable condition. Landlord has made no representations as to the condition of the Premises except as provided and Landlord shall not be liable for any latent or patent defects therein.

6. Use of the Premises. Tenant shall use and occupy the Premises for general office use and storage of its archives, and shall not use the Premises for any other purpose without the prior written consent of the Landlord. Generally hours of operation shall be Monday through Saturday, 8:00am through 5:00pm, although these hours may be altered for special events or for other good cause approved by the City Manager. Tenant acknowledges that it has made its own determination as to the suitability of the Premises for this use, and that the Landlord has made no

representations with respect thereto. Tenant agrees that its use and occupancy shall conform in all respects to all applicable statutes, ordinances, rules, regulations and orders. Tenant shall not cause or permit any unsafe, offensive or obnoxious activity or public nuisance on the Premises. Tenant hereby expressly agrees that the Building will continue to serve as a polling location/precinct for elections. Tenant hereby expressly agrees that the upper level of the Cornwell Addition may be used by the Landlord during the term of this Lease for the Festival of Trains event, which has traditionally been held in December and January each year.

7. Improvements, Alterations and Renovation. No construction, alteration, or remodeling may be made to the Premises without obtaining the prior express written permission of the City Manager. Any such alterations, additions or improvements and the construction of them shall be the legal and financial responsibility of the Tenant and shall in addition conform in all respects to all applicable statutes, ordinances, rules, regulations and orders. Tenant shall commit no waste on the premises.

8. Maintenance and Repair. Tenant shall maintain the Premises in a clean and sanitary condition and shall surrender the Premises at the termination of this Lease in as good a condition as when received, ordinary wear and tear excepted. Tenant agrees to be responsible for any damage caused to the Premises by Tenant or Tenant's sublessees, agents, employees, guests, or invitees. Landlord shall maintain the building core & shell, including the HVAC system and other utility systems in the Building at its cost & expense. Landlord shall maintain the exterior areas of the property including the parking lot, snow removal of the parking lot and lawn/landscaping maintenance. Landlord shall provide bathroom cleaning services to the Building at least weekly. However, Tenant shall be responsible for day-to-day cleaning responsibilities, for example ensuring adequate bathroom supplies and cleanliness of the lower level bathroom adjacent to the Premises. Tenant shall immediately submit to the City Manager a written report of any accident occurring on the Premises or any dangerous or unsafe condition or non-routine maintenance issue observed by the Tenant, its agents or employees.

9. Insurance. The Tenant shall procure and maintain during the life of this Lease, commercial general liability insurance on an occurrence basis with limited liability of not less than one million dollars (\$1,000,000.00) per occurrence or aggregate combined single limit, personal injury, bodily injury and property damage. Such insurance shall include an endorsement stating that the City of Traverse City, all elected and appointed officials, all employees and volunteers thereof, shall be additional insured. Insurance policies required under this Lease shall include an endorsement stating that sixty (60) days advance written notice of cancellation, non-renewal, reduction or material change shall be sent to the City Clerk of the City of Traverse City, 400 Boardman Avenue, Traverse City, MI 49684.

10. Governmental Immunity. This Lease does not constitute a joint endeavor. The parties do not intend to waive any governmental immunity available to a party or an employee or official of a party.

11. Indemnification. To the fullest extent permitted by law, the Tenant agrees to defend, pay on behalf of, indemnify, and hold harmless the Landlord, its elected and appointed officials, employees and volunteers and others working on behalf of the Landlord, against any

and all claims, demands, suits or loss, including all costs and attorneys' costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Landlord, its elected and appointed officials, employees, volunteers or others working on behalf of the Landlord, by reason of alleged personal injury, including bodily injury or death or property damage or by reason of a tort of quasi-contract claim, which arises out of or is in any way connected or associated with this Lease Agreement. This indemnification promise shall not be limited by reason of any insurance policy.

12. Signs. Tenant may erect signs on the Premises or the Building as shall be approved by the City Manager in writing prior to the installation thereof. Tenant shall maintain such signs during the term of this Lease and at the end of the term shall remove the same, at its own cost and expense. All signs must conform to the City's sign ordinance. The currently existing signage on the exterior of the Building shall be removed by the Tenant at its sole cost and expense within thirty (30) days of execution of this Lease.

13. Tenant's Personal Property and Taxes. All personal property of Tenant kept on the Premises shall be at Tenant's sole risk, and Tenant hereby waives all right of recovery which it might otherwise have against Landlord for any loss, theft or damage that may result from Landlord's negligence. Tenant shall pay promptly when due all taxes levied on personal property owned by Tenant and shall promptly pay when due all real property taxes, if any, levied on the Premises.

14. Destruction - Fire or Other Cause. If the Premises shall be rendered untenable by fire or other casualty, the insurance proceeds may be used to repair the damage as speedily as possible. In the event such proceeds exceed the cost of such repair, such excess shall belong to Landlord. In the event the Building or the Premises is completely destroyed or so extensively damaged to as to make restoration impractical or uneconomical, this Lease may be terminated by Landlord upon notice thereof to Tenant given within ninety (90) days of such damage. Landlord shall not be responsible for any damages suffered by Tenant as a result of said termination or interruption in Tenant's enjoyment of the Premises.

15. Laws and Regulations. Tenant shall, at Tenant's own cost and expense, comply with all of the requirements of all laws and regulations, municipal, state and federal, now in force, or which may hereafter be in force, pertaining to the Premises, and the use and occupancy thereof.

16. Assignment and Subletting. Tenant shall not assign, or in any way encumber this Lease, or any part, right or interest thereof, nor shall Tenant let or sublet or permit any part of the Premises to be used or occupied by others for any reason without the prior written consent of the City Manager. No consent by Landlord to an assignment or subletting shall be construed to relieve Tenant from its obligations hereunder or from obtaining Landlord's written consent to any further assignment.

17. Access to Premises. Landlord shall have the right to enter upon the Premises at all reasonable business hours for the purpose of inspecting same, preventing waste, loss or destruction, making repairs or removing obstructions. These hours may be extended upon notice

to Tenant or Tenant's agent, for repairs or alterations or to enforce any of Landlord's rights or powers under this Lease. If as a result of any entry by Landlord into the Premises it is necessary to Tenant to suspend operations therein, Tenant's sole remedy shall be abatement of rent for the period of time normal operations are suspended.

18. Subordination. This Lease is subject and subordinate to all underlying leases and mortgages which now or hereafter affect the Premises and to all renewals, modifications, consolidations, replacements and extensions thereof. Tenant shall execute promptly from time to time any certificate or other instrument that Landlord may request to confirm this subordination.

19. No Waiver. The failure of either party to enforce any covenant or condition of this Lease shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this Lease. No provision of this Lease shall be deemed to have been waived unless such waiver is in writing.

20. Successors and Assigns. The covenants, conditions and agreements contained in this Lease shall bind and inure to the benefit of Landlord and Tenant and their respective distributees, successors, and, except as otherwise provided in this Lease, their assigns.

21. Quiet Enjoyment. Landlord covenants and agrees with Tenant that upon Tenant's paying the rent and observing and performing all the terms, covenants and conditions on Tenant's part to be performed and observed, Tenant may peaceably and quietly enjoy the Premises leased hereby. Tenant and Landlord agree that in the event that the Premises become untenable due to a casualty not covered by insurance, and not caused by Tenant, Tenant and the Landlord may elect to terminate this Lease with proper notice. Upon termination, neither party shall have any further rights or responsibilities under the terms of this Lease.

22. Impairment of Title. Tenant shall not, directly or indirectly, encumber or impair Landlord's title to the Premises.

23. Termination. Except as otherwise indicated, a party may terminate this Lease upon thirty (30) days advance written notice to the other party. All moveable personal property of the Tenant or any other person other than Landlord shall be promptly removed by the Tenant at the termination of this Lease. Any fixtures or improvements placed on the Premises with the consent of the Landlord shall become the property of the Landlord upon termination of this Lease. Upon termination, rent shall be pro rated and any amount in excess of the duration of Tenant's occupancy shall be paid to Tenant.

24. Landlord's Remedies on Default. If Tenant defaults in the payment of rent, or defaults in performance of any other covenants or conditions of this Lease, Landlord may give Tenant notice of the default. If Tenant does not cure any default within seven (7) days after the giving of the notice, or, if such default cannot be completely cured within the period, Tenant does not commence the curing within fourteen (14) days and thereafter proceed with reasonable diligence and in good faith to cure the default, then Landlord may terminate this Lease on no less than seven (7) days' notice to Tenant. On the date specified in the notice, this Lease will terminate and Tenant will surrender the Premises to Landlord, but Tenant will remain liable for

any default. If this Lease will have been so terminated by Landlord, Landlord may then retake possession of the Premises by any lawful means and remove Tenant or other occupants and its or their effect.

25. Notices. Any notice which either party may, or is required to, give hereunder may be served personally or sent by first class mail, postage prepaid, to the other party at their address above, or at such other places as may be designated in writing by the parties from time to time.

26. Non-Discrimination. The parties agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity. Breach of this covenant may be regarded as a material breach of this Agreement.

27. Amendments. Any modifications of this Lease shall be in writing and signed by both parties.

28. Venue and Interpretation. Any and all suits for any and every breach of this Lease may be instituted and maintained in any court of competent jurisdiction in the County of Grand Traverse, State of Michigan. This Lease shall be governed by the laws of the State of Michigan, both as to interpretation and performance.

29. Employees. The personnel employed by the Tenant shall not be deemed to be employees of the Landlord and shall not be entitled to any fringe benefits the City affords its employees. Personnel employed by Tenant shall not hold themselves out as employees of the City.

30. Third Party Beneficiaries. This Agreement confers no rights or remedies on any third party, other than the parties to this Agreement and their respective successors and permitted assigns.

31. Severability. In the event that any part of this Lease shall be held invalid, the remainder thereof shall remain in full force and effect.

32. Entire Agreement. This Lease, together with all the items incorporated herein by reference, constitutes the entire agreement of the parties and there are no valid promises, conditions or understandings which are not contained herein.

33. Authority to Execute. The parties agree that the signatories appearing below have the authority and are duly authorized to execute this Lease on behalf of the party to the Lease.

IN WITNESS WHEREOF, the undersigned have executed this Lease as of the date first written above.

CITY OF TRAVERSE CITY

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

TENANT

Its:

APPROVED AS TO SUBSTANCE:

Jered Ottenwess, City Manager
City of Traverse City

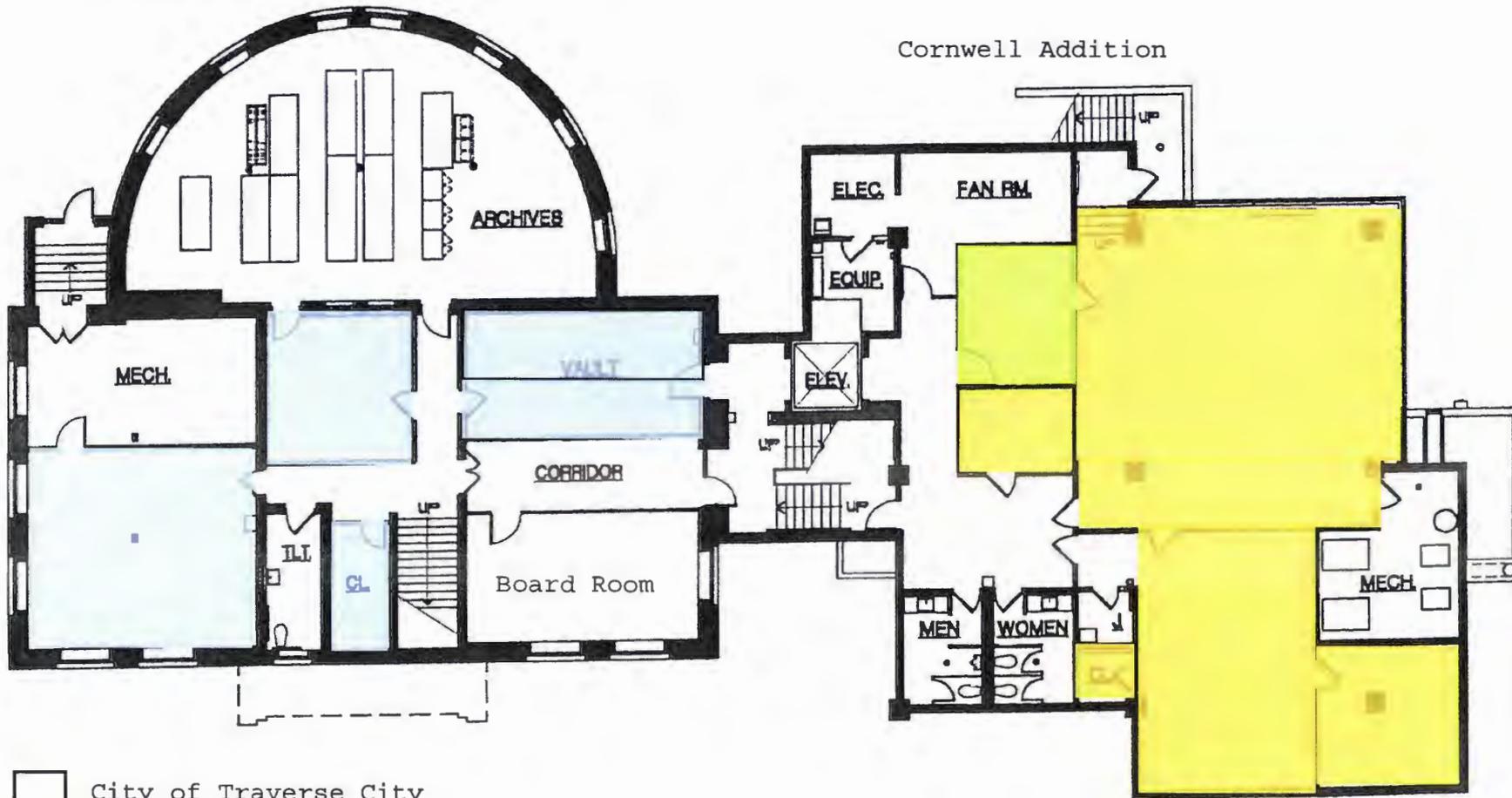
APPROVED AS TO FORM:

Lauren Tribble-Laucht, City Attorney
City of Traverse City

Carnegie Side

Exhibit A

Cornwell Addition



-  City of Traverse City
-  Crooked Tree Arts Center
-  History Center
-  GT Rock & Mineral Club

**GRAND TRAVERSE HERITAGE CENTER
LOWER LEVEL FLOOR PLAN**





The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: 2014/2015 VEHICLE REPLACEMENT PURCHASES

Attached are memos from Dave Green, DPS Director, and Dave Courtad, Garage Superintendent, requesting approval to purchase two (2) tandem axle plow trucks and one (1) single axle plow truck, and additional plow equipment, and to declare three plow trucks, two sander bodies, and one water tank surplus. These are scheduled purchases.

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

that the Acting City Manager be authorized to declare three plow trucks, two sander bodies, and one water tank surplus, and that the Acting City Manager be authorized to approve a purchase order to Grand Traverse Diesel in the amount of \$396,000.00 for two 2016 Western Star 4700SB's and one 2016 Western Star 4800SB cabs and chassis and a purchase order to Truck and Trailer Specialties of Boyne Falls in the amount of \$313,597.00, for three equipment packages for said trucks, with funds available in the Garage Fund for this planned vehicle and equipment replacement purchase.

PH/jd

K:\tcclerk\city commission\purchase orders\vehicle replacement_20150316.doc

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

Memorandum

The City of Traverse City
Department of Public Services



TO: Penny Hill, Acting City Manager
FROM: Dave Green, DPS Director 
DATE: March 9, 2015
SUBJECT: 2014/2015 Vehicle Replacement Purchases

Attached are two memorandums from Dave Courtad, Garage Superintendent, outlining the bid process he used for two tandem axle plow trucks and one single axle plow truck that are scheduled for replacement. Dave split the bid up hoping to attract more qualified bid responses. These plow trucks are heavy duty trucks used by the Streets Division to plow streets and alleys, spread salt and sand, and haul snow and other material. The City had 11 of these trucks as of 2013 but we have since reduced that number down to 10, one for each of the nine plow routes and one for reserve and/or emergency backup. The average age of the plow fleet is 11 years ranging between 1996 and 2013 models. While two of the trucks (both 1996 model years) being replaced are well past their scheduled replacement dates, we have kept them in service as long as it has been cost effective to do so. After this winter, we feel that is no longer the case. The third truck, a 2004 Peterbuilt we have outfitted to carry our brine tank around in the summer, is at its anticipated service life of ten years. Although we would like to keep this vehicle a few years past the depreciated time period, we have spent close to \$67,000 dollars on maintenance for it over the last two years and feel the costs are only going to continue to increase.

Even though Dave split up the bid requests, the fact that the City's bid requests are widely circulated, to include the newspaper and City website and we made some additional contact attempts, only one bidder responded to each bid. Grand Traverse Diesel Service submitted a bid for the two dual axle cab and chassis package consisting of two 2016 Western Star 4700SB's for \$120,000 per truck. They also submitted a bid for the single axle cab and chassis package consisting of a 2016 Western Star 4800SB for \$156,000. Staff has since analyzed comparable purchases around the state and are confident GT Diesel's prices are competitive and I concur that the bid price is fair for the three cab and chassis packages.

Dave's memos also discuss the required equipment that needs to be purchased and installed on these three trucks in order to make them functional. The equipment to be installed on the trucks includes dump boxes, sanders, underbody plows, front plow hitches, tarps, lights, and the hydraulic system that

Memorandum

The City of Traverse City
Department of Public Services



operates the equipment. This required equipment is available from Truck and Trailer Specialties of Boyne Falls through a State of Michigan MI Deal contract, # 071B5500010. The Mi Deal Extended Purchasing Program allows Michigan local units of government to benefit from the State's negotiating and purchasing power by permitting them to purchase from the State's contracts on the same terms, conditions, and prices as State government. The cost of the equipment through the MI Deal contract, along with the installation, totals \$102,734.00 per truck for the single axle truck and \$103,052.00 each for the tandem axle trucks for a total of \$308,838.00. Also, a price of \$4,759.00 needs to be included in the overall amount to Truck and Trailer Specialties to cover the purchase of a new 2035 gallon brine tank needed to replace the 1999 tank that was custom fitted for the 2004 Peterbuilt.

While this is an expensive purchase for the City I believe it is in our best interest to do so. The maintenance costs for the three trucks being replaced is increasing at an alarming rate and as the "on the rack" time increases, the time to be out on the road decreases. We are going to be placing these three trucks into a 12 year depreciation cycle with an increase in preventative maintenance and overall vehicle care program with a plan to reduce the overall burden to the budget. Snow removal is a critical service we must accomplish for the City residents, but we need to complete the task in the most efficient and cost effective manner possible. All three new vehicles as well as the remaining 7 plow trucks we have will be equipped before next winter with the latest Automatic Vehicle Locator (AVL) software packages which will allow us to monitor and track salt/sand usage, vehicle speed and vehicle location in real time.

Please request that the City Commission declare three plow trucks, two sander bodies and one water tank surplus and approve a purchase order to Grand Traverse Diesel in the amount of \$396,000.00 for two 2016 Western Star 4700SB's and one 2016 Western Star 4800SB cabs and chassis and a purchase order to Truck and Trailer Specialties of Boyne Falls for three equipment packages for said trucks in the amount of \$313,597.00 with funds available in the Garage Fund for this planned vehicle and equipment replacement purchase.

Memorandum

The City of Traverse City
Department of Public Works



TO: Dave Green

CC:

FROM: Dave Courtad Garage Superintendent

DATE: March 9, 2015

SUBJECT: Single Axle 4x4 Heavy Duty Snow Plow

Bids were solicited for a Heavy Duty Single Axle 4x4 Truck to be equipped for Plowing Snow, and to be used in the summer for hauling various materials by the Streets Division. Also we need to request that a 1996 Ford L9000 Snow Plow be declared surplus.

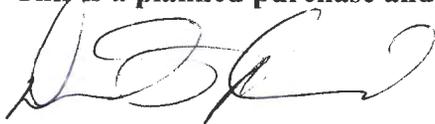
The following bids were received:

Grand Traverse Diesel Service of Traverse City, Mi. for a 2016 Western Star 4800SB, priced at \$156,000.00.

In addition to the Cab and Chassis cost listed above is a MI Deal purchase price from Truck and Trailer Specialties, that includes the Front Plow hitch, Plow lighting system, Stainless Dump box, underbody scraper, Automatic Tarp system, Heavy duty V-Box Salt/Sand Spreader and other miscellaneous items to make this vehicle fully functional. This MI Deal purchase has been approved under contract # 071B5500010 by the State of Michigan with a total price of \$102,734.00.

Would you please request of the City Commission permission to issue (2) two purchase orders (1) one in the amount of \$156,000.00 for the cab and Chassis to Grand Traverse Diesel Service Inc. of Traverse City, plus (1) one in the amount of \$102,734.00 to Truck and Trailer Specialties of Boyne City for the needed equipment, making a total package in the amount of \$258,743.00.

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



Memorandum

The City of Traverse City
Department of Public Works



TO: Dave Green

CC:

FROM: Dave Courtad Garage Superintendent

DATE: March 9, 2015

SUBJECT: Tandem Axle Heavy Duty Plow Trucks

Bids were solicited for (2) two Heavy Duty Tandem Axle Trucks to be equipped for Plowing Snow, distributing sand/salt, and to be used in the summer for hauling various construction type materials by the Street Division. Additionally one will be equipped with a 2035 Gallon Tank used to perform dust control on our remaining un-paved streets and alley's. Also please request that a 1996 Ford LTS9000 Plow Truck, a 2004 Peterbilt 357 Plow Truck, a 1991 Svenson Sander, a 1996 Svenson Sander, and a Norwesco Water Tank be declared surplus.

The following bids were received for the Cab and Chassis portion:
Grand Traverse Diesel Service of Traverse City, Mi. for a 2016 Western Star 4700SB in the amount of \$120,000.00 each.

In addition to the Cab and Chassis cost listed above is a MI Deal purchase price from Truck and Trailer Specialties, this will include the Front Plow Hitch, Plow lighting system, Stainless Dump Box, underbody scraper, Automatic Tarp system, Heavy Duty V-Box Salt/Sand Spreader and other miscellaneous items to make this vehicle fully functional . This MI Deal purchase has been approved under contract # 071B5500010 by the State of Michigan with the total price of \$103,052.00 each, plus one 2035 Gallon Elliptical slide in tank at the cost of \$4,759.00.

Would you please request of the City Commission permission to issue (2) two purchase orders (1) one in the amount of \$240,000.00 for the Cab and Chassis to Grand Traverse Diesel Service Inc. of Traverse City, Mi. and (1) one in the amount of \$210,863.00 to Truck and Trailer Specialties of Boyne City for the completion of the trucks. This will be a total package of \$450,863.00 for the (2) two trucks (\$225,431.50 each).

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

A handwritten signature in black ink, appearing to read "Dave Courtad", is located at the bottom left of the page.

**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
98 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
Street	Komatsu WA 200-6 2Yd. Loader	168,000
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
177 Street	Western Star 4700 Dump, U.Body, Plow <i>2004 PETERBILT</i>	275,000
Street	Solartech Flashing Arrow	10,000
Water Dist.	Sullivan Air Compressor	25,000
Park	Bean 2020 Sprayer	6,000
230 Street	Swensen Sander Body	20,000
232 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
Street	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

Total Budgeted for 3 New Trucks/Equipment = \$810,000.00 (2013/2014 + 2014/2015)
 Total Bio for 3 Trucks/Equipment = \$709,397.00 (\$280,000.00 + \$520,000.00)

-132-

\$100,603.00 under Budget

City of Traverse City, Michigan
INTERNAL SERVICE FUND
GARAGE FUND
2013-14 Vehicle Replacement Schedule

Department	Replacement Cost	Resale/Trade Value
Police	\$ 24,500	\$ 1,500
Police	24,500	1,500
Police	24,500	1,500
Streets	29,000	Re-use
Streets	165,000	21,000
Streets	122,000	2,000
102 Streets (TRUCK)	262,000	98,000
236 Streets (SANDER BOX)	18,000	200
Streets/Parks	195,000	1,200
Parks	28,000	Re-use
Fire	29,000	750
Fire	700,000	1,500
Light and Power	260,000	7,500
Light and Power	60,000	200
Gross Purchases	\$ 1,941,500	136,850
Less: Trade-in/Resale	(136,850)	
Net Purchases	\$ 1,804,650	

TOTAL BUOGE/RED \$ 280,000.00
FOR 1 TRUCK/EMPLOYEE



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER *PH*

SUBJECT: HVAC ANNUAL MAINTENANCE AT CARNEGIE BUILDING

Background:

Prior to the execution of a Management and Lease Agreement with the History Center for the maintenance of the Carnegie Building, the City had an annual maintenance contract with ABI Mechanical at a cost of 2,700 annually for the routine maintenance of the HVAC system at the Carnegie building. That contract expired on June 11, 2011.

When the City entered into a Lease Agreement with the History Center on January 1, 2011, the City retained responsibility for maintenance and repair of the building as follows:

8. Maintenance and Repair-Obligations of City.

h. The City agrees to provide maintenance and lease hold improvements, as necessary, in order to keep the property in good order and satisfactory condition and suitable for the purposes for which they are leased. Specifically, the City shall be responsible for the costs of:

- i. Ongoing, necessary capital improvements as determined by the City and repairs to the building, including roof reconstruction, repair or replacement. Heating and cooling system repair or replacement, repair or replacement of the electrical and plumbing systems if needed and all other such building maintenance, repair or replacement that is necessary in order to insure that the premises are in good, clean, tenantable, and operating condition.
- ii. The security system that protects the Collection and will pay the annual maintenance contract for this electronic system.
- iii. The elevator inspection, maintenance and, if necessary, any required replacement costs in order to insure that the elevator system is in compliance with Federal, State or local zoning and building requirements.

In December of 2012, the City entered into a Management and Lease Agreement with the History Center; the lease terms were then amended to have the History Center responsible for the ongoing maintenance of the building, as follows:

- h. The History Center agrees to provide maintenance and lease hold improvements, as necessary, in order to keep the Property in good order and satisfactory condition and suitable for the purposes for which they are leased. Specifically, the History Center shall be responsible for the costs of:
 - i. Ongoing, necessary capital improvements and repairs to the Building, including roof reconstruction, repair or replacement. Heating and cooling system repair or replacement, repair or replacement of the electrical and plumbing systems if needed and all other such building maintenance, repair or replacement that is necessary in order to insure that the premises are in good, clean, tenantable, and operating condition,
 - ii. The security system that protects the Collection and will pay the annual maintenance contract for this electronic system.
 - iii. The elevator inspection, maintenance and, if necessary, any required replacement costs in order to insure that the elevator system is in compliance with Federal, State or local zoning and building requirements and the legal-nonconforming status of the elevator is not permitted to elapse.

According to History Center staff, the History Center did not maintain a routine maintenance contract with regard to the HVAC system, rather they opted for this maintenance to be performed on a pay as you go basis.

The City's Lease and Management Agreement with the History Center expired on December 31, 2014. There have been ongoing problems with the HVAC system, both with the controls and with mechanical portions of the system. In order to provide better routine maintenance on this system, bids were solicited on February 25, 2015 for the **twice yearly** service, examination and maintenance of the HVAC system, including the heating, cooling, humidification and thermostat control system at the Carnegie Building. Bids were solicited for a three year period.

Only one bid was received as follows:

Temperature Control, Inc.	Year 1: \$4,500	
1623 Northern Star Dr	Year 2: \$4,625	
Traverse City MI 49686	Year 3: \$4,775	Total all Years: \$13,900

After Hours Hourly Rate: \$135.50

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

that the Acting City Manager be authorized to issue a service order to Temperature Control, Inc. for routine maintenance at the Carnegie Building for a three year period at a cost not to exceed \$13,900 for all three years, with funds available in the Heritage Center Fund.

PH/kes

K:\tcclerk\city commission\service orders\HVAC Service Order_20150316.doc



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: 2015 STORM SEWER CLEANING/TELEVISIONING PROJECT – SAW
GRANT – UNIT PRICES CONTRACT

Attached is a memo from City Engineer Timothy Lodge recommending the City Commission authorize a unit price contract for the 2015 Storm Sewer Cleaning/Televising Project. As mentioned by Mr. Lodge, funds for this project will be reimbursed from the SAW Grant.

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

that the Mayor and City Clerk be authorized to execute a unit price contract with Terra Contracting Services in the amount of \$454,058.25, more or less, for the 2015 Storm Sewer Cleaning/Televising Project; contract subject to the approval as to its substance by the Acting City Manager and its form by the City Attorney.

PH/kes

K:\tcclerk\city commission\agreements\Storm Swr Cleaning Project_SAW_20150316.doc

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

Memorandum

The City of Traverse City
Engineering Department



TO: Penny Hill, Acting City Manager
FROM: Timothy J. Lodge, City Engineer *Hodge*
DATE: March 10, 2015
SUBJECT: 2015 Storm Sewer Cleaning/Televising Project
Traverse City SAW Grant

The City has been working with our consultant, OHM, for the Stormwater Asset Management Plan portion of the SAW Grant Project. Task 5 of the SAW Grant includes televising and completing a condition assessment. We have divided this work into work that our Sewer and Water Maintenance Division is completing (60,000 FT) and work that we will use a Contractor to complete (120,000 FT). The work will televise and rate the condition for about one half of our storm sewer system pipe inventory using the National Association of Sewer Service Company's (NASSO) Pipeline Assessment Certification Program (PACP). This PACP program will provide the consistency to be able to compare the condition all of the different pipes locations uniformly.

Sealed bids were advertised for 120,000 FT of work to be performed by a Contractor and were received on March 9, 2015. Plans and specifications were available to contractors through The Builders Exchange of Northwest Michigan. Several contractors inquired and viewed the plans and specifications online with three bids being received for this work as follows:

Contractor		Bid Amount
Pollution Control Services	Kalkaska	\$ 202,245.28
Terra Contracting Services	Kalamazoo	\$ 454,058.25
Perceptive Services and Operations	Plainwell	\$1,180,558.95

The range in the bids is quite surprising. The bid from Pollution Control Services did not include unit prices for portions of the work in submerged pipes using a proprietary "Red Zone" method for evaluating the pipes. The bid from Perceptive Services and Operations included very high unit prices for cleaning the sewers that may or may not be required to complete the work. The bid from Terra Contracting Services is within the SAW Grant budget amount of \$460,350.

After review by our consultant and City staff we have concluded that bids received reflect the work that is required and re-bidding the project would not result in lower costs. We have to consider the bid received by Pollution Control Services, as non-responsive because they did not include all of the required work in their bid. This results in Terra Contracting Services as the responsive low bid for this project. We contacted Terra Contracting Services and confirmed their qualifications, experience and references as we have not worked with them in the past.

Therefore, it is recommended that this work be awarded to the responsive low bidder, Terra Contracting Services and that the proper City officials be authorized to execute a unit price contract with the above-mentioned responsive low bidder, in the amount of \$454,058.25, more or less, with funds therefore available in the Capital Projects Fund with reimbursement from the SAW Grant.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER *PH*

SUBJECT: EASEMENT – SOUTHWEST CORNER OF EIGHTH STREET AND GARFIELD AVENUE (CONSUMERS ENERGY)

Attached is a memo from City Engineer Timothy Lodge requesting the City Commission authorize the appropriate City Officials to approve an easement to Consumers Energy.

As mentioned by Mr. Lodge, this easement would give Consumers Energy the ability to trim any trees on an approximately 3 foot by 3 foot corner clip of the parcel identified in the attached property sketch located on the southwest corner of Eighth Street and Garfield Avenue.

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

that the Mayor and City Clerk execute the Easement Agreement from Consumers Energy for tree trimming on the City-owned property at the southwest corner of Eighth Street and Garfield Avenue, agreement subject to the approval as to its substance by the Acting City Manager and its form by the City Attorney.

PH/kes

K:\tcclerk\city commission\deeds and easements\Easement_Consumers Energy_20150316.doc

copy: Timothy Lodge, City Engineer

Memorandum

The City of Traverse City
Engineering Department



TO: Penny Hill, Acting City Manager

FROM: Timothy J. Lodge, City Engineer 

DATE: February 12, 2015

SUBJECT: Tree Control Easement For Consumers Energy on City Owned Property
@ the Southwest Corner of Eighth St. and Garfield Ave.

Consumers Energy Company has requested an Easement from the City of Traverse City on a parcel of property located on the Southwest corner of Eighth St. and Garfield Ave. This Easement would give them the ability to trim any trees on that parcel (see attached property sketch) that are in excess of 35' in height. This easement would not give them the ability to place anything on that parcel.

The proposed Easement and applicable parcel sketch as well as a special consideration letter pertaining to the clearing easement are attached for your review.

This parcel consists of a 3' x 3' corner clip and does not have any other apparent use to the city at this time, with the exception of a sidewalk ramp (which is not affected by the clearing easement). The City Engineering department and the City Attorney have conducted a brief review of the proposed easement and have found that our interests are not negatively impacted.

Please have the City Commission authorize the appropriate City officials approval of this easement to Consumers Energy as the attached survey and description request.

Tax ID No 28-51-566-001-10

LPM # No. MI00000014137

SAP Order No. 21195143

SPECIAL CONSIDERATIONS AND AGREEMENTS

(Not Recited in Easement)

**GRANTOR: City of Traverse City, Michigan a Municipal corporation
400 Boardman Ave.
Traverse City, Mi. 49686
Phone # (231) 922-4467**

- 1. GRANTEE HAS PAID THE LANDOWNER THE AGREED-ON COMPENSATION FOR THE EASEMENT
DATED _____, 20____. \$500.00 and 00/100

- 2. AGREEMENTS PERTAINING TO THE CONSTRUCTION OF THE LINE
No poles or guy anchors will be placed on Grantors property. The intent of this easement is for tree rights only.

- 3. AGREEMENTS PERTAINING TO CLEARING EASEMENT
As stated in the easement

Grantor hereby accepts and approves the above:

**James A. Fortino
Field Representative**

FIELD REPRESENTATIVES DO NOT HAVE AUTHORITY TO BIND CONSUMERS ENERGY. THIS AGREEMENT IS NOT EFFECTIVE UNTIL IT IS SIGNED BY CONSUMERS ENERGY.

Consumers Energy Project Manager

Date: _____

EASEMENT

329DEFINED - 2009

28-51-566-001-10
#MI00000014137

Peninsula to Boardman-Union Street Agreement

Order # 21195143

City of Traverse City, Michigan, a Municipal corporation

Grantor, for good and valuable consideration paid to Grantor by CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201-2357, Grantee, Conveys and Warrants to Grantee, its successors and assigns, Forever, the easement and right to enter at any time and from time to time upon land hereinafter described to cut, trim, remove, destroy, or otherwise control any or all trees in excess of 35 feet in height within the East 3 feet on the land of Grantor, said land being in the City of Traverse City, County of Grand Traverse and State of Michigan, described as:

The East 3 feet of the following described parcel: Commencing at the Northeast corner of Lot 1, Elijah Mills Addition to the City of Traverse City, as recorded in Liber 3 of Plats, Page 12, Grand Traverse County Records; thence West 3.0 feet along the South line of Eighth Street; thence Southeasterly 4.2 feet, more or less, to a point on the West line of Garfield Avenue; thence North along the West line of Garfield Avenue 3.0 feet to the point of beginning. Being a part of the Northeast 1/4 of Section 11, T27N, R11W.

It is expressly agreed that non use or a limited use of the easement and rights hereby granted shall not prevent Grantee from later making use of said easement and rights to the full extent herein authorized. It is further agreed that the consideration received by Grantor for this easement shall be in full payment for the easement and rights hereby granted and for all trees and brush now or hereafter standing or growing on said land.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

IN WITNESS WHEREOF, Grantor has executed this instrument this _____ day of _____, 20____.

City of Traverse City, Michigan, a Michigan municipal corporation

By: _____

It's: _____

The foregoing instrument was acknowledged before me in _____ County,
Michigan, on _____, 20____, by _____, it's
_____, on behalf of the City of Traverse City, Michigan, a Michigan
municipal corporation.

Notary Public

County, Michigan
Acting in _____ County
My Commission expires: _____

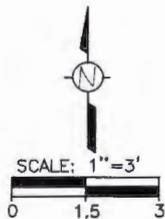
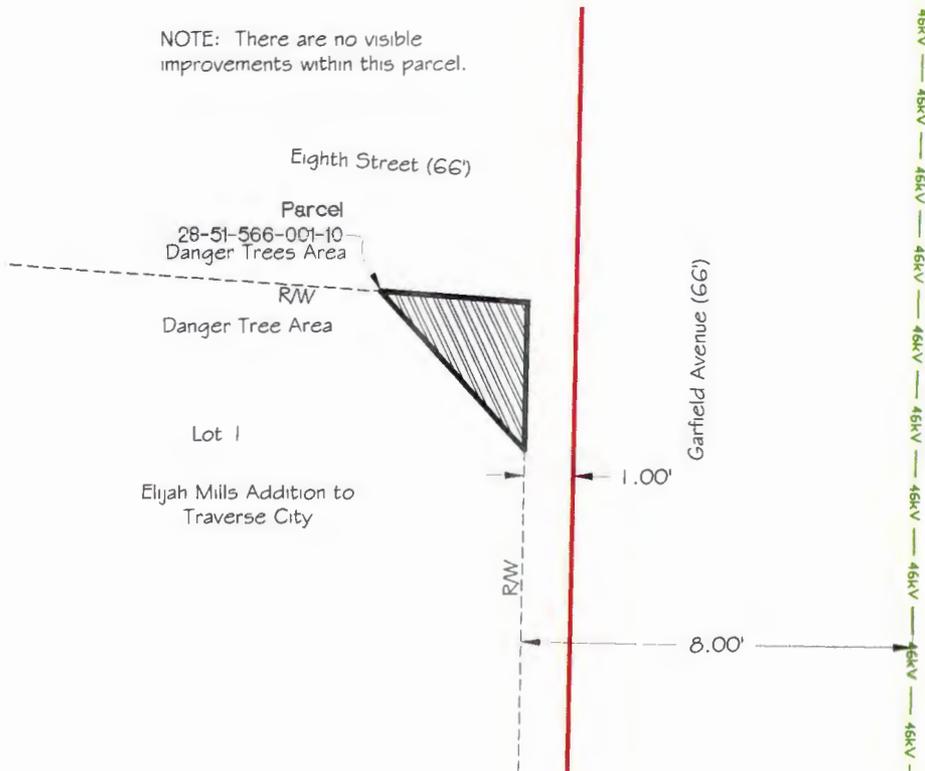
Prepared By: Kathy Griffin 8-28-2014
Martec Land Services, Inc.
3335 South Airport Road, W
Suite 5A
Traverse City, Michigan 49684

Return to: Consumers Energy Company
Business Services – Real Estate
Attn: Debra Dennis, EP7-439
One Energy Plaza
Jackson, MI 49201-2357

PROPERTY SKETCH

Peninsula to Boardman-Union Street
46 kV Rebuild

NOTE: There are no visible improvements within this parcel.



Legend

- Parcel Boundary
- C/L Existing 46kV Line
- C/L Proposed 46 kV Line
- Danger Trees Area - 4.49 sq. ft.

Consumers Energy

PO BOX 946 SPTA
P.O. BOX 946 SPTA
WWW.CE.MI.GOV
128 W. Frank Street
Traverse City, MI 49684

gf Gourdie-Fraser
Municipal | Development | Transportation

City of Traverse City Parcel
Part of Lot 1, Elijah Mills
Addition to Traverse City
Section 11, T27N, R11W,
City of Traverse City
Grand Traverse Co, Michigan

Drawing No. SB-21998TC

Filename: SB21998TC.DWG
Field Crew:
Field Book No.
Drawn By: MJF
Date: 02/09/2015
Scale: 1" = 3'
Sheet 1 of 1



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: DECLARE SURPLUS WASTEWATER TREATMENT PLANT
EQUIPMENT

Attached is a memo from Director of Public Services Dave Green requesting that certain equipment within the Wastewater Treatment Plant be declared surplus as it is obsolete and has been replaced.

I recommend the following motion:

that the Wastewater Treatment Plant Equipment as outlined in the March 9, 2015 memo from the Director of Public Services, be declared surplus and authorized for disposal.

PH/kes

K:\tcclerk\city commission\surplus items\WWTP Surplus Equipment_20150316.doc

copy: Dave Green, Director of Public Services

Memorandum

The City of Traverse City
Department of Public Services



TO: Penny Hill, Acting City Manager
FROM: Dave Green, DPS Director 
DATE: March 9, 2015
SUBJECT: Wastewater Treatment Plant Surplus Equipment

Attached is a memo from Elizabeth Hart, Project Manager for CH2MHILL, our WWTP operators, asking to declare certain pieces of equipment at the plant surplus so that they can be disposed of through sale or as scrap. Please request City Commission approval to declare the obsolete Sieve Drum Concentrator controls and surveillance cameras that have been replaced surplus and available for disposal.



CH2MHILL

MEMORANDUM

TO: Dave Green
CC: Jered Ottenwess
FROM: Elizabeth Hart
DATE: February 26, 2015

SUBJECT: WWTP Equipment Surplus Request

The Sieve Drum Concentrator (SDC) controls were replaced and upgraded at the waste water treatment plant. We would like to ask permission to surplus the decommissioned SDC controls. Based upon salvage metal pricing, the scrap would be worth \$20/unit, there are two units. At auction for scrap parts with no warranty, the estimated value would be \$50/unit.

We would like to ask permission to surplus decommissioned surveillance camera equipment. The surveillance camera equipment would be valued at an estimated \$200. The cameras appear to work, but recorder operation is intermittent.

Elizabeth Hart
Project Manager-CH2MHill-(231)922-4922



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: MEMORANDUM OF AGREEMENT FOR RIPARIAN FOREST
BUFFER PLANTING AT THE BROWN BRIDGE QUIET
AREA

The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) has an opportunity to seek funding through the Natural Resources Conservation Service (NRCS) for Environmental Quality Incentive Program (EQIP) cost-share funding. This funding would allow for the implementation of practices that improve fish and wildlife habitat such as native tree and shrub planting along the river and other areas of the bottomlands (approximately 30 acres) at the Brown Bridge Quiet Area. If the application is successful, this funding will augment a MDNR Habitat Grant that was received by the Grand Traverse Conservation District for a similar but limited effort.

The NRCS EQIP will cover approximately \$50,754.35 of the total cost to complete the restoration of four zones in the Brown Bridge Quiet Area. The remaining cost of \$14,946.40 will be paid for by the MDNR Habitat Grant. The Grand Traverse Conservation District will perform the work based on the attached maps and invoice the City for the work. The City will then seek reimbursement from the Grand Traverse Band upon completion of each phase outlined in the attached maps.

Motion on the next page

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

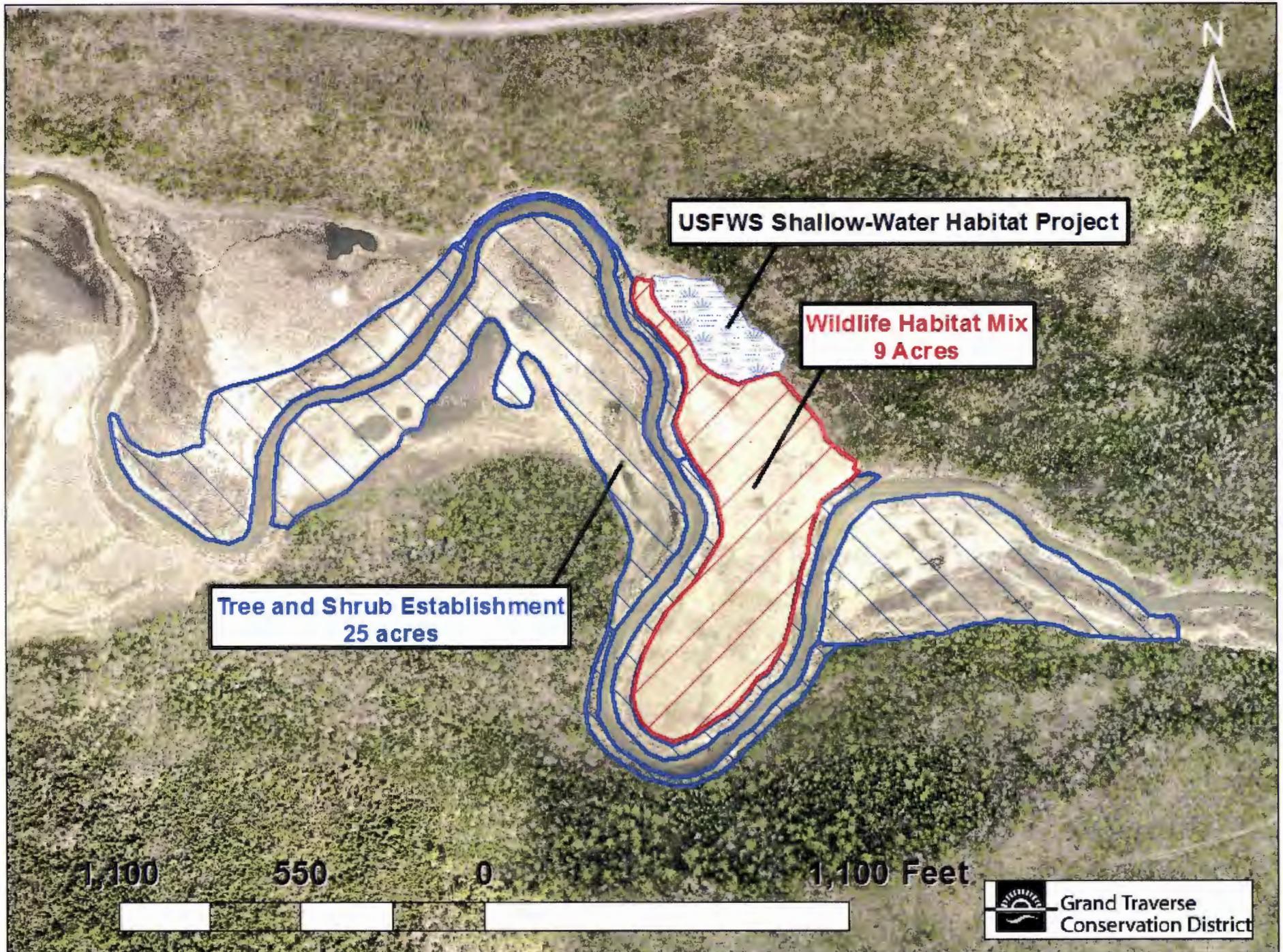
that the Mayor and City Clerk execute the Memorandum of Agreement with the Grand Traverse Band of Ottawa and Chippewa Indians and the Grand Traverse Conservation District, which agreement shall be for a three year period, with costs to be reimbursed to the City of Traverse City, such agreement subject to approval as to its substance by the Acting City Manager and its form by the City Attorney.

PH/kes

K:\tcclerk\city commission\agreements\Memo of Agrmt_Brown Bridge_20150316.doc

copy: Steve Largent, Grand Traverse Conservation District
DJ Shook, Grand Traverse Band of Ottawa and Chippewa Indians

Brown Bridge Quiet Area Bottomlands Restoration Project

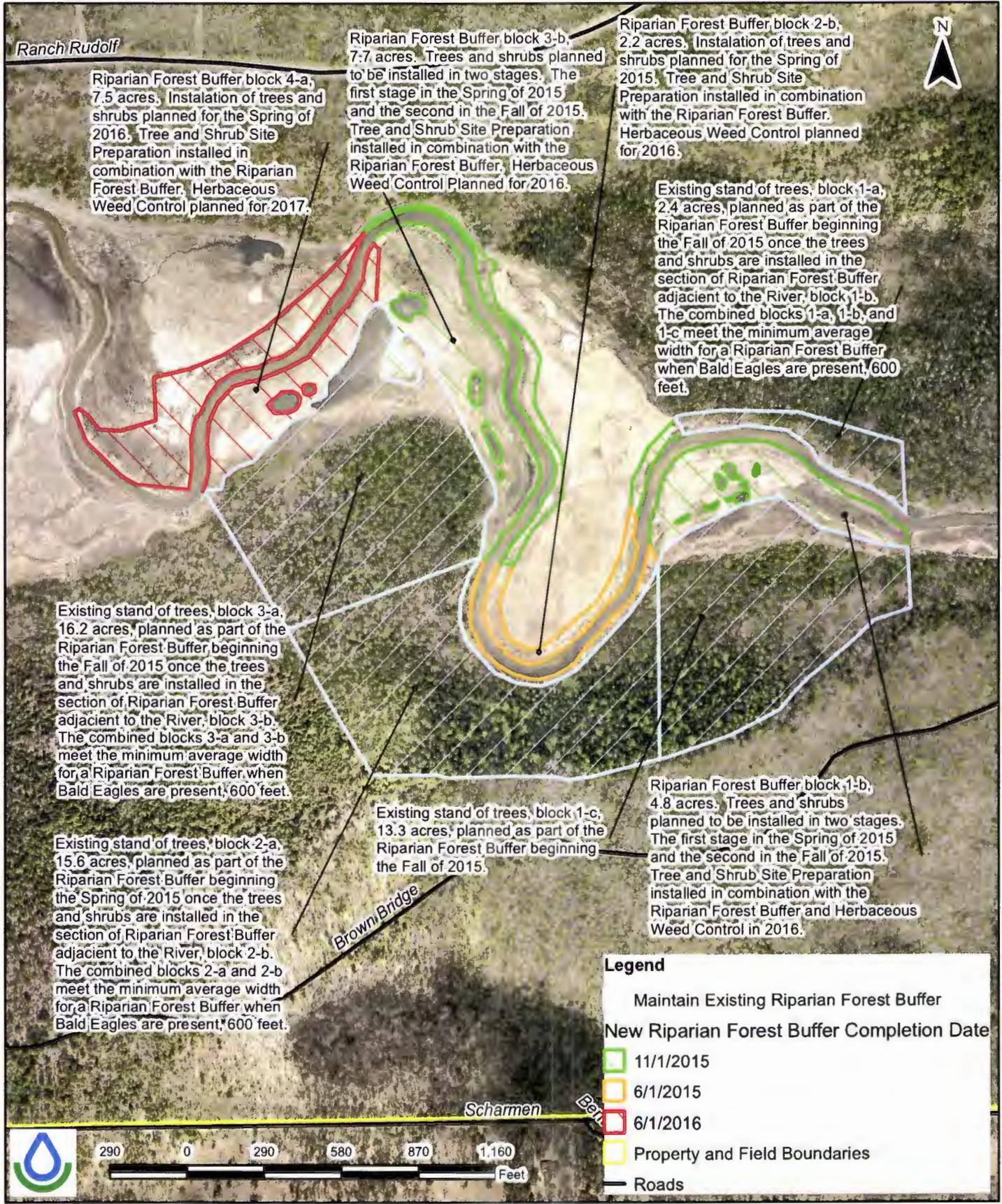


Conservation Plan Map 1 of 2 Riparian Forest Buffer

Date: 2/13/2015

Field Office: TRAVERSE CITY SERVICE CENTER
Agency: USDA - NRCS
Assisted By: Donald Shook
Land Units: Farm 2513, Tract 6406, Field 1

Customer(s): GRAND TRAVERSE BAND OF OTTAWA & CHIPPEWA INDIANS
District: GRAND TRAVERSE CONSERVATION DISTRICT
Legal Description: Grand Traverse County, East Bay Township, T-26N R-10W Sections 14 & 15



Conservation Plan Map

Date: 2/13/2015

2 of 2

Conservation Cover

Field Office: TRAVERSE CITY SERVICE CENTER

Agency: USDA - NRCS

Assisted By: Donald Shook

Land Units: Farm 2513, Tract 6406, Field 1

Customer(s): GRAND TRAVERSE BAND OF OTTAWA & CHIPPEWA INDIANS

District: GRAND TRAVERSE CONSERVATION DISTRICT

Legal Description: Grand Traverse County, East Bay Township, T-26N R-10W Sections 14 & 15



Summary of all Zones

Zone 1	\$ 13,402.83			
Zone 2	\$ 2,424.27			
Zone 3	\$ 19,421.76			
Zone 4	<u>\$ 18,176.77</u>			
NCRS Program Payments	\$ 53,425.63	-	\$ 2,671.28	\$ 50,754.35

Zone 1	\$ 4,231.42			
Zone 2	\$ 5,325.73			
Zone 3	\$ 1,301.99			
Zone 4	<u>\$ 1,415.98</u>			
Total Costs Not Covered	\$ 12,275.12	+	\$ 2,671.28	\$ 14,946.40

**Cost Estimate for Brown Bridge Quite Area Bottomlands Re-vegetation Plan - Phase 1
Riparian Forest Buffer - Planting Zone 1**

Establish Spring 2015. Trees planted from the waters edge to the top of bank on either side of the river for 4,100 feet, except for the first 800 feet where trees and shrubs will only be planting on the left side of the stream. 6.4 acres total planting.

Planting Zone 1

	unit	amount	unit rate	Total
<u>Practice Installation</u>				
Project Management	hours	40	\$ 40.00	\$ 1,600.00
General Labor	hours	124	\$ 25.00	\$ 3,100.00
Plant Materials	each	3100	\$ 0.71	\$ 2,201.00
Browse Protection Materials	each	8	\$ 28.50	\$ 228.00
<u>Operation and Maintenance years 2 and 3</u>				
Project Management	hours	16	\$ 40.00	\$ 640.00
General Labor	hours	331	\$ 25.00	\$ 8,275.00
Plant Materials	each	775	\$ 0.71	\$ 550.25
Brows Protection Materials	each	1000	\$ 0.56	\$ 560.00
<u>Operation and Maintenance year 4+</u>				
Project Management	hours	12	\$ 40.00	\$ 480.00

GTCD staff to oversee installation of vegetation: Coordinate delivery and handling of planting stock and schedule work crew. 1 GTCD staff for 40 hours @ \$40/hour.
GTCD seasonal staff install trees. One individual can plant 200 trees in one eight hour day. This labor includes completing the required site preparation with hand tools.
3,100 trees ordered by GTCD on 12/19/15 from Alpha Nurseries
Purchase Plantskydd to have on hand when browse protections is necessary. One box covers 400 trees for one application. Plan to cover half of the trees once a year for two years.

GTCD staff to oversee operation and maintenance: Coordinate delivery and handling of replacement planting stock and scheduling re-planting work crew. Coordinate application of Plantskydd when necessary. Where deer browse required re-planting order browse protection materials. 1 GTCD staff for 8 hours @ \$40/hour

GTCD seasonal staff re-plant trees, apply Plantskydd, and install other browse protection as necessary. One individual can plant 200 trees in one eight hour day. (775/200 * 8 = 31 hours) This labor includes completing the required site preparation with hand tools. One individual can apply Plantskydd to whole planting area in 6 hours. (6 hours X 2 years = 12 hours) One individual can install 200 browse protectors in one day. 500 browse protectors needed each year. (20 hours X 2 years = 40 hours) Mechanically maintain 3'X3' vegetation free zone around each plant. One individual can complete this for 200 plants in one day. (3100/200 * 8 * 2 years = 248 hours)
Estimate 25% mortality over two years (12.5% each year) due to deer browse.

two bamboo stakes and one browse protector needed for each tree needing protection. One protector is \$.27 and each bamboo stake is \$.145

4 hours per year to monitor site for an additional 3 years.

Total Costs **\$ 17,634.25**

NRCS Program Payments

<u>WHIP 2008 725D2112241</u>				
Tree and Shrub Site Preparation	acres	1	34	\$ 32.30
Riparian Forest Buffer	acres	1.75	1078	\$ 1,792.18
<u>EQIP 2014 745D21150SX</u>				
Tree and Shrub Site Preparation	acres	4.65	66.06	\$ 291.82
Riparian Forest Buffer	acres	4.65	2499.34	\$ 11,040.83
Herbaceous Weed Control	acres	4.65	55.62	\$ 245.70

Contract from 2012
Practice currently obligated in a WHIP contract from 2012. GTB 5% operations fee included.
Practice currently obligated in a WHIP contract from 2012. GTB 5% operations fee included.

Application being developed this year. Estimated obligation date - May 15th.

484 trees and shrubs per acre. 2.1 acres remaining. Scenario chosen - Individual tree, hand planting with browse protection.

Total NRCS Program Payments **\$ 13,402.83**

Total Costs Not Covered by EQIP Payments **\$ 4,231.42**

**Cost Estimate for Brown Bridge Quite Area Bottomlands Re-vegetation Plan - Phase 1
Native Grasses and Wildflowers - Planting Zone 2**

Planting Zone 2

Establish Summer 2015. Native Grasses and Wildflowers. 9 acres total planting

Practice Installation

	unit	amount	unit rate	Total
Project Management	hours	40	\$ 40.00	\$ 1,600.00
General Labor	hours	8	\$ 25.00	\$ 200.00
Plant Materials	acre	9	\$ 300.00	\$ 2,700.00
Equipment Costs	each	1	\$ 250.00	\$ 250.00

GTCD staff to oversee installation of vegetation: Coordinate delivery and handling of seed and schedule rental of no-till drill. 1 GTCD staff for 40 hours @ \$40/hour.
GTCD seasonal staff to operate tractor with no-till drill.
Estimate of seed costs per acre with shipping
Equipment fees for one day. Tractor and no-till drill

Operation and Maintenance years 2 and 3

Project Management	hours	8	\$ 40.00	\$ 320.00
General Labor	hours	80	\$ 25.00	\$ 2,000.00
Herbicide	each	1	\$ 200.00	\$ 200.00

GTCD staff to oversee operation and maintenance: Coordinate delivery and handling of herbicide needed to control unwanted vegetation. 1 GTCD staff for 8 hours @ \$40/hour
GTCD seasonal staff spot spray non-native vegetation. Estimate 40 hours of labor needed each year for the first two years.
Estimate that herbicide costs will be \$200.

Operation and Maintenance year 4+

Project Management	hours	12	\$ 40.00	\$ 480.00
--------------------	-------	----	----------	-----------

4 hours per year to monitor site for an additional 3 years.

Total Costs \$ 7,750.00

EQIP Program Payments

EQIP 2014 745D211505X

Conservation Cover	Acre	9	283.54	\$ 2,424.27
--------------------	------	---	--------	-------------

Application being developed this year. Estimated obligation date - May 15th.
Scenario Chosen - Native Grasses and Forbs

Total EQIP Program Payments \$ 2,424.27

Total Costs Not Covered by EQIP Payments \$ 5,325.73

**Cost Estimate for Brown Bridge Quite Area Bottomlands Re-vegetation Plan - Phase 1
Riparian Forest Buffer - Planting Zone 3**

Planting Zone 3

Establish Fall of 2015. Trees and shrubs established as shown on attached map. Upstream of proposed Stream Habitat Improvement and Management. 7.8 acres total planting

	unit	amount	unit rate	Total
<u>Practice Installation</u>				
Project Management	hours	40	\$ 40.00	\$ 1,600.00
General Labor	hours	151	\$ 25.00	\$ 3,775.00
Plant Materials	each	3775	\$ 0.75	\$ 2,831.25
Browse Protection Materials	each	10	\$ 28.50	\$ 285.00

GTCD staff to oversee installation of vegetation: Coordinate delivery and handling of planting stock and schedule work crew. 1 GTCD staff for 40 hours @ \$40/hour.

GTCD seasonal staff install trees. One individual can plant 200 trees in one eight hour day. This labor includes completing the required site preparation with hand tools.

484 trees and shrubs/acre X 7.8 acres. Average price of \$.75/tree.

Purchase Plantskydd to have on hand when browse protections is necessary. One box covers 400 trees for one application. Plan to cover half of the trees once a year for two years.

Operation and Maintenance years 2 and 3

Project Management	hours	16	\$ 40.00	\$ 640.00
General Labor	hours	396	\$ 25.00	\$ 9,900.00
Plant Materials	each	950	\$ 0.75	\$ 712.50
Brows Protection Materials	each	1000	\$ 0.56	\$ 560.00

GTCD staff to oversee operation and maintenance: Coordinate delivery and handling of replacement planting stock and scheduling re-planting work crew. Coordinate application of Plantskydd when necessary. Where deer browse required re-planting order browse protection materials. 1 GTCD staff for 8 hours @ \$40/hour

GTCD seasonal staff re-plant trees, apply Plantskydd, and install other browse protection as necessary. One individual can plant 200 trees in one eight hour day. (950/200 * 8 = 38 hours) This labor includes completing the required site preparation with hand tools. One individual can apply Plantskydd to whole planting area in 8 hours. (8 hours X 2 years = 16 hours) One individual can install 500 browse protectors in one day. 200 browse protectors needed each year. (20 hours X 2 years = 40 hours) Mechanically maintain 3'X3' vegetation free zone around each plant. One individual can complete this for 200 plants in one day. (3775/200 * 8 * 2 years = 120 hours) Estimate 25% mortality over two years (12.5% each year) due to deer browse.

two bamboo stakes and one browse protector needed for each tree needing protection. One protector is \$.27 and each bamboo stake is \$.145

Operation and Maintenance year 4+

Project Management	hours	12	\$ 35.00	\$ 420.00
--------------------	-------	----	----------	-----------

4 hours per year to monitor site for an additional 3 years.

Total Costs **\$ 20,723.75**

EQIP Program Payments

EQIP 2014 745D21150SX

Tree and Shrub Site Preparation	acres	7.8	66.06	\$ 489.50
Riparian Forest Buffer	acres	7.8	2499.34	\$ 18,520.11
Herbaceous Weed Control	acres	7.8	55.62	\$ 412.14

Application being developed this year. Estimated obligation date - May 15th.

484 trees and shrubs per acre. Scenario chosen - Individual tree, hand planting with browse protection.

Total NRCS Program Payments **\$ 19,421.76**

Total Costs Not Covered by NRCS Program Payments **\$ 1,301.99**

**Cost Estimate for Brown Bridge Quite Area Bottomlands Re-vegetation Plan - Phase 1
Riparian Forest Buffer - Planting Zone 4**

Planting Zone 4					
	unit	amount	unit rate	Total	
<u>Practice Installation</u>					
Project Management	hours	40	\$ 40.00	\$ 1,600.00	Establish Spring of 2015. Trees and shrubs established as shown on attached map. After the installation of the Stream Habitat Improvement and Management. 7.3 acres total planting
General Labor	hours	140	\$ 25.00	\$ 3,500.00	GTCD staff to oversee installation of vegetation: Coordinate delivery and handling of planting stock and schedule work crew. 1 GTCD staff for 40 hours @ \$40/hour.
Plant Materials	each	3500	\$ 0.75	\$ 2,625.00	GTCD seasonal staff install trees. One individual can plant 200 trees in one eight hour day. This labor includes completing the required site preparation with hand tools.
Browse Protection Materials	each	9	\$ 28.50	\$ 256.50	484 trees and shrubs/acre X 7.3 acres. Average price of \$.75/tree. Purchase Plantskydd to have on hand when browse protections is necessary. One box covers 400 trees for one application. Plan to cover half of the trees once a year for two years.
<u>Operation and Maintenance years 2 and 3</u>					
Project Management	hours	16	\$ 40.00	\$ 640.00	GTCD staff to oversee operation and maintenance: Coordinate delivery and handling of replacement planting stock and scheduling re-planting work crew. Coordinate application of Plantskydd when necessary. Where deer browse required re-planting order browse protection materials. 1 GTCD staff for 8 hours @ \$40/hour
General Labor	hours	371	\$ 25.00	\$ 9,275.00	GTCD seasonal staff re-plant trees, apply Plantskydd, and install other browse protection as necessary. One individual can plant 200 trees in one eight hour day. (875/200 * 8 = 35 hours) This labor includes completing the required site preparation with hand tools. One individual can apply Plantskydd to whole planting area in 8 hours. (8 hours X 2 years = 16 hours) One individual can install 200 browse protectors in one day. 500 browse protectors needed each year. (20 hours X 2 years = 40 hours) Mechanically maintain 3'X3' vegetation free zone around each plant. One individual can complete this for 200 plants in one day. (3500/200 * 8 * 2 years = 280 hours)
Plant Materials	each	875	\$ 0.75	\$ 656.25	Estimate 25% mortality over two years (12.5% each year) due to deer browse.
Brows Protection Materials	each	1000	\$ 0.56	\$ 560.00	two bamboo stakes and one browse protector needed for each tree needing protection. One protector is \$.27 and each bamboo stake is \$.145
<u>Operation and Maintenance year 4+</u>					
Project Management	hours	12	\$ 40.00	\$ 480.00	4 hours per year to monitor site for an additional 3 years.
Total Costs				<u>\$ 19,592.75</u>	
EQIP Program Payments					
<u>EQIP 2014 745D21150SX</u>					
Tree and Shrub Site Preparation	acres	7.3	66.06	\$ 458.13	Application being developed this year. Estimated obligation date - May 15th. Line item total costs include GTB 5% operator's fee.
Riparian Forest Buffer	acres	7.3	2499.34	\$ 17,332.92	484 trees and shrubs per acre. Scenario chosen - Individual tree, hand planting with browse protection.
Herbaceous Weed Control	acres	7.3	55.62	\$ 385.72	
Total EQIP Program Payments				<u>\$ 18,176.77</u>	
Total Costs Not Covered by EQIP Payments				<u>\$ 1,415.98</u>	

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is made by and between the Grand Traverse Band of Ottawa and Chippewa Indians, a sovereign tribal nation of 2605 N. West Bay Shore Drive Peshawbestown, MI 49682 (GTB), the Grand Traverse Conservation District, a governmental subdivision of the State of Michigan of 1450 Cass Rd. Traverse City, MI 49685 (GTCD), and the City of Traverse City, a Michigan municipal corporation of 400 Boardman Avenue, Traverse City, Michigan 49684 (Traverse City).

WHEREAS, GTB has an interest in maintaining the ecological integrity of streams in the six county (Antrim, Benzie, Charlevoix, Grand Traverse, Leelanau and Manistee) service area; and,

WHEREAS, GTB's Natural Resources Department has identified degradation of fish and wildlife habitat in riparian corridors, in certain cases, as limitations to overall watershed health and/or as major contributors of large amounts of sediment to streams in the service area; and,

WHEREAS, Environmental Quality Incentive Program (EQIP) funds have become available to GTB by the Natural Resources Conservation Service (NRCS), for installation of the riparian forest buffer and other vegetative conservation practices which could, by mutual agreement between the parties, be made available for the improvement of fish and wildlife habitat at Brown Bridge Quiet Area; and,

WHEREAS, Traverse City and GTCD are parties to an Agreement for Resource Management Services dated August 6, 2013; and,

WHEREAS, GTCD shall undertake the duties and obligations under this agreement as part of the Agreement for Resource Management Services between GTCD and Traverse City dated 8/6/13; and,

WHEREAS, the Brown Bridge Quiet Area will continue to be owned by Traverse City and open to the public for recreational use;

NOW, THEREFORE, the parties agree that as EQIP funding for improvements to wildlife habitat becomes available to GTB, and subject to GTB's approval, GTB shall reimburse Traverse City from these funds on the following terms and conditions :

1. Traverse City through its agent the GTCD agrees to install, operate, and maintain NRCS conservation practices according to NRCS standards and specifications for the lifespan of each practice.
2. GTCD agrees to assist Traverse City in the installation, operation and maintenance of the NRCS conservation practices implemented under this Agreement as a part of its

duties and responsibilities pursuant to the Agreement for Resource Management Services dated August 6, 2013 referenced above.

3. Traverse City understands that GTB will reimburse Traverse City *only* upon installation of each conservation practice to NRCS standards and specifications.
4. The amount reimbursed by GTB will not exceed the amount awarded by NRCS for each conservation practice, minus a 5% operations fee applied to each conservation practice by GTB.
5. Traverse City understands that it is responsible for any project costs above and beyond what is awarded by NRCS and if conservation practices are installed, Traverse City will be responsible for ongoing maintenance, repair, and improvements thereafter.
6. GTCD agrees to provide any contribution of funds as required to be provided by Traverse City by the EQIP program and anticipates providing these matching funds through a Michigan Department of Natural Resources Habitat Grant and other various grants available to GTCD.
7. Additional grant funding beyond the available EQIP funding will be needed from another source to successfully install one or more of these conservation practices. If the parties are not successful in acquiring the needed additional funding, the parties may terminate this agreement in part or in total as outlined below.

Period of MOA:

The term of this agreement shall be thirty-six (36) months from the last signature date of this MOA.

Termination:

This MOA automatically terminates if no NRCS-EQIP funding is approved during the period of this MOA. Any party may terminate this MOA with thirty (30) days written notice to the other party. In the event that this MOA is terminated by any party, the parties shall not have any further rights or obligations hereunder and the City shall have no obligation to continue the NRCS conservation practices described herein.

In witness thereof the parties have executed and delivered this MOA as of the last date and year affixed below.

TRAVERSE CITY

By : _____
Michael Estes
Mayor

By _____
Benjamin C. Marentette
City Clerk

Approved as to substance:

Approved as to form:

Penny Hill, Acting City Manager

Lauren Tribble-Laucht, City Attorney

Title: _____

Date: _____

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS

By: _____

Title: _____

Date: _____

Grand Traverse Conservation District

By: _____

Title: _____

Date: _____



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: THE BOARDMAN RIVER PLAN FOR ADOPTION

Attached is a memo from City Planning Director Russell Soyring explaining a recommendation from the City Planning Commission for adoption of The Boardman River Plan as a guiding document for the enhancement of the riverfront.

Due to the size of The Boardman River Plan document, it has not been included in your packet. However, if you would like a printed copy, please let us know. The document can be viewed at the following link:

www.traversecitymi.gov/downloads/boardmanriverplan.pdf.

I recommend the following motion:

that The Boardman River Plan, be adopted as a general guidelines for enhancement of the riverfront, as recommended by the Downtown Development Authority Board of Directors and the City Planning Commission.

PH/kes

K:\tcclerk\city commission\master plan\boardman river plan adoption_20150316.doc

copy: Russell Soyring, Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: PENNY HILL, ACTING CITY MANAGER
FROM: RUSS SOYRING, PLANNING DIRECTOR *R Soyring*
SUBJECT: Guiding Document: The Boardman River Plan
DATE: MARCH 5, 2015

The Downtown Development Authority made a request for the Planning Commission to adopt The Boardman River Plan as a general guide. On March 5, 2015 the Planning Commission adopted this document as a general guide on a 6-1 vote.

The link to the plan is: <http://www.traversecitymi.gov/downloads/boardmanriverplan.pdf>



Please pass on the City Planning Commission's action to adopt The Boardman River Plan as a guiding document to the City Commission for their consideration.



Illustration 1: Lower Boardman River Master Plan.
 0' 250' 1000'
 100' 500'

BOARDMAN RIVER MASTER PLAN
 NOT TO SCALE

- | | | |
|---------------------------------------|---|--|
| A Front Street Rerouted | L Farmer's Market | W Hannah Park Amphitheater |
| B Stormwater Park | M Downtown Terraces | X Union Street Pedestrian Tunnel |
| C Coastal Park | N Tunnel Corridor | Y Traverse City Whitewater Park |
| D Fishing Pier | O Warehouse District Plaza | Z American Legion Park |
| E Accessible Beach Plaza | P Pine Street Pedestrian Bridge | GENERAL RECOMMENDATIONS |
| F Boat Launch | Q Warehouse District River Ramp | 10' Wide Consistent Pedestrian Path |
| G Shaded Beach Plaza | R Pedestrian Underpass | Aquatic Habitat Improvements |
| H Chamber of Commerce Garden | S Riverfront Development Standards | Stormwater Management BMPs |
| I Pedestrian Bridge | T Hannah Park Pedestrian Bridge | Bank Stabilization |
| J Enhanced 200 Block Alley | U History Center Access | Universal Accessibility |
| K Renovated Clinch Park Tunnel | V Children's Play Space | Repeated Trellis and Seating Elements |



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

AVA

SUBJECT: 2015 TRANSIENT ANNUAL MARINA RATES

Attached is a memo from Director of Public Services Dave Green regarding the proposed 2015 transient rates for the Duncan L. Clinch Marina. As mentioned by Mr. Green, transient rates were not included with the previous adoption of marina rates because of the delay in data from the State of Michigan.

The transient rates for the Duncan L. Clinch Marina have stayed the same for 10 plus years. Mr. Green recommends increasing the transient rates for the 2015 season because of the growth in local amenities, including free Wi-Fi and improvements to Clinch Park.

I recommend the following motion:

that the Resolution Establishing Fees for the Duncan L. Clinch Marina Transient Rates 2015, be adopted.

PH/kes

K:\tcclerk\city commission\resolutions\cover memo_transient marina rates_20160316.doc

copy: Dave Green, Department of Public Services Director

Memorandum

The City of Traverse City
Department of Public Services



TO: Penny Hill, Acting City Manager
FROM: Dave Green, DPS Director 
DATE: March 9, 2015
SUBJECT: 2015 Transient Annual Marina Rates

Back in November, I asked for City Commission approval for the various rates we are going to charge customers that visit and use the Duncan Clinch Marina including rates for the seasonal boaters, boat launch fees, and sewage pump out fees. Typically, City Commission approval for the Transient Boater Rates would have been included in that request but the State had not forwarded the required data to us. Also, we indicated that we would reevaluate what range we felt would be appropriate to use based on the marina location, marina amenities and amenities within walking distance from the marina. I stated at that time that I would be back for transient boater approval soon.

The State establishes a range of docking rates (A thru F) from which communities are allowed to choose depending on the amenities and local demand at any particular marina for both seasonal and transient boaters. This year, as was the case for the seasonal rates, the State has determined to leave those values, or transient rates, the same as the 2013 rates and we recommend doing the same with our rate schedule. We do however believe a change in the range is warranted this year. We have been using range D values, as have the other marinas on Grand Traverse Bay for the past 10+ years but believe that the improvements to the entire Clinch Park area as well as free Wi-Fi and a state of the art movie theatre in the neighborhood raises the quality of the experience enough to recommend using the values listed under range E (see attached document) for the 2015 boating season. This move to range E could generate an additional \$38,000 dollars assuming a 50% occupancy over the 159 day season. At 75% occupancy the amount would be \$57,000. I believe by starting slow on the increase and only jumping one range we would have a better chance at seeing true numbers for this season and adjust again the following season if warranted.

Please submit the attached resolution containing the 2015 transient slip rates to the City Commission for approval.



**RESOLUTION ESTABLISHING FEES
FOR
DUNCAN L. CLINCH MARINA
TRANSIENT RATES 2015**

- Because, the Department of Natural Resources, State Waterways Division has set the 2015 transient rates; and
- Because, the City of Traverse City abides by these rates set by the State Waterways Commission for state-assisted mooring facilities; and
- Because, the fees represent the charge that must be levied for transient moorage at municipal marinas, per the Department of Natural Resources State Waterways Division; now, therefore, be it.

RESOVLED, the City Commission of the City of Traverse City does hereby establish the following transient boat slip rates for the 2015 season at Duncan L. Clinch Marina in accordance with the Department of Natural Resources State Waterways Division:

**CITY OF TRAVERSE CITY
2015 TRANSIENT SLIP RATE SCHEDULE**

<u>Slip Length</u>	<u>2015 Fee</u>
25 Feet and Under	\$40.00
26 Feet	\$42.00
27 Feet	\$43.00
28 Feet	\$45.00
29 Feet	\$46.00
30 Feet	\$48.00
31 Feet	\$50.00
32 Feet	\$51.00
33 Feet	\$53.00
34 Feet	\$54.00
35 Feet	\$56.00
36 Feet	\$58.00
37 Feet	\$59.00
38 Feet	\$61.00
39 Feet	\$62.00
40 Feet	\$64.00
41 Feet	\$66.00

Resolution on Transient Fees for Marina

<u>Slip Length</u>	<u>2015 Fee</u>
42 Feet	\$67.00
43 Feet	\$69.00
44 Feet	\$70.00
45 Feet	\$72.00
46 Feet	\$74.00
47 Feet	\$75.00
48 Feet	\$77.00
49 Feet	\$78.00
50 Feet	\$80.00
51 Feet	\$82.00
52 Feet	\$83.00
53 Feet	\$85.00
54 Feet	\$86.00
55 Feet	\$88.00
56 Feet	\$90.00
57 Feet	\$91.00
58 Feet	\$93.00
59 Feet	\$94.00
60 Feet	\$96.00
61 Feet	\$98.00
62 Feet	\$99.00
63 Feet	\$101.00
64 Feet	\$102.00
65 Feet	\$104.00
66 Feet	\$106.00
67 Feet	\$107.00
68 Feet	\$109.00
69 Feet	\$110.00
70 Feet	\$112.00
71 Feet	\$114.00
72 Feet	\$115.00
73 Feet	\$117.00
74 Feet	\$118.00
75 Feet or more	\$1.60/ft

I hereby certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on March 16, 2015, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, MMC, City Clerk

Transient Slip Increase Comparison Rate D to Rate E

<u>Slips</u>	<u>Slip Size</u>	<u>Rate D</u>	<u>Revenue (100%)</u>	<u>Rate E</u>	<u>Revenue (100%)</u>
19	25 & under	\$32	\$608	\$40	\$760
7	27	\$35	\$245	\$43	\$301
6	30	\$39	\$234	\$48	\$288
11	35	\$46	\$506	\$56	\$616
6	42	\$62	\$372	\$67	\$402
5	50	\$74	\$370	\$80	\$400
<u>6</u>	60	<u>\$89</u>	<u>\$534</u>	<u>\$96</u>	<u>\$576</u>
60		\$377	\$2,869	\$430	\$3,343

Percentage increase from Rate D to Rate E = 14%

Revenue increase based on 50% occupancy for 159 days = \$37,920



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: STREET PERFORMER ORDINANCE

Attached is a previously submitted 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 enacted with an effective date of March 26, 2015.

PH/kes

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 PERMIT.~~

~~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~~

STREET PERFORMERS

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 c~~Causes less than a four-five foot contiguous sidewalk width being kept clear for pedestrian passage.
- (940) 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.~~
- ~~(1210)~~ Leave his or her instruments, props, equipment, merchandise or other items unattended.
- ~~(1311)~~ 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.~~
- ~~(1512)~~ 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.~~

STREET PERFORMERS

~~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 MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: TIF 97 ORDINANCE AMENDMENT

Attached is a memo from Downtown Development Authority Executive Director Robert Bacigalupi regarding a proposed amendment to the Tax Increment Financing and Development Plan #97 (TIF #97). As described by Mr. Bacigalupi, this amendment would allow reimbursement for brownfield eligible expenses to the Grand Traverse County Brownfield Redevelopment Authority.

We have confirmed there are less than 100 residents that reside within the TIF #97 Plan district, therefore a Citizens Advisory Council is not necessary.

I recommend the following motion:

that an Ordinance Amending Tax Increment Financing and Development Plan #97 to Allow Reimbursement for Brownfield Eligible Expenses to the Grand Traverse County Brownfield Redevelopment Authority, as recommended by the Downtown Development Authority Board of Trustees, be introduced and scheduled for possible enactment and public hearing on April 20, 2015.

PH/kes

K:\tcclerk\city commission\ordinance amendments\TIF 97_Intro_20160316.doc

copy: Robert Bacigalupi, Downtown Development Authority Executive Director
Jean Derenzy, Grand Traverse County Deputy Director of Planning & Development



To: Benjamin Marentette, City Clerk

From: Rob Bacigalupi, Executive Director

RMB

Re: TIF 97 Amendment

Date: Monday, March 2, 2015

Attached electronically you will find a draft ordinance for a proposed amendment to the Tax Increment Financing & Development Plan #97 recommended by the DDA Board. The Board took action at their January 16, 2015 meeting recommending an amendment to the TIF 97 Plan to include reimbursement for brownfield eligible expenses. Specifically, there was a *motion by Estes, seconded by Judson, that the DDA Board of Directors authorize staff to initiate the process of amending the TIF 97 Plan to include reimbursement for brownfield-eligible expenses to the Grand Traverse County Brownfield Authority as an eligible TIF 97 expense. Motion carried unanimously.*

There are some blanks in the draft ordinance I am hoping you can fill in. If you need anything further from me, do not hesitate to let me know.

CITY OF TRAVERSE CITY LETTER OF COMMITMENT

Dear Sirs:

The City of Traverse City is applying to Smart Growth America for a Parking Audit. Traverse City prides itself on pursuing innovative methods of efficient and effective management of the millions cars that traverse our small city annually. We are excited about the parking audit and learning about the latest best practices. The City of Traverse City, through the Downtown Development Authority, who manages the City's Parking System, commits to assisting Smart Growth American with this effort and pursuing methods that come out of the audit.

Sincerely,

Mayor Michael Estes

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ORDINANCE AMENDING TAX INCREMENT FINANCING AND DEVELOPMENT PLAN #97 TO ALLOW REIMBURSEMENT FOR BROWNFIELD ELIGIBLE EXPENSES TO THE GRAND TRAVERSE COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

THE CITY OF TRAVERSE CITY ORDAINS:

1. The Tax Increment Financing and Development Plan No. 97 as adopted by the City Commission in Ordinance Amendment No. 456, as amended by Ordinance Amendment Nos. 482, 713, 768, 801, and 910 is hereby further amended as follows:
 - (a) Include brownfield eligible expenses as one of the "EXPENDITURES OF TAX INCREMENT REVENUE" to as follows:
Add ____. Brownfield-eligible expenses reimbursed to the Grand Traverse County Brownfield Redevelopment Authority.

2. The intent of this amendment is to add brownfield-eligible expenses to the TIF Plan;

It is further the intent that all other provisions of the Development Plan #97 adopted by Ordinance Amendment No. 456, amended by Ordinance Amendment Nos. 482, 713, 768, 801 and 910 are to remain the same, including, without limitation, the description of the development area, the development and tax increment plan as herein amended, the duration of the plan, the base year for the captured assessed valuation, the use of the captured assessed value and annual reporting requirements.

3. It is determined that this amendment to Tax Increment Financing and Development Plan constitutes a public purpose.

4. The City Clerk is authorized and directed to codify these changes into the Plan adopted by Ordinance No. 456, as amended, and make pagination, numbering and grammatical changes to accomplish this codification.

5. This ordinance shall become effective within ten days of enactment thereof.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting

of the City Commission and was enacted at a regular meeting of the City Commission held on _____, 2015, by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, MMC, City Clerk

I hereby certify that the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on _____, 2015.

Benjamin C. Marentette, MMC City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: ZONING ORDINANCE AMENDMENT – REZONING 1015 and 1025 HANNAH AVENUE

Attached is a memo from City Planning Director Russell Soyring regarding a request to rezone 1015 and 1025 Hannah Avenue from R-2 (Two Family Dwelling) to C-2 (Neighborhood Center). As mentioned by Mr. Soyring, this request has been reviewed by City staff and the City Planning Commission and it is their recommendation that this should be approved.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Zoning Map Amendment – Change No. 38*, to rezone 1015 and 1025 Hannah Avenue from R-2, Two Family Dwelling to C-2, Neighborhood Center, as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on April 6, 2015.

PH/kes

K:\tcclerk\city commission\ordinance amendments\Rezone 1015 1025 Hannah Avenue_Intro_20150316.doc

copy: Russell Soyring, Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: PENNY HILL, ACTING CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR *DSoyring*

SUBJECT: REQUEST TO REZONE 1015 and 1025 HANNAH AVENUE FROM R-2 (TWO FAMILY DWELLING) TO C-2 (NEIGHBORHOOD CENTER)

DATE: MARCH 5, 2015

Tom Krause, agent for the owners of 1015 and 1025 Hannah Avenue initiated a request to change the zoning of these adjacent parcels from R-2 (Two Family Dwelling) to C-2 (Neighborhood Center). The properties are legal non-conforming and were zoned M-1 (Restricted Industry) until 1999. The properties are currently used for storage and an auto repair shop.

On March 4, 2015 the City Planning Commission held a public hearing on the rezoning request. There was no public comment except from a representative for the applicant. After the public hearing, the City Planning Commission recommended the rezoning request to rezone the property to C-2 (Neighborhood Center) be approved on a 7-0 vote.

Rezoning is a legislative decision and should be based on sound planning principles. The following questions are appropriate when considering rezonings. Staff has provided their answers to the questions.

1. Is the current zoning reasonable for the land?

The properties are currently zoned R-2 (Two family Dwelling). Most of Hannah Avenue is developed as a residential street and carries significantly more traffic than a typical residential street. A fairly inactive railroad line runs along the north property line. The current zoning is reasonable classification for the properties.

2. Is the rezoning request consistent with the goals policies and future land use plan of the Master Plan?

The Master Plan's future land use map envisions these properties to be part of a TC-4 Neighborhood type. The Zoning Element (a sub plan of the Master Plan) states that C-2 and C-3 uses are consistent with the core principles of the TC-4 Neighborhood. The request is consistent with the Master Plan.

3. Would the property size and environmental conditions accommodate the proposed use?

Uses allowed in the C-2 district could be accommodated by these parcels. Although undocumented, possible environmental contamination (being close to the rail line and having a former industrial zoning) may restrict more sensitive uses or require clean up of the site.

4. Are the uses allowed in the proposed zoning district compatible with the surrounding uses?

The property has a residential neighbor to the west, rail line to north, commercial use to the east and residential uses across the street to the south. Drinking places, restaurants, gas stations are some of the more intensive allowed uses. Businesses cannot be open between 2 am and 6 am. Buildings can be as tall as 45 feet with a footprint not to exceed 6,000 feet. 70% of the site can be covered with buildings and parking areas. Developments which generate more than 500 trip ends would need to get site plan approval by the Planning Commission. All the site plan standards would need to be met for approval.

5. Are there adequate utilities and capacity on the adjacent streets to serve a commercial building of this size?

There are adequate capacities in terms of utilities and streets to serve the most intensive uses allowed in the C-2 district.

6. Are there sufficient demands for additional C-2 Neighborhood Center District allowable uses?

The most recent market study for commercial uses is several years old. Vacancy rates for commercial properties tend to be low within Traverse City.

Please pass on the City Planning Commission's recommendation that the request from Tom Krause on behalf of Robert T. Cole and Richard Laylin, to rezone 1015 and 1025 Hannah Avenue from R-2 (Two Family Dwelling) to C-2 (Neighborhood Center District) be recommended for approval to the City Commission.

Attachments: Application, aerial of the property, portion of the Future Land Use Map, portion of the Zoning Map

TRAVERSE CITY PLANNING COMMISSION
APPLICATION FOR
ZONING CHANGE

APPLICATION REQUIREMENTS

The application fee must accompany this request.

APPLICATION FEE: _____ DATE: 1/26/2015
- Zoning Change \$425.00
- Conditional Rezoning \$830.00
Check No: 42604 Hearing Date: _____
Receipt No: 10485 Case No: _____

This application must be presented to the City Planning Department a **minimum of twenty-four (24) days prior to the public hearing**. After the Planning Commission makes a recommendation, the matter will be forwarded to the City Commission before which another public hearing will be held. Action by the City Commission completes the rezoning process.

Address of subject Property: 1015, 1025 Hannah Ave
288-51-778-106.00
Tax Parcel Number: 28-51-778-104-10

Thirteen (13) copies of a site plan, drawn to scale and complete with the following, must accompany this application:

Legal Description:
Lot 99 + E 1/2 of Lot 100 Oak Heights
Lot 98, 97 + W 10ft of Lot 96 Oak Heights

1. All property lines and setbacks shown.
2. Indicate and name adjacent streets and alleys.
3. Indicate all existing structures on the property.
4. Indicate the scale of the drawing.
5. North arrow.
6. Any additional information deemed by the Planning Commission Secretary to be necessary for proper review of the request.

Present Zoning Classification: R-2

Requested Zoning Classification: C-2

Signature of Owner: [Signature]
Owner's Address: 1737 E. 46 Rd., Cadillac, Mi. 49601

Applicant's Signature: [Signature]

Relationship of Applicant to Owner: _____
Applicant's Address: 488 Munson Ave, Traverse City
1025 Hannah Ave

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

Applicant's Telephone: 231-357-2040
231-941-8950

February 2014

Robert T Cole

Richard Laylan

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ZONING MAP AMENDMENT – CHANGE NO. 38

THE CITY OF TRAVERSE CITY ORDAINS:

That Part 13, Planning and Zoning Code, Appendix 1, Zoning Map Changes, shall be amended by adding the following change to read as follows:

Change No. 38

That the following described properties shall hereafter be designated on the Zoning Map of the City of Traverse City as C-2 (Neighborhood Center).

LOT 99 & E 1/2 OF LOT 100 OAK HEIGHTS ADD.

1015 Hannah Avenue

and

LOTS 98 97 & W 10 FT OF LOT 96 OAK HEIGHTS ADD

1025 Hannah Avenue

A copy of this ordinance may be purchased or inspected at the Office of the City Clerk within the Governmental Center (231-922-4480).

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.

Michae. 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 MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: ZONING ORDINANCE AMENDMENT – REZONING 314 EAST EIGHTH STREET

Attached is a memo from City Planning Director Russell Soyring regarding a request to rezone 314 Eighth Street from R-29 (Multiple Family Dwelling) to C-2 (Neighborhood Center). As mentioned by Mr. Soyring, this request has been reviewed by City staff and the City Planning Commission and it is their recommendation that this should be approved.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Zoning Map Amendment – Change No. 37*, to rezone 314 East Eighth Street from R-29, Multiple Family Dwelling to C-2, Neighborhood Center, as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on April 6, 2015.

PH/kes

K:\tcclerk\city commission\ordinance amendments\Rezone 314 E Eighth_Intro_20150316.doc

copy: Russell Soyring, Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: PENNY HILL, ACTING CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR *Rsoyring*

SUBJECT: REQUEST TO REZONE 314 EAST EIGHTH STREET FROM R-29 (MULTIPLE FAMILY DWELLING) TO C-2 (NEIGHBORHOOD CENTER)

DATE: MARCH 5, 2015

Cynthia Anderson serving as an agent for the property owner initiated a request to rezone 314 East Eighth Street from R-29 (Multiple Family Dwelling) to C-2 (Neighborhood Center). The property is currently used as a printing shop and is a legal non-conforming use. The property was zoned M-1 (Restricted Industry) until 1999.

On March 4, 2015 the City Planning Commission held a public hearing on the rezoning request. There was no public comment except from a representative for the applicant. After the public hearing, the City Planning Commission recommended the rezoning request to rezone the property to C-2 (Neighborhood Center) be approved on a 7-0 vote.

The Zoning Element (a sub plan of the Master Plan) states that C-2 and C-3 uses are consistent with the core principles of the TC-4 Neighborhood. The TC-3 Neighborhood mentions "Neighborhood level services" should be conveniently located. The Planning Commission has been discussing a possible corridor overlay zoning that may have a form based approach to development regulation.

Rezoning is a legislative decision and should be based on sound planning principles. The following questions are appropriate when considering rezonings. (Staff provided the following responses to these questions.)

1. Is the current zoning reasonable for the land?

The multiple family residential zoning is appropriate for this property. Although traffic volumes are high, recent multiple family development on this street just west of the site indicates that multiple family development is marketable and reasonable use for properties along East Eighth Street.

2. Is the rezoning request consistent with the goals policies and future land use plan of the Master Plan?

The Master Plan's future land use map indicates this parcel borders two neighborhood types; TC-3 Traditional Neighborhood which has a residentially focus and the TC-4 Corridor

Neighborhood which has a commercial focus. Across Eighth Street, the Master Plan designates the area as TC-5 Downtown Neighborhood. The request is consistent with the Master Plan. In addition, the Corridors Master Plan, adopted by the City as guiding document recommends this section of East Eighth Street to have a "Mix of uses throughout, including retail, service, office and multi-family residential."

3. Would the property size and environmental conditions accommodate the proposed use?

Uses allowed in the C-2 district could be accommodated on this parcel. Although undocumented, possible environmental contamination (being close to a rail line and having a former industrial zoning) may restrict more sensitive uses or require clean up of the site.

4. Are the uses allowed in the proposed zoning district compatible with the surrounding uses?

The property has an abandoned rail line to the west, residential to north, residential to the east and commercial uses to the south. Drinking places, restaurants, gas stations are some of the more intensive allowed uses. Businesses cannot be open between 2 am and 6 am. Buildings can be as tall as 45 feet with a footprint not to exceed 6,000 feet. 70% of the site can be covered with buildings and parking areas. Developments which generate more than 500 trip ends would need to get site plan approval by the Planning Commission. All the site plan standards would need to be met for approval.

5. Are there adequate utilities and capacity on the adjacent streets to serve a commercial building of this size?

There are adequate capacities in terms of utilities and streets to serve the most intensive uses allowed in the C-2 district. Access to the current parking lot requires traversing City owned property.

6. Are there sufficient demands for additional C-2 Neighborhood Center District allowable uses?

The most recent market study for commercial uses is several years old. Vacancy rates for commercial properties tend to be low within Traverse City. Interest in development along this corridor for mixed use buildings has intensified in the last year.

Please pass on the City Planning Commission's recommendation that the request from Cynthia Anderson on behalf of Bontor Properties, LLC, to rezone 314 East Eighth Street from R-29 (Multi-Family Dwelling) to C-2 (Neighborhood Center District) be approved to the City Commission.

Attachments: Application, aerial of the property, portion of the Future Land Use Map, portion of the Zoning Map

STEPHEN & ANDERSON, P.L.C.

Attorneys at Law
812 South Garfield Avenue, Suite 3
Traverse City, Michigan 49686

James Stephen, II (1937-1996)
Cynthia A. Anderson
Cortney S. Danbrook

Telephone (231) 947-4050
Facsimile (231) 947-7005
caa@stephenandersonlaw.com
csd@stephenandersonlaw.com

RECEIVED

JAN 23 2015

PLANNING DEPT
CITY OF
TRAVERSE CITY

January 22, 2015

VIA HAND DELIVERY

Mr. John Serratelli
Chairman, Traverse City Planning Commission
400 Boardman Avenue
Traverse City, MI 49684

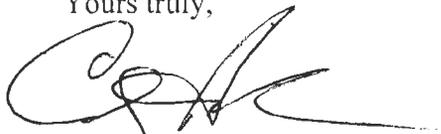
Re: Bonter Properties, LLC – 314 E. Eighth Street

Dear Mr. Serratelli:

Enclosed is an Application for Zoning Change being filed on behalf of my client, Bonter Properties, LLC for the property located at 314 E. Eighth Street where Copy Central is located. Also enclosed are 13 copies of the site plan, as required, and a check in the amount of \$425 for the zoning change application fee.

Please place this zoning change request on the Planning Commission's Agenda. If you have any questions or need additional information, please contact me. Thank you for your assistance.

Yours truly,



Cynthia A. Anderson

CAA: plw
Enclosures
cc: Pam Bonter

TRAVERSE CITY PLANNING COMMISSION
APPLICATION FOR
ZONING CHANGE

APPLICATION FEE: _____ DATE: 1-23-15
- Zoning Change \$425.00
- Conditional Rezoning \$830.00
Check No: 1090 Hearing Date: _____
Receipt No: 19482 Case No: _____

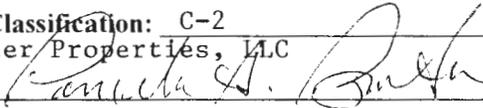
Address of subject Property: 314 E. Eighth Street

Tax Parcel Number: 28-51-682-005-00

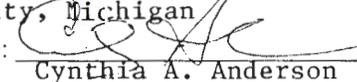
Legal Description: See attached Exhibit A.

Present Zoning Classification: R-29

Requested Zoning Classification: C-2
Bonter Properties, LLC

Signature of Owner: 

Owner's Address: 314 E. Eighth Street, Traverse
City, Michigan

Applicant's Signature: 
Cynthia A. Anderson

Relationship of Applicant to Owner: Attorney

Applicant's Address: 812 S. Garfield Avenue, St. 3,
Traverse City, MI 49686

Applicant's Telephone: (231) 947-4050

APPLICATION REQUIREMENTS

The application fee must accompany this request.

This application must be presented to the City Planning Department a **minimum of twenty-four (24) days prior to the public hearing**. After the Planning Commission makes a recommendation, the matter will be forwarded to the City Commission before which another public hearing will be held. Action by the City Commission completes the rezoning process.

Thirteen (13) copies of a site plan, drawn to scale and complete with the following, must accompany this application:

1. All property lines and setbacks shown.
2. Indicate and name adjacent streets and alleys.
3. Indicate all existing structures on the property.
4. Indicate the scale of the drawing.
5. North arrow.
6. Any additional information deemed by the Planning Commission Secretary to be necessary for proper review of the request.

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

STEPHEN & ANDERSON, P.L.C.

Attorneys at Law
812 South Garfield Avenue, Suite 3
Traverse City, Michigan 49686

James Stephen, II (1937-1996)
Cynthia A. Anderson
Cortney S. Danbrook

Telephone (231) 947-4050
Facsimile (231) 947-7005
caa@stephenandersonlaw.com
csd@stephenandersonlaw.com

RECEIVED

JAN 23 2015

PLANNING DEPT
CITY OF
TRAVERSE CITY

January 22, 2015

VIA HAND DELIVERY

Mr. John Serratelli
Chairman, Traverse City Planning Commission
400 Boardman Avenue
Traverse City, MI 49684

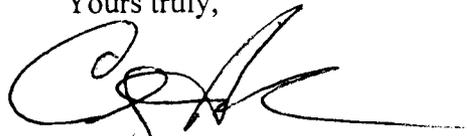
Re: Bonter Properties, LLC – 314 E. Eighth Street

Dear Mr. Serratelli:

Enclosed is an Application for Zoning Change being filed on behalf of my client, Bonter Properties, LLC for the property located at 314 E. Eighth Street where Copy Central is located. Also enclosed are 13 copies of the site plan, as required, and a check in the amount of \$425 for the zoning change application fee.

Please place this zoning change request on the Planning Commission's Agenda. If you have any questions or need additional information, please contact me. Thank you for your assistance.

Yours truly,



Cynthia A. Anderson

CAA: plw
Enclosures
cc: Pam Bonter

Exhibit A

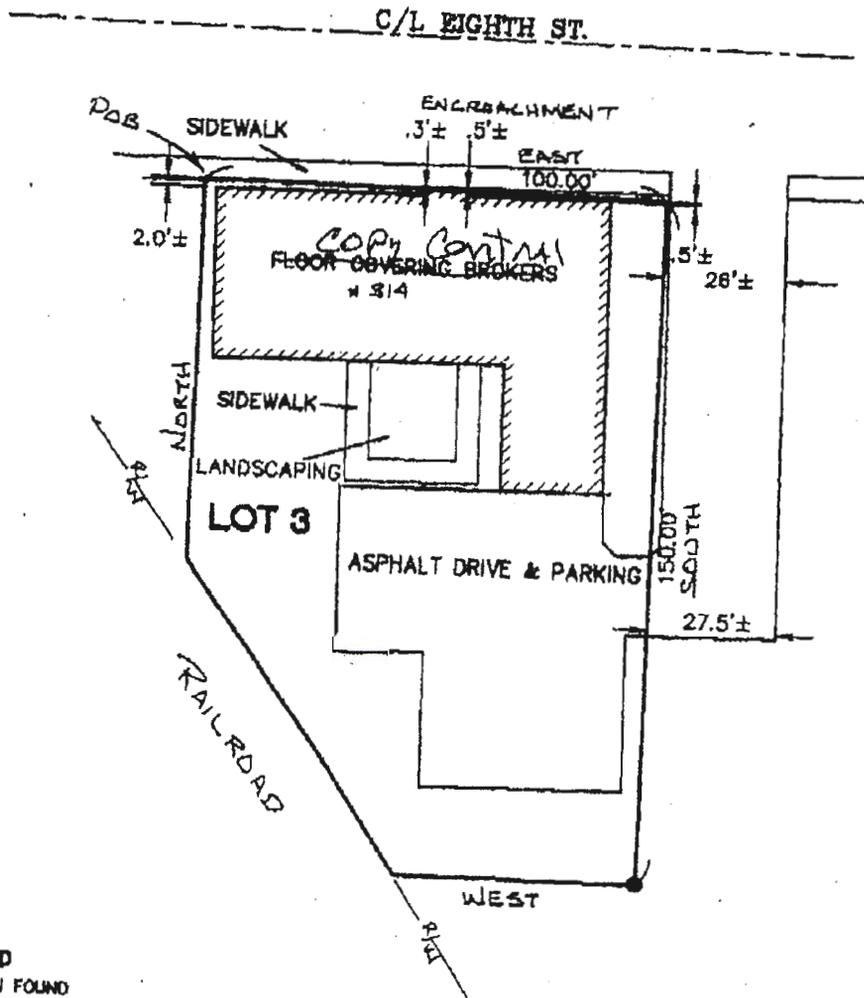
Land situated in the City of Traverse City, County of Grand Traverse, State of Michigan, more fully described as:

That part of Lot 3, of Hannah, Lay & Co's 16th Addition to Traverse City, described as: Commencing on the South line of Eighth Street, 65 feet East of the Northeasterly line of the Pere Marquette Railway right-of-way; thence East along the South line of Eighth Street, 100 feet; thence South perpendicular to the South line of Eighth Street, 150 feet; thence West parallel to the South line of Eighth Street to the Northerly line of the Pere Marquette railroad right-of-way; thence Northwesterly along said right-of-way to a point on a line perpendicular to the South line of Eighth Street passing through the Point of Beginning; thence North to the Point of Beginning, except that part of said Lot 3 as lies North of the South edge of the concrete sidewalk located along the South line of East Eighth Street.

Together with the following described easement for ingress and egress: That part of Lot 3, Hannah, Lay and Co's Sixteenth Addition to Traverse City, Michigan, and described as beginning at the Northeast corner of lands described in Liber 140, at Page 113, thence East along the South boundary of Eighth Street, 30 feet, thence South 150 feet, on a line parallel to the Easterly line of the above described parcel, thence West 30 feet, on a line parallel to the Southerly line of Eighth Street, to the Southeasterly corner of the above described parcel, thence North along the said Easterly line, 150 feet to the point of beginning.

MORTGAGE REPORT

Part of Lot 3 "Hannah Lay & Co.'s 16th Addition", to Traverse City, Grand Traverse County, Michigan.



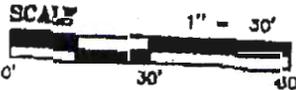
10/24/08 10:00 AM

LEGEND

- IRON FOUND
- ▲ P.K. NAIL FOUND
- WOOD STAKE FOUND
- ⊙ MONUMENT FOUND

ALL BOUNDARY & EASEMENT DIMENSIONS ARE RECORDED UNLESS OTHERWISE NOTED. THIS IS NOT A BOUNDARY SURVEY.

I hereby certify that I have inspected the property herein described; that there are improvements located as shown; that said improvements are within property lines; and that there are no visible encroachments upon the land and property described, unless otherwise noted. All utilities and easements may / or may not be shown. NOTE: PRIOR TO CONSTRUCTION, all proposed improvements should be field survey verified for conformance to setbacks and/or possible encroachments.



This inspection is for mortgage purposes only.

David G. Heydauff
David G. Heydauff

R.L.S. No. 32537

EDWARD & MITZI GIBBARD



Sheet 1 of 2

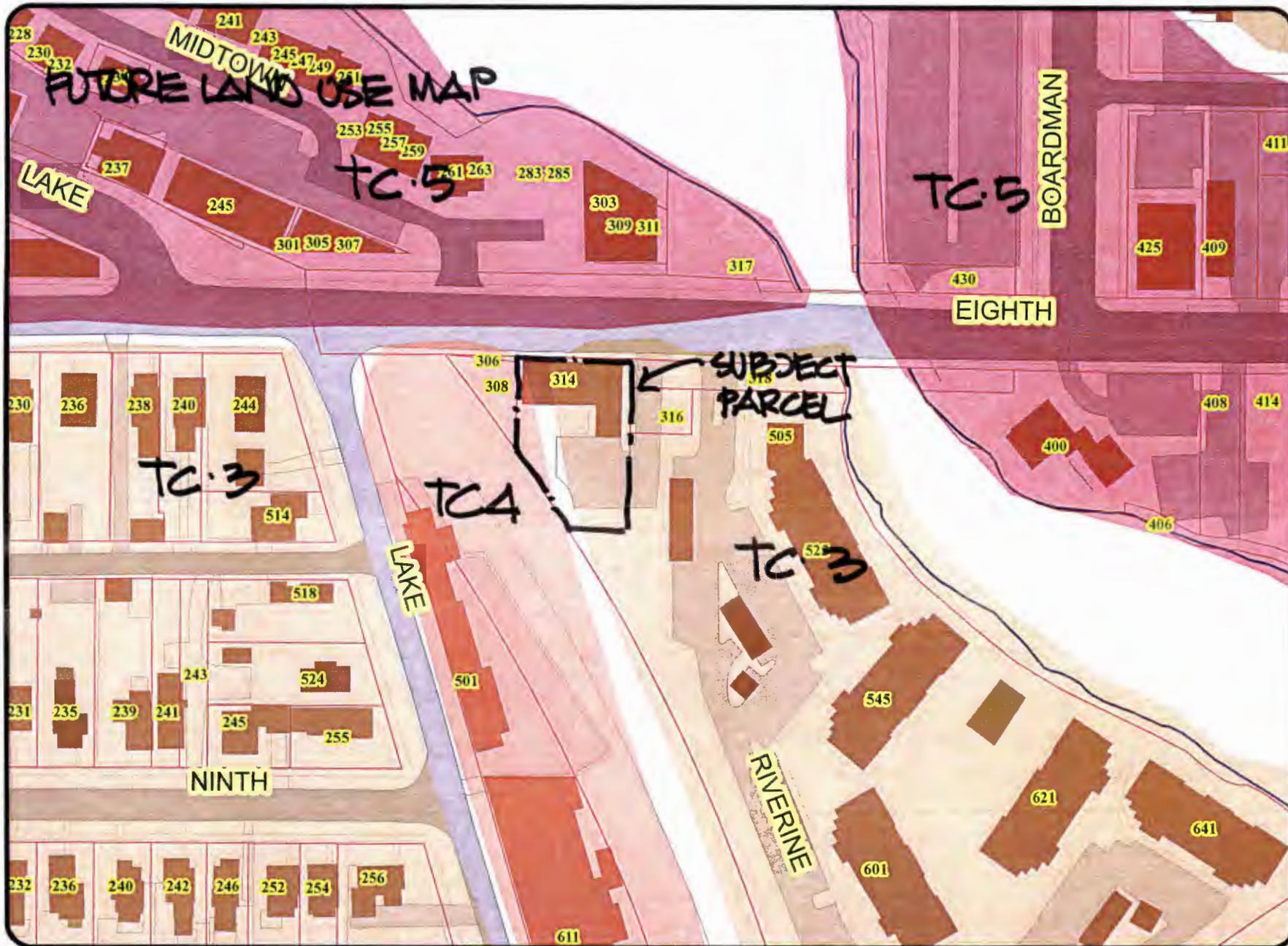
Job: 98121.05-C
Date: 8-24-08
Scale: AS NOTED
Drawn: A.C.
Chk'd: D.G.H.
Rev'd:

Building Consultants
engineering solutions, inc.
Engineers • Surveyors
Environmental Services

1280 Ingham Park Drive
Traverse City, MI 49604-0007
617-346-4400
262-926-1000
Fax: 617-641-0000



05/08/2014



- Legend
- TC-1 Conservation
 - TC-2 Contemporary
 - TC-3 Traditional
 - TC-4 Center
 - TC-5 Downtown
 - TC-C Campus Plan



1 inch = 79 feet

This map is based on digital data derived from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or inaccuracy. There are no warranties expressed or implied.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ZONING MAP AMENDMENT – CHANGE NO. 37

THE CITY OF TRAVERSE CITY ORDAINS:

That Part 13, Planning and Zoning Code, Appendix 1, Zoning Map Changes, shall be amended by adding the following change to read as follows:

Change No. 37

That the following described property shall hereafter be designated on the Zoning Map of the City of Traverse City as C-2 (Neighborhood Center).

THT PRT OF LOT 3 DES AS COM ON S LINE 8TH ST 65 FT E OF NE'LY LINE OF P M R/W THE 100 FT TH S 150 FT TH TO PM R/W TH NE'LY ALONG R/W TO PT S OF PGB TH N TO POB H L & CO'S 16TH ADD

314 East Eighth Street

A copy of this ordinance may be purchased or inspected at the Office of the City Clerk within the Governmental Center (231-922-4480).

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



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: RESIDENTIAL PARKING PERMIT PROGRAM

Attached is a memo from Downtown Development Authority Executive Director Robert Bacigalupi explaining a recommendation from the Downtown Development Authority and Parking Administrator Nicole VanNess to convert the PILOT Residential Parking Permit Program to an official permanent program.

As mentioned by Mr. Bacigalupi, formalization of this program was included in the Downtown Development Authority's three-year plan presented to the City Commission on December 8, 2014.

I recommend the following motion:

that the PILOT Residential Parking Permit Program be made permanent as recommended by the Downtown Development Authority Board of Trustees as described in the memo from the Parking Administrator dated March 9, 2015, with an effective date of July 1, 2015.

PH/kes

K:\tcclerk\city commission\parking rates\residential parking permits_20150316.doc

copy: Robert Bacigalupi, Downtown Development Authority Executive Director
Nicole VanNess, Parking Administrator



To: Penny Hill, Acting City Manager

From: Rob Bacigalupi, Executive Director

RMB

Re: Conversion of Residential Permit Program from a Pilot Program to an Official Program

Date: March 10, 2015

Attached is a memorandum from Parking Administrator Nicole Van Ness regarding the City's residential permit program. When we presented our three year plan to the City Commission on December 8th, it included a recommendation to formalize this program. As parking pressure downtown increases, there will be more downtown employees seeking free parking in the adjacent neighborhoods and the residential parking permit program is our best means of addressing this stress. The DDA Board weighed in on this at their November 2014 meeting and acted as followed: *There was a motion by Jackson, seconded by Bagdon-McCallum that the DDA Board of Directors accept the eight recommendations related to the 2015-2018 Parking Plan as recommended by the Executive Director in his November 18, 2014 memorandum and further that these recommendations be sent to the City Commission for their consideration. Motion carried unanimously.*

As Nicole's memo indicates, we are recommending fees but are, of course, open to City Commission input on that issue.

memo



Traverse City Parking Services

To: Rob Bacigalupi, Executive Director DDA
From: Nicole VanNess, Parking Administrator
Date: March 9, 2015
Re: Residential Permit Program

In July 2014, the DDA assumed the responsibilities of residential permits. The process began back in 2001. There are currently nine residential blocks between Boardman and Central Neighborhoods that are participating.

The existing process was temporary and consisted of a 90 day pilot until a more formal process was put into place. Any resident wanting to enact a residential permit program on their block would send a request for restricted parking signs and residential permits. The request would result in a survey of the property owners on the block. If the majority of the property owners were in favor, hour limit signs would be installed along the block and up to two residential permits could be obtained for each property.

We are proposing a nominal fee to cover the staff costs to administer the surveys, coordinate the implementation of the signage, purchase consumables, administer the renewal process, and routinely regulate parking in the designated blocks. A portion of the revenue may be dispersed to the neighborhoods.

Upon approval, all existing pilot blocks will be resurveyed, and the program will become effective July 1, 2015.

RESIDENTIAL PARKING PROGRAM DRAFT

RESIDENTIAL PARKING OVERVIEW

GENERAL OVERVIEW

Existing Residential Programs

- All residents of existing residential programs would be resurveyed before the implementation of the new process.
- The program will survey residents every 6 years.

Non-Resident Requests

- The program is not available for non-residents or businesses in residential areas. If future growth warrants the need to implement residential parking permits for non-resident purchase, existing program holders would be notified no less than 90 days from implementation.

New Residential Program Requests

- A resident from the proposed street must send a letter or email expressing their desire to have their block surveyed for implementation of the residential permit program.
 - The proposed street must already be signed to limit parking (example: 2 Hour Parking Limit or No Parking 8 a.m.-4 p.m.)
 - If the proposed street does not already limit parking, the request to add signs must be made to the Traffic Committee meeting. Parking limit signs must be in place no less than 30 days before a residents are surveyed to implement a residential program.
 - Once a residential area is established, signs will remain in place no less than two years.
- Parking Services or City Engineering will send surveys to all property owners within two weeks of the request or after the 30 day waiting period of the erected signs.
 - Surveys must be received in our offices no later than 2 weeks from mail date.
- Survey results require a majority of at least 60% of the property owners be in favor of the residential parking program.
 - Property owners failing to reply will be counted towards the no vote.
 - Property owners are allowed one vote per residential property.

MAXIMUM NUMBER OF PERMITS

- Residents - No more than two residential permits per property.
- Resident Guests – No more than two guest permits per property.
- Renters – No more than one permit per unit. Renters must provide a copy of their lease. Effective and expiration dates will coincide with lease agreement.
- Renter Guest – No more than one guest permit per rental unit. Renters must provide a copy of their lease. Effective and expiration dates for guest passes will coincide with lease agreement.

- Residential Contractors – Residents who have existing active residential permits are allowed up to two residential construction permits free of charge that may be shared among those performing the work onsite. Permits will be issued with effective and expiration dates that coincide with the building permit dates.
- Residential Contractors – Residents who do not participate in the program are allowed to purchase up to two residential construction permits. Permits will be issued with effective and expiration dates that coincide with the building permit dates.

VALID LOCATION

Permits are only permitted to park within the residential area specified within the Traffic Control Order. Permits are valid where posted parking restrictions are otherwise enforced. Permits do not allow for overnight parking unless specified in the TCO.

Residential Permits may be used on within the neighborhood of the designated permit areas. For example: TCOs exists for the 100, 200, and 400 blocks of W Seventh in Central Neighborhood. A Central Neighborhood permit would be issued. If parking is unavailable for the 100 block resident, their permit would be valid in the 200 and 400 blocks.

DISPLAY OF PERMIT

The permit shall be visibly hung from the rear view mirror. The permit number should be facing forward and visible from outside of the vehicle.

DENIAL OF APPLICATION

Your application may be denied for one or any of the following reasons:

- 1) All vehicles at your residence must be currently registered.
- 2) If there are outstanding parking citations issued to any vehicle at the residence.
- 3) All parking at residence shall be used for parking drivable vehicles.

CHANGE OF ADDRESS/VEHICLE

The permit holder must return the current permit and reapply with their new address information. Since vehicle information is linked to the resident's plate, vehicle plate information will need to be updated. Permits are non-refundable when a permit holder moves out of a residential neighborhood.

PERMIT FEES

- Resident permits are \$48.00 for a two year permit.
- Lessee permits are \$24.00 for a one year permit.
- Resident Guest permits are \$96.00 for a two year permit or \$4.00 per month.
- Lessee Guest permits are \$4.00 per month.
- Residential Construction permits are \$4.00 per month.
- Permit Replacement fees are available at the current rate of the permit.

Lost or Stolen Permit

Lost or stolen permits should be reported to Parking Services. Anyone who attempts to use a lost, stolen or forged permit will be reported to the Police and filed in a Police report and subject to any legal actions taken by the City Prosecutor's office.

RESIDENTIAL PARKING PERMIT APPLICATION

- 1) New Permit, Renewal, Change of Vehicle, Change of Address, Replacement Permit (Lost/Stolen)
- 2) Residential Permit, Guest Residential Permit, Renter Permit, Residential Construction
- 3) Name of Applicant
- 4) Street Address, Apt, Zip Code
- 5) Telephone Number
- 6) Vehicle License Plate, State of Registration
- 7) Make, Model, Year, Color
- 8) Applicant Is: Owner or Renter (Renters must provide a copy of the lease, and must be named on the lease)

EXISTING RESIDENTIAL BLOCKS

Residential Parking Blocks

Traffic Control Orders have been issued for specific streets where residential permit districts have been enacted.

- Central Neighborhood
 - Sixth Street – TCO
 - 2 Hour Parking 8 AM to 6 PM Except Saturdays, Sundays, and Holidays
 - W Eighth Street 200 BLK – TCO 563
 - 2 Hour Parking 8 AM to 6 PM Except Saturdays, Sundays, and Holidays
 - W Seventh Street 100, 200, 400 BLK – TCO 558
 - 2 Hour Parking 8 AM to 4 PM School Days on 400 BLK of Seventh Street
 - 2 Hour Parking 8 AM to 6 PM Except Sundays and Holidays on 200 BLK of Seventh Street
 - W Thirteenth Street 400 BLK – TCO 539
 - No Parking
- Boardman Neighborhood
 - Washington Street 500 BLK – TCO 565
 - 2 Hour Parking 8 AM to 6 PM Except Saturdays, Sundays, and Holidays
 - Webster Street 400 BLK – TCO 464

- ⊗ 2 Hour Parking 8 AM to 6 PM Monday through Friday Residential Permit Exempt
- ⊗ Railroad Avenue – TCO 521 –
 - ⊗ Overnight Parking - By Permit Only - On Odd Days west side of Railroad from the alley between Washington and Webster north to Washington
 - ⊗ Overnight Parking – By Permit Only – On Even Days west side of Railroad from the alley between Washington and Webster south to Webster



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: PARKING METER RATE ADJUSTMENTS

Attached is a memo from Downtown Development Authority Executive Director Robert Bacigalupi explaining a recommendation from the Downtown Development Authority and Parking Administrator Nicole VanNess to adjust parking meter rates.

I recommend the following motion:

that the City Commission concurs with the parking meter rate adjustments as recommended by the Downtown Development Authority Board of Trustees as described in the memo from the Parking Administrator dated March 9, 2015, with rates to be effective May 1, 2015.

PH/kes

K:\ccclerk\city commission\parking rates\parking meter rates_20150316.doc

copy: Robert Bacigalupi, Downtown Development Authority Executive Director
Nicole VanNess, Parking Administrator



To: Penny Hill, Acting City Manager

From: Rob Bacigalupi, Executive Director

BMB

Re: Parking Meter Rate Adjustments

Date: March 10, 2015

Enclosed is a memorandum from Parking Administrator Nicole Van Ness detailing our recommendations for parking meter rate adjustments. Like with the residential permit program, meter rate adjustments were included in our three year plan presented to the City Commission on December 8th. The DDA Board discussed rates at their November 21, 2014 meeting and recommended approval. Specifically, there was a *motion by Jackson, seconded by Bagdon-McCallum that the DDA Board of Directors accept the eight recommendations related to the 2015-2018 Parking Plan as recommended by the Executive Director in his November 18, 2014 memorandum and further that these recommendations be sent to the City Commission for their consideration. Motion carried unanimously.*

Nicole's memorandum provides other detail such as adjustments to meter time limits but the only item under consideration by the City Commission are the rates themselves. It is important that staff retain the flexibility to adjust time limits based on changing usage patterns and needs. Of course I will be in attendance Monday to answer any questions.

memo



Traverse City Parking Services

To: Rob Bacigalupi, Executive Director DDA
From: Nicole VanNess, Parking Administrator
Date: March 9, 2015
Re: Meter Rate Increase

As you know, the DDA Board and the Parking and Access Committees have reviewed the proposed meter rate increases. Meter rates have not been increased since April of 2004.

Rates were gathered from other cities across Michigan. The data shows that Traverse City is below average on short term rates of 4 hours or less and comparable to below average on long term rates of more than 4 hours.

The Parking System utilizes the permit revenue and garage admissions revenue to maintain operational expenses while the meter revenue affords the ability to purchase new and replacement equipment and expanded customer services. As we consider the potential to subsidize low income parking in the future, it will be important that we rely on the meter revenue.

We are proposing an increase of short term parking rates 4 hours or less to \$1.00 per hour, long term parking rates greater than 4 hours up to 8 hours \$.80, and long term parking rates greater than 8 hours \$.60 per hour. Meter bagging rates are also being proposed to increase to \$12 for right-of-way permit holders and \$15 for non-permit holders. Rates will be effective May 1, 2015.

We are also planning to increase our meter hour limits to address changing usage patterns. Meter time limits are continually evaluated and adjusted to manage the ebb and flow of parking demand in downtown.



PROPOSED LIMIT AND RATE CHANGES

Hour Limit Increases

On-Street Meters

- All on-street meters in the core downtown areas from Boardman Avenue west to Union Street, including 100 S Union Street; and Front Street south to State Street increase from 2 hour meters to 3 hour meters.

Location	Existing Limit	Increase Limit	Decrease Limit
Boardman Avenue	2 HR	4 HR	
Lake Avenue	2 HR	4 HR	
100 W Front	2 HR	4 HR	
100 W Front	10 HR		4 HR
300 W Front	2 HR	4 HR (north side)	
300 W Front	2 HR	10 HR (south side)	
100 S Pine	2 HR	4 HR	
Hall Street	2 HR	4 HR	
Marina Drive	2 HR	4 HR	
Washington	2 HR	4 HR	

Off-Street Meters

- Lot F is a leased lot where the lease specifies a maximum of 30 minutes.
- Lots A, B, and O are included in the multi-space pay station implementation where stall ID signs have been ordered to identify a 2 hour limit.

Location	Existing Limit	Increase Limit	Decrease Limit
Old Town Garage	4 HR	10 HR	
Lot X	2 HR	4 HR	

Proposed Meter Changes

Proposed Meter Rates

Hour Limit	Current Rate	Proposed Rate
0-4 hours	\$0.60	\$1.00
4:01-8 hours	\$0.60	\$0.80
8:01-max hours	\$0.50	\$0.60

Proposed Meter Hood Rates

With the increase of the meter rates, we are proposing an increase to the meter bagging rates from \$10 a day to \$12 a day for individuals or companies that have a right-of-way permit and \$15 for individuals or companies that have not obtained a permit.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: ACCESSORY DWELLING UNIT REGULATIONS

Attached is a previously submitted memo from Planning Director Russell Soyring regarding the Planning Commission recommended ordinance amendments to requirements regarding Accessory Dwelling Units. As mentioned previously, this 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. Attached you will find Administrative Rules for Accessory Dwelling Units prepared by Mr. Soyring to illustrate the process to be following for registering these 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.

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 as described in the attached memo from the City Planning Director; please also refer to the attached map which delineates the zoning areas in which Accessory Dwelling Units would be allowed by this ordinance amendment.

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 enacted with an effective date of March 26, 2015.

PH/kes

K:\tcclerk\city commission\ordinance amendments\ADU_Enact_20150316.doc

copy: Russell Soyring, Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: JERED OTTENWESS, CITY MANAGER
FROM: RUSS SOYRING, PLANNING DIRECTOR *R. Soyring*
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 Heights 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



**Administrative Rules for
Issuance of Registrations for Accessory Dwelling Units**

1. Applications will not be accepted until the effective date of the ordinance. (Possible effective date is March 26,2015)
2. Applications will be taken at the City Planning Department in order on a first come, first served basis. Partial applications will be rejected.
3. Complete applications will be reviewed by the Zoning Administrator for Zoning Code compliance.
4. If an application is approved, the Zoning Administrator will issue a land use permit and notify the City Clerk, City Assessor and Fire Marshall.
5. The City Clerk will issue a registration as required by the ordinance, which registration shall be considered one of the ten allowed in the given calendar year. If an applicant withdraws their request for a registration in writing with the City Clerk, the City Clerk shall revoke the registration.
6. Once ten (10) registrations referenced herein any additional applications will be kept on file in the order they were received for processing in the next calendar year.
7. The land use permit will state that the accessory dwelling will be complete with a final occupancy permit within one year of the date of the application. Inactivity will result in a forfeiture of the land use permit which may be appealed to the Board of Zoning Appeals.
8. The registration issued by the City Clerk shall state that the validity of the registration is contingent upon a valid land use permit.

Approved by:

Benjamin C. Marentette, MMC
City Clerk

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 shall 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 Marihuana 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 Marihuana 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 Marihuana plants shall be cultivated per Dwelling Unit;
 - (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 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 Marihuana 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

¹ The 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:**

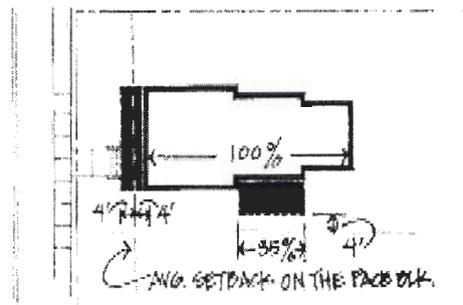
Building:

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.

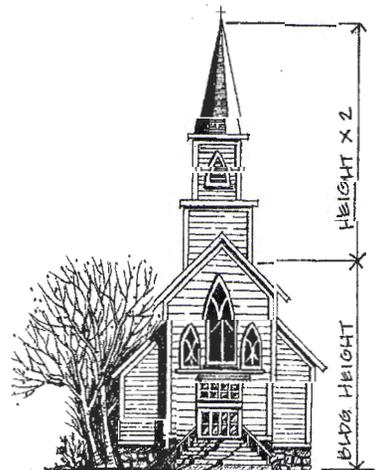
No encroachments into the required setbacks are allowed except:

- (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

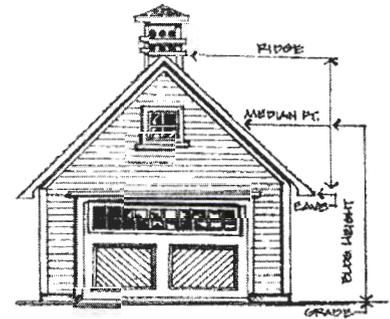


similar to those of the main building.
(Ord. 476. Passed 7-6-99. Ord. 726. Passed 3-19-07.)

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
------------------------	-------------------

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



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: City Commission Ad Hoc Committee for City Manager Recruitment 2015:

Commissioner Jeanine Easterday, Chair

Commissioner Tim Werner

Commissioner Ross Richardson

SUBJECT: UPDATE – CITY COMMISSION AD HOC COMMITTEE FOR CITY MANAGER RECRUITMENT 2015

At its March 9, 2015 meeting, the City Manager Recruitment 2015 Ad Hoc Committee selected Commissioner Easterday as the chair as well as Commissioner Werner as the secretary for the duration of the committee.

The Ad Hoc Committee discussed the current job description and approved the job description in its draft form until all members were able to review and comment. The salary range was also discussed and the Ad Hoc Committee approved to increase the upper limit of the salary range from \$120,000 per year to \$125,000 per year. In addition, the recruitment strategy, along with the candidate profile, was discussed.

Lastly, the Ad Hoc Committee revised the draft advertising language and discussed the placement of the advertisement to be done immediately. The advertisement indicates that resumes must be submitted by April 10, 2015. Human Resources will provide a list of applicants and their resumes weekly to the City Commission. Tentative interview dates were also discussed. It was determined that April 24 and 25, 2015 and May 1 and 2, 2015 will be the target dates for the interviews.

At this time the Ad Hoc Committee does not have another meeting scheduled until it is deemed necessary. The Ad Hoc Committee respectfully requests that the City Commission consider the Ad Hoc Committee conduct interviews or the City Commission as a whole.

Attachments:

Job description

March 10, 2015

Ideal Candidate Profile
Advertisement
Recruitment Campaign

K:\ccclerk\city commission\city manager\city mgr recruitment report_20150316.doc
jec

copy: Penny Hill, Acting City Manager

City Manager Job Description

The City Manager is to administer a city government which serves the best interests of the entire Traverse City community.

1. The City Manager shall serve effectively as Chief Executive Officer to the City Commission. The City Manager shall:
 - a. Facilitate Commission action, including proposing draft ordinances, coordinating agenda preparation and providing complete information and background necessary for the City Commission.
 - b. Keep Commission members well informed on issues that might become matters of community concern.
 - c. Keep Commission members informed on issues that should be addressed or monitored for possible action.
 - d. Provide study sessions or workshops to deal with matters of concern that should be addressed informally, including provision of appropriate staff and information.
 - e. Raise policy questions to the City Commission that may have either short-term or long-range ramifications for the City while providing the necessary back-up information, recommendations, and alternatives.

2. The City Manager shall effectively and efficiently administer the City internally, including its departments, programs, personnel and other resources. The City Manager shall:
 - a. Use City Commission policy as the basis for operating the City.
 - b. Fairly administer the laws and ordinances of the City of Traverse City and recommend amendments to ordinances or policies that have proven to be impracticable or in need of change.
 - c. Administer City programs effectively and efficiently with progress and status reports to the City Commission.

- d. On an annual basis, propose for City Commission adoption a work program for improvements in the City of Traverse City, incorporating the City Commission's and Manager's goals and objectives. The City Manager is responsible for implementation of this program.
 - e. Act as the City's Personnel Director and Chief Labor Negotiator and participate cooperatively with the Traverse City Light and Power Executive Director in labor negotiations.
 - f. Supervise City employees effectively and fairly in accordance with the Charter and adopted policies, including when necessary the appointment and removal from office of department heads, division chiefs and other employees.
 - g. Maximize talents and skills of all City employees by continuing to implement outcome-oriented policies.
 - h. Administer financial resources effectively with particular emphasis on fiscal responsibilities in expenditures, revenue and investing. The City Manager shall present a clear, balanced budget which meets the needs of the community and City Commission and goals of the City Commission within resources available. The City Manager shall work cooperatively with the Traverse City Light and Power Department's Executive Director to present the Traverse City Light and Power Department's annual budget at the same time and as an integrated component of the city's budget. The City Manager shall keep the Commission clearly advised on a quarterly basis regarding financial conditions and needs of the City.
 - i. Present a budget following the requirements of the City Charter and administer it according to the required Charter provisions. The City Manager shall make expenditures according to the adopted budget and within delegated limits.
 - j. Maintain the master land use plan and keep ordinances up to date.
3. The City Manager shall effectively maintain City relationships with the community, other levels of government and other appropriate entities. The City Manager shall:
- a. Present Commission policy within the framework of directives or adopted policy when dealing with the public or media even when the direction is contrary to the City Manager's personal opinion.

- b. Represent the interest of Traverse City at other levels of government. The City Manager shall take a lead role in matters dealing with regional concerns.
 - c. Act as Interim Executive Director of the Traverse City Light and Power Department during the absence or disability of the Traverse City Light and Power Department Executive Director.
 - d. Maintain contacts with Federal, State, County and other governmental units. The City Manger shall interact with these units in an effective and proactive manner.
 - e. Maintain effective relationships with the various segments of the community including effective and timely responsiveness to the concerns and comments of the community. The City Manger shall serve the community.
4. The City Manager shall demonstrate personal characteristics that facilitate goal achievement. The City Manager shall:
 - a. Manage the City with complete integrity and decisiveness.
 - b. Observe professional ICMA code of ethics applicable to this position.
 - c. Manifest a personal sense of responsibility to the City.
 - d. Be personally available to run the City and see that authority is properly delegated so that the City will continue to operate effectively.
 - e. Use professional knowledge and skills to manage and continually improve the operation of the City. The City Manager shall be creative and open to new ideas and approaches.
5. The City Manager shall manage, in accordance with, and abide by, the City Charter and ordinances of the City.

AN "IDEAL CANDIDATE" PROFILE WORKSHEET

MINIMUM REQUIREMENTS		REQUIRED	PREFERRED	MINOR FACTOR	NOTES
1	Bachelor's Degree (specify course of study)	X			
2	Master's Degree (specify course of study)		X		
3	Manager Experience: # of Years Size/Complexity of previous communities		X (5 yrs)		
4	Assistant Manager Experience: # of Years Size/Complexity of previous communities		X		
5	Other Local Government Experience (dept. head, etc.)		X		
6	Michigan Government Experience			X	
7	Private Sector Experience			X	
8	Other minimum requirements:				
SKILLS & ABILITIES		REQUIRED	PREFERRED	MINOR FACTOR	NOTES
1	Skilled communicator, oral and written <ul style="list-style-type: none"> · Internal: clear, consistent and appropriate message delivered to the appropriate parties at the appropriate times, both up and down chain of command and across functional areas · External: clear, consistent and appropriate message delivered to the appropriate parties at the appropriate times · Public speaking & presentations: skill level promotes a positive image of the organization · Exercises appropriate discretion · Ability to handle difficult situations & people with tact & diplomacy 	X			
2	Ability to participate in and execute strategic plans	X			
3	Advanced Research and Analytical Abilities		X		
4	Skilled in promoting effective: <ul style="list-style-type: none"> · Public / Community Relations · Business Relations · Union / Employee Relations · Intergovernmental Relations · Other critical relationships 		X		

SKILLS & ABILITIES, continued		REQUIRED	PREFERRED	MINOR FACTOR	NOTES
5	Ability to manage others	X			
6	Ability to lead others	X			
7	Skilled in organization and follow-through	X			
AREAS OF RELATED EXPERIENCE / EXPERTISE		SOME EXPERIENCE REQUIRED	PROVEN EXPERTISE REQUIRED	NICE TO HAVE, BUT NOT REQUIRED	NOTES
1	Finance & Budget		X		
2	Planning & Development	X			
3	Economic / Downtown Development	X			
4	Union Contract Negotiation, Administration, Arbitration	X			
5	Engineering, Public Works / Public Utilities	X			
6	Grant Writing / Administration			X	
7	Community Development			X	
8	Recreation, Arts, Culture, etc.			X	
9	Public Safety (Police & Fire)	X			
10	Building, Zoning			X	
11	Human Resources / Personnel Administration	X			
12	Information Technology			X	
13	Health & Human Services			X	
14	Transportation Systems			X	
15	Legislative Affairs			X	
16	Other Criteria:				

CITY MANAGER

City of Traverse City, Michigan

Population: 14,674

Salary \$100,000 to \$125,000, DOQ, benefits negotiable

Outstanding opportunity to provide leadership and management for a premier Lake Michigan community. Traverse City is a full-service community with a GF budget of \$14M, operating budgets of \$30M and 180 FTE in various operational areas that include police, fire, public services (streets, facilities, water production and distribution, wastewater collection and treatment, parks and recreation), electric utility, engineering, planning, zoning, building, housing, DDA, and all related administrative services (legal, clerk, treasury, finance, assessing, human resources).

Nationally recognized as a distinctive community, Traverse City is located in breathtaking northwest Michigan, which includes one of the fastest growing wine regions in the country. The City offers an energetic downtown and exceptional quality of life, including the National Cherry Festival, the Traverse City Film Festival and world-renowned beaches, boating and other outdoor activities that make this region of Michigan a vibrant vacation and retirement destination.

The City seeks a highly-skilled manager, with prior city management experience required, and a proven record of success and the ability to provide top administrative oversight for this outstanding organization. A Bachelor's degree is required; a Master's degree in business or public administration is preferred. Substantial experience is required in the supervision of others, financial/budget and project management, implementation of capital-improvement plans, labor relations/negotiations, pension issues/retirement plans, and public-safety services. The ideal candidate will offer a diversified management background and advanced communications skills, particularly in dealing with elected officials, internal staff, and the public, and will work collaboratively with an involved community.

To learn more about this distinctive community and its exceptional quality of life, visit www.traversecitymi.gov. Apply by April 10, 2015, with cover letter, resume, and three employment references with contact names and current phone numbers to: TRAVERSE CITY CITY MANAGER SEARCH, c/o Human Resources Department, 400 Boardman Ave., Traverse City, MI 49684, and/or email to jcaroffino@traversecitymi.gov. **Michigan law requires that applicants request confidentiality if it is desired; all interviews before the City Commission will be conducted publicly.** For Additional information, contact Jamie Caroffino, HR Generalist, at 231-922-4481 or jcaroffino@traversecitymi.gov.

Recruitment Campaign:

- MML Classified Ads (website)
- ICMA Newsletter
- ICMA website and social media outlets
- Other professional associations (i.e. MGFOA, Midwest Manager's Association, etc.)
- Other public associations as appropriate (i.e. MTA, MAC, etc.)
- City Manager listserv through the MML
- MML twitter and facebook accounts
- City facebook account and website



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER *PH*

SUBJECT: IMPROVEMENTS TO CLANCY PARK – GRANT APPLICATIONS

Attached is a memo from City Planning Director Russell Soyring recommending the City Commission adopt two resolutions supporting grant applications to the Michigan Recreation Passport and the Michigan Natural Resource Trust Fund. As mentioned by Mr. Soyring, by applying for two grants he hopes to increase the City's chances of obtaining funding for improvements to Clancy Park.

By adopting these resolutions, the City is committing to providing matching funds in the total amount of \$75,000, with \$4,400 of additional funds being provided by the Orchard Heights Neighborhood and the Friendly Garden Club.

This grant application is due in the coming weeks. \$33,000 is included in this year's Capital Improvement Plan (CIP) as Project #538 as part of the required \$75,000 in matching funds; \$52,000 has been included in the proposed CIP for next year. If funding is ultimately not allocated in the CIP, we will not accept the grant.

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

that the Resolution of Support for the Michigan Recreation Passport Grant and the Resolution of Support for the Michigan Natural Resources Trust Fund Grant, for Clancy Park Improvement Project, which commits the City to providing \$75,000 in matching funds, be adopted.

PH/kes

k:\tcclerk\city commission\grants\clancy park improvements_20150316.doc

copy: Russell Soyring, Planning Director

CITY OF TRAVERSE CITY, MICHIGAN
 SIX YEAR CAPITAL IMPROVEMENT PLAN
 Budget Year 2014-2015 by Fund

All Projects Submitted for 2014/15

Date/Time Printed: 4/21/2014 4:36:51 PM

Project ID		Carry Forward 2013-14	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Fiscal Year 2019-20	Funding Sum	Non-City Funds	Project Cost
GENERAL FUND											
Cemetery											
48	Oakwood Cemetery Paving of Main Loop in First Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$20,000.00	\$0.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00
45	Oakwood Cemetery: Construct New Maintenance Facility	\$154,270.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$154,270.00	\$0.00	\$154,270.00
47	Oakwood Cemetery: Install Cremation Niches in Mausoleum	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00
Total Cemetery		\$154,270.00	\$0.00	\$0.00	\$0.00	\$20,000.00	\$20,000.00	\$0.00	\$194,270.00	\$0.00	\$194,270.00
Fire											
370	Overhead Garage Doors (FF#1 & FF#2)	\$0.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,000.00	\$0.00	\$15,000.00
841	*TCFD: Replacement of portable radios	\$0.00	\$0.00	\$0.00	\$24,800.00	\$0.00	\$0.00	\$0.00	\$24,800.00	\$0.00	\$24,800.00
840	*TCFD: Replacement phone system	\$0.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00
839	*TCFD: Tablets for emergency response vehicles	\$0.00	\$0.00	\$13,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,600.00	\$0.00	\$13,600.00
Total Fire		\$0.00	\$15,000.00	\$23,600.00	\$24,800.00	\$0.00	\$0.00	\$0.00	\$63,400.00	\$0.00	\$63,400.00
General Government											
784	*Annual City Computers	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$210,000.00	\$0.00	\$210,000.00
843	*Capital Improvement Program software purchase	\$0.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00
4	City Document Management System	\$0.00	\$0.00	\$46,500.00	\$54,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$175,500.00	\$0.00	\$175,500.00
777	*City Wide Bench Elevation Survey - Engineering	\$10,000.00	\$0.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25,000.00	\$0.00	\$25,000.00
Total General Government		\$40,000.00	\$30,000.00	\$101,500.00	\$84,000.00	\$55,000.00	\$55,000.00	\$55,000.00	\$420,500.00	\$0.00	\$420,500.00
Parks & Rec.											
306	Ashton Park Playground	\$0.00	\$0.00	\$12,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,000.00	\$3,000.00	\$15,000.00
539	Boon Street Park Playground Improvements	\$0.00	\$0.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,000.00	\$2,000.00	\$10,000.00
26	Bryant Park Retaining Wall	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00	\$40,000.00	\$90,000.00
538	Clancy Park Improvements - Phase 1 and Phase 2	\$0.00	\$33,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$33,000.00	\$37,000.00	\$70,000.00
3	Hannah Park improvements	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00	\$105,000.00	\$155,000.00
34	Hickory Hills Booster Pump and Well	\$0.00	\$0.00	\$0.00	\$30,000.00	\$0.00	\$0.00	\$0.00	\$30,000.00	\$20,000.00	\$50,000.00
28	Hickory Hills Lodge Replacement	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500,000.00	\$0.00	\$500,000.00	\$500,000.00	\$1,000,000.00
328	Hickory Hills Pole Barn	\$0.00	\$0.00	\$75,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$75,000.00	\$5,000.00	\$80,000.00
309	Indian Woods Playground	\$0.00	\$0.00	\$0.00	\$0.00	\$15,000.00	\$0.00	\$0.00	\$15,000.00	\$5,000.00	\$20,000.00
33	Lay Park Improvements	\$0.00	\$0.00	\$0.00	\$0.00	\$65,000.00	\$0.00	\$0.00	\$65,000.00	\$65,000.00	\$130,000.00
785	*Natural Features Inventory (Planning)	\$0.00	\$0.00	\$0.00	\$30,000.00	\$0.00	\$0.00	\$0.00	\$30,000.00	\$0.00	\$30,000.00
684	*Park Sign Replacement	\$0.00	\$0.00	\$0.00	\$30,000.00	\$0.00	\$0.00	\$0.00	\$30,000.00	\$0.00	\$30,000.00
543	Rose and Boyd Park (Triangle Park)	\$0.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00	\$10,000.00
170	Union Street Dam Betterment Plan	\$0.00	\$20,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00
172	Union Street Dam: Outlet relining	\$0.00	\$0.00	\$0.00	\$400,000.00	\$0.00	\$0.00	\$0.00	\$400,000.00	\$0.00	\$400,000.00
168	Union Street Dam: Toe Drain	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00
Total Parks & Rec.		\$0.00	\$53,000.00	\$145,000.00	\$595,000.00	\$80,000.00	\$500,000.00	\$0.00	\$1,373,000.00	\$787,000.00	\$2,160,000.00



2014/15

Submitter: Lauren Vaughn
Priority: Essential (should do):
Fund: General
Department: Parks & Rec.

Study: \$0
Land Acquisition/ROW: \$0
Engineering/Design: \$5,000
Construction: \$85,000
Annual Maint. Cost: \$500
Funding Sources: General Fund - \$50,000
Federal / State Grant - \$40,000

Project Name: **Clancy Park Improvements - Phase 1 and Phase 2** **538**

Project Description: PHASE 1

This project would include installation of an accessible walking trail around the perimeter of the park with connector trails to park facilities. A large number of mature ash trees were removed in 2012 due to the Emerald Ash Borer beetle. These trees were replaced with a DNR / USDA Grant in the fall of 2012. The neighborhood group is excited about these projects and has helped with labor and in raising money. They are continuing to seek financial support to assist in improving the park.

PHASE 2

Replacement of old play equipment with "natural playscape" pieces or structure to meet current safety and accessibility standards. Preliminary plans were done by Dave Weston for various park improvements. This would be a good project to compete in one fiscal year along with Phase 1 during 2014-15. Perhaps phase one could be completed in the fall of 2014 and phase 2 in the spring of 2015. The neighborhood will be challenged to raise \$2,000.00 or more of the cost.

Fiscal Years: Start: 14/15 End: 14/15

Est. Total Cost: **\$70,000**

Submitter: Lauren Vaughn
Priority: Imperitive (must do):
Fund: General
Department: Parks & Rec.

Study: \$0
Land Acquisition/ROW: \$0
Engineering/Design: \$2,000
Construction: \$68,000
Annual Maint. Cost: \$1,000
Funding Sources: General Fund - \$33,000
Private - \$2,000
Federal / State Grant - \$35,000

Project Name: **Hannah Park improvements** **3**

Project Description: This project would pave a 6-foot wide path where an informal dirt trail currently exists. The path would run the entire length of Hannah Park from Wadsworth to Union Streets. If amended, partial funding could be derived from the TIF II Fund - would need to check before adding TIF\$. Decorative lights will replace barn style lights. Two track dirt roads will be replaced with turf and grass pavement system. To allow the grass pavers to function efficiently, an irrigation system should also be installed park wide to improve turf quality and reduce erosion.

In addition, the following historical improvement is also included.

Perry Hannah Plaza - scope of work includes designing a small sitting plaza with a statue of Perry Hannah as a centerpiece in Hannah Park at the corner of Sixth and Union Streets. Perry Hannah is Traverse City's founding father and all the proceeds from book sales from a recently written book entitled Perry Hannah's Gifts - Then and Now will go directly to funding the statue and plaza.

Fiscal Years: Start: 15/16 End: 15/16

Est. Total Cost: **\$155,000**

CITY OF TRAVERSE CITY, MICHIGAN

Date/Time Printed: 2/2/2015 3:59:27 PM

SIX YEAR CAPITAL IMPROVEMENT PLAN

All Projects Submitted for 2015/16

Budget Year 2015-2016 by Category

Project ID	Project Description	Prior Balance	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Project
		2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Totals
	PARKS & REC.								
538	Clancy Park Improvements - Phase 1 and Phase 2 (+Grant +BBTF +Private)	\$33,000.00	\$104,000.00						\$137,000.00
3	Hannah Park improvements (+Private +BBTF)		\$155,000.00						\$155,000.00
28	Hickory Hills Lodge Replacement (+Grant +Private +General)				\$1,800,000.00				\$1,800,000.00
929	*Hickory Hills Master Plan Improvements (+General +Private +Grant)				\$1,000,000.00				\$1,000,000.00
33	Lay Park Improvements (+Private +L&P)				\$130,000.00				\$130,000.00
543	Rose and Boyd Park (Triangle Park) (+Private +Grant +BBTF)		\$57,000.00						\$57,000.00
926	*Senior Citizen Park Improvements (+Grant +Private)			\$50,000.00					\$50,000.00
927	*Sunset Park Improvements (+Grant +Private +BBTF)			\$180,000.00					\$180,000.00
	PARKS & REC. TOTAL	\$33,000.00	\$316,000.00	\$230,000.00	\$2,930,000.00	\$0.00	\$0.00	\$0.00	\$3,509,000.00
	BROWN BRIDGE TRUST PARKS IMPROVEMENT FUND TOTAL	\$33,000.00	\$316,000.00	\$230,000.00	\$2,930,000.00	\$0.00	\$0.00	\$0.00	\$3,509,000.00
	GENERAL								
	CEMETERY								
45	Oakwood Cemetery: Construct New Maintenance Facility	\$154,270.00							\$154,270.00
	CEMETERY TOTAL	\$154,270.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$154,270.00



-2015/16

Fund: Brown Bridge Maintenance Fund

Project Name: Historic Brown's Bridge (West-End)

847

Project Description: Most people don't know that in 1869 William Walter Brown purchased 80 acres from the state of Michigan for \$50. Soon thereafter Mr. Brown and his neighbors constructed a bridge across the Boardman that became one of the area's first State Roads. The site was also home to an inn called the "Half-Way House" because of its mid-point position between Grand Rapids and the Straits. Today there is great interest in constructing a foot bridge at the original site of the historic Brown's Bridge. Not only would the bridge provide a critical recreational trail connection across the Boardman River but it will also serve as an important bridge to the past.

Fiscal Years:	Start: 15/16 End: 17/18	Est. Total Cost:	\$160,000
Submitter:	Larry LaCross	Study:	\$0
Priority:	Essential (should do):	Land Acquisition/ROW:	\$0
Fund:	Brown Bridge Maintenance Fund	Engineering/Design:	\$0
Department:	Not Specified	Construction:	\$160,000
		Annual Maint. Cost:	\$0
		Funding Sources:	Brown Bridge Trust Parks Improvement Fund - \$80,000 Private - \$80,000

Project Name: Upper Trail Connector Bridge (East-end)

51

Project Description: This proposed pedestrian bridge over the Boardman River is located at the site of a former bridge that was constructed by the Boy Scouts in the 70's near the outlet of Grasshopper Creek. Highwater and the lack of maintenance caused the bridge to fail and it was removed in the 80's. Recently a riverfront property owner donated a bridge that can be used at the site. This bridge combined with the Historic Brown's Bridge (West-end) will provided a 9'-mile loop trail. Work items: Abutment design, site plan development, state and local permits, and installation.

Fiscal Years:	Start: 14/15 End: 15/16	Est. Total Cost:	\$45,000
Submitter:	Larry LaCross	Study:	\$0
Priority:	Essential (should do):	Land Acquisition/ROW:	\$0
Fund:	Brown Bridge Maintenance Fund	Engineering/Design:	\$0
Department:	Not Specified	Construction:	\$45,000
		Annual Maint. Cost:	\$0
		Funding Sources:	Private - \$7,500 Brown Bridge Trust Parks Improvement Fund - \$20,000 Federal / State Grant - \$17,500

Fund: Brown Bridge Trust Parks Improvement Fund

Parks & Rec.

Project Name: Clancy Park Improvements - Phase 1 and Phase 2 (+Grant +BBTF +Private) **538**



Project Description:

PHASE 1- This project will include installation of accessible walking trails in the park with connector trails to park facilities. A large number of mature ash trees were removed in 2012 due to the Emerald Ash Borer beetle. These trees were replaced through a DNR / USDA Grant in the fall of 2012. The neighborhood group is excited about these projects and has helped with labor and in raising money. In the springs of 2013 and 2014, neighbors along with Eastern Elementary and TC Central High School students and the Friendly Garden Club planted shrubs, small tree species, and perennials in the park's natural area.

PHASE 2- Includes replacement of old play equipment with "natural" and traditional playscape pieces that meet current safety and accessibility standards. Plans were created by Dave Weston for various park improvements that were used in a DNR grant application. The neighborhood has raised about \$2,000.00 toward the cost of the cash match for the grant application. 2014 Grant application was not funded. City plans to re-apply in 2015 with an expanded project.

Project approved by Planning Commission for consistency with Master Plan on 4/1/14.

Funding may include:

General Fund	\$33,000.00 (already allocated in 2014/15)
Private Funding	\$ 2,000.00
Federal/State Grant	\$50,000.00
Brown Bridge Trust Fund	\$52,000.00

TOTAL \$137,000.00

Fiscal Years: Start: 14/15 End: 15/16

Est. Total Cost: **\$137,000**

Submitter: Lauren Vaughn

Study: \$0

Priority: Imperitive (must do):

Land Acquisition/ROW: \$0

Fund: Brown Bridge Trust Parks Improvement

Engineering/Design: \$5,000

Department: Fund

Construction: \$132,000

Parks & Rec.

Annual Maint. Cost: \$1,000

Funding Sources: General Fund - \$33,000

Private - \$2,000

Federal / State Grant - \$50,000

Parks & Rec.

Project Name: **Hannah Park improvements (+Private +BBTF)**

3

Project Description:

This project would pave or use limestone fines to produce a durable six foot wide path where an informal dirt trail currently exists. The path would run the entire length of Hannah Park from Union to Wadsworth Streets. If amended, partial funding could be derived from the TIF II Fund - would need to check before adding TIF\$. Decorative lights will replace barn style lights. Two track dirt roads will be replaced with turf and grass pavement system. To allow the grass pavers to function efficiently, an irrigation system should also be installed park wide to improve turf quality and reduce erosion.

Prior to final plans for the park improvements, Central neighborhood input will be sought on the proposed improvement components.

In addition, the following historical improvement is also included.

Perry Hannah Plaza - scope of work includes designing a small sitting plaza with a statue of Perry Hannah as a centerpiece in Hannah Park at the corner of Sixth and Union Streets. Perry Hannah is Traverse City's founding father and all the proceeds from book sales from a recently written book entitled Perry Hannah's Gifts - Then and Now will go directly to funding the statue and plaza.

Memorandum

The City of Traverse City
Planning Department



TO: PENNY HILL, ACTING CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR *R. Soyring*

SUBJECT: RESOLUTIONS OF SUPPORT FOR CLANCY PARK IMPROVEMENT PROJECT GRANTS

DATE: March 6, 2015

The City would like to submit two grants for the Clancy Park Improvement Project. The project includes the addition of walking trails within the park, improvements to the natural area, a new universally accessible playground and other features.

Last year, the City was not awarded Michigan Recreation Passport funds. This year we hope to increase the chances of receiving State funding by applying to both the Michigan Recreation Passport program and the Michigan Natural Resources Trust Fund program. We are seeking \$ 45,000 from each program. If we are fortunate to be awarded money from each program, the State has indicated that we will need to choose which grant source we would want to accept funds. Also, to enhance our chances for funding, we are focusing more on universal accessibility and completing more of Clancy Park project.

Resolutions of support have been drafted that outline the amount of the grant request and source and amounts of local match funds. Please provide an opportunity for public comment prior to taking any formal action regarding the resolutions to seek State grant funds to improve Clancy Park.



RESOLUTION OF SUPPORT FOR RECREATION PASSPORT GRANT FOR CLANCY PARK IMPROVEMENT PROJECT

BECAUSE, the City Commission of Traverse City supports the submission of an application titled, "Clancy Park Improvement Project" to the Michigan Recreation Passport Program for renovation of Clancy Park located on West Orchard Drive and Sheridan Street; and,

BECAUSE, the proposed application is supported by the City of Traverse City's 5-Year Approved Parks and Recreation Plan and the City of Traverse City's Capital Improvement Program; and,

BECAUSE, the City of Traverse City has shown the commitment to quality parks, trails and recreation programs and facilities; and,

BECAUSE, the City of Traverse City has made a financial commitment to the project in the amount of \$75,000 matching funds, in cash and/or force account; and,

BECAUSE, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Orchard Heights Neighborhood- cash	\$2,000
Orchard Heights Neighborhood- in-kind labor	\$2,000
<u>Friendly Garden Club- cash</u>	<u>\$ 400</u>
Total	\$4,400

NOW THEREFORE, BE IT RESOLVED, that the City Commission of the City of Traverse City hereby authorizes submission of a Recreation Passport Grant for \$45,000, and further resolves to make available a local match through financial commitment and donation(s) of \$79,400 (64%) of a total \$124,400 project cost, during the 2015-2016 fiscal year.

I hereby certify that the above Resolution was adopted by the Traverse City City Commission at its regular meeting of March 16, 2015, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan

Benjamin C. Marentette, MMC
City Clerk



**RESOLUTION OF SUPPORT FOR MICHIGAN NATURAL RESOURCES TRUST FUND
GRANT FOR CLANCY PARK IMPROVEMENT PROJECT**

BECAUSE, the City Commission of Traverse City supports the submission of an application titled, "Clancy Park Improvement Project" to the Michigan Natural Resources Trust Fund for renovation of Clancy Park located on West Orchard Drive and Sheridan Street; and,

BECAUSE, the proposed application is supported by the City of Traverse City's 5-Year Approved Parks and Recreation Plan and the City of Traverse City's Capital Improvement Program; and,

BECAUSE, the City of Traverse City has shown the commitment to quality parks, trails and recreation programs and facilities; and,

BECAUSE, the City of Traverse City has made a financial commitment to the project in the amount of \$75,000 matching funds, in cash and/or force account; and,

BECAUSE, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Orchard Heights Neighborhood- cash	\$2,000
Orchard Heights Neighborhood- in-kind labor	\$2,000
<u>Friendly Garden Club- cash</u>	<u>\$ 400</u>
Total	\$4,400

NOW THEREFORE, BE IT RESOLVED, that the City Commission of the City of Traverse City hereby authorizes submission of a Michigan Natural Resources Trust Fund Grant for \$45,000, and further resolves to make available a local match through financial commitment and donation(s) of \$79,400 (64%) of a total \$124,400 project cost, during the 2015-2016 fiscal year.

I hereby certify that the above Resolution was adopted by the Traverse City City Commission at its regular meeting of March 16, 2015, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan

Benjamin C. Marentette, MMC
City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF MARCH 16, 2015

DATE: MARCH, 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: PARKS AND RECREATION COMMISSION – UNEXPIRED TERM

Attached is a memo from Deputy City Clerk Katelyn Stroven regarding Seamus Shinners' resignation from the Parks and Recreation Commission, as well as the consideration of an appointment to one unexpired term on the board.

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

The following motion would be appropriate:

that the resignation of Seamus Shinners dated March 5, 2015, from the Parks and Recreation Commission be accepted, and that an ad hoc interview committee be established to make recommendation regarding one unexpired three-year term (seat previously held by Seamus Shinners) expiring September 1, 2016, on the Parks and Recreation Commission; and that Commissioners _____, _____ and _____ be appointed to such Committee, with Commissioner _____ to serve as Chair.

PH/kes

K:\tcclerk\city commission\appointments\Parks & Rec_20150316.doc

Copy: Lauren Vaughn, Parks and Recreation Supervisor

Memorandum

The City of Traverse City



TO: Penny Hill, Acting City Manager
FROM: Katelyn Stroven, Deputy City Clerk *KS*
DATE: Thursday, March 12, 2015
SUBJECT: Parks and Recreation Commission – Unexpired Term

Seamus Shinnors has recently submitted his resignation resulting in an available partial term on the Parks and Recreation Commission. This term will expire on September 1, 2016.

Appointments to the Parks and Recreation Commission are made by the City Commission.

The following applications are on file for this board:

- Ben Munger
- Bill Clark

It would be appropriate for the City Commission to accept Mr. Shinnors' resignation from the Parks and Recreation Commission.

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

Thank you!

Parks & Recreation Commission

	<u>Initial Apt. Date</u>	<u>Termination</u>
Brian Haas (Chairperson) 227 E. 10th St, TC, 49684 928-273-3468 (Cell) oblhaas@gmail.com	09/19/11	09/01/17
Margaret Szajner (Vice Chairperson) 647 West Orchard Dr, TC, 49686 392-3933 (Res) 941-1986 (Bus) keedanlex@gmail.com	08/16/10	09/01/16
Danielle Rearick 626 W. 8th St, TC, 49684 590-7476 (Res) 922-9600 (Bus) danielle@byte-productions.com	09/04/12	09/01/15
Brooke DiGiacomo 440 N. Spruce St, TC, 49684 932-9030 ext. 220 (Bus) 517-410-8184 (Res) brookeedigiacomo@gmail.com	10/07/13	09/01/17
Seamus Shinnors 410 Seventh St, TC, 49684 941-8667 (Res) musicmanseamus@hotmail.com	09/03/13	09/01/16
<i>Resigned - March 5, 2015</i>		
John Gessner 702 Highland Park Dr, TC, 49686 303-909-0693 (Res) 995-7737 (Bus) johngessner@me.com	08/18/14	09/01/15
Commissioner Gary L. Howe City Manager Designee 926 Lincoln St, TC, 49686 715-1017 (Res) glhowc@traversccitymi.gov	11/12/13	11/13/17

All appointments are 3-year terms expiring 09/01.

This Commission consists of 7 members who are registered electors of the City. One member is the City Manager or designee, the other 6 are appointed by the City Commission.

Purpose: to make recommendations (advisory capacity) to the City Commission on matters relating to the operation, development, and planning of parks, recreation and cemetery services and activities.

Meets the 1st Thursday each month at 6:30 pm in the Commission Chambers.



Katelyn Stroven <kstroven@traversecitymi.gov>

Fwd: Parks and Recreation Commission

Lauren Vaughn <lvaughn@traversecitymi.gov>

Thu, Mar 5, 2015 at 10:58 PM

To: Sheila Dodge <sdodge@traversecitymi.gov>, Katelyn Stroven <kstroven@traversecitymi.gov>

FYI - Seamus Shinner has resigned from the Parks and Recreation Commission. Please see below.

Lauren

----- Forwarded message -----

From: **Seamus Shiners** <musicmanseamus@hotmail.com>

Date: Thu, Mar 5, 2015 at 8:03 PM

Subject: Parks and Recreation Commission

To: lauren vaughn <lvaughn@traversecitymi.gov>

Cc: Michael Estes <mestes@chartermi.net>, Jeanine Easterday <jeasterday@traversecitymi.gov>

Dear Lauren,

This is to inform you that I have decided to resign from my position on the Parks and Recreation Commission.

I regret that I won't be able to complete my term of office, but after tonight's decision regarding the naming of a park, it became obvious to me that I don't share the same values as the rest of the commission.

Sincerely,
Seamus

Seamus Shiners
410 Seventh Street
Traverse City, Michigan

--
Lauren A. Vaughn
Parks and Recreation Superintendent
City of Traverse City

RECEIVED

MAR 06 2015

**CITY OF TRAVERSE CITY
CITY CLERKS OFFICE**



City of Traverse City
Application to Become Involved

JAN 12 2015

Board(s)/Committee(s) on which you are interested in serving: No specific Parks + Recreation

(Please limit to three boards/committees)

Name: BENSON S. MUNGER E-Mail Address: benson.munger@gmail.com

Address: 1291 Lake Ridge Cir Traverse City MI 49684

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

Home telephone number: (231) 486.6161 Work telephone number: (520) 820.1389

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

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

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

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

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

Signature: Benson S. Munger

Date: 1/11/15

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

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

1/12/15

City of Traverse City

I have had considerable experience in a number of areas related to volunteer service for the community. My work experience has been in on local, regional and national organizations that are focused on working with staff and volunteers. That work experience has allowed me to develop skills in accomplishing major goals by utilizing a wide range of resources and solutions. In these positions I have been responsible for substantial financial resources and understand the management and policy setting responsibilities related to them. I have also been involved in starting several new businesses, foundations and non-profit organizations. I currently am a consultant to national medical organizations in the development and approval of new medical specialties.

I have been an elected city commissioner, member and chair of a planning commission, director of a publically traded corporation, and a board member of local, regional and national organizations. Through those experiences I have a good understanding of the expected and appropriate roles of public board members and staff.

I believe in maintaining the public trust with public resources and looking for creative solutions to issues. I believe in the importance of listening and in the responsibility to communicate and be available for two-way conversations.

I have always been involved in my community. It is an activity I enjoy both for the enjoyment of service and the interactions it provides.

Linkedin at: <http://www.linkedin.com/in/bensonmunger>

RECEIVED

DEC 06 2014

City of Traverse City
Application to Become Involved



CITY OF TRAVERSE CITY
CITY CLERKS OFFICE

Thank you for your interest in serving on one of Traverse City's boards or committees! Volunteers help to secure our community's beauty and promote its enhancement - Benjamin C. Marentette, City Clerk

Board/Committee you are interested in serving (indicate up to three): Planning, Park & Recreation.

Name: William Clark

Address: 604 W. 12th St. Traverse City MI 49684
(Street) (City) (State) (Zip)

E-Mail Address: williamjamesclark@yahoo.com

Preferred Phone No.: 231-929-1709 Additional Phone No.: _____

Occupation: Educator, Forester, Planner (if retired, please provide your career)

Before submitting your application, please be sure to attach a brief letter indicating the following:

- Why are you applying for a city board or committee seat?
- How do you believe your appointment would benefit the city?
- Describe your involvement in the community on a board/committee or in another volunteer capacity.
- Any other helpful information relevant to your application.

While it is not required, a resume is helpful in the recruitment process for City boards and committees.

YES NO Are you in default to the City?
If yes, please note applicants in default to the City are not eligible for consideration.

YES NO Do you or immediate family members currently serve on a City board or committee?
If yes, which board? _____

YES NO Did you attach the required letter outlining the items requested above?

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

William Clark
Signature

Dec 8, 2014
Date

Please return your application, letter, and optional resume to City Clerk, 400 Boardman Avenue, Traverse City, MI 49684. If you have any questions, please feel free to contact our office at (231) 922-4480. Again, thank you for your interest!

William Clark
Traverse City, MI 49684

December 8, 2014

City Clerk. City of Traverse City
400 Boardman Avenue
Traverse City, MI 49684

Dear Mr. Marentette,

I am interested in applying for any seat that becomes open within the 2015 calendar year on either the Planning Commission or on the Park and Recreation Commission. Before making the decision to become a full time father, I was a transportation planner for URS Corporation in Charlotte, NC for five years. I specialized in the development of transit operation and non-motorized comprehensive plans that, because of the physical nature of walking and bicycling, were strongly tied to land-use planning strategies. Before then, I was a land management planner for the Florida Forest Service for another five years and I studied Urban and Regional Planning and environmental education as part of my graduate degree from the University of Florida. I also served on the City of Charlotte's Urban Forestry/Tree Commission and on its Bicycle Transportation Committee during my time there as well. My time here in Traverse City has focused on my children, but I have volunteered for The National Park Service, Norte Youth Cycling, TART Trails, the Traverse City Film Festival & the State Theatre/Bijou, BATA, TCAPS, and the City of Traverse City during my first four years here.

I believe that I can use the experience that I have gained as a planner and a forester to help these commissions make decisions based off of current planning guidelines, policies and practices. I believe that I am very capable of making the type of unbiased, professional and educated contributions that are expected from a commission member and that I can help Traverse City take the steps necessary to develop our urban areas, transportation network, and parks to compete in an intelligent and sustainable manner.

Sincerely,

A handwritten signature in cursive script that reads "William J. Clark". The signature is written in dark ink and is positioned below the word "Sincerely,".

William J. Clark

Enc.: City of Traverse City Application to Become Involved

William James Clark

Education:

- Bachelor of Science, *School of Forest Resources and Conservation, University of Florida*. May 1996. Major, Resource Conservation. Minor, Wildlife Ecology.
- Master's Degree in Forest Resources and Conservation, *University of Florida*. May 2002. Urban and Regional Planning emphasis with a minor in Science Education.

Traverse City Area Volunteer Experience, 2010 to 2014:

- **Sleeping Bear Dunes National Park.** I spent the last two summers monitoring the endangered piping plover nests for Sleeping Bear Dunes National Park. I have also spent several months last fall (2013) walking the beaches weekly to photograph and bury dead birds for their botulism study.
- **Norte Youth Cycling.** I am a new board member of this non-profit bike group for kids.
- **TART Trails.** I am a regular volunteer for this non-profit and often help with related events such as the TC Zombie Run, Turkey Trot, Leelanau Heritage Tour, Recycle a Bicycle, snow removal, random cleaning and maintenance, and volunteering for other rides, runs, ski events and programs that support TART and other regional trail systems.
- **TCAPS Montessori Elementary School at Glenn Loomis.** I volunteer for one full day a week at my children's school taking each recess class for activities on Thirlby Field plus I spend time there each week doing numerous volunteer projects for the students, teachers, PTO, and helping with the Building and Grounds Committee. I have volunteered as a daily crossing guard for a year before organizing the implementation of their new AAA Student Safety Patrol Program.
- **Traverse City State Theatre, The Bijou, and Traverse City Film Festival.** I volunteer for several shifts each month at our State Theatre and volunteer each day of the Film Festival and Winter Comedy Arts Festival.
- **BATA (Bay Area Transit Authority).** I was invited to give my input to BATA last spring at weekly planning meetings when they were putting together their new route system. They asked me to give my professional opinions and I ended up greatly helping them create the changes that BATA recently unveiled.
- **City of Traverse City.** I have served on the mayor's *Yes to Division Street Committee* and have been invited to speak with the City Planner on occasion concerning transportation issues. I also spend a few hours a day in the winter shoveling various city walkways.

Professional Career Experience:

- **URS Corporation, Charlotte, North Carolina. August 2005 to July 2010**
I was a planner in charge of developing written transportation plans for municipalities and facilitating the public discussion for the adoption of these plans. Generally, my focus was pedestrian, bicycle, and transit plans. During my time in Charlotte, I served on the City of Charlotte Urban Forestry/Tree Commission under mayor Pat McCrory (now the current governor of North Carolina) and on the City of Charlotte Bicycle Transportation Advisory Committee under mayor Pat McCrory and then mayor Anthony Foxx (now the US Secretary of Transportation with the Obama Administration.)
- **Mount Holyoke College, South Hadley, MA. October 2004 to February 2005**
I was the assistant coach for Mount Holyoke College's NCAA Division Three Swimming and Diving Team for the 2004/2005 season. I helped to instruct the swimmers on proper technique.

- **Northampton City Schools, Northampton, MA. September 2004 to February 2005**
I was a substitute teacher for the Northampton City Schools in Massachusetts. I spent an extended period of that time working with a special needs second grade student.
- **Universidad de San Francisco de Quito, Quito, Ecuador. Sept. 2003 to Dec. 2003**
I was an English professor at the *Galápagos Academic Institute for the Arts and Sciences*, which is an extension campus of the *Universidad de San Francisco de Quito* in Ecuador. I taught basic and advanced English to Spanish-speaking students of the university on the island of San Cristobal in the Galapagos Archipelago.
- **Parque Nacional de Galápagos, San Cristobal, Galapagos. Oct. to Dec. 2003**
I volunteered my spare time with *Parque Nacional de Galápagos* (Galapagos Island National Park) translating a plant identification guidebook and a tourism interactive computer CD. I also guided local scout groups with their environmental programs.
- **Florida Forest Service, Gainesville, FL. January 1999 to September 2003**
I was a forester for the *Florida Division of Forestry* (Now the *Florida Forest Service*) responsible for assisting small private landowners with their forestry practices by collecting field data and using it to plan, write, and present land management plans. I played an important role in community education, serving five years on the state's *Forestry Education Committee* as its lead instructor, curriculum planner, and material writer, and as our district's *Fire Prevention Committee* Chairperson.
- **Dunnellon and Kanapaha Middle Schools, Marion and Alachua County FL August 1997 to January 1999**
I was an 8th grade science teacher at Dunnellon and Kanapaha Middle Schools, responsible for the students' understanding of physical and environmental science.
- **North Central FL Regional Planning Council, Gainesville, FL. May to Aug. 1997**
I was an intern planner responsible for collecting and presenting data on housing types in the region.
- **St Johns, Alachua, and Gilchrist County Florida Schools. Sept 1996 to April 2004**
I was a part to full time substitute teacher for three school districts in Florida while I pursued a graduate degree and to increase my teaching skills.
- **Jefferson Smurfit/Container Corporation of America, May to August 1996**
I was an intern forester responsible for collecting and presenting growth data on five year-old slash, loblolly, and longleaf pine plantations.

Select Certifications and Training:

Florida General Science 5-9 Teaching Certificate	<i>Wildland Firefighter</i> , Florida Division of Forestry and Florida Fire Marshal
Massachusetts Middle Grades Science Teaching Certificate Qualified	Prescribed Burn Manager, State of Florida
Walking Communities Training Workshop by Dan Burden	Firefighter, State of Florida Fire Marshal
American Red Cross CPR, First Aid, Lifeguard, and Instructor Candidate Training	Federal I-200 Incident Command Training
Florida Division of Forestry <i>Arc View</i> Training for GIS	Federal P-101 Introduction to Wildfire Prevention
Florida Division of Forestry Fire Behavior Training	Federal P-130 - Wildfire Cause Determination
Florida Division of Forestry Forest Health Training	Federal P-301 - Wildland Fire Prevention Planning
Florida Division of Forestry Hazardous Materials Awareness (OSHA1)	Federal S-130/S-190 - Basic Fire Management
Florida Division of Forestry First Responder for EMS	Federal S-200 - Initial Attack Incident Commander
Project Learning Tree Facilitator Trainer	Federal S-270 - Basic Air Operations
TEFL Certified (Teaching English as a Foreign Language)	PADI and YMCA certifications in SCUBA

**MINUTES
TRAVERSE CITY HUMAN RIGHTS COMMISSION
REGULAR MEETING
MONDAY, JANUARY 12, 2014
5:30 P.M.
County Committee Room
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684**

PRESENT: Commissioners Gardner, Hornberger, Mentzer, Nash, Nugent and Stinnet
ABSENT: Commissioners Johnson, McClellan and Nerone
STAFF PRESENT: Jamie Caroffino

1. APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2014 REGULAR MEETING

Motion by Commissioner Mentzer, seconded by Commissioner Nugent to approve the December 8, 2014 meeting minutes. Upon vote, motion carried 6-0.

2. PUBLIC COMMENT

Jeff Haas, Building Bridges with Music, Traverse City, addressed the commission regarding the order of events taking place on January 19 at the State Theatre for "Embrace the Dream."

Ann Rogers, Traverse City, addressed the Commission regarding the resolution for Indigenous Peoples Day.

Timothy Grey, Traverse City, addressed the Commission regarding the resolution for Indigenous Peoples Day.

Stan Verheul, Traverse City, Clergy Emeritus, addressed the Commission regarding the resolution for Indigenous Peoples Day.

Barb Smith, Beulah, addressed the Commission regarding the resolution for Indigenous Peoples Day.

3. OLD BUSINESS

a. Discussion regarding the MLK Day Celebration.

The event will take place on January 19 at the State Theatre. The Mayor will be in attendance and will read a proclamation. The commission is a co-sponsor with Building Bridges with Music and Chairperson Commissioner Hornberger will be speaking briefly at the opening of the event. Commissioner Stinnet will provide tickets for the commissioners who would like to attend the event.

Discussion.

b. Discussion regarding the adoption of a Resolution in support of Indigenous Peoples Day.

Motion by Commissioner Stinnet, seconded by Commissioner Nash to adopt the draft resolution recognizing the second Monday in October as Indigenous Peoples Day. Upon vote, motion carried 6-0.

Discussion.

c. Discussion regarding the Spring Educational Forum.

The commission discussed the various topics that were submitted. Commissioner Gardner was appointed as the chair for the sub-committee. Commissioner Nugent is also to serve as a member on the sub-committee. Motion by Commissioner Gardner, seconded by Commissioner Nugent to select the topic of immunizations for the Spring Education Forum. Upon vote, motion carried 6-0. The forum will be held in the Governmental Center Training Room on the second floor in mid-April from 6:00pm – 7:30pm.

Discussion.

d. Discussion regarding the Sara Hardy Award Celebration.

The press release was published on the City's website along with the new City Facebook page. Nominations are slowly coming in.

Discussion.

4. ELECTION OF OFFICERS

a. Secretary

Motion by Commissioner Gardner, seconded by Commissioner Mentzer to elect Staff Jamie Caroffino as Secretary. Upon vote, motion carried 6-0.

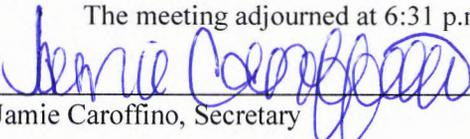
5. COMMISSIONER COMMENTS

a. Commissioner Mentzer

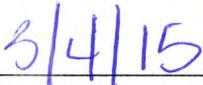
Meeting with Bill Froehlich from WTCM to discuss what the commission does.

6. ADJOURNMENT

The meeting adjourned at 6:31 p.m.



Jamie Caroffino, Secretary



Date

TRaverse CITY
LIGHT AND POWER BOARD

3/10 cc

Minutes of Regular Meeting
Held at 5:15 p.m., Commission Chambers, Governmental Center
Tuesday, February 10, 2015

Board Members -

Present: Barbara Budros, Jim Carruthers, Pat McGuire, Jeff Palisin, John Taylor

Absent: Bob Spence, Jan Geht

Ex Officio Member -

Present: Jered Ottenwess, City Manager

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

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

Item 2 on the Agenda being Consent Calendar

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

- a. Minutes of the Regular Meeting of January 27, 2015.
- b. Confirming Purchase Order for transformers to serve the Park Place Hotel.
- c. AT&T Contract.
- d. Telecommunications Rate Increase and setting of a Public Hearing.

CARRIED unanimously. (Spence, Geht absent)

Items Removed from the Consent Calendar

None.

Item 3 on the Agenda being Unfinished Business

None.

Item 4 on the Agenda being New Business

- a. Consideration of Metal Melting & Heat Treating Primary Service Rate and setting of a Public Hearing.

The following individuals addressed the Board:

Tim Arends, Executive Director
Karla Myers-Beman, Controller

Moved by McGuire, seconded by Budros, that the Light and Power Board authorizes the Secretary to set a Public Hearing for the creation of a Metal Melting & Heat Treating Primary Service Rate to be held at the February 24, 2015 regular meeting; and furthermore that a notice of the Public Hearing be posted on the utility's website and placed in the Traverse City Record Eagle.

CARRIED unanimously. (Spence, Geht absent)

- b. Introduction of Strategic Plan updated Business Goals.

The following individuals addressed the Board:

Tim Arends, Executive Director
Karla Myers-Beman, Controller
Jessica Wheaton, Manager of Energy Services & Key Accounts
Rod Solak, Line Superintendent
Blake Wilson, System Engineer
Tom Olney, Operations Manager
Scott Menhart, Manager of Telecom & Technology
Kelli Schroeder, Manager of Human Resources & Communications

Item 5 on the Agenda being Appointments

None.

Item 6 on the Agenda being Reports and Communications

- a. From Legal Counsel.

None.

- b. From Staff.

None.

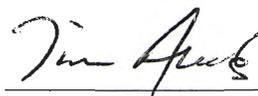
- c. From Board.

1. Jim Carruthers requested the board binders be reviewed and updated where necessary.

Item 7 on the Agenda being Public Comment

No one from the public commented.

There being no objection, Chairman Taylor declared the meeting adjourned at 6:05 p.m.



Tim Arends, Secretary
LIGHT AND POWER BOARD

/st