



Notice

City Commission Regular Meeting

7:00 pm

Monday, April 6, 2015

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 04-02-2015

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

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City Commission:

c/o Benjamin C. Marentette, CMC, City Clerk

(231) 922-4480

Email: tcclerk@traversecitymi.gov

Web: www.traversecitymi.gov

400 Boardman Avenue

Traverse City, MI 49684

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

Welcome to the Traverse City Commission meeting!

Agenda

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

Pledge of Allegiance

1. Roll Call

2. Consent Calendar

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

- a. Consideration of approving minutes of the City Commission meetings of March 16 and March 23, 2015. (Approval recommended) (Penny Hill, Benjamin Marentette)

- b. Consideration of enacting 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. (Enactment recommended) (Penny Hill, Russell Soyring)
- c. Consideration of enacting 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. (Enactment recommended) (Penny Hill, Russell Soyring)
- d. Consideration of authorizing emergency service orders for welding services needed as a result of recent frozen water service connections. (Approval recommended) (Penny Hill, Art Krueger) (5 affirmative votes required)
- e. Consideration of adopting to make permanent the following traffic control orders: #576 which requires yielding on Xavier at Cypress, and #577 which authorizes no parking from 8:00 a.m. to 4:00 p.m. on the east side of Milliken Drive. (Adoption recommended) (Penny Hill, Timothy Lodge)
- f. Consideration of introducing an amendment to the Traverse City Code of Ordinances which clarifies that liquor license registrations can be revoked for the same reasons they can be denied, which is a housekeeping matter. (Introduction and schedule for possible enactment on April 20, 2015, recommended) (Penny Hill, Lauren Tribble-Laucht, Benjamin Marentette)
- g. Consideration of authorizing an amendment to the retainer agreement in connection with the dispute resolution process for the Clinch Park Waterscape to provide for expert witness fees. (Approval recommended) (Penny Hill, Lauren Tribble-Laucht) (5 affirmative votes required)
- h. Consideration of authorizing the winter salt order for the 2015-2016 winter season. (Approval recommended) (Penny Hill, Mark Jones) (5 affirmative votes required)

- i. Consideration of adopting a resolution decertifying the portion of Sheffer Street between Centre Place Street and Woodmere Avenue so that it is removed from the official Act 51 map in connection with Act 51 funding for maintenance of streets. (Adoption recommended) (Penny Hill) (5 affirmative votes required)
- j. Consideration of authorizing a service order for additional repair work on service pumps at the Water Treatment Plant, which was identified during recently-authorized work. (Approval recommended) (Penny Hill, Art Krueger) (5 affirmative votes required)
- k. Consideration of authorizing an agreement for structural engineering services associated with the design of projects for the Pine Street Pedestrian Bridge, West Front Street Bridge entire bridge replacement and Eighth Street Bridge Superstructure Replacement. (Approval recommended) (Penny Hill, Timothy Lodge) (5 affirmative votes required)
- l. Consideration of authorizing a confirming purchase order for diesel fuel for City operational use. (Approval recommended) (Penny Hill, Dave Green) (5 affirmative votes required)
- m. Consideration of authorizing a purchase order for the replacement of three overhead garage doors at Fire Station #2. (Approval recommended) (Penny Hill, James Tuller) (5 affirmative votes required)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Consideration of enacting an amendment to the Traverse City Code of Ordinances which would 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)
- b. Consideration of authorizing the following actions in connection with the West Front Street Reconstruction Project: an agreement for Traverse City Light and Power to provide up to \$527,000 in funds for street lighting, a construction contract for the project; an agreement for construction testing services; an agreement amendment for design services; and a purchase order for traffic signal equipment. (Penny Hill, Timothy Lodge) (5 affirmative votes required)
- c. Report from City Commission Ad Hoc Committee regarding City Manager Recruitment. (Commissioner Jeanine Easterday, Chair; Commissioner Ross Richardson, Commissioner Timothy Werner)

4. New Business

- a. Consideration of authorizing the letter of agreement with the National Cherry Festival for its use of city resources in connection with the 2015 event. (Penny Hill, Benjamin Marentette) (5 affirmative votes required)
- b. Consideration of authorizing a memorandum of understanding to accept a grant from the Michigan Municipal League for "PlacePlans" which would provide professional placemaking services to assist with implementation of the West Front Street Corridor of the Corridors Master Plan. (Approval recommended) (Penny Hill, Russell Soyring) (5 affirmative votes required)

5. Appointments

- a. Consideration of establishing an ad hoc interview committee to make a recommendation regarding a term expiring on the Traverse City Light and Power Board. (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.
- e. Reports and correspondence from non-City officials.
 1. Fractile Emergency Response Report from North Flight for February 2015.
 2. Monthly Operations Report from CH2M Hill for operation of the Wastewater Treatment Plant for February 2015.

7. Public Comment

- a. Reserved.

None.

- b. General.
- c. Mayor and City Commissioners.

8. Adjournment

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



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: MINUTES

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

- March 16, 2015, Regular Meeting
- March 23, 2015, Special 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, and March 23, 2015, Special Meeting, be approved.

PH/slm

k:\tcclerk\city commission\minutes



Minutes of the
City Commission for the City of Traverse City
Regular Meeting
March 16, 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, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: Mayor Pro Tem Barbara D. Budros and Commissioner James Carruthers.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

Presentation of the Sara Hardy Humanitarian Award to Glenda and Ken Andrews by Human Rights Commissioner Steve Metzger.

As requested by Commissioner Timothy Werner, Agenda Items 2(c) and 2(f) were removed from the Consent Calendar for individual consideration.

As requested by Commissioner Ross Richardson, Agenda Item 2(i) was removed from the Consent Calendar for individual consideration.

As requested by Loren Gardner, Agenda Item 2(j) was removed from the Consent Calendar for individual consideration.

There being no objection, Mayor Michael Estes placed the items removed from the Consent Calendar to be considered after regularly-scheduled New Business items.

2. Consent Calendar

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

- a. the minutes of the March 2, 2015, Regular Meeting, be approved.
- b. 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.
- c. Removed from the Consent Calendar.
- d. 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.
- e. 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, such contract subject to approval as to its substance by the Acting City Manager and its form by the City Attorney.
- f. Removed from the Consent Calendar.
- g. 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.
- h. 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.

- i. Removed from the Consent Calendar.
- j. Removed from the Consent Calendar.
- k. 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.
- l. 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.
- m. 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.
- n. 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.

CARRIED unanimously. (Budros and Carruthers absent)

Items removed from the Consent Calendar

Items removed from the Consent Calendar were placed under New Business.

3. Old Business

3(a).

Consideration of making permanent the PILOT program for residential parking permits as recommended by the Downtown Development Authority Board of Trustees.

The following addressed the Commission:

Rob Bacigalupi, Downtown Development Authority Executive Director

Moved by Howe, seconded by Easterday, 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.

Meg Franklin-Judd, 207 West Eighth Street - expressed opposition
Denny Braun, 602 Washington Street – made general comments
Seamus Shinnors, 410 Seventh Street – expressed opposition
Loren Gardner, 419 West 10th Street, Central Neighborhood Association Vice President – made general comments
Adrienne Rossi, 312 West Seventh Street – made general comments
Jason Judd, 207 West Eighth Street – made general comments
Brian Haas, 227 East 10th Street – expressed support
Linda Lichty, 715 Pine Street – made general comments

Roll Call:

Yes - Howe.

No - Easterday, Richardson, Werner, Estes.

FAILED.

3(b).

Consideration of concurring with an adjustment in parking meter rates as recommended by the Downtown Development Authority Board of Trustees.

The following addressed the Commission:

Rob Bacigalupi, Downtown Development Authority Executive Director

Moved by Richardson, seconded by Werner, 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.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously. (Budros and Carruthers absent)

3(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.

The following addressed the Commission:

Lauren Tribble-Laucht, City Attorney
Benjamin Marentette, City Clerk

Moved by Richardson, seconded by Howe, that the possible enactment of 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, which was introduced February 17, 2015, be referred to the April 6, 2015, Regular Meeting.

Jan Cleland, 211 West 12th Street - expressed opposition
Pam Darling, 307 West Ninth Street – made general comments
Julia Wagner, 402 West 11th Street – expressed opposition
Adrienne Rossi, 312 West Seventh Street – expressed opposition
Mary O’ Neil, 221 West 12th Street – expressed opposition
Kirk Wagonlander, 736 East State Street – expressed support
Patrick Sullivan, 709 Webster Street – expressed support
Marilyn Black, 416 Sixth Street – expressed opposition
Lorraine Laird, 423 Seventh Street – expressed opposition
Tim Sanderson, 100 Grand Traverse Village Boulevard, Acme Township -
expressed support
Tammy Sanderson, 100 Grand Traverse Village Boulevard, Acme Township
- expressed support
Denny Braun, 602 Washington Street – expressed opposition
Dagmar Cunningham, 311 West 11th Street – expressed support
Roger Send, 300 Birchwood Avenue – expressed support
Jason Send, 10598 Peninsula Drive, Peninsula Township – expressed
support
Peter Spaulding, 724 East State Street – expressed support
Kaelyn Rice, 219 West 10th Street – made general comments
Kay Benedict, 316 Franklin – made general comments
Kathy Borock, 214 West 11th Street – expressed opposition
Chris Maxbauer, 503 West Eighth Street – expressed opposition
Geraldine Greene, 214 East 11th Street – made general comments
Linda Lichty, 715 Pine Street – expressed opposition
Jane Blake, 506 West 11th Street – expressed opposition
Carol Kent, 2111 Coventry Trail, City business owner - made general
comments
Rick Buckhalter, 932 Kelley Street – made general comments
Seamus Shinnors, 410 Seventh Street – made general comments
Brian Haas, 227 East 10th Street – expressed support
George Golubovskis, 325 Washington Street – made general comments
Loren Gardner, 419 West 10th Street – made general comments

CARRIED unanimously. (Budros and Carruthers absent)

4. New Business

4(a).

Report from the City Commission Ad Hoc Committee Regarding City Manager Recruitment; and consideration of authorizing funds associated with the recruitment process.

The following addressed the Commission:

Jamie Caroffino, Human Resources Generalist
Rick Buckhalter, 932 Kelley Street – made general comments

No action was taken.

4(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.

The following addressed the Commission:

Russell Soyring, City Planning Director

Moved by Richardson, seconded by Werner, 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 the Clancy Park Improvement Project, which commits the City to providing \$75,000 in matching funds, be adopted.

The following addressed the Commission:

Margaret Shaw, 1403 North Orchard – made general comments

CARRIED unanimously. (Budros and Carruthers absent)

4(c).

Consideration of declaring surplus six pieces of equipment and authorizing a purchase order for three plow trucks for Streets Division use.

The following addressed the Commission:

Dave Green, Director of Public Services

Moved by Werner, seconded by Richardson, 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 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, for three equipment packages for said trucks, with funds available in the Garage Fund for this planned vehicle and equipment replacement purchase.

Brian Haas, 227 West Tenth Street – made general comments

CARRIED unanimously. (Budros and Carruthers absent)

4(d).

Consideration of authorizing an easement with Consumers Energy for tree trimming on the southwest corner of Eighth Street and Garfield Avenue.

The following addressed the Commission:

Timothy Lodge, City Engineer

Moved by Werner, seconded by Richardson, 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, such agreement subject to the approval as to its substance by the Acting City Manager and its form by the City Attorney.

CARRIED unanimously. (Budros and Carruthers absent)

4(e).

Consideration of adopting The Boardman River Plan as a general guideline for enhancement of the riverfront as recommended by the Downtown Development Authority Board of Trustees and the City Planning Commission.

Moved by Richardson, seconded by Easterday, that the City Commission review the Boardman River plan at a future Study Session with a presentation by the Downtown Development Authority.

John Nelson, 4022 Incochee Crest Commons, Garfield Township, The Watershed Center Grand Traverse Bay – made general comments
Priscilla Townsend, 150 Pine Street - made general comments
Ellen Corcoran, 150 Pine Street – made general comments
Elizabeth Osborne, 150 Pine Street – made general comments

CARRIED unanimously. (Budros and Carruthers absent)

4(f).

Consideration of adopting a resolution establishing fees for the Duncan L. Clinch Marina transient rates for the 2015 season.

The following addressed the Commission:

Dave Green, Director of Public Services

Moved by Richardson, seconded by Howe, that the Resolution Establishing Fees for the Duncan L. Clinch Marina Transient Rates 2015, be adopted.

Loren Gardner, 419 West 10th Street – made general comments
Scott Lemcool, 843 Linwood, Garfield Township - made general comments

CARRIED unanimously. (Budros and Carruthers absent)

5. Appointments

5(a).

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

Moved by Howe, seconded by Richardson, that the resignation of Seamus Shinnors 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 Shinnors) expiring September 1, 2016, on the Parks and Recreation Commission; and that Commissioners Werner, Carruthers and Easterday be appointed to such Committee, with Commissioner Werner to serve as Chair.

CARRIED unanimously. (Budros and Carruthers absent)

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Reports from members of the Commission serving on boards.
 2. 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

The following addressed the Commission:

- 1. Reserved.

None

- 2. General.

Mandy Lundy, The History Center Executive Director
 Mark Risk, 932 Rose Court
 Julia Wagner, 402 West 11th Street
 Derek Conrad (sp?), 408 Belanger Lane

- 3. Mayor and City Commissioners.

Commissioner Jeanine Easterday
 Commissioner Gary Howe

There being no objection, Mayor Michael Estes declared the meeting adjourned at 10:29 pm.


 Benjamin C. Marentette, MMC
 City Clerk

Approved: _____, _____
 (Date) (Initials)



Minutes of the
City Commission for the City of Traverse City
Special Meeting
March 23, 2015

A special 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 7:00 p.m.

The following Commissioners were present, constituting a quorum: Mayor Michael Estes, James Carruthers, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioner was absent: Mayor Pro Tem Barbara D. Budros.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

1.

Public Hearing on the assessment roll for Special Improvement District 2014-008 for streetscape elements associated with the West Front Street Reconstruction Project on West Front Street between Division Street and Hall Street; and consideration of adopting the necessary resolution to approve the district and adopting the related budget amendment.

The following addressed the Commission:

Timothy Lodge, City Engineer

City Clerk Benjamin Marentette asked that those who have property located within the proposed Special Improvement District to state their name and address to preserve their right to appeal; and the following individuals responded:

Michael Corcoran, 615 and 617 West Front Street
Linda Nash, 607 and 611 West Front Street
Jim Nash, 607 West Front Street
Donna Folgarelli-Fisher, 424 and 426 West Front Street
Mike Boudjalis, 537 and 539 West Front Street
Elizabeth Nichols, 336 West Front Street
Terry Beia, 600 West Front Street
Nancy Freund, 540 West Front Street
Irwin Stoner, 501 West Front Street
Bill Hennis, 417 and 421 West Front Street
Roy Nichols, 336 West Front Street

Mayor Michael Estes opened the public hearing; and the following addressed the Commission:

Donna Folgarelli, 424 and 426 West Front Street – made general comments
Roy Nichols, 336 West Front Street – expressed support
Ed Froy, 540 West Front Street – made general comments
Tina Zinn, 600 West Front Street – made general comments
Michael Corcoran, 615 and 617 West Front Street – made general comments

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

Moved by Howe, seconded by Easterday, that the Resolution Approving Special Improvement District SID 2014-008 be adopted, and that a budget amendment be made to increase the budgeted revenue and budgeted expenses in the Special Assessment Fund by \$250,000 to reflect the revenue and expenses for this project.

Benjamin Marentette, City Clerk

CARRIED unanimously. (Budros absent)

2.

Announcements from the City Clerk.

The following addressed the Commission:

Benjamin Marentette, City Clerk

3.

The next item being "Public Comment," the following individuals addressed the Commission:

Julia Wagner, 402 West 11th Street
Rick Buckhalter, 932 Kelley Street
Donna Folgarelli Fisher, 424 and 426 West Front Street
Commissioner Jeanine Easterday
Penny Hill, Acting City Manager
Commissioner Timothy Werner
Commissioner Gary Howe
Commissioner Jim Carruthers
Mayor Michael Estes

There being no objection, Mayor Estes declared the meeting adjourned at 7:41 pm.


Benjamin C Marentette, MMC
City Clerk

Approved: _____, _____
(Date) (Initials)



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

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

Attached is a previously submitted 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, which was introduced on March 16, 2015, be enacted with an effective date of April 16, 2015.

PH/kes

K:\tcclerk\city commission\ordinance amendments\Rezone 1015 1025 Hannah Avenue_Enact_20150406.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 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 polices 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 FEE: _____ DATE: 1/26/2015
- Zoning Change \$425.00
- Conditional Rezoning \$830.00
Check No: 42604 Hearing Date: _____
Receipt No: 18485 Case No: _____

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

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

Present Zoning Classification: R-2

Requested Zoning Classification: C-2

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

Applicant's Signature: [Signature]

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

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

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.

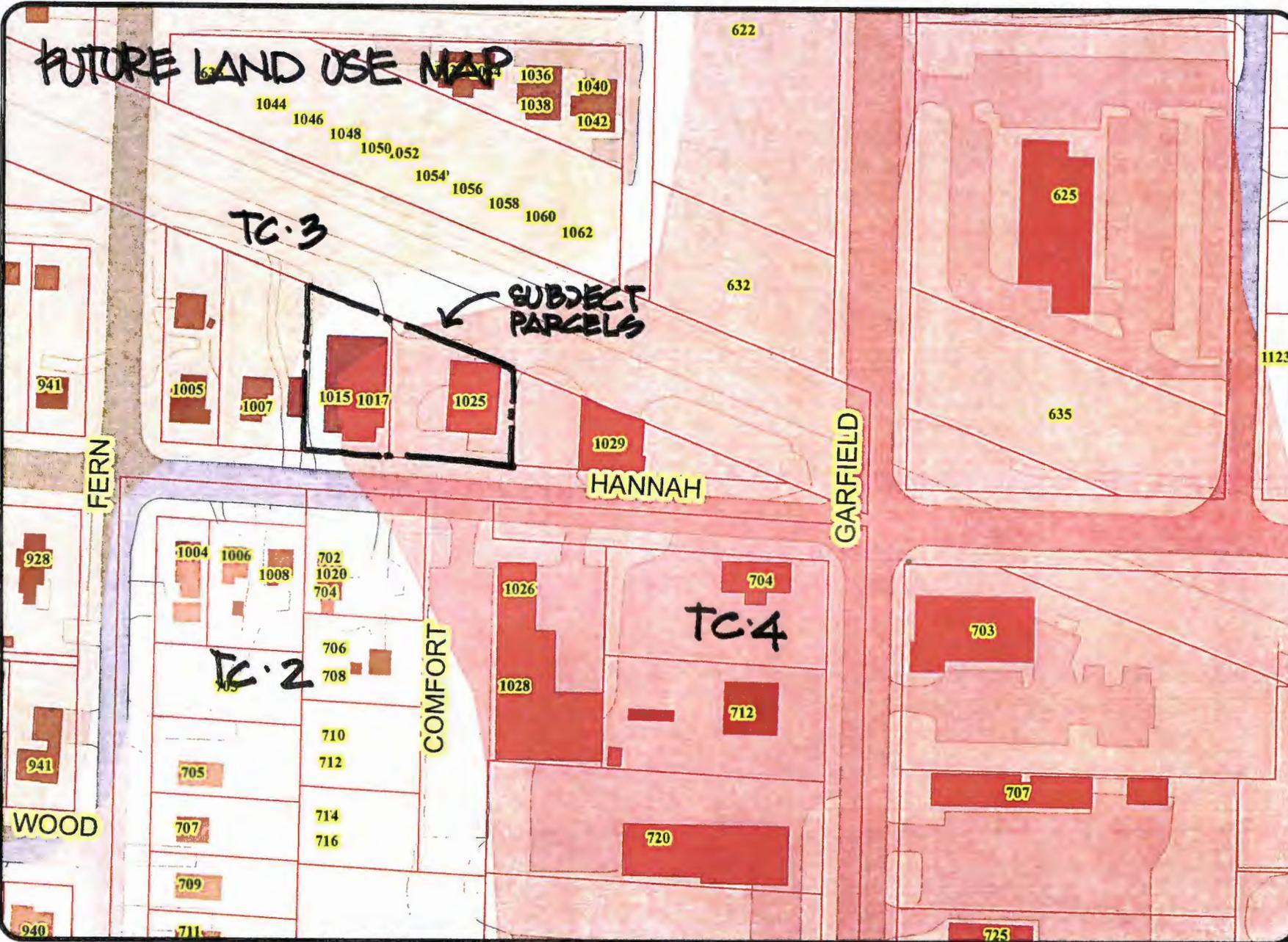
February 2014

Robert T Cole

Richard Laylan



FUTURE LAND USE MAP



- Legend
- TC-1 Casuarina
 - TC-2 Casuarina
 - TC-3 Traditional
 - TC-4 Center
 - TC-1 Downtown
 - TC-C Campus Plan



1 inch = 70 feet

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

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.

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 APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: ZONING ORDINANCE AMENDMENT – REZONING 314 EAST EIGHTH STREET

Attached is a previously submitted 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, which was introduced on March 16, 2015, be enacted with an effective date of April 16, 2015.

PH/kes

K:\tcclerk\city commission\ordinance amendments\Rezone 314 E Eighth_Enact_20150406.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

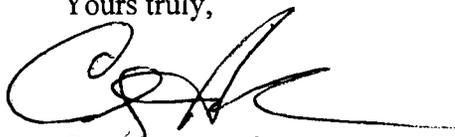
Re: Bonter Properties, LLC -- 314 E. Eighth Street

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: 19492 Case No: _____

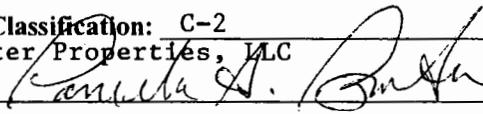
Address of subject Property: 314 E. Eighth Street

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

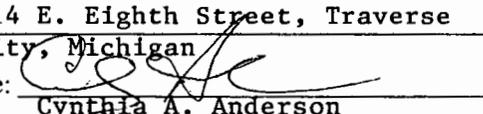
Legal Description: See attached Exhibit A.

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

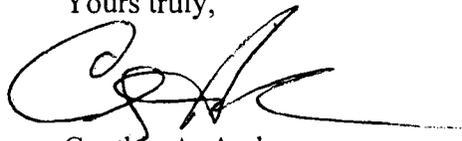
Re: Bonter Properties, LLC – 314 E. Eighth Street

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

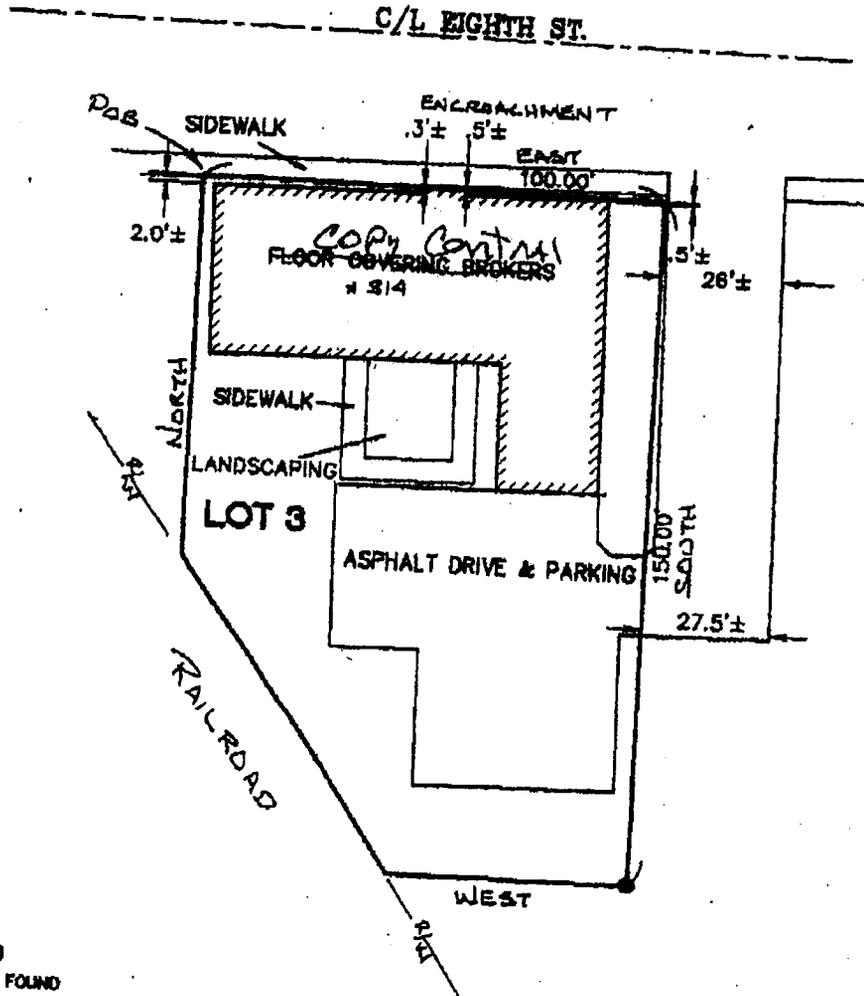
Land situated in the City of Traverse City, County of Grand Traverse, State of Michigan, more fully described as:

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.

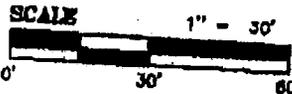
MORTGAGE REPORT

Part of Lot 3 "Hannah Lay & Co.'s 18th Addition", to Traverse City, Grand Traverse County, Michigan.



- 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. Hoxhauff
David G. Hoxhauff

S.L.S. No. 32337

sent: **EDWARD & MITZI GIBBARD**

FIRST OF AMERICA 

Sheet 1 of 2

Job: 98121.05-C
Date: 8-24-98
Scale: AS NOTED
Drawn: XG
Chk'd: D.G.H.
Rev'd:

Engineering Consultants, Inc.
Engineers • Surveyors
Environmental Services

2000 Academy Park Drive
Traverse City, MI 49601-1000
617-242-7400
617-242-7401
Fax: 617-242-7402



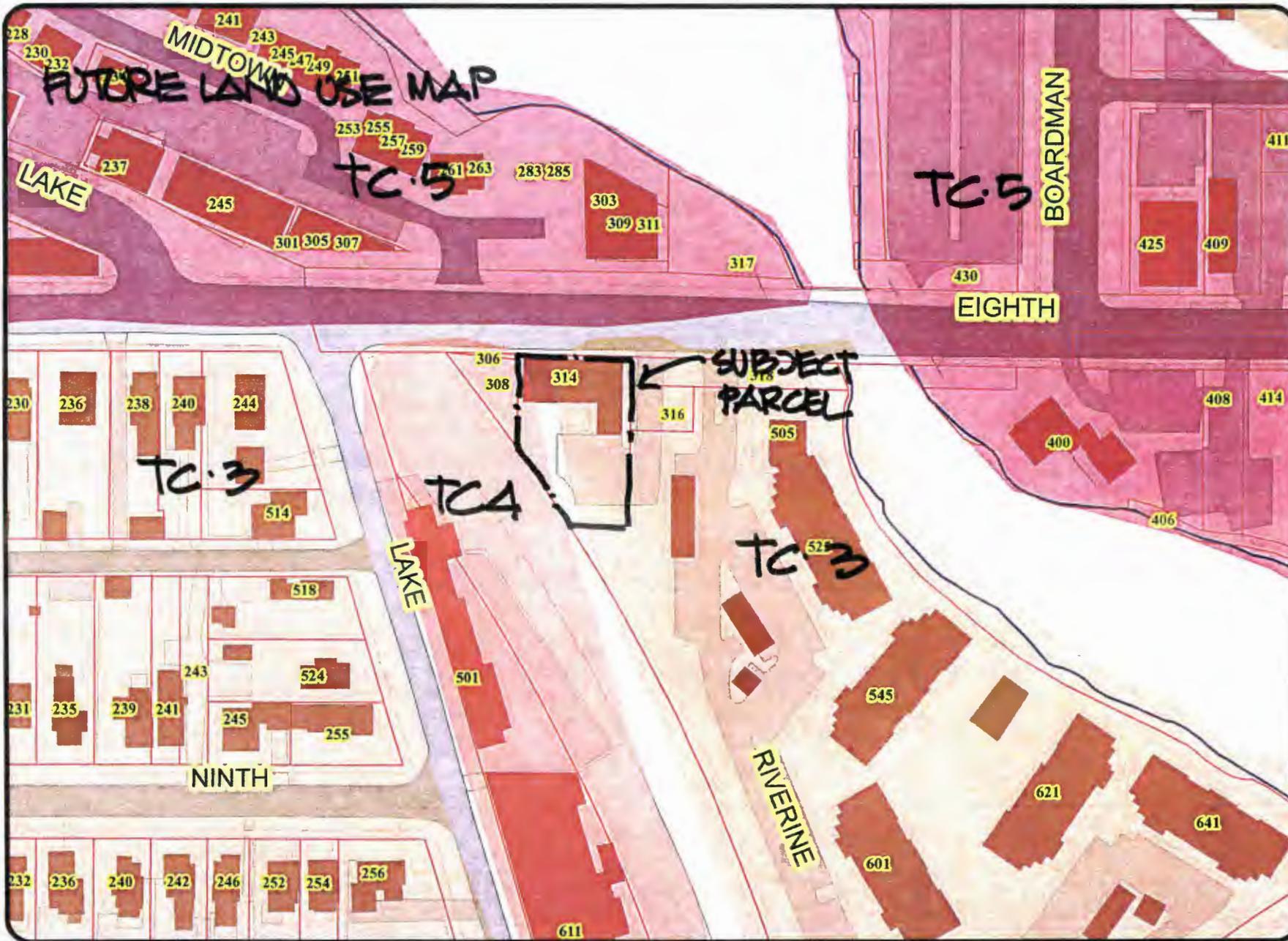
**SUBJECT
PARCEL**

Lake Avenue

East Eighth Street

East Tenth Street

05/08/2014



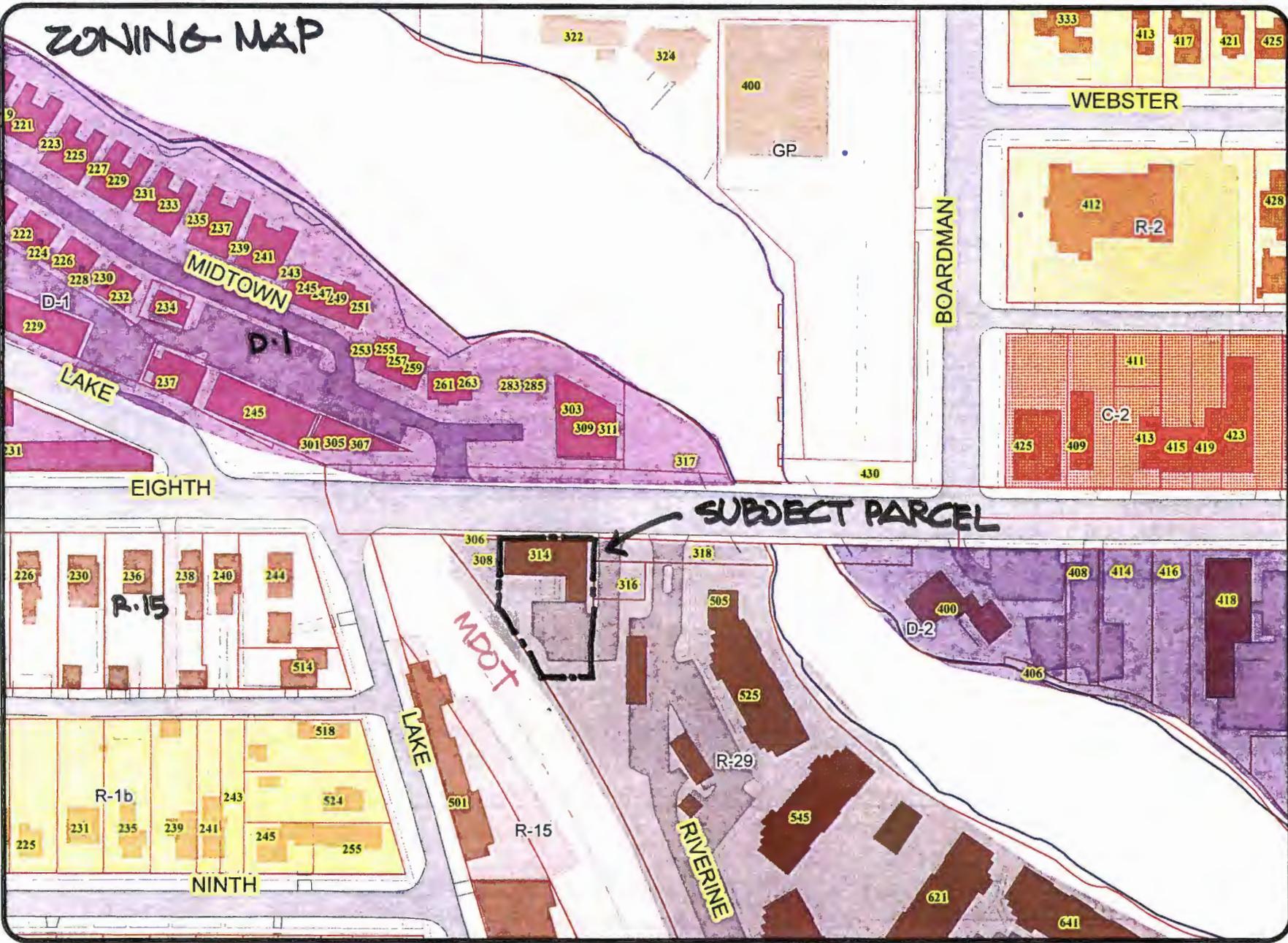
- Legend
- TC-1 Conservation
 - TC-2 Contemporary
 - TC-3 Traditional
 - TC-4 Center
 - TC-5 Downtown
 - TC-6 Campus Plan



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.

ZONING MAP



Legend

OB	Open Space District
RC	Residential Conservation District
R-1a	Single Family Dwelling District
R-1b	Single Family Dwelling District
R-2	Two Family Dwelling District
R-2a	Two Family Dwelling District
R-6	Multiple Family Dwelling District
R-15	Multiple Family Dwelling District
R-29	Multiple Family Dwelling District
HR	Hotel/Resort District
CS	Office/Service Center District
C-1	Neighborhood Center District
C-2	Community Center District
C-3	Regional Center District
C-4a	Regional Center District
C-4b	Regional Center District
C-4c	Regional Center District
T	Transportation District
I	Industrial District
GP	Governmental/Public District
PE	Planned Redevelopment District
UNC-1	University District
UNC-2	University District
H-1	Hospital District
H-2	Hospital District
D-1	Development District
D-2	Development District
D-3	Development District
R-1b / Mixed Use PUD	Margen Farm Act



1 inch = 95 feet

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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 POB 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 CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: EMERGENCY REPAIR WORK ON FROZEN WATER SERVICES

Attached is a memo from Dave Green, DPS Director, requesting two confirming service orders to Wheelock and Sons Welding and Todd's Welding, for emergency repairs for frozen water service connections at various locations throughout the City.

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

that the Acting City Manager be authorized to issue a confirming service order to Wheelock and Sons Welding, Inc. in the amount of \$21,425.00 and a confirming service order to Todd's Welding in the amount of \$29,692.50, for work performed to reestablish frozen water service connections at various locations throughout the City with funds available in the Water Fund.

PH/jd

cc: Dave Green, DPS Director
Justin Roy, Sewer/Water Maintenance

Memorandum

The City of Traverse City
Department of Public Services



TO: Penny Hill, Acting City Manager
FROM: Dave Green, DPS Director 
DATE: March 26, 2015
SUBJECT: Emergency Repair Work on Frozen Water Services

As you know, February was a brutally cold month with little snow. Because of this unusually cold and dry month the City experienced issues with our water distribution system like never before resulting in over 400 individual water service connection freeze ups, five water main breaks and/or splits, including the 12" diameter pipe that runs above ground over the Union Street Dam, as well as a small number of fire hydrant freeze ups. The temperature of the water coming into the plant from East Bay was continually being recorded at 33 degrees! For 3 days in early March we were receiving approximately 50 calls per day requesting help with frozen pipes. Because of that high rate of freeze up calls we immediately looked into getting additional assets on board in the way of manpower and welding equipment to help respond to what I was beginning to believe to be a critical situation. As of today, because of the extraordinary work done by City staff as well as by the two outside firms we hired to help, Wheelock and Son's Welding and Todd's Welding, I can say that everyone has running water in some form or another! Both firms we hired worked hand in hand with City staff, responding quickly, acting professionally and helping us through this difficult period working long days in terrible weather conditions.

Please request City Commission approval of two confirming service orders. One to Wheelock and Son's Welding, Inc. in the amount of \$21,425.00 and one to Todd's Welding Inc. in the amount of \$29,692.50 for work performed to reestablish frozen water service connections at various locations throughout the City with funds available in the Water Fund.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: TRAFFIC CONTROL ORDERS 576 AND 577

Attached is a memo from Engineering Technician Jessica Carpenter indicating that Traffic Control Orders #576 and #577 have been in effect for at least 90 days and are ready to be adopted by the Commission as permanent. This traffic control orders are as follows:

- #576: Yield on Xavier at Cypress.
- #577: No Parking 8:00 a.m. to 4:00 p.m. on the east side of Milliken Drive.

I recommend the following motion:

That Traffic Control Orders 576 and 577, which require yielding on Xavier at Cypress and No Parking from 8:00 a.m. to 4:00 p.m. on the east side of Milliken Drive, respectively, be adopted to be made permanent.

PH/kes

K:\tcclerk\city commission\traffic control order\TCO 576 577_20150406.doc

copy: Timothy Lodge, City Engineer
Jessica Carpenter, Engineering Technician

Memorandum

The City of Traverse City
Engineering Department



TO: Penny Hill, Acting City Manager
Timothy J. Lodge, P.E., City Engineer

FROM: Jessica L. Carpenter, E.I.T., Engineering Technician

DATE: Wednesday, March 11, 2015

SUBJECT: Traffic Control Orders 576 and 577 to be made permanent

The following Temporary Traffic Control Orders have been in effect for at least 90 days and are ready to be made permanent.

#	What	Where
576	Yield	On Xavier at Cypress
577	No Parking 8 am to 4 pm	On the east side of Milliken Dr

TCO 576 is required to ensure that traffic control exists at the intersection of Cypress and Xavier. The proposal to install a yield sign at this intersection was reviewed by the Transportation Committee and it was the consensus to approve the proposed yield sign location.

TCO 577 was in response to a request from staff and residents to keep the east side of Milliken Dr clear during the school day for bussing purposes, while still allowing on street parking after school hours for events. This request was reviewed by the Transportation Committee and it was the consensus to approve the proposed signs.

The authority of the City Manager for these Temporary Traffic Control orders has expired and they must be extended or made permanent by the City Commission in order to continue. The City Commission can always rescind a Traffic Control Order at a later date if they so choose.

Staff is recommending that TCOs 576 and 577 be made permanent.

Temporary Traffic Control Orders are on file with the City Clerk's office.

The City of Traverse City

Office of the City Manager

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4440
(231) 922-4476 Fax
tcmanage@traversecitymi.gov

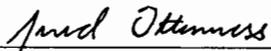


TRAFFIC CONTROL ORDER NO.: 576 DATE: October 6, 2014

The following signs regulating traffic shall be installed at the following locations:

“YIELD”

sign on Xavier at Cypress.



Jered Ottenwess
City Manager

TEMPORARY TRAFFIC CONTROL ORDER TO BE IN EFFECT FOR 90 DAYS

Confirmed by the City Commission _____
(Date)

The City of Traverse City

Office of the City Manager

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4440
(231) 922-4476 Fax
tcmanage@traversecitymi.gov



TRAFFIC CONTROL ORDER NO.: 577 DATE: October 6, 2014

The following signs regulating traffic shall be installed at the following locations:

“NO PARKING 8AM TO 4PM”

signs on the East side of Milliken.



Jered Ottenwess
City Manager

TEMPORARY TRAFFIC CONTROL ORDER TO BE IN EFFECT FOR 90 DAYS

Confirmed by the City Commission _____
(Date)

Cypress St, Traverse City, MI 49684

Street View · Search nearby

JohnSmiddyMusic.com

St

N Elmwood Ave

Wayne St

Wayne St

Wayne St

N Elmwood Ave

N Spruce St

N Cedar St

Xavier St



Cypress St

Dairy Lodge

Randolph St

Sleder's Family Tavern

Vine St

Zary Consignment Boutique

Frenchies Famous

Bay Bread

TCarea.com

Harvitt Agency

Randolph St

N Maple St

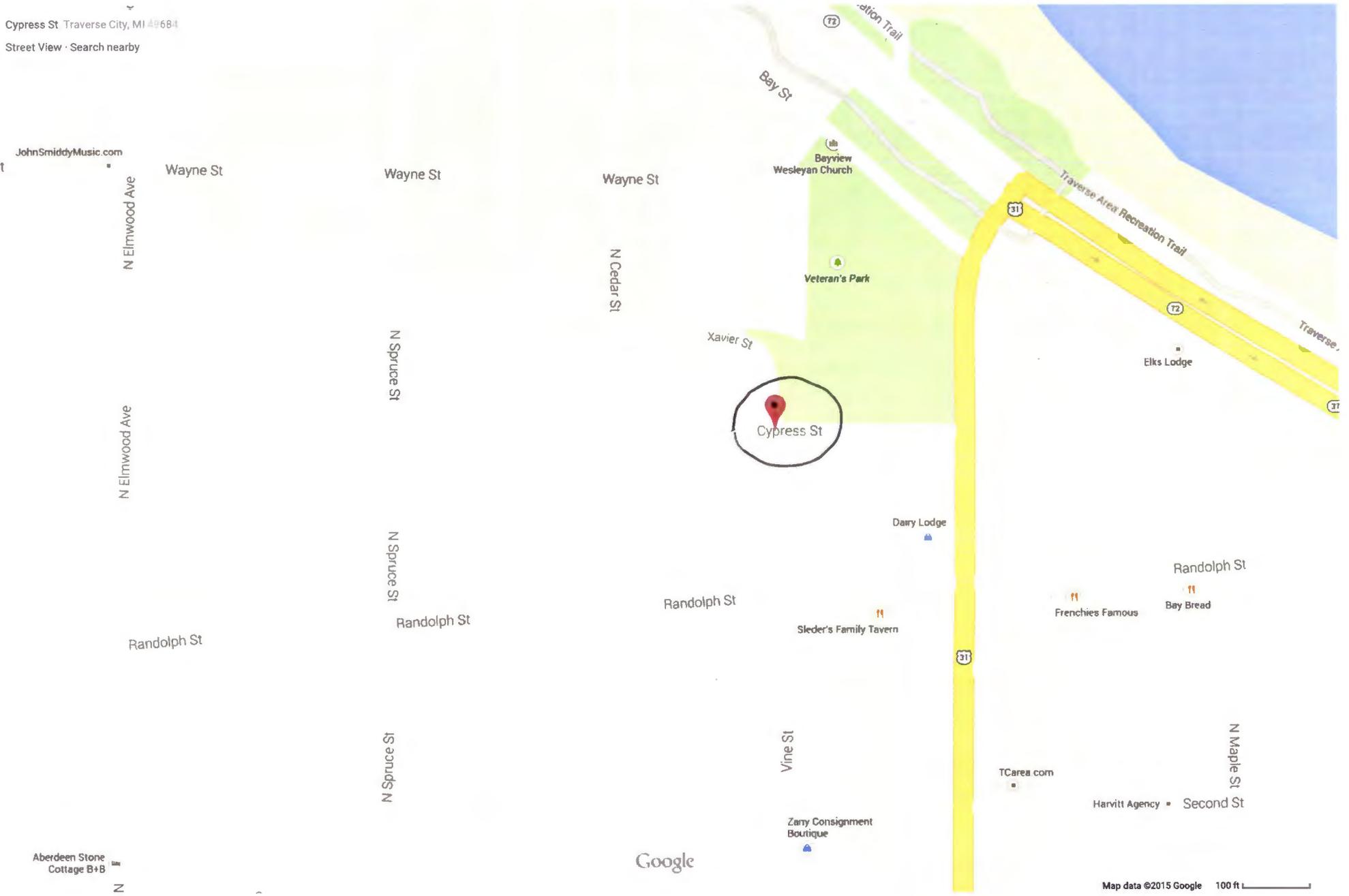
Second St

Aberdeen Stone Cottage B+B

N

Google

Map data ©2015 Google 100 ft





The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: LIQUOR LICENSE REGISTRATION – ORDINANCE
CLARIFICATION

Attached is a memo from City Clerk Benjamin Marentette recommending a housekeeping ordinance amendment which would clarify that liquor license registrations can be revoked for the same reasons applications for liquor licenses can be denied.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Liquor License Registration Revocation Clarification*, Section 834.07, which clarifies that the City Clerk may revoke liquor license registrations for the same reasons liquor license applications may be denied, which is a housekeeping matter, be introduced and scheduled for possible enactment on May 4, 2015.

PH/bcm

K:\tcclerk\city commission\ordinance amendments\liquor license registration clarification

Memorandum

The City of Traverse City



TO: Penny Hill, Acting City Manager

FROM: Benjamin Marentette, City Clerk

DATE: Wednesday, April 1, 2015

SUBJECT: ORDINANCE CLARIFICATION – LIQUOR LICENSE REGISTRATION

Anyone operating a liquor license is required to maintain a registration from the City Clerk in order to operate the license. A key purpose for requiring a registration, in addition to a liquor license, is so that the City could temporarily revoke a registration – thus essentially suspending the ability of the owner to operate the license – until non-compliance issues could be resolved. Prior to the registration requirement, the primary ‘hammer’ the City had was to either request complete revocation of the license, which is a permanent action by the Michigan Liquor Control Commission, or to request non-renewal. The registration ‘hammer’ allows us to address issues with far less impact to the liquor license holder.

When the requirement for a liquor license registration was enacted, the intent was to have the ability to revoke a liquor license registration for the same reasons a liquor license application could be denied. While we believe technically we still have this ability, as a housekeeping matter, the City Attorney and I recommend the Commission enact the attached ordinance which would clarify that we may revoke a registration for the same reasons we could deny a liquor license application; those reasons are outlined in Section 834.03 of the ordinance.

As always, please contact me with any questions.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: LIQUOR LICENSE REGISTRATION REVOCATION CLARIFICATION

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 834 of the Traverse City Code of Ordinances be enacted/amendned to read in its entirety as follows:

834.01 INTENT; APPLICATION OF CHAPTER.

The intent of this chapter is to provide uniform standards for the City's regulation of liquor licenses and for recommendations regarding State liquor license decisions. This chapter shall apply to all individuals, corporations or entities who wish to sell intoxicating liquors in the city, except those licenses issued to nonprofit and similar organizations pursuant to the special license provisions of the State Liquor Control Act.

(Ord. 169. Passed 7-2-84.)

834.02 LICENSE APPLICATIONS.

Applications for local approval of a new license to sell beer, wine or alcoholic liquor for consumption on the premises shall be made to the City Clerk. Such application shall be made in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a partnership or corporation. Such application shall contain:

- (a) In the case of an individual, the name, age and address of the applicant; in the case of a co partnership, the persons entitled to share in the profits thereof; and in the case of a corporation the names and addresses of the officers and directors, and if an aggregate of more than five percent of the stock of such corporation is owned by any one person or his or her nominee, the name and address of such person;
- (b) The nature and business of the applicant, and in the case of a corporation, the object for which it was formed;
- (c) The length of time such applicant has been in business of that nature, or, in the case of a corporation, the date when its certificate of incorporation was issued.
- (d) The location and description of the premises which are to be operated under such license;
- (e) If the business of the applicant is to be operated or conducted by a local manager or agent, the name and address of such manager or agent;
- (f) A statement as to whether or not the applicant has, prior to this application, made application for a liquor license and the date, place and disposition of such application;
- (g) A statement that the applicant has never been convicted of a felony and is not disqualified to receive approval for a license by reason of any matter or thing contained in this chapter or in the laws of the State;
- (h) A statement that the applicant and the applicant's employees and agents will not

violate any of the ordinances of the City or the laws of the State or of the United States in the conduct of its business;

- (i) A statement that, if any of the information provided in the application or any attachment thereto changes during the term of the license or any renewal thereof, the applicant shall notify the City Clerk, in writing, within thirty days of such change;
 - (j) A statement as to whether or not dancing or entertainment is to be provided on the premises, and if entertainment is to be provided, a description of the type of such entertainment;
 - (k) An eight and one-half inch by eleven inch building and grounds layout diagram showing the entire structure, premises and grounds, and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, noise control, means of egress and, where appropriate, plans for screening.
 - (l) A nonrefundable application fee which shall be established by the City Commission in such amount as it deems appropriate from time to time to defray the costs of processing the application.
 - (m) Other information as required.
- (Ord. 169. Passed 7-2-84.)

834.03 CONDITIONS FOR DENIAL.

A liquor license application shall not be recommended for approval if any of the following conditions exist as to such application:

- (a) The premises are determined by the City Commission to be unsuitable for the activity proposed by the application, considering:
 - (1) The proximity of other premises licensed to sell beer, wine or alcoholic liquor for on-premises consumption;
 - (2) The lack of any other facilities or uses on the premises to be licensed which are compatible with a liquor license (e.g. restaurant, hotel);
 - (3) The distance from public or private schools for minors or places where minors congregate, such as parks;
 - (4) The proximity of an inconsistent zoning classification or land use;
 - (5) The Zoning Code and the City Plan;
 - (6) Traffic safety;
 - (7) Public safety;
 - (8) Accessibility to the site from abutting roads;
 - (9) The capability of roads, utilities and public services to accommodate the commercial activity; or
 - (10) Such other relevant factors as the City Commission may deem appropriate.
- (b) It is determined by a majority of the City Commission that the premises do not or will not, within six months of the approval of the application by the Commission, or prior to the commencement of business, whichever occurs first, have adequate off-street parking, lighting, refuse disposal facilities, screening or noise or nuisance control. However, upon timely request and for good cause shown, the Commission may extend any deadline established by this subsection.
- (c) Except for applications to transfer ownership only, any premises which do not or will not,

within three months of the approval of the application by the Commission, comply with current applicable construction codes, fire codes, zoning regulations or public health regulations. However, upon timely request and for good cause shown, the Commission may extend any deadline established by this subsection.

- (d) The applicant does not own the premises for which the approval is sought or does not have a lease therefore.
 - (e) The applicant is a law enforcing public official or any member of the Commission. No such official may be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of beer, wine or alcoholic liquor.
 - (f) A person named in the application is, at the time of application for such approval, transfer or renewal, delinquent in the payment of any taxes, fees or other charges owed to or collected by the City. Additionally, an entity with two or less members or partners either of whom are delinquent in the payment of any taxes, fees, or other charges owed to or collected by the City at the time of the application for approval, transfer, or renewal.
 - (g) Ad valorem taxes, charges, or assessments imposed by the City on the premises identified in the application or personal property associated with the premises identified in the application for approval, transfer, or renewal are delinquent.
 - (h) The applicant has had a license revoked for cause within the last two years.
 - (h) One or more of the members of a co-partnership do not qualify for approval of a license.
 - (i) One or more officers, managers or directors of a corporation, or a stockholder owning in the aggregate more than five percent of the stock of such corporation, are not eligible to receive approval for a license.
 - (i) If the applicant's place of business is operated or conducted by a manager or agent, such manager or agent does not possess the same qualifications required of the applicant.
 - (j) An applicant has been convicted of a violation of any Federal or State law concerning the manufacture or sale of alcoholic liquor.
 - (l) An applicant has made a false statement in the application procedure or has submitted an incomplete application.
 - (k) For a Redevelopment Project Area Liquor License, as provided for in MCL 436.1521a, the premises licensed will or is intended to regularly close later than 11 pm or serve liquor after 11 pm on any day. A premises will or is intended to "regularly close" within the meaning of this subsection if such business is intended to or will not admit new customers after 11 pm at least 5 days a week.
 - (l) Other relevant factors as the City Commission may deem appropriate.
- (Ord. 169. Passed 7-2-84. Ord. 839. Passed 7-16-09. Ord. 926, Passed 10-17-11)

834.04 NEW LICENSES; SELECTION OF APPLICANTS.

When any new liquor license is available for issuance, either by lapse of a current license or by the authorization and allocation of additional licenses to the City, and where there exist more qualified applicants for such license than the number of new licenses available, the City Commission may choose for approval the most qualified applicant based upon the following criteria:

- (a) The location of the proposed new business and its desirability in light of its location, the preferability of locations in an existing business district as opposed to outlying locations, the surrounding land uses and its proximity to other premises licensed for on-premises

- consumption;
 - (b) The experience of the applicant;
 - (c) The other uses proposed to be included on the premises or in the development (e.g. restaurant, motel);
 - (d) The cost and size of the overall project and the number of jobs to be created by the new business;
 - (e) The relative suitability of the design and size of the new business to the property on which it is proposed to be located, as evidenced by the building and grounds layout diagram required to be submitted with the application;
 - (f) The overall development or redevelopment of the City; and
 - (g) Such other relevant factors as the City Commission may deem appropriate.
- The City Commission may decide to not award a license until an application is submitted, which application meets the requirements of this chapter and best serves the goals and policies of the City.
- (Ord. 169. Passed 7-2-84.)

834.05 CONDITIONS OF ISSUANCE.

Approval of a liquor license application shall be upon the condition that any necessary remodeling or new construction for the use of the license required by the City Commission or indicated on the building and grounds layout diagram submitted with the application be completed within six months of the approval of the license by the Commission, or prior to the commencement of business, whichever occurs first. The Commission may impose other reasonable conditions on the approval of an application, which conditions are related to the health, safety and welfare of the City.

(Ord. 169. Passed 7-2-84.)

834.06 REDEVELOPMENT PROJECT AREA LIQUOR LICENSES.

To the extent that they do not conflict with this section, all provisions of this Chapter shall apply to Redevelopment Project Area Liquor Licenses; if there is a conflict between a provision of this section and another provision contained in this Chapter, the provision of this section shall control, and the remaining, non-conflicting provisions of this Chapter shall survive.

- (a) A premises operating under a Redevelopment Project Area Liquor License, as provided for in Michigan Public Act 501 of 2006, shall:
 - (1) Regularly close no later than 12 a.m. A premises “regularly closes” within the meaning of this subsection if the premises does not admit new customers after 12 a.m. at least 5 days a week.
 - (2) Not serve liquor between the hours of 12 a.m. and 7:00 a.m., or other hours as otherwise prohibited by state law or Michigan Liquor Control Commission Promulgated Rule..
- (b) The provisions of this section shall not apply to Banquet Facility Permits or A Hotel or B. Hotel Licenses issued by the Michigan Liquor Control Commission as part of a Redevelopment Project Area Liquor License.
- (c) A licensee who violates this Section shall be responsible for a civil infraction and shall be fined \$500.00 for each offense.

(Ord. 839. Passed 7-6-09. Ord. 868. Passed 6-21-10. Ord. 898. Passed 12-20-10. Ord. 1008.

Passed 7-21-14)

834.07 LIQUOR LICENSE REGISTRATION REQUIREMENT.

- (1) No liquor licenses issued by the Michigan Liquor Control Commission shall be operated unless the same has been issued a registration by the City Clerk. In the event of a transfer of a Michigan Liquor Control Commission Liquor License, the license holder shall obtain a registration from the City Clerk. In order to receive registration from the City Clerk, the license holder shall make application to the City Clerk for registration with a non-refundable fee in the amount established by resolution of the City Commission.
- (2) The holder of any liquor license currently in place upon the effective date of this ordinance shall be issued a registration by the City Clerk; and for such licenses currently in place, no fee shall be required.
- (3) All applications for registration shall contain the same information as required in Section 834.02 of these ordinances.
- (4) Conditions for denial of a registration shall be the same as those in Section 834.03 of these ordinances; provided, however, for those registrations that do not require City Commission approval, that the City Clerk shall determine if a condition for denial as outlined in Section 834.03 applies.
- (5) The City Clerk is authorized to issue a registration under this Section provided none of the conditions for denial are determined applicable; provided, however, that the City Clerk may only issue a registration for any on-premise consumption license upon adoption by the City Commission of a resolution authorizing the City Clerk to issue such registration.
- (6) In the case of any liquor license or subsidiary permit where City Commission approval is required by the Michigan Liquor Control Commission and the City Commission recommends approval, shall be issued a registration from the City Clerk.
- (7) If the City Clerk denies a registration under this ordinance, the City Clerk shall provide written notice, by first class mail, to the address indicated on the application of such denial and the reasons for the denial. The notice of denial shall indicate that the City Clerk's denial may be appealed as provided for in this Section. The City Clerk shall provide a copy of Chapter 834 of the Traverse City Code of Ordinances with the notice of denial.
- (8) Conditions for revocation of a registration shall be the same as those of denial as provided for in this Section of these ordinances; provided, however, for those registrations that do not require City Commission approval, that the City Clerk shall determine if a condition for revocation as outlined in Section 834.07 applies.
- (9) If the City Clerk revokes a registration under this ordinance, the City Clerk shall provide written notice, by first class mail, to the address indicated on the application of such revocation and the reasons for the revocation. The notice of revocation shall indicate that the City Clerk's revocation may be appealed as provided for in this Section. The City Clerk shall provide a copy of Chapter 834 of the Traverse City Code of Ordinances with the notice of revocation.
- ~~(8)~~(10) Denial or revocation by the City Clerk of a registration under this Section may be appealed to the City Manager within thirty (30) calendar days following the date of the notice of denial from the City Clerk. Such appeal shall clearly state the basis for appeal.

The City Manager shall investigate the reasons for the City Clerk's denial of the registration and shall decide the appeal within thirty (30) calendar days following the date the appeal was received by the City Manager. The City Manager's decision on the appeal shall be final. If the City Manager's decision is to overrule the City Clerk's denial or revocation of the registration and grant the registration, the City Clerk shall issue such registration, which registration shall take immediate effect.

(11) The Liquor License registration shall be prominently displayed on the premises.

(9)(12)

834.08 ANNUAL RENEWAL; LICENSE REVOCATION; AND APPEAL.

- (1) The City Clerk shall annually convene a meeting of the Chief of Police and appropriate officials before February 1 to review on-premises liquor licenses to determine whether or not to object to the Michigan Liquor Control Commission's renewal of liquor licenses under its authority as set forth in MCL 436.1502(2). Investigations and recommendations as to each renewal request shall be undertaken and provided by the Police Department, Fire Department, appropriate building and zoning officials, and others deemed appropriate. Any recommendation to object to the renewal of a liquor license shall be made in writing to the City Manager.
- (2) Upon a determination of a violation of the conditions set forth in this section, the City Manager will notify the licensee of the specific violation(s) and afford the licensee an opportunity to come into compliance with this Section. Licensee must reach compliance in that time established by the City Manager, but in no event more than ten days after notification to licensee by city of such violation. Absent compliance within that time established the City Manager may then forward the recommendation for revocation or objection to renewal to the City Commission who shall hold a hearing as set forth in this section prior to the recommendation for revocation or objection to renewal of the liquor license for any of the following reasons:
 - (a) Failure to comply with all standards and plans and conditions established and approved at the time of issuance of the license or at a time of later city approval.
 - (b) Failure to timely pay all personal property taxes and all real property taxes or have delinquent any personal property tax or real property taxes or obligation due and payable to the City or Light & power as of the date of the annual review.
 - (c) Repeated violations of state law.
 - (d) Violations of this chapter or other city ordinance, executive order, administrative order or policy by the licensee.
 - (e) Maintenance of a nuisance upon or in connection with the licensed premises, including but not limited, to any of the following:
 - i. Violations of the building code, electrical code, fire prevention code, mechanical code, plumbing code, health code or other applicable code.
 - ii. Violation of the zoning ordinance.
 - iii. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law or disturbs the peace, order, and tranquility of the neighborhood including types of police, fire or medical services related to the licensed premises.
 - iv. Failure to maintain the grounds and exterior of licensed premises,

- including litter, debris, or refuse blowing or being deposited upon adjoining properties.
- v. Entertainment on the licensed premises without a permit or entertainment that disturbs the peace, order and tranquility of the neighborhood of the licensed premises
 - vi. Any advertising, promotion or activity in connection with the licensed premises that causes, creates or contributes to disorder, disobedience of rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
 - vii. Numerous police contacts with the licensed premises or the patrons of the premises.
- (f) Repeated reports that the licensee is serving minors or intoxicated persons.
 - (g) Failure by the licensee to permit the inspection of the licensed premises by the city's employees, agents and/or representatives in connection with the enforcement of this chapter.
- (3) Prior to filing with the Michigan Liquor Control Commission an objection to the renewal of a liquor license or a recommendation for the revocation of a liquor license, the City shall do the following:
- (a) Serve written notice on the license, which shall include:
 - i. Notice of the proposed action and the reasons for the action.
 - ii. Date, time and location of hearing on the matter and a statement that at the hearing, the licensee may present evidence and arguments on its behalf, confront witnesses and may be represented by a licensed attorney.
 - iii. A statement requiring the licensee to notify the city attorney's office at least three days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf.
 - (b) The hearing may be conducted by the City Commission as a whole or the City Commission may delegate to a hearing officer the function of holding the hearing. The hearing officer shall thereafter submit his or her findings and recommendations to the Commission. The licensee may, at his or her expense, employ a reporter to transcribe the testimony given at the hearing and make a transcript of such testimony.
 - (c) The City Commission shall make a written resolution as to its findings and determination and mail same to licensee and the Michigan Liquor Control Commission.

(Ord. 839. Passed 7-16-09.)

834.09 SEVERABILITY.

If any provision of this Chapter is declared invalid by a court, such decision shall not affect the validity of this Chapter or any part other than the part declared to be invalid.

834.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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

I hereby certify the above ordinance amendment was introduced on April 6, 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 APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: CLINCH PARK WATERSCAPE – EXPERT WITNESS FEES

City Attorney Lauren Tribble-Laucht has sent an attorney-client privileged communication to the Commission under separate cover regarding the above matter associated with the dispute resolution process with Hamilton Anderson.

If the Commission concurs with the recommendation of the City Attorney, the following motion would be appropriate (5 affirmative votes required):

that the Mayor and City Clerk execute an amendment to the Retention Agreement with Foley, Baron, Metzger & Juip, PLLC (originally authorized September 2, 2014), to provide expert witness fees in the amount of \$26,500 to Baird Associates and \$7,035 to Water Technologies, Inc., in connection with the dispute resolution process with Hamilton Anderson for the Clinch Park Waterscape, with funds available in the Capital Projects Fund.

If the City Commission wishes to discuss this matter, I recommend that it be removed from the Consent Calendar and that the Commission adopt the following motion to enter into closed session to discuss (5 affirmative votes required):

that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider a written attorney-client privileged communication regarding the pending dispute resolution process with Hamilton Anderson associated with the Clinch Park Waterscape, as authorized by MCL 15.268(e).

PH/bcm

K:\tcclerk\city commission\agreements\legal services expert witness clinch park waterscape



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: WINTER SALT ORDER

Attached are memos from Dave Green, DPS Director, and Mark Jones, Streets Superintendent, regarding the approval to order winter road salt for ice control for the winter of 2015-2016.

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

that the Acting City Manager be authorized to approve ordering 1,000 tons of bulk salt and 300 tons of backup salt through the State of Michigan's MIDeal program.

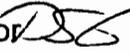
PH/jd

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

Memorandum

The City of Traverse City
Department of Public Services



TO: Penny Hill, Acting City Manager
FROM: Dave Green, DPS Director 
DATE: March 30, 2015
SUBJECT: 2015-16 Salt Order

Attached is a memorandum from Mark Jones, Streets Superintendent, requesting approval to order winter road salt for ice control for the winter of 2015-2016.

We purchase road salt through the State of Michigan extended purchasing program, taking advantage of the lowest prices available to the State. We actually have to place our order now for next winter's salt because the State combines the demand from all of the State's municipalities into one large bid. The actual price that we will pay does not become available until the bid is awarded and the salt is ready for delivery. But by placing an order now, we are committed to paying for the salt in the fall. Because funds are being committed, we think it appropriate that the City Commission approve the order that is being placed now, and then approve the actual expenditure of funds in the fall.

Mark estimates the need for 1000 tons of early delivery salt and 300 tons of backup salt. As Mark explains in his memo, we have some flexibility on how much of the backup salt we actually have delivered.

Please request City Commission approval to order 1000 tons of bulk salt and 300 tons of backup salt through the State of Michigan's MIDEAL program.

Memorandum

To: Dave Green, DPS Director
From: Mark Jones, Street Superintendent
Date: 03-13-15 
Subject: 2015/2016 MIDEAL Salt Commitment

As in the past, the City has arranged for the purchase of its yearly road salt supply through the State of Michigan extended purchasing service. The State of Michigan takes bids for bulk deliveries with drop points to various agencies. Every year in March all agencies are asked for the tonnage of salt they will need for the upcoming year. By doing this they can go out for bids and receive the lowest price for bulk salt, this commitment locks the agencies in for the purchase. (MIDEAL Road Salt Contract) Normally in August we receive the finalized contract with the lowest bid price for all agencies. By participating in the MIDEAL Road Salt Contract all agencies are guaranteed the quantity they requested. The salt vendor is required to keep 30% extra in case of a heavy winter and all agencies are only required to accept 70% of their backup salt commitment. As a rule, every year salt and delivery prices increase so it makes sense to accept the full amount contracted.

Please request City commission approval for a commitment order of 1000 tons early delivery of bulk salt and 300 tons of seasonal back up salt.

Please see chart to follow which shows the last seven years of salt purchased by the City, this chart shows the year by year increases and may help to understand what we can expect for increases in the 2015/2016 season.

Necessary funds will be budgeted in the Street Division and Highway maintenance accounts for these purchases.

Salt Early Delivery and Backup Salt Delivery

	TONS ORDERED			Annual Total Cost
2008 Early Delivery	2000	\$48.14 per ton	\$96,280	
2009 Backup Delivery	300	\$49.32 per ton	\$14,796	\$111,076
2009 Early Delivery	2000	\$59.17 per ton	\$118,340	
2010 Backup Delivery	300	\$60.67 per ton	\$18,201	\$136,541
2010 Early Delivery	2000	\$61.24 per ton	\$122,480	
2011 Backup Delivery	300	\$62.79 per ton	\$18,837	\$141,317
2011 Early Delivery	1500	\$65.95 per ton	\$98,925	
2012 Backup Delivery	500	\$65.68 per ton	\$32,840	\$131,765
2012 Early Delivery	1000	\$65.61 per ton	\$65,610	
2013 Backup Delivery	300	\$65.35 per ton	\$19,605	\$85,215
2013 Early Delivery	1500	\$55.63 per ton	\$83,445	
2014 Backup Delivery	500	\$55.41 per ton	\$27,705	\$111,150
2014 Early Delivery	2000	\$70.78 per ton	\$141,560	
2015 Early Delivery	500	\$71.05 per ton	\$35,525	\$177,085
2015 Early Delivery	1000	\$	\$	
2016 Backup	300			



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: 2015 ACT 51 MAP CORRECTIONS

Attached is a memo from Director of Public Services Dave Green regarding a correction to the Act 51 map. The City receives funding based on streets we maintain that are included in the Act 51 map.

As a housekeeping matter to ensure we are not receiving funding for streets we are not maintaining, Sheffer Street, between Centre Street and Woodmere Avenue, should be deleted from the map as we are not maintaining it.

I recommend the following motion:

that the Resolution for Decertification of Sheffer Street, which decertifies Sheffer Street between Centre Place Street and Woodmere Avenue, be adopted.

PH/bcm

K:\tcclerk\city commission\resolutions\sheffer street decertification

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 25, 2015

SUBJECT: 2015 Act 51 Map Corrections

Street Deletions to the Act 51 Local Street System

Upon review of the Act 51 Map it was noticed that it still shows a stub segment of Sheffer Street running between Center Place and Woodmere Avenue. This short 185 feet of Sheffer Street has been eliminated and therefore the map needs to be corrected.

In order to edit or change the official Act 51 map the City Commission needs to adopt a resolution for each street stating whether the street will be added or deleted from the local street system thereby adding or subtracting money from the maintenance funding overall. Since the street isn't there, we should not be receiving money to maintain it.

Please have the City Commission adopt a resolution to declare this segment of Sheffer Street decertified and deleted from the official Act 51 map. After the resolution is adopted, it will be sent to MDOT to complete the process to edit the map.

The City of Traverse City

Office of the City Clerk

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
tcclerk@traversecitymi.gov



**RESOLUTION FOR DECERTIFICATION OF
SHEFFER STREET**

Because, the City of Traverse City wishes to decertify a portion of Sheffer Street, located between Centre Place Street and Woodmere Avenue; and,

Because, the decertification length of Sheffer Street would total 185 feet; now, therefore, be it,

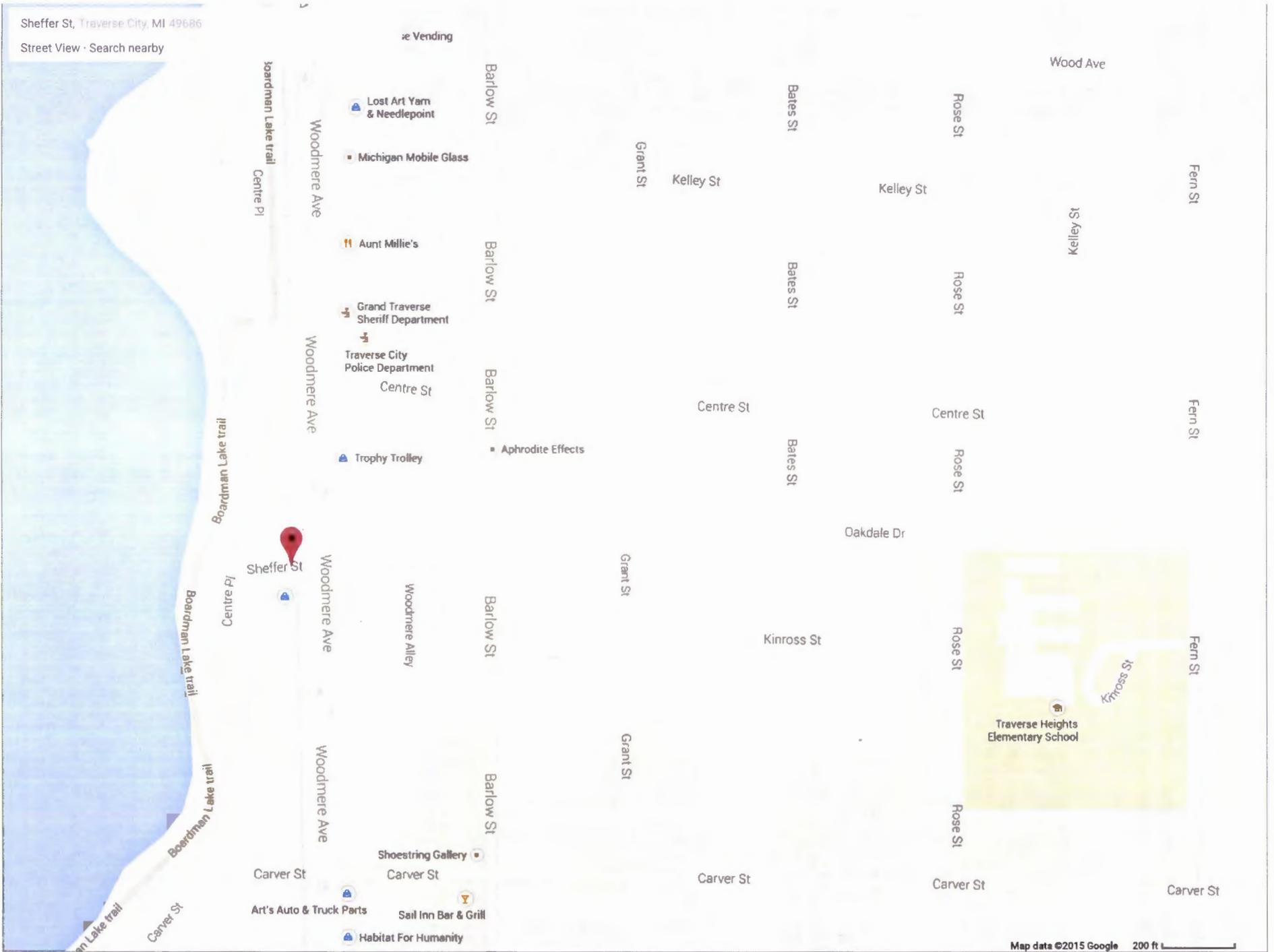
RESOLVED, the City Commission of the City of Traverse City hereby authorizes the decertification of Sheffer Street, located between Centre Street and Woodmere Avenue.

I certify that the above Resolution was adopted by the City Commission of the City of Traverse City at its regular meeting held on April 6, 2015, in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin C. Marentette, MMC, City Clerk

Sheffer St, Traverse City, MI 49686

Street View · Search nearby





The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: WATER TREATMENT PLANT HIGH/LOW SERVICE
PUMP MAINTENANCE PROJECT COST INCREASE

Attached are memos from Dave Green, DPS Director, and Art Krueger, Water Treatment Plant Superintendent, requesting additional repair work on the high service pump #3 and low service pump #1 at the Water Treatment Plant.

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

that the competitive bidding process be waived; and that the Acting City Manager be authorized to issue a service order to Northern Pump & Well in the amount of \$15,166.35 for additional work on high service pump #3 and low service pump #1 with funds available in the Water Fund.

PH/jd

cc: Dave Green, DPS Director
Art Krueger, Water Treatment Plant Superintendent

Memorandum

The City of Traverse City
Department of Public Services



TO: Penny Hill, Acting City Manager

FROM: Dave Green, DPS Director 

DATE: March 27, 2015

SUBJECT: WTP High/Low Service Pump Maintenance Project Cost Increase

Attached is a memorandum from Art Krueger, Water Treatment Plant Superintendent, explaining the status of the High Service and Low Service Pump Maintenance Project the City Commission authorized staff to begin last month. As Art details, when the contractor got into the removal of the existing pumps, the age and fragility of some of the pump components became evident and triggered the need for additional work and replacement parts while the pumps were out of the wet wells.

I concur with Mr. Krueger's assessment that spending an additional \$7,600 per pump for the additional required repair work needed to strengthen their long term performance should be done and preferably now while they are out of service.

Therefore, please request City Commission approval for a service order to be issued to Northern Pump & Well in the amount of \$15,166.35 for additional work on high service pump #3 and low service pump #1 with required funds available in the Water Fund.

Memorandum

City of Traverse City
Water Treatment Plant

TO: Dave Green, DPS Director
FROM: Art Krueger, WTP Superintendent 
DATE: March 26, 2015
SUBJECT: Additional Cost for Vertical Turbine Pump Repairs

On March 2, 2015 the City Commission approved the repair of high service pump #3 and low service pump #1 and authorized staff to issue a service order to the low bidder, Northern Pump & Well for a total of \$27,592 for this repair work. The original bid amount was \$20,000 with an added option to replace the motor windings on high service pump #3 for \$7,592. This will allow the installation of a Variable Frequency Drive (VFD) to maintain water system pressure when the Barlow Reservoir is taken out of service for repairs or reconstruction in the near future.

The pumps were removed on March 9 and 10 and transported to Northern Pump & Well in Lansing, Michigan to complete the repairs. During the pump removal and inspection, some unforeseen issues became evident that were not part of the original bid scope of work. In other words, once the removal work started and the contractor got deeper into the project, they discovered more critical issues with some of the materials. These included seized threads and interior pipe deterioration of the original (1965) 12-inch diameter vertical column pipes which transport water from the wet well below to the discharge pipe leaving the building. For both pumps, the column pipes had to be cut with a torch into sufficient lengths to allow removal. Also, the stainless steel motor shafts that run from the motor through the center of the column pipes down to the pump bowls in the wet well were badly worn and need to be replaced. Three (3) additional spyder bearings along the motor shafts also need to be replaced. The additional cost to replace all these items is \$15,166.35.

In summary, the original bid from Northern Pump & Well was \$20,000 to remove, repair and reinstall both pumps. We added the task of replacing the old motor windings on high service pump #3 for an additional \$7,592. Adding the necessary repair cost of \$15,166.35, the revised total (without replacing the motor windings on high service pump #3) is \$35,166.35, which is still below the next lowest bid of \$42,100 by Peerless Midwest.

Therefore, in an effort to maintain pump reliability at both the high service and low service pump stations, please request City Commission approval to issue a service order to Northern Pump & Well for the additional repairs for \$15,166.35 with funds available in the Water Fund.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: TECHNICAL ASSISTANCE FOR BRIDGE DESIGN

Attached is a memo from City Engineer Timothy Lodge recommending an agreement for technical assistance associated with bridge design which will augment the efforts of the City Engineering Department in ensuring proper completion of the following bridge projects:

- Pine Street Pedestrian Bridge
- West Front Street Bridge Replacement
- Eighth Street Bridge Superstructure Replacement

As indicated by the City Engineer, AECOM has worked with the City since 2010 on a number of bridge projects; therefore, competitive bids were not sought for this professional service.

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

that the competitive bidding process be waived; and that the Mayor and City Clerk execute a consultant agreement with AECOM in the amount of \$9,980 for technical assistance associated with bridge design for the Pine Street Pedestrian Bridge, West Front Street Bridge Replacement and Eighth Street Bridge Superstructure Replacement, with funds available in the Public Improvements Fund, such agreement subject to approval as to its substance by the Acting City Manager and its form by the City Attorney.

PH/bcm

K:\tcclerk\city commission\agreements\bridge design services

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 *TJL*
DATE: March 31, 2015
SUBJECT: Technical Assistance for Bridge Design

Currently the Engineering Department is working on the design of three bridge projects for construction in the next 12 to 18 months. We have asked AECOM to support the design effort with as-needed technical assistance for structural engineering as we complete the bridge designs as follows:

1. **Pine Street Pedestrian Bridge:** Review the design calculations and reinforcement design for the spread footing abutments.
2. **West Front Street Bridge Replacement:** Design of spread box beam superstructure, design of bridge slab and screed elevations, substructure reinforcement design.
3. **8th Street Bridge Superstructure Replacement:** Design of spread box beam superstructure, design of bridge slab and screed elevations.

AECOM has worked with the City on an as needed basis for the City's bridges since 2010. They have extensive experience in the design of short and medium span bridge rehabilitation and replacement. Furthermore, they have the technical staff and resources to efficiently provide the as-needed services to the City.

Therefore, we recommend that the City Commission authorize executing a consultant agreement with AECOM in the amount of \$9,980.00 with funds available in the Public Improvements Fund, subject to approval as to substance by the City Manager and as to form by the City Attorney.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER *PH*

SUBJECT: #2 DIESEL FUEL PURCHASE

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

The following is a summary of these bids.

<u>Vendor</u>	<u>City</u>	<u>Price/gallon</u>
Brenner Oil	Mount Pleasant	\$1.91875
Lemmen Oil	Coopersville	\$1.94125
Crystal Flash	Traverse City	\$1.9594
Blarney Castle	Traverse City	Did not bid
Fick & Sons	Grayling	Did not bid
Schmuckal Oil	Traverse City	Did not bid
Gilbert,s Service	Traverse City	Did not bid

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

that the Acting City Manager be authorized to issue a confirming purchase order in the amount of \$19,193.26 to Brenner Oil Co. for 10,003 gallons of dyed #2 diesel fuel without additives priced at \$1.91875 per gallon with funds available in the Garage Fund.

PH/wb

The previous purchase price on 2/2/15 was \$1.79075 per gallon.

K:\tcclerk\city commission\purchase orders\diesel fuel 20150406



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: GARAGE DOORS AT TRAVERSE CITY FIRE STATION #2

Attached is a memo from Jim Tuller, Fire Chief, outlining the bids received for the Overhead Garage Door replacement project at Traverse City Fire Station #2, 1313 East 8th Street.

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

that the Acting City Manager be authorized to issue a purchase order to Affordable Door and Gate in the amount of \$9,738.00 for the Overhead Garage Doors at Fire Station #2, 1313 East 8th Street, with funds available in the Traverse City Fire Department Capital Improvement Fund.

PH/jd

cc: Jim Tuller, Fire Chief

Communication

From the Office of the Fire Chief

The City of Traverse City

Fire Department



Station 01, 500 West Front Street, Traverse City MI 49684

(231) 922-4930 Ext. 2

Thursday March 26, 2015

TO: Penny Hill, Interim City Manager

REF: Capital Improvement Project – TCFD Station 02 Overhead Door Replacement

Penny,

As part of the approved Capital Improvement process for the 2014-2015 Budget, the TCFD is seeking to replace the overhead doors at Station 02, 1313 East 8th Street. Funds are in the current Capital Improvement Fund to proceed with this project.

The project includes:

- Replacement of 3 overhead doors with a Raynor brand model TC300 or equivalent. The Raynor brand provides for an industrial grade door and associated hardware that is suited for the heavy use unlike the residential grade doors, springs and tracking currently in service.
- Replacement of current tracking, hardware, and weather seals.
- Replacement of current lifting springs with 50K high-cycle heavy duty springs.

4 bids were received:

- | | |
|--|-------------|
| ➤ Cadillac Garage Door, Cadillac MI (not to bid spec) | \$7998.00 |
| ➤ Overhead Door Co. of Grand Traverse, TC area (not to bid spec) | \$10,363.00 |
| ➤ Grand Traverse Garage Door Co., TC area (not to bid spec) | \$7,898.00 |
| ➤ Affordable Door & Gate, Muskegon MI (complied with bid spec) | \$9738.00 |

After review of the above packets, it is my recommendation to award the project to Affordable Door & Gate of Muskegon, MI for a project cost of \$9738.00.

I am available at any time to review this project.

A handwritten signature in blue ink, appearing to read "Chief Tuller". The signature is written in a cursive, flowing style.

Chief Tuller,
T.C.F.D.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: ACCESSORY DWELLING UNIT REGULATIONS

Attached you will find various ordinance amendments that would allow Accessory Dwelling Units within the City. As previously discussed, these amendments would limit the number of Accessory Dwelling Units to ten per calendar year and would require all Accessory Dwelling Units to be registered with the City Clerk's Office.

You will also find attached a previously submitted memo from Planning Director Russell Soyring and draft Administrative Rules for Accessory Dwelling Units to illustrate the process to be followed for registering these units. Also attached is a memo from City Attorney Lauren Tribble-Laucht addressing questions raised by the Commission regarding Accessory Dwelling Units. As referenced in the final paragraph of the City Attorney's memo, the Planning Director has added suggested language at the beginning of Chapter 1332 to outline the purpose of the ordinance.

Later in this memo, you will find five sample motions for your consideration, which were outlined in the email sent to you previously by City Clerk Benjamin Marentette on March 16. The action of each motion is as follows:

1. To enact the ordinance amendment as presented
2. To enact the ordinance amendment with changes
3. To refer the enactment of the ordinance amendment to a specific meeting
4. To refer the ordinance amendment back to the Planning Commission for examination of particular issue(s)
5. To withdraw the ordinance

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.

The following are sample motions relating to this ordinance amendment:

1 - to enact the ordinance as presented

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, which was introduced on February 17, 2015, be enacted with an effective date of April 16, 2015.

2 – to enact the ordinance with changes

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, be enacted with the following changes: _____, with an effective date of April 16, 2015.

3 – to refer the enactment of the ordinance to a specific meeting

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 referred to the _____, City Commission Meeting.

-Please see following page for additional sample motions-

4 – to refer the ordinance to the Planning Commission to examine particular issue(s)

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, be referred to the Planning Commission to examine_____.

5 – to withdraw the amendment

that the City Commission deny 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, which was introduced on February 17, 2015, be withdrawn.

PH/bcm

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copy: Russell Soyring, Planning Director

Memorandum

The City of Traverse City



TO: City Commission
FROM: Lauren Tribble-Laucht, City Attorney *LL*
COPY: Russ Soyering, Planning Director
DATE: March 30, 2015
SUBJECT: *Questions Regarding ADUs*

You have asked me to provide you more information regarding the following two questions as they relate to ADUs:

1. Is it possible to include a sunset provision in the proposed ordinance?

Although a “sunset” or “reversion” provision could be inserted into the ordinance there are some concerns with this approach. These provisions have been upheld in some jurisdictions, but some courts that have considered the issue have held that an automatic reversion amounts to a second rezoning which would require compliance with statutory procedures for notice and hearing. In addition, the reversion may be held to constitute a forfeiture of substantive land use decisionmaking authority. Other courts have expressly held that a reversion clause is valid if notice is given and a hearing is held upon repeal. 3 Rathkopf's The Law of Zoning and Planning § 44:6 (4th ed.). Additionally, if the goal of the sunset provision is to revoke any ADUs that have been constructed and used in the year after the ordinance is in place, there may be an argument that this is a taking. If the goal is simply to ensure that the City Commission will review the ordinance after a year and consider any adjustments at that time, it could be simply calendared for this action by the Clerk's office. This is something that the City Clerk regularly administers with different issues that come before the Commission and it could be treated in the same manner in this instance.

2. Is the proposed owner-occupancy requirement supported by relevant law?

The short answer to this question is yes, but I recommend adding language to the ordinance to clarify the purpose and intent so that if challenged it is clear that the reasons for the owner occupancy requirement are rationally related to the use of the land and not the identity of the land user.

The Michigan Zoning Enabling Act authorizes the regulation of the use to which a particular land may be put. The regulation must be for the following purposes:

125.3201 Regulation of land development and establishment of districts; provisions; uniformity of regulations; designations; limitations. Sec. 201. (1) A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

Thus, under the Act, the City has the authority to regulate the use to which its citizens may put their property. Courts generally find that this ability does not give a municipality the ability to adopt zoning regulations based on the identity of the user of the land in question. Rathkopf § 81:7. Some regulations that have sought to place a condition of owner occupancy related to land use have been upheld. For example in *Sonheim v City of San Dimas*, 55 Cal Rptr 2d (1996), landowners filed an application for a conditional use permit to build a second residential unit on their property. The permit was granted on the condition that an owner occupy the property. The landowners challenged the condition alleging that the condition was invalid as a regulation of the identity of a person occupying the land. Not a regulation of the use of the land. In analyzing the validity of the condition, the court examined the city's reason for offering conditional use permits for accessory dwelling units. The court determined that the primary purposes were to create more affordable housing in existing neighborhoods, help homeowners defer the high cost of home mortgages with rental income, permit family members to dwell in close proximity, provide additional security, and to preserve the character of the existing family neighborhoods. The court determined that all of these goals were furthered by requiring owner-occupancy and therefore the condition was related to the use of the land. The court further found that the condition was rationally related to preventing disruption in the stability of the neighborhoods, speculation and absentee ownership.

In *Kasper v Town of Brookhaven*, 142 AD2d 213 (New York S. Ct. 1988), an ordinance requiring owner occupancy of the principal dwelling in order to obtain a special permit to maintain an accessory dwelling unit was challenged. Two of the challenges to the ordinance were that it violated the equal protection clause because it drew "an irrational distinction between owners who occupy their homes and those who do not;" and "impermissibly regulates the users of the property rather than the use." The court found that the ordinance did not violate the equal protection clause, stating that "a classification scheme such as the one at bar ... will pass constitutional muster if it is adopted for a legitimate governmental purpose ... and is reasonably related to some manifest evil. ..." The court found the ordinance to be constitutional, looking to

the statement of purpose in the ordinance, which emphasized the importance of supplying moderately priced, desperately needed housing and providing single family homeowner-occupants with additional income to ameliorate their financial burdens. The court found these to be legitimate purposes and that the owner-occupancy restriction was a legitimate method to achieve them. As for the plaintiff's argument that the regulation required users of land versus use of land the court quoted the following:

that the users of the retirement community district have been considered in creating the zoning classification does not necessarily render the amendment suspect, nor does it clash with traditional use concepts of zoning. Including the needs of potential users cannot be disassociated from sensible community planning based upon the use to which property is to be put. At 223.

The court then stated:

In similar fashion, the Town of Brookhaven has appropriately considered ... the economic plight of occupying homeowners and the obvious benefits which will accrue to the community as a whole in enacting the accessory-apartments law. Significantly, the legislation challenged herein does not attach a personal condition to any individual landowner, nor is it unrelated to the use of property within the town. *Id.*

These two cases can be distinguished from cases where the courts have found that owner occupancy restrictions violate equal protection and the principle that zoning ordinances regulate land uses and not land users. In *Coalition Advocating Legal Housing Options v. City of Santa Monica*, 105 Cal Rptr 2d 802 (2001), the court struck down an ordinance that restricted occupancy of the accessory dwelling unit to a property owner, his dependent, or a care giver for the property owner or dependent. The court explained that this provision violated the right to privacy guaranteed by the California constitution stating that the right to privacy encompasses the right to choose who will live in an accessory dwelling unit. The court also found that the provision violated equal protection since the differing treatment of unrelated renters does not bear a rational relationship to the government's stated purpose of preventing undue concentration of population and traffic. In other words, the owner, dependent, or care giver occupant could create just as much traffic (or more) or contribute just as much to overcrowding (or more) as a non-owner, caregiver, or dependent renters.

In *College Area Renters and Landlord Association v City of San Diego*, 50 Cal Rptr 2d 515 (1996), an ordinance regulating the number of adults that could live in non-owner occupied accessory dwelling units was struck down on equal protection grounds. The court stated that equal protection requires that persons similarly situated receive like treatment unless there is a sufficient relationship between the distinction and the problem the government is attempting to address. "Here, the purpose of the law is to address problems associated with excessive occupancy of detached homes in a single-family residence zone. There is not a sufficient

connection with the classification and the cure – both owner occupied and non-owner occupied [accessory dwelling units] can cause overcrowding.”

I believe the owner occupancy requirement in the City’s proposed ADU ordinance is most similar to the regulations discussed in *Sonheim* and *Kasper*. However, in order to make this more clear I recommend including a “purpose” section in the ordinance or in the resolution adopting the ordinance. This section would specifically refer to the reasons for the owner occupancy requirement such as to help the homeowner better afford home ownership and provide necessary affordable housing. I have discussed this recommendation with the Planning Director and he has drafted language for your consideration. Please let me know if you have questions or would like to discuss this information further. Thank you.

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 Height's neighborhood.

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

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

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

Memorandum

The City of Traverse City
Planning Department



Construction of accessory dwelling units would assist with the following:

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

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

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

Attachment: Draft Regulations



**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 April 16, 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 this Code.

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 Section 1332.01, *Uses Allowed*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

The intent of this section is to:

1. Preserve and maintain the character of predominately single-family residential neighborhoods while broadening housing choices.
2. Have owner-occupancy to provide the necessary on-site supervision that enhances maintenance and the preservation of the character of the City's single-family neighborhoods.
3. Prevent disruption in the stability of the single family neighborhoods, speculation and absentee ownership.
4. Diversify housing options and create more affordable housing within existing single family neighborhoods.
5. Enhance neighborhood stability by providing extra income that potentially could allow homeowners to live in their houses longer and maintain their property better.
6. Provide homeowners with a means of accommodating extended families, companionship, security, or services through tenants in either the accessory dwelling unit or principal dwelling.

1332.01 USES ALLOWED.

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

- Accessory Dwelling Units meeting the following requirements:
 - (1) The existing site and use are substantially in compliance with this Zoning Code.
 - (2) There shall be a maximum limit of ten (10) newly registered Accessory Dwelling Units per calendar year.
 - (3) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.
 - (4) Only one accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
 - (5) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.
 - (6) Accessory dwelling units must meet the following additional requirements:

- i. Location of entrances. Only one entrance may be located on the façade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - ii. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling.
- (7) Individual site plans, floor plans, elevation drawings and building plans for the proposed accessory dwelling unit shall be submitted with the application for a land use permit.
 - (8) The accessory dwelling unit incorporated in the principal dwelling may be no more than 800 square feet or the size of the principal dwelling, whichever is less. A unit in an accessory building may not exceed 800 square feet and must meet all the requirements of Section 1332.07. The accessory dwelling unit must have at least 250 square feet of gross floor area.
 - (9) At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit. The owner occupant shall meet the requirements for a principal residence tax exemption.
 - (10) The accessory dwelling unit will be registered with the City Clerk's Office.
- Adult foster care family home;
 - Athletic fields;
 - Boat houses if they are an accessory use, if they are designed for housing a boat, if provisions are made for routing of any boardwalk, and if proper State and federal permits are obtained;
 - Community Gardens;
 - Dwellings, single family;
 - Essential services;
 - Golf courses;
 - Home occupations subject to the following conditions:
 - (1) A home occupation shall be conducted within the dwelling which is the bona fide residence of the principal practitioner of the occupation, or in a building accessory to such dwelling.
 - (2) All business activity and storage shall take place within the interior of the dwelling and/or accessory building.
 - (3) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (4) The home occupation shall not generate vehicular traffic beyond eight trip-ends per day.
 - (5) Only off-street parking facilities customary for a residential use and located on the premises may be used.
 - (6) No vehicles used in the conduct of the occupation may be parked, kept or otherwise be present on the premises, other than such as are customarily used for domestic or household purposes.
 - (7) Home occupations shall be conducted solely by persons residing at the residence, and no more than two such persons shall be employed in the home occupation.
 - (8) Any sign identifying the occupation must conform to the regulations of Traverse City Code Chapter 1476, *Signs*.

- (9) No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
 - (10) Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.
 - (11) The use shall not generate noise, vibration or odors detectible beyond the property line.
- Medical Marihuana Cultivation on a Parcel containing one Single Family Dwelling meeting the following requirements:
 - (1) No more than the maximum number of plants one (1) person may cultivate under the Michigan Medical Marihuana Act shall be cultivated per Parcel;
 - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
 - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the Parcel and shall not be visible from an adjoining public way;
 - (5) The Principal Use of the Parcel shall be a Dwelling and shall be in actual use as such.
 - (6) No transfer of Medical 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.

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

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 APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: 2015 WEST FRONT STREET RECONSTRUCTION PROJECT

Attached is a memo from City Engineer Timothy Lodge regarding the above project. As explained by the City Engineer, the base bid for the recommended contractor is \$2,212,200.30. The City Engineer recommends adding the bid alternates for brick pavers and holiday lighting, which would bring the contract amount to \$2,289,686.

We recommend the following actions from the Commission:

1. Authorize a funding agreement with Traverse City Light and Power for it to provide up to \$527,000 for street lighting
2. Authorize a unit prices construction contract with Crawford Contracting in the amount of \$2,289,686, more or less, for the project, which includes bid alternates for brick pavers and holiday lighting
3. Authorize an agreement with Otwell Mawby, P.C., in the amount of \$8,868 for material testing and testing documentation, which is required because we received funding from the State of Michigan
4. Authorize an amendment to the agreement with Influence Design Forum to increase the scope of their services by \$7,000 to include services during the construction of the project
5. Authorize a purchase order to Carrier and Gable, our standard supplier of traffic signal equipment in the amount of \$41,330 for traffic signal equipment to be installed at the Front/Hall/Wadsworth Street intersection

-Please see following page for recommended motion-

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

that the Mayor and City Clerk execute a funding agreement with Traverse City Light and Power for it to provide funding for street lighting associated with the West Front Street Reconstruction Project in the amount not-to-exceed \$527,000; and

that the Mayor and City Clerk execute a unit prices construction contract with Crawford Contracting in the amount of \$2,289,686, more or less, at the unit prices indicated in its bid for the 2015 West Front Street Reconstruction Project; and

that the Mayor and City Clerk execute a consultant agreement with Otwell Mawby, P.C. in the amount of \$8,868 for required material testing and testing documentation associated with the 2015 West Front Street Reconstruction project; and

that the Mayor and City Clerk execute an amendment to the consultant agreement with IDF, LLC (Influence Design Forum), originally authorized October 6, 2014, in the amount of \$7,000 for design services associated with the 2015 West Front Street Reconstruction Project,

with the agreements subject to approval as to their substance by the Acting City Manager and their form by the City Attorney; and further

that the competitive bidding process be waived and the Acting City Manager be authorized to issue a purchase order to Carrier and Gable, Inc., in the amount of \$41,330 for traffic signal equipment to be installed at the Front/Hall/Wadsworth intersection,

with funds available for the agreements and purchase order to be provided as indicated in the West Front Street Reconstruction Project Funding Breakdown dated March 31, 2015.

PH/bcm

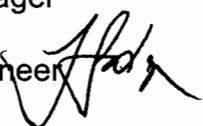
K:\tcclerk\city commission\agreements\west front street reconstruction project 2015

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: March 31, 2015
SUBJECT: 2015 West Front Street Reconstruction Project

As discussed at the February 9, 2015 City Commission Study Session and last week at the Special City Commission meeting for the project sealed bids were received on March 19, 2015 for the above referenced project. Two bids were received for this work as follows:

Crawford Contracting, Inc	Traverse City	\$2,212,200.30
Elmers	Traverse City	\$2,290,246.46

We have reviewed the bids received and the low bid contractor's experience with clients on similar projects in the past and found that the low bid contractor is capable of performing the work for this project. The City has worked successfully with the personnel assigned to the project on the Woodmere Avenue, Phase I and Railroad Avenue Reconstruction Projects in the past as well.

The bid amounts above include unit pricing for 120 individual work items including the items for street trees and illuminated cross walk signs at the mid-block. In addition, we included alternate work items for the project as follows:

1. Construct brick pavers in lieu of concrete sidewalk, would add \$78,400 to \$104,900 to the above base bid depending on the brick material selection. The brick pavers are included in the SID funded portion of the project. We are exploring the use of salvaged bricks from Clinch Park as an option to reduce project costs.
2. Use cast iron instead of brick red colored composite plastic ADA tactile detectible warning surfaces would add \$22,880 to the above base bid.
3. Use either of two alternate light fixture and pole combinations for the pedestrian scale lighting would deduct \$29,710 to \$61,815 to the above base bid depending on the lighting material selection.
4. Use either of two alternate bollard and bollard foundations would deduct \$5,620 to \$6,660 to the above base bid depending on the bollard material selection.
5. Add banner arms for the roadway lighting poles instead of salvaging and re-using the existing banner arms would add \$26,560 to the above base bid.

6. Include a holiday outlet/lighting circuit to the pedestrian scale poles would add \$24,600 to \$39,565 to the above base bid.

At the Special Meeting held on March 23 the City Commission established the scope of work for the \$250,000 SID to include the mid-block crosswalks, brick paver accents, future tree wells, bollards, street furniture and banner poles. The street trees, tree grates, irrigation and illuminated cross walk signs at the mid-block crosswalks mentioned in our March 19 communication for the meeting are included in the project bid and will be paid using other City funds.

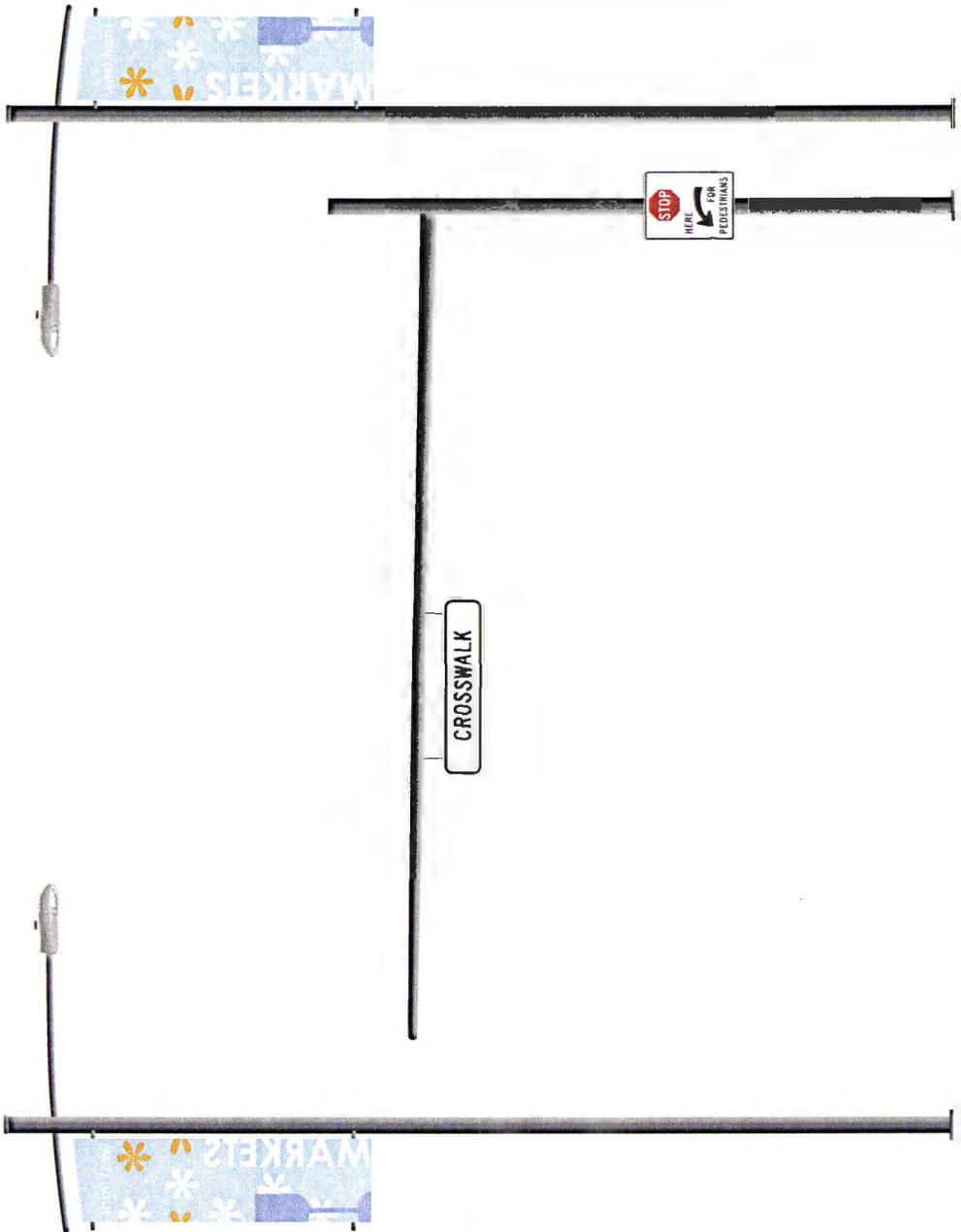
In our detailed review of the street lighting portion of the bids we concluded that reducing the pedestrian scale lighting by four fixtures, from 41 to 37 will reduce the contract amount to be within the \$527,000 budgeted by TCLP. This will allow us to keep the wood poles for additional architectural character for the project. We have attached a visual reference of the selected pole and fixture for your reference. *We recommend the proper City officials be authorized to execute an agreement to provide funds with TCLP for the project street lighting in the amount not to exceed \$527,000.*

With the inclusion of brick pavers and holiday lighting and the modifications to the lighting to have it fall below the TCLP funding amount the final recommended contract amount is \$2,289,686. *Therefore, it is recommended that this work be awarded to Crawford Contracting, Inc. and that the proper City officials be authorized to execute a contract with the above-mentioned low bidder, in the amount of \$2,289,686.00, more or less, with funds available as outlined in the attached Project recommended Final Funding Breakdown.*

Transportation projects funded with state funds require rigorous material testing and testing documentation. To meet this requirement, we have solicited proposals from consultants for construction testing for the above referenced project. Four firms responding to our request and after reviewing the submittals, *we recommend executing a consultant agreement with Otwell Mawby, P.C. in the amount of \$8,868 with funds available as outlined in the attached Project recommended Final Funding Breakdown, subject to approval as to substance by the City Manager and as to form by the City Attorney.*

We have been working with our project consultant, Influence Design Forum (IDF), and recommend an Amendment to their existing Consultant Agreement in the amount of \$7,000 for services during the construction of the project to increase the existing contract amount from \$35,100 to \$42,100.

Finally, we have provided a March 4, 2015 communication in regard to the installation of a traffic signal at the Front/Hall/Wadsworth Street intersection. The traffic signal will work in conjunction with the mid-block cross walks, curb extensions and other project features. It is recommended at this time as we are reconstructing the street and sidewalks and it is the most cost effective time to install the traffic signal underground conduit, foundations and related work. The location has been studied and monitored in depth since 2001. We are aware of the neighborhood concerns and will continue to monitor the intersection for the impacts of the traffic signal. *Therefore we recommend issuing a purchase order to Carrier and Gable, Inc. for the traffic signal equipment in the amount of \$41,330.00.* The contractor for the project will install the underground items and TCLP will install and set up the traffic signal operation. We will consult with MDOT and AECOM/URS our traffic signal consultant for optimizing the signal timing and coordination with other traffic signals in the corridor.



West Front Street Reconstruction Project

Description	Pre-Bid Engineer Estimate 2-25-15	Recommended Final Contract 3-30-15
Street and Drainage System Construction	\$1,042,500	\$991,291
Streetscapes/Traffic Calming	\$243,800	\$434,800
Water Distribution	\$224,300	\$240,000
Sanitary Sewer	\$18,700	\$22,500
Lighting (Incl Engineering & Contingency)	\$527,000	\$527,000
Holiday Lighting Circuit and Communication Conduit	\$125,000	\$65,425
Traffic Signal (Hall/Wadsworth/Front)	\$80,000	\$80,000
Parking Meters and Equipment	\$40,000	\$40,000
Street Construction Contingency (2%)	\$31,386	\$0
Subtotal Construction Estimated Amount	\$2,332,686	\$2,401,016
Engineering (In House Water/Sewer)	\$28,000	\$28,000
Street Design Consultants	\$48,000	\$58,700
Construction Consultants	\$32,000	\$17,500
Construction Testing	\$0	\$8,868
Subtotal Engineering	\$108,000	\$113,068
Total Project Estimated Amount	\$2,440,686	\$2,514,084
Funding Breakdown (Recommended Final)		
MDOT Roads and Risks Reserve (RRR) Fund	\$1,000,000	\$1,000,000
Water Fund	\$257,510	\$265,000
Sewer Fund	\$24,750	\$26,000
Brownfield Reimbursement (CVS)	\$125,000	\$125,000
Parking System	\$40,000	\$40,000
Special Assessment (25% Grant Match Pending SID Process)	\$250,000	\$250,000
TCLP (Reduce scope to \$527,000)	\$527,000	\$527,000
TIF Funding (Approved 2-20-15 Meeting)	\$80,000	\$80,000
Corridor Funds (2015/16)	\$100,000	\$75,000
Traffic Calming Funds (2015/16)	\$0	\$50,000
Economic Development Fund	\$0	\$75,000
Utility Company Reimbursement	\$5,000	\$5,000
TWC Stormwater	\$12,000	\$12,000
Total Project Funds	\$2,421,260	\$2,530,000
Surplus/(Deficit)	(\$19,426)	\$15,916

Contractor Bids were received on March 19 and the lowest bid amount of the two bids was \$2,212,200 which exceeds the pre-bid estimate amount of \$2,070,095 by more than \$142,100. A project funding summary will be presented at the April 6 City Commission Meeting authorizing the various contracts for the project

West Front Street Reconstruction Project

Description	Recommended Final Contract 3-30-15
Crawford Contracting, Inc	\$2,289,686
Street Furniture	\$30,000
Traffic Signal Equipment	\$41,330
Parking Meters and Equipment	\$40,000
Construction Contingency (0%)	\$0
Subtotal Construction Estimated Amount	\$2,401,016
Engineering (In House Water/Sewer)	\$28,000
Street Design Consultants	\$58,700
Construction Consultants (Contracts less than \$7,000)	\$17,500
Construction Testing	\$8,868
Subtotal Engineering	\$113,068
Total Project Estimated Amount	\$2,514,084
Funding Breakdown (Recommended Final)	
MDOT Roads and Risks Reserve (RRR) Fund	\$1,000,000
Water Fund	\$265,000
Sewer Fund	\$26,000
Brownfield Reimbursement (in 2025)	\$125,000
Parking System	\$40,000
Special Assessment (25% Grant Match Pending SID Process)	\$250,000
TCLP (Reduce scope to \$527,000)	\$527,000
TIF Funding (Approved 2-20-15 Meeting)	\$80,000
Corridor Funds (2015/16)	\$75,000
Traffic Calming Funds (2015/16)	\$50,000
Economic Development Fund	\$75,000
Utility Company Reimbursement	\$5,000
TWC Stormwater Grant	\$12,000
Total Project Funds	\$2,530,000
Surplus/(Deficit)	\$15,916

Contractor Bids were received on March 19 and the lowest bid amount of the two bids was \$2,212,200 which exceeds the pre-bid estimate amount of \$2,070,095 by more than \$142,100. A project funding summary will be presented at the April 6 City Commission Meeting authorizing the various contracts for the project



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: MARCH 31, 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 24, 2015 meeting, the City Manager Recruitment 2015 Ad Hoc Committee discussed the current draft job description. In addition, the candidate resume evaluation tool was discussed. Also attached is a memo from Human Resources Generalist Jamie Caroffino recommending the City reimburse candidates for reasonable expenses associated with their attendance at in-person interviews. Lastly, the Ad Hoc Committee discussed the interview procedure in great detail. After evaluating the entire process, it was determined that May 1 and 2, 2015 will be initial 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 approving the attached job description, candidate resume evaluation tool and the candidate interview procedure.

(If the Commission elects to approve interview expenses, City staff will bring back a budget amendment in June, if the expenses exceed what is currently allocated in the City Commission's Budget.)

The following motion would be appropriate (5 affirmative votes required):

-Please see motion on the following page-

that the City Manager job description, candidate evaluation tool and the candidate interview procedure be approved, and that candidates invited to a personal interview be reimbursed up to \$1,200 for reasonable expenses (lodging, meals, travel, including lowest-available airfare), associated with their interview, with funds available in the City Commission Budget.

Attachments:

Job Description

Candidate Resume Evaluation Tool

Candidate Interview Procedure

:jec

K:\tcclerk\city commission\city manager\city manager recruitment 20150406



TO: Penny Hill, Acting City Manager
FROM: Jamie Caroffino, Human Resources Generalist
DATE: April 1, 2015
SUBJECT: 2015 City Manager Interviews



While it has not been specifically discussed, I recommend we reimburse candidates invited to personal interviews for their travel expenses. Given the importance of the City Manager position and a professional courtesy, it is pertinent for the City Commission to discuss a travel budget for interviews.

The majority of the applicants are out of state. An analysis was done to determine what the average travel expenses would be for any given candidate. The average airfare (\$550), rental car (\$125), lodging (\$225), and meals expenses (\$100) are a total of \$1,000. To be conservative it would be my recommendation to budget \$1,200 per candidate per interview.

I recommend the City Commission authorize the reimbursement of direct travel expenses (lodging, meals, airfare, and rental car) associated with their participation in in-person interviews.

CITY OF TRAVERSE CITY
Job Description

CITY MANAGER

Supervised By: City Commission
Supervises: All City Department Heads
Status: Exempt

General Summary:

Under the general supervision of the City Commission, performs a broad range of administrative and financial functions in support of the daily operations which serves the best interests of the entire Traverse City community. Oversees the functions of all City departments. Possesses well developed organizational skills and a good knowledge of municipal practices and procedures related to the duties assigned.

Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

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 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 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 Manager 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 Manager shall be responsive to 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.**

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

- Educational requirements include a Bachelor's degree in public administration or related field. Master's degree preferred.
- Experience requirements include five or more years of city management experience in the public sector, along with three or more years of experience in labor relations. Ten years or more experience preferred.
- Thorough knowledge of the principles and practices of municipal administration, and skill in providing administrative support to such activities.
- Considerable knowledge of government operations, public administration, budgeting practices, grant writing and administration, and public relations.
- Considerable knowledge of the procedures and practices involved in human resources management, including employee/labor relations, collective bargaining and personnel administration techniques and laws.
- Good knowledge of the procedures and practices involved in building/zoning, economic development and project management on a municipal level.
- Skill in developing, implementing and maintaining procedures to enhance efficiency in department operations and coordinate activities across departments.
- Skill in the use of office equipment and technology, including computers and related software, and the ability to master new technologies.
- Ability to perform extensive research, compile complex data and prepare accurate records and reports, including financial analysis.

- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with the public, business and community interests, elected officials, other employees, and professional contacts.
- Ability to effectively communicate and present ideas and concepts orally and in writing, and make presentations in public forums.
- Ability to critically assess situations and solve problems, and work effectively under stress, within deadlines, and changes in work priorities.

Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to use hands to finger, handle, or feel and reach with hands and arms. The employee must frequently lift and/or move light weight items. Specific vision abilities required by this job include close vision, color vision, and ability to adjust focus.

While performing the duties of this job, the employee regularly works in a business office setting. The noise level in the work environment is usually quiet.

March 2015

REQUIRED (0 on this section disqualifies the applicant)

Education

- 0 = No evidence of Bachelor's Degree
- 1 = Bachelor's Degree
- 2 = Master's Degree

Working Experience

- 0 = No evidence of previous City Manager or equivalent position (Municipal Management/Administrative level) experience
- 1 = 1-5 years of experience in a City Manager or equivalent position (Municipal Management/Administrative level)
- 2 = 5-10 years of experience in a City Manager or equivalent position (Municipal Management/Administrative level)
- 3 = > 10 years of experience in a City Manager or equivalent position (Municipal Management/Administrative level)

Skills & Abilities

- 0 = Does not show any evidence of obtaining the ability and/or skill
- 1 = Reflects evidence of obtaining the ability and/or skill

Areas of Related Experience/Expertise

- 0 = Does not show any evidence of having the experience/expertise
- 1 = Reflects evidence of having the experience/expertise

PREFERRED (score as appropriate)

Experience

- 0 = No experience
- 1 = Some experience
- 2 = Extensive experience

Quality of applicant Materials

- 0 = Poor quality
- 1 = Average in quality
- 2 = Exceptional quality

CITY MANAGER RECRUITMENT

CANDIDATE INTERVIEW PROCEDURE

The following process has been reviewed by the Ad Hoc Committee on March 24. Please review and send any comments to the Human Resources Department.

The first City Manager candidate interviews are tentatively scheduled for Friday, May 1 and Saturday, May 2. The following interview procedure is designed to ensure consistent review of all candidates. During the resume review, please keep in mind that we may select up to 8-10 candidates, depending on the quality of candidates.

Each candidate's resume will be scored using the "Candidate Resume Evaluation Form." (These forms are public documents; each Commissioner's ratings must be identified as theirs as there can be no 'secret balloting' with respect to this process.) Some candidates have requested their applications for City Manager be marked as "Confidential" based under Michigan law. City staff and Commissioners should honor these requests. No contact should be made at this time with the applicant's employer, previous employer(s) or references. Often applicants at this stage do not advise their employers of their interest in the position. Premature disclosure could cost someone his or her current job and create a potential liability for the City. The City Commission should go into closed session to review/discuss these applications. Should the Commission determine it wishes to interview any of these applicants, they will be offered the interview conditioned on their agreement that the interview will be public and their name and application will become a public record.

The Human Resources Department will compile the results from each City Commissioner and no more than 8-10 candidates will be invited for the first round of interviews. The first round of interviews will be conducted by the Commission as a whole.

Interview Process:

The following process will be used for each candidate interviewed.

- 55 minutes are allotted for each interview.
- Commissioners will be seated in alphabetical order to the left of the Mayor. Preliminary procedures, including a public explanation of this process, will occur during the first 10 minutes.
- The candidate will be given three minutes to make an opening statement concerning their candidacy for the City Manager position.
- A list of pre-set questions will be asked of each candidate. Please note that interview questions are to be treated as confidential to ensure equal treatment of all candidates.

- Questions will be asked in consecutive order by the Commissioner seated immediately to the left of the Mayor, and so on around the table until each Commissioner has had an opportunity to ask one question. Commissioners will likely have time for no more than 2 questions per candidate. Commissioners who do not have a question for a candidate are encouraged to respond “No questions at this time” as a means of moving the interview process forward. **Questions by Commissioners need to be concise to allow maximum time for the candidate’s responses.**
- The Human Resources Office has distributed a guide to you of questions illegal under State and Federal laws.
- Before the end of each interview, the candidate will be given 5 minutes to make a closing statement. The Commission will recess for 10-minutes between candidates and will complete the “Candidate Interview Evaluation Form.” (This form will be sent to the Commissioners in the next 2 weeks for review.) This form contains the skills and abilities to assist the Commission in obtaining a quality City Manager. The form is a compilation of input from the Department Heads along with the Human Resources Department.
- After completion of the interviews, Commissioners will recess for 15 minutes.
- Commissioners will discuss the candidates and will be asked to name 2-3 candidates they wish to invite for a second interview.
- The results will be compiled and the 2-3 candidates with the most votes will be invited for a second interview.
- The Commission will determine the date and time of the second interview before adjourning. (Please be sure to bring your calendars with you to assist in the scheduling process.)
- The second interviews will consist of each candidate meeting with the Department Heads as a whole for a meet and greet for 20 minutes. After the conclusion of this meeting, the Department Heads will give feedback to Human Resources Department. The Human Resources Department will give a report to the City Commission on behalf of the Department Heads.
- After the candidate has met with the Department Heads, they will meet one-on-one with each Commission for up to 20 minutes. These will be staggered throughout the day to allow for respect of time of each Commissioner.
- Once the second interviews conclude, the City Commission will convene an official special meeting to discuss the final candidates and determine whether a quality candidate exists and either vote on the candidate or open the process again contracting with MML.

Next Steps (Once a Candidate has been selected):

- City Commission negotiate employment contract.
- Criminal background check and reference checks completed.
- Physical and psychological examinations completed.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

SUBJECT: 2015 NATIONAL CHERRY FESTIVAL

Attached is a memo from City Clerk Benjamin Marentette recommending the Commission approve the proposed letter of agreement with the National Cherry Festival (NCF) regarding the 2015 event.

The City Commission discussed options with respect to fees charged to NCF most recently in February. The Commission did not select any fee options at that time, but rather indicated it would like to reconsider the matter when an agreement came back to the Commission for consideration. The City Clerk recommends the Commission remove the reimbursement cap on the City's incremental expenses charged to NCF, as agreed to by NCF, and not adjust fees any further for 2015; Mr. Marentette addresses this matter in further detail in his memo.

Trevor Tkach, National Cherry Festival Executive Director, will be in attendance to answer any questions.

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

that the Mayor and City Clerk execute the letter of agreement with the National Cherry Festival (NCF) outlining the terms and conditions of NCF's use of City resources in connection with the 2015 National Cherry Festival, such agreement subject to approval as to its substance by the Acting City Manager and its form by the City Attorney; and further that the City Clerk be authorized to issue the related Street Use and Park and Public Land Use Permits.

PH/bcm

K:\tcclerk\city commission\park and public land usage\2015 national cherry festival

copy: Trevor Tkach, National Cherry Festival

Rob Bacigalupi, Downtown Development Authority Executive Director

Memorandum

The City of Traverse City



TO: Penny Hill, Acting City Manager

FROM: Benjamin Marentette, City Clerk

DATE: Wednesday, April 1, 2015

SUBJECT: 2015 National Cherry Festival

Attached is the proposed 2015 agreement with the National Cherry Festival (NCF) outlining its request for the 2015 event. This year's event is scheduled for Saturday, July 4, 2015 through Saturday, July 11, 2015.

I'd like to acknowledge NCF's consistent willingness to make a number of adjustments, such as shortening the number of days requested for use of the parks, addressing a variety of items raised by City staff and NCF staff, waste management, etc. Many of these items have added direct costs and staff costs to NCF and I appreciate the collaboration from NCF.

Generally speaking, with the exception of the airshows, this year's event will be similar to last year's. I highlight the following items for the Commission's attention:

1. Overall time for use of the parks is reduced to a total of 13 days; 4 days for set up; 8 days for the event and 1 day for take down). The total number of days agreed to in 2014 was 17 days, though the NCF agreed to reduce to 16 days after agreement approval last year.
2. Waste Management – efforts in 2014 for waste management were markedly enhanced. Starting with 2014, NCF agreed to contract with Bay Area Recycling for Charities to augment the City's waste removal efforts in the 100 and 200 blocks of East Front Street. Additionally, NCF agreed to reimburse the city for our costs in operating the beach groomer to clean the beaches after both fireworks nights and after the airshows.

During the event in 2014, in response to concerns regarding extra waste found on the beaches one evening, the Festival agreed to have volunteer groups working as 'recycling stewards' at the beach, essentially walking the beach and actively offering to take waste from attendees. This solution worked very well. For 2015, NCF has agreed to formalize this additional step in the agreement.

3. Costs – NCF has agreed to eliminate the \$45,000 reimbursement cap for the City's incremental costs. Please recall that in 2014, the City's incremental costs were \$62,709; therefore, with the \$45,000 cap, \$17,709 in incremental costs were not required to be reimbursed. With elimination of the cap, NCF will be paying the City for its actual out-of-pocket costs, which is positive for the City and represents an expense to NCF that it hasn't fully borne since before 2008. I recommend this be accepted and that the Commission not

adjust fees for the 2015 event; and rather, if the Commission wishes to further discuss fees charged to the festival that an ad hoc committee of the City Commission be convened following the 2015 event. As a point of reference, at the February Study Session, the Commission discussed three options: 1) To eliminate the cap for incremental expenses; 2) To eliminate the cap and charge permit fees (fees would have been \$20,008 in 2014); 3) To eliminate the cap, charge permit fees and charge for banked overtime (banked overtime has averaged \$14,197 over the past few years. As requested by NCF, we will work with it to allow NCF to substitute its services for City services where appropriate. The Commission did not articulate a fee structure it preferred, rather indicated the Commission would revisit the issue when the agreement came back for approval. It is because of the late hour that I recommend the Commission not adjust fees for 2015.)

4. Handicap parking – NCF has nearly doubled the amount of handicap parking for 2015. In addition to using approximately 30 spaces on the east end of Lot B (The ‘Farmer’s Market Lot’ at Grandview Parkway between Union Street and Cass Street), they will also use approximately 30 spaces in the Marina Parking Lot off Grandview Parkway.
5. Air show – the air show this year will be provided by The Thunderbirds and is expected to be very popular as it has been in the past, drawing a lot of spectators.

As usual, in the coming weeks and months, leading up to and during the event, City staff will be in regular dialog with NCF. Certainly, there are a number of logistics we will continue to address collaboratively with NCF, including items tracked from our 2014 debrief and previous years. I recommend that the City Commission authorize the agreement with the National Cherry Festival and authorize my office to issue the related permits; of course, we will only do so once appropriate coordination has taken place.

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



March 27, 2015

Mayor Michael Estes
City Commissioners
City of Traverse City
400 Boardman Avenue
Traverse City, MI 49684

RE: 2015 National Cherry Festival – City of Traverse City Agreement

Dear Mayor Estes and City Commissioners:

On behalf of the Board of Governors of the National Cherry Festival, I want to formally request the use and participation of various City facilities and personnel for the 2015 National Cherry Festival (hereinafter called NCF), which will occur July 4 through July 11.

This letter describes the terms and conditions of the agreement between the City and the NCF for the provision of services and use of City facilities for the 2015 Festival. The terms are as follows:

Parks – June 30 - July 12, 2015

The City grants the NCF the use of the following City-owned properties on the following designated dates and times:

1. Open Space Park - June 30 - July 12, 2015

- a. All quadrants in Open Space Park on Grandview Parkway.
- b. Parking along the west side of the North Quadrant of the Open Space Park on the sidewalk shall be limited to emergency vehicles and deliveries.

2. Clinch Park - June 30 - July 12, 2015

- a. Cherry Kid's Club which hosts free events for kids.
- b. Bingo.
- c. Other free events throughout the week.

3. Volleyball Courts - July 4-5 and July 9, 2015

- a. Volleyball courts for Festival events and activities for scheduled days only. The NCF will provide porta-jons as necessary at West End Beach.

4. City Parks - July 4 - July 11, 2015

- a. The NCF requests authority to sell food, non-alcoholic beverages and merchandise at the City Parks listed in this document from Saturday, July 4 through Saturday July 11, All approved NCF vendors to wear NCF vendor ID card at all times.

- b. NCF requests authority to sell beer, wine and other alcoholic beverages in the Open Space Park. Areas designated for sale and consumption of alcohol will be secured according to Michigan Liquor Control guidelines.
- c. Lay Park for the Car Show on Sunday, July 5 from 6:00 a.m. to 4:00 p.m.
- d. F&M Park for Children's Events July 3 through July 12 (9:00 a.m. to 9:00 p.m.)
 - i. Kids Fun and Games
 - ii. Turtle Races
 - iii. Pie Eating
 - iv. Pet Show
 - v. Teddy Bear Tea
 - vi. Cherry Town Fun Night (Many performers, hands-on activities, food and all-around enjoyment. No fee required. Event runs 4pm-8pm)
 - vii. Diaper Derby & Toddler Trot
- e. Hannah Park (Sixth and Union Streets) on Tuesday, July 7 for Heritage Picnic.
- f. Sunset Park on Friday, July 10 from 10:30 a.m. – 1:00 p.m. for Prince & Princess Awards Picnic.
- g. Mini Park (Vietnam Veterans Memorial) as generally outlined in the map labeled Mini Park, at the corner of Front Street and Grandview Parkway for VIP parade viewing from July 9 through 11. Access will be by ticket only as controlled by the NCF. The area will be snow-fenced off, access to the Tart Trail will only be affected on July 11 from 12:01 am till Parade end. The trail can still be visually seen and pedestrian traffic can reroute to Front Street. Access to the TART Trail will be just to the east of the Real Estate One Building.
- h. Senior Center Beach for Sand Sculpture on July 5 at 6:00 p.m. July 10 at 9:00 a.m.
- i. Hickory Hills for Teen Disk Golf on July 10 at 4:00 p.m. – 7:00 p.m.

5. TART Trail - June 30- July 12, 2015

- a. NCF, City Management and Tart Trail representatives have put together a plan to maintain safe access of the trail within Clinch Park and the Open Space during the period of this agreement. The NCF will endeavor to keep all trails and sidewalks open during the festival. In that NCF needs use of the sidewalk along the southern portion of the Open Space for equipment used for set up and take down of the festival, detour signs directing people to use the TART Trail will be placed at the intersection of the south sidewalk within the Open Space and the TART Trail just to the west of Lot RB and at the southerly sidewalk located at Marina Drive and Union Street. The NCF will maintain a minimum 2 foot side clearance on all trails, and will endeavor to maintain a 3 foot side clearance.

The TART Trail that runs through Mini Park will be impacted on July 10 and 12, as outlined earlier in this agreement.

6. *Parking and Street (including marina) - June 30 – July 12.*

- a. At the City's request, and with its assistance and supervision, the NCF agrees to prohibit buses from entering the City Marina parking lot area for public safety reasons for the period covering June 30 through July 12. Shuttle bus service pick-up and drop-off will be off Garland Street.
- b. Shuttle services to the MSU Horticultural Station from July 6 through July 10 may use a pick-up/drop-off location on Union Street or Garland Street as mutually agreed upon by the City and the NCF.
- c. Shuttle services for people with disabilities may use a drop-off location within the Open Space and Marina area that will be coordinated to accommodate the following events:
 - i. Saturday, July 4 – Air Show
 - ii. Sunday, July 5 – Air Show
 - iii. Wednesday, July 8 – Special Kid's Day
- d. Trailers will be parked on Open Space Park from June 30 - July 12th (Maps to be attached to the permit application)
 - i. Production
 - ii. Product
 - iii. Media
- e. Trailers will be parked on F&M Park from July 3 - July 12th (Maps to be attached to the permit application)
 - i. Concessions
 - ii. Production
- f. Vehicles parked in the Open Space Park are for Festival production purposes only. The Festival will only have equipment on property that is mutually agreeable to both the City Staff and NCF.
- g. Lot RB June 30-July 12, 2015.
- h. Use of Marina Drive from Grandview Parkway to the West Marina Parking Lot June 30 – July 12.
- i. Handicap Parking July 4 - July 11
 - i. Marina Parking Lot off Grandview Parkway - All spaces for handicap use
 - ii. Lot B - 30 Spaces on East end
- j. Use of the east half or "island portion" of the City Marina boat launch parking lot for National Cherry Festival Air Show, July 4 through July 6th, with access beginning on July 2nd at 6:00 p.m. Special seating for handicapped and seniors will be provided. Tent placement will be done so

that no tent spikes are placed in the parking lot asphalt surface. *The west half of the boat launch parking lot (36 spaces) will be available for partial marina use, the NCF requests 10 spaces for air show parking for announcers and crew.* During the practice Air Show performance on Friday, July 3, the NCF will provide seating to people with disabilities as an alternative to attending the Air Show on the designated Festival Air Show days.

- k. Use of Parking Lots B and T for NCF vending, parking and carnival from Wednesday, July 1st beginning at 12:01 a.m. through Sunday, July 12 to be utilized as follows:
 - 1) Lot B - All but 30 spaces on East end for City use
 - 2) Lot T - All spaces
 - 3) The NCF agrees to submit claims to their insurer for any repairs needed as a result of damage from the use of Lots T and B.
- l. Use of Parking Lot Z from Friday, July 3 beginning at 12:01 a.m. through Sunday July 12.
- m. Use of following streets and lots on Sunday, July 5th, 6:00 a.m. to 11:00 p.m. for Arts and Crafts Fair and the Car Show: Union Street from Grandview Parkway to Front Street, Front Street to State Street, and State Street to Ninth Street. Lake Street between Cass and Union Streets (with an emergency lane kept open at all times). Lot J for Car Show.
- n. Union Street from Grandview Parkway to the North Union Street Bridge from July 4 through July 12. An emergency access lane through July 12 will be provided at all times.
- o. Street closings July 10 and 12 for Festival of Races and parades (Maps to be attached to the Permit Application). Porta-jons to be placed within the downtown area and parade route from July 4 through July 12. The NCF will coordinate with both the DDA and City Police regarding the location of porta-jons along the parade route and throughout downtown.
- p. The NCF is authorized to place overhead signs/banners across Front Street at the State Theatre on July 2nd between 12:01 am and 5:00 am, this banner will be on display from July 2nd - 12th

Fire Department – July 4 - July 12, 2015

Events, times and locations will be discussed with the Fire Department Representatives, but will include:

- a. Air Shows- July 4 & 5, 2015
- b. Parades- July 9 & 11, 2015
- c. Fireworks- July 4, 2015 (TCBBC) July 11, 2015 (NCF)

Police Department – July 4 - July 11, 2015

Events, times and locations will be discussed with Police Department Representatives.

Waiver Request – July 4 - July 11, 2015

By signature of this agreement, the following variances are hereby granted.

1. The NCF requests a variance to the Traverse City Code of Ordinances to allow for unleashed dogs participating in scheduled Festival events within the Open Space Park area (dates, times, and specific locations to be mutually agreed upon as soon as they are available).

2. The NCF requests a variance Chapter 652 of the Traverse City Code of Ordinance such to allow the permissible sound levels contained in the ordinance from 7 a.m. to 10 p.m. to extend to 11 p.m.
3. The NCF (or its designees) requests that it be allowed to sell Festival Commemorative Pins within the City from April 1 through July 11, 2015.
4. The NCF will be charging an entrance fee for certain Entertainment venues on city property.

Miscellaneous - July 4 - July 12, 2015

1. Trash Pick-Up will be handled by the NCF in conjunction with the City of Traverse City. In addition to other areas, the city will empty waste receptacles in the morning once each day on the 100 and 200 blocks of East Front Street; NCF has contracted with Bay Area Recycling for Charities to augment waste removal in the 100 and 200 blocks of East Front Street.

The NCF will have volunteer groups working as recycling stewards cleaning up the beaches after large events.

For beaches, the city will use the beach groomer to clean the beach after both fireworks nights and after the air shows, with all costs to be reimbursed by the Festival.

2. Parades – No Paring Signs and Cones
 - a. The Festival will pick up from the City Warehouse their “No Parking” cone signs for Front, Union and Seventh Streets on Wednesday, July 8 for the Junior Royale Parade. The Festival will be responsible for placing the cones and picking them up on Thursday, July 9.
 - b. The Festival will place the “No Parking” cone signs for Front and Union Streets on Saturday, July 11 for the Cherry Royale Parade and Festival of Races. The signs will be returned, by the NCF, to the City Warehouse.

2. Barricades

- a. Barricades will be placed by NCF at Marina Drive/Grandview Parkway and the Marina boat launch and parking lot beginning July 2. All-week barricades will be set by NCF from July 4 through July 12 per agreed-upon list.
- b. All barricades will be in place for the parades by Thursday, July 9, for street closings (to be determined by Police).

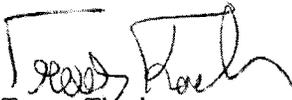
3. Snow Fencing

- a. To be placed along Grandview Parkway between street and parking lots from Park Street to Union Street (City to install).

The NCF agrees to carry general liability insurance in the amount of \$1 million per occurrence naming the City of Traverse City as additional insured. Such insurance shall be secured from a company licensed to conduct business in the State of Michigan. Additionally, if the NCF will serve liquor it shall carry liquor liability insurance in the amount of \$1 million per occurrence naming the City of Traverse City as additional insured. Certificates of Insurance evidencing this insurance shall be provided to the City Clerk and shall contain a statement that ten (10) days written notice will be provided to the City Clerk of Traverse City prior to cancellation of any of the aforementioned insurance coverage. The pyrotechnics company in charge of the fireworks display shall submit insurance in amounts and coverage's determined by the City Clerk.

The NCF will reimburse the City of Traverse City for all city services directly associated with the festival. The NCF will have the opportunity to negotiate services and substitute city services where appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Tkach". The signature is written in a cursive style with a large initial "T" and "T".

Trevor Tkach
Executive Director
National Cherry Festival

The City of Traverse City and the National Cherry Festival agree to the terms and conditions of this agreement as recited above. Further, the National Cherry Festival agrees to the permit conditions issued by the City of Traverse City, which are incorporated into this agreement by reference.

City of Traverse City

National Cherry Festival

Michael Estes, Mayor

Trevor Tkach, Executive Director

Benjamin Marentette, City Clerk

Approved as to substance:

Penny Hill, Acting City Manager

Approved as to form:

Lauren Tribble-Laucht, City Attorney



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: PLACEPLANS – PLACEMAKING GRANT FROM MICHIGAN MUNICIPAL LEAGUE

Attached is a memo from City Planning Director Russell Soyring regarding a grant the City has received from the Michigan Municipal League (MML), called *PlacePlans*. With the grant, the MML would provide up to \$50,000 in funding, as well as in-kind services and the City would provide up to \$25,000 in funding and in-kind services. The effort would focus particularly on implementation of the West Front Street corridor portion of the Corridors Master Plan; specifically, the scope is:

- Site design, engineering and final bid documents for the public space at the northwest corner of West Front and Oak Streets
- Site design for complementary improvements to the southeast corner of Front and Oak Streets
- Conceptual design of potential infill/redevelopment opportunities for underutilized properties along Front Street, with a particular focus on the office building at 520 West Front Street and adjacent parking lots

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

that the Mayor and City Clerk execute the Memorandum of Understanding with the Michigan Municipal League for the West Front Market District Design, as part of the *PlacePlans* program of the Michigan Municipal League, with the City to provide up to \$25,000 in funding along with in-kind services, with funds to be provided by the Fire Department Budget.

PH/bcm

K:\tclerk\city commission\grants\place plans 20150406

copy: Russell Soyring, City Planning Director



To: Penny Hill, Acting City Manager
From: Russell A. Soyring, Planning Director
Subject: Placemaking Grant from Michigan Municipal League
Date: March 30, 2015

A handwritten signature in blue ink, appearing to read "R. Soyring", written over the "From:" line of the memo header.

As part of a statewide application process, Traverse City was chosen as one of the seven Michigan cities to receive technical assistance from the Michigan Municipal League (MML) for an economic development project designed to attract and retain residents and employers. The other communities to receive this assistance are Benton Harbor, Boyne City, Lathrup Village, Monroe, Niles and Saginaw.

“PlacePlans” is a joint effort between the League and Michigan State University to help communities design and plan for transformative placemaking projects. The PlacePlans are done with support from the Michigan State Housing Development Authority (MSHDA) and Governor Snyder’s MPlace Partnership.

Last November staff submitted a letter of interest (enclosed) to MML to participate in this program as a way to continue the City’s efforts to implement the Corridors Master Plan for the West Front Street corridor. With the pending streetscape improvement plans and the rebuilding of the West Front Street bridge, staff felt the PlacePlans program would help spur redevelopment of the west end of downtown with a focus on the north side of side of the 500 Block of West Front Street where the City owns the majority of the block.

To accept these professional services the City is expected to commit not to exceed \$25,000 along with staff in-kind services. MML in turn, will commit not to exceed \$50,000 and provide in-kind services as well. Upon completion of the project due at the end this year, the MML will provide a final report of planning, design and implementation recommendations, including the compiled work of the consultant team and an assessment of highest-priority implementation opportunities. MML will hire consultants that have experience with Placemaking plans.

To move this project forward, the attached Memorandum of Understanding and Scope of Services will need City Commission approval.



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Traverse City PlacePlan Scope of Work

BACKGROUND:

The west end of the Traverse City's Front Street corridor, despite a burgeoning market district with an increasing number of independent and/or niche food-oriented businesses and its proximity to high-quality residential neighborhoods and world-class natural assets, has not kept pace with the rapid redevelopment of the east end of downtown. It contains several vacant lots, inadequate streetscape and multimodal transportation infrastructure. It remains a pass-through area for most motorists and other visitors to the City. The City Commission adopted a new vision for the area in October 2013 as part of the Corridors Master Plan. This plan emphasizes creating public spaces and improving pedestrian infrastructure, the streetscape and connections to neighborhoods and the City's trail infrastructure.

The City has aggressively pursued this vision and secured funding to reconstruct the West Front Street bridge and implement streetscape improvements, beginning in spring 2015. The City has requested technical assistance from the Michigan Municipal League (League) through the PlacePlans program. This assistance will complement the infrastructure projects already planned with design recommendations for a revitalized "gateway" public space at the intersection of West Front and Oak streets, as well as redevelopment opportunities for the government office building and adjacent parking lots on the north side of Front Street just west of Oak Street.

AREA OF STUDY:

The priority area of focus is the undeveloped site at the northwest corner of West Front and Oak streets and the west edge of the Huntington Bank property of the south side of Front Street. The secondary study area includes nearby properties on either side of Front Street that offer infill redevelopment opportunities.

GOALS/GENERAL SCOPE OF WORK:

1. The League will assemble and direct a consultant team, funded by the PlacePlans program, to deliver the needed technical assistance components. The final work plan for the consultant team will developed in accordance with the City, but is anticipated to include:
 - a. Site design, engineering and final bid documents for the public space at the northwest corner of West Front and Oak streets;
 - b. Site design for complementary improvements to the southeast corner of West Front and Oak streets;



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- c. Conceptual design of potential infill/redevelopment opportunities for underutilized properties along Front Street with a particular focus on the office building at 520 West Front Street and adjacent parking lots;
 - d. Project website to serve as a hub for project information and public input; and
 - e. One or more demonstration projects on-site to test ideas and gather feedback.
2. League staff will support the City and a local stakeholder Steering Committee in ensuring that the planning process adequately reaches and engages community members, building on the engagement efforts conducted during development of the Corridors Master Plan. This may include:
 - a. Building awareness of the process through traditional and social media;
 - b. Creating a “brand” identity for the process and creating outreach/marketing materials;
 - c. Debriefing after major milestones and coordinating timely feedback; and
 - d. Identifying additional opportunities to engage community members and property owners.
3. The project team will review additional place-based assets in the surrounding area, providing recommendations for enhancing or leveraging some of these assets and potential implementation resources, such as a crowdfunding campaign.

DELIVERABLES:

The League will provide a final report of planning, design and implementation recommendations, including the compiled work of the consultant team and an assessment of highest-priority implementation opportunities.



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**Memorandum of Understanding
Between
Michigan Municipal League
And
Traverse City
For
West Front Market District Design
April 1, 2015**

The Parties to this Memorandum of Understanding (“MOU”) are the City of Traverse City (“City”) and the Michigan Municipal League (“MML”). This MOU is to document the work of the MML in support of the City’s participation in PlacePlans during the 2015 calendar year and financial and in-kind contributions to support the project.

MML has entered into a contractual agreement with Michigan State University (“MSU”) to assist communities under the State of Michigan’s MIplace Partnership. The PlacePlans program assists communities in Michigan with planning and implementing projects to improve their sense of place and talent attraction and retention efforts. The majority of project work is supported by the grant or by in-kind contributions from MML. As a condition of MML’s contract with MSU, MML is required to secure a financial contribution from each participating city, as well as in-kind assistance.

Obligations of MML

The project will be coordinated by MML staff and supported by private consultants. A more detailed scope of work is attached. Within the general parameters of this scope of work, MML’s responsibilities include:

1. Developing and enforcing a project timeline;
2. Developing a project communications and engagement plan, with input from the City and other participants;
3. Publicizing the project to a statewide audience as appropriate;
4. Involving state agency representatives in the project as appropriate; and
5. Producing a final report that includes identification of community place assets and prioritization and implementation strategies.

City Obligations

PlacePlans relies on input and active involvement from the local government, residents, and non-profit and for-profit organizations. The City and its local partners are expected to:

1. Contribute a local match equaling one-third of the total cost of private consultant contracts for the project, not to exceed \$25,000, paid to MML upon receipt of invoice;
2. Make staff available for project meetings;
3. Provide timely review and response to questions about project steps from MML;



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4. Assist MML in establishing and facilitating meetings of a steering committee (including representatives of the City and relevant local organizations) to provide project input; and
5. Cover any direct costs for on-site meetings, such as refreshments, facility rental or audiovisual equipment.

Indemnification

The City shall indemnify and hold harmless MML, its affiliates and their respective trustees, agents, representatives and employees from any and all claims, costs, judgments, losses, liabilities, fines or penalties, including but not limited to attorneys' fees, arising from the City's negligence, wrongful acts, violations of laws or breach of this MOU. The City waives any rights it may have to subrogation from or against the MML.

MML shall indemnify and hold harmless the City, its directors, officers, employees and agents, from any and all claims, costs, judgments, losses, liabilities, fines or penalties, including but not limited to attorneys' fees, arising from MML's negligence, wrongful acts, violations of laws or breach of this MOU.

This section will not apply to a lawsuit instituted by either party to enforce its rights under this MOU.

Amendments

Amendments to this MOU may be authorized only in writing and only by the following individuals:

For the City: Penny Hill, Acting City Manager

For MML: Luke Forrest, Program Manager or Heather Van Poucker, Director,
Information and Policy Research

Notices

Notices shall be in writing and may be delivered personally, by overnight delivery service (such as FedEx), or by placing in the United States mail, first class and certified, return receipt requested, with postage prepaid and addressed as follows:

If to the MML:

Michigan Municipal League
1675 Green Road
Ann Arbor, MI 48105
Attn: Luke Forrest, Program Manager



michigan municipal league

If to the City:

City of Traverse City
Planning Department
400 Boardman Avenue
Traverse City, MI 49684
Attention: Russ Soyring, City Planning Director

Non-Assignability

This MOU shall not be assignable by either the City or MML.

Effective Date

The effective beginning date of this MOU will be April 1, 2015, regardless of the date of signing.

Termination

This MOU expires December 31, 2015. If either Party feels the other Party is not sufficiently meeting the expectations listed above, either Party may terminate the MOU prior to the expiration date by providing written notification to the other Party. In the event of early project termination, MML will refund the City the local match, less any amount that has been expended on project expenses as of the date written notice is received or given by MML, and MML will deliver to the City all work completed to date.

Governing Law, Non Waiver, Headings, Entire Agreement and Severability

No amendment to any provision of this MOU shall be effective unless in writing and signed by each party. This document constitutes the entire understanding and agreement between the parties with regard to the MML's Technical Assistance and supersedes all prior written or oral agreements or understandings existing between the parties concerning the subject matter hereof. All applicable sections of this MOU shall survive the expiration or termination of this MOU. This MOU shall be governed by the laws of the State of Michigan, excluding choice or conflict of laws principles. Any legal action or proceeding with respect to this MOU must be brought in the courts of the state of Michigan, Washtenaw County, or the United States District Court for the Eastern District of Michigan. The City irrevocably consents to the service of process in any such action or proceeding by the mailing of copies thereof by registered or certified mail to the City at 400 Boardman Avenue, Traverse City, Michigan 49684 or at any other address provided in writing by the City to MML. No waiver shall be valid unless in writing and signed by the parties. The terms of this MOU are severable and if any term or provision is found by a court of competent jurisdiction to be illegal or unenforceable, the remaining provisions shall remain in force.



michigan municipal league

Compliance with Laws, Rules and Regulations

The City will comply with all security, safety and other applicable rules and regulations of MML and all applicable federal, state and local laws and regulations at all times that the City is working on behalf of or in conjunction with MML.

COUNTERPARTS: This MOU may be executed in any number of counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

In Witness Whereof, the parties have signed this MOU on the dates given below.

Michigan Municipal League:

BY: Heather Van Poucker

DATE: _____

WITNESS: _____

Traverse City:

BY: Penny Hill

DATE: _____

WITNESS: _____

The City of Traverse City

Planning Department

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



November 3, 2014

Mr. Richard Murphy
Michigan Municipal League
1675 Green Road
Ann Arbor, MI 48105

Dear Mr. Murphy,

The City of Traverse City is pleased to submit this letter of interest to participate in the *PlacePlans* program of the *MIplace Partnership*.

The east end of Traverse City's downtown is a traditional mixed use downtown area with well-blended commercial and residential properties, superior pedestrian facilities, nice streetscapes, gathering spaces and connectivity to adjacent residential neighborhoods and the Bayfront. There has been substantial private investment over the last several years and occupancy rates, property values, rents and economic development has increased.

However, the west end of downtown has not seen substantial reinvestment and suffers with several large vacant lots, stalled development projects, functionally obsolete pedestrian and motorized infrastructure, little or no streetscapes and poor connectivity within the area and to the residential neighborhoods and Bayfront. It is largely a pass through area.

The City has taken a number of steps to address these deficiencies and help the West End achieve its full potential:

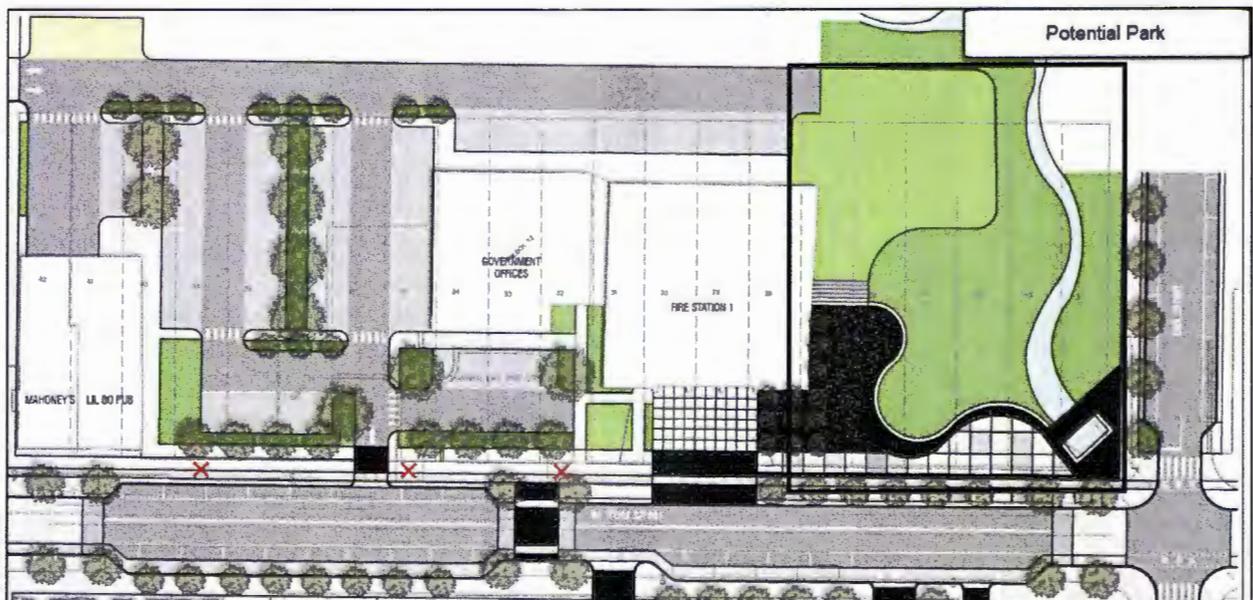
- In 2010, the City partnered with Grand Traverse County on a HUD funded *Partnership for Sustainable Communities* planning grant, focusing on housing and corridor revitalization. Traverse City managed the corridor revitalization effort which focused on West Front Street in downtown. The Corridors Master Plan recommended improving pedestrian infrastructure, reducing curb cuts, improving streetscapes and using city-owned land to improve connections within the City's trail infrastructure and create public spaces. This plan was adopted by the City Commission.
- The West Front Street Bridge is structurally deficient and functionally obsolete. The City secured funding from MDOT's Local Bridge Program and replacement is scheduled for 2015. The replacement will improve both the pedestrian functionality and aesthetics of the bridge.
- After completion and adoption of the West Front Corridor Plan, the city secured a \$1 million grant from MDOT's Roads, Risk and Reserve (RRR) program fund to begin implementing the plan's recommendations. Concept drawings for the streetscape and street reconstruction have been completed, approved by the planning commission and construction will begin in spring 2015.

We expect these planned changes to address some of the aforementioned shortcomings of the West End and spur redevelopment efforts. However, to transform the West End of downtown into a true community space, we need to develop a public space to gather and relax. A place that will draw people from the contiguous neighborhoods and visitors alike.

The City has identified one parcel that could serve as such a space. The City owns a 1.5 acre parcel at the corner of West Front and Oak Street, zoned Government Public (GP) which has a fire station and government offices to the west side, but is undeveloped and wooded on the east side with Kid's Creek meandering through.



Currently, the site concept plans identify the area as a potential park or green space; however, funding from the RRR project is not sufficient to further explore this concept.



Site images:



Kids Creek at West Front and Oak Street



Intersection of West Front and Oak Street



Kids Creek bend



Railroad tie stairway leading to Creek bank

The City envisions partnering with *PlacePlans* to fully develop this park concept, transforming this undeveloped street corner into a truly great space that will support and complement the adjacent redevelopment efforts that will be underway in 2015. We believe this could be a transformative element in the overall effort to reshape the West End of our City's downtown.

We would be most interested in *Option 2* funding with a project resulting in a fully developed site design, engineering and final bid documents with the hope that the project could be completed concurrently with the streetscape elements or soon thereafter. If our application is successful, the City is fully committed to partnering with the *PlacePlans* team as outlined in the call for Letter of Interest and providing the required match funding.

If you have any questions regarding this letter or the proposed park concept, please do not hesitate to call (231-922-4778) or email (RSoyring@traversecitymi.gov) me. We hope you favorably consider our request and interest in creating this unique space for our town.

Respectfully,



Russ Soyring
Planning Director, City of Traverse City



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF APRIL 6, 2015

DATE: APRIL 2, 2015

FROM: PENNY HILL, ACTING CITY MANAGER 

SUBJECT: TRAVERSE CITY LIGHT AND POWER BOARD – TERM EXPIRATION

Attached is a memo from Deputy City Clerk Katelyn Stroven regarding one expiring term on the Traverse City Light and Power Board, seat held by John Taylor. Ms. Stroven has indicated that Mr. Taylor is interested in being reappointed and that this is a City Commission appointment.

The following are sample motions:

1 – to reappoint John Taylor

that John Taylor (seat previously held by John Taylor) be reappointed, to one five-year term expiring April 6, 2020, on the Traverse City Light and Power Board.

2 – to establish an ad hoc interview committee

that an ad hoc interview committee be established to make recommendation regarding one five-year term (seat previously held by John Taylor) expiring April 6, 2015, on the Traverse City Light and Power Board; and that Commissioners _____, _____ and _____ be appointed to such Committee, with Commissioner _____ to serve as Chair.

PH/kes

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copy

Tim Arends, TCL&P Executive Director

Memorandum

The City of Traverse City



TO: Penny Hill, Acting City Manager

FROM: Katelyn Stroven, Deputy City Clerk *K.S.*

DATE: Thursday, April 2, 2015

SUBJECT: TRAVERSE CITY LIGHT AND POWER BOARD – TERM EXPIRATION

There is one expiring term on the Traverse City Light and Power Board, seat held by John Taylor. Mr. Taylor, who attended fifteen out of nineteen meetings in 2014 and twenty out of twenty-six meetings in 2013, is seeking reappointment to the Traverse City Light and Power Board.

Appointments to the Traverse City Light and Power Board are made by the City Commission.

Currently, we have no applications on file for this board.

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

Thank you!

Traverse City Light & Power Board

	<u>Initial Apt. Date</u>	<u>Termination</u>
Jeff Palisin (City Resident Elector) 975 Pine Ridge Dr, TC, 49686 929-6666 (Res) 499-7655 (Bus) jeffpc@normicind.com	03/18/13 (Eff. 4/2/13)	04/02/18
John Taylor (City Resident Elector) 307 W 12th St, TC, 49684 922-1187 (Res) 617-532-0944 (Bus) 617-899-1769 (Cell) john.a.taylor@gmail.com	05/03/10	04/06/15 04/06/20
	<i>Seeking Reappointment</i>	
Bob Spence (City Resident Elector) 307 W, 11th St, TC, 49684 645-4222 (Cell) 947-7824 (Bus)	05/07/12	04/03/17
Jan Geht (City Resident Elector) 715 Quail Ridge Dr, TC, 49686 205-255-1516 (Res) 941-8048 (Bus) geht@traverselaw.com	06/17/13	04/01/19
Patrick McGuire (City Resident Elector) 308 N. Elmwood Ave, TC, 49684 883-2087 (Cell) 995-7896 (Bus) paddymcguire@me.com	11/10/11	04/04/16
Mayor Pro Tem Jim Carruthers (Ex Officio/Full Voting Authority) 218 W. 11th St, TC, 49684 922-7768 (Res) jccarruthers@gmail.com	11/10/08	11/09/15
Commissioners Barbara Budros 718 Bloomfield Rd, TC, 49686 929-3438 (Res) bbudros2@traversecitymi.gov	11/10/11	11/09/15

Executive Director and Secretary (Tim Arends – Interim Executive Director) - staff

Non-Commissioner Board members shall be appointed to serve terms of five (5) years from the first Monday of April. The Commission Board members shall be appointed for a two-year term bi-annually at the City Commission organizational meeting.

This Board consists of 7 members nominated and appointed by the City Commission. Unexpired term vacancies shall be filled by the Mayor with approval of the City Commission. Not less than one and no more than two of these members shall be City Commissioners selected by the City Commission and shall be ex-officio members with full voting authority.

Members must be resident elector of City, except that one member may be non-resident if he resides within current actual service area of the Department (current actual service area is defined as an address that could receive service from TCL&P; it is not required that the address is currently receiving service from TCL&P).

Non-Commission Board Members cannot hold any other City office nor can they be an employee of the City.

The City Manager or the City Manager's designee shall be an ex-officio member without voting authority and shall not be counted for purposes of establishing a quorum.

Purpose: "shall have exclusive jurisdiction, control and management of the Light and Power Department and all its operations and facilities, except as herein provided. Unless specifically allocated to the City Commission or to a City official, the Board shall have all the powers and duties possessed by the City to construct, acquire, expand and operate the Light and Power system, etc., etc." (See Charter provisions).

Creation of the Light & Power Board required by City Charter.

Meets 2nd and 4th Tuesday of each month at 5:15

4/6 CC report

Fractile Emergency Response Times

Company IS NORTH FLIGHT INC; AND Trip Date IS BETWEEN 02/01/2015 AND 02/28/2015; AND Call Types IS Prehospital; AND Initial Priorities IS P - 1, Lights and Sirens; AND Response Zones IS TRAVERSE CITY, CITY OF-28

Response Time	Minutes
Call Count	
Cumulative	
Call Count	
Percentage	
of Total Calls	
Cumulative	
Percentage	
Negative Times	
	5
	5
	6.00%
	6%
00:00 - 00:59	
	2
	7
	2.00%
	9%
01:00 - 01:59	
	2
	9
	2.00%
	11%
02:00 - 02:59	
	7
	16
	9.00%
	20%
03:00 - 03:59	
	1
	17
	1.00%
	21%
04:00 - 04:59	
	8
	25
	10.00%
	30%
05:00 - 05:59	
	14
	39
	17.00%
	48%
06:00 - 06:59	
	12
	51
	15.00%
	62%
07:00 - 07:59	
	9
	60
	11.00%
	73%
08:00 - 08:59	
	4
	64
	5.00%
	78%
09:00 - 09:59	
	10
	74
	12.00%
	90%
10:00 - 10:59	
	5
	79
	6.00%
	96%
11:00 - 11:59	
	1
	80
	1.00%

98%

15:00 - 15:59

1

81

1.00%

99%

18:00 - 18:59

1

82

1.00%

100%

Total Calls:

82

RescueNet™

Printed on: 3/12/2015 at 3:36:22PM

Page 1 of 1

E:\REPORTS32\CUSTOM\JOHNBAKER\FRACTILE EMERGENCY RESPONSE TIMES.RPT



MONTHLY OPERATING REPORT

TO: Penny Hill, Acting Traverse City Manager
John Divozzo, Grand Traverse County

COPY: Grand Traverse County Board of Public Works
Kevin Dahl, CH2M HILL, Regional Business Manager
Dave Green, Director of Public Services

FROM: Elizabeth Hart, Project Manager

DATE: March 17, 2015

SUBJECT: Monthly Operations Report for February 2015

Attached to this report are the following items: a copy of the report to the state which has been electronically submitted, a financial summary of the TCRWWTP and the Septage Facility, and the monthly loadings for each Township within Grand Traverse County, the Septage Facility and the City.

TRAVERSE CITY

OPERATIONS AND PROJECTS

The Treatment Plant was in compliance through the month of February. The Treatment Plant has not experienced unmanageable flows as a result of the let run notification released by the City on March 4, 2015 or recent snow melt.

Below, Graph. 1 depicts the permeability of all 8 trains. We are still experiencing an overabundance of coma shaped Gram positive bacteria. This does result in a decreased train permeability. We also observed evidence of a possible connection issue between the new cassettes in train 1 and the permeate header. (Please refer to graph 2 below) We believe this issue resulted in the decreased permeability of train 1 depicted in graph 2. We had a phone conference involving GE, Dave Green, John Divozzo, Mark Huggard (CH2M Hill Operations Supervisor), Kevin Dahl (CH2M HILL P.E.), Scott Levesque (CH2M HILL Membrane Specialist), and myself and we are going to implement the solution(s) decided upon in that meeting.

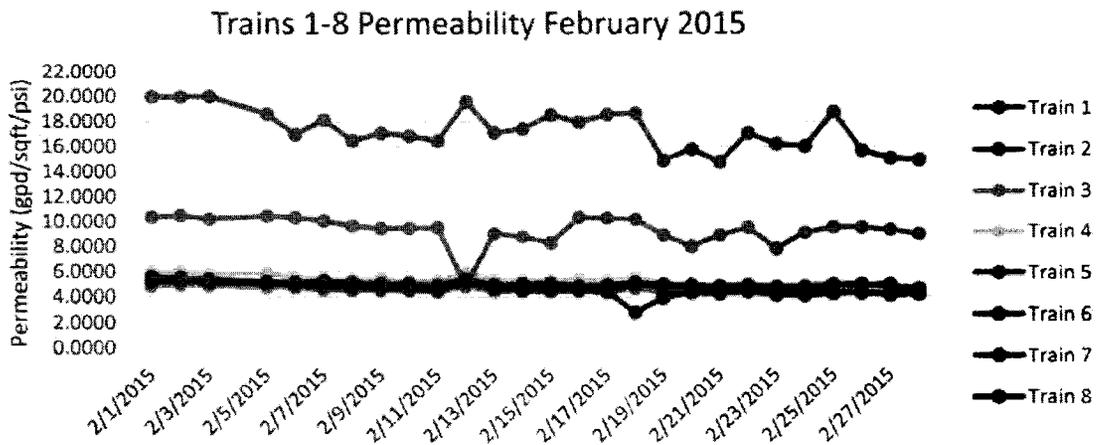
We have taken the following measures to address the biological issue at the facility:

- With prior DEQ approval, we redirected the gravity belt filtrate to the head of the UV channel to prevent the concentration of these bacteria in our biology.
- We had a phone conference with our DEQ regulators, and their engineer. They are comfortable with our efforts in addressing this issue and stated that they were relieved CH2M Hill was the company running this facility and addressing these issues because of the talent and resources our company offers.
- We started adding Ferric Chloride to our Waste Activated Sludge to attempt to flocculate the bacteria.

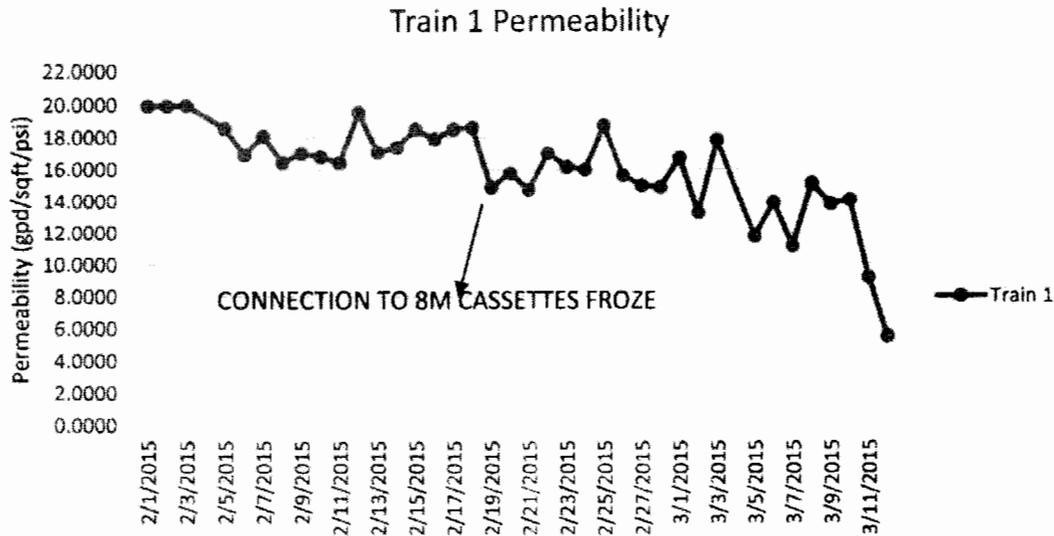
- We altered the maintenance cleans of our membranes to try and recover permeability.
- We contacted Microbe Detectives to enlist their continued assistance with this bacteria. CH2M HILL sent Microbe Detectives a sample of the plant biomass for analysis, and final confirmation of the bacterium's identification.
- We contacted the microbiologist at NMC, previously consulted on this issue, and have not yet received a respond.
- We contacted a company specializing in unusual biomass issues at waste water treatment facilities, they have a microbiologist on staff that will analyze the plant biomass sample and make treatment suggestions.
- CH2M HILL Operations specialist, Don Dodson, visited the plant to evaluated operations, and looked for ways to modify operating procedures to better select against this bacteria. This visit resulted in an action plan that we are now beginning to implement.

We have begun recovery cleaning the membrane trains to help prepare the facility for the increased flows experienced during snow melt runoff, and rain events. A recovery clean, is an intensified cleaning of the membranes that is used to recover permeability when maintenance cleans become ineffective in maintaining permeability. In recent years, with the aging of the membranes, we have had to increase the frequencies of our recovery cleans.

Graph 1.



Graph 2.



PCS cleaned the grit and grease out of the influent channel last month.

We have added monitoring of our Sieve Drum Concentrator (SDC) to our SCADA programming. This was made possible by the recent upgrade of the SDC controls. We are now able to see if the SDC is operating normally or if an alarm state exist.

We will schedule a biosolids haul within the next 37 days. We are going to meet with the subcontractor that hauls, and land applies our biosolids to discuss increasing the number of hauls we have in a year to prevent us from being completely full in the fall, and then possible not being able to haul due to frost. We want to schedule biosolids hauls so that if we can't perform the last haul in the fall, because of weather conditions, we will be able to store the biosolids we have generated up to that point and will generate over the winter without have to implement a contingency plan. We are, however, developing contingency plans for biosolids disposal in the event one is needed.

We will need to change the carbon canisters in the odor control building as soon as the City approves that expense.

Maintenance

We calibrated the following level transducers: influent, primary effluent and both grit chambers.

We performed an infrared scan of all motor control centers, and identified several hot legs, over half of which have been addressed. Michigan Switch Gear will have to work on the main GE breakers in the aeration blower room.

We brought screw pump #2 to Graham Motor and Generator Service for inspection and it was found to be in good working order. All screw pump motors have now been inspected and repaired if a repair was necessary. We changed out the coupler between the screw and the gear reducer on screw pump #2.

We repaired the chains and flights in primary tank 4 north.

We completed the installation of a high level alarm in the west biosolids storage building.

We repaired the check valve for the discharge line of the recirculation pump for digester #4.

Last month I reported, that the south screw compressor was leaking unusual amounts of oil. We corrected this problem by installing new check valves and a new oil/air separator in the screw compressor.

We repaired the west dump valve on the vacuum system in the membrane building.

TCRWWTP Items of Importance

TCRWWTP Action Items	Status
Membrane Replacement	CH2MHill recommends replacing 4 trains of Membranes in 2015. CH2MHill developed corresponding memorandum and addendum, and answered questions in 2 study sessions in 2014, and 2015. On 1/19/15, The City Commission voted to replace 3 trains of membranes provided the County Board of Public Works approves to cover their financial portion of the replacement. 3/12/15, the County Board of Public works approved their financial portion of replacing 3 trains of membranes.
Coma Shaped Gram Positive Bacteria	CH2MHill has been working on finding the source and eliminating Coma Shaped Gram Positive Bacteria Since 2011. This bacteria is not commonly found in Waste Water Treatment Plants, and there is not much known about it. We are working with microbiologist and the DEQ to try and solve the issue. -Solution Pending
Mixing in the Aeration Basin is in adequate leading to solids buildup in corners, under pipes and along tank walls-maybe variable in growing Coma Shaped Gram Positive	CH2MHill recognized problem changed position, and angle of mixers in the basin. Mix hard to get to problem areas weekly with compressed air system constructed from PVC by maintenance Dept. Continue to Monitor solids depth in problem areas for effectiveness of solutions.-On Going
Compressed Air Backup needed for Membrane Building	Compressed air is vital to the proper operation of our membrane system. Failure of the air compressors could result in an inability to permeate. We have two compressors in the Membrane Building, but wanted to add additional backup. CH2MHill developed a strategy to get the compressed air from the screw compressors in the administration building to the membrane building for use in emergency. CH2MHill is currently implemented the plan.-Complete CH2M HILL will further this effort to include a connection that will allow the City's portable air compressor to be used as a third backup.-On going
Pheonix Odor Control System	The system is indicating that the canisters will need to be changed out as early as possible this Spring.-Pending

TCRWWTW Items of Importance

TCRWWTW Action Items	Status
Digester 4 Needs Improved Mixing	City Commission approved the replacement of the Digester 4's centrifugal pump in 2014. CH2MHill ordered the Pump, and it arrived in December of 2014. CH2MHill is working on installing the new Vaughn pump for mixing Digester 4.
The Membrane Gates need Replacing	City Commission approved the replacement of 4 Membrane gates in 2014. CH2MHill ordered the gates in 2014. The are gates currently being manufactured. CH2MHill will install gates in the Spring of 2015. CH2MHill will recommend the approval of the purchase of 4 additional Membrane gates in 2015.
3-Archimedes Screw Pumps need to be Upgraded, and Trough Reconditioned-Screws are failing and troughs need to be recoated.	CH2MHill recommends replacing 1 screw/yr. until the screws have been replaced, and reconditioning the troughs at the same time. This recommendation is included in the 5 yr. Capital Improvement
West SST needs a new Bio-solids pump	The plant is required to have a pump that can fill Hauling trucks at a certain rate, and the piston pump that is currently in use has been in place since the 70's and fails often. CH2MHill recommends replacing the current West SST piston pump with a new pump. This recommendation is included in year 2015 of the City's 5 year capital Improvement Plan.
TBA Lift Station Pumps, Check Valves, Pump pit needs reconditioning.	Pumps have been repaired multiple times and are at the end of their life. Pump Pit needs to be relined because it is rusting through to the ground in some spots. CH2MHill recommends replacing the pumps, check valves and relining the pump pit. This recommendation is included in year 2015 of the City's 5 year capital Improvement Plan.

IPP

We prepared and submitted the Annual Industrial Users memo to the City.

Simon Joseph, of Roaming Harvest, contacted us and requested information on the specific ordinance that required the installation of an inspection manhole. We have provided Mr. Joseph with the information he requested.

We made contact with the owner of China Lee restaurant, in the Beitner Square building, in Blair Township. There were reports that China Lee employees were dumping water out the back door onto the ground. We informed the owner of China Lee that all water used at his establishment had to go down the drain inside the building.

We received laboratory results for a sample taken at Munson Medical Center's Outfall-001. The results showed that the concentration of Total Suspended Solids (TSS) was back in compliance. The concentration of Total Kjeldhal Nitrogen (TKN) was still too high. Sampling will continue every 30 days until the Outfall shows a return to compliance.

GRAND TRAVERSE SEPTAGE FACILITY

GTSF ITEMS OF IMPORTANCE

GTSF Action Items	Status
Bio-Filter Media Replacement	CH2M HILL put together a scope of work, obtained competitive bids, and received BPW approval to oversee the replacement of the bio-filter media. Subcontractors have been organized, and a preconstruction meeting has been held. Work to be completed by mid-April providing no unforeseen complications.
Coarse Screens Intermittently Bypassing	East Coarse Screen brushes replaced and Bellows rotated. West Coarse Screen Brush replaced and Bellows rotated. [Complete]
Pump Pulling Capabilities Needed	CH2M HILL found solution submitted details and costs to John Divozzo. John and Sam reviewed and found solution reasonable. John approved the purchase. CH2MHill received crane and mounts- installation pending engineering consult on best way to secure mounts.
SNDR Pump Seal is Leaking	CH2MHill maintenance staff is inspecting and creating action plan.
Pumps are Aging	CH2MHill looking into having wear plates machined. Pump Replacement Included in 5 Year Capital Improvement plan. (2016-2019) CH2MHill looking at operational solutions to reduce amount of grit getting to pumps. CH2MHill included the addition of grit removal in 5 year capital plan. (feasibility study needed) Included in 5 yr. Capital improvement plan for 2018.
Fine Screens Modification Needed to remove rags and not impede forward flow	CH2MHill has developed a modification strategy, and budget included in 5 yr. Capital Improvement Plan for 2016.
ATAD needs to be cleaned	CH2MHill included in 5 year Capital Improvement plan for 2016. CH2MHill will develop Scope of work and obtain competitive bids.-On going
Rock Trap for Grease Pump-Needed to protect pump from large debris	CH2MHill developed a plan for installing a Rock Trap in the suction line of the Grease pump, and provided a rough budgeting number included in the 5 yr. Capital plan for 2017.
Bio-solids Load Out Pipe Needed	CH2MHill recommends a sludge Load out pipe be installed so semis can be loaded with bio- solids from outside the building. CH2MHILL included this recommendation in the 5yr Capital Improvement Plan for the facility in 2017.
Sludge Storage Capacity	CH2MHill recommends a feasibility Study be done on the expansion of Sludge Storage. This Recommendation was included in the 5yr Capital Improvement Plan.(2019)

GTSEP00000001

Operations

The daily average effluent BOD loading for the month of February was 4.40 lbs./day.

Short's Brewing Company is offloading 10,000 gallons at least once per week. We are collecting samples for BOD, pH, TSS, PO₄.

We met with Tom Wolfe, from PCS, to review cleaning of ATAD, and develop a scope of work. Tom will provide us with a quote for cleaning the ATAD.

We continue to test different types of bags to collect screenings discharged from the coarse screen. Bagging the screenings greatly reduces odors and improves housekeeping in the off-loading bays.

Maintenance

The Influent EQ level transducer has not produced false readings since we reduced moisture in the level transducer junction box by installing desiccant.

We purchased a new hand pump for transferring polymer.

Other

We continue to work on pricing for installing quick connects for the motors on both coarse screens. We will purchase LOTO devices for those connections.

Michigan Department of Environmental Quality Monthly Discharge Monitoring Report (DMR)

PERMITTEE NAME: Traverse City WWTP
MAILING ADDRESS: 606 Franklin Street
 Traverse City, MI 49684
FACILITY: Traverse City WWTP
LOCATION: 606 Hannah
 Traverse City, MI 49686

PERMIT NUMBER: MI0027481
MONITORING POINT: 001A

DISTRICT: Cadillac
COUNTY: Grand Traverse

Monitoring Period : 2015-02-01 To: 2015-02-28

NO DISCHARGE FROM SITE: ()

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum		Minimum	Average	Maximum				
Flow PARAM CODE: 50050 Mon. Site No.: 001A Stage Code: 1	Sample Measurement	4.844	9.506	MGD	*****	*****	*****	*****	0	Daily	Report Total Daily Flow
	Permit Requirement	(report) Maximum Monthly Average	(report) Maximum Daily		*****	*****	*****				
Total Suspended Solids PARAM CODE: 00530 Mon. Site No.: 001A Stage Code: 1	Sample Measurement	75	92	lbs/day	*****	1.9	2.1	mg/l	0	3X Weekly	24-Hr Composite
	Permit Requirement	2100 Maximum Monthly Average	3200 Maximum 7-Day Average		*****	30 Maximum Monthly Average	45 Maximum 7-Day Average				
Carbonaceous Biochemical Oxygen Demand (CBOD5) PARAM CODE: 80082 Mon. Site No.: 001A Stage Code: 1	Sample Measurement	82	92	lbs/day	*****	2.1	2.2	mg/l	0	3X Weekly	24-Hr Composite
	Permit Requirement	1800 Maximum Monthly Average	2800 Maximum 7-Day Average		*****	25 Maximum Monthly Average	40 Maximum 7-Day Average				
Total Phosphorus (as P) PARAM CODE: 00665 Mon. Site No.: 001A Stage Code: 1	Sample Measurement	9.66	*****	lbs/day	*****	0.24	*****	mg/l	0	3X Weekly	24-Hr Composite
	Permit Requirement	36 Maximum Monthly Average	*****		*****	0.5 Maximum Monthly Average	*****				
Total Copper PARAM CODE: 01042 Mon. Site No.: 001A Stage Code: 1	Sample Measurement	*****	*****	*****	*****	*G	*****	ug/l	0	Quarterly	24-Hr Composite
	Permit Requirement	*****	*****		*****	(report) Maximum Monthly Average	*****				
Total Mercury PARAM CODE: 71900 Mon. Site No.: 001A Stage Code: 1	Sample Measurement	*****	*****	*****	*****	*G	*****	ng/l	0	Quarterly	Calculation
	Permit Requirement	*****	*****		*****	(report) Maximum Monthly Average	*****				
Fecal Coliform PARAM CODE: 74055 Mon. Site No.: 001A Stage Code: 1	Sample Measurement	*****	*****	*****	*****	11.04	21.88	cts/100 ml	0	3X Weekly	Grab
	Permit Requirement	*****	*****		*****	200 Max Monthly Geometric Mean	400 Max 7-Day Geometric Mean				
Name/Title of Principal Executive Officer Or Authorized Agent	I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.					Signature of Principal Executive Officer Or Authorized Agent		Telephone No	Date (MM/DD/YY)		
Mark Huggard/CH2M Operations Supervisor						Elizabeth Hart/Project Manager		231-922-4921	2015-12-03		

When completed mail this report to: PCS-Data Entry, MDEQ-WD, P.O. Box 30273, Lansing, MI, 48909-7773

Michigan Department of Environmental Quality Discharge Monitoring Report (DMR)

PERMITTEE NAME: Traverse City WWTP

PERMIT NUMBER: MI0027481

DISTRICT:

Cadillac

MAILING ADDRESS: 606 Franklin Street
 Traverse City, MI 49684
FACILITY: Traverse City WWTP
LOCATION: 606 Hannah
 Traverse City, MI 49686

MONITORING GROUP: 001A
Monitoring Period : 2015-02-01 To: 2015-02-28

COUNTY: Grand Traverse
NO DISCHARGE FROM SITE: ()

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum		Minimum	Average	Maximum				
pH PARAM CODE: 00400 Mon. Site No.: 001A Stage Code: I	Sample Measurement	*****	*****		7.2	*****	7.6		0	3X Weekly	Grab
	Permit Requirement	*****	*****	*****	6.0 Minimum Daily	*****	9.0 Maximum Daily	S.U.		3X Weekly	Grab
Dissolved Oxygen PARAM CODE: 00300 Mon. Site No.: 001A Stage Code: I	Sample Measurement	*****	*****		9.7	*****	*****		0	3X Weekly	Grab
	Permit Requirement	*****	*****	*****	4.0 Minimum Daily	*****	*****	mg/l		3X Weekly	Grab
CBOD5 Minimum % Removal PARAM CODE: 80091 Mon. Site No.: 001A Stage Code: K	Sample Measurement	*****	*****		97.6	*****	*****		0	Monthly	Calculation
	Permit Requirement	*****	*****	*****	85 Minimum Monthly % Removal	*****	*****	%		Monthly	Calculation
Total Suspended Solids Minimum % Removal PARAM CODE: 81011 Mon. Site No.: 001A Stage Code: K	Sample Measurement	*****	*****		90.6	*****	*****		0	Monthly	Calculation
	Permit Requirement	*****	*****	*****	85 Minimum Monthly % Removal	*****	*****	%		Monthly	Calculation
Name/Title of Principal Executive Officer Or Authorized Agent	I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.					Signature of Principal Executive Officer Or Authorized Agent		Telephone No	Date (MM/DD/YY)		
Mark Huggard/CH2M Operations Supervisor						Elizabeth Hart/Project Manager		231-922-4921	2015-12-03		

When completed mail this report to: PCS-Data Entry, MDEQ-WD, P.O. Box 30273, Lansing, MI, 48909-7773

GENERAL REPORT COMMENT:

Effluent concentrations for the month of February, are flow weighted concentrations calculated from two effluent streams per Scott Blairs letter to the DEQ on 3/11/2013 and approved by John Draminski on 3/11/2013 via e-mail. For the Month of February, Total Phosphorus was sampled and analyzed five days a week. (Sunday-Thursday) For the Month of February the Fecal Coliform results reported are the higher of two fecal results.

001A Flow	Loading-Col# 2:	L2: Daily flow total for February 20th was inaccurate and higher than usual due to frost buildup on our flow influent meter.
001A Carbonaceous Biochemical Oxygen Demand (CBOD5)	Loading-Col# 1:	L1: BOD results for 2/5/15 and 2/8/15 were qualified BOD's with low GGA's possibly due to bad primary seed.
	Loading-Col# 2:	L2: BOD results for 2/5/15 and 2/8/15 were qualified BOD's with low GGA's possibly due to bad primary seed.
	Concentration-Col# 2:	C2: BOD results for 2/5/15 and 2/8/15 were qualified BOD's with low GGA's possibly due to bad primary seed.
	Concentration-Col# 3:	C3: BOD results for 2/5/15 and 2/8/15 were qualified BOD's with low GGA's possibly due to bad primary seed.
001A CBOD5 Minimum % Removal	Concentration-Col# 1:	C1: BOD results for 2/5/15 and 2/8/15 were qualified BOD's with low GGA's possibly due to bad primary seed.

Non-Numeric Code Legend (for monthly data entry purpose)	
*A	Sampling Equipment Failure
*B	Insufficient Flow for Sampling
*C	Laboratory Problem/Error
*D	Laboratory Results Not Received in Time for Report
*E	This Effluent Limit Not Applicable this Reporting Period
*F	No Operations this Reporting Period
*G	Monitoring is a Permit Condition/Not Required this Reporting Period
*Y	Fecal Coliform (too numerous to count)
*T	Alternative to TTO Monitoring

Stage Code Legend	
I	Final Effluent
K	Percent Removal

Traverse City Regional Wastewater Treatment Plant 2014-2015

	FEB-15			Year-to-date		
	Budget	Actual	Variance	Total Budget	Total Forecast	Total Variance
CHEMICALS	15,018	14,323	695	180,210	166,342	13,868
CLIENT PLANT & EQUIP	9,583	8,781	802	115,000	135,234	-20,234
DUES AND SUBSCRIPTIONS	66	0	66	788	792	-4
EDUCATION, TRAINING, MEETINGS	650	1,205	-555	7,802	7,673	129
ELECTRICITY	38,974	46,526	-7,552	467,690	488,389	-20,698
EMPLOYEE EXPENSE	786	787	-1	9,431	23,262	-13,831
INSURANCE	2,754	3,031	-277	33,044	34,874	-1,830
LABOR	67,159	72,256	-5,097	875,456	765,360	110,096
OPERATING EXPENSES	9,996	9,591	405	108,066	113,443	-5,377
OUTSIDE SERVICES	917	7,497	-6,580	11,000	90,784	-79,784
SOLIDS HANDLING	570	-1,249	1,819	155,340	165,278	-9,938
SUPPLIES	917	746	171	27,906	39,826	-11,919
TRAVEL COSTS	1,460	1,984	-524	17,517	26,886	-9,369
UTILITIES-OPERATIONS	1,213	2,513	-1,300	14,550	12,745	1,805
Total Cost	150,063	167,990	-17,927	2,023,802	2,070,887	-47,085
 REPAIRS (included in the above)	 9,583	 8,781	 802	 115,000	 110,399	 4,601

Grand Traverse Septage Facility 2014-2015

	FEB-15			Year-to-date		
	Budget	Actual	Variance	Total Budget	Total Forecast	Total Variance
CHEMICALS	\$ 120.00	\$ -	\$ 120.00	\$ 1,440.00	\$ 2,244.00	\$ (804.00)
CLIENT PLANT & EQUIP	\$ 833.00	\$ 3,191.65	\$ (2,358.65)	\$ 10,000.00	\$ 12,838.65	\$ (2,838.65)
DUES AND SUBSCRIPTIONS	\$ 1.00	\$ -	\$ 1.00	\$ 7.00	\$ 2.00	\$ 5.00
EDUCATION, TRAINING, MEETINGS	\$ 21.00	\$ -	\$ 21.00	\$ 250.00	\$ 83.00	\$ 167.00
ELECTRICITY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EMPLOYEE EXPENSE	\$ 66.00	\$ -	\$ 66.00	\$ 793.00	\$ 327.00	\$ 466.00
INSURANCE	\$ 277.00	\$ 223.35	\$ 53.65	\$ 3,324.00	\$ 2,514.35	\$ 809.65
LABOR	\$ 9,221.00	\$ 7,776.19	\$ 1,444.81	\$ 120,211.00	\$ 112,102.19	\$ 8,108.81
OPERATING EXPENSES	\$ 1,080.00	\$ 969.27	\$ 110.73	\$ 13,374.00	\$ 17,338.27	\$ (3,964.27)
OUTSIDE SERVICES	\$ 2,167.00	\$ -	\$ 2,167.00	\$ 26,000.00	\$ 23,796.00	\$ 2,204.00
SOLIDS HANDLING	\$ 2,525.00	\$ 13,074.19	\$ (10,549.19)	\$ 30,300.00	\$ 35,946.19	\$ (5,646.19)
SUPPLIES	\$ 17.00	\$ 165.61	\$ (148.61)	\$ 200.00	\$ 912.61	\$ (712.61)
TRAVEL COSTS	\$ 172.00	\$ -	\$ 172.00	\$ 2,068.00	\$ 1,071.00	\$ 997.00
UTILITIES-OPERATIONS	\$ 216.00	\$ -	\$ 216.00	\$ 2,588.00	\$ 2,122.00	\$ 466.00
<u>Total Cost</u>	<u>\$ 16,716.00</u>	<u>\$ 25,400.26</u>	<u>\$ (8,684.26)</u>	<u>\$ 210,555.00</u>	<u>\$ 211,297.26</u>	<u>\$ (742.26)</u>
REPAIRS (included in the above)	\$ 833.00	\$ 3,191.65	\$ (2,358.65)	\$ 10,000.00	\$ 12,838.65	\$ (2,838.65)

**Note: Pump removal system
purchased**

Cost
\$2,566.65

Township and City Loadings 2014-2015

* We have no BOD data for Blair Township. Loadings are calculated using plant influent BOD as a surrogate for Blair Twp BOD concentration.

BOD Loadings in pounds per day	Limit owned	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
		Blair	404	60	59	45	39	35	32	38	34	0	0
Garfield Twp	3824	2784	2973	3853	3258	2880	3230	3188	3153	0	0	0	0
Elmwood Twp	780	383	380	414	355	348	418	381	385	0	0	0	0
East Bay Twp	1309	538	592	1065	1337	317	785	676	599	0	0	0	0
Acme Twp	1557	431	507	431	344	274	273	291	353	0	0	0	0
Peninsula Twp	406	77	72	82	78	77	87	88	74	0	0	0	0
Septage	0	49	17	11	94	99	7	4	4	0	0	0	0
City	12120	5752	5244	3203	3845	5129	4159	3721	3598	0	0	0	0
Total		10071	9844	9104	9350	9158	8991	8385	8201	0	0	0	0

Flow values used in loading calculations for the Townships were provided by the County, and the same as the flow values the County sends to the City.

Concentrations (mg/L) Used to Calculate Loadings 2014-2015

Average BOD Concentration	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
	Plant	259	258	233	228	230	224	219	203	0	0	0
Garf 1 Lift Station	231	208	262	248	246	311	283	265	0	0	0	0
Garf US 31 meter	311	366	500	382	296	359	338	336	0	0	0	0
Garf 6th St meter	188	247	214	292	200	287	242	235	0	0	0	0
Elmwood LS	252	258	278	213	183	258	230	231	0	0	0	0
East Bay LS	202	232	324	488	198	304	274	244	0	0	0	0
Bunker Hill	159	188	171	141	99	133	136	160	0	0	0	0
Acme	180	229	190	165	207	176	192	229	0	0	0	0
Peninsula LS	180	149	147	143	137	153	147	137	0	0	0	0

Grand Traverse Septage Facility Loadings (lb/day) 2014-2015

	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
Septage	49	17	11	94	99	7	4	4	0	0	0	0

The BOD concentrations reported above are for each separate sample collection site within Grand Traverse County. These are the concentrations used in the calculations of Township loadings. Going forward, in an effort to more purely represent the process, we will report the raw data we generate directly from our sampling and analysis as shown above. The concentrations previously reported were not the raw data we used to calculate BOD loadings, but a product of the Loadings calculations themselves. (a back calculation)