



Notice

City Commission Regular Meeting

7:00 pm

Monday, August 17, 2015

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 8-13-15

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

The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4440, TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

City Commission:
c/o Benjamin C. Marentette, MMC, City Clerk
(231) 922-4480
Email: tcclerk@traversecitymi.gov
Web: www.traversecitymi.gov
400 Boardman Avenue
Traverse City, MI 49684

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

Welcome to the Traverse City Commission meeting!

Agenda

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

Pledge of Allegiance

1. Roll Call

2. Consent Calendar

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

- a. Consideration of approving minutes of the City Commission meetings of August 3, 2015, and August 10, 2015. (Approval recommended) (Marty Colburn, Benjamin Marentette)
- b. Consideration of authorizing a confirming purchase order for diesel fuel for City operational Use. (Approval recommended) (Marty Colburn, Dave Green) (5 affirmative votes required)

- c. Considerate of adopting a Memorandum of Understanding regarding fundraising efforts related to Hickory Hills. (Adoption recommended) (Marty Colburn, Dave Green)
- d. Consideration of introducing an amendment to the Traverse City Code of Ordinance which designates the City Clerk to conduct investigations of applicants for a residential area transient merchant permit and clarifies reasons for permit issuance or denial. (Introduction and schedule for possible enactment on September 8, 2015 recommended) (Marty Colburn, Benjamin Marentette)
- e. Consideration of introducing an amendment to the Traverse City Code of Ordinances which designates the City Clerk to conduct investigations of residential area mobile food vendors applicants. (Introduction and schedule for possible enactment on September 8, 2015 recommended) (Marty Colburn, Benjamin Marentette)
- f. Consideration of introducing an amendment to the Traverse City Code of Ordinances which designates the City Clerk to conduct investigations of residential area solicitors and clarifies reasons for permit issuance or denial. (Introduction and schedule for possible enactment on September 8, 2015 recommended) (Marty Colburn, Benjamin Marentette)
- g. Consideration of introducing amendments to the Traverse City Code of Ordinances which would allow crematories and funeral homes in the Industrial District, for the cremation of deceased persons and deceased household pets with conditions, as recommended by the Planning Commission. (Marty Colburn, Russell Soyring) (Introduction and schedule for possible enactment on September 8, 2015, recommended)
- h. Consideration of declaring two hazardous materials decontamination systems surplus so they may be redistributed to other hazardous materials response agencies. (Approval recommended) (Marty Colburn, James Tuller)

- i. Consideration of declaring a Fire Department public education training trailer surplus due to ongoing maintenance needs, so it may be sold or disposed. (Approval recommended) (Marty Colburn, James Tuller)
- j. Consideration of adopting a Resolution recommending approval of a request from Alliance Restaurant, LLC for a New Redevelopment Liquor License and authorizing the City Clerk to issue a registration for operation of the license at 144 Hall Street, Suite 107. (Adoption and approval recommended) (Marty Colburn, Benjamin Marentette)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Discussion regarding and consideration of scheduling a public hearing on September 21, 2015, regarding a request from for a Special Land Use Permit in connection with its development at 305 West Front Street, as recommended by the Planning Commission; and consideration of scheduling a study session regarding the request for August 31, 2015. (Marty Colburn, Russell Soyring)
- b. Consideration of adopting a resolution approving a request from the WODA Group for a PILOT (payment-in-lieu of taxes) for a planned development at the southwest corner of Front and Pine Streets and authorizing a related municipal services agreement. (Marty Colburn, Polly Cairns) (5 affirmative votes required)

4. New Business

- a. Consideration of amending the resolution designating the City-controlled property upon which licensed mobile food vendors may operate which would allow one unit at a time to operate within the Senior Center parking lot, as requested by the Grand Traverse County Commission on Aging. (Marty Colburn, Benjamin Marentette)
- b. Consideration of authorizing a contract for catering services for the City's host reception for the Michigan Municipal League Annual Convention in Traverse City. (Marty Colburn) (5 affirmative votes required)
- c. Discussion regarding the Adopt-A-Commissioner Youth Engagement Program. (Commissioner Gary Howe, Benjamin Marentette)

5. Appointments

- a. Consideration of appointing a City Commission Ad Hoc Committee to review the fee structure for the National Cherry Festival. (Marty Colburn, Benjamin Marentette)
- b. Consideration of re-establishing the City Commission Ad Hoc Committee regarding Administration of the Garage Fund. (Marty Colburn)
- c. Consideration of establishing an ad hoc interview committee to make recommendation regarding four appointments to the Brown Bridge Advisory Committee. (Marty Colburn, Katie Stroven)

6. Reports, Announcements and Correspondence

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

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

- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 - 1. Reports from members of the Commission serving on boards.
 - 2. Minutes of the Traverse City Light and Power Board meeting of June 30, 2015.
- e. Reports and correspondence from non-City officials.
 - 1. Fractile Emergency Response Report from North Flight for July, 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 AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER *mc*

SUBJECT: MINUTES

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

- August 3, 2015 Regular Meeting
- August 10, 2015 Special Meeting
- August 10, 2015 Study Session

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

that the minutes of the August 3, 2015, Regular Meeting, August 10, 2015, Special Meeting, and August 10, 2015 Study Session be approved.

MC/slm

k:\tcclerk\city commission\minutes



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

Regular Meeting

August 3, 2015

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

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

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Estes presided at the meeting.

City Manager Marty Colburn addressed the Commission.

2. Consent Calendar

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

- a. the minutes of the July 13, 2015, Study Session and the July 20, 2015, Regular Meeting, be approved.
- b. that City Manager Marty Colburn be designated as Official Delegate and Assistant City Manager Penny Hill be designated as Alternate Official Delegate for the City of Traverse City for the 2015 Annual Meeting of the Michigan Municipal League.
- c. the Wastewater Treatment Plant Maintenance Office Furniture as outlined in the July 15, 2015, memo from the Director of Public Services, be declared surplus and authorized for disposal.

- d. the Mayor and City Clerk execute an amendment to the contract with American Waste (originally authorized February 22, 2011), for it to be the designated waste hauler for residential waste, which would extend the agreement by five years to March 31, 2021, with the rates to remain at the 2015 levels, with the amendment subject to approval as to its substance by the City Manager and its form by the City Attorney; and further that
- the Mayor and City Clerk execute an amendment to the contract with American Waste (originally authorized November 6, 2006), for waste hauling services at various City-owned locations at the rates under the current contract, which would extend the agreement to November 30, 2021, with such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds in the related budgets.
- e. the Mayor and City Clerk execute an agreement with Scodeller Construction in the amount of \$51,126 for the 2015 Preventative Maintenance Crack Sealing Project, with funds available in the Capital Improvement Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.
- f. the City Manager be authorized to issue a confirming service order to Elmer's Crane and Dozer in the amount of \$36,856.97 for emergency watermain repair work to the Union Street Dam, with funds available in the Water Fund.
- g. the Mayor and City Clerk execute an amended Permission of Encroachment Agreement (agreement originally authorized September 16, 2013), with Old Town Playhouse, Inc., the owner of 148 East Eighth street for an encroachment into the right-of-way as described in the City Engineer's July 28, 2015, communication, (with the building generally located on the south side of East Eighth Street and West Side of Cass Street), with the agreement subject to approval as to its substance by the City Manager and its form by the City Attorney and receipt by the City Engineer of new legal descriptions of the actual encroachments, including a survey drawing prepared by a professional surveyor, should the improvement vary from the submitted survey drawings.

- h. the City Commission approves the branding logo for Hickory Hills and that the City Clerk maintain its registration as a service mark of the City of Traverse City.

CARRIED unanimously

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Update regarding the 2015 West Front Street Reconstruction Project and consideration of authorizing a confirming change order to the construction contract to provide for different light pole foundation bases and for the purchase of pre-cast foundations for the bases.

The following addressed the Commission:

Marty Colburn, City Manager
Tim Lodge, City Engineer

Moved by Easterday, seconded by Richardson, that the Mayor and City Clerk execute a unit prices change order to the contract with Crawford Contracting, (originally authorized April 6, 2015), for the 2015 West Front Street Reconstruction Project to adjust the unit price for light pole bases and add the purchase of required pre-cast light pole foundations, as outlined in the July 27, 2015, memo from the City Engineer, such change order subject to approval as to its substance by the City Manager and its form by the City Attorney, with the funds available in the West Front Street Reconstruction Project Fund and West Front Street Bridge Replacement Project Fund.

Richard Lewis, 1744 East Front Street – made general comments

CARRIED unanimously.

4. New Business

4(a).

Consideration of adopting a resolution approving the ballot language for a proposal to be submitted to the City electorate at the November 3, 2015, election for permission from the voters to place a conservation easement on 3.61 acres of parkland adjacent to Silver Drive, which would require, in perpetuity, that the parkland to remain natural and undeveloped.

The following addressed the Commission:

Marty Colburn, City Manager
Lauren Tribble-Laucht, City Attorney
Tim Lodge, City Engineer

Moved by Richardson, seconded by Carruthers, that the Resolution Approving Ballot Language Authorizing a Conservation Easement on Parkland Adjacent to Silver Drive, Which Requires the Parkland Remain Natural and Undeveloped, which would schedule the proposal to be placed before the City electorate on November 3, 2015, be adopted.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

4(b).

Discussion regarding City Commission goals and objectives.

The following addressed the Commission:

Marty Colburn, City Manager

4(c).

Consideration of entering into closed session to discuss an attorney-client

privileged communication dated July 27, 2015, in connection with Case No. 2015-030938AA regarding *Watershed Center et al v Traverse City Board of Zoning Appeals*.

The following addressed the Commission:

Lauren Tribble-Laucht, City Attorney

Moved by Budros, seconded by Richardson, that the City Commission enter into closed session to discuss an Attorney-Client Privileged communication in connection with Case No. 2015-030938AA regarding *Watershed Center et al v. Traverse City Board of Zoning Appeals*, as authorized by MCL 15.268 (h).

Roll Call:

Yes - Carruthers, Easterday, Howe, Richardson, Werner, Budros, Estes.

No - None.

5. Appointments

5(a).

Consideration of appointing an ad hoc interview committee to make recommendation regarding one appointment to the Board of Zoning Appeals.

The following addressed the Commission:

Moved by Easterday, seconded by Richardson, that an ad hoc interview committee be established to make recommendation regarding one unexpired three-year term as a (seat previously held by Jennifer Jones) expiring June 30, 2017, on the Board of Zoning Appeals as a Regular Member; and that Commissioners Budros, Richardson, and Easterday be appointed to such Committee, with Commissioner Easterday to serve as Chair.

CARRIED unanimously.

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the Deputy City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Reports from members of the Commission serving on boards.
 2. Minutes of the Planning Commission meetings of April 7, 2015, and June 16, 2015.
 3. Minutes of the Human Rights Commission meeting of June 8, 2015.
- e. Reports and correspondence from non-City officials.

None.

7. Public Comment

The following addressed the Commission:

1. Reserved.

None

2. General.

The following addressed the Commission:

Chris Maxbauer, 503 West 8th Street, GTC Board Commissioner

Rick Buckhalter, 932 Kelley Street

The City Commission entered into closed session at 7:45 p.m.

The City Commission returned to open session at 8:09 p.m.

3. Mayor and City Commissioners.

Commissioner Gary Howe
Commission Jim Carruthers
Marty Colburn, City Manager
Mayor Michael Estes

There being no objection, Mayor Estes declared the meeting adjourned at 8:13 p.m.



Katelyn Stroven, CMMC
Deputy City Clerk

Approved: _____
(Date) (Initials)



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

Special Meeting

August 10, 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, Mayor Pro Tem Barbara D. Budros, James Carruthers, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

Topics of Discussion:

1.

Consideration of adopting a resolution approving the ballot language for a proposal to be submitted to the City electorate at the November 3, 2015, election for permission from the voters to place a conservation easement on 3.61 acres of parkland adjacent to Silver Drive, which would require, in perpetuity, that the parkland remain natural and undeveloped.

The following addressed the Commission:

Marty Colburn, City Manager

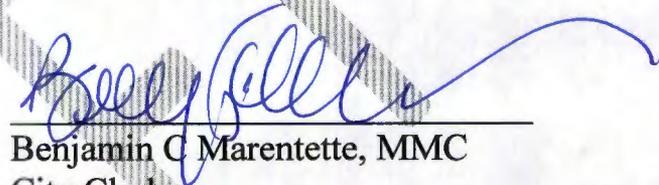
Moved by Richardson, seconded by Easterday, that the Resolution Approving Ballot Language Authorizing a Conservation Easement on Parkland

Adjacent to Silver Drive, Which Requires the Parkland Remain Natural and Undeveloped, which would schedule the proposal to be placed before the City electorate on November 3, 2015, be adopted.

Priscilla Townsend, 150 Pine Street – made general comments

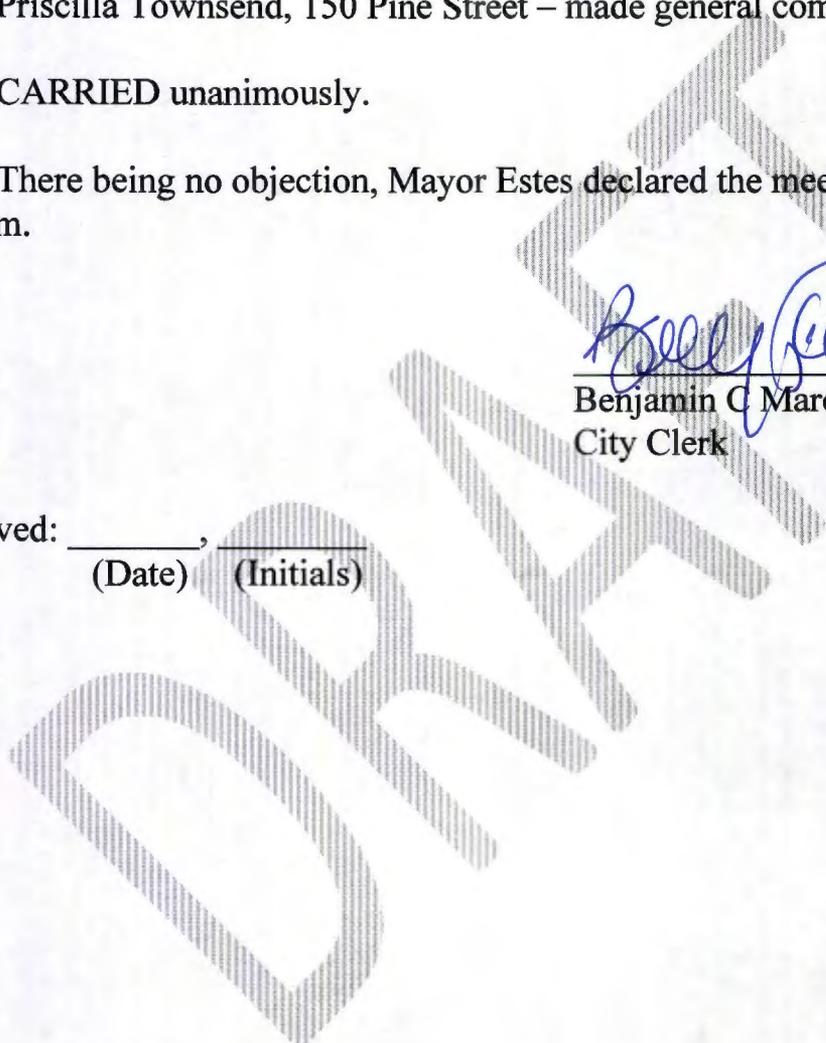
CARRIED unanimously.

There being no objection, Mayor Estes declared the meeting adjourned at 7:04 pm.



Benjamin C Marentette, MMC
City Clerk

Approved: _____, _____
(Date) (Initials)





Minutes of the
City Commission for the City of Traverse City
Study Session
August 10, 2015

A study session of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7:05 p.m.

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

The following Commissioners were absent: None.

Mayor Michael Estes presided at the meeting.

1.

Update regarding fundraising efforts for Hickory Hills.

The following addressed the Commission:

Marty Colburn, City Manager

2.

Update from the Boardman River Implementation Team.

The following addressed the Commission:

Frank Dituri, Grand Traverse Band of Ottawa and Chippewa Indians
Kim Belke, Conservation Resource Alliance

3.

Presentation and overview of the Boardman River Plan.

The following addressed the Commission:

Rob Bacigalupi, Downtown Development Authority Executive Director

4.

Public comment:

The following addressed the Commission:

Grant Parsons, 6936 Mission Ridge, Peninsula Township, City business owner

Priscilla Townsend, 150 Pine Street

John Nelson, 4022 Incochee Crest Commons, Garfield Township, The Watershed Center Grand Traverse Bay

Susannah Tobin, 502 Fifth Street

Ellen Corcoran, 150 Pine Street

5.

Announcements from the City Clerk

The following addressed the Commission:

Benjamin Marentette, City Clerk

6.

Comment from City Commissioners:

The following addressed the Commission:

Commissioner James Carruthers
Marty Colburn, City Manager

There being no objection, Mayor Michael Estes declared the meeting adjourned at 8:23 p.m.



Benjamin C Marentette, MMC
City Clerk

Approved: _____, _____
(Date) (Initials)

DRAFT



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER *mc*

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	\$1.62875
Lemmen Oil	Coopersville	\$1.67775
Crystal Flash	Traverse City	\$1.70415
Blarney Castle	Traverse City	Did not bid
Fick & Sons	Grayling	Did not bid
Schmuckal Oil	Traverse City	Did not bid
Scotland Oil	Alma	Did not bid
Gilbert's Service	Traverse City	Did not bid

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

that the City Manager be authorized to issue a confirming purchase order in the amount of \$16,294.02 to Brenner Oil Co. for 10,004 gallons of clear #2 diesel fuel without additives priced at \$1.62875 per gallon with funds available in the Garage Fund.

MC/wb

The previous purchase price on 5/13/15 was \$1.9928 per gallon.

K:\TCCLERK\City Commission\Purchase Orders\diesel fuel 20150817



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER *msc*

SUBJECT: MEMORANDUM OF UNDERSTANDING – FUNDRAISING
EFFORTS BY PRESERVE HICKORY

As discussed at the August 10 Study Session, attached is a memorandum of understanding (MOU) regarding the fundraising efforts that would be undertaken by Preserve Hickory, a 501(c)(3) organization, to raise funds for the implementation of the Hickory Hills Master Plan.

Preserve Hickory's role includes the following:

- Manage and document all fundraising activities associated with raising the match for the \$1.5 million pledged from the Brown Bridge Trust Parks Improvement Fund
- Abide by its (attached) Gift Acceptance Policy
- Work collaboratively with the City in obtaining grants supporting Hickory Hills
- Ensure open communication with the City, stakeholders and partners
- Assist the City with developing naming opportunities at Hickory Hills associated with significant gifts

The City's role includes the following:

- Ensure any disbursed Brown Bridge Trust Parks Improvement Fund dollars are utilized for the purposes of implementing the Hickory Hills Master Plan, which was adopted by the City Commission on August 18, 2014
- Prioritize the Hickory Hills project, including application for a Michigan Natural Resources Trust Fund grant in Spring 2016, and again in 2017 if appropriate
- Establish a primary point of contact and provide City staff resources, as available
- Work in good faith with the Hickory Hills Advisory Committee

- Complete short-term projects identified by the Hickory Hills Advisory Committee and approved by the City

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

that the Mayor and City Clerk execute the Memorandum of Understanding with Preserve Hickory regarding fundraising efforts by Preserve Hickory for implementation of the Hickory Hills Master Plan.

MC/bcm

K:\tcclerk\city commission\agreements\hickory hills mou fundraising

copy: Maureen Madion
 Mac McClelland

Memorandum of Understanding

The City of Traverse City and Preserve Hickory
for
the Implementation of the Hickory Hills Master Plan

1. The Parties enter into this Memorandum on the basis of the following:

- A. Hickory Hills is a unique, yet underutilized asset within Traverse City and the parties wish to preserve and improve the park. The Parties are committed to improve the Hickory Hills Recreation Area through the implementation of the Hickory Hills Master Plan ("Plan"), adopted by the City and Garfield Township by joint resolution on August 18, 2014. To that end, on June 1, 2015, the Traverse City City Commission pledged \$1.5 million from the Brown Bridge Trust Parks Improvement Fund to implement the Plan. Preserve Hickory, a 501(c)(3) non-profit, is embarking on a capital campaign to raise the required match from outside sources.
- B. The Parties understand that the Plan, while adopted, is presently conceptual in nature and will be further defined as the parties work together in fundraising, design, engineering, site development and with additional public and park user input with the progression of the project.
- C. It is the goal of the Parties to coordinate activities to ensure the successful implementation of the Plan and as such, to collaborate on the following:
 - 1. Project Management for the implementation of the Plan;
 - 2. Applications for Michigan Natural Resources Trust Fund (MNRTF) Grants;
 - 3. Sourcing public and governmental grants for which the project is eligible;
 - 4. Grant writing;
 - 5. Private fundraising;
 - 6. Communications; and
 - 7. Public and media outreach.
- D. The Parties understand that this document is not a legally binding contract and shall not be used to compel action of either party. The Parties nonetheless intend to collaborate and complete the tasks set forth herein.
- E. The failure to fulfill the tasks or follow the terms contained in this Memorandum may result in failure to achieve the parties' goals.

Therefore, in order to successfully implement the Plan, the Parties agree as follows:

2. Preserve Hickory shall:

- A. Manage and document all fundraising activities associated with raising the outside match required to spend the Brown Bridge Trust Parks Improvement Funds Pledge to implement the Plan with the exception of MNRTF Grant and other government grants which require the City's direct application.
- B. Abide by the attached Gift Acceptance Policy adopted by its Board and accepted by the City.
- C. Collaborate with and support the City's applications for public grants to support Hickory Hills.
- D. Regularly communicate with the City through the Hickory Hills Advisory Committee, which was formed in 2014 to implement the Plan and advise the City with respect to the project. The Committee will continue to serve in an advisory capacity towards the implementation of the Plan.

- E. Work with the City on naming opportunities that may be associated with specific gifts and/or requests for donor recognition consistent with the City of Traverse City Naming Policy. Preserve Hickory will deal with these requests from individual and foundation donors on a case-by-case basis. Pursuant to the City of Traverse City Naming Policy, the City maintains the authority for and will have final approval for any and all naming opportunities related to Hickory Hills. Preserve Hickory will not offer any naming opportunity to a donor without the City's approval.
- F. Communicate about the Hickory Hills project with Preserve Hickory supporters, public and private partners, donors, prospective donors, and the public.

3. The City shall:

- A. Consistent with the terms of the City's pledge, ensure that any Brown Bridge Trust Parks Improvement Funds dispersed for this project and those outside match funds raised, are utilized for the purpose of implementing the Plan.
- B. Make the Hickory Hills project a priority within City government for Parks funding as directed by the Commission, and to that end, apply for a Michigan Natural Resources Trust Fund (MNRTF) Grant, Spring 2016 and again in 2017 if appropriate.
- C. Provide city staff and/or other resources as available to the project for project management and identify an official point of contact for Preserve Hickory Advisory Committee.
- D. Continue to work in good faith with the Hickory Hills Advisory Committee.
- E. Complete short-term projects identified by the Hickory Hills Advisory Committee and approved by the City.
- F. Recognize Preserve Hickory's partnership role in preserving and improving the park and in published materials related to the Hickory Hills.

The parties may amend this agreement from time to time and such amendment shall be in writing. Upon notice, either party may immediately withdraw from this agreement at any time. The parties have executed this Memorandum on the date indicated below:

Date: _____

City of Traverse City

Michael Estes, Mayor

Benjamin Marentette, City Clerk

Date: _____

Preserve Hickory Incorporated

Laura Ness, President

PRESERVE HICKORY DONOR AND GIFT ACCEPTANCE POLICY

Introduction

PRESERVE HICKORY is a non-profit organization whose primary purposes is to preserve Hickory Hills as a public park and ski park with affordable recreation for all. All donations solicited by Preserve Hickory shall be used by the City of Traverse City to implement the Hickory Hills Long Range Master Plan (as amended and finalized during the course of the Project) ("plan") which was initially adopted by the City of Traverse City and Garfield Township by joint resolution and to that end, PRESERVE HICKORY will follow the policies and procedures outlined below. Preserve Hickory will be raising funds which will be ultimately directed and expended by the City of Traverse City to implement the Plan and improve the City park.

General Gift Acceptance Policies

Acceptance of any contribution, gift or grant is at the discretion of Preserve Hickory. Preserve Hickory will not accept any gift unless it can be used or expended consistently with the purpose and mission of Preserve Hickory. The organization reserves the right to decline a gift from any donor.

Preserve Hickory accepts donations of cash or publicly traded securities.

Certain other gifts, real property, personal property, , non-liquid securities, and contributions whose sources are not transparent or whose use is restricted in some manner, must be reviewed prior to acceptance due to the special obligations raised or liabilities they may pose for Preserve Hickory and/or the City of Traverse City.

Preserve Hickory will work with the City on naming opportunities that may be associated with specific gifts and/or requests for donor recognition. Preserve Hickory will deal with these requests from individual and foundation donors on a case-by-case basis. Pursuant to the City of Traverse City Naming Policy, the City maintains the authority for and will have final approval for any and all naming opportunities related to Hickory Hills. Preserve Hickory will not offer any naming opportunity to a donor without the City's approval.

Donor Acknowledgements

Within 14 days of donation receipt, every donor to Preserve Hickory shall receive a formal acknowledgement/ thank you letter and donation receipt consistent with IRS requirements. With the exception of gifts of cash and publicly traded securities, no value shall be provided on any receipt or other form of substantiation of a gift received. If a donor receives anything of value in exchange for the donation, such as a dinner or event admission, the tax receipt shall clearly state that portion of the donation that is tax deductible.

Donor Privacy Policy

Preserve Hickory respects the intent of the donor relating to gifts for restricted purposes and those relating to the desire to remain anonymous. With respect to anonymous gifts, Preserve Hickory will restrict information about the donor to only those staff members with a need to know.

Any information supplied to Preserve Hickory by donors will be used solely to fulfill the donation and shall not be shared for any reason unless the donor grants permission to share such information. Preserve Hickory does not sell or share donor lists. Donors who supply Preserve Hickory with their postal address or email address may be contacted periodically for solicitation purposes and/or with information regarding upcoming events. If requested, Donors will be removed from all mailing lists.

Fundraising

Funds shall be solicited in a respectful manner and without pressure. All third parties not directly affiliated with Preserve Hickory who wish to solicit funds on behalf of the organization must acquire written permission from Preserve Hickory prior to beginning any fundraising activities. Preserve Hickory will not compensate, whether through commissions, finders' fees, or other means, any third party for directing a gift or a donor to Preserve Hickory.

Preserve Hickory is a nonprofit 501(c)(3) organization and contributions made to the organization are tax deductible to the fullest extent of the law.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER *mc*

SUBJECT: ORDINANCE AMENDMENT – RESIDENTIAL TRANSIENT
MERCHANT APPLICANT INVESTIGATION AND LICENSE
ISSUANCE OR DENIAL

Attached is a memo from City Clerk Benjamin Marentette explaining an ordinance amendment to Chapter 863, Transient Merchant. As explained by the City Clerk, this amendment encompasses two items; it designates the City Clerk as authority to conduct an investigation of residential applicants, and clarifies reasons for possible denial of a license.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, Section 863.09, Investigation of Residential Area Transient Merchant; Waiting Period and Section 863.11, License Issuance or Denial, which would shift the responsibility of the residential area applicant investigation to the City Clerk and clarify reasons for possible permit denial, be introduced and scheduled for possible enactment on September 8, 2015.

MC/kes

K:\tcclerk\city commission\ordinance amendments\Transient Merchant Clarification_Intro_20150817.doc

copy: Jeffrey O'Brien, Interim Police Chief

Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager

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

DATE: August 13, 2015

SUBJECT: Ordinance Amendment - Transient Merchant Licenses

Attached is an ordinance amendment which incorporates two changes to the Transient Merchant licensing process.

Similar to the proposed changes for the Solicitor permitting process, the first change is to shift the responsibility of the residential area applicant investigation to the City Clerk from the Police Chief. The City Clerk's Office has the ability to utilize the same resources as the Police Department to conduct an investigation of the applicant. By amending the ordinance to shift this responsibility to the City Clerk's Office, staff is able to facilitate the entire approval and denial process.

The second change is to clarify the issuance or denial of permits. This change allows the City Clerk's Office flexibility in determining the approval or denial of solicitor permits.

If I may be of any assistance in furthering explaining this amendment, please do not hesitate to contact me.

Thank you!

bcm/kes

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: CLARIFICATION OF TRANSIENT MERCHANT LICENSE ISSUANCE OR DENIAL

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 863.09 and 863.11, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

863.01 INTENT

Regulation of all types of transient merchants is sufficiently connected to the City's interest in preventing crime, preventing fraud, and protecting citizens' quiet enjoyment and peace, especially in residential areas where there exists a significant connection among evening vending in residential areas, evidence of nighttime crime and disruption of citizens' quiet enjoyment and peace to limit hours of vending in residential neighborhoods, while leaving ample alternative channels of communication open to transient merchants. The City has no other less restrictive means available to achieve these objectives.

(Ord. 386. Passed 6-20-94. Ord. 612. Passed 10-20-03. Ord. 949. Passed 7-16-12)

863.02 DEFINITIONS

As used in this chapter:

- A. Transient Merchant shall mean any person offering, exposing for sale or making available for a price, or donation, making sales and delivering articles to purchasers, or taking or attempting to take orders for sale of goods, foodstuffs, or services of any kind, for immediate or future delivery or performance, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether or not he or she is collecting advance payments on such sale, by any of the following means:
 - 1. Traveling by foot, wagon, automotive vehicle, or other conveyance, from place to place, house to house, or street to street, carrying, conveying or transporting such goods, wares, merchandise or foodstuffs;
 - 2. Hiring, leasing or occupying any building or structure for the exhibit or sale of such goods, foodstuffs, or services, while not on the City tax rolls, including a person who associates temporarily with a local merchant or dealer, which building or structure is not otherwise used for that purpose;
 - 3. Offering out of doors such goods, foodstuffs or services from a stationary cart, stand, wagon, automotive vehicle or from one's person.
- B. Person shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, society, organization or league, and includes any trustee, receiver, assignee, subcontractor, agent or other similar representative thereof.
- C. Structure shall mean tents, push carts, trailers, stands, wagons, vehicles, booths or any other material or thing that occupies space whether portable or fixed.

D. Vending shall operate as a verb for the activities attributed to Transient Merchant in the definition of this ordinance.

(Ord. 386. Passed 6-20-94, Ord. 919. Passed 7-15-11. Ord. 949. Passed 7-16-12)

863.03 LICENSE REQUIRED; EXCEPTIONS.

A. Required. No person shall be a transient merchant without a license from the City Clerk authorizing such vending. Licenses shall bear the name and address of the person vending, term of license, type and location of vending, a picture, and a statement that the license does not constitute an endorsement by the City of the purpose of the vending or of the person or group conducting the vending. Such license shall be carried by a transient merchant. Such vending shall comply with this Code, State laws and regulations and the conditions of the license. No Transient Merchant license in the residential districts shall be granted except upon approval of the ~~Chief of Police~~ **City Clerk**.

B. Exceptions. The following activities are exempt from this chapter:

1. Vending made in books, magazines, periodicals, newspapers and other similar publications or through the mail;
2. Vending made over the radio, television or telephone;
3. Vending by persons under twelve years of age where all proceeds are retained by such transient merchant. No adult or business shall hire or subcontract such transient merchant in an attempt to evade the provisions of this Chapter;
4. Distributing handbills or leaflets where the distributor of them does not accept payments, orders or contributions;
5. Vending between merchants where neither merchant is the ultimate consumer of goods or services involved or the ultimate donor of the gifts involved;
6. Any person qualifying as a "solicitor" shall be excluded from the definition of a transient merchant and the regulations contained in this Chapter;
7. Persons who have express City Commission approval.

(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.04 FILING FALSE APPLICATION.

No person shall knowingly file or cause to be filed an application or a document supporting an application containing one or more false statements.

(Ord. 386. Passed 6-20-94.)

863.05 DURATION; TRANSFERABILITY.

Licenses may be issued for up to one calendar year. The license issued under this Chapter is non-transferable.

(Ord. 386. Passed 6-20-94.)

863.06 TRANSIENT MERCHANT LICENSE APPLICATION.

Every person desiring to be a transient merchant is required to make written application for a license from the City Clerk. An application shall be made upon a form provided by the City Clerk.

The applicant shall truthfully state, in full, the information requested on the application, such as:

- (a) The applicant's name, telephone number, address of present place of residence,

length of residence at such address and business address if other than the residence address;

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

(Ord. 386. Passed 6-20-94. Ord 949. Passed 7-16-12. Ord. 997. Passed 6-16-17)

863.07 TRANSIENT MERCHANT LICENSE FEES.

An application for a transient merchant's license shall be accompanied by a fee. Such fee shall be established by resolution of the City Commission and is non-refundable unless canceled in person with the City Clerk in advance of the day for which cancellation is sought. No fee shall be charged to:

- a) City of Traverse City merchants and representatives engaging in year-around business in the City and who are listed on the City's tax rolls or who are exempt from property taxes, or those new businesses who do not qualify for the City tax roll but have a year lease for a permanent location.
- b) Any honorably discharged veteran who is a resident of this State and who has obtained a Veteran's License from a County Clerk within the State of Michigan.
- c) Persons 12 years of age to and including 17 years of age where all proceeds are retained by the person. No adult or business shall hire or subcontract such persons in an attempt to evade the provisions of this Chapter.

(Ord. 386. Passed 6-20-94. Ord. 806. Passed 7-21-08. Ord. 949. Passed 7-16-12)

863.08 FOOD TRANSIENT MERCHANTS

No license shall be issued to a food transient merchant until the applicant and any vehicle and equipment used by such applicant are approved by the Health Department.

(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.09 INVESTIGATION OF RESIDENTIAL AREA TRANSIENT MERCHANT; WAITING PERIOD.

Upon receipt of an application for license to be a transient merchant in a residential area, the ~~Police Chief~~ **City Clerk** shall conduct an investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good. No license shall be issued without the approval of the ~~Police Chief~~ **City Clerk**. No license shall be issued under this chapter until a period of seventy-two hours has elapsed from the time of application, such period of time to be used by the Traverse City ~~Police Chief~~ **City Clerk** for proper investigation of each application.

(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.10 HOURS IN RESIDENTIAL AREAS

No person shall engage in vending in residential areas prior to 9:00 a.m. or after 9:00 p.m. or sunset, whichever is earlier, on any weekday or Saturday, or at any time on a Sunday, New Years Day, Presidents Day, Memorial Day, Martin Luther King Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day.

(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.11 LICENSE ISSUANCE OR DENIAL

No license shall **may** be issued to, nor shall **may** any vending be conducted by:

- a) Any person who has made a false material statement in the application for the license.
- b) Any person who has been convicted of a violation of this chapter or whose solicitation permit or transient merchant license has previously been revoked by the City.
- c) ~~Any person who has been convicted of any crime involving moral turpitude, breach of the peace or is a menace to health, safety or the general welfare of the public.~~ **Any person who has been convicted of a felony or dangerous misdemeanor.**
- d) Any person vending in the C-4 District on private property utilizing a tent or other structure or shelter made from soft fabric like material without first demonstrating that the tent or other structure will be properly secured and stable, is flame retardant, and capable of withstanding strong winds.

(Ord. 386. Passed 6-20-94, Ord. 919. Passed 7-15-11. Ord. 494. Passed 7-16-12)

863.12 REVOCATION.

A license shall be revoked by the City Clerk if, upon receipt of written information or upon the Clerk's own investigation, the Clerk has reason to believe a licensed transient merchant:

- (a) Has violated any of the provisions of this chapter, the Traverse City Code, or any statute of the State of Michigan.
- (b) Has made a false material statement in the application or has otherwise become disqualified for the issuance of such a license.
- (c) Has violated any provision of this Chapter, which violation has been documented by a written complaint certified by the City Clerk pursuant to Section 863.14.
- (d) Has conducted vending that is in any manner adverse to the protection of the public health, safety or welfare of the City of Traverse City. Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the licensed transient merchant in person or by certified mail addressed to his or her place of business or residence address set forth in the application. Immediately upon the giving of such notice, the license shall become null and void.

(Ord. 386. Passed 6-20-94. Ord. 494. Passed 7-16-12)

863.13 MANNER OF VENDING; DUTIES OF-TRANSIENT MERCHANT.

No transient merchant shall:

- a) Conduct as a transient merchant upon a premises in defiance of a posted notice stating "No Solicitors or Peddlers", "No Peddlers" or "No Solicitors" or "No Transient Merchants".
- b) Fail to immediately and peacefully depart from premises when requested to do so by the occupant.
- c) Fail to accurately reveal all information contained in the application for a transient merchant license and all information required to be revealed by State law to any person requesting such information. Failure of a transient merchant to reveal such information shall be grounds for the revocation of the license pursuant to Section 863.12 or the denial of future solicitation permits or transient merchant licenses pursuant to Section 863.11.
- d) Fail to identify himself or herself and the name of the organization represented.
- e) Fail to prominently wear the picture identification badge issued by the City Clerk.
- f) Conduct business in a park as defined by Traverse City Code, Chapter 1064.
- g) Occupy a stationary location on a public street, sidewalk, parkway, park, parking lot or any other public property which is used by pedestrians or persons operating motor vehicles. A transient merchant shall be presumed to have occupied a stationary location if he or she has conducted business in any such public place for a period in excess of ten (10) minutes.
- h) If issued a license after July 25, 2011, leave a structure on private property in the C-4 District between the hours of 12 a.m. and 6 a.m, or leave such unattended for more than 2 hours.
- i) Vend in a public area less than one block away from where a City-authorized street fair, public festival, farmer's market or event is being conducted, except with the permission of the sponsor.
- j) Use or employ any flashing lights on any vehicle, or any other device for the purpose of attracting attention to any goods, wares or merchandise which the transient merchant proposes to sell.
- k) Represent that the granting of a license under this Chapter is an endorsement by the City.
- l) Fail to follow all provisions of State laws and regulations, City ordinances and conditions of the transient merchant license.

(Ord. 386. Passed 6-20-94, Ord. 919. Passed 7-15-11. Ord. 949. Passed 7-16-12)

863.14 COMPLAINTS; APPEALS.

If a written complaint is filed alleging that a transient merchant has violated any provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the transient merchant together with a notice that an investigation will be made as to the truth of the complaint. The transient merchant shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this section, the applicant or holder of a license may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to

whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or the filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to the City Commission. Review by the City Commission shall be under the same standards of review as the determination by the City Manager and shall be in accordance with rules of procedure established by the City Commission. The City Commission's decision may be reviewed by a court of competent jurisdiction.
(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.15 OTHER LICENSES OR PERMITS.

A license obtained under this Chapter shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by any other ordinance, statute or administrative rule.
(Ord. 386. Passed 6-20-94.)

863.16 PUSHCARTS OR PEDAL CARTS.

Pushcarts are restricted to sidewalks in the residential districts unless otherwise prohibited by local ordinance. Pedal carts are restricted to sidewalks in the residential districts and are permitted on all City streets in accordance with the Michigan Vehicle Code. Motor vehicles are permitted on all streets in accordance with the Michigan Vehicle Code. Any transient merchant using a motor vehicle or pedal cart in a street, when stopped, shall place the vehicle parallel to and within twelve inches of the curb and shall depart from such place as soon as the sale has been completed.
(Ord. 386. Passed 6-20-94. Ord. 949. Passed 7-16-12)

863.17 APPEARANCE TICKETS.

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.
(Ord. 386. Passed 6-20-94.)

863.18 CIVIL INFRACTION.

A person who violates this Chapter is responsible for a civil infraction and subject to a fine of not less than \$100 nor more than \$500.
(Ord. 386. Passed 6-20-94.)

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

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

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER *MC*

SUBJECT: ORDINANCE AMENDMENT – RESIDENTIAL MOBILE FOOD
VENDING PERMIT APPLICANT INVESTIGATION

Attached is a memo from City Clerk Benjamin Marentette explaining an ordinance amendment to Chapter 865, Mobile Food Vending. As explained by the City Clerk, this ordinance amendment would shift the residential area applicant investigation responsibility to the City Clerk's Office.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, Section 865.07, Investigation by the Chief of Police, which would shift the responsibility of the residential area applicant investigation to the City Clerk, be introduced and scheduled for possible enactment on September 8, 2015.

MC/kes

K:\tcclerk\city commission\ordinance amendments\Mobile Food Vending Clarification_Intro_20150817.doc

copy: Jeffrey O'Brien, Interim Police Chief

Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager

FROM: Benjamin C. Marentette, City Clerk 

DATE: August 13, 2015

SUBJECT: Ordinance Amendment - Mobile Food Vending Permit

Attached is an ordinance amendment which shifts the responsibility of the residential area applicant investigation to the City Clerk from the Police Chief. As explained with the other two proposed ordinance amendments, the City Clerk's Office has the ability to utilize the same resources as the Police Department to conduct an investigation of the applicant and its food vending unit.

If I may be of any assistance in furthering explaining this amendment, please do not hesitate to contact me.

Thank you!

bcm/kes

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: CLARIFICATION OF MOBILE FOOD VENDING PERMIT APPROVAL INVESTIGATION

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 865.07, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

865.01 INTENT.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established. (Ord. 963. Passed 5-6-13)

865.02 DEFINITIONS.

- (a) *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- (b) *Mobile Food Vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

(Ord. 963. Passed 5-6-13)

865.03 PERMIT REQUIRED.

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human

consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance. (Ord. 963. Passed 5-6-13)

865.04 DURATION; NON-TRANSFERABILITY.

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this Chapter is non-transferable. (Ord. 963. Passed 5-6-13)

865.05 APPLICATION.

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city. (Ord. 963. Passed 5-6-13)

865.06 FEES.

An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter. (Ord. 963. Passed 5-6-13)

865.07 INVESTIGATION BY THE CHIEF OF POLICE. CITY CLERK.

For Mobile Food Vending within residential areas, approval must be given by the Chief of Police City Clerk prior to issuance of a permit by the City Clerk. (Ord. 963. Passed 5-6-13)

865.08 REQUIREMENTS.

Any vendor engaging in Mobile Food Vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
2. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
4. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
5. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
6. Comply with the city's Noise Ordinance, Sign Ordinance and all other City ordinances.

7. Comply with all applicable federal, state and county regulations.
 8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
 9. Within residential areas, a mobile food vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7 a.m. and 11 p.m. On private property within Commercial Area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
 10. No Mobile Food Vending Unit may be left unattended for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas. This subsection applies to Mobile Food Vending Units operating on city-controlled property only.
 11. Not represent the granting of a permit under this Chapter as an endorsement by the city.
 12. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.
- (Ord. 963. Passed 5-6-13, Ord. 988. Passed 1-21-14)

865.09 PARKING BEYOND LIMITS ALLOWED BY CITY ORDINANCE AND ORDER.

Any Mobile Food Vending Unit with a valid Mobile Food Vending License may park in a city-controlled parking space for durations as authorized by the permit; and such Mobile Food Vending Unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no Mobile Food Vending Unit shall park in a city-controlled parking space if parking is prohibited altogether. Any Mobile Food Vending Unit parked in a metered parking space with a valid Mobile Food Vending License shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter. (Ord. 963. Passed 5-6-13)

865.10 IMPOUNDMENT.

Any equipment associated with food vending that are not in compliance with this Chapter and left on public property may be impounded at the owner's expense. (Ord. 963. Passed 5-6-13)

865.11 OTHER PERMITS.

A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule. (Ord. 963. Passed 5-6-13)

865.12 REVOCATION

The City Clerk shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local

regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void. (Ord. 963. Passed 5-6-13)

865.13 COMPLAINTS; APPEALS.

If a written complaint is filed with the City Clerk alleging a Food Vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction. (Ord. 963. Passed 5-6-13)

865.14 APPEARANCE TICKETS.

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements. (Ord. 963. Passed 5-6-13)

865.15 CIVIL INFRACTION.

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day Provided, however, that the fine for parking violations shall be those as outlined in Chapter 488 of these codified ordinances. (Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)

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

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

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER *MC*

SUBJECT: ORDINANCE AMENDMENT – RESIDENTIAL SOLICITOR
APPLICANT INVESTIGATION AND PERMIT ISSUANCE OR
DENIAL

Attached is a memo from City Clerk Benjamin Marentette explaining an ordinance amendment to Chapter 862, Solicitors. As explained by the City Clerk, this amendment is similar to the Transient Merchant proposed changes and encompasses two items; it designates the City Clerk as authority to conduct an investigation of residential applicants, and clarifies reasons for possible denial of a permit.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, Section 862.07, Investigation of Residential Area Solicitor and Section 862.10, Permit Issuance or Denial, which would shift the responsibility of the residential area applicant investigation to the City Clerk and clarify reasons for possible permit denial, be introduced and scheduled for possible enactment on September 8, 2015.

MC/kes

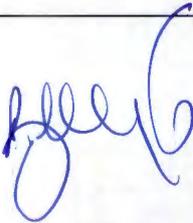
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copy: Jeffrey O'Brien, Interim Police Chief

Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager
FROM: Benjamin C. Marentette, City Clerk 
DATE: August 13, 2015
SUBJECT: Ordinance Amendment - Solicitors Permits

Attached is an ordinance amendment which incorporates two changes to the Solicitor permitting process, which are similar to the proposed changes to the Transient Merchant licensing process.

The first change is to shift the responsibility of the residential area applicant investigation to the City Clerk from the Police Chief. The City Clerk's Office has the ability to utilize the same resources as the Police Department to conduct an investigation of the applicant. By amending the ordinance to shift this responsibility to the City Clerk's Office, staff is able to facilitate the entire approval and denial process.

The second change is to clarify the issuance or denial of permits. This change allows the City Clerk's Office flexibility in determining the approval or denial of solicitor permits.

If I may be of any assistance in furthering explaining this amendment, please do not hesitate to contact me.

Thank you!

bcm/kes

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: CLARIFICATION OF SOLICITORS PERMIT ISSUANCE OR DENIAL

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 862.07 and 862.10, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

862.01 INTENT.

Regulation of all types of solicitation are sufficiently connected to the City's interest in preventing crime, preventing fraud, and protecting citizens' quiet enjoyment and peace, especially in residential areas where there exists a significant connection among evening solicitation, evidence of nighttime crime and disruption of citizens' quiet enjoyment and peace to limit hours of solicitation in residential neighborhoods, while leaving ample alternative channels of communication open to solicitors. The City has no other less restrictive means available to achieve these objectives. (Ord. 387. Passed 6-20-94. Ord. 585. Passed 11-4-02.)

862.02 DEFINITIONS.

As used in this chapter:

- (a) *Solicitor* shall mean any person who requests money, credit, property, financial assistance or other thing of value, by personal interview or otherwise, on the plea or representation that such money, credit, property, financial assistance or other thing of value, or the net proceeds over reasonable expenses thereof, will be used for a charitable, religious, patriotic, civic, educational or philanthropic purposes.
- (b) *Person* shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, church, religious sect or denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.
- (c) *Structure* shall mean tents, push carts, trailers, stands, wagons, vehicles, booths or any other material or thing that occupies space whether portable or fixed.

(Ord. 387. Passed 6-20-94, Ord 920. Passed 7-15-11)

862.03 PERMIT REQUIREE; EXCEPTION.

- (a) Required. No person shall solicit without a permit from the City Clerk authorizing such solicitation. Permits shall bear the name and address of the person soliciting, type of permit, type and location of soliciting and a statement that the permit does not constitute an endorsement by the City of the purpose of the solicitation or of the person or group conducting the solicitation. Such permit, or a copy thereof, shall be carried by a solicitor. Such solicitation shall comply with this Code, State laws and regulations and the conditions of the permit.

- (b) Exceptions. The following activities are exempt from this chapter:
- (1) Solicitations made to a congregation or group in attendance at one location and made by the person or organization inviting the individuals composing the congregation or group;
 - (2) Solicitations made in books, magazines, periodicals, newspapers and other similar publications or through the mail;
 - (3) Solicitations made over the radio, television or telephone;
 - (4) The distribution of handbills or leaflets where the individual distributing them does not accept payments, orders or contributions;
 - (5) Any person qualifying as a "transient merchant" shall be excluded from the definition of a solicitor and the regulations contained in this Chapter.
- (Ord. 387. Passed 6-20-94.)

862.04 FILING FALSE APPLICATION.

No person shall knowingly file or cause to be filed an application and a document supporting an application containing one or more false statements.
(Ord. 387. Passed 6-20-94.)

862.05 DURATION; TRANSFERABILITY.

A permit may be issued for up to one calendar year. The permit issued under this Chapter is non-transferable; provided, however, that this shall not prevent any solicitor from using any number of representatives and provided, further, that the City Clerk shall require that each representative shall wear a facsimile copy of such permit while engaged in solicitation or a standard identifiable uniform.
(Ord. 387. Passed 6-20-94.)

862.06 SOLICITATION PERMIT APPLICATION.

Every person desiring to solicit is required to make written application for a permit from the City Clerk. An application shall be made upon a form provided by the City Clerk. The applicant shall truthfully state, in full, the information requested on the application, such as:

- (a) Type of organization (e.g., religious, charitable, educational, citizen group, civic, patriotic or philanthropic);
- (b) Name, address, telephone number and headquarters of the person applying for the permit;
- (c) The names, addresses and phone number of the person or persons who will be in direct charge of conducting the solicitations;
- (d) The purposes for which such solicitation is to be made and the approximate number of representatives who will be soliciting;
- (e) An outline of the method or methods to be used on conducting the solicitations;
- (f) Location of areas in which soliciting will be conducted;
- (g) The time when such solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitations and the hours of the day thereof;
- (h) Such other information as may be required by the City Clerk to determine the kind or character of the proposed solicitation and whether such solicitation is in the interest of, and not adverse to, the public welfare;
- (i) If applicable, a copy of a State permit to solicit funds or an exemption certificate;

(j) The date or approximate date of the last permit issued under this chapter.
(Ord. 387. Passed 6-20-94.)

862.07 INVESTIGATION OF RESIDENTIAL AREA SOLICITOR.

Upon receipt of an application for license to solicit in a residential area, the ~~Police Chief~~ **City Clerk** shall conduct an investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good. No license shall be issued without approval of the ~~Police Chief~~ **City Clerk**. (Ord. 769. Passed 8-20-07)

862.08 SOLICITATION PERMIT FEES.

An application for a solicitor's permit shall be accompanied by a fee. Such fee shall be established by resolution of the City Commission. No fee shall be charged to citizen groups and religious groups. (Ord. 387. Passed 6-20-94.)

862.09 SOLICITORS DISTRIBUTING FOOD.

No permit shall be issued to a solicitor distributing food until the applicant and any vehicle and equipment used by such applicant are approved by the Health Department. (Ord. 387. Passed 6-20-94.)

862.10 PERMIT ISSUANCE OR DENIAL.

No permit shall ~~shall~~ **may** be issued to, nor shall ~~shall~~ **may** any soliciting be conducted by:

- (a) Any person who has made a false material statement in the application for the permit.
- (b) Any person who has been convicted of a violation of this chapter or whose solicitation permit has previously been revoked by the City.
- (c) ~~Any person who has been convicted of any crime involving moral turpitude, breach of the peace or is a menace to health, safety or the general welfare of the public.~~ **Any person who has been convicted of a felony or dangerous misdemeanor.**
- (d) Any person soliciting in the C-4 District on private property utilizing a tent or other structure or shelter made from soft fabric like material without first demonstrating that the tent or other structure will be properly secured and stable, is flame retardant, and capable of withstanding strong winds. (Ord. 387. Passed 6-20-94, Ord. 920. Passed 7-15-11.)

862.11 HOURS IN RESIDENTIAL AREAS.

No person shall engage in soliciting in residential areas prior to 9:00 a.m or after 9:00 p.m. or sunset, whichever is earlier, on any weekday or Saturday, or at any time on a Sunday, New Years Day, Presidents Day, Memorial Day, Martin Luther King Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day. (Ord. 387. Passed 6-20-94.)

862.12 REVOCATION.

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

- (a) Has violated any of the provisions of this chapter, the Traverse City Code, or any statute of the State of Michigan.
- (b) Has made a false material statement in the application or has otherwise become disqualified for the issuance of such a permit.

- (c) Has violated any of the provisions of this chapter, which violation has been documented by a written complaint certified by the City Clerk, pursuant to Section 812.12.
- (d) Has conducted solicitation that is in any manner adverse to the protection of the public health, safety or welfare of the City of Traverse City.

Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the registered solicitor in person or by certified mail addressed to his or her place of business or residence address set forth in the application. Immediately upon the giving of such notice, the permit shall become null and void. (Ord. 387. Passed 6-20-94.)

862.13 MANNER OF SOLICITING; DUTIES OF SOLICITORS.

No solicitor shall:

- (a) Solicit upon a premises in defiance of a posted notice stating "No Solicitors or Transient Merchants" or "No Solicitors".
- (b) Fail to immediately and peacefully depart from premises when requested to do so by the occupant.
- (c) Fail to accurately reveal all information contained in the application for a solicitation permit and all information required to be revealed by State law to any person requesting such information. Failure of a solicitor to reveal such information shall be grounds for the revocation of the permit pursuant to Section 862.11 or the denial of future solicitation permits pursuant to Section 862.09.
- (d) Fail to identify himself or herself and the name of the organization represented.
- (e) Fail to prominently wear the identification badge issued by the City Clerk.
- (f) Solicit in a park as defined by Chapter 1064.
- (g) Occupy a stationary location on a public street, sidewalk, parkway, park, parking lot or any other public property which is used by pedestrians or persons operating motor vehicles. A solicitor shall be presumed to have occupied a stationary location if he or she has conducted business in any such public place for a period in excess of ten (10) minutes.
- (h) If issued a license after the effective date of this amendment, leave a structure on private property in the C-4 District between the hours of 12 a.m. and 6 a.m., or leave such unattended for more than 2 hours.
- (i) Solicit in a public area less than one block away from where a City-authorized street fair, public festival, farmer's market or event is being conducted, except with the permission of the sponsor.
- (j) Use or employ any flashing lights on any vehicle, or any other device for the purpose of attracting attention.
- (k) Represent that the granting of a permit under this Chapter is an endorsement by the City.
- (l) Fail to follow all provisions of State laws and regulations, City ordinances and conditions of the solicitation permit. (Ord. 387. Passed 6-20-94, Ord. 920. Passed 7-15-11)

862.14 COMPLAINTS; APPEALS.

If a written complaint is filed alleging that a solicitor has violated any provision of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the solicitor, together with a notice that an investigation will be made as to the truth of the complaint. The solicitor shall be invited to respond to the complaint and present evidence and respond to evidence produced by

the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.

If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this section, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or the filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to the City Commission. Review by the City Commission shall be under the same standards of review as the determination by the City Manager and shall be in accordance with rules of procedure established by the City Commission. The City Commission's decision may be reviewed by a court of competent jurisdiction. (Ord. 387. Passed 6-20-94.)

862.15 OTHER PERMITS OR LICENSES.

A permit obtained under this chapter shall not relieve any person of the responsibility for obtaining any other license, permit or authorization required by any other ordinance, statute or administrative rule. (Ord. 387. Passed 6-20-94.)

862.16 PUSHCARTS OR PEDAL CARTS.

Pushcarts are restricted to sidewalks in the residential districts unless otherwise prohibited by local ordinance. Pedal carts are restricted to sidewalks in the residential districts and are permitted on all City streets in accordance with the Michigan Vehicle Code. Motor vehicles are permitted on all streets in accordance with the Michigan Vehicle Code. Any solicitor using a motor vehicle or pedal cart in a street, when stopped, shall place the vehicle parallel to and within twelve inches of the curb and shall depart from such place as soon as the sale has been completed. (Ord. 387. Passed 6-20-94.)

862.17 APPEARANCE TICKETS.

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements. (Ord. 387. Passed 6-20-94.)

862.18 CIVIL INFRACTION.

A person who violates this Chapter is responsible for a civil infraction and subject to a fine of not less than \$100 nor more than \$500. (Ord. 387. Passed 6-20-94.)

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

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

regular meeting of the City Commission by a vote of Yes:
____ No: ____ at the Commission Chambers, Governmental
Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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

Benjamin C. Marentette, City Clerk



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER *MAC*

SUBJECT: ORDINANCE AMENDMENT TO ALLOW CREMATORIES AND FUNERAL HOMES IN INDUSTRIAL DISTRICT

Attached is a memo from City Planning Director Russ Soyring indicating the Planning Commission's recommendation to allow crematories and funeral homes in the Industrial District. As stated by Mr. Soyring, cremation is a rapidly growing trend and Michigan and our Zoning Code does not address them with the exception of the C-2 district where they are not allowed.

I recommend the following motion:

that the amendments to the Traverse City Code of Ordinances, Section 1320.07, Definitions and Section 1354.01, Uses Allowed, which would allow for crematories and funeral homes in the Industrial District, as recommended by the Planning Commission, be introduced and scheduled for possible enactment on September 8, 2015.

MC/kes

K:\tcclerk\city commission\ordinance amendments\Crematories and Funeral Homes_Intro_20150817.doc

copy: Russell Soyring, City Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: MARTY COLBURN, CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR *Russ Soyring*

SUBJECT: AMENDMENT TO ALLOW CREMATORIES AND FUNERAL HOMES IN INDUSTRIAL DISTRICT

DATE: AUGUST 10, 2015

A request has been made by Vaughn Seavolt, a local funeral director to allow funeral homes and crematories in I-(Industrial) Districts. The Zoning Code allows Funeral homes without crematories in the C-2 (Neighborhood Center) District. In the Industrial District, C-2 (Neighborhood Center) uses are allowed. However, in the Airport Industrial Park and Traversefield Enterprise Place, C-2 uses are limited to buildings that are more than 5 years old. This restriction was put in place to limit commercial uses in the industrial planned parks.



Interior space of a crematory

Crematories or any facilities for cremation are currently not addressed anywhere within the Zoning Code with the exception of the C-2 district where it states they are not allowed. Cremation is now common and rapidly growing within Michigan and the nation. Crematories are licensed by the State of Michigan. Based on staff's review of several articles, crematories have a very low impact on the air quality or the environment. The evaporation of mercury is the biggest concern, but other allowed uses in the industrial district would likely generate higher levels of mercury vapor. Many other allowed uses in the I District would also have the potential of higher emissions in terms of particulates such as coal fired power plant or steel smelting plant.

Memorandum

The City of Traverse City
Planning Department



Based on input from the Planning Commission at their June 16, 2015 study session, staff prepared a text amendment to allow for funeral homes and crematories in the Industrial District with conditions. A Public Hearing was scheduled at the July 7, 2015 meeting and held on August 4, 2015. There were no comments made during the Public Hearing. The Planning Commission recommended the amendment be approved on a 7-0 vote (Commissioners Easterday and Dow absent). Please pass on the Planning Commission's recommendation regarding this zoning code amendment on to the City Commission for their consideration.

During the public hearing a question was asked whether the distance requirement that a crematory be at least 500 feet from a residential zone would apply to the residentially zoned properties within the townships. After conferring with Lauren Tribble-Laucht, City Attorney it was determined that the requirement as written and presented to the Planning Commission, would not apply to the adjacent township (East Bay and Garfield Townships) residential zones. To keep with the intended spirit of the proposed zoning regulation, the text was subsequently modified by staff in the attached red-lined version of the proposed zoning ordinance text amendment.

RAS:ml
Attachments: Amendment

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: CREMATORIES DEFINITION AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That the General Provisions and Definitions Chapter, 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 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".

Crematories means a building or structure, or room or space in a building or structure, for the cremation of deceased persons or deceased household pets.

Critical root zone means a circular area surrounding a tree, the radius of which is measured

outward from the trunk of a tree one foot for each one inch of diameter at breast height. The critical root zone shall also extend to a depth of four feet below the natural surface ground level. **Cultural facilities** means facilities for activities for the preservation and enhancement for the cultural well-being of the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Essential services means the installation, construction, alteration or maintenance by public utilities or governmental agencies of underground, surface or overhead telephone, electrical, gas,

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

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

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

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

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

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

Floor area. See AGross Floor Area@.

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

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

Grade means

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

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

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

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

Height of building means the vertical distance from the grade to the highest point on a mansard or flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs. (See Figure 1-3).

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

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

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

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

Land clearing means:

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

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

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

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

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

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

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

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

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

Lot, through. "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 Marijuana means marijuana as defined by the Michigan Medical Marijuana 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: FUNERAL SERVICES AND CREMATORIES ADDED AS USES ALLOWED IN THE INDUSTRIAL DISTRICT AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That the Industrial District Chapter, Section 1354.01, *Uses Allowed*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1354.01 USES ALLOWED.

The following uses of land and buildings together with accessory uses are allowed in the Industrial district:

- GP District uses;
- C-2 District uses meeting the setbacks (§1342.02), building height (§1342.06) and special requirements (§1342.09) of the C-2 District and shall not open to the public between the hours of 10:00 p.m. and 6:00 a.m.
- C-2 District uses in the Airport Industrial Park and Traversefield Enterprise Place is limited to existing buildings more than five years old, based upon the date of the initial certificate of occupancy issued. Minor additions are allowed provided the addition is for barrier free access, fire safety or to improve the energy efficiency of the building;
- Auto Repair;
- Communications establishments;
- Construction, special trades;
- Contractors;
- Contractors, heavy construction;
- Crematories provided the use is at least five hundred feet from a Residential zoning (~~R-1a, R-1b, R-2, R-9, R-15 or R-29~~) District, public park or school as defined by the Zoning Code;
- Cutting plastics, leather, etc;
- Equipment rental and leasing, miscellaneous;
- Fuel dealers;
- Funeral services;
- Gas systems;
- Kennels for boarding provided that no building, open kennel or exercise runway shall be located closer than 200 feet from any R District;
- Lumber yards - retail;
- Manufacturing or processing of:
 - (1) Apparel and other finished products made from fabrics and similar materials;
 - (2) Bakery products;
 - (3) Beverages;
 - (4) Canned, frozen and preserved fruits, vegetable and food specialties;
 - (5) Dairy products;
 - (6) Electronic and other electrical equipment and components;
 - (7) Fabricated metal products, except machinery and transportation equipment and

- except ordnance and accessories;
- (8) Food preparations and kindred products - miscellaneous;
- (9) Furniture and fixtures;
- (10) Grain mill products;
- (11) Industrial and commercial machinery and computer equipment;
- (12) Leather and leather products (finished), except leather tanning and finishing;
- (13) Lumber and wood products, except furniture, wood preserving and reconstituted wood products;
- (14) Manufacturing industries - miscellaneous;
- (15) Measuring, analyzing and controlling instruments, photographic, medical and optical goods, matches and clocks;
- (16) Printing, publishing and allied industries;
- (17) Stone, clay, glass and concrete products, except asbestos products;
- (18) Sugar and confectionery products;
- Medical Marihuana Cultivation Facility meeting the following requirements:
 - (1) 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.
 - (2) All medical marihuana plants cultivated by each Primary Caregiver or Qualifying Patient 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 the Qualifying Patient.
 - (3) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way.
 - (4) A Medical Marihuana Cultivation Facility shall not be located within a 1,000 foot radius from any existing School.
 - (5) A Medical Marihuana Cultivation Facility shall register for a business license with the City Clerk and if the Applicant is not the Owner of the Parcel, such license application shall include the property owners' consent to the use of the parcel as a Medical Marihuana Cultivation Facility.
 - (6) No transfer of Medical Marihuana shall occur except marihuana plants pursuant to the Michigan Medical Marihuana Act.
- Metal slitting and shearing;
- Motor freight transportation and warehousing;
- Nurseries, retail;
- Offices, general, up to 5,000 square feet gross floor area on any site and/or building;
- Offices primarily serving industry in the district which clearly establish support services for permitted industries in the district;
- Parcel packing services;
- Pet boarding or pet grooming services, provided that no building, open kennel or exercise runway is closer than 200 feet from an R-District;
- Places of Worship;
- Postal and delivery services;
- Pressure container filling;
- Primary metal industries, including smelting, forging and similar operations, subject to the following conditions:
 - (1) The maximum lot size is 14 acres.

(2) No odors, smoke or noise from the use are likely to create a disturbance on neighboring public or private property.

- Retail outlets, if accessory to manufacturing use;
- Salvaging damaged merchandise not engaged in sales;
- Scrap steel cutting;
- Sign painting and lettering shops;
- Solvents recovery services;
- Tape slitting for trade;
- Testing and laboratory services;
- Veterinary services for animal specialties provided that no building, open kennel or exercise runway shall be no closer than 200 feet from any R district;
- Vocational schools;
- Warehousing;
- Weighing foods and other commodities;
- Wholesale trade - durable goods;
- Wholesale trade - non-durable goods except livestock and wholesale live animals.

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 AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER ^{MAC}

SUBJECT: DECLARE SURPLUS HAZARDOUS MATERIALS
DECONTAMINATION SYSTEMS

Attached is a memo from Fire Chief Jim Tuller requesting that two (2) hazardous materials decontamination systems currently in the TCFD inventory be declared surplus so that they may be redistributed to two other hazardous materials response agencies. As indicated by Chief Tuller, the Fire Department has other decontamination systems available for use.

I recommend the following motion:

that the two (2) hazardous materials decontamination systems as outlined in the August 10, 2015, memo from the Fire Chief, be declared surplus and authorized for redistribution to other hazardous materials response agencies.

MC/slm

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copy: 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

Monday August 10, 2015

TO: Martin Colburn, City Manager

REF: City Fire – Surplus Equipment

City Manager Colburn,

The purpose of this memo is to request that 2 hazardous materials decontamination systems currently in the TCFD inventory be declared surplus by the City of Traverse City, and re-distributed to two other hazardous materials response agencies in Region 07.

In 2001, the TCFD Hazardous Materials Response Team was provided with a 2-lane Zumro Hazmat Decon System #150 to use as part of the Hazmat response effort. In 2002, a 3-lane Zumro Hazmat Decon System #216 was provided as an addition. Both systems were provided to the TCFD by use of Homeland Security funds administered by the Michigan State Police Emergency Management and Homeland Security Division. City Fire and the City of Traverse City used no funds to acquire these decon systems.

Each Zumro system listed above is self-contained with an inflatable decon tent, air heaters, water heaters, air filtration, collection pools, etc. Both systems are in servicable condition.

The TCFD Hazmat Team has other hazmat decon systems on stand-by for emergency response. A large trailer-based mass-decontamination unit that includes 2 5-lane tents, air heaters, water heaters, generator, etc. This can be partially or fully deployed depending on the need. We also have 2 1-person decon shower units for response to smaller incidents.

It is my intent to pass the 2 Zumro decon systems on to the two other Region 07 Hazmat Response Teams.

- The Roscommon County Hazmat Team would be given the Zumro 2-lane system #150. Their current decontamination system has no provision for mass decon.
- Otsego County EMS & Rescue would receive the Zumro 3-lane system #216. They do not currently have a system larger than a 1-person system for their use.

I am available at any time to review this project.

Respectfully,

A handwritten signature in cursive script that reads "Chief Tuller".

Chief Tuller,
T.C.F.D.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER 

SUBJECT: DECLARE SURPLUS PUBLIC EDUCATION TRAINING TRAILER

Attached is a memo from Fire Chief Jim Tuller requesting that a Public Education trailer be declared surplus as it has structural integrity concerns.

I recommend the following motion:

that a 1988 Jobsite Trailer (#211) Public Education trailer as outlined in the August 10, 2015, memo from the Fire Chief, be declared surplus and authorized for disposal.

MC/slm

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copy: 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

Monday August 10, 2015

TO: Martin Colburn, City Manager

REF: City Fire – Surplus Equipment

City Manager Colburn,

The purpose of this memo is to request that a trailer in the Traverse City Fire Department inventory be declared surplus and disposed of through the City Garage process for surplus equipment.

The TCFD currently has 2 Public Education trailers. Both units are lent out to area fire departments for a small fee to cover costs of regular maintenance and repair through an agreement process confirmed before any activity takes place.

The newest is a 2005 Scotty – Fire Safety House (#310) that was procured through a Federal Grant in 2005. It fulfills the needs the TCFD has for providing fire and other safety information to the public. It is much safer, capable and versatile than the older unit described below.

The oldest is a 1988 Jobsite Trailer (#211) that was used for teaching the public how to navigate out of a home or other structure by use of a wooden maze and training smoke. This unit has been known as the Smoke Trailer.

It has been determined through an inspection process performed by City Garage staff that there are significant structural integrity issues and concerns with the trailer frame and structure due to age and corrosion. The 3-axle suspension system also requires repair and/or replacement.

With regards to the cost of repairs needed to make the 27-year old Smoke Trailer unit safe for transport and use, I am requesting that the 1988 Jobsite Trailer be declared surplus and disposed of through the City Garage process for surplus equipment.

I am available at any time to review this project.

Respectfully,

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

Chief Tuller,
T.C.F.D.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF AUGUST 17, 2015

DATE: AUGUST 13, 2015

FROM: MARTY COLBURN, CITY MANAGER ^{MAC}

SUBJECT: REDEVELOPMENT PROJECT AREA LIQUOR LICENSE
REQUEST – ALLIANCE RESTAURANT, LLC. (MEREDITH &
DANIEL FALCONER)

Attached is a memo from City Clerk Benjamin Marentette, recommending approval of a request from Alliance Restaurant, LLC. (Meredith & Daniel Falconer) to obtain a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 144 Hall Street, Suite 107, in the Warehouse District, Traverse City.

I recommend the following motion:

that the resolution recommending approval of the request for a new Redevelopment Liquor License with Class C Liquor License privileges from Alliance Restaurant, LLC., be adopted, and that the City Clerk be authorized to issue a Liquor License Registration to Alliance Restaurant, LLC., to operate such license at 144 Hall Street, Suite 107.

MC/slm

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license_Redevelopment\liqlic_redevprojectarea_Alliance_20150817.doc

copy: John Di Giacomo, john@revisionlegal.com

Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager

FROM: Benjamin C. Marentette, City Clerk 

DATE: Thursday, August 13, 2015

SUBJECT: REDEVELOPMENT PROJECT AREA LIQUOR LICENSE
REQUEST – ALLIANCE RESTAURANT, LLC. (MEREDITH & DANIEL
FALCONER)

Alliance Restaurant, LLC. (Meredith and Daniel Falconer), has applied for a Redevelopment Project Area Liquor License. The license would be operated at 144 Hall Street, Suite 107, located in the Warehouse District next to businesses such as BLK MRKT Coffee, and Relish (women's clothing). They would enjoy Class C Liquor License privileges. Meaning, they could sell beer, liquor and mixed spirit drinks for on-premises consumption.

265 Redevelopment Project Area Liquor Licenses were made available to Traverse City within the Downtown in June 2008. This is the twelfth application for a Redevelopment Project Area Liquor License in the Downtown to be recommended for City Commission approval.

The applicant has paid the appropriate application fee and this request has been favorably reviewed by the appropriate city departments, and meets all ordinance/law requirements. The supporting documentation is on file with this office. Therefore, I recommend that the City Commission adopt a resolution recommending approval of this request.

A couple points to note that are unique to these licenses:

- The business must regularly close no later than 12 a.m. meaning the business does not admit new customers after 12 a.m. at least 5 days a week.
- The business shall not serve liquor after 12 a.m. on each day.

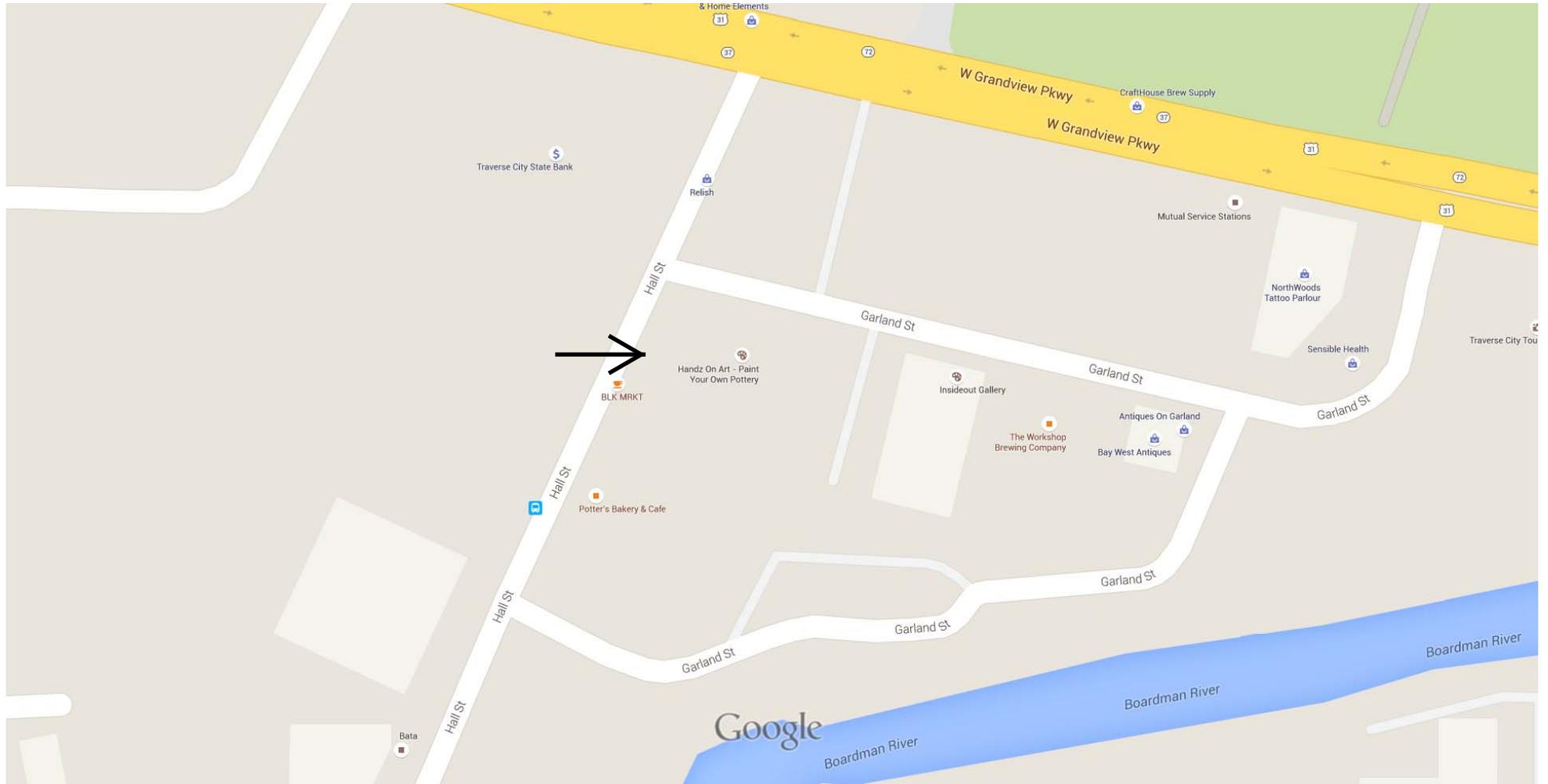
The process for granting approval of these liquor licenses is opposite most others – the applicant begins with the city, not the Michigan Liquor Control Commission. If the City Commission adopts the resolution approving the license, then it will be provided to the Michigan Liquor Control Commission and it begins its process with the applicant. (On all our forms and in our interactions with applicants for these licenses, we advise the applicant to first check with the LCC about pursuing one of these licenses before doing so.)

Finally, if the license is issued by the MLCC, it cannot be operated unless the City Commission authorizes the City Clerk to issue a registration to Alliance Restaurant, LLC. I recommend that the City Commission authorize this registration.

As always, please feel free to contact me if you have any questions.



Google Traverse City, MI



Map data ©2015 Google 50 ft



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a Regular meeting of the Traverse City council/board
(regular or special) (township, city, village)

called to order by Mayor Michael Estes on Aug 17, 2015 at 7:00 PM
(date) (time)

the following resolution was offered:

Moved by Commissioner and supported by Commissioner

that the application from Alliance Restaurant, LLC
(name of applicant)

for the following license(s): Redevelopment Liquor License, Class C
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

to be located at 144 Hall Street, Suite 107 Traverse City, MI 49684

be considered for APPROVAL
(approval or disapproval)

Approval

Yeas: _____

Nays: _____

Absent: _____

Disapproval

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this body that it RECOMMENDS this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the Traverse City
 council/board at a Regular meeting held on 08/17/2015
(regular or special) (date) (township, city, village)

Name and title of authorized officer (please print): Benjamin C. Marentette, MMC, City Clerk

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: 231-922-4480, tcclerk@traversecitymi.gov