



Notice

City Commission Regular Meeting

7:00 pm

Monday, January 4, 2016

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published: 12-31-2015

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

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

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

City Commission:
c/o Benjamin C. Marentette, 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 meeting of December 21, 2015. (Approval recommended) (Marty Colburn, Benjamin Marentette)

- b. Consideration of introducing an amendment to the Traverse City Code of Ordinances, Clarification of Transient Merchant Civil Infraction, which would adjust the fine for violations of the Transient Merchant Ordinance to be the same as the fine for violations of the Mobile Food Vending Ordinance. (Introduction and schedule for possible enactment on January 19, 2016, recommended) (Marty Colburn, Benjamin Marentette)
- c. Consideration of authorizing a purchase order for the purchase of a digger truck, cab and chassis and five-year extended warranty, with the truck to be used by Traverse City Light and Power, which is a scheduled purchase. (Approval recommended) (Marty Colburn, Dave Green) (5 affirmative votes required)
- d. Consideration of officially creating the Public Arts Trust Fund, as provided for in City ordinance, and approving the budgeted revenue and expenses for the fund, as approved with the 2015/2016 Budget, which is a housekeeping matter. (Approval recommended) (Marty Colburn, William Twietmeyer, Benjamin Marentette)
- e. Consideration of authorizing an amendment to the contract with Manpower for temporary/seasonal staffing, to extend the agreement for two years at the same mark-up rate. (Approval recommended) (Marty Colburn) (5 affirmative votes required)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Consideration of authorizing an agreement with Traverse Area Rowing Club for the placement of a fence and rowing programming at Hull Park. (Marty Colburn) (5 affirmative votes required)
- b. Consideration of enacting an amendment to the Traverse City Code of Ordinances which would increase the impervious surface limit for schools, as recommended by the City Planning Commission. (Marty Colburn, Russell Soyring)

4. New Business

- a. Consideration of a request from Commissioner Gary Howe for the City Commission to consider an ordinance amendment that would allow flashing, rotating and intermittent lights on certain marquees; and consideration of referring the request to staff for a recommendation by February 1, 2016. (Commissioner Gary Howe)
- b. Presentation by City Clerk Benjamin Marentette of the 2015 *Performance Document*, which overviews a variety of accomplishments by the City of Traverse City. (Benjamin Marentette)

5. Appointments

None.

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 October 27, 2015, and November 24, 2015.
 - 3. Minutes of the Traverse City Arts Commission meeting of November 18, 2015.
 - 4. Minutes of the United States Coast Guard Committee meetings of November 5, 2015, and November 19, 2015.
- e. Reports and correspondence from non-City officials.
 - 1. Minutes of the Traverse Area District Library Board of Trustees meeting of November 19, 2015.

7. Public Comment

- a. Reserved.
 - 1. Request from Ty Schmidt, representing Norte! Regarding the unveiling of “Winter Walk Wednesdays,” a community-wide celebration of people – big or small – walking to work, school or just for fun in Traverse City.
- b. General.
- c. Mayor and City Commissioners.

8. Adjournment



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF JANUARY 4, 2015

DATE: DECEMBER 31, 2015

FROM: ^{MC}MARTY COLBURN, CITY MANAGER

SUBJECT: MINUTES

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

- December 21, 2015 Regular Meeting

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

that the minutes of the December 21, 2015, Regular Meeting, be approved.

MC/slm

k:\tcclerk\city commission\minutes

Minutes of the
City Commission for the City of Traverse City
Regular Meeting
December 21, 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.

Mayor Jim Carruthers, Mayor Pro Tem Ross Richardson, Brian Haas, Gary Howe, Richard I. Lewis, Amy Shamroe, and Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Carruthers presided at the meeting.

City Manager Marty Colburn indicated that Julie Dalton, Executive Assistant to the City Manager/Purchasing Agent was the recipient of the 2015 Employee of the Year Award.

City Manager Marty Colburn shared that the Department of Public Services was the recipient of the 2015 Department of the Year Award.

There being no objection, Agenda Item 4(c) was removed from the Agenda as requested by the applicant.

As requested by Mayor Pro Tem Ross Richardson, Agenda Item 2(l) was removed from the Consent Calendar for individual consideration by the Commission.

As requested by Commissioner Brian Haas, Agenda Items 2(j) and 2(k) were removed from the Consent Calendar for individual consideration by the Commission.

2. Consent Calendar

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

- a. the minutes of the December 7, 2015, Regular Meeting, and the December 14, 2015, Study Session, be approved.
- b. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$11,700.32 to Fick & Sons, Inc. for 9,996 gallons of unleaded gasoline priced at \$1.1705 per gallon with funds available in the Garage Fund.
- c. the City Manager be authorized to execute a Grant Agreement with Rotary Charities of Traverse City to accept a \$5,000 planning grant for community engagement services related to restructuring of the Police Department to reflect the Community Policing Philosophy.
- d. the consultant final report regarding the Traverse City Public Pier Project be received and filed.
- e. the City Commission concurs with the change in scope of the \$5,000 Rotary Charities Grant to shift the scope from the development of a fundraising strategy for the Public Pier Project to public engagement regarding various projects on East Front Street; and that the City Manager be authorized to execute any necessary documents; and finally, that the related City Commission action of June 15, 2015, be superseded.
- f. that a Glock – Model 22, .40 Caliber hand gun be declared surplus so it may be presented to Captain Michael Ayling, as outlined in the December 7, 2015, communication from the Interim Chief of Police.
- g. the Resolution of Support for a Grant Application for Preliminary Feasibility Analysis on Establishing Passenger Rail Between Ann Arbor and Traverse City be adopted, which commits the City to providing a \$5,000 contribution with funds to come from the Professional and Contractual Line Item of the City Commission Budget.

- h. the City Commission approves the purchasing process for fuel through December 31, 2016, as described in the memo from the Director of Public Services dated December 14, 2015.
- i. the competitive bidding process be waived and the City Manager be authorized to issue a purchase order to MTech Company in the amount of \$25,346.25 for the ESRI/GIS Modules and related hardware and licenses, with \$6,846.25 to be paid for by the Stormwater Asset and Wastewater Grant and the remaining funds available in the Sewer Fund.
- j. Removed from the Consent Calendar.
- k. Removed from the Consent Calendar.
- l. Removed from the Consent Calendar.

Items removed from the Consent Calendar

a.

Consideration of introducing an amendment to the Traverse City Code of Ordinances which would increase the impervious surface limit for schools, as recommended by the City Planning Commission.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Lewis, seconded by Howe, that the amendments to the Traverse City Code of Ordinances, Section 1364.08, Special Land Use Permits Granted by the City Commission, which would increase the impervious surface limits for schools, as recommended by the Planning Commission, be introduced and scheduled for possible enactment on January 4, 2016.

Russell Soyering, City Planning Director

Timothy Lodge, City Engineer

Scott Jozwiak, Jozwiak Consulting, on behalf of applicant

T.J. Andrews, Watershed Center Grand Traverse Bay, 619 Webster Street –
made general comments
Benjamin Marentette, City Clerk

CARRIED unanimously.

b.

Consideration of approving a \$1 million inter-fund loan from the Economic Development Fund to the Marina Fund.

The following addressed the Commission:

Marty Colburn, City Manager
William Twietmeyer, City Treasurer/Finance Director

Moved by Howe, seconded by Richardson, that the City Commission authorize the advance of \$1,000,000 from the Economic Development Fund to the Marina Fund; and that this advance of \$1,000,000 shall be paid back over a five-year period at the rate of 1.71%; and that this advance of \$1,000,000 shall be reflected as a Long-Term Advance to Other Funds on the Economic Development Fund balance sheet and reflected as an Advance from Other Funds of \$1,000,000 on the Marina Fund balance sheet.

CARRIED unanimously.

c.

Consideration of approving a deficit elimination plan for the Marina Fund.

Moved by Lewis, seconded by Richardson, that the Deficit Elimination Plan for the Marina Fund be approved.

CARRIED unanimously.

3. Old Business**3(a).**

Consideration of authorizing a service order for engineering and site design services for the relocation of the railroad wye on the City-owned parcel at 1383 Cass Road in connection with the West Boardman Lake Trail, to be reimbursed by the Grand Traverse County Brownfield Redevelopment Authority.

The following addressed the Commission:

Marty Colburn, City Manager
Timothy Lodge, City Engineer
Jean Derenzy, Grand Traverse County Planning and Development Deputy Director

Moved by Richardson, seconded by Shamroe, that the City Manager be authorized to issue a service order to AECOM in the amount of \$17,500 to prepare preliminary designs for relocating the existing railroad wye, with funds available in the Capital Project Funds and reimbursed by the Grand Traverse County Brownfield Fund.

Mary Erickson, 1010 Cass Street, Old Town Neighborhood Association President – made general comments
Andrew White, 253 East 10th Street – expressed support
John Bramer, 143 East 13th – made general comments

Roll Call:

Yes - Howe, Lewis, Shamroe, Richardson, Carruthers.

No - Haas, Werner.

CARRIED.

3(b).

Consideration of authorizing a contract for schematic design, public

engagement and other services for West Boardman Lake Avenue, with the cost of the contract to be reimbursed by the Grand Traverse County Brownfield Redevelopment Authority; and consideration of concurring with the consultant's scope of services and timeline for design alternatives for the West Boardman Lake Trail.

Moved by Lewis, seconded by Shamroe, that the competitive bidding process be waived for these professional services as it is in the best interests of the City; and that Mayor and City Clerk execute a contract with LSL Planning in the amount of \$83,664 for professional schematic design services and stakeholder engagement services for the West Boardman Lake Avenue, with funds available in the Capital Projects Fund, with immediate reimbursement by the Grand Traverse County Brownfield Redevelopment Authority, with the contract subject to approval as to its substance by the City Manager and its form by the City Attorney.

The following addressed the Commission:

Marty Colburn, City Manager

Jean Derenzy, Grand Traverse County Planning and Development Deputy Director

Rick Buckhalter, 932 Kelley Street – expressed support

Roll Call:

Yes - Howe, Lewis, Shamroe, Richardson, Carruthers.

No - Haas, Werner.

CARRIED.

4. New Business

4(a).

Consideration of committing \$35,000 in funds to match a \$35,000 grant from MSHDA for a charrette for the Eight Street Corridor between Union Street and Barlow Street.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Richardson, seconded by Shamroe, that the City Commission commits \$35,000 as a match to \$35,000 in Michigan State Housing and Development Agency (MSHDA) funds for the Eighth Street Charrette, with the \$17,500 of the City's match to come from Corridor Project designation in the Capital Projects Fund and the remaining \$17,500 to come from the Economic Development Fund.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

4(b).

Presentation by Interim Chief of Police Jeff O' Brien regarding the Police Department's activities for 2015.

The following addressed the Commission:

Marty Colburn, City Manager
Jeff O' Brien, Interim Chief of Police
Rick Buckhalter, 932 Kelley Street
Benjamin Marentette, City Clerk

No action was taken.

4(c).

Removed from the Agenda.

4(d).

Consideration of adopting a resolution in support of naming the Traverse City Veterans Administration Clinic after Colonel Demas T. Crow.

The following addressed the Commission:

Lt. Colonel Terry Hawn, 6572 Peninsula Drive, Peninsula Township - expressed support

Moved by Haas, seconded by Richardson, that the Resolution in Support of Naming the Traverse City Veterans Administration Clinic after Colonel Demas T. Craw, be adopted.

Kate Perkins, 2485 Tree Lane (unknown jurisdiction) - made general comments

CARRIED unanimously.

5. Appointments

5(a).

Consideration of appointment to the Parks and Recreation Commission as recommended by the Ad Hoc Interview Committee.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Richardson, seconded by Shamroe, that the resignation of Commissioner Brian Haas be accepted and that William Dorrier (seat previously held by Brian Haas) be appointed to one unexpired term expiring September 1, 2017, on the Parks and Recreation Commission.

CARRIED unanimously.

5(b).

Consideration of accepting the resignation of Commissioner Howe from the Brown Bridge Advisory Committee and making an appointment to the vacancy; and consideration of two other appointments to the Brown Bridge Advisory Committee, as recommended by the Ad Hoc Interview Committee.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Howe, seconded by Haas, that Commissioner Shamroe be appointed to one unexpired term expiring October 2, 2017 (seat previously held by Commissioner Howe) and that Kathleen Kasdorf and Jamie Kidwell-Brix, each be appointed to one unexpired term expiring October 3, 2016 (seats previously held by Jim Tuller and Larry Gerschbacher) on the Brown Bridge Advisory Committee.

CARRIED unanimously.

5(c).

Consideration of approving the Mayor's appointment to the Planning Commission.

The following addressed the Commission:

Moved by Richardson, seconded by Carruthers, that the Mayor's appointment of Elizabeth Whelan to a three-year term (seat previously held by Jan Warren), expiring November 12, 2018, on the City Planning Commission, be approved.

Roll Call:

Yes - Richardson, Carruthers.

No - Haas, Howe, Lewis, Shamroe, Werner.

FAILED.

6. Reports and Communications

The following were received and filed:

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

- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 - 1. Reports from members of the Commission serving on boards.
 - 2. Minutes of the Planning Commission meeting of November 3, 2015.
 - 3. Minutes of the Human Rights Commission meeting of September 14, 2015.
 - 4. Minutes of the ACT 345 meeting of September 30, 2015.
 - 5. Quarterly Financial Report from the City Treasurer/Finance Director for the quarter ending October 31, 2015
- e. Reports and correspondence from non-City officials.
 - 1. Minutes of the Traverse Area District Library Board meeting of October 15, 2015.
 - 2. Monthly Operations Report for the Wastewater Treatment Plant from CH2M for November 2015.
 - 3. North Flight Fractile Emergency Response Report for November, 2015.

7. Public Comment

The following addressed the Commission:

- 1. Reserved.

None

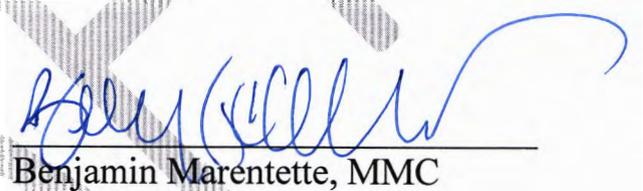
2. General.

Chris Maxbauer, 503 West Eighth Street
Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

8. Adjournment

There being no objection, Mayor Jim Carruthers declared the meeting adjourned at 9:41 pm.



Benjamin Marentette, MMC
City Clerk

Approved: _____,
(Date) (Initials)



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{MC}MARTY COLBURN, CITY MANAGER

SUBJECT: ORDINANCE AMENDMENT – CLARIFICATION OF TRANSIENT
MERCHANT CIVIL INFRACTION

Attached is a memo from City Clerk Benjamin Marentette explaining an ordinance amendment to Chapter 863, Transient Merchant. As explained by Mr. Marentette, this change aligns the fine for those violating the ordinance with the fine for those violating the Mobile Food Vending ordinance.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, Section 863.17, Civil Infraction, which would align the fee for those violating the ordinance with other ordinance violation fees, be introduced and scheduled for possible enactment on January 19, 2016.

MC/kez

K:\tcclerk\city commission\ordinance amendments\Transient Merchant Civil Infraction_Intro_20160104.doc

copy: Jeffrey O'Brien, Police Chief
Michael Trombley, Code Enforcement Officer

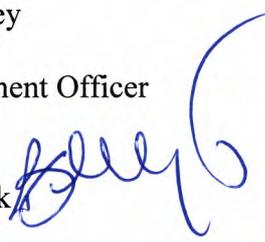
Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager

COPY: Lauren Tribble-Laucht, City Attorney
Jeff O'Brien, Chief of Police
Michael Trombley, Code Enforcement Officer
City Clerk's Office

FROM: Benjamin C. Marentette, City Clerk 

DATE: December 31, 2015

SUBJECT: Ordinance Amendment - Clarification of Transient Merchant Civil Infraction

Generally speaking, the City licenses two types of direct-sale vendors - transient merchants and mobile food vendors. The regulatory framework for mobile food vendors is set up in such a way to encourage longer-term food vending operations through the fee schedule. Mobile food vendors are allowed to prepare and sell food from a 'fixed stand' on certain city-controlled property and on all non-city controlled property. Transient merchants on the other hand are typically shorter-term vendors and may sell a variety of items (not necessarily just food). The fee structure is more expensive and they cannot operate from a fixed stand on city property.

Currently, as prescribed by the City Commission through our ordinances, those who violate the mobile food vending ordinance are subject to a fine of \$500 per day for non-compliance with the City's ordinance. However, those who violate the transient merchant ordinance are subject to a lesser fine - \$100 per day, up to \$500 per day. Typically, where we have a 'fine range', i.e., not a set amount, the Magistrate will not uphold a fine for an initial citation at the maximum amount. I recommend that we set the transient merchant ordinance violation fine at \$500 per day to be consistent with the mobile food vending ordinance violation fine. The discrepancy in the fine was brought to the fore this past summer when a non-authorized vendor, who had not received any of the appropriate permits from my office, indicated they were going to vend at the Farmers Market.

My rationale for this change is based upon multiple factors, including: 1) Depending on the nuance of the violation, an argument could be made for a lesser fine under the transient merchant regulation; 2) Violations of either ordinance are a nearly identical infraction and therefore the fine should be identical; and 3) Having a higher fine would provide a disincentive for those who wish to circumvent the rules and fee structure for vendors at the Farmer's Market.

My office will continue to work with the Code Enforcement Officer and Police Department on first obtaining compliance from a vendor before issuing a citation. However, when we have vendors who are willfully, and repeatedly, not following the City's regulations it is helpful to have a fine in the amount of \$500 to compel their compliance.

Thank you; and as always, please contact me if you would like to discuss this matter further.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: CLARIFICATION OF TRANSIENT MERCHANT CIVIL INFRACTION

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 863, Transient Merchant, 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.
- 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 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 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. 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 for proper investigation of each application.

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

863.09 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)

863.10 LICENSE ISSUANCE OR DENIAL

No license shall be issued to, nor shall 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.
- 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)

863.11 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)

863.12 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.
- m) Sell food other than pre-packaged food.

(Ord. 386. Passed 6-20-94, Ord. 919. Passed 7-15-11. Ord. 949. Passed 7-16-12. Ord. 1028. Passed 9-8-15)

863.13 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)

863.14 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.)

863.15 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)

863.16 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.)

863.17 CIVIL INFRACTION.

A ~~person~~ vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of ~~not less than \$100 nor more than \$500~~ per day.

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

The effective date of this Ordinance is the _____ day of _____, 2016.

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.

Jim Carruthers, 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 JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{MAC} MARTY COLBURN, CITY MANAGER

SUBJECT: PURCHASE ORDER – LIGHT AND POWER CAB AND CHASSIS
TRUCK WITH DIGGER/DERRICK

Attached are memos from Director of Public Services Dave Green and Garage Superintendent Dave Courtad regarding the purchase of a new truck, its attachments, and extended warranty period for Traverse City Light and Power use. As mentioned by Mr. Green, the purchase of this vehicle is a scheduled replacement and will be purchased through the State of Michigan's MIDEAL program.

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

that a 2002 Freightliner FL80 truck be declared surplus and the City Manager be authorized to issue a purchase order to Altec Industries in the amount of \$295,152 for a 2017 Western Stare 4700SB cab and chassis with an Altec Model D4055B Digger/Derrick and five year extended warranty period, with funds available in the Garage Fund.

MC/kez

K:\tcclerk\city commission\purchase orders\TCLP Truck Digger Derrick Purchase_20160104.doc

copy: Dave Green, Director of Public Services
Tim Arends, Executive Director of Traverse City Light and Power

Memorandum

The City of Traverse City
Department of Public Services



TO: Martin Colburn, City Manager
FROM: Dave Green, DPS Director 
DATE: December 28, 2015
SUBJECT: 2015 L&P Truck/Digger Derrick Purchase

Attached is a memorandum from Dave Courtad, Garage Superintendent, explaining the process he followed to purchase a new truck for Traverse City Light & Power that will be used to transport and set power and light poles. This truck is a scheduled replacement and is available through the State's MIDEAL program. I support Dave's recommendation for the new digger/derrick truck and I also concur with his decision that the 5 year extended warranty be purchased with the new vehicle.

Please request that the City Commission declare a 2002 Freightliner FL80 truck (truck #130) surplus and approve a purchase order to Altec Industries in the amount of \$295,152.00 for a 2017 Western Star 4700SB cab and chassis with an Altec Model D4055B Digger/Derrick with funds available in the Garage Fund.

Memorandum

The City of Traverse City
Department of Public Works



TO: Dave Green DPS Director

CC:

FROM: Dave Courtad Garage Superintendent

DATE: December 24, 2015

SUBJECT: Equipment Purchase

Attached please find the bid for a 2017 Western Star 4700SB ALTEC Model D4055B Digger Derrick, to replace the existing equipment # 130 a 2002 Freightliner FL80 ALTEC Model D3055-TR Digger Derrick, in addition to the Bid specification, a copy of the ALTEC MIDEAL (Cooperative Procurement Program) contract # 071B2200264 along with the summary sheet attached to the front of the bid package, for a cost of \$288,879.00 for the equipment and a option of \$6,273.00 for the extended warranty period covering 5 years. Considering the high replacement costs of parts to this piece of equipment I would highly recommend that we purchase the additional warranty coverage.

This equipment will be used by Traverse City Light and Power primarily used for transporting, digging, and setting power/light poles.

Would you please request of the City Commission permission to issue a Purchase Order to ALTEC Industries, Inc. of Indianapolis, In. in the amount of \$295,152.00. And that the current #130 a 2002 ALTEC Mode D3055-TR Digger Derrick be deemed surplus on arrival of its replacement.

This is a planned purchase and funds are available in the Garage Fund.

A handwritten signature in black ink, appearing to be 'D. Courtad'.

City of Traverse City, Michigan
INTERNAL SERVICE FUND
GARAGE FUND
2014-15 Vehicle Replacement Schedule
2015-2016

Department	Vehicle Description	Estimated Replacement Costs
Police	2010 Ford Crown Vic Cruiser	\$ 28,500
Police	2010 Ford Crown Vic Cruiser	28,500
Police	2006 Harley Davidson	20,000
Street	1995 F450 Dump Truck	65,000
Water	2001 F350 Dump Truck w plow	62,000
garage	2001 Dodge Ram w/Utility body,compressor	65,000
Street	2001 Holder C9700	85,000
Fire	1994 Pierce Dash Fire Pumper	618,000
<i>#130</i> TCLP	2002 Freightliner w/altec digger	285,000
TCLP	2007 GMC Savanna 4wd Van	28,000
Engineering	2001 E150 van	60,000
Parks	2000 Bombardier Groomer	300,000
Parks	1970 Bombardier Groomer	200,000
Street	2001 Holder C9700	84,000
Parks	2003 Tennant Litter Sucker	38,000
TCPS	2002 Ford Ranger	27,500
Estimated Total Replacement Cost		\$ 1,994,500



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{MAC} MARTY COLBURN, CITY MANAGER

SUBJECT: PUBLIC ARTS TRUST

In accordance with City Ordinance Chapter 299, *Public Art*, the establishment of a Public Arts Trust into which funds will be deposited for the acquisition, commission, exhibition, and maintenance of works of public art.

With the adoption of the City Ordinance and subsequent appointment of the Arts Commission in February 2015, the City allocated \$10,000 and the Downtown Development Authority roughly \$25,000 to be placed in this Trust for the specified use to advance public art throughout the City. Any future deposits or donations to the Public Arts Trust and Arts Commission will be placed in this specified section of the City budget, allocated each fiscal year.

As a housekeeping matter, the City Commission must amend the City budget to officially establish the Public Arts Trust Fund, with current funds to be established for the current FY 2015/2016.

The following motion would be appropriate:

that the City Commission officially establishes the Public Arts Trust Fund with such Fund to have revenues of \$35,000 and expenses at \$35,000 for the current fiscal year.

MC/sm

K:tcclerk/city commission/budget/publicartstrust_20150104.doc

copy: Rob Bacigalupi, Downtown Development Authority Executive Director
Colleen Paveglio, Downtown Development Authority Deputy/Marketing Director



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{msc} MARTY COLBURN, CITY MANAGER

SUBJECT: AGREEMENT FOR TEMPORARY/SEASONAL STAFFING SERVICES

Attached is a memo from Human Resources Generalist Kristine Bosley recommending a two-year extension of the agreement with Manpower Staffing Services. As explained by Ms. Bosley, Manpower primarily provides seasonal employees to the Department of Public Services in the parks and marina operations.

The City has contracted with Manpower for over 20 years and has received good service. Three years ago, the City re-bid the agreement; and Manpower remained the lowest bidder, and reduced their charge. Under the agreement, they charge a 36% markup on all hourly rates assigned to temporary employees.

This arrangement works well; and I recommend the following motion (5 affirmative votes required):

that the Mayor and City Clerk execute a two-year agreement with Manpower International, Inc. (d/b/a Manpower) for temporary staffing services at the rate of 36% above mark-up, with the agreement to expire January 3, 2018, with funds available in the respective departmental budgets, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

MC/bcm

k:\tcclerk\city commission\agreements\temporary staffing services 2016 2017

copy: Kristine Bosley, Human Resources Generalist

Memorandum

The City of Traverse City

Office of Human Resources



TO: Martin Colburn, City Manager
COPY: Benjamin Marentette, City Clerk
FROM: Kristine Bosley, HR Generalist
DATE: December 29, 2015
SUBJECT: City Commission Motion to Automatically Renew Manpower Contract

The City's contract with Manpower expires on January 30, 2016. The contract includes a provision that the agreement automatically renews for two-year term unless cancelled by either party. Manpower has agreed to the automatic renewal at the same terms and conditions.

The Manpower contract is primarily used to provide seasonal employees to the Department of Public Services in the Parks and Marina operations.

- Summer Seasonal recruitment
- Intermittent temporary positions throughout the year when need arises
- Performs background checks
- Performs drug and alcohol screening
- Motor vehicle check (DMV Screening)
- Handles all required payroll and employment documentation and administration of time slips etc. – W-2's, FICA, Medicare, direct deposits etc
- Prepares year end W-2s and reporting
- Provides each employee general environmental, health and safety training required by MIOSHA
- Administers general orientation and reviews City policies, obtaining appropriate documentation of this review prior to starting onsite.
- Responsible for all Workers Compensation
- Responsible for unemployment costs and claims
- Entity needs to maintain insurance coverage (Liability Insurance and Fidelity bonding)

I recommend the renewal of the Manpower contract for seasonal/temporary employees.



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{MAC} MARTY COLBURN, CITY MANAGER

SUBJECT: TRAVERSE AREA COMMUNITY ROWING AT HULL PARK

Attached is a memo from Assistant City Manager Penny Hill outlining a request from Traverse Area Community Rowing for it to provide rowing programming at Hull Park. The attached memo covers this item in significant detail, so I will not repeat those points here.

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

that the Mayor and City Clerk execute a three-year agreement with Traverse Area Community Rowing for it to provide community rowing programming at Hull Park and to construct a fence, with terms consistent with the documentation submitted with the packet materials for the January 4, 2016, City Commission meeting; and that the City Manager be authorized to renew the agreement for one subsequent three-year term at the City Manager's discretion, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

MC/bcm

k:\tcclerk\city commission\agreements\traverse area community rowing

copy: Dave Green, Director of Public Services
Dustin Ordway, Traverse Area Community Rowing -
dpordway@ordwaylawfirm.com

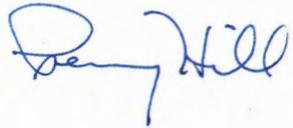


Memorandum

The City of Traverse City
City Manager's Office

TO: MARTIN COLBURN, CITY MANAGER

COPY: DAVE GREEN, DPS DIRECTOR
TIM LODGE, CITY ENGINEER
LAUREN TRIBLE-LAUCHT, CITY ATTORNEY

FROM: PENNY HILL, ASSISTANT CITY MANAGER 

DATE: DECEMBER 29, 2015

RE: TRAVERSE AREA COMMUNITY ROWING (TACR)
REQUEST FOR USE OF HULL PARK

Background:

Traverse Area Community Rowing is a 501(c)(3) non-profit organization whose purpose is educational, to teach rowing and make it available to the general public. In 2013, TACR approached the City with a proposal to offer rowing classes on Boardman Lake, based at Hull Park which would include the construction of a boathouse for the storage of rowing shells. Traverse Area Community Sailing (TACS), a non-profit organization, currently holds sailing classes and stores boats in their boathouse within Hull Park. TACS has indicated its support of the request from TACR.

At a City Commission Study Session held on **September 9, 2013**, the then City Commission expressed interest in having this recreational opportunity made available but asked for concept designs for the proposed boathouse.

At a subsequent City Commission Study Session on **November 7, 2014**, TACR presented several design concepts and locations for the proposed boathouse. At that time, the City Commission expressed interest in establishing the programming utilizing a temporary, fenced in location, then if there was sufficient interest by the community, discussing the more permanent facility within two to three years. This could be accomplished through a Management Agreement, similar to the existing Management Agreement the City has with Traverse Area Community Sailing (TACS).

On **July 6, 2015**, the City Commission approved the request from Traverse Area Community Sailing (TACS) to allow the storage of rowing shells in the existing sailing center boathouse for the 2015 season in accordance with their agreement, and authorized Traverse Area Community Rowing to install a temporary fence for the 2015 season only. This action was taken to facilitate establishing rowing programming while the terms of a Management Agreement were being developed.

In 2000, the City accepted a grant (MDNRTF Grant No. TF-99-160 Hull Park Waterfront) from the Michigan Dept. of Natural Resources Trust Fund in the amount of \$365,730 to make improvements to Hull Park. In accepting this grant, the City agreed to certain conditions related to the future use and operation of the park. City Staff has confirmed with the MDNR Trust Fund that the proposed use is not prohibited by the terms of the MDNR Trust Fund grant.

Proposed Management and Use Agreement:

City staff has worked extensively with TACR to develop a more long-term Management Agreement that takes into consideration both City Commission concerns and MDNR Trust Fund grant compliance. Highlights of the proposed Management Agreement include:

1. City to allow TACR non-exclusive use of Hull Park in order to offer affordable programs that serve a wide cross-section of the population and diverse interests related to the water with an emphasis on rowing.
2. City to allow TACR to construct and maintain a temporary fence for storage of equipment in accordance with the attached sketch.
3. Three year initial term of agreement (January 2016 through December 2018). Initial term may be extended at the discretion of the City Manager for one additional three-year term.
4. TACR to provide an annual report of proposed activities and an inventory of equipment anticipated to be stored on site.
5. TACR to provide an annual report of activities that have taken place during the year.
6. TACR to coordinate with Traverse Area Community Sailing (TACS) regarding the use of the pavilion and docks.
7. TACR to comply with the applicable terms of MDNRTF Grant No. TF-99-160

It is TACR's intent to grow the rowing program to the extent that it makes sense to proceed with the construction of a new boathouse for storage of TACR

equipment. Any proposal for the construction of a boathouse will be presented to the City Commission for consideration.

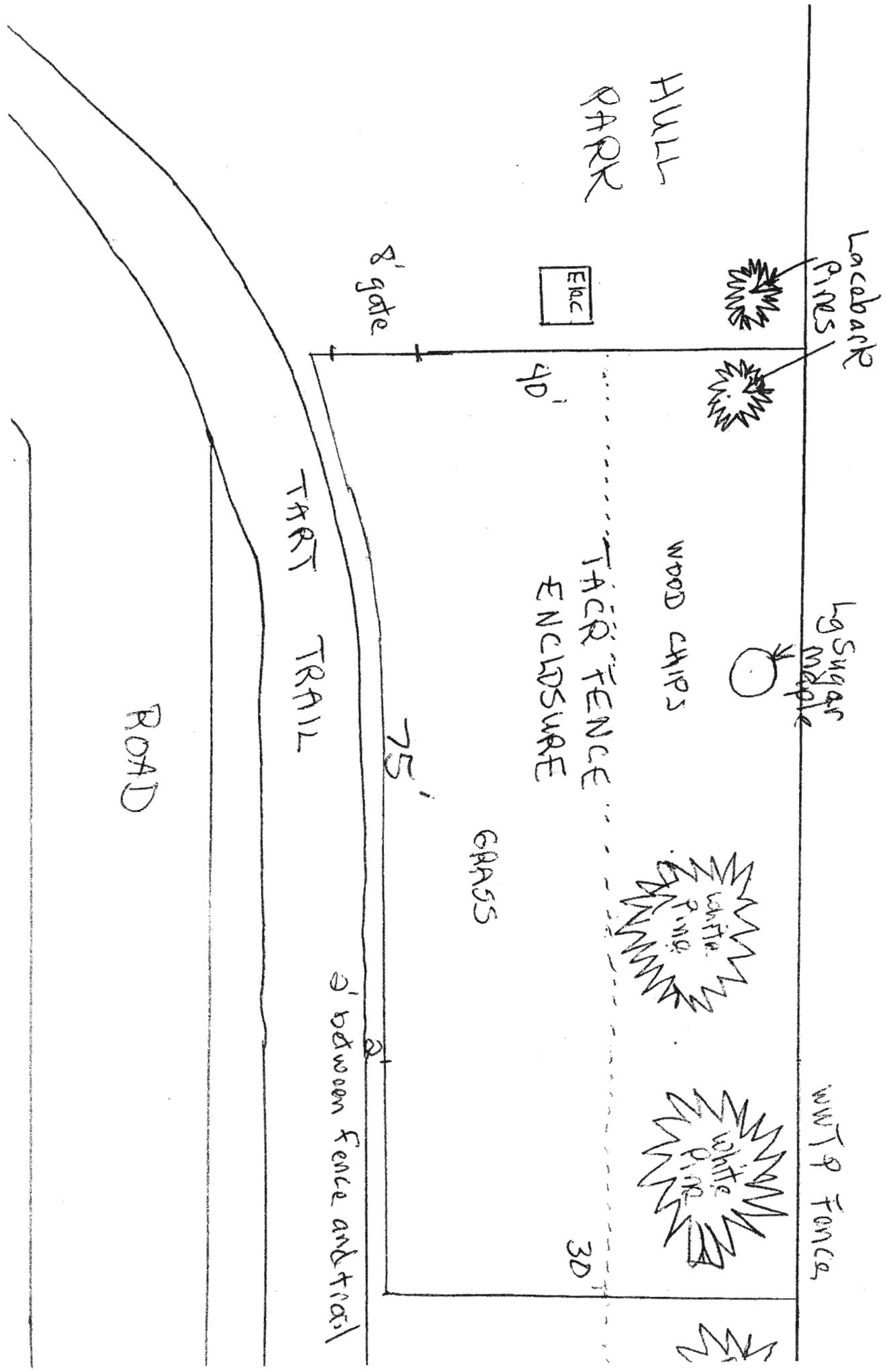
Recommendation:

It is recommended that the City enter into a Management and Use Agreement with Traverse Area Community Rowing to provide programming related to rowing at Hull Park.

If you have any questions regarding this, please contact me.

WWTQ

N →



Lacebark Pines

Log Sugar maple

WWTQ Fence

HULL PARK

PARK

ELEC

40'

TACKER FENCE ENCLOSURE

GRASS

30'

8' gate

75'

9' between Fence and trail

TRAIL

ROAD





The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{mac} MARTY COLBURN, CITY MANAGER

SUBJECT: ORDINANCE AMENDMENT TO INCREASE IMPERVIOUS
SURFACE LIMIT FOR SCHOOLS

Attached is a previously distributed memo from City Planning Director Russ Soyring indicating the Planning Commission's recommendation to increase the impervious surface limits as it relates to schools. As mentioned by Mr. Soyring, the amendment is similar to a previously enacted amendment to increase impervious surface limits for places of worship.

Also attached is a memo from both City Planning Director Russ Soyring and City Engineer Timothy Lodge further detailing the proposed ordinance amendment.

I recommend the following motion:

that the amendments to the Traverse City Code of Ordinances, Section 1364.08, Special Land Use Permits Granted by the City Commission, which would increase the impervious surface limits for schools, as recommended by the Planning Commission, which was introduced on December 21, 2105, be enacted with an effective date of January 14, 2016.

MC/kez

K:\tcclerk\city commission\ordinance amendments\Impervious Surface Amendment for Schools_Enact_20151221.doc

copy: Russell Soyring, City Planning Director
Timothy Lodge, City Engineer



City Planning Department

TO: MARTY COLBURN, CITY MANAGER
FROM: RUSSELL A SOYRING, PLANNING DIRECTOR *RSoyring*
SUBJECT: IMPERVIOUS SURFACE AMENDMENT FOR SCHOOLS
DATE: DECEMBER 15, 2015

The Planning Commission discussed the impervious surface limits related to schools as well as impervious surface limits by zoning district on September 1, 2015 and October 20, 2015 respectively. Commission consensus at those meetings was that keeping schools in the city limits is important.

Based on input from the Planning Commission at the October 20, 2015 study session, staff prepared a text amendment to increase the impervious surface limit for schools. The amendment was structured similar to a previously approved amendment that increased the impervious surface limit for places of worship. A Public Hearing was scheduled at the November 3, 2015 meeting and was held on December 1, 2015. During the Public Hearing, 5 individuals made comments, 2 in opposition, 2 in support and 1 made general comments. After the Public Hearing, the Planning Commission made the following motion:

Motion by Commissioner Dow, Second by Commissioner Koebert, that the amendment to the Traverse City Code of Ordinances, Special Land Use Regulations Chapter, Section 1364.08, *Special Land Use Permits Granted by the City Commission*, regarding increasing the impervious surface limit for schools be recommended to the City Commission for adoption.

Motion carried 4-2 (Commissioners Richardson, Weatherholt opposed and Commissioners Fleshman, Howe, and Serratelli absent)

Attachment: Zoning Code Amendment

RS/ml

Memorandum

The City of Traverse City
Engineering Department



TO: Marty Colburn, City Manager

FROM: Timothy J. Lodge, City Engineer *TJL*
Russell A. Soyering, Planning Director *RASoyering*

DATE: December 23, 2015

SUBJECT: Ordinance Amendment to Increase Impervious Surface Limit for Schools

Please consider the following points in regard to the amending the impervious surface limit for schools as presented by the Planning Director and recommended by the Planning Commission:

- **Ordinance Chapter 1068 Ground Water Protection and Storm Water Run Off Control is applicable to Residential Properties:** It was incorrectly stated that Chapter 1068 does not apply to residential properties. Chapter 1068 applies to all properties within the City including residential properties, public and private schools and churches. The Ordinance regulates any earth change and requires permits for the locations meeting the conditions stipulated in Section 1068.04 of the Ordinance.
- **Impervious Surface Requirements:** Ordinance Chapter 1368 contains impervious surface and density requirements for the various zoning districts within the City. The maximum impervious surface allowed ranges from 20 percent to 100 percent depending on the zoning district. The percentage is factored into the design of storm water management systems that may be required. In other words, a site with a 20 percent impervious surface limit will not have extensive site storm water management infrastructure but a site that has 100 percent impervious surface limit will have significant storm water management infrastructure. Public schools are not subject to the provisions of the City's zoning ordinance Chapter 1368.
- **Amendment to Special Land Use Permit Ordinance 1364.08:** This amendment will not alter the requirements of Chapter 1068 or the General Standards for Approval for Special Land Use Permits (SLUP). Special Land Use Permits require a public process that includes public hearings at both the Planning Commission and City Commission for the approval of a private school. The proposed amendment to allow 70% impervious surface requirement would be consistent with the impervious surface set forth for places of worship that are also allowed by SLUP in Residential Districts.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: IMPERVIOUS SURFACE AMENDMENT FOR SCHOOLS

THE CITY OF TRAVERSE CITY ORDAINS:

That the Special Land Use Regulations Chapter, Section 1364.08, *Special Land Use Permits Granted by the City Commission*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1364.08 SPECIAL LAND USE PERMITS GRANTED BY THE CITY COMMISSION.

The City Commission may grant a special land use permit for the following uses in any district, except as herein qualified:

(a) *New buildings 3,000 square feet or larger in gross floor area for allowed uses in an OS or RC District* subject to the following:

- (1) The building is for an allowed use;
- (2) The minimum yard requirements may be changed by the Planning Commission based upon topography and existing site limitations (i.e, water, roads, neighboring buildings).
- (3) Traffic related to the use shall not substantially increase congestion on surrounding streets and intersections.
- (4) The use is not likely to create excessive noise across the real property boundary.

(b) *Clustered single family dwellings.* The purpose of clustered housing is to provide owners of large parcels of single or two-family residential property the alternative to develop their properties in an environmentally sensitive and cost-effective manner by clustering single-family homes or townhouses rather than spreading development over the entire site. By clustering development, sensitive and attractive environmental features can be preserved as common open space to be enjoyed by future residents. Clustered housing is subject to the following:

- (1) The use is located in an R-1a, R-1b or R-2 district.
- (2) The property is of at least five contiguous acres under single ownership and control.
- (3) The development must meet the front, side and rear-yard setback requirements of the district on the periphery of the parcel. More than one building may be located on a single lot, but setback requirements for the district shall apply to each building based on hypothetical lot lines approved by the Planning Director as proposed by the applicant.
- (4) The overall density of the development shall not exceed the allowable density of the district; (4.4 dwelling units per acre in an R-1a district, 5.8 dwelling units per acre in an R-1b district and 10.9 dwelling units per acre in an R-2 district).
- (5) Townhouses are permitted, provided there are no more than four dwelling units per detached structure. The front building wall plane is interrupted and off-set in order to project the character and appearance of individual dwelling units;
- (6) A parking area shall be provided only at the side or the rear of the building for which it is designed to service. That portion of the parking area which is exposed

to the street shall be screened to minimize the visual impact of the parking area from the public street. Parking areas must also be screened along lot lines bordering residential uses or zones on the periphery of the parcel. Screening shall create an effective visual barrier consisting of a screenwall or a landscaped area at least six feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of two-inch caliper when planted. Native trees and shrubs shall be planted whenever possible. In instances where healthy plant material exists on the site prior to development, in part or in whole, for purposes of off-street parking, the Planning Commission may adjust the application of the above-stated standard to allow credit for such plant material.

(7) Trash containers shall be properly screened.

(8) All other standards not specifically altered in the zoning district shall apply to clustered housing.

(c) **Communication towers.** The intent of this section is to ensure communication towers are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Communication towers are permitted if all of the following requirements are met:

(1) The communication tower is located in a T, GP, C-3, NMC-2 (except on Grand Traverse Bay), H-2 or I district and properties owned by governmental agencies.

(2) The communication tower complies with all applicable FCC and FAA regulations and all applicable building codes.

(3) The tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the tower's intended purpose, but in no case shall the tower exceed 50 feet above the height restrictions of the district. Height is measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(4) Communication towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. Guys and accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.

(5) The design of the buildings and structures related to communication towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(6) The tower shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.

(7) Cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.

(8) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.

(9) The communications tower and operating equipment shall comply with the general standards for approval contained in this chapter. Any tower that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned tower within said 90 days may be removed by the

City at the owner's expense.

- (d) **Convention centers** in a D district, subject to the following:
- (1) The building is limited to 30,000 square feet;
 - (2) Thirty five percent of the building facade shall be windows or other street level activity;
 - (3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.
- (e) **Conversions of one-family dwellings to two-family dwellings** in a R-1a or R-1b district, subject to the following:
- (1) The dwelling and lot existed prior to December 10, 1958, substantially as they exist at the time of the request for a special land use permit for purposes of complying or determining compliance with these requirements. Any change made after 1958 may not be used to demonstrate compliance with these requirements.
 - (2) The dwelling is a minimum of twenty percent larger than the average area of those neighboring single-family dwellings within 300 feet to each side of the subject property, including those dwellings along the opposite side of the street.
 - (3) The lot area is not less than 4,000 square feet per proposed dwelling unit.
 - (4) A minimum of 800 square feet of interior living area is required for a one bedroom dwelling unit and 1,200 square feet of living area is required for a two bedroom dwelling unit. In no case shall any secondary dwelling unit provide more than two bedrooms.
 - (5) The dwelling has a minimum of 2,800 square feet of living area exclusive of any basement or third story area.
 - (6) A dwelling unit or portion of a dwelling unit is not provided in the basement, and the basement area shall not be considered to fulfill any requirement of this Zoning Code.
 - (7) No part of a dwelling unit, other than storage, exists above the second story.
 - (8) Access to a second floor dwelling unit is provided from the interior of the structure.
 - (9) The exterior appearance of the structure is not altered from its single-family character.
 - (10) Off-street parking is provided as required by this Zoning Code.
- (f) **Correctional institutions** subject to the following:
- (1) The use is located in a GP district.
 - (2) All open recreational areas shall be in completely enclosed courtyards.
 - (3) Cell windows and openings shall be screened from the public street view.
 - (4) A master site and facilities plan shall be submitted.
- (g) **Drive-throughs for finance services in C-4 and D districts** subject to the following:
- (1) The drive-through meets all of the standards of Section 1374.06, unless a more restrictive standard is imposed by this section.
 - (2) The drive-through shall be accessed from an alley, not a street. However, a single lane driveway may exit onto a street if such driveway existed and was utilized prior to July 16, 1999, and it can be clearly demonstrated that alley egress for the drive-through is not practical.
 - (3) The drive-through shall be limited to two service lanes.
 - (4) The building associated with the drive-through shall be streetward of the approach lanes to screen the vehicle service lanes.
- (h) **Essential services structures.** Are subject to the following:

- (1) The structure and use are reasonably necessary for the public convenience or welfare and, where applicable, a certificate of public convenience and necessity has been obtained from the appropriate regulating agency.
 - (2) Noise, lights, glare and odor will not disturb the surrounding land uses or members of the public.
 - (3) Fencing or other adequate security is constructed to adequately protect the public.
 - (4) If potential adverse effects have been identified, alternative sites have been examined and the proposed site is reasonably necessary to provide the essential service to residents and visitors of the City.
 - (5) Evidence of the appropriate franchise, license or other required governmental permission is demonstrated.
 - (6) Setbacks of the district shall apply unless varied by the Planning Commission for good cause. Communication towers shall be regulated pursuant to Traverse City Code Section 1364.09.
- (i) **Group day care homes, including adult day care**, in an R-1a, R-1b, R-2, R-9, R-15 and R-29 as defined by MCL 722.111 et seq, as amended, subject to the following specific requirements, except child care centers located in and operated by hospitals and churches having a valid special land use permit for off-street parking in any R-District:
- (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
 - (2) The lot is not located within 1,500 feet of another lot devoted to such use.
 - (3) For child day centers, fenced outside recreation areas of 1,200 square feet or more of playable ground surface shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstances.
 - (4) The use is not allowed in an apartment.
 - (5) The use is limited to an established and recognized work or shift period and shall not be operated on a 24-hour basis unless approved by the Planning Commission.
 - (6) The premises are approved by the City Fire Marshal prior to the issuance of the special land use permit and at least annually thereafter to maintain the special land use permit.
 - (7) For child care centers, "Approved Child Care Provider" identification is prominently displayed in a street side window so as to be clearly identifiable from the public street, or as otherwise required by the City Commission.
 - (8) No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, four parking spaces shall be provided on premise.
 - (9) As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.
- (j) **Residential care and treatment facilities** subject to the following:
- (1) The use is located in an R-9, R-15, R-29, HR, C-1, C-2, C-3 or H-1 or H-2 district.
 - (2) The facility shall be located on an arterial or collector street as shown on the Zoning Map if such facility has more than 12 residents.
 - (3) Off-street parking is provided as required by this Zoning Code, except that the Planning Commission may vary the number of parking spaces required.

- (4) The design of the structure is approved by the Fire Marshall prior to the issuance of the special land use permit and at least annually thereafter to maintain the permit.
- (5) The structure is not used as a medical clinic or for outpatient treatment unless located in a C-1, C-2 or C-3 District.
- (6) The structure is not used primarily for office, administrative or regular meetings if located in a multiple family dwelling district, although occasional meetings may be allowed upon approval of the Planning Commission.
- (7) All necessary licenses are obtained and maintained.
- (8) The operators of the facility maintain a list of all persons residing at the facility and record their length of stay. State licensed residential facilities (e.g., adult foster care homes) with under seven residents are considered by State law to be single family residences, and State law preempts this Code. MCL 125.583(b); MSA 5.2933(2).

(k) **Schools** subject to the following:

- (1) The use is located in an R-1a, R-1b, R-2, R-9, R-15, R-29, C-1, C-2 C-3 or GP district.
- (2) A master site and facilities plan is submitted to and approved by the Planning Commission showing:
 - A. Existing facilities and planned facilities for the ensuing five years.
 - B. Adequate street crossing facilities, pedestrian routes and projected number of pedestrians.
 - C. Sufficient areas for motor vehicle and bus circulation routes, together with areas for pick up and drop off of students.
 - D. If child care use is provided, the facilities for such use shall be designated in the plan, together with the child care hours of operation.
 - E. The building and parking area shall not exceed 70 percent of the lot area.
- (3) A traffic study must be submitted to the Planning Commission.

(l) **Stores, retail, over 8,000 square feet per floor** in a D district, subject to the following:

- (1) The building is limited to 30,000 square feet;
- (2) Thirty five percent of the building facade shall be windows or other street level activity;
- (3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

(m) **Taller buildings.** "Taller buildings" mean those buildings greater than 60 feet in height.

The purpose of this section is to encourage sensitive design for taller buildings. Since there are very few buildings taller than 60 feet in the City, it is of public interest that prominent buildings, simply by order of their height, are designed in a manner which will maintain the pedestrian scale at the street level. At the same time, the physical, visual and spatial characteristics of the City are encouraged to be promoted by consistent use, compatible urban design and architectural design elements. Taller buildings are allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district subject to the following:

- (1) The building's height is consistent with Section 1368.01.
- (2) Roof top mechanical equipment and penthouse space that are an integral part of the architectural design are permitted. All mechanical equipment, appurtenances and access areas shall be completely architecturally screened from view and enclosed.
- (3) Extended heights for steeples and other architectural embellishments less than 400

square feet each shall not be used to determine the height of the building.

- (4) The applicant shall prepare and deliver to the Planning Director a scale model, video image or other similar depiction of the taller building in relation to surrounding land and buildings.
- (n) **Temporary accessory dwelling units (TAD)** in an RC, R-1a or R-1b district, subject to the following:
- (1) The existing site and use are substantially in compliance with this Zoning Code.
 - (2) The floor area of the TAD unit is not larger than 676 square feet.
 - (3) The applicant shall present sufficient evidence to the Planning Commission to establish a substantial need for the TAD unit. The TAD shall be discontinued when the person or persons with the substantial need permanently moves to a different domicile or when there is a change in the circumstances where the substantial need no longer exists.
 - (4) A TAD unit is developed within an existing single-family and/or usual accessory use under this Zoning Code.
 - (5) A special land use permit for a TAD unit is not assignable or transferable and will expire automatically unless the applicant submits written evidence that a substantial need continues to exist three years from the date of approval and thereafter every five years.
 - (6) Upon the expiration of the special land use permit the TAD unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code.
 - (7) Individual site plans, floor plans, elevation drawings and building plans for both the proposed TAD unit and the subsequent reconversion to conventional single-family residence and/or accessory use shall be submitted with the application for a special land use permit and shall be prepared by a registered architect or engineer licensed to practice in the State.
- (o) **Transit centers**, subject to the following:
- (1) The center is located in a C-4, D-2, D-3 or GP district.
 - (2) Buses can directly access the center without being dependent upon an access or sub collector street in a residential district.
 - (3) Existing streets in the area accommodate the projected bus traffic.
 - (4) The location of the center lends itself to an integrated transportation system (i.e., walk, bus, bike, rail).
 - (5) The center is within one quarter mile to a high concentration of job sites or dwellings.
 - (6) Noise, lights, glare and odor will not unreasonably disturb the surrounding land uses or members of the public.
 - (7) If potential adverse effects have been identified, alternative sites have been examined and determined by the applicant not to be feasible.
 - (8) No transit vehicle fueling, repair or storage is allowed.
- (p) **Theaters, live, and performance art centers in an R-9, R-15, or R-29, Multiple Family Dwelling District**, subject to the following conditions:
- (1) The use must have existed prior to 2005.
 - (2) Minor additions are allowed provided the addition is for barrier free access, fire safety or space that will not increase the seating capacity of the facility.
 - (3) Additions are architecturally compatible with the existing structure and the character of the neighborhood.

- (4) The applicant submits a parking plan that demonstrates there is sufficient parking within 500 feet to meet the theater's parking demand.
 - (5) On-site exterior lighting is directed to minimize impacts on adjacent residential areas.
 - (6) Performances are not allowed between the hours of 12:00 midnight and 8:00 a.m.
- (q) **Transitional housing and Emergency shelters**, subject to the following:
- (1) The facility is fully enclosed in a building located in an HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1, H-2, or I District.
 - (2) The site is located within a ½ mile of a bus stop connected by sidewalks or bike trails.
 - (3) The lot is not located within 1,500 feet of another lot devoted to transitional housing or emergency shelter.
 - (4) The facility shall have a maximum of 100 beds and/or sleeping pads.
 - (5) The building provides 50 square feet of heated building space per person staying overnight at the facility.
 - (6) The operator of the Emergency shelter shall provide continuous, on-site supervision by an employee or volunteer during all hours of operation.
 - (7) The operator of the facility shall have a written management plan including, as applicable, staffing levels, provisions for staff and volunteer training, neighborhood outreach, length of stay of residents, hours of operation, crime prevention, security, screening of residents to insure compatibility and the mission of service provided at the facility. The management plan shall establish a maximum length of time which clients may be accommodated.
 - (8) The operator shall have an ongoing housing assistance program on the premises to place the residents into permanent housing and maintain a list of all persons residing at the facility.
 - (9) Parking requirements would be determined by the Planning Director based on the intensity of the operation described in the management plan.
- (r) **Wind energy system, pole or tower-mounted structures**. The intent of this section is to ensure that free-standing wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Free-standing wind energy systems are permitted if all of the following requirements are met:
- (1) The free-standing wind energy system is located in a T, GP, C-3, NMC-1, NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.
 - (2) Guy wires are only permitted to be used in the I and T districts.
 - (3) The free-standing wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
 - (4) The pole or tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height restrictions of the district.
 - (5) Wind energy systems must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district

setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.

- (6) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (7) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
 - (8) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
 - (9) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
 - (10) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
 - (11) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.
- (s) **Wind energy system, building-mounted structures.** The intent of this section is to ensure that building-mounted wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Building-mounted wind energy systems may exceed the 20 feet above the height limitation of the district if all of the following requirements are met:
- (1) Height exceptions to what is allowed by right will not be allowed in the GP, PR, RC, R-1a, R-1b, R-2, R-9, R-15, R-29 Districts.
 - (2) A taller building-mounted wind energy system may be located in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR districts.
 - (3) Guy wires are only permitted to be used in the I and T districts.
 - (4) The building-mounted wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
 - (5) A building-mounted wind energy system is no higher than 20 feet above the height of the roof deck in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height of the roof.
 - (6) The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
 - (7) The design of the wind energy system or buildings and structures related to the

wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

- (8) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- (9) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- (10) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
- (11) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
- (12) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.

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 JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: *mc*
MARTY COLBURN, CITY MANAGER

SUBJECT: REQUEST FROM COMMISSIONER HOWE – RUNNING,
BLINKING AND ROTATING LIGHTS ON MARQUEES

Attached is a request from Commissioner Gary Howe for the City Commission to consider an amendment to the sign ordinance which would allow the *Bijou by the Bay* to have rotating/flashing/blinking lights on its marquee. Also contained within the attached is an email from MDOT representative Beth Lajko indicating MDOT's position that regular operation of the marquee at the *Bijou by the Bay* would pose no safety hazard to the public traveling on Grandview Parkway, a state highway.

If the City Commission would like to entertain allowing this request, I recommend that it be referred to staff for a recommendation by the February 1 Regular Meeting. Staff would likely need to develop standards and a prudent process for considering requests in general rather than granting a specific exemption.

If the City Commission would like to entertain this matter, I recommend the following motion:

that the request from Commissioner Howe regarding running, blinking and rotating lights on marquees, be referred to staff for a report and recommendation by February 1, 2016.

MC/bcm

k:\tcclerk\city commission\ordinance amendments\running lights marquees

copy: Russell Soyring, City Planning Director
Deb Lake, Traverse City Film Festival Executive Director



Benjamin Marentette <bmarente@traversecitymi.gov>

Re: Amendment to Sec. 1476.11 (a) concerning running lights at City Owned Theaters

1 message

Deb Lake <deb@tcff.org>

Tue, Dec 29, 2015 at 10:42 AM

To: Benjamin Marentette <bmarente@traversecitymi.gov>

Cc: Marty Colburn <mcolburn@traversecitymi.gov>, Dave Weston <dweston@traversecitymi.gov>, Lauren Tribble-Laucht <ltaucht@traversecitymi.gov>, Russ Soyering <RSoyering@traversecitymi.gov>, Tim Werner <twerner@traversecitymi.gov>, Brian Haas <bhaas@traversecitymi.gov>, Gary Howe <glhowe@traversecitymi.gov>

Good morning Benjamin,

We hope you might be able to include the letter below from MDOT in the packet for review by the Commission.

Thank you!

Deb Lake

Traverse City Film Festival

231-944-4117

From: "Lajko, Mary (MDOT)" <LajkoM@michigan.gov>

Date: Tuesday, December 29, 2015 at 10:32 AM

To: Deborah Lake <deb@tcff.org>

Subject: Request from the Traverse City Film Festival and State and Bijou theaters

Deb,

With regard to the moving marquee lights at the Bijou theatre MDOT has had no negative feedback regarding the moving lights during the film festival and as a department do not feel it poses a safety hazard to the public traveling on the state highway if in operation on a regular basis.

We have discussed internally at the Traverse City office and also looked to the Region Traffic and Safety Engineer for comment and found there were no safety concerns. If you need anything else on this topic please let us know.

Mary Lajko - MDOT Traverse City TSC

From: Benjamin Marentette <bmarente@traversecitymi.gov>

Date: Monday, December 28, 2015 at 4:50 PM

To: Gary Howe <glhowe@traversecitymi.gov>

Cc: Marty Colburn <mcolburn@traversecitymi.gov>, Dave Weston <dweston@traversecitymi.gov>, Lauren Tribble-Laucht <ltaucht@traversecitymi.gov>, Russ Soyering <RSoyering@traversecitymi.gov>, Deb Lake <deb@traversecityfilmfestival.org>, Tim Werner <twerner@traversecitymi.gov>, Brian Haas <bhaas@traversecitymi.gov>

Subject: Re: Amendment to Sec. 1476.11 (a) concerning running lights at City Owned Theaters

Hi Gary,

As we just discussed, I discussed this with Marty and we will place this on the January 4 agenda with a proposed motion for the City Commission to refer it to staff for a recommendation by February 1; that recommendation may include a process outlined in the sign ordinance using standards for the City Commission to consider such requests.

Benjamin C. Marentette, MMC
 City Clerk | City of Traverse City
 400 Boardman Ave. | Traverse City, Michigan 49684
 bmarente@traversecitymi.gov | www.traversecitymi.gov/city-clerk
 O: 231.922.4480 | F: 231.922.4485

FOLLOW TRAVERSE CITY!



On Sat, Dec 26, 2015 at 8:41 AM, Gary Howe <glhowe@traversecitymi.gov> wrote:

All,

I'd like to begin the process for the City Commission to amend Section 1476.11 of the zoning code in regards to restrictions discussed in subsection (a) concerning the prohibition of "*flashing, rotating and intermittent lighting.*"

On July 20, 2015 the City Commission approved a request made by the Traverse City Film Festival to allow the lights on the *Bijou by the Bay's* marquee to run/chase to their potential during the 2015 Traverse City Film Festival event. A short video is attached. It was sent to the City Commission by resident Curtis Cummins who lives at 622 Washington Street on July 30. In addition, also attached is the City Clerk's summary of the comments sent to the City from festival participants speaking in favor of the running lights.

It is my understanding that the temporary use was in-part a pilot project to access the issue and gauge public sentiment. To my knowledge, there was no harm demonstrated. Further more, the running lights add a touch of vibrancy to the community. Chasing lights are traditional to movie theaters and fit within the context of the historic *Con Foster Building* that hosts the *Bijou* theater. Although tested in the summer, I appreciate the foresight by one commentator who wrote, "especially in winter, when we live in a black and white and grey world, it'd be nice to see colorful, cheerful, blinking lights!"

Below is a proposed amendment change that limits the allowance to publicly controlled property, and poses no threat of unintended consequences in other parts of the City. *My recommendation is to amend the zoning language to exempt theaters from sub-section (a) that are either publicly owned or are located on public property, whichever staff believes to be the most appropriate.* Or, if there is alternative language recommendations that achieve the intended allowance, I certainly welcome staff's insight.

Please place this on the next available City Commission agenda for the full body's consideration. If we need to discuss before so, I'm a willing participant and available all week this week.

Thank you for guidance and due diligence in this matter.

Cheers,

Gary Howe

1476.11 SIGN ILLUMINATION REGULATIONS. Illuminated signs shall be designed, constructed,

and installed to comply with the following standards in order to reduce glare and the general overwash of light to public rights-of-way and residential uses and to promote the protection of the dark sky.

(a) Flashing, rotating and intermittent lighting is prohibited.

(b) Back-lighted individual opaque channel letterforms shall be softly silhouetted against their background.

(c) Internally illuminated channel letters and logos with translucent faces, shall SIGNS contain soft, diffused light sources inside each letter or logo.

(d) With the exception of directional and "no vacancy" signs, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.

(e) Externally lit signs associated with multiple family residential uses are allowed.

(f) Electronic message signs shall not exceed a light intensity of 10 percent of the day time use between dusk and dawn.

(Ord. 632. Passed 4-19-04. Ord. 797. Passed 6-02-08.)

#B-43

CITY OF TRAVERSE CITY
APPLICATION FOR
SIGN PERMIT

* Master Signage Plan Required (see reverse side)

Date of Application: 9-10-13
Owner's Name: CITY OF TRAVERSE CITY, TC FP Phone: 922-4440
Address: 400 BOARDMAN AVE TC MI, P.O. BOX 4064 TRV MI
Site Address: 181 E. GRANDVIEW PKY Tax ID# _____
Contractor's Name: NU ART SIGNS Phone: 941-7739
Contractor's Address: 322 E. WELCH COURT TC MI

Type of use on parcel (circle one): Commercial, Industrial, Institutional, Recreational, Residential

Existing signage on parcel:
Freestanding: _____ s.f. _____ ht. above grade
Wall/Awning: _____ s.f. _____ ht. above grade
Projecting/Suspended: _____ s.f. _____ ht. above grade
Illumination: Internal _____ External _____ None _____

New signage on parcel:
Freestanding: ^{FREEST 99 #} (2) SIGNS 40 # s.f. 16'-9 3/4" ht. above grade
Wall/Awning: _____ s.f. _____ ht. above grade
Projecting/Suspended: _____ s.f. _____ ht. above grade
Illumination: Internal _____ External _____ None _____

Total sign area allowed:
Freestanding: _____ s.f.
Wall/Awning: _____ s.f.
Projecting/Suspended: _____ s.f.

I agree to perform the work described herein in accordance with the plans and/or specifications submitted and with all provisions of the Sign Ordinance, Building Code and other applicable regulations of the City of Traverse City.

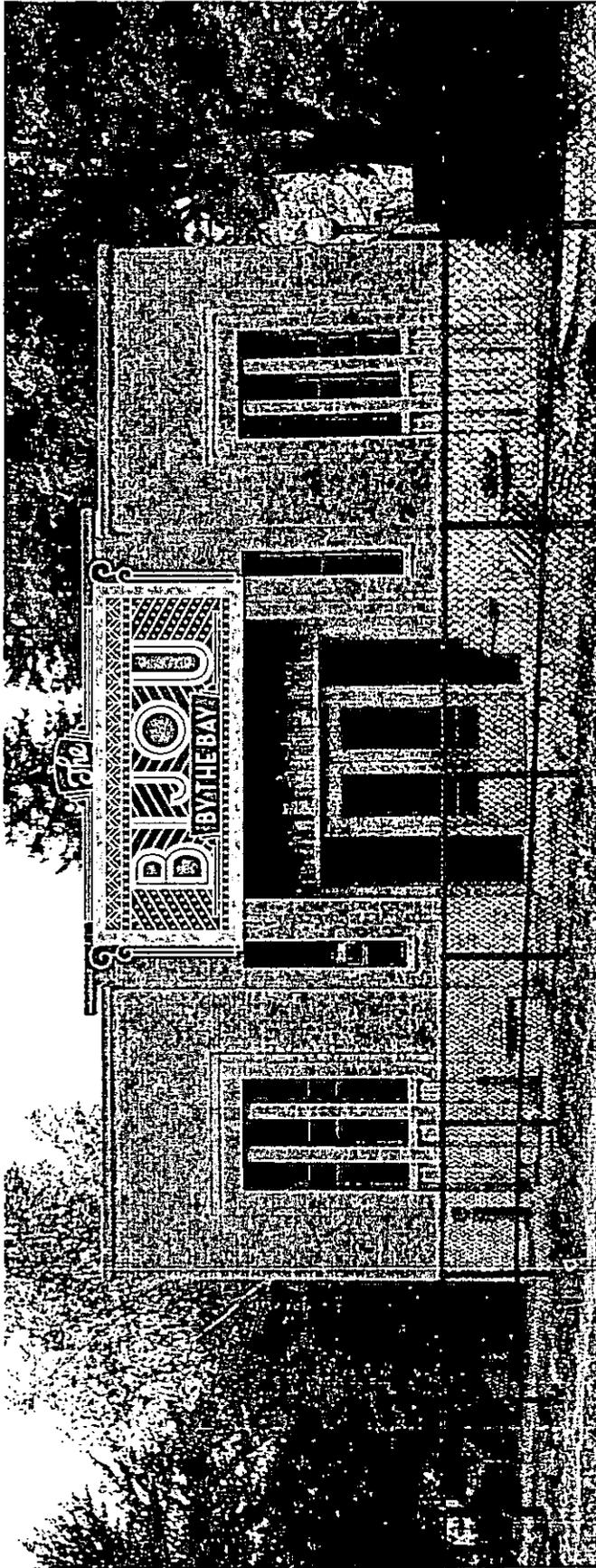
[Signature] Signature of Applicant
[Signature] Signature of Owner

Comments: APPROVED PER ATTACHED CONDITIONS

Approval: [Signature] Planning/Zoning Date: 9-27-13

Total Paid 0- Check # NA Receipt # NA

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



Client

Bijou by the Bay

Site information

Traverse City
Horton Michigan

DATE: 9/1/13

15'25"

183"

99 A

BY THE BAY



60 5'

78"

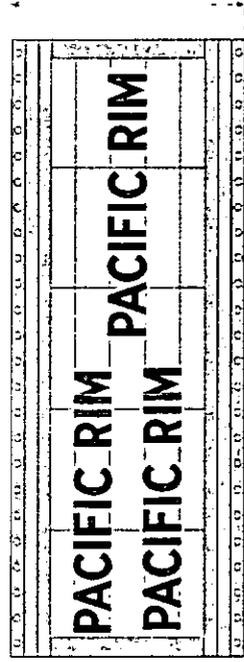
14"



10"

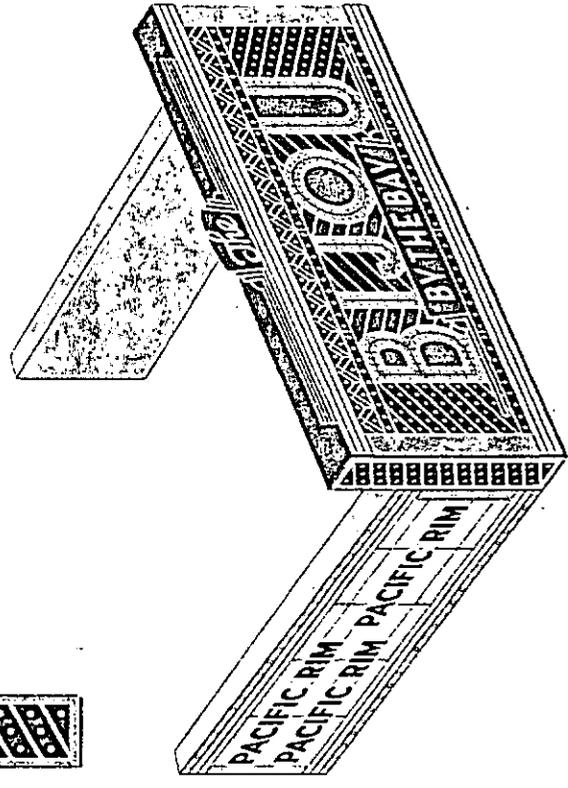


123"



40 A

47"



Client:

Bijou by the Bay

Site Information

LOCATION

Traverse City

Theater Marquee

DESCRIPTION

Scale: 1/2" = 10'

DATE:

1.1

The following conditions are deemed to be a part of the permit as if fully set forth in the permit application:

Pursuant to the Management Agreement between the City of Traverse City and the Traverse City Film Festival dated July 26, 2013 (the "Agreement") the signage permitted hereunder, once installed, is the property of the City of Traverse City and shall be managed and maintained by the Traverse City Film Festival. Upon expiration or termination of the Agreement the signage permitted hereunder shall, in the sole discretion of the City, be removed by the Traverse City Film Festival at the Traverse City Film Festival's sole cost and expense within 30 days after receiving a removal request from the City of Traverse City. In the event the City has no further use for the sign, it may elect to return it to the Traverse City Film Festival. In the event the Traverse City Film Festival does not wish to take possession of the sign the City may dispose of it in a manner consistent with its ordinary policies and practices.

The Traverse City Film Festival shall install a free-standing plaque commemorating the Con Foster Museum and the legacy of Con Foster in a location in Clinch Park to be determined by the City in its sole discretion. The size, content and format and method of installation of the plaque shall be approved by City staff. All of the conditions described in the preceding paragraph shall apply equally to the free-standing plaque as if fully restated herein.

DBL
D.J.S.

9/27/13

CAW 9-27-13

TOP OF PIPE / VALVE = 582.4

DRYWELLS, PLACE 112
CYD MIN. 6AA STONE
1 EA - CUT & CAP EXISTING
6" SANITARY

EX. 4" OVERFLOW

CUT & PLUG EX. WATER
SERVICE TO EAST-N.E.
68 FT - 6" SAN SWR

47 FT - 6" SAN SWR
1 EA - 4' DIA SAN MH
I.E. NE=582.42
I.E. SW=582.32

1 EA - REMOVE EX. SAN MH
REMOVE EXISTING
STRUCTURE

RELOCAT
AND AL

WATER M.H.
RIM = 584.00
VALVE COVERED
IN PLACE

SANITARY M.H.
(ABANDONED)
RIM = 583.57
INV. = 580.67 (6" W.)
INV. = 580.67 (6" W.)

REMOVE EX. SAN SWR

LOCATE & REPAIR BREAK IN
EXISTING SANITARY SVC

1 EA - CONNECT TO EXISTING
SANITARY MANHOLE
6" I.E. SE=581.71
6" I.E. NE=581.71
1 EA - SEWER BULKHEAD, 6" SE

SANITARY M.H.
RIM = 585.50
INV. = 581.71 (6" W.)
INV. = 581.71 (6" W.)

210 FT - 6 INCH SCH 40 PVC
SANITARY LATERAL @ 1%
MIN. GRADE

ADJUST EXISTING
STRUCTURE

1 EA - 6 INCH
CLEANOUT

1 EA - 6 INCH CLEANOUT

MAINTAIN 18" MIN
VERTICAL SEPARATION
1 EA - REMOVE EX. SAN MH
ABANDON EX. SAN SWR
SERVICE TO CONCESSIONS
BUILDING

STORM ELBOW
RIM = 584.00
INV. = 583.22 (6" W.)
ELBOW 90°

ABANDON WATER
SERVICE TO
CONCESSIONS BLDG
CONNECT TO PROPOSED ROOF
DRAIN - SEE ARCHITECTURAL
SHEETS FOR DETAILS
6 INCH SAN
I.E. NW=583.8

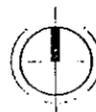
TOP OF PIPE / VALVE = 584.2

STORM ELBOW
RIM = 584.70
INV. = 581.28 (6" W.)
ELBOW 90°

STORM ELBOW
RIM = 584.70
INV. = 581.28 (6" W.)
ELBOW 90°

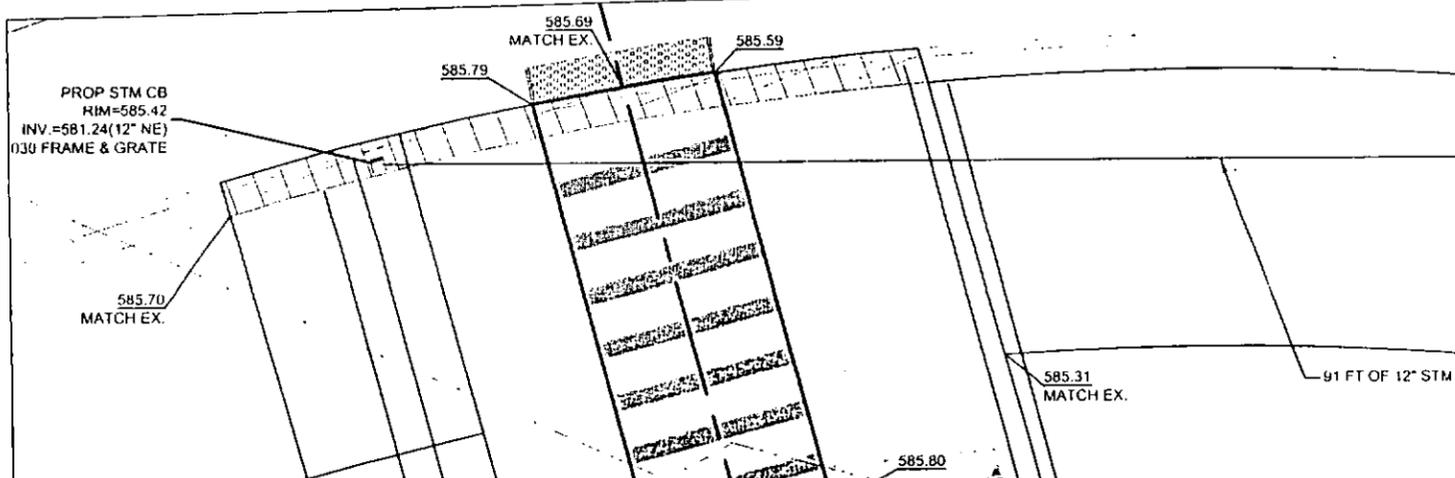
IRRIGATION CONTRACTOR TO
ADJUST/RELOCATE EXISTING IRRIGATION
CONTROL STRUCTURE.

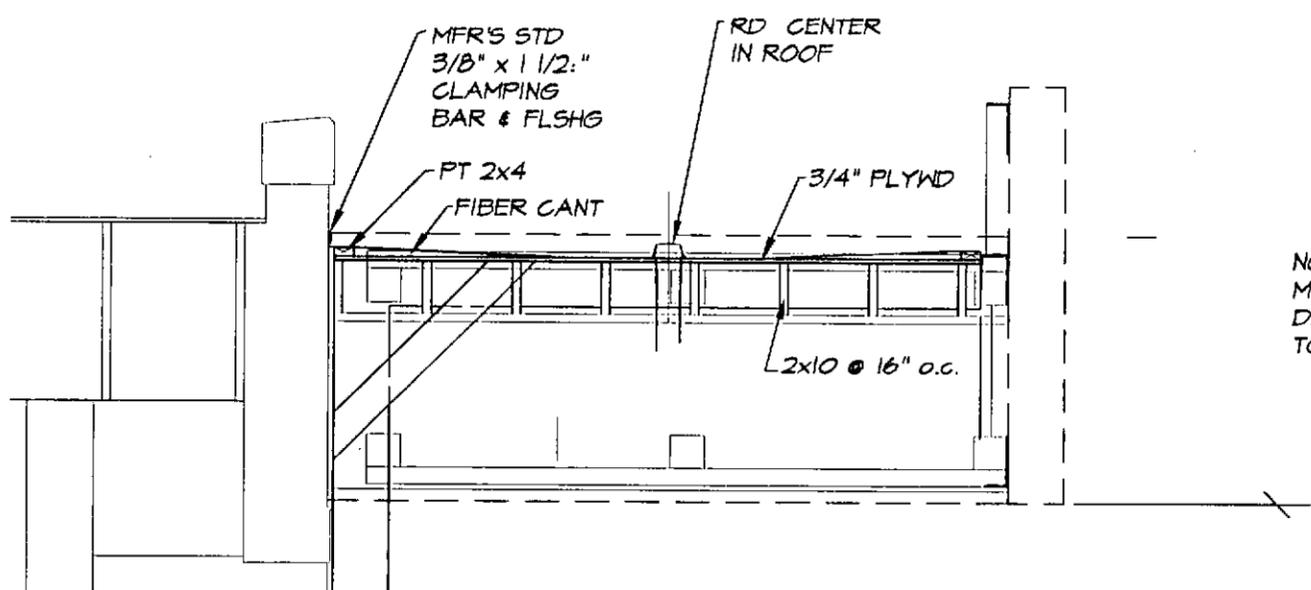
WATER M.H. CHAMBER
RIM = 584.00
TOP OF 2" PIPE = 582.20 W.
TOP OF 2" PIPE = 583.50 E.



NORTH

ULATIONS

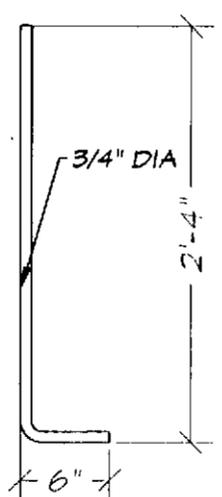




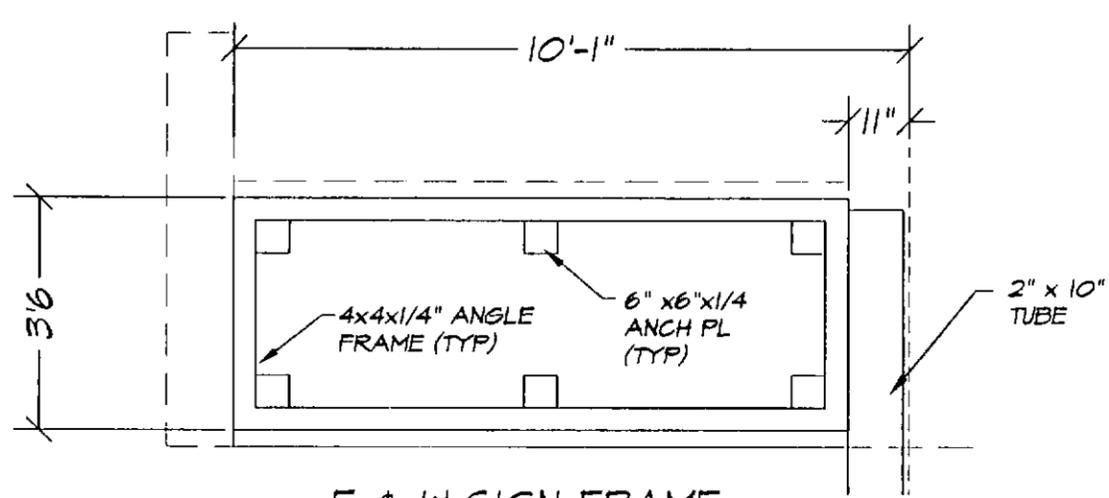
NOTE: PROVIDE SIGN MFR'S STAND FLASHING DETAIL FROM SIGN BD TO SPM ROOFING

NORTH/SOUTH SECT

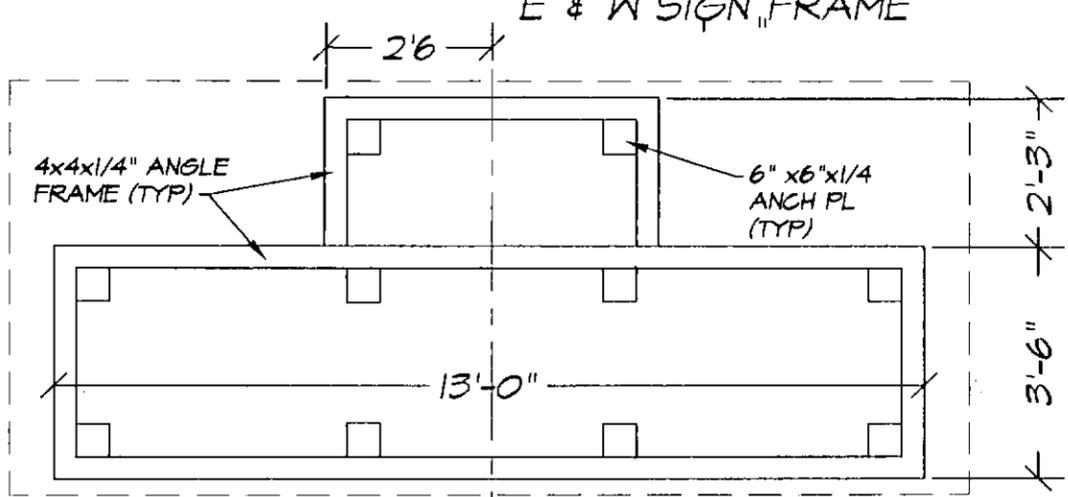
SCALE: 3/8" = 1'-0"



NOTE: 10 THUS
ANCH BOLT
SCALE: 1" = 1'-0"



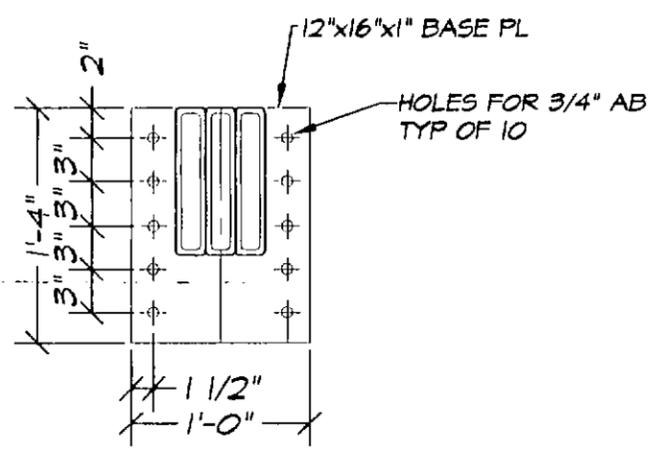
E & W SIGN FRAME



SOUTH SIGN FRAME

SIGN MOUNTING FRAMES

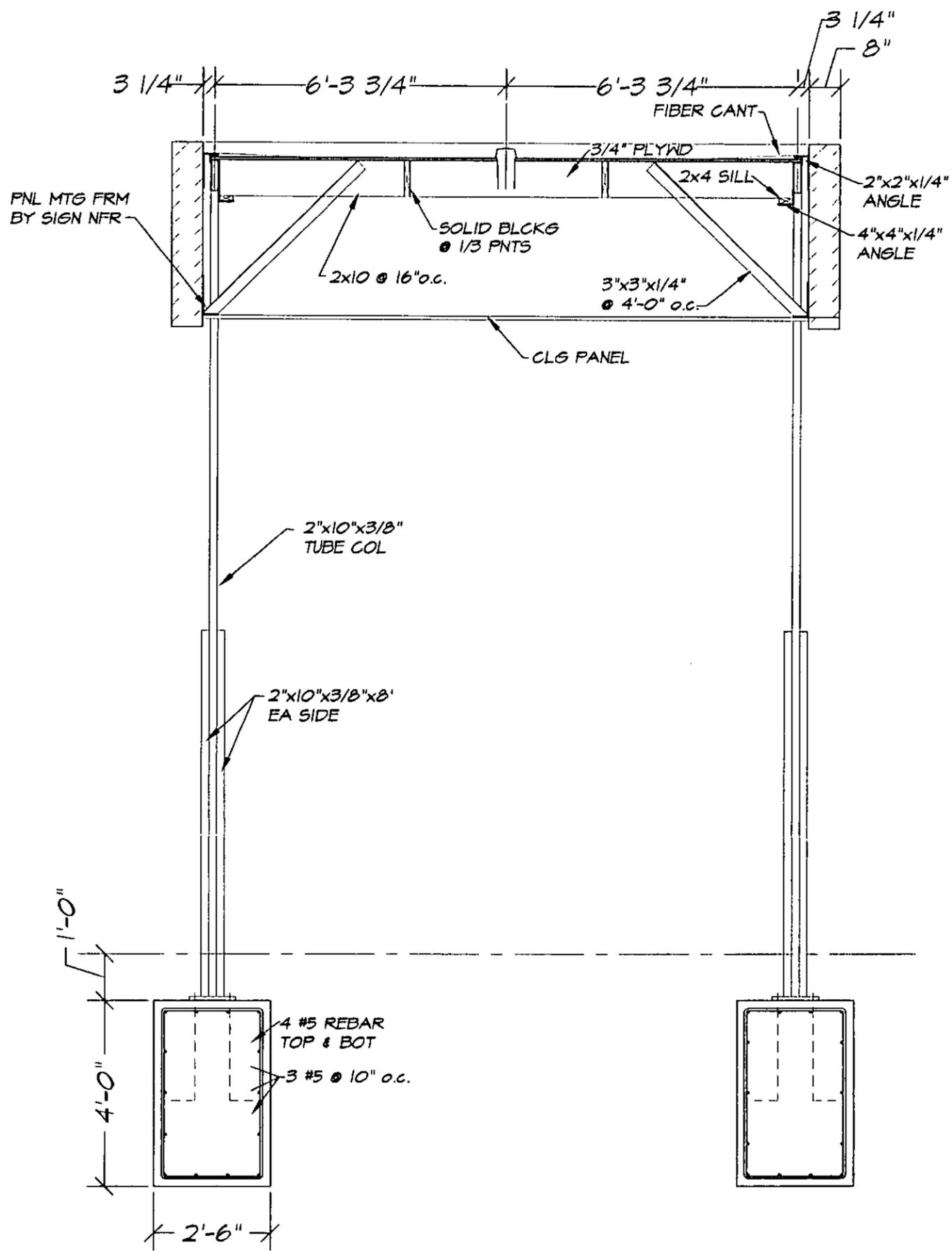
SCALE: 3/8" = 1'-0"



BASE PLATE

SCALE: 1" = 1'-0"

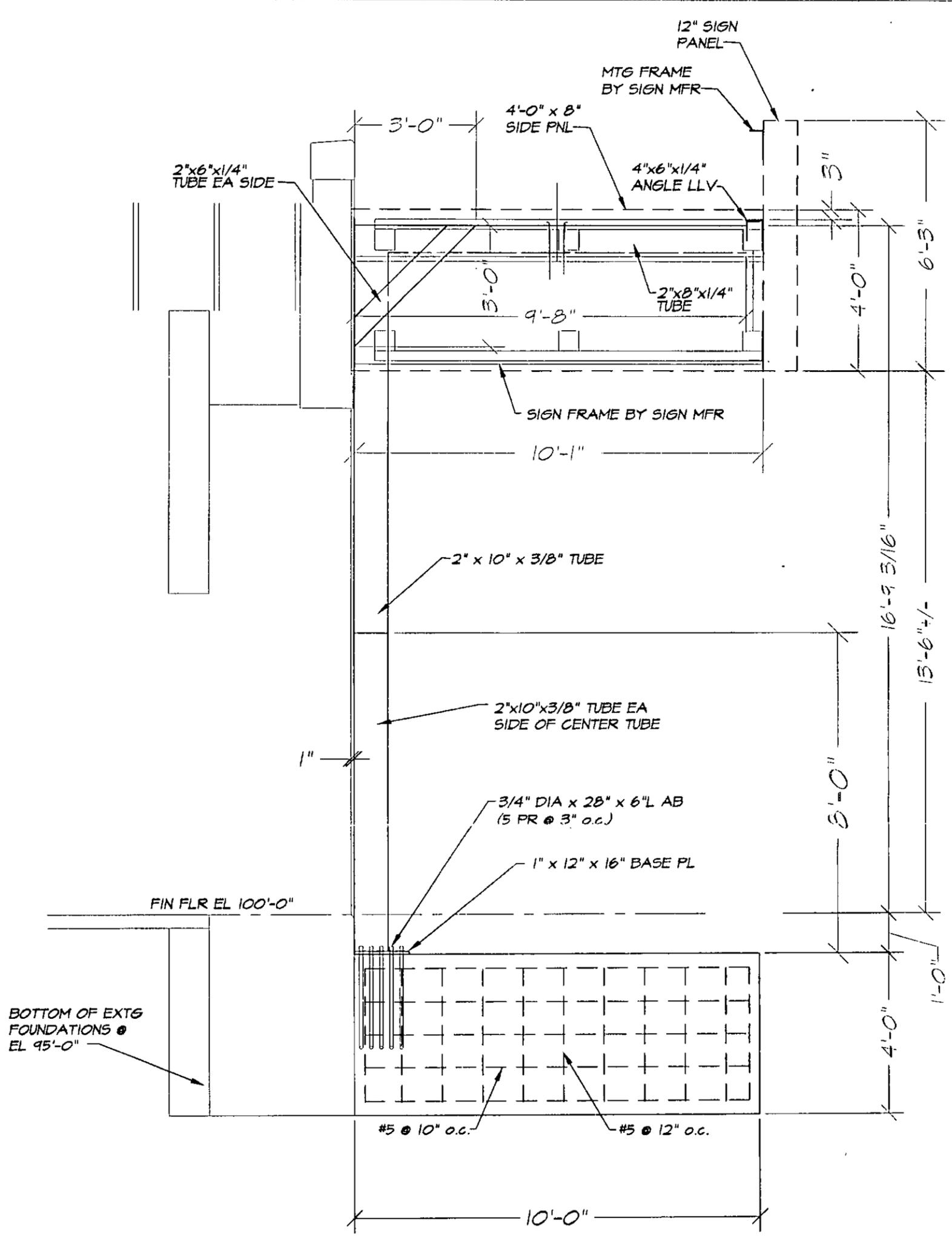
MARQUEE STRUCT DETAILS		Commission No. 2013-002
Proposed Remodeling BIJOU BY THE BAY Traverse City, Michigan		Date July 19, 2013
ROBERT STOW, ARCHITECT PLC		Supp Dwg No. 203
402 Washington St.	Traverse City, MI 49686	



MARQUEE EAST - WEST SECT

SCALE: 3/8" = 1'-0"

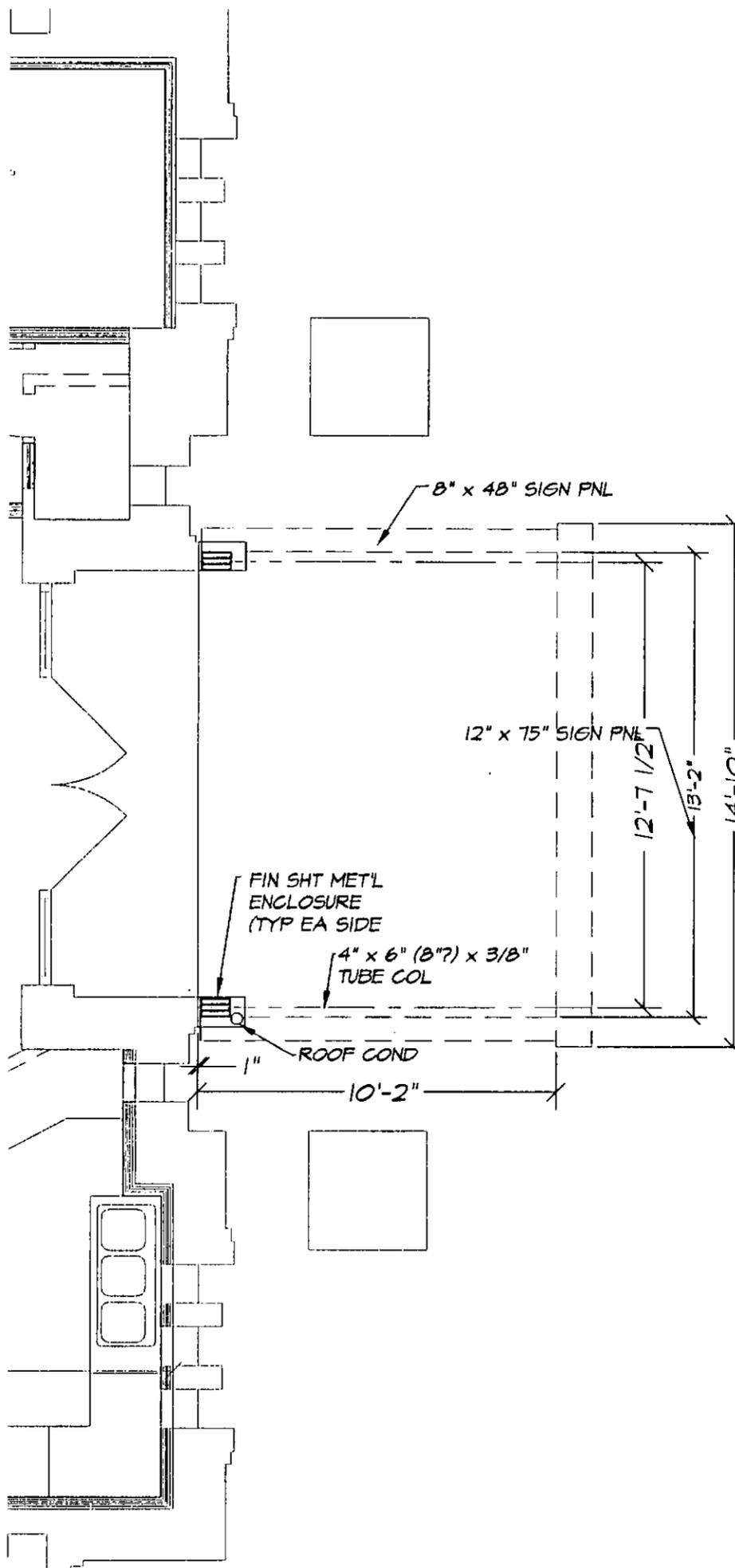
MARQUEE EAST - WEST SECT		Commission No. 2013-002
Proposed Remodeling BIJOU BY THE BAY Traverse City, Michigan		Date July 19, 2013
ROBERT STOW, ARCHITECT PLC		Supp Dwg No. 202
402 Washington St.	Traverse City, MI 49686	



MARQUEE NORTH - SOUTH SECTION

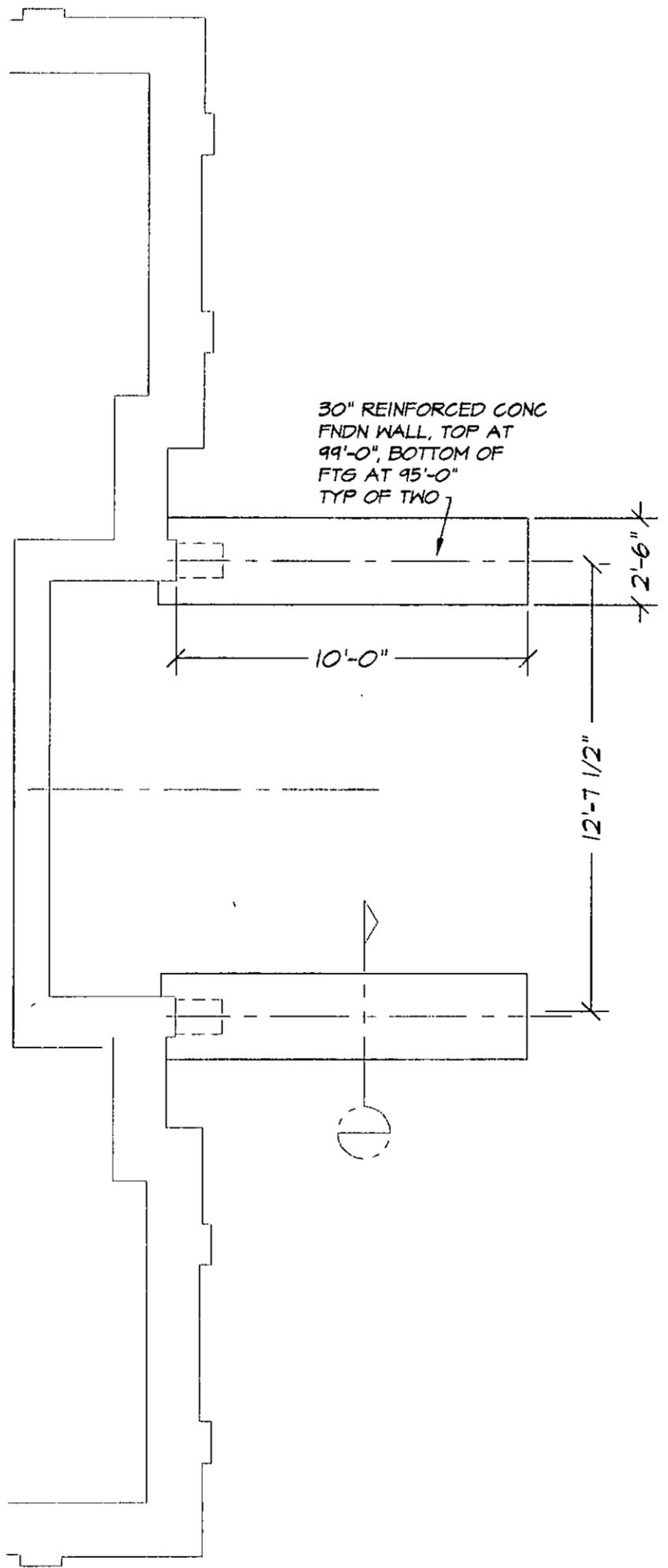
SCALE: 3/8" = 1'-0"

MARQUEE NORTH - SOUTH SECTION		Commission No. 2013-002
Proposed Remodeling BIJOU BY THE BAY Traverse City, Michigan		Date July 17, 2013
ROBERT STOW, ARCHITECT PLC		Supp Dwg No. 201
07/17/13	Copyright 2013 Robert Stow, Architect PLC 402 Washington St.	Traverse City, MI 49686



MARQUEE PLAN

SCALE: 1/14" = 1'-0"



MARQUEE FOUNDATION PLAN

SCALE: 1/14" = 1'-0"

MARQUEE PLANS		Commission No. 2013-002
Proposed Remodeling BIJOU BY THE BAY Traverse City, Michigan		Date July 17, 2013
ROBERT STOW, ARCHITECT PLC		Supp Dwg No. 200
07/17/13	Copyright 2013 Robert Stow, Architect PLC 402 Washington St.	Traverse City, MI 49686



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{MC}MARTY COLBURN, CITY MANAGER

SUBJECT: 2015 VERSION OF *THE PERFORMANCE*

For the past few years, the City Clerk's Office, in collaboration with my office and all departments, has published *The Performance*, a document highlighting approximately 100 random accomplishments by the City organization in the previous year. Clearly, these accomplishments are not possible without the support, resources and energy of the City Commission, volunteer boards and committees and City staff.

On Monday evening, City Clerk Benjamin Marentette will distribute a copy of *The Performance* to each member of the Commission and provide a brief overview of the document. It will also be published on the City's website, and is distributed widely – to neighborhood associations, the Library, the Chamber of Commerce, the Visitor and Convention Bureau, and many other venues.

MC/bcm

**TRAVERSE CITY
LIGHT AND POWER BOARD**

Minutes of Regular Meeting
Held at 5:15 p.m., Commission Chambers, Governmental Center
Tuesday, October 27, 2015

Board Members -

Present: Barbara Budros, Jim Carruthers, Pat McGuire, Jeff Palisin, Bob Spence,
Jan Geht, John Taylor

Ex Officio Member -

Present: Marty Colburn, City Manager

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

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

Chairman Taylor recognized City Commissioner Barbara Budros and City Commissioner Jim Carruthers for their years of service on the Light and Power Board.

5:17 p.m. Bob Spence joined the meeting.

Item 2 on the Agenda being Consent Calendar

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

- a. Minutes of the Regular Meeting of September 22, 2015.
- b. Declare items surplus.

CARRIED unanimously.

Items Removed from the Consent Calendar

None.

Item 3 on the Agenda being Unfinished Business

None.

Item 4 on the Agenda being New Business

None.

Item 5 on the Agenda being Appointments

- a. Appointment of Secretary for the Light and Power Board.

The following individuals addressed the Board:

Karla Myers-Beman, Controller

Moved by Budros, seconded by Carruthers, that Tim Arends, Executive Director, be appointed Secretary for the Light and Power Board.

CARRIED unanimously.

Item 6 on the Agenda being Reports and Communications

a. From Legal Counsel.

None.

b. From Staff.

1. Tim Arends provided a year end summary of the 2014-15 Capital Plan.

The following individuals addressed the Board:

Marty Colburn, City Manager

2. Kelli Schroeder provided a recap of the Open House held on October 3, 2015.

The following individuals addressed the Board:

Tim Arends, Executive Director

3. Jessica Wheaton announced the Clean Up Green Up event scheduled for November 1, 2015.

c. From Board.

1. Chairman Taylor provided an update on the coal dock issue.

The following individuals addressed the Board:

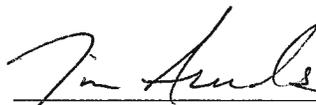
Marty Colburn, City Manager

2. Pat McGuire thanked Barbara Budros and Jim Carruthers for their service to the Light and Power Board.

Item 7 on the Agenda being Public Comment

No one from the public commented.

There being no objection, Chairman Taylor declared the meeting adjourned at 5:37 p.m.



Tim Arends, Secretary
LIGHT AND POWER BOARD

/st

**TRAVERSE CITY
LIGHT AND POWER BOARD**

Minutes of Regular Meeting
Held at 5:15 p.m., Training Room, Governmental Center
Tuesday, November 24, 2015

Board Members -

Present: Pat McGuire, Amy Shamroe, Bob Spence, Jan Geht, John Taylor

Absent: Jeff Palisin, Tim Werner

Ex Officio Member -

Present: Marty Colburn, City Manager

Others: Tim Arends, Karla Myers-Beman, Stephanie Tvardek, Jessica Wheaton

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

5:17 p.m. Bob Spence joined the meeting.

Item 2 on the Agenda being Consent Calendar

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

- a. Minutes of the Regular Meeting of November 10, 2015.
- b. Receive and file minutes of the Customer Survey Ad Hoc Committee Meeting of November, 10 2015.

CARRIED unanimously. (Palisin, Werner absent)

Items Removed from the Consent Calendar

None.

Item 3 on the Agenda being Unfinished Business

None.

Item 4 on the Agenda being New Business

None.

Item 5 on the Agenda being Appointments

None.

Item 6 on the Agenda being Reports and Communications

- a. From Legal Counsel.

None.

b. From Staff.

1. Tim Arends introduced Pat Bowland, General Manager of MPPA. Mr. Bowland provided an overview of MPPA.
2. Karla Myers-Beman provided a recap of the East Hammond Project.

The following individuals addressed the Board:

Tim Arends, Executive Director

3. Jessica Wheaton presented the ACEEE study results.

The following individuals addressed the Board:

Tim Arends, Executive Director

4. Tim Arends presented a potential wind energy project.

The following individuals addressed the Board:

Pat Bowland, General Manager, MPPA

5. Tim Arends suggested canceling the December 22, 2015 Regular Meeting and scheduling a Study Session for December 15, 2015 dedicated to the discussion of Advanced Metering Infrastructure.

The following individuals addressed the Board:

Marty Colburn, City Manager

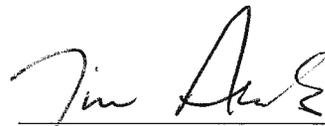
c. From Board.

None.

Item 7 on the Agenda being Public Comment

Marcia Curran, 800 Cottageview Dr., Ratepayer

There being no objection, Chairman Taylor declared the meeting adjourned at 6:44 p.m.



Tim Arends, Secretary
LIGHT AND POWER BOARD

/st

CITY OF TRAVERSE CITY

Minutes

Traverse City Arts Commission

November 18, 2015

A Regular Meeting for the Traverse City Arts Commission was called to order at the Second Floor Conference Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 3:01 p.m.

The following were present, constituting a quorum: Mary Gillett, Rick Korndorfer, Deb Lake, Patty Pelizzari, Christie Minervini, Amy Shamroe and Jan Warren.

Also present: Stan Simons, and Stevie Murray.

The following were absent: Metta Lansdale and John Gessner.

Various announcements were given.

1. First item being, "Consideration of approving minutes from the Regular Meeting of October 21, 2015."

It was moved by Warren, seconded by Minervini, to approve minutes from the Regular Meeting of October 21, 2015.

AIF/MC

2. Next item being, "Consideration of adopting the Arts Commission Bylaws."

It was moved by Shamroe, seconded by Korndorfer, to adopt the Arts Commission Bylaws, as amended.

AIF/MC

3. Next item being, "Consideration of amending and moving meeting time for all future scheduled meetings."

It was moved by Warren, seconded by Shamroe, to amend and move all future, scheduled meeting times of the Arts Commission to 3:30PM.

AIF/MC

4. Next item being "Presentation regarding the Coast Guard memorial structure."

Stan Simons, Chairman of the Traverse City Coast Guard City Committee gave a presentation regarding the construction of a Coast Guard City memorial sculpture in a City park. After discussion, the Coast Guard City Committee will come back with a formal proposal, per Master Plan guidelines, regarding artwork donation to the City.

5. Next item being "Discussion regarding Art Selection Panel member selection process and criteria."

It was moved by Minervini, seconded by Warren, that an Ad Hoc Committee for the Arts Selection Interview Criteria to be formed, and that Minervini, Warren and Gillett sit on this Committee. Dates to be determined for initial meeting.

AIF/MC

6. Next item being, "Continued discussion regarding Bryan Crough memorial artwork."

General discussion and updates were given on the process of moving the memorial artwork forward, including next steps and needed stakeholder meetings.

7. Next item being, "Discussion of "next steps" regarding a public charrette and ongoing public communication efforts."

General discussion was made regarding setting a date for a public charrette in January 2016 and finding and securing a location. Commissioners are to check on various locations and report back at the next regularly scheduled meeting.

8. Next item being, "Public Comment."

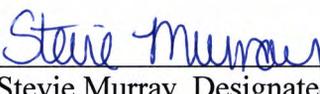
The following addressed the Commission:

Sydney Mccombs, student

Sean Kelly Mccerney, student

Molly Plachulski, student

There being no objection, Chair Mary Gillett declared the meeting adjourned at 4:38 p.m.



Stevie Murray, Designated Secretary

Next meeting: December 16, 2015 at 3:30 p.m. in the **2nd Floor Committee Room.**

All meetings are held in the 2nd Floor Conference Room of the Governmental Center unless otherwise stated.

CITY OF TRAVERSE CITY

Minutes

United States Coast Guard Committee

November 5, 2015

A Regular Meeting for the United States Coast Guard Committee was called to order in the Second Floor Conference Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 3:02 p.m.

The following were present, constituting a quorum: Stan Simons, Steve Perdue, Greg Matyas, Polly Cairns, and Dan Baker.

Also present was Katelyn Zeits

The following was absent: Robert Richardson, Dave Barr, and Marty Colburn.

Stan Simons chaired.

Various Announcements were given.

1. First item being "Consideration of approving minutes from the Regular Meeting of October 1, 2015."

It was moved by Baker, seconded by Cairns, to approve minutes from the Regular Meeting of October 1, 2015.

AIF/MC

2. Next item being "Consideration of approving a form letter to local businesses for use of the Coast Guard City logo."

Minor changes were suggested be made to the letter. Ms. Zeits will work with Purchasing Agent Julie Dalton to draft a Request for Proposals package incorporating the form letter to publish on the City's website.

3. Next item being "Consideration of holding special events to increase sales of Coast Guard City logo items in conjunction with The Exchange."

Ms. Zeits gave a recap of a meeting between City staff, Coast Guard staff, and Coast Guard Exchange staff. By consensus, the Committee will work with the Coast Guard Exchange to be present at Coast Guard City sponsored events.

4. Next item being "Discussion regarding a Coast Guard Aviation Centennial event in

2016.”

Mr. Matyas informed the Committee that in 2016, the Coast Guard will have its centennial year for Coast Guard Aviation and the Air Station Traverse City may be participating in various events to celebrate. By consensus, the Committee will help out in any way they can to support events relating to the celebration.

5. Next item being “Discussion regarding proposal of the Coast Guard Monument Project to the Arts Commission.”

Mr. Simons gave an update on his thoughts regarding the package. By consensus, the Committee will hold a Special Meeting on November 19, 2015 to further draft a proposal package.

6. Next item being “Update from Mr. Simons and Mr. Barr regarding Coast Guard City banners.”

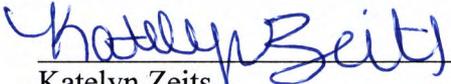
Mr. Simons presented a draft of the Coast Guard City street banners to the Committee. By consensus, Ms. Zeits will draft a letter to the Banner Committee requesting funds for ten street banners.

7. Next item being “Update from Mr. Barr regarding Coast Guard movie showings.”

In Mr. Barr’s absence, Ms. Zeits updated the Committee regarding this matter. In short, the movie is close to ready for showing to the public.

8. Adjournment.

There being no objection, Chair Stan Simons declared the meeting adjourned at 4:10 p.m.



Katelyn Zeits
Recording Secretary

CITY OF TRAVERSE CITY

Minutes

United States Coast Guard Committee

November 19, 2015

A Special Meeting for the United States Coast Guard Committee was called to order in the Second Floor Conference Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 1:06 p.m.

The following were present, constituting a quorum: Stan Simons, Steve Perdue, Greg Matyas, and Dan Baker.

Also present was Katelyn Zeits.

The following was absent: Robert Richardson, Dave Barr, Marty Colburn, and Polly Cairns.

Stan Simons chaired.

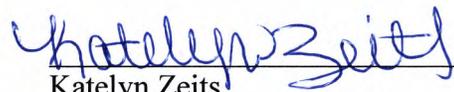
No announcements were given.

1. First item being "Discussion regarding Coast Guard Monument Project Proposal Package."

Mr. Simons gave an overview of his meeting with the Traverse City Arts Commission and the Parks and Recreation Commission. Mr. Simons indicated he would draft a proposal meeting the criteria set forth in the Traverse City Arts Commission master plan and present it to the Committee at its next regular scheduled meeting.

2. Adjournment.

There being no objection, Chair Stan Simons declared the meeting adjourned at 2:09 p.m.


Katelyn Zeits
Recording Secretary



Board of Trustees Regular Meeting
MINUTES (approved)
Thursday, November 19, 2015 at 5:30pm
McGuire Community Room
610 Woodmere Ave., Traverse City, MI 49686

1. Call to Order

The meeting was called to order by President Gillman at 5:31 pm. Present were Gillman (President), Marek (Vice President), Beasley (Secretary), Jones, Payne, and Kachadurian (Trustees). Streit (Treasurer) was absent. Also present were Zeits (Counsel), Adams and Marinaro (Counsel during closed session), Parsons (Director), Morey and Carpenter (Staff).

2. Approval of agenda

It was MOVED by Beasley to approve the agenda as presented. Gillman then added an additional new business item request, Tax Rate Form L-4029 confirmation and signature, to follow item 6b under New Business in order to accommodate a possible closed session as the final item under New Business. It was MOVED by Kachadurian, SUPPORTED by Beasley to approve the agenda with the above amendment. Motion CARRIED.

3. Approval of minutes

Beasley noted the following two typographical edits: removal of the word 'had' from the first line of the Facilities and Services Committee report (page 2); and the word *of* should be changed to *or* in the next to last line of the first paragraph from Zeits' presentation (page 3). It was MOVED by Marek, SUPPORTED by Beasley to approve the minutes of October 15, 2015 with the edits noted by Beasley. Motion CARRIED.

4. Public Comment

Gillman opened the floor for public comment. The following people addressed the board: Richard Fidler, Traverse City and board member of The History Center of Traverse City and Co-Editor of TADL's Grand Traverse Journal online publication, spoke in support of The History Center's proposal to be covered later on the agenda; Julie Chai, Leelanau County, thanked the board for the opportunity to display her artwork in the McGuire Room and the opportunity it provides for artists.

5. Reports and Communications

a. Director Report

Parsons confirmed her written report and added the following highlights:

- Approximately 270 patrons attended the Youth Services Department Open House showcasing recent upgrades made possible through the Getty Family Trust and the Friends of TADL donations. Parsons said it was heartwarming to see children and their parents enjoying the new offerings and she was grateful to the donors for entrusting the library with the distribution of their donation funds.
- Aged carpet is beginning to buckle in several locations. A replacement plan discussion will be placed on the agenda of an upcoming Finance Committee meeting.
- Parsons is completing the 2016 budget which will be brought before the board in December.

b. Financial Report

Parsons confirmed her October 2015 revenue and expense reports and added the following highlights:

- Revenue – Parsons introduced Hannah Davis, TADL's newly hired Business Manager, who will be providing financial reports to the board in the future. Payment was received from

Kalkaska County Library for their annual service contract. Payment is expected soon from the Friends of TADL for the Summer Reading Club support pledged and will be reflected next month. Sales and overdue fines have fallen short of the 2015 target, but overages in other areas have compensated for the shortage.

- Expenses – TADL received a bill for reimbursement to Grand Traverse County related to tax tribunal rulings for the Grand Traverse Mall. Part of the money was for property tax reimbursements from prior years and the balance was from money received in 2015.

c. *Member Library Reports*

- Vicki Shurly, Director of Peninsula Community Library (PCL), reported a busy month at PCL. The 4th annual Haunted Halloween event brought in 250 patrons from the communal area, despite poor weather. The Friends of PCL purchased a set of Tegu magnetic blocks which are in use by the children every day. Shurly thanked Morey, TADL's Assistant Director for Technology, for purchasing Makey Makey kits for use at PCL. The kits are very popular with patrons. At the request of multiple patrons PCL has added a French book collection.
- Written reports from Renee Kelchak, Director of Interlochen Public Library, and Julie Kintner, Director of Fife Lake Public Library, were included in the board packet.

d. *Committee Reports*

- Facilities and Services Committee – Payne reported that the committee had met and discussed the proposal from The History Center, later on the agenda. They also discussed membership in other co-ops, the roof project which is about 50% complete, and that the heat exchange boiler issue underwent a second opinion which resulted in making an adjustment rather than a full repair.
- Finance Committee – Kachadurian reported that the committee had met and discussed TADL's investments through Fifth Third Bank. The committee agreed to shorten up the bond portfolio terms from 1 to 5 years to 1 to 3 years. The committee discussed the purchase of a server to host Evergreen in-house which is later on the agenda and discussed their recommendation for a hard freeze of the MERS pension plan.
- Personnel Committee – Kachadurian reported that the committee had met and presented a hard freeze plan to the union negotiators. Due to a significant number of questions, two MERS information meetings are scheduled in December with union staff, representatives, board members, and attorneys to help answer all questions.

e. *Other Reports and Communications*

- Friends' Report – Maryln Lawrence, Friends Board President
A written report from Lawrence was provided to the board prior to the start of the meeting.

6. **Old Business**

a. *History Center Proposal*

Payne provided a brief review of the sequence of events leading to the current proposal from The History Center to transfer its collection of materials to the TADL Woodmere location. The collection could be housed in the Talking Book Library department and would function in a similar format as other research libraries in which staff and/or volunteers would assist patrons with information, as opposed to a general browsing collection. Parsons recommended pursuing a formal agreement between TADL and The History Center.

It was MOVED by Kachadurian, SUPPORTED by Beasley to pursue an agreement with The History Center, in conjunction with guidance from Counsel, and to bring that agreement back to the full board at a later date. Motion CARRIED.

b. *Resolution to Purchase a Server for Hosting evergreen ILS*

Morey reviewed the essential elements and benefits of purchasing a server to house the library's Evergreen ILS at the Woodmere location. The necessary equipment needed would cost no more than \$36,500 and would save the library an estimated \$51K over the next 5 years.

It was MOVED by Kachadurian to adopt the resolution to spend up to \$36,500 from the Public Improvement Fund for the purchase of equipment needed to bring the ILS in-house. A roll call vote was taken:

Payne – Aye	Jones – Aye
Kachadurian – Aye	Gillman – Aye
Marek – Aye	Beasley – Aye

Motion CARRIED.

c. *Tax Rate Request Form L-4029 Confirmation and Signature*

Parsons explained to the board that the GT County office historically sent TADL's tax rate request to Leelanau County, however she has received a request from Leelanau County to provide a board approved tax rate request form directly to them. It was MOVED by Marek, SUPPORTED by Kachadurian to confirm the current tax rate request form adopted earlier this year by the TADL board and to provide Leelanau County with the signed copy they've requested. Motion CARRIED.

It was MOVED by Marek, SUPPORTED by Beasley to amend the agenda for the benefit of the public in attendance and allow for public comment before moving into closed session. Motion CARRIED.

Gillman then opened the floor for public comment. The following people addressed the board: Steven Siciliano, Traverse City and Chairman of the Board of Directors of The History Center, thanked the board for its resolution to move forward in forming an agreement with The History Center and expressed his willingness to work in harmony with TADL in that process.

d. *Strategy and negotiation session connected with the negotiation of a collective bargaining agreement with Teamsters Local 214.*

It was MOVED by Kachadurian, SUPPORTED by Marek to move into closed session for the purposes of discussion strategy and negotiations in connection with the collective bargaining agreement with the Teamsters Local 214, as authorized by MCL 15.268(c). A roll call vote was taken:

Payne – Aye	Jones – Aye
Kachadurian – Aye	Gillman – Aye
Marek – Aye	Beasley – Aye

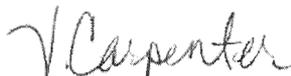
Motion CARRIED.

The board concluded the open portion of the board meeting at 6:13pm and took a brief recess allowing for the public to exit before entering into closed session.

7. **Adjournment**

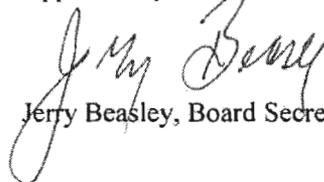
The board came out of closed session at 7:06pm and upon a motion by Marek, with support from Kachadurian, President Gillman adjourned the meeting at 7:07pm.

Respectfully submitted,



V. Carpenter, Recording Secretary

Approved by board vote on November 19, 2015,



Jerry Beasley, Board Secretary



The City of Traverse City

Communication to the City Commission

FOR THE REGULAR CITY COMMISSION MEETING OF JANUARY 4, 2016

DATE: DECEMBER 31, 2015

FROM: ^{*MSC*} MARTY COLBURN, CITY MANAGER

SUBJECT: PUBLIC COMMENT REQUEST – TY SCHMIDT – NORTE!

Attached is a reserved public comment request from Ty Schmidt, Executive Director of Norte! to present an initiative focused on a community-wide celebration of people walking just for fun in Traverse City. As part of his presentation, Mr. Schmidt will be presenting two videos.

City Commission Rules allows fifteen (15) minutes for this presentation.

MC/kez

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The City of Traverse City

Office of the City Clerk

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



Request
Public Comment - Reserved
(at end of meeting)
City Commission of Traverse City
Regular Meeting

Please Print or Type

I, Ty Schmidt, representing Norte!,
pursuant to City Commission Rule 13 (see reverse side), request to be placed
under "Public Comment – Reserved" on the Agenda of the Regular Meeting
scheduled for Monday, January 4th, 2016.

I understand that 15 minutes is allowed for my presentation at the end of the
meeting under 7(a) of the Agenda

I wish to address the Commission regarding the following matter:

Unveiling of "Winter Walk Wednesdays", a community-wide celebration of people
- big or small - walking to work, school or just for FUN! in Traverse City. Inspired by
the Surgeon General's "Step It Up" campaign/call to action for more walkable communities
for people of all ages.

12/28/15

Date

231-709-4410

Daytime Phone

ty@elgruponorte.org

E-mail

Ty Schmidt

Signature

841 Washington Street

Address

Traverse City

City/Township

Regular meetings are held the 1st and 3rd Mondays of each month at 7:00 pm.
Please return to the City Clerk no later than Monday, 5:00 pm, the week prior to
your requested date.

Thank you for your interest!
Benjamin C. Marentette, MMC
City Clerk

City Commission Rules

Excerpt

Rule 13

- (b). **Public Comment during the designated Public Comment Section - Reserved.** Any interested person or any special interest group wishing to address the City Commission for a reserved time shall submit a written request to the City Clerk no later than 5:00 p.m. of the Monday immediately preceding the date of said Regular Meeting. The communication shall (1) identify the writer=s name and address and (2) identify with reasonable specificity the subject matter. The same shall appear on the written agenda under the designated APublic Comment@ section for said Regular Meeting as made available to the news media and released for delivery to the members of the City Commission. All persons must identify themselves and their address and direct their comments to the Commission. The comment of any member of the public or special interest group may be limited in time to 15 minutes except as provided in subsection (e). Questions posed may be answered at the meeting or may be referred to staff for response at a later time.

Such requests shall be limited to one (1) per meeting and shall appear on the written agenda. A city resident request shall take precedence over a non-city resident request. In such case, the non-city resident request shall be postponed and placed on the written agenda of a future regular meeting as selected by the non-city resident. In no case shall the non-city resident request be postponed more than one time.

Rule 13

- (e). **Order and Duration of any Public Comment.** The presiding officer shall control the order and duration of any public comment subject to appeal. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting. Items not appearing on the agenda will not be acted upon by the City Commission except in accordance with these rules.