

**Notice**  
**City of Traverse City and Charter Township of Garfield**  
**Recreational Authority Board of Directors**  
**Regular Meeting**

7:00 p.m.

Wednesday, December 3, 2014

Second Floor Large Meeting Room, Garfield Township Hall  
3848 Veterans Drive  
Traverse City, MI 49684

Posted: 11-28-14

The Authority 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.

Recreational Authority Board of Directors  
Matthew Cowall, Executive Director  
324 Munson Avenue  
Traverse City, MI 49686  
(231) 929-3696 TDD: (231) 922-4412  
<http://www.traverscitymi.gov/recauthority.asp>  
[mcowall@liaa.org](mailto:mcowall@liaa.org)

## Agenda

### Roll Call.

1. Consideration of approving the minutes of the regular meeting of November 5, 2014, and the special meeting of November 20, 2014. (Matt Cowall)
2. Reports. (Matt Cowall et al)
  - Grand Traverse Conservation District and Hickory Meadows
  - Updates from Management Entities at Historic Barns Park (Botanic Garden, SEEDS)
  - Community Gardens
  - Any reports from Board members
  - Executive Director's report and possible verbal updates
3. Consideration of EPA Brownfield Cleanup Grant Memorandum of Decision. (Matt Cowall, ECT)
4. Review of insurance renewal for 2015. (Matt Cowall, Paul Olson)
5. Review of draft zoning ordinance for the Grand Traverse Commons. (Matt Cowall)
6. Consideration of event management consulting contract. (Matt Cowall)
7. Report regarding payment of expenditures. (Matt Cowall)
8. Public Comment.
9. Adjournment.

---

The City of Traverse City and Charter Township of Garfield

## Communication to the Recreational Authority

---

FOR THE MEETING OF DECEMBER 3, 2014

DATE: FRIDAY, NOVEMBER 28, 2014

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: MINUTES

Attached are the minutes of the regular meeting of November 5, 2014, and the special meeting of November 20, 2014.

The following motion would be appropriate to approve the minutes:

**That the minutes of the regular meeting of November 5, 2014, and the special meeting of November 20, 2014, be approved.**

K:\recreationalauthority\packetcommunications\20141203.docx

## **Minutes**

### **The City of Traverse City and Charter Township of Garfield Recreational Authority Board of Directors**

**November 5, 2014**

A regular meeting of the Recreational Authority Board of Directors was called to order in the Upper Level Meeting Room, Visitor Center, Historic Barns Park, 1490 Red Drive, Traverse City, Michigan, at 7:00 p.m.

The following Directors were present, constituting a quorum: Ross Biederman, Chair; Michael Groleau, Secretary (arrived 7:02); Tim Hughes, Treasurer; Molly Agostinelli; Chris Bzdok; Jeanine Easterday; and Matt McDonough.

The following Directors were absent: None.

Chair Biederman presided at the meeting.

**1.**

The first item being “Public Hearing regarding the draft Analysis of Brownfield Cleanup Alternatives,” Chair Biederman introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

Chair Biederman opened the public hearing.

Sarna Salzman, Traverse City, asked if phytoremediation would be a part of the cleanup strategy at Historic Barns Park.

There being no one else present desiring to speak, Chair Biederman closed the public hearing.

John D’Addona, ECT, gave a brief explanation of phytoremediation and said it could be employed if appropriate.

No action was taken.

**2.**

The next item being “Consideration of approving the minutes of the regular meeting of October 1, 2014,” Chair Biederman introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

Moved by Hughes, seconded by Agostinelli, that the minutes of the regular meeting of October 1, 2014, be approved.

CARRIED.

**3.**

The next item being “Reports,” Chair Biederman introduced this matter. The following individuals addressed the Board:

Matt Cowall, Executive Director

Tom Vitale, GTCD

Karen Schmidt, BGHBP

Sarna Salzman, SEEDS

Ray Kendra, Environment Architects

No action was taken.

**4.**

The next item being “Update on Hickory Meadows power line,” Chair Biederman introduced this matter. The following individuals addressed the Board:

Matt Cowall, Executive Director

Eileen Ganter, HMAc

Rick Venner, HMAc

Moved by Easterday, seconded by Groleau, that the Board authorize a formal review of the title and easement records at Hickory Meadows.

CARRIED.

5.

The next item being “Initial review of proposals for Event Facility Management Consultant services,” Chair Biederman introduced this matter. The following individuals addressed the Board:

Matt Cowall, Executive Director  
Kirsten Britten, Activate Inc.  
Allison Beers, Events North  
Madeline Begley, Events to Remember

No action was taken.

6.

The next item being “Consideration of snowplowing services,” Chair Biederman introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

Moved by Groleau, seconded by Hughes, that the Chair and Secretary be authorized to execute a contract with RW Popp Excavating, at the rate indicated in its proposal dated November 4, 2014, for snow removal services in the 2014-2015 season, subject to approval as to substance by the Executive Director and to form by General Counsel.

CARRIED.

7.

The next item being “Report regarding payment of expenditures,” Chair Biederman introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

No action was taken.

**8.**

The next item being “Public Comment,” Chair Biederman introduced this matter. The following individuals addressed the Board:

None.

There being no objection, Chair Biederman declared the meeting adjourned at 8:50 p.m.

---

Matt Cowall, Executive Director

## **Minutes**

### **The City of Traverse City and Charter Township of Garfield Recreational Authority Board of Directors**

**November 20, 2014**

A special meeting of the Recreational Authority Board of Directors was called to order in the Second Floor Large Meeting Room, Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan, at 11:35 a.m.

The following Directors were present, constituting a quorum: Ross Biederman, Chair; Michael Groleau, Secretary (arrived 11:36); Tim Hughes, Treasurer; Molly Agostinelli; Jeanine Easterday; and Matt McDonough.

The following Directors were absent (excused): Chris Bzdok.

Chair Biederman presided at the meeting.

**1.**

The first item being “Review of proposals for Event Facility Management Consultant,” Chair Biederman introduced this matter. The following individuals addressed the Board:

Matt Cowall, Executive Director

Madeline Begley and Tiffany Klemm, Events to Remember

Allison Beers, Events North

Kirsten Britten, Activate Inc.

Moved by McDonough, seconded by Hughes, that the Board identifies Events North as its preferred choice for event facility management consulting services, subject to a review of references, criminal background check information, and confirmation of deliverables.

**CARRIED.**

**2.**

The next item being “Public Comment,” Chair Biederman introduced this matter. The following individuals addressed the Board:

None.

There being no objection, Chair Biederman declared the meeting adjourned at 2:00 p.m.

---

Matt Cowall, Executive Director

DRAFT

---

The City of Traverse City and Charter Township of Garfield

## Communication to the Recreational Authority

---

FOR THE MEETING OF DECEMBER 3, 2014

DATE: FRIDAY, NOVEMBER 28, 2014

FROM: MATT COWALL, EXECUTIVE DIRECTOR

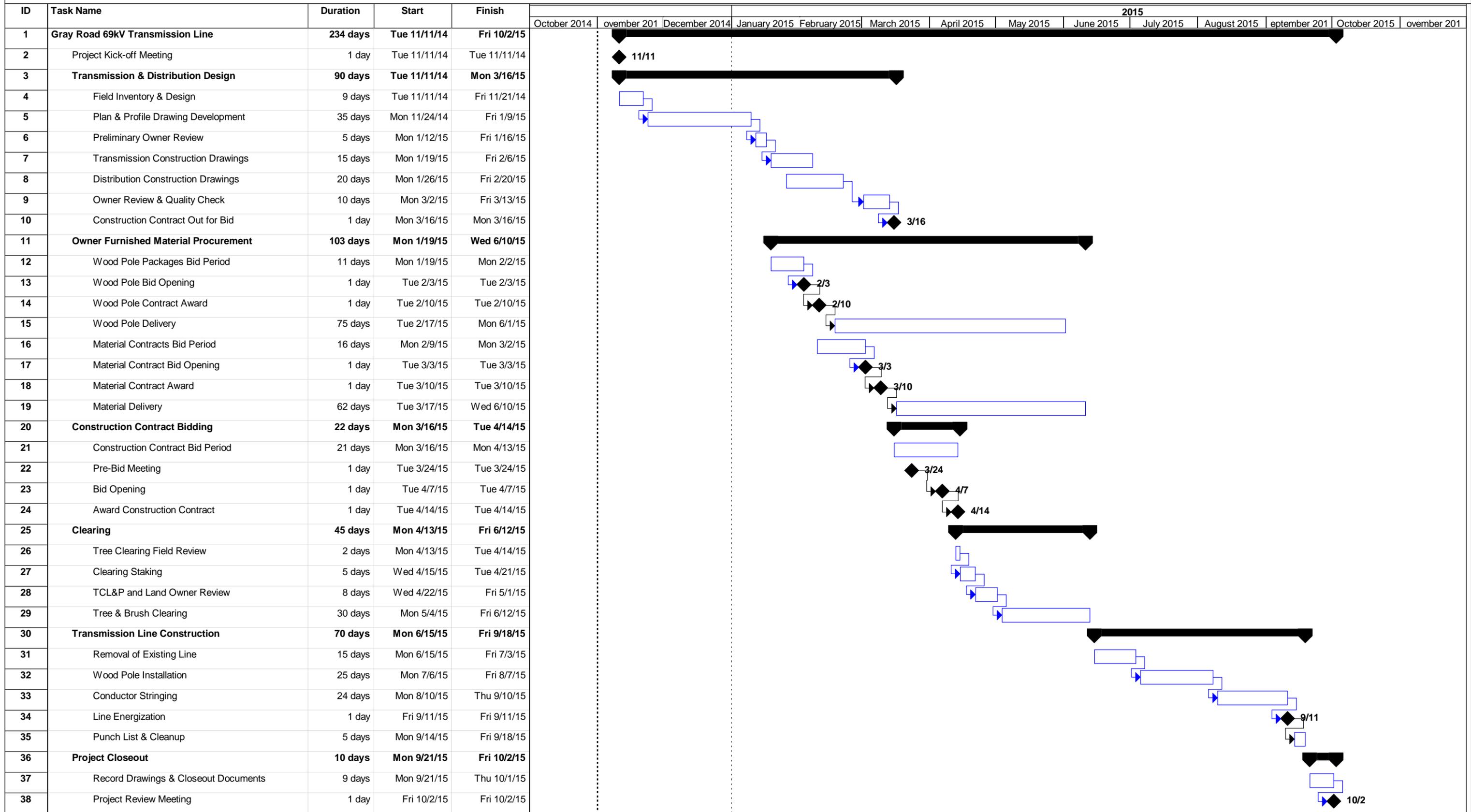
SUBJECT: REPORTS

Expected reports for Wednesday include:

- Grand Traverse Conservation District and Hickory Meadows
- Updates from Management Entities at Historic Barns Park (Botanic Garden, SEEDS)
- Community Gardens
- Any reports from Board members
- Executive Director's report and possible verbal updates

K:\recreationalauthority\packetcommunications\20141203.docx

**TRAVERSE CITY LIGHT & POWER  
GRAY ROAD 69KV TRANSMISSION LINE REBUILD SCHEDULE - ATTACHMENT B**



GRP Engineering, Inc.  
Sat 11/1/14

Task		Summary		Rolled Up Progress		Split		Deadline		
Progress		Rolled Up Task		External Tasks		Rolled Up Split				
Milestone		Rolled Up Milestone		Project Summary		External Milestone				

---

The City of Traverse City and Charter Township of Garfield

## Communication to the Recreational Authority

---

FOR THE MEETING OF DECEMBER 3, 2014

DATE: FRIDAY, NOVEMBER 28, 2014

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: CONSIDERATION OF EPA BROWNFIELD CLEANUP GRANT  
MEMORANDUM OF DECISION

With the public comment and review period now complete for the Analysis of Brownfield Cleanup Alternatives (ABCA), ECT is working to complete the “Memorandum of Decision” that will be sent to the U.S. EPA for approval. The primary content of the Memorandum is the ABCA itself. As requested at the Board’s November 5 meeting, ECT is also preparing maps summarizing past environmental sampling of soils at Historic Barns Park. ECT will present these materials to you on Wednesday night.

I recommend the following motion regarding the Memorandum of Decision:

**That the Memorandum of Decision be approved for submission to U.S. EPA.**

---

The City of Traverse City and Charter Township of Garfield

## Communication to the Recreational Authority

---

FOR THE MEETING OF DECEMBER 3, 2014

DATE: FRIDAY, NOVEMBER 28, 2014

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: CONSIDERATION OF INSURANCE FOR RENEWAL FOR 2015

The Recreational Authority insurance program expires December 15, 2014. The Authority is part of the Michigan Township Participating Plan provided through Municipal Underwriters of Michigan (MUM).

The annual insurance premium for the current policy was \$3,057. I've worked with MUM to track increasing building values at Historic Barns Park, particularly the improvements made this year to the Cathedral Barn (an increase in property coverage of about \$850,000). With the additional coverage, this year's premium will go up to \$3,186, an increase of \$129. MUM is aware of the ongoing work at the park and will help adjust the insurance as needed. The amount budgeted for insurance in this fiscal year is sufficient to cover the increase.

MUM representative Paul Olson will be in attendance on Wednesday night to give you an overview of the coverage and answer any questions.

I recommend the following motion:

**That the Recreational Authority's liability and property insurance policy with Municipal Underwriters of Michigan be approved for the period of December 15, 2014, through December 15, 2015; and that payment in the amount of \$3,186 be authorized, with funds available in the Operating Fund, Insurance & Bonds Line Item.**

---

The City of Traverse City and Charter Township of Garfield

## Communication to the Recreational Authority

---

FOR THE MEETING OF DECEMBER 3, 2014

DATE: FRIDAY, NOVEMBER 28, 2014

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: REVIEW OF DRAFT ZONING ORDINANCE FOR THE GRAND  
TRAVERSE COMMONS

The Grand Traverse Commons Joint Planning Commission (JPC) has completed a draft zoning ordinance for the entire Commons campus. Prior to embarking on a formal public comment and review process, staff for the JPC are inviting review and comment from property owners on the Commons, including the Recreational Authority. Attached are the sections of the ordinance that are most pertinent to Historic Barns Park. Upon my initial review, these sections are largely the same as past drafts we have reviewed, but I do want to take the opportunity to present any additional comments or concerns to the JPC as early in this process as possible. We'll discuss this together on Wednesday night.

K:\recreationalauthority\packetcommunications\20141203.docx

## Article 9 Recreation and Cultivation District (C-1)

The following standards shall be applied to the Recreation and Cultivation District.

### Section 9.01 Uses Allowed By Right

The following uses of land and buildings, together with accessory uses, are permitted in the Recreation and Cultivation District:

- Public Parks & Recreation
- Community Building / Center
- Places of Assembly
- Botanical Garden
- Community Garden
- Outdoor Gathering
- Small scale energy demonstration
- Small-scale farming/cultivation
- Services
  - Cultural and Community
  - Education
- Other uses as approved by the Joint Planning Commission, if such uses are compatible with adjacent uses, will generate similar traffic patterns and parking configurations and will not generate excessive noise, excessive lighting, excessive fumes or other nuisances.



### Section 9.02 Special Uses

- Reserved

### Section 9.03 General Design Standards

- A. Color. Exterior building walls shall be light, earth tones compatible with the historical character of the Barns. Roof color shall be darker than the exterior building walls.
- B. Materials. New buildings, reconstruction, and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials of a combination of existing buildings within the District Development Envelope.
- C. Façade.
  1. Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the District.
  2. With the exception of structures such as greenhouses, conservatories, or atriums, window glass panes shall be recessed at least four inches from the outside of all building walls to create a shadow line.
  3. Windows shall have a square or vertical emphasis, similar to predominant windows on existing buildings within the Envelope.
  4. Clear or lightly tinted transparent glass shall be used in all windows facing a public street or sidewalk. Decorative stained glass may be used for accents.
- D. Rooftop Equipment. Any rooftop equipment shall be enclosed or screened from street or sidewalk level view using the same materials used for the building walls or a material which is approved by the Planning Directors as visually compatible with the building.
- E. Doors/Entries. Pedestrian entrances shall open onto the sidewalk or walkways leading to the public right-of-way or private street and to adjacent buildings. Entries must be prominently identified and must not interfere with safe pedestrian passage.

- F. Accessory Buildings. The accessory buildings shall be constructed using materials and features similar to the principal building. Temporary structures under 200 square feet which are not built on a permanent foundation, seasonal hoop houses, and recreational-based structures such as pavilions are exempt from this standard and may be located outside of the designated building Envelope.
- G. Waivers. The Planning Commission may waive or vary the above standards if determined to be in conflict with the recommendations of the State Historic Preservation Office (SHPO).
- H. Impervious Surface Calculations. Sidewalks, plazas and recreational hard surfaces, or other impervious surfaces of the Development Envelope are exempt from impervious surface calculations.
- I. Ground Story. A Ground Story shall not be included towards maximum story limitations.

#### **Section 9.04 Lighting Standards**

- See Section 1.12

#### **Section 9.05 Sign Standards**

- See Article 15

#### **Section 9.06 Building Types**

- Cathedral Barn
- Greenhouse
- Granary
- Silo
- Shed
- Cottage - Small

#### **Section 9.07 Design Standards**

- A. Roofs. Roof pitch shall be reflective of the surrounding buildings. Any roof pitch outside the range indicated may be approved by the Planning Director.
- B. Height. Building height shall not exceed the height of the Historic Barns.

#### **Section 9.08 Size, Impervious Surface, and Siting Standards**

Structures shall meet all of the following dimensional and bulk standards:

- All buildings and motor parking areas shall be within the Development Envelope unless otherwise approved by the Planning Directors or exempted by Section 9.03.
- Maximum Total Building Coverage: 10% / 39,000 square feet of Development Envelope.
- Maximum Total Parking Surface: 10% / 39,000 square feet of Development Envelope.
- Maximum Total Impervious Surface: 20% / 76,000 square feet of Development Envelope.

#### **Section 9.09 Site Development Plan**

This article incorporates the Site Development Plan as the guide for the future use and development of the Historic Barns Park. The site development plan is indicated by Figure 9.09 (*see page 4 of this Article*) and includes the recognized building and parking Development Envelope. As noted under Section 9.03, certain structures may be constructed outside of the designated Development Envelope.

Section 9.10 Character Illustrations



Entrance Walk



Bird's-eye view





6. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.

C. **Underground Storage**

1. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the Michigan State Police Fire Marshall Division and the DEQ, or their successor agencies.
2. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

## Section 1.12 Outside Lights

*Purpose and findings:* These provisions are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky that have a detrimental effect on the rural atmosphere and astronomical observations and that create glare. It is the intention of this section to:

- Encourage good lighting practices such that lighting systems are designed to conserve energy and money;
- Minimize glare;
- Protect the use and enjoyment of surrounding property; and
- Increase nighttime safety, utility, security, and productivity.

A. **Applicability**

1. All outdoor, artificial illuminating devices shall be installed in conformance with the provisions of this section.
2. This section does not prevent the use of any material or method of installation not specifically addressed. In considering any deviation from the provisions of this section, the Zoning Administrator shall take into consideration any state-of-the-art technology that is consistent with the intent of this section, as new lighting technology develops, that is useful in reducing light above the horizontal plane.

B. **Exceptions**

The following types of light fixtures shall be exempt from the provisions of this section:

1. **Low-intensity residential decorative lighting:** Residential decorative lighting including porch lights, low level lawn lights, seasonal light such as for Christmas decorating, provided that if any such light is directed toward adjacent residential buildings or nearby land, or creates glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. **Public street luminaires:** Luminaires used for public street illumination may be installed up to the edge of any bordering property.
3. **Emergency lighting:** All temporary emergency lighting needed by the police, the fire departments, or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this section.
4. **Nonconforming fixtures:** All outdoor light fixtures legally installed prior to the adoption of this Ordinance may remain unchanged, except that any replacement of the subject light fixtures shall be done in compliance with this Section.
5. **Flag lighting:** Luminaires used for the illumination of the flag of the United States of America shall be exempt from the requirements of this section.

C. **Shielding and Filtration**

1. All nonexempt outdoor lighting fixtures shall be hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way line. Direct or directly reflected light shall be confined to the lot from which it originates. Lighting plans shall be designed so as to avoid the reflection of artificial lighting from rooftops.
2. All lighting fixtures shall have one hundred percent (100%) cut off and shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire, as may be certified by a photometric test. The intensity of light at any angle above a cutoff of seventy five (75) degrees shall be less than ten percent (10%) of the peak candela for the luminaire.
3. Light source locations shall be chosen to minimize the hazards of glare.
4. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

#### D. Illumination

Illumination levels within a site shall ensure that a site is adequately, but not excessively, lit at night. Where feasible, average lighting values of illuminated areas ranging from 0.5 to 1.5 foot candle are recommended. In order to ensure visibility, safety, and security, without unnecessarily contributing to light pollution and limiting enjoyment of the night sky, the following illumination standards shall apply.

1. Average Illumination Levels. Average illumination levels of the illuminated area shall not exceed the levels set forth in Table 1.12.D.1 and Table 1.12.D.2 for any use permitted by this section.

**Table 1.12.D.1**

**Maximum Average Illumination Standards**

Area/Activity	Foot Candles
Main Parking Area	3.0
Peripheral Parking Area	2.0
Main Drive Areas	5.0
Directly below lighting fixture	20.0

2. Illumination at Property Line. Illumination levels at the property line shall not exceed the levels set forth in Table 1.12.D.B for any use permitted by this section. The maximum illumination shall be measured at grade at the property line of the site.

**Table 1.12.D.B**

**Maximum Illumination Standards at Property Line**

Area/Activity	Foot Candles
<b>Residential Zoning Districts</b>	
Adjoining residential use	0.2
Adjoining nonresidential use	1.0

3. Waivers. The approval authority may permit an illumination level higher than specified where a demonstrable need for higher lighting levels exists, as evidenced through competent filings which shall be kept on file by the Planning Directors.

#### **E. Color Temperature**

Color temperature is measured in Kelvin (K) temperature. In order to minimize negative impacts on circadian rhythms, melatonin production in humans and other animals, and astronomical observation, all proposed lamps shall emit light measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale.

#### **F. Prohibitions**

##### **1) Mercury-Vapor Fixtures and Lamps**

The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.

##### **2) Metal Halide Fixtures and Lamps**

The installation of any metal-halide fixture or lamp for use as outdoor lighting is prohibited.

##### **3) Laser Source Light**

The use of laser source light or any similar high-intensity light is prohibited.

##### **4) Neon Lighting**

The use of neon lighting for any purpose is prohibited.

##### **5) Searchlights**

The operation of searchlights is prohibited.

##### **6) Certain Other Fixtures and Lamps**

The installation of any outdoor lighting fixture or lamp is prohibited unless it complies with the shielding and illumination standard(s) of this chapter.

#### **G. Recreational Facilities**

No outdoor recreational facility, public or private, shall be illuminated after 11:00 PM, unless otherwise permitted pursuant to a special use permit, except to conclude specific recreational or sporting events or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 PM.

#### **H. Outdoor Building or Landscaping Illumination**

The unshielded outdoor illumination of any building, landscaping, signing, or other purpose is prohibited, except with incandescent fixtures of one hundred and fifty (150) watts or less, or low-pressure sodium fixtures.

#### **I. Pole Height**

Unless otherwise permitted by special use permit, the maximum height of any pole-mounted lighting fixture or lamp shall not exceed the maximum permitted height of the zoning district in which the fixture or lamp is located.

- A. All outdoor lighting fixtures including, but not limited to, pole mounted or building mounted lights other than decorative residential lighting such as porch or low level lawn lights, shall be subject to the following regulations:

1. Lighting shall be designed and constructed in such a manner to:
  - a. Insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property;
  - b. That all light sources and light lenses are shielded and down facing;
  - c. That any lighting elements are not directly visible from beyond the boundary of the site. (Fixtures with a single light rated at less than 200 lumens are excluded from this requirement.); and
  - d. That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
2. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

DRAFT

## Article 15 Signs

### Section 15.01 Purpose

The purpose of the Article is to establish standards and to provide time, place, and manner regulations for signs that do the following:

- A. Protect property values by improving the Grand Traverse Commons image;
- B. Acknowledge that signs help locate goods, services and facilities;
- C. Promote safe travel by minimizing sign hazards, obstructions and driver distractions;
- D. Recognize the contribution business signs make to sales, job opportunities and the City's and Township's tax base;
- E. Recognize that well-designed signs create attractive business districts;
- F. Further visibility and effectiveness of all signs by instituting reasonable standards;
- G. Protect scenic views, landscapes, architecture and the night sky;
- H. Provide flexible regulation for diverse needs;
- I. Preserve public health, safety and welfare.

### Section 15.02 Application of Article; Conflict of Laws

This Article shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs in the Grand Traverse Commons. No person shall display, construct, enlarge, erect, alter, use or maintain any sign except in conformity with this Article. Furthermore, if any of the provisions of the Article are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement will apply. If any of the provisions of any of the other Articles of this Ordinance is clearly in conflict with this Article, the Article shall apply.

### Section 15.03 Sign Definitions

As used in this Article:

**Awning** means a retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. An awning sign is considered a "wall sign."

**Banner** means a sign made of vinyl, cloth or other flexible material.

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

**Canopy** means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground including gas pump shelters.

**Commercial Use** means a use for the sale of products or services.

**Electronic Message Sign** means any sign that is capable of changing a display with a light source.

**Freestanding Sign** a sign principally supported independent of any building.

**Grade** means the degree of inclination of a slope, road, or other surface.

- A. For buildings having walls within 25 feet of a street: The average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
- B. For buildings more than 20 feet from the street: The average of the lowest and highest ground surface elevations in an area within six feet of the foundation line of a building or structure.

**Height** means the vertical distance measured from the grade.

**Indirect Illumination** means lighting a sign by means of a light source which is directed at its front surface, or a light source which is primarily designed to illuminate the entire building façade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other

than sign illumination, e.g. parking lot lights or lights inside a building which are primarily installed to serve as inside illumination and may be used to silhouette a window sign.

**Internal Illumination** means lighting by means of a light source which is within a sign having an opaque background or silhouetting opaque letters or designs, or within letters or designs which are themselves made of a translucent material.

**Industrial Use** means a use for the manufacture of products.

**Institutional Use** means a use by the public or quasi-public such as a school, church, or hospital.

**Joint Identification Sign** means a sign which serves as a common or collective identification for two or more commercial or industrial uses in the same district. Such sign may contain a directory to such uses as an integral part thereof, or may serve as general identification only for such developments as mixed use developments and the like.

**Landmark** means an older sign designated by the Joint Planning Commission or the Historic Districts Commission that by virtue of its age, rarity, historical significance, special design qualities, and/or characteristics of an earlier era, merits special regulatory treatment under this Ordinance.

**Light Source** means any artificial illumination and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.

**Marquee Sign** means a sign depicted upon, attached to, or supported by a permanently roofed structure attached to, and supported by, a building and projecting from the building.

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

**Portable Sign** means a sign of A-frame or similar construction which can be easily removed on a daily basis.

**Projecting Sign** means a sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

**Recreational Use** means a use primarily designed for activities such as picnicking, sports, swimming, biking, etc.

**Residential Use** means a use primarily designed for non-commercial dwellings.

**Roof Sign** means a sign erected, constructed or maintained upon the roof surface, or which projects above the roof surface of a building.

**Sign** means any writing, letter, word, symbol, pictorial representation, form light, or structure which, by reason of its shape, bulk, color, message, wording, symbol, design, illustration, motion or otherwise, attracts or is designed to attract attention or to communicate a visual message, including any back-lighted translucent roof, wall, canopy or other architectural element.

**Sign Area** means the total surface area of a sign that can be seen from one vantage point exclusive of supports and masonry encasing.

**Sign Face** means the surface of a sign where the message is displayed or illustrated.

**Sign Structure** means any supports, uprights, internal framework and bracing of a sign.

**Temporary Sign** means a sign intended to be displayed for a limited period and associated with a temporary event which is without permanent foundation or attached to the exterior of a building.

**Structure** means anything constructed or erected with a fixed location on the ground above grade, excluding poles, lines, cables or other transmission or distribution facilities of public utilities.

**Suspended Sign** means a sign attached to and hanging below the ceiling of an eave, arcade, marquee or canopy.

**Traffic Directional Sign (Private)** means a sign erected on private property for the sole purpose of guiding vehicular and pedestrian traffic.

**Trailer-Mounted Sign** means a sign designed to be easily relocated, by means of a trailer or other wheeled platform, to a different site to draw attention.

**Wall, Building** means a side of a building lying in an uninterrupted plane.

**Wall Sign** means a sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall. Wall signs include awning signs.

**Wind Sign** means a sign consisting of one or more pennants, ribbons, spinners, streamers, captive balloons, air pressure stabilizing bags, or other objects or materials fastened or supported in such a manner as to allow for movement when subjected to wind.

**Window Sign** means a sign which is applied, affixed or attached to the interior of any building window.

**Zoning Administrators** means the Traverse City Zoning Administrator and Garfield Charter Township Zoning Administrator or that person's duly authorized deputy, or other person(s) charged with the administration of this Article.

#### Section 15.04 Prohibited Signs

No person shall display, erect, use or maintain a sign for which a permit is required and has not been issued. This includes the following:

- A. **An Electronic Message sign** as defined in Section 15.03 of this Article.
- B. **An Imitation Traffic Sign** which, by reason of its shape, color, use of lighting, or other factor, is similar in both size and appearance to any official traffic signal or traffic sign or railroad sign or signal in a way that, in the judgment of the Zoning Administrator(s), may interfere with traffic movement or safety.
- C. **A sign displayed in a motor vehicle** which is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.
- D. **An Obsolete Sign** that does not meet the provisions of the Ordinance and which is still standing 180 days or more after the premises have been vacated. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is a clear intent to continue operation of the business.
- E. **A Revolving Sign or sign with movable parts** which gives the illusion of movement by means of illumination or otherwise, with the exception of barber poles less than eight (8) feet in height.
- F. **A Roof Sign** as defined in Section 15.03 of this Article.
- G. **Searchlights, lasers or other high intensity light sources** to light the night sky are not permitted.
- H. **A Sign on public property** is not permitted without the public property owner's approval.
- I. **A Trailer-mounted or similar portable sign**, such as a wheeled device, as defined in Section 15.03 of this Article.
- J. **An Unsafe sign** or any sign or structure which is deemed to be structurally unsafe and constitutes a hazard to the public health, welfare and safety or is not kept in a state of good repair, or any sign which obstructs free access to or egress from a required door or window or fire escape or other required exit way.
- K. **A Wind sign** as defined in Section 15.03 of this Article.
- L. **Internally illuminated signs** except as provided for in Section 15.09 of this Article.
- M. **Portable signs** measuring greater than eight (8) square feet in face area per side.

#### Section 15.05 Signs Authorized Without a Sign Permit

Subject to any other applicable requirements and permits, the following are authorized without a sign permit:

- A. **Banners within the public right-of-way** with the public property owner's permission.
- B. **Copy changes** to bulletin boards, display cases or marquees, or maintenance where no structural changes are made, or copy changes on signs using interchangeable letters.
- C. **Cornerstones and commemorative tablets** identifying a building or building complex that are an integral part of the building.
- D. **Directional signs**, two entrance/exit directional signs per driveway, each four (4) square feet or less, and limited to 42 inches in height. These signs may be illuminated in accordance with Section 15.09 of this Article.

- E. **Flag signs** which do not exceed 15 square feet in an area with no dimension greater than 5 feet, are limited to one (1) per business front or district, and shall be installed in a manner that will not impede pedestrian traffic.
- F. **Inconspicuous signs** which are not readable beyond the boundaries of the district upon which they are located or from any public or private street or alley.
- G. **Landmarks and historical site signs** which are at least 50 years old and may no longer advertise an existing business activity, but are designated as “Landmark Signs” by the Joint Planning Commission or the Traverse City Historic District Commission because of their historical significance and/or ongoing value to the community.
- H. **Neighborhood identification signs** which identify a commercial district or recognized residential neighborhood when located on public land or within a public right-of-way with the public property owner’s approval.
- I. **Official governmental notices** and notices posted by governmental officers in the performance of their duties; governmental-owned directional signs, signs to control traffic, signs to identify municipal boundaries, or signs for other regulatory purposes, to identify streets or to warn of danger; however, identification or bulletin board signs accessory to governmental buildings or other governmental facilities are not exempt from the requirements of the Article.
- J. **Portable signs** measuring less than eight (8) square feet in face area.
- K. **Temporary signs** such as those associated with construction projects, real estate sales or leases and other such temporary signs which meet the following requirements:
  - 1. These signs shall not be illuminated, are limited to two (2) per parcel and limited to a maximum area of 32 square feet and eight (8) feet high each. These signs shall be set back 10 feet from any property line. These signs shall be removed within 14 days after the conclusion of the project, sale or event.
  - 2. Small temporary signs are limited to six (6) square feet and 42 inches in height, shall not be illuminated and shall be located on the same property as the project, sale or event.
  - 3. Temporary signs shall not be arranged to create a sign with a single message exceeding the size and area requirement of this Section.
  - 4. Temporary signs shall be adequately secured and must be taut or made of a rigid material.
- L. **Vehicle mounted signs** which display a permanent message and are on vehicles being operated or stored in the normal course of a business, such as a sign indicating the name of the owner or business, which is located on a moving van, delivery truck, rental truck, trailer or the like, provided that the primary purpose of such vehicle is not for the display of signs, and provided further, that such vehicle is parked or stored in an area appropriate to its use as a work vehicle.
- M. **Warning signs** exclusively devoted to warning the public of dangerous conditions and unusual hazards.
- N. **Window signs** for commercial, industrial, institutional and recreational uses, not exceeding 25% of each window area.

#### Section 15.06 Signs Authorized With a Permit

- A. **Permit required.** Except as otherwise provided in this Article, no person shall display, erect, relocate or alter, except for the purpose of maintenance, any sign, or allow the same to occur on his or her property, without first obtaining a sign permit. A sign permit is required before the following types of signs may be displayed, erected, relocated or altered:
  - 1. Freestanding signs
  - 2. Wall signs, including awning signs
  - 3. Canopy signs
  - 4. Projecting signs
  - 5. Suspended signs

If all requirements of the Article and all other laws are met, the Zoning Administrator(s) shall issue a sign permit.

- B. **Applications.** The owner or tenant, or his or her authorized agent, of the property on which the sign is to be located, or his or her authorized agent, shall complete and sign an application for a sign permit on forms furnished by the City and Township. The application shall be accompanied by a Master Sign Plan according to Section 15.08. The Zoning Administrator(s) shall, within ten (10) working days of the date of the application, either approve or deny the application or, if sufficient information has not been furnished, refer the application back to the applicant.
- C. **Fees.** Each sign permit application shall be accompanied by a nonrefundable permit fee, in an amount determined by concurrent resolution of the City Commission and Township Board. This fee shall be in addition to any electrical permit fee or building permit fee. Where any sign is displayed without the required sign permit, the fee for the permit shall be doubled and an application must be submitted. When any permit has been revoked, permit fees shall not be refunded.
- D. **Display.** Each sign requiring a sign permit shall contain a clearly legible identification plate, no larger than 15 square inches in area, stating the name of the person responsible for its construction and erection, and the installation date and permit number.
- E. **Modifications.** When a sign permit has been issued by the Zoning Administrator(s), no person shall change, modify, alter or otherwise deviate from the terms or conditions of such permit without the prior written approval of the Zoning Administrator(s).
- F. **Expiration.**
  - 1. If actual work has not commenced under a sign permit within one (1) year from the date of issuance of such permit, or if substantial building operations under any permit issued under this Article have been suspended for 180 consecutive days, the permit shall automatically become null and void.
  - 2. Upon written request stating the reasons therefore, the Zoning Administrator(s) may extend the permit for one (1) additional year upon good cause shown. All requests for extensions and approvals given thereof shall be in writing.

#### **Section 15.07 Specific Sign Regulations**

- A. **Applicability.** The regulations contained in this section apply specifically to signs authorized with a permit.
- B. **Schedule of Regulations.** Freestanding, wall, canopy, awning, projecting, suspended, window signs, and portable signs must comply with the place, area, height, number and location requirements in the Schedule of Regulations contained in Table 15.07. In addition to any other regulations contained in this Ordinance, the following specific regulations apply.

Table 15.07 - Schedule of Sign Regulations

Sign	Place	Size	Height	Number	Location
<b>Freestanding</b>	M-1, M-2, M-3, M-6, M-7, M-8 Districts, I Districts, V-2, V-3, V-4, V-7 and V-8 Districts	24 square feet	8 feet	Street frontage per parcel: 0' - 200': 1 sign 201' - 399': 2 signs 400' or more: 3 signs per parcel	Set back minimum of 10 feet from any R.O.W. or 20 feet from any private road edge.
	All other districts	12 square feet	6 feet		
<b>Wall and Awning</b>	All zoning districts	Business front width feet x 1.5 feet or 40 square feet for non-internally illuminated signs or 10 square feet for internally illuminated signs, whichever is less but not more than 15% of wall area.	The higher of 18 feet, or one foot below the second floor window trim.	N/A	First floor of building wall, except as provided in 15.07, <i>Specific Sign Regulations</i>
<b>Projecting/Suspended</b>	All zoning districts	12 square feet	Minimum 8 feet Maximum 15 feet	1 sign per business front	1. Projecting - not more than 4 feet from the face of the building 2. Suspended - not beyond the outside limits of the arcade, marquee or eave to which it is attached.
<b>Window</b>	All zoning districts	25% of each window area (no sign permit required)			
<b>Portable</b>	All zoning districts	6 square feet with no dimension greater than 3 feet	Maximum 4 feet	1. One sign per business front 2. If no business front, one per parcel.	1. On private property within 10 feet of building face. 2. If no building face, 10 feet from any property line.

1. Only entrance, directional and area signs approved by the Joint City of Traverse City / Garfield Township Planning Commission are permitted outside the Development Zone areas. These signs may exceed the size and area requirements of Table 15.07. Schedule of Regulations.
2. Internally illuminated signs are only permitted in the Medical Districts. These signs shall have opaque backgrounds with only individual letters and logs illuminated. Any external sign lighting source shall be directed downward and away from adjacent properties, rights-of-way and private roads.

**1. Freestanding and Wall Signs**

- a. Freestanding signs shall be set back in conformity with clear vision triangle standards if located near intersections and driveways.
- b. In no case shall the area of a wall sign or signs exceed 15% of the area of the wall upon which the sign or signs are displayed.
- c. Only entrance, directional and area signs approved by the Joint City of Traverse City / Garfield Township Planning Commission are permitted outside the Development Zone areas.

**2. Projecting and Suspended Signs**

- a. Projecting and Suspended Signs shall not project over a building's roofline.
- b. Projecting and Suspended Signs may project over public property only with the public property owner's permission.
- c. Projecting and Suspended Signs shall not be internally illuminated.
- d. The owner of a sign projecting over City or Township property shall provide comprehensive general liability insurance in an amount determined by the City and Township Clerk. Proof of such insurance shall be submitted upon application for a sign permit, shall name the City or Township as an additional insured, and shall provide no less than a 30 day advance notification of cancellation to the City or Township.

**3. Portable Signs.** Portable signs may be used only during the hours of operation.

**Section 15.08 Master Sign Plan**

- A. **Plan Required.** No permit shall be issued for an individual sign unless a Master Sign Plan for the sub-district upon which the sign is to be erected has been submitted to and approved by the Zoning Administrator(s) as conforming with this Ordinance. No sign shall be erected on any site unless it is shown on an approved Master Sign Plan.
- B. **Submittal Requirements.** A Master Sign Plan, when submitted, shall include the following:
  1. An accurate site plan, drawn to scale, showing the proposed location of each freestanding sign and the location of all buildings and driveways in the District.
  2. An accurate elevation of each building wall intended to accommodate a sign, including window signs, the locations, dimensions and height of each sign above grade level.
  3. A computation of the area of each sign on the parcel.
  4. An illustration depicting each proposed sign, its size and proportions, color scheme, construction material and type of illumination.
- C. **Amendment.** A Master Sign Plan may be amended by filing a new plan which conforms with all of the requirements of this Article.
- D. **Binding Effect.** Upon approval of a Master Sign Plan, no sign shall be erected, placed, painted, attached or maintained, except as shown on such plan. A violation of the approved plan may be enforced in the same manner as any provision of this Ordinance. In the case of a conflict between the provisions of the Master Sign Plan and any other provision of this Article, this Article shall control.

**Section 15.09 Sign Illumination Regulations**

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, Illuminated Signs shall be designed, constructed and installed to comply with the following standards:

- A. Internally illuminated signs are only permitted in the M-1, M-2, M-3, M-6, M-7 and M-8 Districts.
- B. Internally illuminated signs shall have a dark or opaque background.
- C. Flashing, rotating and intermittent lighting is prohibited.
- D. Back-lighted individual opaque channel letterforms shall be softly silhouetted against their background.
- E. Internally illuminated channel letters and logos with translucent faces shall contain soft, diffused light sources inside each letter or logo.
- F. 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.

### Section 15.10 Sign Structures

The following requirements apply to all signs requiring a permit:

- A. **General Design.** Signs and sign structures shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
- B. **Maintenance.** Every sign, including those specifically exempt from this Article with respect to permits and permit fees, shall be maintained in good repair and sound structural condition at all times. All signs shall be kept neatly painted, to include all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals. All parts of the signs, including bolts and cables, shall remain painted and free from corrosion.
- C. **Safety.** All signs must remain safe and secure during the period of use. The Zoning Administrator(s) shall inspect and may order the painting, repair, alteration and/or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

### Section 15.11 Nonconforming Signs

- A. **Description.** A legal nonconforming sign is any sign which has been lawfully erected and maintained prior to the enactment of this Article, and any amendments thereto, and which does not conform to all applicable regulations and restrictions of this Article and any amendment thereto.
- B. **Continuation.**
  1. A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
    - a. Converted to another nonconforming sign by changing the sign face.
    - b. Expanded or altered so as to increase the degree of nonconformity of the sign.
    - c. Re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation exceeds 50% of the replacement sign cost as determined by the Zoning Administrator(s).
    - d. Continued in use following construction of a new building, reconstruction, substantial addition to or improvement of an existing building when the value of such construction exceeds \$50,000 in a (12) twelve-month period.
  2. If there are multiple nonconforming signs on a parcel and only the face of any one of the signs is changed, only the changed sign or signs must be brought into compliance with this Ordinance.

3. Any legal nonconforming sign, designed to have the sign's message changed on a regular basis, such as a bulletin or message board, joint identification sign, or gasoline pricing sign where individual letters, numerals or name panels are readily interchangeable, may be done without having to be brought into compliance with this Ordinance.
- C. **New Additional Signs.** On Districts where a sign or signs are legal nonconforming signs, no new additional signs shall be erected until any and all such nonconforming sign or signs on the parcel are brought into compliance with this Article.

#### Section 15.12 Violations

- A. **Notice.** If the Zoning Administrator(s) finds that a sign violates this Article, he or she shall give written notice to the owner of the sign, or to the owner of the property where the sign is located, ordering that the violation be corrected.
- B. **Order.** The order shall specify those sections of this Article violated and shall state the amount of time from the date of the order in which the owner notified has to correct the alleged violation or has to appeal the alleged violation to the Zoning Board of Appeals.
- C. **Compliance.** If such person fails to bring the sign into compliance within the time given in the notice, the Zoning Administrator(s) may, in addition to the other remedies provided in this Article, cause such sign to be brought into compliance at the expense of the owner or the owner of the property where the sign is located and/or cause the permit to be revoked.
- D. **Dangerous Signs.** If the Zoning Administrator(s) finds that a sign endangers public or private property or public safety, the Zoning Administrator(s), after notice has been given to the owner of the sign and of the property where the sign is located, may immediately remove or alter such sign at the expense of the sign's owner or property owner.
- E. **Forfeiture of Fees.** When any permit has been revoked, permit fees shall not be refunded.

#### Section 15.13 Appeals

- A. **Board.** The Zoning Board of Appeals shall serve as the appeals board for the purposes of this Article.
- B. **Powers.** Nothing contained herein shall be construed to empower the Zoning Board of Appeals to substantially change the terms of this Article, or to significantly add to the types of signs permitted on any premises. Upon an affirmative vote of the majority of the members present, the appeals board shall have power to:
  1. Modify or reverse, wholly or partly, the notice of order of the Zoning Administrator(s).
  2. Grant an extension of time of not more than three (3) additional months, for the performance of any act required where the appeals Board finds that there is practical difficulty or undue hardship connected with the performance of this Article, or by applicable rules or regulations issues pursuant thereto, and that such extension is in harmony with the general purpose of this Article to secure the public health, safety and welfare.
  3. Grant exceptions only in cases involving unique circumstances when the evidence in the official record of the appeal supports all of the following affirmative findings:
    - b. That the alleged circumstances are exceptional and peculiar to the property of the person requesting the exception, and result from conditions which generally do not exist throughout the Commons.
    - c. That the alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
    - d. That allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured by this Article.

- e. That not allowing the exception will result in individual hardships suffered, the violation of rights of others whose property would be affected, and will be contrary to the public purpose and general intent and purpose of this Article.
  - f. The above findings of fact shall be made by the Zoning Board of Appeals, which is not empowered to grant an exception without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.
4. Interpret this Article in such a way as to carry out its intent and purpose.
- C. **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator(s), on a form prepared and provided by that agent(s), and shall be accompanied by the fee established by concurrent resolution of the City Commission and Township Board. Appeals shall be filed within forty-five (45) days after written notice has been given (of the action being appealed). An appeal must be submitted at least twenty-one (21) days before the Zoning Board of Appeals meeting at which it will be considered.
  - D. **Application.** The application form shall be signed by the owner or someone acting upon written consent of the owner, and the written consent must be submitted with the application. Applications shall be accompanied by a Master Sign Plan and any other information the Zoning Administrator(s) deem pertinent. (All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.)
  - E. **Notices.** The Zoning Administrator(s) shall give notice of a hearing on an appeal to all owners of record or real property within 300 feet of the District on which the sign is located. Such notice shall be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll at least fifteen (15) days prior to the hearing.
  - F. **Advertisements.** One advertisement indicating the nature of the appeal and the date of the hearing will be placed in a local newspaper of general circulation at least 15 days before the hearing. A minor deviation in the notice published in the newspaper, or in time of appearance of such notice in the newspaper, shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such a minor deviation.
  - G. **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. At the discretion of the Board, the appeal may be deferred until the next meeting or may be dismissed, if the applicant or agent is not present at the hearing.
  - H. **Reconsideration.** If the above mentioned are absent, the applicant may file what would be a second appeal twelve (12) months after the date of the first decision of the Board. The Board will not reconsider any appeal within twelve (12) months from the date of the decision, unless it can be shown by the applicant that there have been substantial changes in circumstances affecting the appeal, which were not known to the Board at the previous hearing. The applicant shall describe the substantial change in circumstances, in writing, at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

#### Section 15.14 Enforcement

The Zoning Administrator(s) or his or her designee shall enforce this Article. He or she shall appear for and on behalf of the City and Township in all matters regarding the interpretation and application of this Article and shall resist and oppose any deviations from this Article.

The Zoning Administrator(s) and his or her designees, or such other officials as are designated by the City Manager and Township Supervisor, are hereby authorized to issue and serve appearance tickets with respect

to any violation of this Article pursuant to MCL 764.9(c)(2). Appearance tickets shall be in such form as determined by the City and Township Attorney(s) and shall be in conformity with all statutory requirements.

The Zoning Administrator(s) or his or her authorized representative may enter, at reasonable times, any land, building, structure, or premises in the Grand Traverse Commons to perform any duty imposed upon the Zoning Administrator(s) by this Article.

### **Section 15.15 Transition**

The intent of this Article is to make the Sign Ordinance fully effective as soon as possible, but to allow for the continuation of all sign permits. All sign permits which have been previously issued, but which have not been acted upon by the permit holder by starting substantial construction, are hereby revoked. Other such permits may be continued if construction is being diligently pursued and completion is projected within a reasonable time.

### **Section 15.16 Penalty**

A. Designation. Unless a violation of this Code or any ordinance is specifically designated as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

B. General Penalty. Except for designated municipal civil infractions, whenever, in these Codified Ordinances, or in any technical or other code adopted by reference in these Codified Ordinances, or in any rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned not more than ninety (90) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

C. Civil Infraction Sanction. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under 1961 PA 236, as amended, and other applicable laws.

1. Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.

2. Increased civil fines may be imposed for repeated violations by a person of a requirement or provision of this Code or any ordinance. As used in this Section "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 6 month period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits

responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

- a. The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs.
- b. The fine for any repeat offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500, plus costs.

3. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.

- D. Separate Offense. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- E. Action for Injunction or Other Process. In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any City ordinance.
- F. Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either or under authority of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, including the enforced removal of prohibited conditions.
- G. Complicity. Every person concerned in the commission of a violation or an offense under these Codified Ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried, or found responsible, and on conviction shall be fined and punished as if he or she had directly committed such offense.
  1. Citations. A police officer who witnesses a person violating this Code of Ordinances, which violation is either a misdemeanor or a civil infraction, may stop the person, detain the person temporarily for purpose of making a record of the violation and identifying the person, and preparing and subscribing as soon as possible the written citation, which shall be a notice to appear in court for the offense. If a police officer witnesses a person violating this Code of Ordinances within the City, that police officer may pursue, stop and detain the person outside the City for the purpose of exercising the authority and performing the duties described above. (Ord. No. 400. Passed 11-21-94. d. 506. Passed 8-7-00.)

---

The City of Traverse City and Charter Township of Garfield

## Communication to the Recreational Authority

---

FOR THE MEETING OF DECEMBER 3, 2014

DATE: FRIDAY, NOVEMBER 28, 2014

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: CONSIDERATION OF EVENT FACILITY MANAGEMENT  
CONSULTING CONTRACT

As anticipated, the reference and background checks on Events North have been impeccable, and I confirmed that the deliverables as described in the proposal are inclusive of all services. As a result, I will seek formal approval from you on Wednesday to execute a contract for these consulting services. Ms. Beers has a prior commitment on Wednesday night but asked that I pass along her thanks and excitement in being selected. I recommend the following motion:

**That the Chair and Secretary be authorized to execute an agreement with Events North for it to provide Event Management Consulting Services to the Authority, in the amount of \$31,500, with funds available in the Operating Fund, Professional Services Line Item, such agreement subject to approval as to substance by the Executive Director and to form by General Counsel.**

---

The City of Traverse City and Charter Township of Garfield

## Communication to the Recreational Authority

FOR THE MEETING OF DECEMBER 3, 2014

DATE: FRIDAY, NOVEMBER 28, 2014

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: EXPENDITURES APPROVED BY EXECUTIVE DIRECTOR

The following are expenditures that I have approved.

### **General Operating Fund:**

Elmer's	Road grading	\$ 400.00
Grand Traverse Conservation District	Hickory Meadows Oct. - trash, printing of maps, trailhead repair	\$ 340.13
Grand Traverse Conservation District	Commons/Barns – Trail bench	\$ 200.00
LIAA	Printing, travel, publishing of legal notice	\$ 185.35
LIAA	Management services - October	\$ 8,433.75
Smith Haughey Rice & Roegge	October legal services	\$ 299.00
County of Leelanau	Prior year tax adjustment	\$ 60.17

### **Debt Service Fund:**

County of Leelanau	Tax adjustments	\$ 175.52
--------------------	-----------------	-----------

### **Construction Bond Fund:**

None		
------	--	--

**GT Rec Authority Operating Fund**  
**Statement of Activities**  
July through October 2014

	<u>Jul - Oct 14</u>	<u>Budget</u>	<u>Budget Remaining</u>
<b>Revenues</b>			
500 · Tax Revenue - Operating	\$ 131.50	\$ 152,000.00	\$ 151,868.50
615.1 · EPA Cleanup Grant	10,000.00	200,000.00	190,000.00
615.7 · Donations	500.00	-	(500.00)
615.8 · Barns Park Rentals	19,500.00	20,000.00	500.00
664 · Interest Income	78.69	200.00	121.31
<b>Total Revenues</b>	<u>30,210.19</u>	<u>372,200.00</u>	<u>341,989.81</u>
<b>Expenditures</b>			
700 · Office Expense	509.37	2,500.00	1,990.63
805 · Professional Services			-
Accounting	-	5,933.00	(5,933.00)
GTCD	4,750.00	19,000.00	(14,250.00)
Legal	2,622.25	5,000.00	(2,377.75)
Management	26,191.25	60,000.00	(33,808.75)
Other	-	55,067.00	(55,067.00)
Audit	-	2,500.00	(2,500.00)
EPA Clean Up	7,814.38	200,000.00	(192,185.62)
Events Manager	-	45,000.00	(45,000.00)
<b>Total</b>	<u>41,377.88</u>	<u>392,500.00</u>	<u>(351,122.12)</u>
862 · Transportation	24.48	2,000.00	1,975.52
912 · Insurance & Bonds	-	4,000.00	4,000.00
920 · Utilities & Maintenance	3,776.83	20,000.00	16,223.17
970 · Capital Projects	-	40,000.00	40,000.00
<b>Total Expenditures</b>	<u>45,688.56</u>	<u>461,000.00</u>	<u>(286,932.80)</u>
<b>Net Change in Fund Balance</b>	<u><u>\$ (15,478.37)</u></u>	<u><u>\$ (88,800.00)</u></u>	<u><u>\$ (73,321.63)</u></u>

**Rec Authority Capital Project Fund**  
**Statement of Activities**  
July through October 2014

	<u>Jul - Oct 14</u>	<u>Budget</u>	<u>Budget Remaining</u>
<b>Revenues</b>			
Interest Income	\$ 52.34	\$ 20.00	\$ 32.34
Refunds and Reimbursements	374,197.81	700,000.00	325,802.19
<b>Total Revenues</b>	<u>374,250.15</u>	<u>700,020.00</u>	<u>325,834.53</u>
<b>Expenditures</b>			
Bank Fees	27.53	100.00	72.47
Capital Outlay			
Barns	640,733.60	815,000.00	174,266.40
Capital Outlay - Other	-	-	-
<b>Total Capital Outlay</b>	<u>640,733.60</u>	<u>815,000.00</u>	<u>174,266.40</u>
Professional Services	-	1,000.00	1,000.00
<b>Total Expenditures</b>	<u>640,761.13</u>	<u>816,100.00</u>	<u>175,338.87</u>
<b>Net Change in Fund Balance</b>	<u><u>\$ (266,510.98)</u></u>	<u><u>\$ (116,080.00)</u></u>	<u><u>\$ 150,430.98</u></u>

**Rec Authority Debt Fund**  
**Statement of Activities**  
 July through October 2014

	<u>Jul - Oct 14</u>	<u>Budget</u>	<u>Budget Remaining</u>
<b>Revenues</b>			
Current Property Taxes	\$ (110.77)	\$ 460,000.00	\$ 460,110.77
Interest Income	-	-	-
Refunds and Reimbursements	-	-	-
<b>Total Revenues</b>	<u>(110.77)</u>	<u>460,000.00</u>	<u>460,110.77</u>
<b>Expenditures</b>			
Debt Service - Fees	60.85	500.00	439.15
Debt Service - Interest	65,345.00	125,069.00	59,724.00
Debt Service - Principal	320,000.00	320,000.00	-
<b>Total Expenditures</b>	<u>385,405.85</u>	<u>445,569.00</u>	<u>60,163.15</u>
<b>Net Change in Fund Balance</b>	<u><u>\$ (385,516.62)</u></u>	<u><u>\$ 14,431.00</u></u>	<u><u>\$ 399,947.62</u></u>