

**DOWNTOWN DEVELOPMENT AUTHORITY AGENDA**  
**Friday, October 19, 2018, 8:00 a.m.**  
**Commission Chambers, Second Floor**  
**Governmental Center, 400 Boardman Avenue, Traverse City**  
[www.downtowntc.com](http://www.downtowntc.com)

Information and minutes are available from the DDA CEO, 303 East State Street, Suite C, Traverse City, MI 49684, (231) 922-2050. If you are planning to attend the meeting and are handicapped requiring special assistance; please notify the DDA CEO as soon as possible. Any interested person or group may address the DDA Board on any agenda item when recognized by the presiding officer or upon request of any DDA Board member. Also, any interested person or group may address the DDA Board on any matter concerning the DDA 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 DDA Board.

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 Board motion without discussion. Any member of the board, staff, or public may ask that any item on the consent calendar be removed therefrom and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.
  - A. Consideration of minutes for the Regular Meeting of September 21, 2018 (approval recommended) *(Pages 3-5)*
  - B. Consideration of approving Financial Reports and disbursements for DDA, TIF 97, and Old Town TIF for August, 2018 and Financial Reports for Traverse City Parking Services. (approval recommended)  
*(Pages 6 -16)*
  - C. Waiver of Old Town TIF Administrative Fee *(Pages 17-19)*
  
3. CEO Report
  - A. Medical Marihuana City Ordinance, consideration for position *(Pages 20 - 83)*
  - B. Appointment to Lower Boardman River Leadership Team *(Pages 84 - 87)*
  - C. Appointment to Parking Advisory Committee *(Pages 88 - 89)*
  - D. Amendment to Exhibit for Lot S *(Pages 90 - 93)*
  - E. Acceptance of Coastal Zone Management Grant for Water Trails *(Pages 94 - 109)*
  - F. TIF Budgets / Capital Improvement *(Pages 110 -112)*
  - G. Project Updates (FYI: 8<sup>th</sup> street, Uptown Riverwalk) *(Pages 113 - 130)*
  
4. Board Member Reports
  - A. Arts Commission (Hershey) *(verbal)*
  - B. Farmers Market (Hardy) *(verbal)*
  - C. Lower Boardman River Leadership Team (Burkholder) *(Pages 131 - 142)*  
Action Items: Approval of RFP and Value Statements
  
5. Staff Reports:
  - A. Marketing / Communications *(Pages 143 - 146)*
  - B. Parking Update *(Page 147)*

Old Business

6. Receive and File

A. DTCA Minutes (Pages 148 - 149)

B. Farmers Market Advisory Board (Pages 150 - 152)

C. Lower Boardman River Leadership Team (Page 153 - 154)

7. Public Comment

8. Adjournment

The Traverse City Downtown Development Authority does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The DDA CEO 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 DDA office.

**Minutes**  
**Traverse City Downtown Development Authority**  
**Annual Meeting**  
September 21, 2018  
Commission Chambers, Second Floor  
Governmental Center, 400 Boardman Avenue, Traverse City

Bill Golden called the meeting to order at 8:00 a.m.

1. Roll Call

**Present:** Allison Beers, Leah Bagdon-McCallum, Collette Champagne (arrived @ 8:08 a.m.), Bill Golden, Scott Hardy, T. Michael Jackson, Jeff Joubran, Gabe Schneider

**Absent:** Mayor Jim Carruthers, Steve Constantin, Harry Burkholder, Debbie Hershey

2. Election of Officers: Motion by Beers, seconded by Joubran the the **DDA Board of Directors appoint Leah Bagdon McCallum as Chairperson, Gabe Schneider as Vice Chairperson, Scott Hardy as Secretary, and Bill Golden as Treasurer of the DDA Board. Motion carried unanimously.**

3. Consent Calendar. Motion by Beers, seconded by Joubran that the consent portion of the agenda be approved. Motion carried 11-0. Motion carried unanimously.

**A. Approval of minutes of the Regular Meeting of August 17, 2018**

**B. Approval of Financial Reports and disbursements for DDA, TIF 97, and Old Town TIF dated August 2018 and Financial Reports for Traverse City Parking Services.**

**C. Audit Engagement with Vredeveld Haefner LLC.**

4. Items Removed from August 17, 2018 Meeting

A. None at this time

5. CEO Report

A. TIF Budgets/Capital Improvement

1. Review of status of TIF budgets

At this point Collette Champagne arrived

B. Request to Purchase Property for River Fish Passage Project

1. **Motion by Golden, seconded by Beers that the DDA Board of Directors approve the purchase property at 215 Union Street, and authorize signers, for the purchase price of \$120,000 plus closing costs. Motion carried unanimously.**
  2. Public Comment
    - a. Julie Falconer, Head of Trustees at Central United Methodist Church, commented on parking at the site
    - b. Kevin Hardy, 121 Rivers Edge Drive supports the purchase of this property
  3. Frank Dituri, Department of Public Works Director, reviewed the project
- C. Parking Advisory Committee
1. **Motion by Jackson, seconded by Beers that the DDA Board of Directors previous approved Parking Advisory Committee approved on July 20, 108 be rescinded**
  2. **Motion by Schneider, seconded by Beers that the DDA Board of Directors establish a Parking Subcommittee be established with five DDA Board Members. Motion carried unanimously.**
  3. **Motion by Golden, seconded by Hardy that the DDA Board of Directors appoint Constantin, Hardy, Hershey, Jackson, and Joubran be appointed to the subcommittee. Motion carried unanimously.**
- D. Contribution to Santa's Arrival, Tree Lighting, & Downtown Light Parade
1. **Motion by Beers, seconded by Bagdon McCallum that the DDA Board of Directors approved the financial contribution to the Downtown Traverse City Association for a not-to-exceed amount of \$10,000 for actual costs associated with Santa's Arrival, Tree Lighting, and Downtown Light Parade. Motion carried unanimously.**
- E. Appointment to Farmers Market Advisory Committee
1. **Motion by Beers, seconded by Schneider that the DDA Board of Directors appoint Scott Hardy to serve on the Farmers Market Advisory Committee. Motion carried unanimously.**
- F. Valet Parking - Pilot Project Debrief and Next Steps
1. A review of the program was provided and discussed on moving forward with the City of Traverse City to approach the development of an ordinance
- G. Uptown Riverwalk
1. A review of the project and options on moving forward were discussed
  2. Site visit immediate following the meeting, est. 9:30 a.m.
  3. Public Comment
    - a. Sheryl Stankowski, 139 E. State St., representing the Uptown Association commented on riverwalk and it's ending
    - b. Frank Londy, 139 Uptown Court, commented on the proximity of the riverwalk
    - c. Howard Yamaguchi, 145 Uptown Court, commented on the proximity of the riverwalk
    - d. Herb Steed, 163 Uptown Court, commented on the proximity of the riverwalk
    - e. Penelope Gordon, 127 Uptown Court, comment on the riverwalk

4. Derenzy to work with City staff on safety issues
  
6. Board Member Reports
  - A. Arts Commission
    1. Pedestrian Tunnel is being researched by the Arts Commission
  - B. Farmers Market
    2. Joubran commented on traffic at the Wednesday market
  
7. Staff Report
  - A. Marketing & Communication
  - B. Parking Update
  
8. Old Business
  - A. Board Leadership
  - B. CZM Grant for river signage awarded
  
9. Receive and File
  - A. DTCA Minutes
  - B. Farmers Market Advisory Committee
  - C. Lower Boardman River Leadership Team
  
10. Public Comment
  - A. George Prewitt, 8336 S. Lakeview Road, commented on lighting on Washington Street near Grace Episcopal Church.
  - B. Mike Wills, 110 Fairway Hills Drive, developer and manager of the Uptown Association commented on attending the riverwalk site visit
  
11. Adjournment. The meeting officially adjourned at 9:23 a.m.

Respectfully submitted,

Colleen Paveglio  
Marketing & Communications Director

10/15/18

**Downtown Development Authority**  
**Balance Sheet**  
As of August 31, 2018

	Aug 31, 18
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Checking - 3112	325,859.51
Fifth Third Savings - 6740	201,845.13
Petty Cash	298.19
<b>Total Checking/Savings</b>	528,002.83
<b>Accounts Receivable</b>	65,898.52
<b>Other Current Assets</b>	
Due From DTCA	885.02
Due From APS	5,607.73
<b>Total Other Current Assets</b>	6,492.75
<b>Total Current Assets</b>	600,394.10
<b>Other Assets</b>	
Due From Other Funds	18,435.44
Pre-Paid Expense	8,020.00
<b>Total Other Assets</b>	26,455.44
<b>TOTAL ASSETS</b>	626,849.54
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	31,073.07
<b>Total Accounts Payable</b>	31,073.07
<b>Credit Cards</b>	
First National - 8870	-1,313.96
<b>Total Credit Cards</b>	-1,313.96
<b>Other Current Liabilities</b>	
Tech Incubator Fund	-50,000.00
Seed Grant	20,000.00
Due to Other Funds	40,745.63
Bryan Crough Memorial Fund	200.00
Accrued Salaries	12,784.90
Accrued Payroll Liabilities	1,482.77
<b>Deposits Payable</b>	
NCF Reimbursements	130.00
Senior Project Fresh	-1,729.00
Double Up Food Bucks	11,141.00
EBT Bridge Card	15,714.56
Project Fresh	-7,646.00
Prescriptions for Health	3,420.00
Deposits Payable - Other	-120.00
<b>Total Deposits Payable</b>	20,910.56

10/15/18

**Downtown Development Authority**  
**Balance Sheet**  
As of August 31, 2018

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	<u>Aug 31, 18</u>
<b>Payroll Liabilities</b>	
State Income Tax Payable	1,882.10
State Unemployment Tax Payable	-496.70
Health Insurance Payable	610.78
Life Insurance Payable	179.66
Payroll Liabilities - Other	-6,085.81
	<hr/>
<b>Total Payroll Liabilities</b>	<b>-3,909.97</b>
	<hr/>
<b>Total Other Current Liabilities</b>	<b>42,213.89</b>
	<hr/>
<b>Total Current Liabilities</b>	<b>71,973.00</b>
	<hr/>
<b>Total Liabilities</b>	<b>71,973.00</b>
	<hr/>
<b>Equity</b>	
Opening Bal Equity	107,606.27
Retained Earnings	381,841.16
Net Income	65,429.11
	<hr/>
<b>Total Equity</b>	<b>554,876.54</b>
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<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>626,849.54</b>
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**DDA - TIF97**  
**Balance Sheet**  
As of August 31, 2018

	Aug 31, 18
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Checking - 8026	2,779,509.13
<b>Total Checking/Savings</b>	2,779,509.13
<b>Accounts Receivable</b>	
Accounts Receivable	960,000.00
<b>Total Accounts Receivable</b>	960,000.00
<b>Total Current Assets</b>	3,739,509.13
<b>Other Assets</b>	
Due From Other Funds	11,968.65
<b>Total Other Assets</b>	11,968.65
<b>TOTAL ASSETS</b>	3,751,477.78
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	23,133.27
<b>Total Accounts Payable</b>	23,133.27
<b>Other Current Liabilities</b>	
Deferred Revenue	960,000.00
Due To Other Funds	14,035.44
<b>Total Other Current Liabilities</b>	974,035.44
<b>Total Current Liabilities</b>	997,168.71
<b>Total Liabilities</b>	997,168.71
<b>Equity</b>	
Opening Bal Equity	-21,200.00
Retained Earnings	1,207,325.44
Net Income	1,568,183.63
<b>Total Equity</b>	2,754,309.07
<b>TOTAL LIABILITIES &amp; EQUITY</b>	3,751,477.78



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10/15/18

Accrual Basis

**DDA Old Town TIF  
Balance Sheet  
As of August 31, 2018**

	<u>Aug 31, 18</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Fifth Third Checking - 0650	384,006.94
<b>Total Checking/Savings</b>	<u>384,006.94</u>
<b>Total Current Assets</b>	<u>384,006.94</u>
<b>TOTAL ASSETS</b>	<u><u>384,006.94</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	675.00
<b>Total Accounts Payable</b>	<u>675.00</u>
<b>Total Current Liabilities</b>	<u>675.00</u>
<b>Total Liabilities</b>	675.00
<b>Equity</b>	
Retained Earnings	182,431.13
Net Income	<u>200,900.81</u>
<b>Total Equity</b>	<u>383,331.94</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>384,006.94</u></u>

10/15/18

**Downtown Development Authority  
Balance Sheet  
As of September 30, 2018**

	Sep 30, 18
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Checking - 3112	270,935.02
Fifth Third Savings - 6740	201,845.13
Petty Cash	298.19
<b>Total Checking/Savings</b>	473,078.34
<b>Accounts Receivable</b>	
Accounts Receivable	93,851.95
<b>Total Accounts Receivable</b>	93,851.95
<b>Other Current Assets</b>	
Due From DTCA	1,035.02
Due From APS	4,121.18
<b>Total Other Current Assets</b>	5,156.20
<b>Total Current Assets</b>	572,086.49
<b>Other Assets</b>	
Due From Other Funds	18,435.44
Pre-Paid Expense	8,020.00
<b>Total Other Assets</b>	26,455.44
<b>TOTAL ASSETS</b>	<b>598,541.93</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	67,621.24
<b>Total Accounts Payable</b>	67,621.24
<b>Credit Cards</b>	
First National - 8870	-1,313.96
<b>Total Credit Cards</b>	-1,313.96
<b>Other Current Liabilities</b>	
Tech Incubator Fund	-90,900.00
Seed Grant	20,000.00
Due to Other Funds	12,868.65
Bryan Crough Memorial Fund	200.00
Accrued Salaries	12,784.90
Accrued Payroll Liabilities	1,482.77
<b>Deposits Payable</b>	
NCF Reimbursements	130.00
Senior Project Fresh	-3,231.00
Double Up Food Bucks	9,138.00
EBT Bridge Card	13,732.56
Project Fresh	-8,401.00
Prescriptions for Health	-5,360.00
Deposits Payable - Other	-120.00
<b>Total Deposits Payable</b>	5,888.56

**Downtown Development Authority**  
**Balance Sheet**  
**As of September 30, 2018**

10/15/18

	<u>Sep 30, 18</u>
<b>Payroll Liabilities</b>	
State Income Tax Payable	1,879.74
State Unemployment Tax Payable	-370.81
Health Insurance Payable	1,832.26
Life Insurance Payable	278.94
Payroll Liabilities - Other	<u>-6,085.81</u>
<b>Total Payroll Liabilities</b>	<u>-2,465.68</u>
<b>Total Other Current Liabilities</b>	<u>-40,140.80</u>
<b>Total Current Liabilities</b>	<u>26,166.48</u>
<b>Total Liabilities</b>	26,166.48
<b>Equity</b>	
Opening Bal Equity	107,606.27
Retained Earnings	381,841.16
Net Income	<u>82,928.02</u>
<b>Total Equity</b>	<u>572,375.45</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>598,541.93</u></u>

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**DDA - TIF97**  
**Balance Sheet**  
**As of September 30, 2018**

	<u>Sep 30, 18</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Checking - 8026	2,707,760.62
<b>Total Checking/Savings</b>	2,707,760.62
<b>Accounts Receivable</b>	
Accounts Receivable	960,000.00
<b>Total Accounts Receivable</b>	960,000.00
<b>Total Current Assets</b>	3,667,760.62
<b>Other Assets</b>	
Due From Other Funds	11,968.65
<b>Total Other Assets</b>	11,968.65
<b>TOTAL ASSETS</b>	<b>3,679,729.27</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	12,513.44
<b>Total Accounts Payable</b>	12,513.44
<b>Other Current Liabilities</b>	
Deferred Revenue	960,000.00
Due To Other Funds	14,035.44
<b>Total Other Current Liabilities</b>	974,035.44
<b>Total Current Liabilities</b>	986,548.88
<b>Total Liabilities</b>	986,548.88
<b>Equity</b>	
Opening Bal Equity	-21,200.00
Retained Earnings	1,207,325.44
Net Income	1,507,054.95
<b>Total Equity</b>	2,693,180.39
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>3,679,729.27</b>

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10/15/18

Accrual Basis

**DDA Old Town TIF  
Balance Sheet  
As of September 30, 2018**

	<u>Sep 30, 18</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Checking - 0650	384,006.94
<b>Total Checking/Savings</b>	<u>384,006.94</u>
<b>Total Current Assets</b>	<u>384,006.94</u>
<b>TOTAL ASSETS</b>	<u><u>384,006.94</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	675.00
<b>Total Accounts Payable</b>	<u>675.00</u>
<b>Total Current Liabilities</b>	<u>675.00</u>
<b>Total Liabilities</b>	675.00
<b>Equity</b>	
Retained Earnings	182,431.13
Net Income	<u>200,900.81</u>
<b>Total Equity</b>	<u>383,331.94</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>384,006.94</u></u>

SELECTION: FUND RANGE 585 TO 585  
 LINE ITEM RANGE 499.00 TO 699.00  
 DEPARTMENTS

	INITIAL BUDGET	BUDGET ADJUSTMENTS	ADJUSTED BUDGET	THIS MONTH	THIS YEAR	CURRENT ENCUMBRANCES	BUDGET BALANCE	* EXPENDED / REALIZED
502.00 FEDERAL GRANTS	.00	.00	.00	.00	.00	.00	.00	N/A
651.00 PARKING DECK PROCEEDS	415000.00	.00	415000.00	69578.35	141167.32	.00	273832.68	34.02
672.00 PARKING FEES-COIN	1400000.00	.00	1400000.00	223104.03	423177.15	.00	976822.85	30.23
653.00 PERMITS-SURFACE LOTS	240000.00	.00	240000.00	5178.00	15966.00	.00	224014.00	6.66
653.05 PERMITS-PARKING DECK	610000.00	.00	610000.00	11232.00	131370.00	.00	478630.00	21.54
653.07 PERMITS-NEIGHBORHOOD	.00	.00	.00	.00	.00	.00	.00	N/A
653.10 PROXIMITY CARD FEE	.00	.00	.00	.00	.00	.00	.00	N/A
656.10 PARKING FINES	400000.00	.00	400000.00	44686.05	80858.16	20.00	319161.84	20.21
656.20 PARKING FINES-AIRPORT	.00	.00	.00	.00	.00	.00	.00	N/A
656.30 PARKING FINES-COLLEGE	.00	.00	.00	.00	.00	.00	.00	N/A
664.00 INTEREST & DIVIDEND EARNINGS	12000.00	.00	12000.00	.00	984.68	.00	11015.32	8.21
668.00 RENTS AND ROYALTIES	26300.00	.00	26300.00	7032.00	10548.00	.00	15752.00	40.11
673.00 SALE OF FIXED ASSETS	.00	.00	.00	.00	.00	.00	.00	N/A
674.00 CONTRIBUTIONS-PUBLIC SOURCES	.00	.00	.00	.00	.00	.00	.00	N/A
675.00 CONTRIBUTIONS-PRIVATE SOURCE	.00	.00	.00	.00	.00	.00	.00	N/A
677.00 REIMBURSEMENTS	.00	.00	.00	.00	.00	.00	.00	N/A
683.00 RECOVERY OF BAD DEBITS	.00	.00	.00	.00	.00	.00	.00	N/A
686.00 MISCELLANEOUS INCOME	.00	.00	.00	40.00	390.00	.00	390.00	N/A
687.00 REFUNDS AND REBATES	.00	.00	.00	.00	.00	.00	.00	N/A
694.00 OTHER INCOME	.00	.00	.00	.00	.00	.00	.00	N/A
699.00 PRIOR YEARS' SURPLUS	.00	.00	.00	.00	.00	.00	.00	N/A
GRAND TOTALS	3103300.00	.00	3103300.00	360850.41	804481.31	20.00	2298838.69	25.92

RUN DATE: 10/16/18

CITY OF TRAVERSE CITY  
LINE ITEMS AS OF 08/31/2018

PAGE 1

SELECTION: FUND RANGE 585 TO 585  
LINE ITEM RANGE 700.00 TO 999.00  
DEPARTMENTS

	INITIAL BUDGET	BUDGET ADJUSTMENTS	ADJUSTED BUDGET	THIS MONTH	THIS YEAR	CURRENT ENCUMBRANCES	BUDGET BALANCE	% EXPENDED / REALIZED
702.00 SALARIES AND WAGES	18000.00	.00	18000.00	420.31	885.97	.00	17114.03	4.92
704.00 EMPLOYEE OVERTIME	3500.00	.00	3500.00	.00	.00	.00	3500.00	.00
706.00 FRINGE BENEFIT RECOVERY	.00	.00	.00	.00	.00	.00	.00	N/A
714.00 HEALTH SAVINGS ACCT EXPENSE	100.00	.00	100.00	.00	200.94	.00	100.94	200.94
715.00 EMPLOYER'S SOCIAL SECURITY	1600.00	.00	1600.00	32.07	59.18	.00	1540.82	3.70
716.00 EMPLOYEE HEALTH INSURANCE	100.00	.00	100.00	10.09	19.31	.00	80.69	19.31
717.00 EMPLOYEE LIFE/DISABILITY INS	200.00	.00	200.00	.00	.00	.00	200.00	.00
718.00 RETIREMENT FUND CONTRIBUTION	100.00	.00	100.00	13.86	27.72	.00	72.28	27.72
719.00 RETIREES HOSPITALIZATION INS	.00	.00	.00	.00	.00	.00	.00	N/A
720.00 UNEMPLOYMENT COMPENSATION	.00	.00	.00	.00	.00	.00	.00	N/A
721.00 WORKERS COMPENSATION INS	.00	.00	.00	13.34	26.68	.00	26.68	N/A
727.00 OFFICE SUPPLIES	7000.00	.00	7000.00	122.81	122.81	.00	6877.19	1.75
740.00 OPERATION SUPPLIES	46000.00	.00	46000.00	2752.06	2767.11	19.46	43252.35	6.02
801.00 PROFESSIONAL AND CONTRACTUAL	1181200.00	.00	1181200.00	28710.28	124038.68	12500.00	1044661.32	10.50
810.00 COLLECTION COSTS	2000.00	.00	2000.00	.00	16.00	.00	2016.00	.80
850.00 COMMUNICATIONS	50500.00	.00	50500.00	941.20	1709.20	.00	48790.80	3.38
854.00 CITY FEE	310000.00	.00	310000.00	.00	.00	.00	310000.00	.00
860.00 TRANSPORTATION	8000.00	.00	8000.00	515.40	853.71	.00	7146.29	10.67
862.00 PROFESSIONAL DEVELOPMENT	8000.00	.00	8000.00	.00	.00	.00	8000.00	.00
863.00 TRAINING	2000.00	.00	2000.00	.00	.00	.00	2000.00	.00
880.00 COMMUNITY PROMOTION	36000.00	.00	36000.00	868.50	868.50	14857.50	20274.00	2.41
900.00 PRINTING AND PUBLISHING	22000.00	.00	22000.00	.00	.00	.00	22000.00	.00
910.00 INSURANCE AND BONDS	22000.00	.00	22000.00	2165.36	4330.72	.00	17669.28	19.69
920.00 PUBLIC UTILITIES	125000.00	.00	125000.00	4889.88	4925.95	31.00	120043.05	3.94

RUN DATE 10/16/18

CITY OF TRAVERSE CITY  
LINE ITEM S A S O F 08/31/2018

PAGE 2

SELECTION: FUND RANGE 585 TO 585  
LINE ITEM RANGE 700.00 TO 999.00  
DEPARTMENTS

	INITIAL BUDGET	BUDGET ADJUSTMENTS	ADJUSTED BUDGET	THIS MONTH	THIS YEAR	CURRENT ENCUMBRANCES	BUDGET BALANCE	% EXPENDED / REALIZED
930.00 REPAIRS AND MAINTENANCE	265000.00	.00	265000.00	6549.88	6187.48	.00	256812.52	3.09
930 05 RAMSDOLL GATE REPAIR & MAINT	1000.00	.00	1000.00	.00	.00	.00	1000.00	.00
940.00 RENTAL EXPENSE	119000.00	.00	119000.00	8829.81	17703.90	.00	101296.10	14.88
956.00 MISCELLANEOUS	10500.00	.00	10500.00	.00	10831.30	.00	331.30	103.16
959.00 DEPRECIATION EXPENSE	521000.00	.00	521000.00	43052.09	86104.18	.00	431895.82	16.53
964.00 TRANSFERS OUT	.00	.00	.00	.00	.00	.00	.00	N/A
977.00 EQUIPMENT	160000.00	.00	160000.00	.00	148824.14	40794.00	29618.14	93.02
988.00 UNALLOCATED FUNDS	.00	.00	.00	.00	.00	.00	.00	N/A
GRAND TOTALS	2919800.00	.00	2919800.00	99886.94	412471.48	68163.04	2439165.48	14.13





Downtown Development Authority  
303 E. State Street  
Traverse City, MI 49684  
jean@downtowntc.com  
231-922-2050

## Memorandum

---

To: Downtown Development Authority  
From: Jean Derenzy, DDA CEO  
For Meeting Date: October 19, 2018  
Re: Waiving of Old Town TIF Administrative Fee

As you are aware, Old Town is a new (resetting) the tax base with limited amount of capture. Based on the attached balance sheet, it is recommended that no administrative fee be utilized from Old Town TIF. This recommendation is based on the fund balance, and the utilization of TIF 2 funds for administrative expenses last year.

**RECOMMENDATION:** That the DDA waive the administrative fee for Old Town TIF.

**DOWNTOWN DEVELOPMENT AUTHORITY**  
(A Component Unit of the City of Traverse City, Michigan)

Draft

Balance Sheet  
Governmental Funds  
June 30, 2018

	General Fund	Special Revenue Funds			Total Governmental Funds
		TIF 2 Fund	TIF 97 Fund	Old Town TIF Fund	
<b>Assets</b>					
Cash and cash equivalents	\$ 517,951	\$ -	\$ 1,237,282	\$ 184,414	\$ 1,939,647
Due from other governments	35,742	-	960,000	-	995,742
Prepaid expenditures	9,729	-	-	-	9,729
Due from other funds	26,168	-	11,969	-	38,137
<b>Total assets</b>	<b>\$ 589,590</b>	<b>\$ -</b>	<b>\$ 2,209,251</b>	<b>\$ 184,414</b>	<b>\$ 2,983,255</b>
<b>Liabilities</b>					
Accounts payable	\$ 15,254	\$ -	\$ 43,625	\$ 1,983	\$ 60,862
Accrued liabilities	59,032	-	-	-	59,032
Due to other funds	11,969	-	22,668	3,500	38,137
<b>Total liabilities</b>	<b>86,255</b>	<b>-</b>	<b>66,293</b>	<b>5,483</b>	<b>158,031</b>
<b>Deferred inflows of resources</b>					
Unavailable revenue	-	-	960,000	-	960,000
<b>Fund balances</b>					
Nonspendable - prepaid expenditures	9,729	-	-	-	9,729
Restricted - tax increment finance districts	-	-	1,182,958	178,931	1,361,889
Assigned for subsequent year expenditures	-	-	-	-	-
Unassigned	493,606	-	-	-	493,606
<b>Total fund balance</b>	<b>503,335</b>	<b>-</b>	<b>1,182,958</b>	<b>178,931</b>	<b>1,865,224</b>
<b>Total liabilities, deferred inflows of resources and fund balances</b>	<b>\$ 589,590</b>	<b>\$ -</b>	<b>\$ 2,209,251</b>	<b>\$ 184,414</b>	<b>\$ 2,983,255</b>

Continued.....

The accompanying notes are an integral part of these financial statements.

**DOWNTOWN DEVELOPMENT AUTHORITY**  
(A Component Unit of the City of Traverse City, Michigan)

DRAFT

**Statement of Revenues, Expenditures, and Changes in Fund Balances**  
**Governmental Funds**  
**For the Year Ended June 30, 2018**

	General Fund	Special Revenue Funds			Total Governmental Funds
		TIF 2 Fund	TIF 97 Fund	Old Town TIF Fund	
<b>Revenues</b>					
Property taxes	\$ 192,798	\$ 26,010	\$ 2,014,156	\$ 186,828	\$ 2,419,792
Grants and contributions	10,000	-	-	-	10,000
Reimbursements	767,999	-	130,000	-	897,999
Rental income	55,015	-	-	-	55,015
Interest income	563	670	5,436	54	6,723
<b>Total revenues</b>	<b>1,026,375</b>	<b>26,680</b>	<b>2,149,592</b>	<b>186,882</b>	<b>3,389,529</b>
<b>Expenditures</b>					
<b>Economic Development</b>					
Salaries	646,799	-	-	-	646,799
Fringe benefits	152,085	-	-	-	152,085
Office supplies and utilities	39,217	123	-	-	39,340
Professional services	61,659	819,553	476,686	8,276	1,366,174
Travel and conferences	9,382	-	-	-	9,382
Repairs and maintenance	3,325	-	-	-	3,325
Rentals	8,083	-	-	-	8,083
Contributions to other governments - debt service	-	-	798,732	-	798,732
Contributions to district construction projects	-	-	8,867	675	9,542
<b>Total expenditures</b>	<b>920,550</b>	<b>819,676</b>	<b>1,284,285</b>	<b>8,951</b>	<b>3,033,462</b>
<b>Net change in fund balances</b>	<b>105,825</b>	<b>(792,996)</b>	<b>865,307</b>	<b>177,931</b>	<b>356,067</b>
Fund balances, beginning of year	397,510	792,996	317,651	1,000	1,509,157
<b>Fund balances, end of year</b>	<b>\$ 503,335</b>	<b>\$ -</b>	<b>\$ 1,182,958</b>	<b>\$ 178,931</b>	<b>\$ 1,865,224</b>

Continued ...

The accompanying notes are an integral part of these financial statements.



**Downtown Development Authority**  
303 E. State Street  
Traverse City, MI 49684  
jean@downtowntc.com  
231-922-2050

## **Memorandum**

---

**To:** Downtown Development Authority  
**From:** Jean Derenzy, DDA CEO  
**For Meeting Date:** October 19, 2018  
**Re:** Medical Marihuana Ordinance

The City of Traverse City has been working on a Medical Marihuana Ordinance through an Ad Hoc Committee. The Committee has recommended that 13 provisioning centers be allowed in the City with no buffer zone. Provision centers would be allowed in C-3, C-4 and H Districts. These districts are located downtown, along the main corridors and near the hospitals.

The Downtown is thriving but always fragile to protect the character and goal of retail, and business development. Within the DDA District there is a total of 180 retail and food establishments, of those establishments only 100 are retail driven. Which means we have 100 store fronts within the entire District that we want to help ensure they remain retail driven; 80 food and drink establishments, and of those 80, 51 are licensed establishments with 7 of those licensed establishments being open until 2:00am.

As indicated in my October 9<sup>th</sup> communication, there has been other operations that have been restricted, such as mobile vending/food trucks, which are not allowed on main business corridors. We look at cautiously at new establishments to protect and enhance what we have.

As the DDA has identified previously, bricks and mortar businesses are facing steep competition in today's retail climate. Decision making on use type in our city center can change the atmosphere and dynamics that our organization is here to protect and enhance. Every storefront that slips to a tenant with a limited clientele and access is detrimental to vibrancy of our downtown.

Further, with the limited footprint of downtown to enhance commercial business, such as technology businesses, attorney's, finance, research etc. in our downtown has and continues to be a goal. With the limited amount of space, to promote professional business growth, while protecting the retail and the current businesses we have should be the primary goal. While allowing provisioning centers within the City limit.

This is a new licensed regulated business, to move forward cautiously then open to a new area after a few years of regulated operations seems prudent for the benefit of the entire community.

The City Commission will be holding a study session on November 12<sup>th</sup> and moving for possible enactment of the ordinance on November 19<sup>th</sup>. A position from the DDA Board would benefit the DDA District as to the opinion and position relating to provisioning centers in Downtown and provide me the opportunity to represent the Board at the study session on November 12.

Based on the reasons outlined above and my memorandum of October 9, 2018 my recommendation is to not allow medical marihuana provisioning centers within the DDA boundaries.

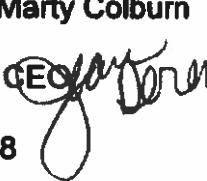


**Downtown Development Authority**  
303 E. State Street  
Traverse City, MI 49684  
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231-922-2050

## Memorandum

---

**To:** City Commission  
City Manager, Marty Colburn

**From:** Jean Derenzy, CEO 

**Date:** October 9, 2018

**Re:** Medical Marihuana Ordinance

Vibrant downtowns are fragile ecosystems, comprised of a diverse mix of retail, dining and business. Nurturing this tenant mix, and the visitors our downtown hosts is a high priority for the Traverse City DDA. It is not an accident or coincidence that our downtown has won every tourism and small-town award of note for the best places for families and people of all ages to enjoy. This recognition is because we are proactive, and thoughtful about the experience we cultivate within the boundaries of our DDA.

I firmly believe that our downtown is fragile. Bricks and mortar businesses are facing steep competition in today's retail climate. The DDA understands that decision making on use type in our city center can change the atmosphere and dynamics that our organization exist to protect and enhance. A decrease in open windows for window-shopping will mean fewer reasons for the public to be downtown. Every storefront that slips to a tenant with a limited clientele and access is detrimental to vibrancy of our downtown.

We must be proactive in nurturing and protecting this diverse climate to maintain a healthy, thriving area for our residents.

We want to discourage establishments with:

- limited potential clientele
- restricted hours
- the inability to be open to the public.

Such businesses are detrimental to a downtown's perception of approachability and therefore have a negative impact on the health of retail environment. These access restrictions result in a storefront that is a void for most of the people and families who will walk by. It is not an experience that we wish for our main downtown corridors.

For the main retail streets within our DDA district (Front, State, Union, Cass, Park and the Warehouse District) we wish to see businesses with:

- open access for everyone
- clear/large windows that invite window shopping and human interaction
- operations with potential to be open for a full day (9 to 9+).

Medical Marijuana is a new business/industry that can operate in the City and can be restricted from certain zoning areas in a City. We have done this with other businesses – most recently mobile vending/food trucks, which are not allowed on main business corridors.

I am opposed to allowing medical marihuana provisioning centers in the Downtown. The DDA's recently adopted strategic plan identifies the need to protect first-floor retail to encourage more business development and curb further additions of alcohol-centric establishments. Allowing medical marihuana, and other regulated businesses like it, in the heart of our community will make it hard for us to achieve our mission.

Traverse City is growing, and there are districts outside of the core DDA area that medical marihuana provisions centers can be located.

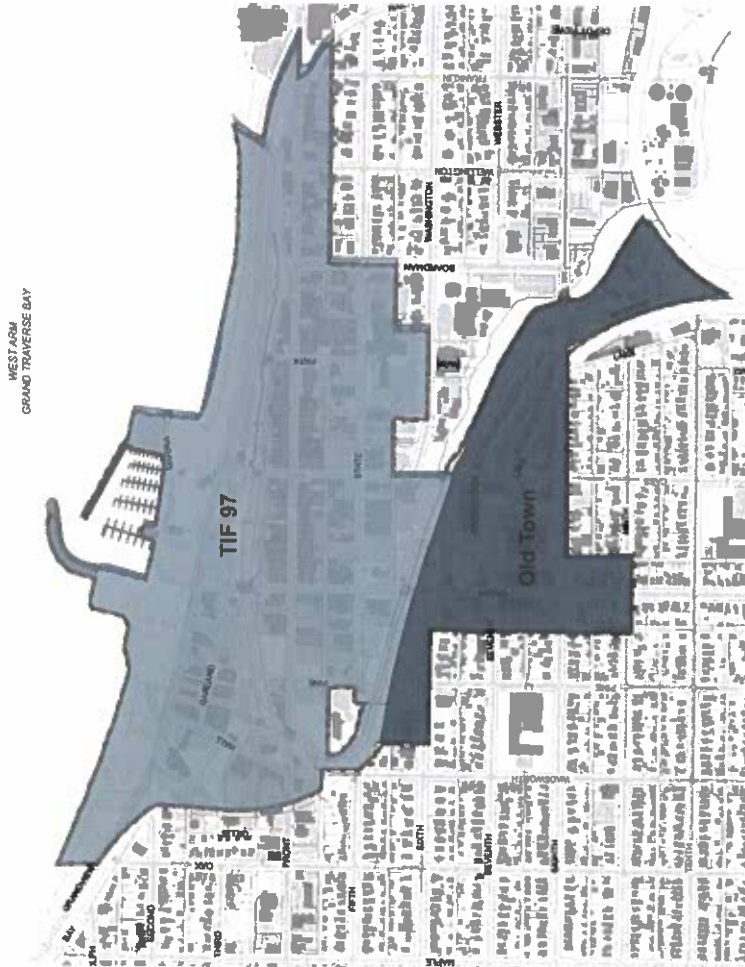
On behalf of the DDA, I ask that you prohibit medical marihuana (and marihuana related businesses) within the DDA Boundaries. This will complement our efforts to create a downtown that is inclusive, walkable, and that has an open-for-business atmosphere.

Complimenting businesses that assist the retail, restaurants and professional businesses is needed for protecting that investments made and realizing what makes a Downtown healthy, and inclusive.

Thank you for your time and consideration.

# DDA District

*Retail, Restaurant, and Liquor Licensed Establishments*





# Memorandum

The City of Traverse City  
Office of the City Clerk



To: Marty Colburn, City Manager

Copy: Jeff O'Brien, Police Chief  
Russell Soyering, City Planning Director  
Jean Derenzy, Downtown Development Authority CEO

From: Lauren Tribble-Laucht, City Attorney *[Signature]*  
Benjamin Marentette, City Clerk *[Signature]*

Date: Monday, October 8, 2018

Subject: Medical Marihuana

The City Commission appointed an ad hoc committee to propose permitting regulations for medical marihuana under the newly-enacted Michigan Medical Marihuana Facilities Licensing Act. The committee was chaired by Commissioner Brian McGillivray and Mayor Pro Tem Amy Shamroe and Commissioner Michele Howard also served on the committee. We both worked closely with the committee to assist it with this complex task. The committee met on four different occasions, with the meetings rather well-attended.

We have met with various staff to discuss this proposed ordinance, including refining with staff what their role would be in reviewing applications and monitoring for compliance. We also discussed the draft ordinance with Andrew Brisbo, Director for the Michigan Bureau for Medical Marihuana. Attached is the draft; the highlighted portions are established by Michigan Law; meaning, the City does not have discretion on the highlighted portions.

### High-Level Overview:

Michigan law limits the maximum permit fee the city may charge is \$5,000 annually. The City Clerk conducted an analysis of the regulatory activities and time required by staff. Based on the anticipated staff time involved, the City Clerk estimates that the minimum anticipated cost to the city is \$5,471.67 – costs are higher with other license types. This is the case for both new and renewal applications. Therefore, the committee recommends a \$5,000 annual fee for new and renewal applications for all 5 permit categories. The fee for amending a permit would be based on actual staff time involved.

There are five types of medical marihuana facilities allowed under Michigan law and the proposed ordinance – see the table on the following page.

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tcclerk@traversecitymi.gov • (231) 922-4480

Type	Definition	Where Allowed	Further info/restrictions
Grower	Cultivates, cures, trims, dries and packages marihuana for sale to a processor or provisioning center	Industrial District (Michigan law restricts Growers to this district)	No maximum. May not be within 1,000 feet from a school; must be in fully-enclosed, secure building.
Processor	Purchases marihuana from a grower and extracts the resin to create a product for sale or transfer in packaged form to be provided to a provisioning center or another processor.	Industrial District.	No maximum. May not operate between 10 p.m. and 7 a.m. May not be within 1,000 feet from a school. Smell of marihuana shall not be detectable outside of building.
Provisioning Center	Purchases marihuana from a grower or processor and sells or supplies marihuana to registered qualifying patients, either directly or through patient's registered primary caregiver.	C-3, C-4, and H Districts.	Maximum of 13 across the city in allowed districts. Must be at least 1,000 feet from a school. Must be closed between 10 p.m. and 7 a.m. Smell of marihuana shall not be detectable outside of building.
Safety Compliance Facility	Receives marihuana from a marihuana facility or registered primary caregiver. Tests for contaminants, etc; provides test results and may return marihuana to the facility	Hospital and Industrial Districts.	No maximum. Smell of marihuana shall not be detectable outside of the building.
Secure Transporter	Stores and transports marihuana between marihuana facilities	Industrial Districts	No maximum. Must be at least 1,000 feet from a school. Secured, unmarked vehicles must be used.

With respect to provisioning centers, the Planning Commission recommended having a 1,000 foot buffer between each provisioning center or collective. However, the committee is not recommending a buffer but rather a maximum of 13 allowed in the city.

There are essentially four steps to the application process:

- (1) Qualification of applicants.
- (2) For Provisioning Centers, qualified applicants are entered into a lottery drawing with all qualified applicants assigned a number in the order they were drawn. This establishes an

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Eligibility List. (Lottery and eligibility list only applies to provisioning centers because there is a maximum of 13 such permits; all other permit types do not have a maximum and therefore a lottery/eligibility list isn't needed). Only one application from each "true party of interest" (as defined by Michigan law, will be allowed, to prevent 'double dipping.'

(3) Provisional Permits is issued. (Provisional Permit is void after six months if they haven't been issued a state operating license and/or if all other inspections and permits aren't obtained. May be granted another six months if they have a delay in obtaining state license or for good cause that isn't the fault of the applicant.)

(4) Permit is issued by the City Clerk once state operating license and all other approvals are obtained.

All applications are submitted to the City Clerk's Office; all applications would be reviewed with and by the following departments: Municipal Utilities (water and wastewater), Planning, Fire, Light and Power and Police Department. The City Attorney's Office would be consulted as needed. The extensive amount of information about the applicants and proposed operation are fully-defined in the ordinance. Following an in-depth review by the City Clerk's Office, in consultation with the mentioned departments, the City Clerk would approve or deny permit applications. An annual renewal would be required and handled by the City Clerk's Office.

A permit may be revoked, terminated or suspended for reasons such as:

- (1) The permitted use hasn't commenced within 1 year of the date of issuance of the permit.
- (2) The permitted use ceases or discontinues for 90 days or more, including during a change of ownership.
- (3) The operation was changed without receiving an amended permit from the City Clerk. (Any changes to permits, including ownership, change in location, change in any information the applicant was required to provide, must be approved by the City before such change takes effect or is implemented.
- (4) The operation causes a public nuisance or negatively affects health, safety or welfare of surrounding property or residents.

Denials by the City Clerk can be appealed to the City Manager; the City Manager decides the appeal.

We hope this information is of assistance; please let us know if you have any questions.

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Underlined = new  
Highlighted = parallels statute and/ state rules

**TRAVERSE CITY CODE OF ORDINANCES**  
**ORDINANCE AMENDMENT NO.**

Effective Date: \_\_\_\_\_

**TITLE: MEDICAL MARIHUANA LICENSING/PERMITTING REGULATIONS**

**THE CITY OF TRAVERSE CITY ORDAINS:**

**That Chapter 845, Medical Marihuana Licensing Regulations, be enacted in its entirety to read as follows;**

**Sec. 845.01. Findings and Purpose.**

(a) The purpose of this ordinance is, pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, to: authorize the establishment of certain types of medical marihuana facilities in the City of Traverse City; provide for standards and procedures for the review, issuance, renewal, or revocation of permits for such facilities; and establish fees for such permits.

(b) Nothing in this ordinance, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan.

(c) Because federal law is not affected by state law or rules, nothing in this ordinance, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall any provision of this ordinance or this Code, be construed as granting immunity from criminal prosecution under federal law. The Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan do not protect patients, users, care givers, licensees, or the owners or occupants of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

(d) The City intends to issue permits for and to regulate marihuana facilities to the extent they are permitted under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.* The City does not intend that permitting and regulation under this ordinance be construed as a finding that such facilities comply with any law. By requiring a City permit and compliance with the requirements of this chapter, the City intends to protect the public health, safety and welfare by: promoting the safe, regulated manufacturing, production, and sale by state-licensed facilities of medical marihuana, and to ensure the safe access to medical marihuana to the City's patients; discouraging the sale of unsafe and unlicensed medical marihuana products; preserving

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and protecting the health, safety and welfare of the residents of the City and the general public by minimizing unsafe and unregulated medical marihuana production and sale; and establishing standards and procedures by which the siting, operation, and maintaining of a Medical Marihuana Facility shall be governed.

(e) This ordinance is to be construed to protect the public over medical marihuana facility interests. The operation of a licensed medical marihuana facility is a revocable privilege and not a right in the City. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed, a City-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of medical marihuana as a commercial enterprise in the City.

**Sec. 845.02**, **Indemnification of City**

(a) By accepting a permit issued pursuant to this ordinance, the holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) By accepting a permit issued pursuant to this ordinance, the holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating facility, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a medical marihuana facility or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c).

**Sec. 845.03**, **Reservation of Legislative Prerogative**

(a) The City Commission reserves the right to amend or repeal this ordinance in any manner, including, but not limited to the complete elimination of any type or number of medical marihuana facilities authorized to operate in the City.

(b) Nothing in this ordinance may be held or construed to grant or "grandfather" any medical marihuana facility a vested right, license, permit or privilege to continued operations within the City.

(c) Nothing in this ordinance may be held or construed to authorize recreational use of marihuana in the City. In the event the state of Michigan adopts regulations permitting recreational marihuana in the future, permits issued pursuant to this ordinance shall not be construed to authorize such use.

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Sec. 845.04. Definitions,

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As used in this article, the following terms shall have the meanings indicated:

(a) "Act" means the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, as amended.

(b) "Board" means the medical marihuana licensing board created in section 301 of the Act.

(c) "Building" means a combination of materials forming a structure affording a facility or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment of the building. A building shall not be construed to mean a building incidental to the use for agricultural purposes of the land on which the building is located, or a greenhouse.

(d) "Duplicative application" means more than one application for a provisioning center facility submitted by or on behalf of the same person. For purposes of this ordinance, an application shall be deemed duplicative if the true parties of interest for more than one application overlaps.

(e) "Grower" means a licensee and permittee that is a commercial entity located in this city that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

(f) "LARA" means the Michigan Department of Licensing and Regulatory Affairs.

(g) "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

(h) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(i) "Marihuana facility" means a location at which a licensee and permittee is licensed and permitted to operate as a grower, processor, provisioning center, safety compliance facility, or secure transporter under the Act and this ordinance.

(j) "Marihuana plant" means any plant of the species *Cannabis sativa L.*

(k) "Marihuana product" means marihuana or marihuana-infused product, or both, as those terms are defined in the Act unless otherwise provided for in the rules and this article.

(l) "Permittee" means a person who has been issued a medical marihuana facilities permit pursuant to this ordinance.

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(m) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity, as well as those persons defined as "true party of interest".

(n) "Prequalified" means the applicant has submitted all information to LARA required by Rule 5 and LARA has determined the applicant is approved for pre-qualification status. Proof of such determination by LARA shall be provided by the applicant to the City.

(o) "Processor" means a licensee and permittee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.

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(op) "Proposed marihuana facility" means a location at which an applicant plans to operate under the Act, rules, and this ordinance if the applicant is issued a state license, and a permit under this ordinance.

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(qp) "Provisioning center" means a licensee and permittee that is a commercial entity located in this city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Department of Licensing and Regulatory Affairs' (LARA) marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this ordinance.

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(r) "Qualified applicant" means an applicant whose application has not been denied as provided in Section \_\_\_ of this ordinance ~~this Chapter (p.10 of draft ordinance)~~ and the zoning provisions of this code except for the minimum spacing requirements from another proposed medical marihuana facility and has been approved by the City Clerk to participate in the lottery.

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(s) "Rules" mean the emergency and general rules of the Michigan Department of Licensing and Regulatory Affairs adopted pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and the Marihuana Tracking Act, MCL 333.27901 et seq., as may be amended from time to time.

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(t) "Safety compliance facility" means a licensee and permittee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

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(u) "Secure transporter" means a licensee and permittee that is a commercial entity located in this city that stores marihuana and transports marihuana between marihuana facilities for a fee.

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(uv) "Stacked license" means more than one state operating license issued to a single licensee to operate as a grower of class C (1,500 plants) as specified in each license at a marihuana facility.

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(wy) "State operating license" or "license" means a license that is issued pursuant to the Act that allows the licensee to operate as 1 of the following, specified in the license:

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- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

(xw) "Statewide monitoring system" or, unless the context requires a different meaning, "system" means an internet-based, statewide database established, implemented, and maintained by the department under the marihuana tracking act, that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

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- (i) verifying registry identification cards.
- (ii) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (iii) Verifying in commercially reasonable time that a transfer will not exceed the limit that the patient or caregiver is authorized to receive under section 4 of the Michigan Medical Marihuana Act.

(yx) "Tracking Act" means the Marihuana Tracking Act, MCL 333.27901 *et seq.*

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(zy) "True party of interest" means the following:

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- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses. For a limited partnership and limited liability limited partnership: all general and limited partners and their spouses. For a limited liability company: all members, managers, and their spouses.
- (3) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.
- (4) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses.
- (5) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- (6) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

"True party of interest" does not mean:

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(1) A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

(2) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

(~~aa~~) Unless the context requires a different meaning, any term used in this article that is defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* shall have the definition given in that act.

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(~~bb~~) Unless the context requires a different meaning, any term used in this article that is defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, shall have the definition given in that act.

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(~~cc~~) Unless the context requires a different meaning, any term used in this article that is defined by the Marihuana Tracking Act, MCL 333.27901 *et seq.* shall have the definition given in that act.

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**Sec. ~~845.05~~. Number of Permitted Facilities.**

The maximum number of each type of medical marihuana facilities permitted in the City is as follows:

Type of Facility	Number
Grower	no limit
Processor	no limit
Secure Transporter	no limit
Provisioning Center	<del>no limit</del> thirteen (13)
Safety Compliance Facility	no limit

**Sec. ~~845.06~~. Permit required.**

(a) No person shall own or operate a marihuana facility in the City without holding a valid Medical Marihuana Facilities Permit from the City Clerk and a state operating license.

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(b) No person or entity that was open or operating any facility purporting to produce, manufacture, test, transfer or transport medical marihuana or marihuana prior to the adoption of this ordinance by the City Commission shall be considered a lawful use or lawful nonconforming use.

(c) The permit requirement in this ordinance shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by medical marihuana facilities.

(d) This ordinance does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.

(e) A permit issued under this ordinance is valid only for the location of the facility and type of facility that is listed on the permit application and is valid only for the operation of the facility at that location by the permit applicant, provided the facility remains in compliance with all of the requirements of this ordinance.

(f) The revocation, suspension, and placement of restrictions by the state on a state operating license shall apply equally to a permit issued by the City.

(g) Acceptance of a permit from the City under this ordinance constitutes consent by the permittee, owners, managers and employees to permit the City Manager or designee to conduct inspections of the facility to ensure compliance with this ordinance.

**Sec. 845.07 \_\_\_\_\_ . Application for permit.**

(a) Permit applications for medical marihuana facilities shall be received by the City Clerk annually during a period specifically designated by the City Clerk for that purpose, and at no other time. The City Clerk will initially begin receiving permit applications for marihuana facilities on a date determined by the City Clerk as soon after the effective date of this section as the City Clerk deems practicable.

(b) Except as provided in this section, the City Clerk shall be responsible for establishing the procedure for receiving, reviewing and processing permits, establishing the beginning and ending dates during which permits will initially be received, establishing the beginning and ending dates during which permits may be received each year, and providing public notice regarding the permitting process and of the time period within which the City will receive permit applications.

(c) Any person desiring to secure a permit shall make application to the City Clerk upon a form provided by the City Clerk. All permit applicants must be prequalified for a medical marihuana facilities license by the Michigan Department of Licensing and Regulatory Affairs (LARA) before submitting an application. A copy of all applications received shall be distributed by the

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City Clerk to any other necessary City departments for review to determine that the application is complete. If an application is incomplete or missing information the City Clerk shall notify the applicant of the incomplete or missing information in writing by mail or electronic mail sent to the address provided by the applicant in the application or notification. The applicant shall have ten (10) business days of the date of mailing of the written notice to provide the incomplete or missing information to the City Clerk.

(d) Information requested in the application shall be provided for each True Party of Interest in the application; any other person who controls, directly or indirectly, the applicant; any other person who is controlled, directly or indirectly, by the applicant; and each stockholder or other person having a 1% or greater beneficial interest in the proposed marihuana facility. The application for a permit shall include at a minimum the information and documentation listed below under oath:

(1) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the applicant.

(2) All residential addresses of the applicant for the past 3 years.

(3) The business, occupation or employment of the applicant for 5 years immediately preceding the date of application.

(4) A copy of the application submitted to LARA for prequalification and documentation evidencing that the applicant has been prequalified for a medical marihuana facilities license by LARA.

(5) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a felony under the laws of this state, any other state, or the United States, or a controlled substance-related felony, within the past ten (10) years preceding the date of the application.

(6) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the past five (5) years.

(7) Whether the applicant has previously violated this ordinance or a substantially similar ordinance in another municipality preceding the date of the application.

(8) A comprehensive operating plan for the marihuana facility for which the application is being submitted that includes all of the information required for the Marihuana

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Facilities Plan to be submitted in connection with a state license pursuant to the rules, the operational standards ~~in~~ ~~through~~ ~~of~~ ~~the~~ ~~ordinance~~ ~~Chapter~~ ~~applicable~~ and the following minimum:

- a) A description of the type of marihuana facility applied for.
- b) A security plan for the marihuana facility that addresses all required security measures of the rules and addresses at a minimum the ability to meet the security measures of the rules. The security plan must contain the specific details of each piece of security equipment to be utilized by the marihuana facility and comply with the provisions of this ordinance, as well as any other applicable provisions of the rules adopted by LARA.
- c) An HVAC plan for the marihuana facility describing in detail among other things the equipment or systems that will be used to prevent any odor of marihuana from leaving the premises.
- d) A staffing plan that addresses the number of persons estimated to be employed at the facility, and employee hiring, and an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, where appropriate, marihuana product information, dosage and daily limits, or educational materials.
- (e) A marketing plan that at a minimum:
  - i. details how the marihuana facility will comply with all municipal ordinances and state law regulating signs and advertising;
  - ii. provides that marihuana products must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers;
  - iii. provides that marihuana products must not be marketed or advertised to minors aged 17 years or younger.
- (f) An inventory and record keeping plan.
- (g) A scaled conceptual site plan.
- (h) Written policies and procedures to timely address any concerns or complaints expressed by residents and businesses within the neighborhood surrounding the proposed location of the medical marihuana facility.
- (i) For growers, the operational plan shall also include a cultivation plan that includes but is not limited to:
  - i. the cultivation process or processes that will be used including a description of the grow medium, the equipment, and the fertilizer, herbicides and any other chemicals to be used;
  - ii. the estimated electrical and water usage and a statement of the projected daily average and peak electrical load anticipated to be used by the marihuana facility, a certification from a licensed electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility, and a certification from the electrical utility supplying electricity to the facility that the anticipated electrical loads required for the facility will not exceed the capacity of the electrical supply system;

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iii. a waste water plan that details how wastewater generated during the cultivation of marihuana shall be disposed of in compliance with applicable state and local laws and regulations;

iv. a plant waste disposal plan that at a minimum:

- (a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
- (b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
- (c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- 1) a manned and permitted solid waste landfill;
- 2) a manned compostable materials operation or facility;
- 3) an in-vessel digester; and
- 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

v. a mold, mildew and pest prevention plan;

vi. an air quality plan addressing monitoring, clearance, temperature and humidity control, Co2, ozone, fumigation, and odor mitigation;

vii. a pesticide and chemical safety plan which shall include a detailed description of all toxic, hazardous, or flammable materials, chemicals and pesticides, that will be kept or used at the marihuana facility, and a detailed plan describing where and how such materials, chemicals and pesticides will be stored in the marihuana facility, and the means of disposing of unused toxic or flammable materials, chemicals, and pesticides.

(j) For a provisioning center, the operational plan shall also include:

i. a detailed description of the products and services to be provided;

ii. a plant waste disposal plan that at a minimum:

- (a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
- (b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
- (c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:
  - 1) a manned and permitted solid waste landfill;
  - 2) a manned compostable materials operation or facility;
  - 3) an in-vessel digester; and
  - 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

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- (k) For a processor, the operational plan shall also include:
- i. a detailed description of the products to be produced;
  - ii. a waste water plan that details how wastewater generated during the processing of marihuana products shall be disposed of in compliance with applicable state and local laws and regulation;
  - iii. a plant waste disposal plan that at a minimum:
    - (a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
    - (b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
    - (c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:
      - 1) a manned and permitted solid waste landfill;
      - 2) a manned compostable materials operation or facility;
      - 3) an in-vessel digester; and
      - 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

(9) The address of the proposed marihuana facility to be operated by the applicant.

(10) Proof that the applicant has or will have lawful possession of the premises proposed for the marihuana facility for the period during which the permit will be issued, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon the applicant successfully obtaining a state operating license and local permit.

(11) Whether the applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state or the federal government; or is employed by a governmental unit of this state.

(12) The mailing address and electronic address at which the applicant desires to receive notification under this ordinance, and phone numbers at which the applicant desires to be contacted.

(13) Whether the applicant has ever applied for or has been granted any commercial license or certificate issued by LARA or any other jurisdiction concerning medical marihuana or marihuana that has been denied, restricted, suspended, revoked or not renewed, and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

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- (14) Whether the applicant has an interest in any other application for a permit or approved permit under this ordinance at the time of application.
- (15) Whether the applicant has an interest in any other marihuana facility under the Act, and if so the type of facility, name, and location of the facility the applicant has an interest in.
- (16) A statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of Traverse City in conducting the business in which the permit will be used, and that a violation on the premises may be cause for nonrenewal of a permit issued under this section, or for revocation of the permit.
- (17) A statement that the applicant understands that the issuance of a permit under this section is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan, or from criminal prosecution or the seizure of property by federal authorities under the Federal Controlled Substances Act.
- (18) A statement that the applicant understands and agrees to be bound by the indemnification provision of this Ordinance.
- (19) A statement by the applicant indicating acceptance of a permit from the City under this ordinance constitutes consent by the permittee, owners, managers and employees to permit the City Manager or designee to conduct inspections of the facility to ensure compliance with this ordinance.
- (20) A statement by the applicant indicating that all true parties in interest consent to criminal history investigations performed by the City Police Department.
- (21) All marihuana facilities licensed and permitted to operate in the City shall at all times maintain in full force and effect insurance in amounts and coverage type required by the City Clerk. Applicants shall provide evidence of such insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, or, evidence that the applicant is able to obtain such insurance and state the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number if known, and the names of additional insured which shall include the City of Traverse City, its officials, and employees.

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(22) Whether the applicant has filed, or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of or dispute over the filings concerning the payment of any tax required under federal, state, or local law, including the amount of any tax, taxing agency and time periods involved.

(23) Applicants have a continuing duty to provide the City with up-to-date information and shall notify the City Clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information and changes to any other information the applicant has provided to the City as a part of the permit application within ten (10) days of any such change occurring.

(24) The City Clerk may from time to time establish other qualifications for the application and permit which shall be provided in writing to prospective applicants with the application form.

Sec. 845.08 \_\_\_\_\_ . **Acceptance or Denial of application.**

(a) Applications received may be denied by the City Clerk if the applicant, upon written notice, fails to provide missing or incomplete information within the time specified in this section. The City Clerk may deny an application for any of the following reasons:

(1) The applicant has not been prequalified for a marihuana facility state license by LARA.

(2) The applicant did not pay the required application fee at the time of submission of the application.

(3) The applicant has not provided satisfactory proof that the applicant has or will have lawful possession of the premises proposed for the location of the marihuana facility for the period during which the permit will be issued.

(4) The applicant's proposed location does not comply with the zoning of this code. That a proposed facility is located less than the minimum spacing required by the zoning code from another proposed facility however, will not alone be grounds for denial of an application.

(5) The applicant has not satisfactorily complied with all of the permit requirements in section \_\_\_\_\_ (i.e. the above "Application" section) of this section this Chapter.

(6) The applicant is subject to a commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction concerning medical marihuana or marihuana that has been suspended or revoked.

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(7) The City determines that the applicant has submitted an application containing false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the application for a medical marihuana facilities permit.

(8) The applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the City.

(9) The comprehensive operating plan submitted by the applicant with the application does not comply with the requirements for a marihuana facilities plan as required by the rules, the requirements of this ordinance, or the Act.

(10) It is a duplicative application.

(11) Notice of denial of an application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the City. If a permit is denied by the City Clerk, the applicant may appeal to the City Manager and provide any additional evidence to rebut the basis of the denial within 21 days from the date of the denial. The City Manager shall determine within 21 days whether or not the grounds for denial are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk shall be sustained. The City Manager's decision may be reviewed by a court of competent jurisdiction.

(b) All applications for provisioning centers ~~(if the Ad Hoc decides this)~~ that are not denied as provided in subsection (a) above, and comply with all of the requirements for an application in this ordinance and the zoning provisions of this code ~~except for the minimum spacing requirements from another proposed medical marihuana facility~~ shall be accepted by the City Clerk and shall be known as "Qualified Applicants." All Qualified Applicants will be entered in a lottery as provided in section \_\_\_\_\_ this Chapter to determine which of those applications will be accepted and issued a provisional permit. The first lottery held pursuant to this ordinance shall take place on ~~May 1, 2019~~ a date determined by the City Commission by resolution.

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**Sec. 845.09 \_\_\_\_\_ Provisional permit.**

(a) Provisional permits will be issued by the City Clerk to Qualified Applicants whose applications are accepted as provided in this section.

(b) The City Clerk, in connection with the initial permit application period, shall issue provisional permits to Qualified Applicants whose application has been accepted as follows:

(1) All Qualified Applicants shall be entered in a lottery to determine which applicants will receive a provisional permit.

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(2) The name of each Qualified Applicant shall be drawn individually by the City Clerk in sequence, with each Qualified Applicant being assigned a number corresponding to the order in which their name was drawn.

(3) The lottery will continue until the names of all Qualified Applicants are drawn and assigned a number, which shall create an Eligibility List to be maintained by the City Clerk.

(4) Provisional permits will be issued in order of the Eligibility List starting with the first Qualified Applicant on the list.

~~(4) The location of the medical marijuana facility proposed by the Qualified Applicant whose name is drawn first in the lottery shall then be reviewed to determine whether the location of the application will comply with the spacing requirements of the Zoning Ordinance, if applicable.~~

~~(5) If the proposed facility will comply with the spacing requirements of the Zoning Ordinance, if any, the Qualified Applicant shall be issued a provisional permit.~~

~~(6) If the proposed facility will not comply with the spacing requirements of the Zoning Ordinance the provisional permit shall be denied.~~

~~(7) The location of the facility proposed by each of the other Qualified Applicants shall then be evaluated to determine compliance with any applicable spacing requirements of the Zoning Ordinance in the order of the Eligibility List and shall be issued a provisional permit if the location will comply with the spacing requirements of the Zoning Ordinance with respect to any proposed facility for which it has been determined a provisional permit will be issued.~~

(8) All lottery drawings shall be conducted publicly with all entrants in the lottery advised in advance of the date, time and location of the lottery.

(9) The Eligibility List shall remain valid until a new lottery. In the event a provisional permit becomes available, it shall be approved by offering it to the next Qualified Applicant in order of using the Eligibility List in the same manner provided in this section. If a Qualified Applicant declines a provisional permit when one becomes available or if their provisional permit lapses they shall be removed from the Eligibility List.

(c) A provisional permit does not authorize the applicant to operate a medical marijuana facility without first obtaining a state operating license for the facility, and obtaining all other permits, inspections, and approvals required by this ordinance and all other applicable provisions of this code. Upon issuance of a provisional permit the City Clerk is authorized to execute an affirmation to accompany an application for a facilities license that discloses that the City has

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adopted an ordinance under section 205 of the act, the limitations on the number and type of each facility if any imposed by the ordinance, a description of the City zoning regulations that apply, and any other information that may be required by the act or the rules for such an attestation.

(d) A provisional permit will lapse and be void 6 months from the date it has been issued if a state operating license, or all inspections and other permits and approvals required by City ordinance are not obtained, or if an applicant is denied a state operating license. The City Clerk shall notify LARA of all persons whose provisional permit has lapsed or become void. A provisional permit may be extended upon a showing of good cause, such as a delay in obtaining a state license, or other good cause that is not the fault of the applicant, for an additional period not to exceed 6 months.

(e) A provisional permittee has a continuing duty to provide the City with up-to-date information including contact information or changes to any other information it has submitted with its permit application and shall notify the City Clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other information the provisional permittee provides to the City.

**Sec. 845.10**. Termination, revocation, suspension, or restriction of provisional permit.

(a) A provisional permit may be terminated, revoked, suspended or restricted by the City Clerk in writing for any of the following reasons:

- (1) The provisional permittee is denied a state operating license;
- (2) The marihuana facility is substantially different from the comprehensive operating plan, marihuana facility plan, conceptual plan or other representations contained in the application;
- (3) Officers of the city are unable to access the proposed facility for permit inspections or are denied access by the provisional permittee;
- (4) The provisional permittee fails, refuses, or becomes unable to obtain site plan approval and certificate of occupancy.
- (5) Noncompliance with the Act, rules, or this ordinance.

(b) If a provisional permit is terminated, revoked, suspended or restricted, the City Clerk or his or her designee will notify in writing by mail or electronic mail both the permit holder, at the last known address on file with the city for notification of the applicant, and the Michigan Department of Licensing and Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing.

(c) The holder of a provisional permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the City Manager as provided in this Chapter.

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(h) Acceptance of a marihuana facilities permit under this section shall constitute permission to the City Manager or his or her designee, within the authority granted him or her by this code under which such permit was granted, to enter upon and inspect the premises of the marihuana facility at all reasonable times.

(i) A permittee has a continuing duty to provide the City with up-to-date information including contact information or changes to any other information it has submitted with its permit application and shall notify the City Clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other information the permittee provides to the City.

Sec. 845.12. Renewals and Amendments of Existing Permits,

(a) Renewal or amendment of existing permits,

(1) Applications of renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered,

(2) The same application procedures, including the non-refundable fee, that apply to the submittal of a new permit application shall apply to renewal or amendment of existing permits,

(3) An application for renewal of an existing permit shall be submitted no sooner than 90 days before the existing permit expires and no later than 30 days before the existing permit expires,

(b) Amended Applications.

(1) An amended application shall be submitted under either or both of the following circumstances;

(A) when there is a change in any information the permit applicant was required to provide in the most recent application on file with the City, including but not limited to change in location or any change of ownership; and/or,

(B) when there is a change in any information the permit applicant was required to provide in the most recent application for a state operating license on file with the state of Michigan, including but not limited to change in location or any change of ownership,

(2) An application to amend an existing permit to change any information on the most recent application on file with the City shall follow the procedure listed in Section \_\_\_\_\_ (application section) this Chapter.

(3) Applications of renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered,

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(c) It shall be unlawful for any person to make changes or allow any changes to be made in the operation of the medical marihuana facility as represented in the permit application without first obtaining an amended permit from the City Clerk.

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(d) A marihuana facilities permit shall run concurrent with the state operating license issued for the facility and shall be renewed annually unless revoked as provided by law.

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(e) Renewal of permits issued in connection with class C grower stacked licenses will require only a single application form for the original class C grower permit and all stacked license permits issued to the applicant. The renewal application shall indicate that the application is for the renewal of permits issued in connection with class C grower stacked licenses and the permit or permits the applicant is seeking to renew.

(f) Notice of denial of a renewal application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the city for notification of the applicant. An applicant whose renewal application is denied may appeal denial to the City Manager as provided in this Chapter.

(g) The City Clerk shall inform in writing by mail or electronic mail the Michigan Department of Licensing and Regulatory Affairs of all permittees whose permit is renewed and if a permittee fails to renew a permit; permit or the permittee's renewal application is denied.

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(h) A medical marihuana facility shall not be in violation of the spacing requirements in the zoning code in the event a school was located less than the minimum spacing distance from the medical marihuana facility at any time after a permit under this article and a state license to operate the facility were issued.

**Sec. 845.13** . Revocation, termination or suspension of permit.

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(a) Any marihuana facilities permit shall automatically terminate and become void if the state license for the permitted use is revoked, terminates or becomes void.

(b) Any marihuana facilities permit may be revoked or suspended by the City Clerk upon the occurrence of any of the following:

- (1) Operation of the permitted use is not commenced within 1 year of the date of issuance of the marihuana facilities permit.
- (2) If the permitted use ceases or is discontinued for 90 days or more including during a change of ownership of the marihuana facility.
- (3) Any change has occurred for which an amendment to the permit is required, without the permittee having obtained an amendment to the permit pursuant to this ordinance.
- (4) Any noncompliance with any of the provisions of this code of ordinances, the Act, the Tracking Act, and the rules. A medical marihuana facility shall not be in violation of the spacing requirements of the zoning code to a school at any time after a permit under this article and a state license to operate the facility were issued.
- (5) The conduct of business in an unlawful manner or in such a way as to constitute a public nuisance or negatively impacts the health, safety, or general welfare of surrounding property or city residents. Evidence to support such a finding may include, but is not limited to, a continuing pattern of disorderly conduct or drug related criminal conduct upon or in the immediate vicinity of the premises, continuing pattern of criminal

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conduct directly related to or arising from the operation of the medical marihuana facility, or an ongoing nuisance condition emanating from or caused by the medical marihuana facility.

(c) A medical marihuana facilities permit shall be suspended for the transfer or attempted transfer of the permit or any interest in such permit without first obtaining an amendment to the permit.

(d) Any marihuana facilities permit shall automatically be suspended if the state operating license for the permitted use is suspended. The terms and conditions of suspension shall correspond to the suspension of the state operating license.

(e) Any medical marihuana facilities permit shall automatically be restricted if the state license for the permitted use is restricted. The terms and conditions of the restriction shall correspond to the restriction of the state license.

(f) If a medical marihuana facilities permit is terminated, revoked, suspended or restricted, the City Clerk will notify the permittee, at the permittee's last known address on file with the city for notification of the permittee, and the Michigan Department of Licensing and Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing by mail or electronic mail. In the event the permit is terminated, revoked, suspended or restricted as a result of the permittee's state license being terminated, revoked, suspended or restricted, the notification requirement of this subsection does not apply.

(g) The holder of a marihuana facilities permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the City Manager as provided in this Chapter.

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**Sec. 845.14** . Fees.

A nonrefundable permit fee set by resolution of City Commission, but not to exceed \$5,000.00, shall be submitted with the application for a permit. This fee shall be in addition to, and not in lieu of, any other fees for licensing or permitting requirements including but not limited to site plan review, zoning, or building permits.

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**Sec. 845.15** . Minimum operational standards for all marihuana facilities.

All marihuana facilities shall at a minimum comply with the following operational standards:

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(a) Marihuana facilities shall be open for inspection upon request by the building official, the fire division, or law enforcement officials for determination of compliance with all applicable laws and rules, and regulations during the stated hours of operation/use and at such other times as anyone is present on the premises. Inspections may include inspection of the facility premises, surveillance records, camera recordings, reports, records or other materials required as a

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condition of a permit under this article or a state operating license. Acceptance of a marihuana facilities permit or leasing property to a marihuana facility constitutes consent to such inspections and the seizure of any surveillance records, camera recordings, reports record or other materials required as a condition of the permit under this article or a state operating license without a search warrant. The person issued a permit, or an employee or agent of the thereof shall not hinder or obstruct a law enforcement officer or employee of the city from conducting inspections pursuant to this ordinance, and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or city employee in the performance of his or her duties in enforcing this ordinance, the Act, or applicable state administrative rules.

(b) Marihuana facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, storage of marihuana and marihuana-infused products, and storage of all materials used in connection with the cultivating, growing, processing, displaying, manufacturing, and selling of marihuana and marihuana-infused products indoors in a building and out of public view.

(c) Marihuana facilities shall install a fire alarm and a burglar alarm system. The fire alarm system shall meet the requirements of this code for a newly installed system and be monitored by a listed central station. All burglar alarm systems shall be monitored by a company that is staffed twenty-four hours a day, seven days a week.

(d) Marihuana facilities shall have a video surveillance system that complies with the rules at a minimum, and that makes, retains, and stores surveillance recordings as provided in the rules.

(e) Surveillance recordings of marihuana facilities shall be subject to inspection and review by the city upon request. All surveillance recordings shall be kept in a manner that allows the city to view and obtain copies of the recordings immediately upon request.

(f) Marihuana facilities shall utilize sufficient measures and means to prevent smoke, odor, debris, dust, fluids and other substances from exiting the premises of the facility at any time. In the event that any smoke, odor, debris, dust, fluids or other substances exit the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the facility and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this ordinance.

(g) Marihuana facilities shall install and maintain in operable condition a system to preclude marihuana odors from emanating from the property of the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.

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(h) Subject to the laws of this state, before hiring a prospective employee, a permittee shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, the permittee shall not hire the prospective employee without written permission of the board.

(i) Access to the marihuana facility is restricted to the permittee, employees of the permittee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, LARA through its investigators, agents, auditors or the state police, and, local law and code enforcement officers and any other designees of the City Manager.

(j) All marihuana facilities must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products by marihuana facilities as otherwise expressly authorized by the Act.

(k) All marihuana facilities shall comply with all provisions of this ordinance, state law and administrative rules regulating signs and advertising.

(l) The business, operations, marketing and advertising of all marihuana facilities and marihuana products shall comply at all times with applicable state law and regulations, and this ordinance.

(m) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the Act, the Tracking Act, and the rules are prohibited from being on the premises of any marihuana facility, and shall not be sold or transferred by any permittee.

(n) Any marihuana product without a batch number or identification tag pursuant to the rules is prohibited from being at or on the premises of any medical marihuana facility.

(o) Marihuana facilities shall comply with the building and fire safety provisions of the rules as are applicable to the particular type of facility at all times.

(p) Marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form in a manner that prevents its acquisition by any person who may not lawfully possess it, and recorded in the statewide monitoring system. Marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- (1) a manned and permitted solid waste landfill;
- (2) a manned compostable materials operation or facility;
- (3) an in-vessel digester.

(q) All marihuana product waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106.

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(r) All marihuana product waste or marihuana products that are to be destroyed, or that LARA orders to be destroyed, shall not be sold.

(s) All inventory of marihuana products must be stored in a secured, limited-access area or restricted-access area, and identified and tracked consistent with the statewide monitoring system under the Act, the Tracking Act, and the rules.

(t) All containers used to store marihuana products for transfer or sale between marihuana facilities shall meet the requirements of the rules for such containers.

(u) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.

(v) Marihuana-infused products or materials used in direct contact with such products must have separate storage areas from toxic or flammable materials.

(w) Each permittee shall post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the City Clerk's office, which sign shall be in the following form: "WARNING: THE TRAVERSE CITY POLICE DEPARTMENT MUST BE NOTIFIED IMMEDIATELY OF ALL UNLAWFUL ACTS AND DISTURBANCES IN THIS ESTABLISHMENT." Permittees shall immediately report to the police department any unlawful act, conduct, or disturbance committed upon the premises. (Corresponds to Rule 15)

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(x) Respond to inquiry. The Permittee is required to respond by phone or email within twenty-four (24) hours of contact by the City concerning its medical marihuana establishment at the phone number or email address provided to the City as the contact for the business. Each twenty-four hour period during which an owner or manager does not respond to the City shall be considered a separate violation.

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**Sec. 845.16. Minimum Operational standards applicable to provisioning centers.**

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All provisioning centers shall, in addition to the minimum operational standards for all marihuana facilities, comply with the following operational standards at a minimum:

(a) Provisioning centers shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.

(b) No alcohol or tobacco products may be sold, used, or consumed on the premises. No marihuana or marihuana-infused products may be used or consumed on the premises.

(c) No marihuana plants shall be allowed on the premises.

(d) During times when the provisioning center is not open to the public, processed marihuana, marihuana products, cash and currency shall be stored in a safe or security vault that is

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incorporated into the building structure or securely attached to the building structure or a safe room with a security vault or other secure door.

- (e) A provisioning center shall purchase marihuana only from a grower or processor.
- (f) All transfers of marihuana to a provisioning center from a separate marihuana facility shall be by means of a secure transporter.
- (g) A provisioning center shall sell or transfer marihuana only to a registered qualifying patient or registered primary caregiver.
- (h) A provisioning center shall transfer marihuana to or from a safety compliance facility for testing only by means of a secure transporter.
- (i) The sale or transfer marihuana to a registered qualifying patient or registered primary caregiver shall only occur after it has been tested and bears the label required for retail sale by the act and the rules.
- (j) Before selling or transferring marihuana to a registered qualifying patient or to a registered primary caregiver on behalf of a registered qualifying patient, a provisioning center shall inquire of the statewide monitoring system to determine whether the patient and, if applicable, the caregiver hold a valid, current, unexpired, and unrevoked registry identification card and that the sale or transfer will not exceed the daily purchasing limit established by the board under the Act.
- (k) All transactions, current inventory, and other information of the provisioning center shall be entered into the statewide monitoring system as required by the Act, rules, and the marihuana tracking act.
- (l) A provisioning center shall not allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a registry identification card.
- (m) Marihuana and marihuana paraphernalia shall not be sold, given away, or dispensed from any outdoor location.
- (n) A provisioning center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana products.
- (o) All marihuana products shall be kept behind a counter or other barrier to ensure a registered qualifying patient or registered primary caregiver does not have direct access to the marihuana products.
- (p) A provisioning center shall comply with all packaging and labeling requirements of the rules before selling or transferring marihuana products.

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**Sec. 845.17**, **Minimum Operational standards applicable to grow facilities.**  
All grow facilities shall, in addition to the minimum operational standards for all marihuana facilities, comply with the following operational standards at a minimum:

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(a) Until December 31, 2021, the permittee or an active employee shall have a minimum of 2 years' experience as a registered primary caregiver.

(b) While holding a permit for grower facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(c) All transactions, current inventory, and other information of the grow facility shall be entered into the statewide monitoring system as required by the Act, rules, and the tracking act.

(d) All activities and operations of the grow facility, including cultivation, shall take place indoors within a building.

(e) The use of compressed gases such as carbon dioxide in multiple processes in the cultivation of marihuana shall meet the requirements of the rules for such processes.

(f) A grow facility shall not use any pesticides in the cultivation of marihuana that has not been approved by LARA for such purpose.

**Section 845.18**, **Minimum Operational standards applicable to processor facilities.**

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All processor facilities shall, in addition to the minimum operational standards for all marihuana facilities, comply with the following operational standards at a minimum:

(a) A processor shall purchase marihuana only from a grower and shall sell marihuana-infused products or marihuana only to a provisioning center.

(b) A processor shall transfer marihuana only by means of a secure transporter.

(c) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(d) While holding a permit for processor facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(e) All transactions, current inventory, and other information of the processor facility shall be entered into the statewide monitoring system as required by the Act, rules, and the Tracking Act.

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(f) Processes that extract oil from marihuana plants and marihuana products using flammable gas, flammable liquid, or compressed gases of varying materials including, but not limited to, butane, propane, and carbon dioxide shall meet the requirements of the rules for such processes.

**Sec. 14-265. Minimum standards applicable to secure transporters.**

All secure transporter facilities shall, in addition to the minimum operational standards for all marihuana facilities, comply with the following operational standards at a minimum:

(a) May take physical custody of marihuana or money but legal custody belongs to the transferor or transferee.

(b) May not sell or purchase marihuana products.

(c) May store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee.

(d) Marihuana may not be transported to a registered qualifying patient or registered primary caregiver.

(e) Marihuana product may only be transported in a locked, secured, sealed container that is not accessible while in transit. Money associated with the purchase or sale of marihuana product between facilities shall be locked in a sealed container kept separate from the marihuana product and only accessible to the secure transporter licensee/permittee and its employees.

(f) Each driver transporting marihuana must have a chauffeur's license issued by the State of Michigan.

(g) Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 5 years or have been convicted of a misdemeanor involving a controlled substance within the past 5 years.

(h) Each vehicle shall be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.

(i) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.

(j) A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

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(k) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marijuana to determine compliance with the Act and this ordinance.

(l) All transactions, current inventory, and other information of the secure transporter shall be entered into the statewide monitoring system as required by the Act, rules, and the Tracking Act.

**Sec. 845.19. Minimum standards applicable to safety compliance facilities.**

All safety compliance facilities shall, in addition to the minimum operational standards for all marijuana facilities, comply with the following operational standards at a minimum:

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(a) A safety compliance facility is authorized to only receive marijuana from, test marijuana for, and return marijuana to a marijuana facility.

(b) A safety compliance facility must be accredited by an entity approved by the board by 1 year after the date the license is issued or have previously provided drug testing services to the State of Michigan or Michigan's court system and be a vendor in good standing in regard to those services unless a variance from this requirement is granted by the board as provided by the act.

(c) A safety compliance facility shall:

- (1) Perform tests to certify that marijuana is reasonably free of chemical residues such as fungicides and insecticides.
- (2) Use validated test methods to determine tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, and cannabidiol acid levels.
- (3) Perform tests that determine whether marijuana complies with the standards the board establishes for microbial and mycotoxin contents.
- (4) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed in rules.
- (5) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in the Act, rules, and the Tracking Act.
- (6) Have a secured laboratory space that cannot be accessed by the general public.
- (7) Retain and employ at least 1 staff member with a relevant advanced degree in a medical or laboratory science.
- (8) Comply with all provisions of the rules regarding the testing, retesting, and sampling of marijuana and marijuana products.
- (9) Establish an adequate chain of custody and instructions for sample and storage requirements.

**Sec. 845.20. Conflicts, Future laws and regulations.**

Should the State of Michigan in the future adopt additional or stricter laws or regulations governing the production, processing, transporting, testing, sale and distribution of marijuana, the additional or stricter laws and regulations shall control the establishment or operation of any marijuana facility in the city, as well as the issuance, denial, suspension, or revocation of any permit under this article.

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**Sec. 845.21** . Penalty and remedies.

(a) Any violation of this article is a municipal civil infraction subject to penalties imposed on municipal civil infractions by Section 202.99 of this code and state law.

(b) In addition to the penalties provided in this ordinance, any condition caused or permitted to exist in violation of this ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(c) In addition to the penalties in this ordinance, any violation of this ordinance, the Act, or the rules may result in the denial of a permit, or the revocation, suspension, or non-renewal of a permit issued under this ordinance.

(d) Nothing in this ordinance shall prevent the city from pursuing any other remedy provided by law and equity, including an injunction, in conjunction with or in lieu of prosecuting persons under this section for violation of this ordinance.

**Sec. 845.22** . Effect tie-barred.

This amendment to Chapter \_\_\_\_\_ to add Article \_\_\_\_\_, "Medical Marihuana Facilities" 845 shall only take effect if the Zoning Code is amended as needed to zone for the activities contemplated in this Chapter. Chapter \_\_\_\_\_ is amended to add sections \_\_\_\_\_ to the zoning code.

I certify that 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 Marentette, City Clerk

I certify that a notice of adoption of the above ordinance was published in the

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Traverse City Record-Eagle, a daily newspaper published in Traverse City, Michigan, on

Benjamin Marentette, City Clerk

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**TRAVERSE CITY CODE OF ORDINANCES**

**ORDINANCE AMENDMENT NO. \_\_\_\_\_**

Effective date: \_\_\_\_\_

**TITLE:** Medical Marihuana Facilities amendment for Community Center (C-3), Regional Center (C-4), Hospital (H) and Industrial (I) Districts

**THE CITY OF TRAVERSE CITY ORDAINS:**

That the *Definitions*, Section 1320.07; *Uses Allowed*, Section 1344.01 in the Community Center Chapter, the *Uses Allowed*, Section 1354.01 Industrial Chapter and the *Uses Allowed*, Section 1358.01 in the Hospital Chapter of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1320.07 - Definitions.**

As used in this chapter:

*Abutting* means a lot or parcel which shares a common border with the subject lot or parcel.

*Accessory building* means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as and spatially separated from the principal building.

*Accessory dwelling unit* means a smaller, secondary home on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation. There are 2 types of accessory dwelling units:

- (1) Accessory dwelling in an accessory building (examples include converted garages or new construction).
- (2) Accessory dwelling that is attached or part of the principal dwelling (examples include converted living space, attached garages, basements or attics; additions; or a combination thereof).

*Accessory use* means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

*Adult foster care family home* means a private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home state licensee shall be a member of the household and an occupant of the residence.

*Adult foster care small group home* means a state licensed adult foster care facility with the approved capacity for not more than 12 adult residents to be provided foster care.

*Affordable housing* means housing units for eligible low-income households where the occupant is paying no more than 30 percent of gross income for housing costs.

*Aggrieved person* means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

*Airport terminal* means the main passenger location of an airport and includes all office, hotel and retail uses commonly occurring at such locations.

*Alley* means a way which functions primarily as a service corridor and provides access to properties abutting thereon. "Alley" does not mean "street."

*Alteration* means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

*Basement* means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story (see Figure 1-1). A cellar is a basement.

*Berm* means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

*Block* means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

*Block, face.* "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

*Boat house* means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

*Boat livery* means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

*Brew pub* means a facility as defined such by the State of Michigan.

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

*Building, height of.* See "height of building."

*Building, principal.* "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

*Cemetery* means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

*Clinic* means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

*Club* means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the public.

*Cluster* means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

*Communication antenna* means a device, dish or array used to transmit or receive telecommunications signals mounted on a communication tower, building or structure that is greater than 1 square meter in a residential district or 2 square meters in a non-residential district. Antenna does not include federally-licensed amateur radio station, television or radio receive-only antennas or antennas used solely for personal use. Communication antennas are not "essential services," public utilities or private utilities.

*Communication tower or tower* means any structure that is primarily designed and constructed for the purpose of supporting 1 or more antennas for telecommunications, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Communication towers are not "essential services," public utilities or private utilities.

*Community garden* means a parcel gardened collectively by a group of people.

*Convenience store* means a retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

*Country club*. See "golf course."

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

*Critical root zone* means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree 1 foot for each 1 inch of diameter at breast height. The critical root zone shall also extend to a depth of 4 feet below the natural surface ground level.

*Cultural facilities* means facilities for activities for the preservation and enhancement for the cultural well-being of the community.

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

*Diameter at breast height* means the diameter of a tree trunk in inches measured by diameter at 4.5 feet above the ground.

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

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

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

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

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

*Driveway, service* means a point of access solely for the use of vehicles designed to load and unload trash receptacles 3 cubic yards or more in size.

*Dwelling* means any building or portion thereof which is designed for or used exclusively for residential purposes and containing 1 or more dwelling units.

*Dwelling, multiple family.* "Multiple family dwelling" means a building or portion thereof containing 3 or more dwelling units and designed for or occupied as the home of 3 or more families living independently of each other.

*Dwelling, single-family.* "Single-family dwelling" means a detached building containing 1 dwelling unit and designed for or occupied by only 1 family.

*Dwelling, two-family.* "Two-family dwelling" means a building designed for or occupied exclusively by 2 families living independently of each other.

*Dwelling unit* means 1 or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by 1 family for living, cooking and sleeping purposes. The existence of a food preparation area (such as a sink and appliances to heat and refrigerate food) within a room or rooms shall be evidence of the existence of a dwelling unit.

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

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

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

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

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

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

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

*Family* means 1 or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

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

*Flood plain, 100-year.* "100-year flood plain" means the lowland areas adjoining inland and coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a 1 percent chance of flooding in a given year.

*Floor area* . See "a gross floor area."

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

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

*Grade* means:

- (1) *For buildings having walls adjoining 1 street only* : the elevation of the public sidewalk, top of curb, or centerline of the street right-of-way, whichever is closest to the building, where a building wall adjoins a street.
- (2) *For buildings having walls adjoining more than 1 street* : the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
- (3) *For buildings having no wall adjoining the street* : the average of the lowest and highest ground surface elevations in an area within 6 feet of the foundation line of a building or structure. Any building or structure wall within 35 feet of a public or private street shall be considered as adjoining the street. (See Figure 1-2.)

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

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

*Gross floor area (GFA)* means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings, but excluding any space where the floor-to-ceiling height is less than 6 feet.

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

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

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

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

*Kennel* means any lot or premises used for the sale, boarding, or breeding of dogs, cats or other household pets or the keeping of 5 or more dogs or cats in any combination over the age of 6 months.

*Land clearing* means:

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

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

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

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

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

*Lodging facility* means a commercial establishment with 1 or more buildings whose primary use is to provide temporary overnight accommodations within individual guest rooms or suites to the general public for compensation. Accessory uses may include eating places, meeting rooms and other similar uses.

*Lot* means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including 1 principal building together with accessory buildings, open spaces and parking areas required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved private street. The word "lot" includes the words "plot," "tract" or "parcel."

*Lot, corner.* "Corner lot" means a lot which has at least 2 contiguous sides abutting on and at the intersection of 2 or more streets.

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

*Lot, through.* "Through lot" means an interior lot having frontage on 2 more or less parallel streets.

*Lot width* means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

*Manufacturing* means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

*Market, municipal.* "Municipal market" means a publicly owned and operated building or space where vendors offer a wide range of different products from open stalls.

*Marina* means a commercial mooring, berthing, or docking facility for watercraft with or without provisions for launching, haulout, servicing, fueling or sales of accessory supplies.

*Medical marihuana* means marihuana as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq. grown, used, or transferred for "medical use" as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

~~*Medical marihuana collective* means a use where Medical Marihuana is transferred, pursuant to the Michigan Medical Marihuana Act., MCL 333.26421 et seq.~~

*Medical marihuana cultivation* means a use where Medical Marihuana is grown as permitted by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

*Medical marihuana facility* means a location at which a person is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City and operates as a Medical Marihuana Grower, Medical Marihuana Processor, Medical Marihuana Secure Transporter, Medical Marihuana Provisioning Center, or a Medical Marihuana Safety Compliance Facility.

~~*Medical marihuana cultivation facility grower* means a use where a person holding a state operating license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City cultivates, dries, trims, or cures and packages medical marihuana for sale to a processor or provisioning center more than 72 plants are being cultivated on a parcel.~~

*Medical marihuana provisioning center* means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City purchases medical marihuana from a Medical Marihuana Grower or Medical Marihuana Processor and commercially sells, supplies, or provides medical marihuana to registered qualifying patients as defined in the Michigan Medical Marihuana Act, MCL 333.26241 et seq, directly or through the registered qualifying patients' registered primary caregiver. Medical Marihuana Provisioning Center includes any property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A residential location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan

Medical Marihuana Act, MCL 333.26241 et seq, is not a Medical Marihuana Provisioning Center.

*Medical marihuana processor* means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City purchases medical marihuana from a Medical Marihuana Grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a Medical Marihuana Provisioning Center.

*Medical marihuana safety compliance facility* means a use where a person holding a state operating license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City takes medical marihuana from a marihuana facility or receives medical marihuana from a registered primary caregiver, tests the medical marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the medical marihuana to the marihuana facility.

*Medical marihuana secure transporter* means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City stores medical marihuana and transports medical marihuana between Medical Marihuana Facilities for a fee.

*Microbrewery* means a facility as defined as such by the State of Michigan.

*Non-conforming use* means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

*Nursing home.* See "residential care and treatment facility."

*Open space, common.* "Common open space" means land within or related to a development, not individually owned that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

~~*Operator of medical marihuana collective* means any person who is employed by or otherwise involved in the operation of a Medical Marihuana Collective.~~

*Ordinary high water mark* means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is identified along Grand Traverse Bay and the lower Boardman River as elevation 581.04 feet USGS.

*Owner* means any person having an ownership interest in a premises as shown on the latest Traverse City tax records.

*Parcel .* See a "lot."



*Parking area* means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, driveways and legally designated areas of public streets.

*Parking area, commercial.* "Commercial parking area" means a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot and which contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

*Parking area, off-street.* "Off-street parking area" means a land surface or facility providing vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

*Parking area, private.* "Private parking area" means a parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

*Parking area, public.* "Public parking area" means a publicly owned or controlled parking area available to the public, with or without payment of a fee.

*Parking space* means an area of land provided for vehicles exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

*Parking structure* means a building or structure consisting of more than 1 level and used to store motor vehicles.

*Pavement.* "Pavement" and "paved" mean permanent and completely covered with concrete, a bituminous surface, brick or other surface approved by the Planning Director.

*Pedestrian scale* means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

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

*Place of worship* means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

*Planning director* means the head of the City Planning and Zoning Department or the designee of that person.

*Plat* means a map of a subdivision of and recorded with the Register of Deeds pursuant to state statute

*Primary caregiver* means a primary caregiver with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

*Principal use* means the main use of land or structures as distinguished from a secondary or accessory use.

*Public utility* means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal

regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

*Qualifying patient* means a qualifying patient with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

*R-District* means a residence district, namely an RC, R-1a, R-1b, R-2, R-9, R-15, and R-29 district.

*Recreational facilities* means buildings, or grounds, excluding amusement parks, where a variety of sport or exercise activities are offered.

*Recreational vehicle* means a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

*Residential care and treatment facility* means a facility providing:

- (1) Services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation;
- (2) Temporary emergency shelter and services for battered individuals and their children in a residential structure.

*Restaurant, family* means an establishment where food and drink are prepared and served to seated customers. Customer turnover rates are typically less than 1 hour. Generally, these establishments serve breakfast, lunch, and dinner and sometimes are open 24 hours a day. It may include cafeteria-style facilities.

*Restaurant, fast food* means an establishment where food and drink are served to customers at a counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

*Restaurant, fine* means an establishment where food and drink are prepared and served. Customer turnover rates are typically 1 hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch.

*Right-of-way* means a public or private street, alley or easement permanently established for the passage of persons or vehicles.

*Rooming house* means a residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include lodging facilities, apartment houses, 2 and multi-family dwellings or fraternity and sorority houses.

*School* means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

*Screen* means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

*Screen, opaque* means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial separation.

*Setback* means the distance required between a lot line and a building wall.

*Setback, front.* A front setback means the minimum required distance, extending the full lot width, between the principal building and the front lot line.

*Setback, rear.* A rear setback means the minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

*Setback, side.* A side setback means the minimum required distance, extending from the front setback to the rear setback, between the principal and accessory building and the side lot line.

*Site diagram* means a drawing, drawn to scale, showing the location of buildings and structures on a lot, as well as driveways, curb cuts, alleys, streets, easements and utilities. See Appendix 1, Figure 1-4.

*Site plan* means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

*Stop work order* means an administrative order which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Code.

*Street* means any public way, such as a public street, avenue or boulevard, at least 16 feet wide. Street does not mean "alley." See also "Private street."

*Street, access.* "Access street" means a street or alley designed primarily to provide access to properties.

*Street, arterial.* "Arterial street" means a street designed to carry high traffic volumes through the community.

*Street, collector.* "Collector street" means a street designed to carry moderately high traffic volumes from arterial and access streets.

*Street, private.* "Private street" means an officially approved thoroughfare, other than a public street or alley, permanently reserved as the principal means of access to abutting property.

*Structural alterations* means any change in a building requiring a building permit.

*Structure* means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts and pergolas.

*Tourist home* means a single-family dwelling owned and occupied by a person renting out not more than 3 rooms for compensation to persons who do not stay for more than 7 consecutive days.

*Townhouse* means a multiple dwelling in which each dwelling unit shares a common wall with at least 1 other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

*Trailer* means any enclosure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been or reasonably may be equipped with wheels or devices for transporting the enclosure from place to place. "Trailer" includes motor homes, travel trailers and camper vans.

*Transit center* means a fixed location where passengers interchange from 1 route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

*Transitional housing* means a facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating and cooking facilities; and professional services to assist individuals or families in locating permanent housing.

*Treelawn* means the area of public right-of-way lying between the curb line of a curbed street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street.

*Trip end* means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

*Vacation home rental* means a commercial use of a dwelling where the dwelling is rented or sold for any term less than 30 consecutive days.

*Yard* means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code.

*Yard, front.* "Front yard" means all land extending across the width of a property and lying between the building line and the front lot line.

*Yard, rear.* "Rear yard" means all land extending across the width of the property and lying between the building and the rear lot line.

*Yard, side.* "Side yard" means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

*Zoning Code* means Part 13, Title One of the Code of Ordinances of the City of Traverse City and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

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1344.01 - Uses allowed. (C-3)

The following uses of land and buildings, together with accessory uses, are allowed in the Community Center District:

- HR District uses;
- C-2 District uses;
- Amusement and recreation services (see mechanical amusement arcades below);
- Communication establishments;
- Contractors, with no outside storage;

- Drinking places with entertainment;
- Equipment rental and leasing;
- Finance services, including those having drive throughs subject to the standards of Section 1374.06, drive-throughs;
- Kennels, provided no that no building, open kennel or exercise runway is closer than 200 feet from a Residential District;
- Mechanical amusement arcades subject to the following:
  - (1) All necessary licenses are obtained and maintained.
  - (2) There is in physical attendance at all times of operation a minimum of 1 adult employee whose sole responsibility is to supervise the conduct of patrons on or near the premises.
  - (3) Suitable ventilation, fire protection measures and adequate lighting inside and outside the premises are provided for the safety of patrons and the public as required by the Fire Marshal.
  - (4) One bicycle rack per mechanical amusement device is provided on-site and located subject to the approval of the Planning Director.
  - (5) There is not more than 1 arcade in a face block, and in no case shall an arcade be located closer than 600 feet to any existing arcade or amusement park.
- ~~Medical marihuana collective meeting the following requirements:~~
  - ~~(1) Use and transfer of Medical Marihuana shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;~~
  - ~~(2) Transfer of medical marihuana shall be only allowed to a qualifying patient directly in person by his or her registered primary caregiver or by another qualifying patient as allowed by the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.~~
  - ~~(3) The collective shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.~~
  - ~~(4) No medical marihuana cultivation shall occur on the parcel.~~
  - ~~(5) Except for parents or guardians of a qualifying patient and the owner or staff of the facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the collective when medical marihuana is being transferred or used.~~
  - ~~(6) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.~~
  - ~~(7) A medical marihuana collective shall not be located within a 1,000-foot radius from any existing school.~~

- ~~(8) A medical marijuana collective shall not be located within 1,000 feet from another existing collective or a Medical Marijuana Provisioning Center.~~
- ~~(9) An owner or operator of a medical marijuana collective shall not have been convicted of a felony involving controlled substances.~~
- ~~(10) The name and address of all persons with an ownership interest in the medical marijuana collective and all operators of the medical marijuana collective shall be provided to the Zoning Administrator at least 10 business days prior to opening the medical marijuana collective and least 10 business days prior to when a new person owns or operates the medical marijuana collective.~~
- ~~(11) The smell of marijuana shall not be detectable outside of the portion of any structure where marijuana is present.~~
- Medical Marijuana Provisioning Center meeting the following requirements:
    - (1) The medical marijuana facility and use shall comply at all times with the Michigan Medical Marijuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marijuana Facilities Licensing Act, as they may be amended from time to time;
    - (2) The Medical Marijuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
    - (3) Except for Medical Marijuana Processors as set forth in this Section, no other medical marijuana facilities use shall occur on the parcel.
    - (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marijuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marijuana facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the Medical Marijuana Provisioning Center when Medical Marijuana is being transferred.
    - (5) No use or consumption of marijuana shall be allowed at the medical marijuana facility.
    - (6) The medical marijuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marijuana Act.
    - (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
    - (8) A Medical Marijuana Provisioning Center shall not be located within a 1,000-foot radius from any existing school.
    - ~~(9) A Medical Marijuana Provisioning Center shall not be located within 1,000 feet from another Medical Marijuana Provisioning Center or a Medical Marijuana Collective.~~

(10) An owner or operator of a Medical Marihuana Provisioning Center shall not have been convicted of a felony involving controlled substances within the last 10 years.

(11) The Medical Marihuana Provisioning Center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.

(12) All activities of a Medical Marihuana Provisioning Center shall be conducted within the building.

(13) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Microbrewery;
- Motorized vehicle dealers, mobile home dealers, watercraft dealers and recreational vehicle dealers subject to the following conditions:
  - (1) All outdoor display and storage in front or on the side of a building shall meet landscape requirements for parking areas.
  - (2) Outdoor display areas shall be differentiated from parking areas using contrasting surface material and shall be designated on a site plan.
  - (3) Any display platforms shall not be elevated more than 3 feet higher than the adjacent public right-of-way.
- Personal services, including those having drive-throughs subject to the standards of Section 1374.06, drive-throughs;
- Pet boarding or pet grooming services, provided that no building, open kennel or exercise runway is closer than 200 feet from an R-District.
- Printing (commercial);
- Repair services, miscellaneous;
- Restaurants, family, fine and fast, including drive-ins and drive-throughs accessory to an on-site, indoor, full service restaurant and including the parking requirements of Chapter 1372, landscaping and Section 1374.06, drive-throughs;
- Retail trade;
- Service stations and repair shops (except tire retreading) with or without fuel dispensing;
- Theaters, except outdoor;
- Vehicle wash facilities subject to the following standards:
  - (1) Customer stacking space shall be provided at a rate of 3 spaces per bay or wash area for a stationary-type (coin-operated) system, and 8 spaces per bay for an automatic system.
  - (2) Customer stacking spaces shall be located and arranged to preclude obstruction of traffic flow on the public right-of-way or overhang and the public sidewalk.

- (3) Grates the full width of the driveway shall be provided at the exits to intercept and collect excess water and prevent its spread onto the public right-of-way.
  - (4) A 35-foot setback is required from the property line where the primary exit for the vehicle was facility is made. All other setbacks shall conform to the district requirements.
  - (5) All operations connected with this facility shall be conducted within the buildings, except for vacuuming, so as to minimize the effect of noise and moisture on surrounding areas.
  - (6) Where an auto wash is adjoining residential property or is separated from such property by a public alley, there shall be provided a continuous decorative screenwall of not less than 5 feet or more than 6 feet in height.
  - (7) Ingress and egress shall be on an arterial or collector street, except where the Planning Commission determines public welfare or safety would be best served by allowing other means of ingress or egress.
- Veterinary services, provided that no building, open kennel or exercise runway is closer than 200 feet from a R-District;
  - Warehousing.

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1354.01 - Uses allowed. (1)

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

- GP District uses;
- C-2 District uses meeting the setbacks (§1342.02), building height (§1342.06) and special requirements (§1342.09) of the C-2 District and shall not open to the public between the hours of 10:00 p.m. and 6:00 a.m.
- C-2 District uses in the Airport Industrial Park and Traversefield Enterprise Place is limited to existing buildings more than 5 years old, based upon the date of the initial certificate of occupancy issued. Minor additions are allowed provided the addition is for barrier free access, fire safety or to improve the energy efficiency of the building;
- Auto repair;
- Communications establishments;
- Construction, special trades;
- Contractors;
- Contractors, heavy construction;
- Crematories provided the use is at least 500 feet from a Residential Zoning District, public park or school as defined by the Zoning Code;
- Cutting plastics, leather, etc;
- Equipment rental and leasing, miscellaneous;



- Fuel dealers;
- Funeral services;
- Gas systems;
- Kennels for boarding provided that no building, open kennel or exercise runway shall be located closer than 200 feet from any R District;
- Lumber yards—Retail;
- Manufacturing or processing of:
  - (1) Apparel and other finished products made from fabrics and similar materials;
  - (2) Bakery products;
  - (3) Beverages;
  - (4) Canned, frozen and preserved fruits, vegetable and food specialties;
  - (5) Dairy products;
  - (6) Electronic and other electrical equipment and components;
  - (7) Fabricated metal products, except machinery and transportation equipment and except ordnance and accessories;
  - (8) Food preparations and kindred products—miscellaneous;
  - (9) Furniture and fixtures;
  - (10) Grain mill products;
  - (11) Industrial and commercial machinery and computer equipment;
  - (12) Leather and leather products (finished), except leather tanning and finishing;
  - (13) Lumber and wood products, except furniture, wood preserving and reconstituted wood products;
  - (14) Manufacturing industries—miscellaneous;
  - (15) Measuring, analyzing and controlling instruments, photographic, medical and optical goods, matches and clocks;
  - (16) Printing, publishing and allied industries;
  - (17) Stone, clay, glass and concrete products, except asbestos products;
  - (18) Sugar and confectionery products;
- Medical marihuana cultivation facility meeting the following requirements:
  - (1) Medical marihuana cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
  - (2) All medical marihuana plants cultivated by each primary caregiver or qualifying patient shall be contained within a fully enclosed locked facility inaccessible on all

sides and equipped with locks or other security devices that permit access only by the primary caregiver or the qualifying patient.

- (3) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way.
  - (4) A Medical marihuana cultivation facility shall not be located within a 1,000-foot radius from any existing school.
  - (5) A Medical marihuana cultivation facility shall register for a business license with the City Clerk and if the applicant is not the owner of the parcel, such license application shall include the property owners' consent to the use of the parcel as a medical marihuana cultivation facility.
  - (6) No transfer of medical marihuana shall occur except marihuana plants pursuant to the Michigan Medical Marihuana Act.
- **Medical marihuana grower meeting the following requirements:**
    - (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Facilities Licensing Act, rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, and Chapter 845 of the Codified Ordinances of the City of Traverse City as they may be amended from time to time.
    - (2) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility.
    - (3) Cultivation shall be conducted so as not to create dust, glare, noise, or light spillage beyond the parcel and shall not be visible from an adjoining public way. Lighting shall not be visible outside of the building from sunset to sunrise.
    - (4) The smell of marihuana shall not be detectable beyond the parcel.
    - (5) A Medical Marihuana Grower shall not be located within a 1,000-foot radius from any existing school.
    - (6) The Medical Marihuana Grower shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
    - (7) Except for a Medical Marihuana Processor use as set forth in this section, no other medical marihuana facilities use shall occur on the parcel.
    - (8) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.
  - **Medical Marihuana Processor meeting the following requirements:**
    - (1) The facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;

- (2) A partition wall shall separate the Medical Marihuana Processor space from the Medical Marihuana Grower space that must include a door, capable of being closed and locked between the Medical Marihuana Grower and Medical Marihuana Processor spaces.
  - (3) Except for Medical Marihuana Growers as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.
  - (4) Except for regulatory authorities, no persons other than the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the facility, shall be permitted within the Medical Marihuana Processor portion of the facility when Medical Marijuana is being processed.
  - (5) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.
  - (6) A Medical Marihuana Processor shall not be located within a 1,000-foot radius from any existing school
  - (7) An owner or operator of a Medical Marihuana Processor shall not have been convicted of a felony involving controlled substances within the last 10 years.
  - (8) The Medical Marihuana Processor shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
  - (9) All activities of a Medical Marihuana Processor shall be conducted within the building and out of public view.
  - (10) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.
- Medical Marihuana Safety Compliance Facility meeting the following requirements:
    - (1) The facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
    - (2) Except for regulatory authorities, no persons other than the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the facility, shall be permitted within the Medical Marihuana Safety Compliance Facility when Medical Marijuana is being processed.
    - (3) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.

(4) A Medical Marihuana Safety Compliance Facility shall not be located within a 1,000-foot radius from any existing school

(5) An owner or operator of a Medical Marihuana Safety Compliance Facility shall not have been convicted of a felony involving controlled substances within the last 10 years.

(6) The Medical Marihuana Safety Compliance Facility shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.

(7) All activities of a Medical Marihuana Safety Compliance Facility shall be conducted within the building and out of public view.

(8) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

• Medical Marihuana Secure Transporter meeting the following requirements:

(1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time.

(2) No other medical marihuana facilities use shall occur on the parcel.

(3) No use or consumption of marihuana shall be allowed at the facility.

(4) A medical marihuana secure transporter shall not be located within a 1,000-foot radius from any existing school. This provision shall not apply while engaged in the operation of transporting as authorized by the Michigan Medical Facilities Licensing Act.

(5) An owner or operator of a medical marihuana secure transporter shall not have been convicted of a felony involving controlled substances within the last 10 years.

(6) The medical marihuana secure transporter shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.

- Metal slitting and shearing;
- Motor freight transportation and warehousing;
- Nurseries, retail;
- Offices, general, up to 5,000 square feet gross floor area on any site and/or building;
- Offices primarily serving industry in the district which clearly establish support services for permitted industries in the district;
- Parcel packing services;

- Pet boarding or pet grooming services, provided that no building, open kennel or exercise runway is closer than 200 feet from an R-District;
- Places of Worship;
- Postal and delivery services;
- Pressure container filling;
- Primary metal industries, including smelting, forging and similar operations, subject to the following conditions:
  - (1) The maximum lot size is 14 acres.
  - (2) No odors, smoke or noise from the use are likely to create a disturbance on neighboring public or private property.
- Retail outlets, if accessory to manufacturing use;
- Salvaging damaged merchandise not engaged in sales;
- Scrap steel cutting;
- Sign painting and lettering shops;
- Solvents recovery services;
- Tape slitting for trade;
- Testing and laboratory services;
- Veterinary services for animal specialties provided that no building, open kennel or exercise runway shall be no closer than 200 feet from any R district;
- Vocational schools;
- Warehousing;
- Weighing foods and other commodities;
- Wholesale trade - durable goods;
- Wholesale trade - non-durable goods except livestock and wholesale live animals.

1358.01 - Uses allowed. (H)

- (a) *Master site facilities plan.* When applying for a land use permit for H-2 District properties, the applicant shall present a Master Site and Facilities Plan for the current uses on all contiguous property owned by applicant and all anticipated uses within a minimum of the next 5 years. This plan shall show adjacent properties sufficiently to identify surrounding uses and potential impacts on them by the applicant's plan and shall conform to the requirements of Traverse City Code Section 1366.08.
- (b) *H-1 District.* The following uses of land and buildings, together with accessory uses, are allowed in the H-1 Hospital District:

- Community Gardens;
- Dormitories;
- Dwellings, multiple family, up to 29 dwelling units per acre;
- Group day care homes;
- Florists;
- Health services, including clinics of doctors and dentists;
- Hospitality houses;
- ~~Medical marihuana collective meeting the following requirements:~~
  - ~~(1) Use and transfer of medical marihuana shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;~~
  - ~~(2) Transfer of medical marihuana shall be only allowed to a qualifying patient directly in person by his or her registered primary caregiver or by another qualifying patient as allowed by the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.~~
  - ~~(3) The collective shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.~~
  - ~~(4) No medical marihuana cultivation shall occur on the parcel.~~
  - ~~(5) Except for parents or guardians of a qualifying patient and the owner or staff of the facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the collective when medical marihuana is being transferred or used.~~
  - ~~(6) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.~~
  - ~~(7) A medical marihuana collective shall not be located within a 1,000-foot radius from any existing school.~~
  - ~~(8) A medical marihuana collective shall not be located within 1,000 feet from another existing collective.~~
  - ~~(9) An owner or operator of a medical marihuana collective shall not have been convicted of a felony involving controlled substances.~~
  - ~~(10) The name and address of all persons with an ownership interest in the medical marihuana collective and all operators of the medical marihuana collective shall be provided to the Zoning Administrator at least 10 business days prior to opening the medical marihuana collective and least 10 business days prior to when a new person owns or operates the medical marihuana collective.~~
- Medical Marihuana Provisioning Center meeting the following requirements:

- (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
- (2) The Medical Marihuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
- (3) Except for Medical Marihuana Processors as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.
- (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the Medical Marihuana Provisioning Center when Medical Marihuana is being transferred.
- (5) No use or consumption of marihuana shall be allowed at the medical marihuana facility.
- (6) The medical marihuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marihuana Act.
- (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
- (8) A Medical Marihuana Provisioning Center shall not be located within a 1,000-foot radius from any existing school.
- ~~(9) A Medical Marihuana Provisioning Center shall not be located within 1,000 feet from another Medical Marihuana Provisioning Center or a Medical Marihuana Collective.~~
- (10) An owner or operator of a Medical Marihuana Provisioning Center shall not have been convicted of a felony involving controlled substances within the last 10 years.
- (11) The Medical Marihuana Provisioning Center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
- (12) All activities of a Medical Marihuana Provisioning Center shall be conducted within the building.
- (13) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- **Medical Marihuana Safety Compliance Facility meeting the following requirements:**

(1) The facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;

(2) Except for regulatory authorities, no persons other than the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the facility, shall be permitted within the Medical Marihuana Safety Compliance Facility when Medical Marijuana is being processed.

(3) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.

(4) A Medical Marihuana Safety Compliance Facility shall not be located within a 1,000-foot radius from any existing school

(5) An owner or operator of a Medical Marihuana Safety Compliance Facility shall not have been convicted of a felony involving controlled substances within the last 10 years.

(6) The Medical Marihuana Safety Compliance Facility shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.

(7) All activities of a Medical Marihuana Safety Compliance Facility shall be conducted within the building and out of public view.

(8) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Residential care and treatment facilities.

The following uses, if they meet the requirements of an accessory use, except that they need not be in the same building or on the same lot:

- Duplicating, mailing, stenographic and office services no larger than 2,000 square feet gross floor area;
- Schools for the handicapped;
- Educational services to the public related to health care;
- Financial institutions with no drive-throughs;
- Gift shops no larger than 2,000 square feet gross floor area;
- Orthopedic stores;
- Pharmacies no larger than 2,000 square feet gross floor area;



- Places of worship;
- Recreational facilities;
- Restaurants, family, fine and fast, under 2,000 square feet in gross floor
- Area without drive-throughs or drive-ins;
- Social services;
- Veterinary services, without outdoor runs.

(C) *H-2 District.* The following uses of land and buildings, together with accessory uses, are allowed in the H-2 District:

- H-1 District uses;
- Health services;
- Hospitality houses;
- Hospitals and medical centers;
- Medical care facilities;
- Parking structures, public or private, subject to the following standards:
  - (1) Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. All ramping shall be concealed from public view.
  - (2) Openings shall not exceed 60 percent of the total wall surface. Openings shall be vertical or square.
  - (3) Sloped roofs are not required for parking structures, however:
    - a. The upper and lowest level of parking shall incorporate sufficient screening to shield cars from public view.
    - b. Parapet treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs and other devices which are consistent with the design of historical buildings may be employed.
  - (4) The design of parking decks shall be complementary to the design of historical buildings in the area.
- Residential care and treatment facilities.

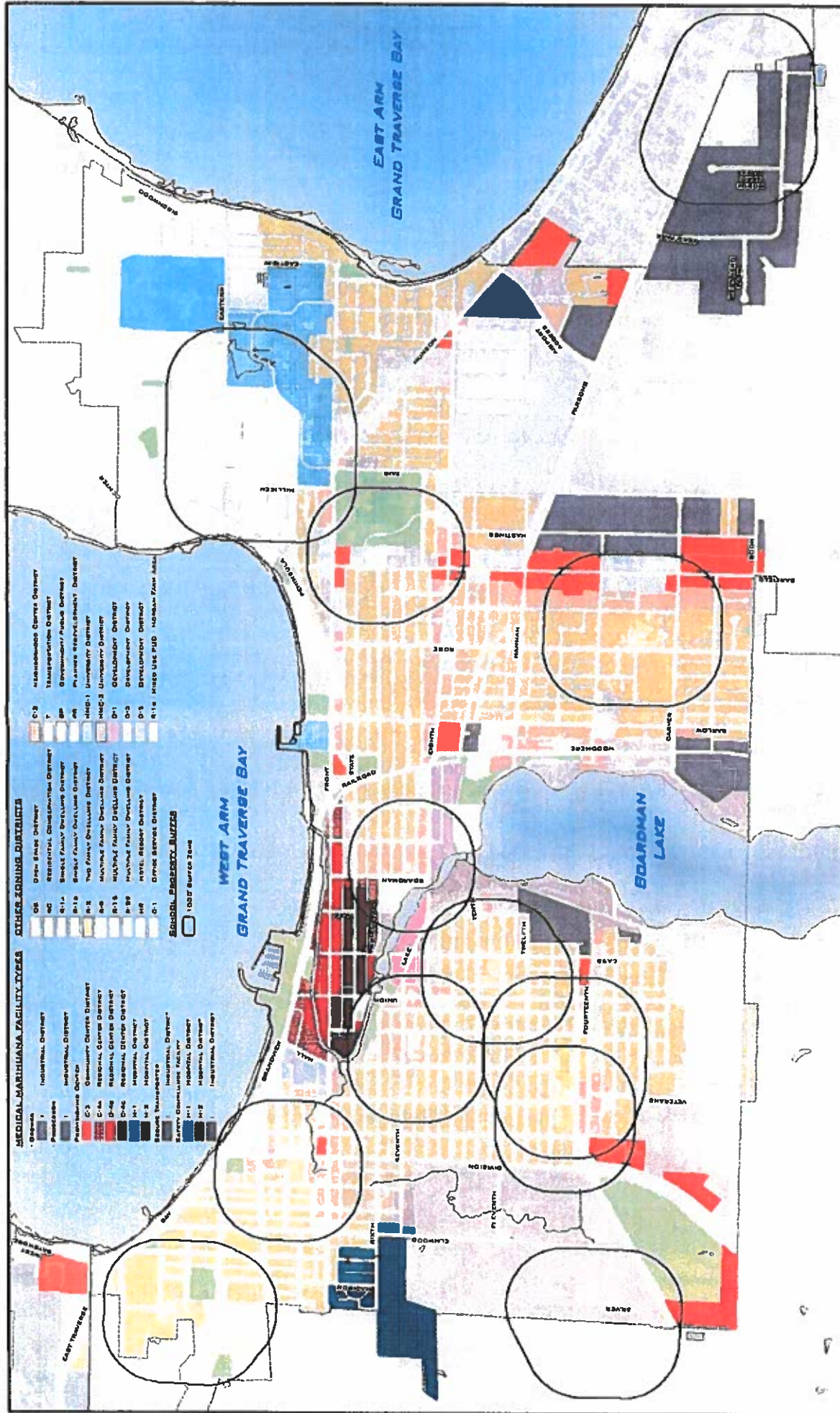
The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2018, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2018, 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.

James Carruthers, Mayor

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Benjamin C. Marentette, City Clerk



**MEDICAL MARIJUANA FACILITY TYPES**

Office	Industrial District
Pharmacy	Industrial Office District
Processing	Industrial Office District
Production	Industrial Office District
Research	Industrial Office District
Storage	Industrial Office District
Transportation	Industrial Office District
Warehouse	Industrial Office District
Manufacturing	Industrial Office District
Processing	Industrial Office District
Production	Industrial Office District
Research	Industrial Office District
Storage	Industrial Office District
Transportation	Industrial Office District
Warehouse	Industrial Office District
Manufacturing	Industrial Office District

**OTHER ZONING DISTRICTS**

OS	Office Service District
OC	Office Commercial District
SC	Special Commercial District
R-1A	Single Family Detached District
R-1B	Two Family Detached District
R-1C	Multiple Family Detached District
R-1D	Multiple Family Detached District
R-1E	Multiple Family Detached District
R-1F	Multiple Family Detached District
R-1G	Multiple Family Detached District
R-1H	Multiple Family Detached District
R-1I	Multiple Family Detached District
R-1J	Multiple Family Detached District
R-1K	Multiple Family Detached District
R-1L	Multiple Family Detached District
R-1M	Multiple Family Detached District
R-1N	Multiple Family Detached District
R-1O	Multiple Family Detached District
R-1P	Multiple Family Detached District
R-1Q	Multiple Family Detached District
R-1R	Multiple Family Detached District
R-1S	Multiple Family Detached District
R-1T	Multiple Family Detached District
R-1U	Multiple Family Detached District
R-1V	Multiple Family Detached District
R-1W	Multiple Family Detached District
R-1X	Multiple Family Detached District
R-1Y	Multiple Family Detached District
R-1Z	Multiple Family Detached District

**SCHOOL DISTRICTS**

1000'	1000' Buffer Zone
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Downtown Development Authority  
303 E. State Street  
Traverse City, MI 49684  
jean@downtowntc.com  
231-922-2050

## Memorandum

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To: Downtown Development Authority  
From: Jean Derenzy, DDA CEO  
For Meeting Date: October 19, 2018  
Re: Appointment to Lower Boardman River Leadership Team

I have reached out to the Grand Traverse Band of Ottawa and Chippewa Indians requesting consideration to appoint Brett Fessell to the Lower Boardman River Leadership Team. Mr. Fessell has been working with the Grand Traverse band Natural Resources Department for 23 years and specifically on efforts to restore the Boardman for over the past decade.

Attached is a letter from Sonya Zotigh, Tribal Manager recommending Mr. Fessell fulfil the role on behalf of the Grand Traverse Band. With the understanding that based on the Tribe's unique and Sovereign status that Mr. Fessell's appointment is an advisory role and not making any official decisions on behalf of the Tribe.

I am very pleased that the Grand Traverse Band will be part of the Leadership Team and Ms. Zotigh's statement within the letter that the restoration of the River doesn't stop with taking out dams but includes revitalizing what could arguably be considered the most important mile the river runs before offering its waters to the Great Lakes.

As noted under Board member reports, the Lower Boardman River Leadership Team has met since August with Mr. Fessell joining in the last meeting to participate in forming the Request for Qualifications and Value Statements for consideration and approval.

Mr. Fessell's knowledge of the River, knowledge of the process gives great value to the team and is recommended to be appointed by the DDA to the Lower Boardman River Leadership Team.

**RECOMMENDATION:** Appointment Brett Fessell to the Lower Boardman River Leadership Team representing the Grand Traverse Band of Ottawa and Chippewa Indians.



## The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

October 10, 2018

Ms. Jean Derenzy  
Traverse City Downtown Development Authority  
P.O. Box 42  
Traverse City, Michigan 49685-0042

Dear Ms. Derenzy,

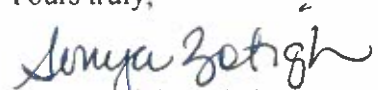
Thank you for your acknowledgement of the Grand Traverse Band's longstanding commitment to the Boardman River Restoration Project. Accordingly, we are pleased the Downtown Development Authority (DDA) recognizes that restoration of the River doesn't stop with taking out dams but includes revitalizing what could arguably be considered the most important mile the river runs before offering its waters to the Great Lakes.

The Grand Traverse Band's perspective on restoration is most certainly comprehensive in nature. We too recognize that the people involved in restoring the River are doing the thoughtful and hard work designed to pay forward its health, vitality and interconnectedness with all life for many generations to come. We are pleased to know that the DDA seeks to make tribal values and cultural heritage an integral component of planning efforts centering on the River and it's historic, contemporary and future importance and value to all who share it.

We appreciate your expression of gratitude for the Tribe's long-standing commitment to this large-scale effort and in recognizing the financial, technical and staffing efforts contributed over the last decade. I acknowledge your request to have Mr. Fessell serve on the Lower Boardman River Leadership Team and have recommended that he fulfill that role on behalf of the Grand Traverse Band. Having said that, given the Tribe's unique and Sovereign status, please understand Mr. Fessell's engagement on the Leadership Team will be in an advisory role and not as a representative in a manner of making official decisions on behalf of the Tribe, specifically if such decisions relate to formal positions or matters of economic or political significance.

If you have any questions please don't hesitate to contact Mr. Desmond Berry, Natural Resources Department Manager or myself.

Yours truly,

  
Sonya Zoligh, Tribal Manager

Cc: Desmond Berry, Natural Resources Department Manager  
Brett Fessell, River Restoration Ecologist

October 1, 2018

Ms. Sonya Zotigh  
Tribal Manager  
Grand Traverse Band of Ottawa and Chippewa Indians  
2605 N. West Bay Shore Drive  
Peshawbestown, MI 49682

Dear Ms. Zotigh:

The Grand Traverse Band of Ottawa and Chippewa Indians has been a leader in the drive to develop the proper course for the long-term health and well-being of the Boardman River and its watershed. Because of the Grand Traverse Band's values, cultural heritage and expertise involving the River, we have progressed as a region and a community to the rebirth of this remarkable resource.

The Traverse City Downtown Development Authority (TDDDA) has placed high priority on working with partners and all community interests to identify what can and should be done to restore and protect the lower Boardman and to create universal access where appropriate so that people of all ages, needs and abilities can enjoy this natural resource treasure. We want to do this as a partnership approach to achieving shared, unifying goals.

Because of your leadership involving the fate of the river and the values and understanding that you bring to this resource, we would be grateful if the Grand Traverse Band could designate an individual to serve on a leadership team to help our community identify and implement the best options for protection of and universal access to the lower Boardman. As part of this project, we would also like to educate residents and visitors about the historic significance of the river and Grand Traverse Band participation is essential to achieve this objective.

We greatly appreciate and admire the expertise and leadership that Mr. Brett Fessell has contributed to the rebirth of the Boardman. Brett would be a terrific representative on the leadership team if you feel that is appropriate.

**Downtown Development Authority** We are clearly overdue in integrating the River with Traverse City's core, recognizing the rich history and the wildlife that lives in this River throughout its lower reaches. The River is speaking to us, but what do we hear and what will our response be?

**Downtown Traverse City Association** The Leadership Team will engage all stakeholders. Having a representative from the Grand Traverse Band on the Leadership Team will be of great significance in answering this critically important question.

**P.O. Box 42** We appreciate your consideration of this request.  
Traverse City, Michigan  
49685-0042

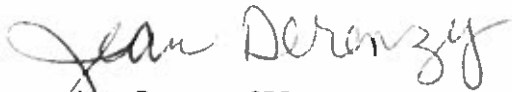
231.922.2050  
231.922.4863 fax  
info@downtowntc.com  
www.downtowntc.com

Sonya Zotigh  
October 3, 2018/Page 2

Enclosed for your information is the overall initial Unified Plan which has been opted by the DDA, City Planning, City Parks and City Commission.

Should you have additional questions, please call me on my cell at 231-342-7849. This is not a Plan to Plan, it is a Plan to protect, engage the River into the most populated portion of the River. We need to get this plan in place to Protect and embrace.

Respectfully,



Jean Derenzy, CEO  
Traverse City Downtown Development Authority

Pc: Brett Fessell.



Downtown Development Authority  
303 E. State Street  
Traverse City, MI 49684  
jean@downtowntc.com  
231-922-2050

## Memorandum

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To: Downtown Development Authority

From: Parking Interview Team: Jeff Joubran, Debbie Hershey,  
Coco Champagne, Jean Derenzy, CEO

For Meeting Date: October 19, 2018

Re: Appointment to Parking Advisory Committee

At the September meeting the DDA Board approved the recommendation from the Parking Interview Team to reorganize the Parking Advisory Committee to the Parking Subcommittee of the DDA. The subcommittee was with five DDA Board members and two citizen-at-large. Board members appointed last month were: Jeff Joubran, Debbie Hershey, Michael Jackson, Scott Hardy, and Steve Constantin.

The recommended citizen at large positions are recommended to be Rick Brown, current Township Planner of East Bay Township and Todd Knaus of Hagerty.

As a reminder the Parking Committee's responsibilities will include:

- ✓ Recommendations for expanding or reducing parking allocation through private property and shared-use leases
- ✓ Review and recommend zoning changes related to parking requirements and park-once initiatives
- ✓ Review parking supply and support recommendations that improve utilization
- ✓ Define and formalize performance-based pricing guidelines



- ✓ Define Parking Benefit District guidelines
- ✓ Recommend biking options and infrastructure
- ✓ Capital Improvement Plans to maintain and improve equipment and technology, invest in new equipment and technology to improve and provide services.

**RECOMMENDATION:** Appoint Rick Brown and Todd Knaus to the Parking Subcommittee.



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## Memorandum

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To: Downtown Development Authority  
From: Jean Derenzy, DDA CEO  
For Meeting Date: October 19, 2018  
Re: Amendment to Lot S Lease

The Land Owner of 305 Pine Street has asked for an amendment to the Lease for parking on property. The only amendment being requested is the attachment which identifies the area the DDA Parking Services division is leasing for parking.

The fourth amendment to the parking area lease with Attachment A being the map of the area leased. The difference is the cut out on the corner of Pine and Front that cars cannot park on and the upkeep would then transfer to the property owner.

Further the west property line with the tree canopy over hang the private property owner will now be responsible for cutting back the trees to allow for parking cars on the western half of the paved area.

The lease payment remains the same, even though the property maintenance which is outside of the leased area, will be transferred to the property owner.

**RECOMMENDATION:** Approval of Fourth Amendment to Parking Area Lease for property located at 305 Pine Street subject to approval from DDA Attorney.

CITY OF TRAVERSE CITY

PARKING SERVICES

FOURTH AMENDMENT TO PARKING AREA LEASE

The Parking Area Lease entered into on the 4<sup>th</sup> day of November, 2008 ("Lease") between PINE STREET DEVELOPMENT ONE, LLC, a Michigan limited liability company, of 810 Cottageview Drive, Suite 103, Traverse City, MI 49684 ("Owner") and the City of Traverse City, a Michigan municipal corporation, of 400 Boardman Avenue, Traverse City, MI 49684 ("City") is hereby amended as follows:

1. Paragraph 1) shall be amended as follows:

Premises and Term. Owner leases to City and City hires from Owner, on the terms and subject to the conditions herein contained, the real estate (Premises) described as follows:

TCPS Parking Lot "S."

The portion of Parcel Number 28-51-794-001-00-Part (common address of 305 W. Front Street, Traverse City) that is paved. All unpaved portions of this parcel are not subject to the terms and conditions of Lease.

The Premises as shown on Attachment A, attached hereto and incorporated here by reference.

on a month-to-month term

- 1A. Attachment A— Attachment A on next page.
2. Maintenance of property outside of the leased area will be the responsibility of the land owner. Specifically tree trimming on the western property line will be completed to not impact parking of cars on said western paved area of the property.

All other terms and conditions of Lease shall remain unchanged.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Lease as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

OWNER:

DOWNTOWN DEVELOPMENT AUTHORITY

\_\_\_\_\_  
Pine Street One LLC  
By: Erik Falconer

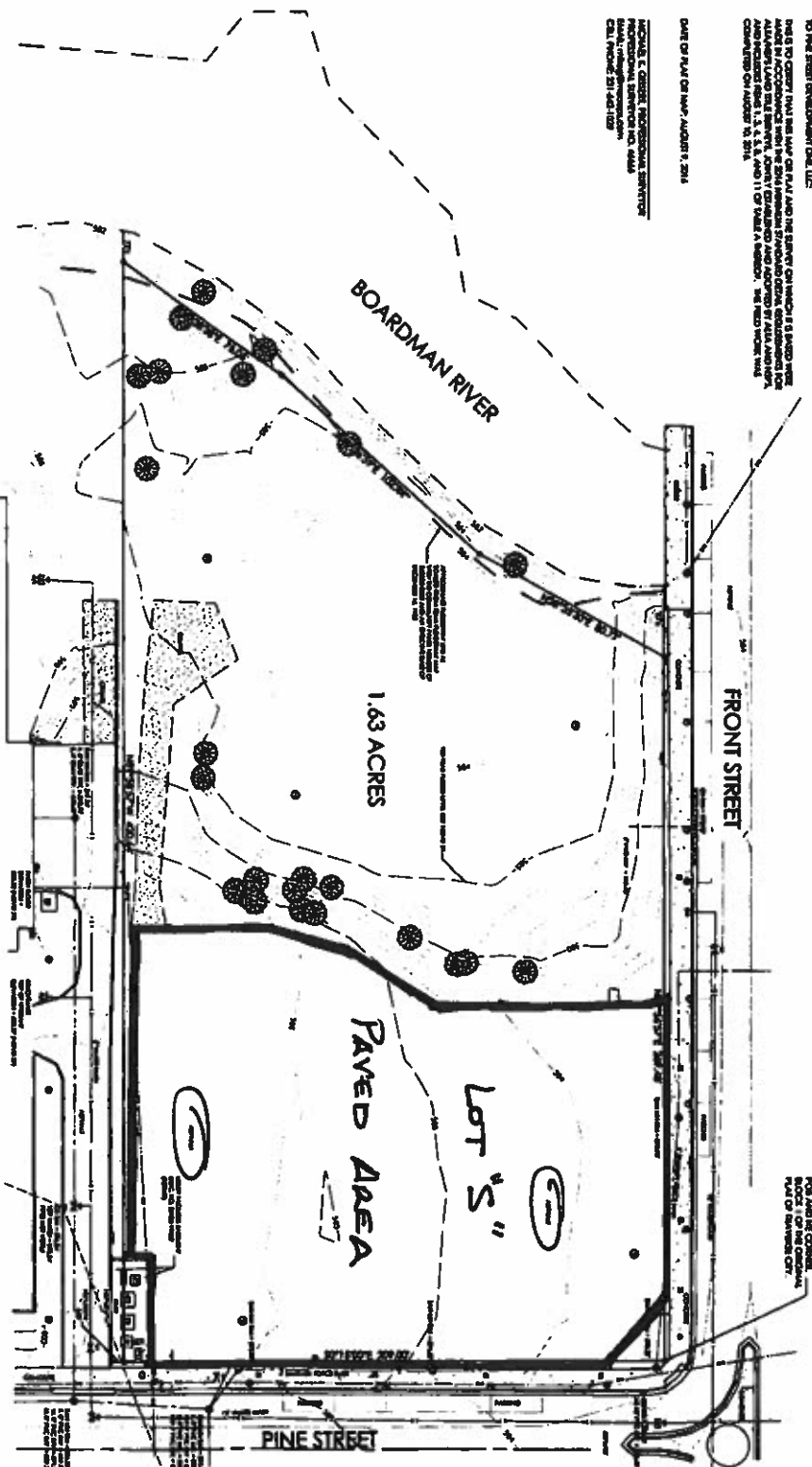
\_\_\_\_\_  
Leah Bagdon-McCallum, Chair

# ATTACHMENT A

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. WE MAKE NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR RELIABILITY OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION IS PROVIDED FOR YOUR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE.

DATE OF PLAN: MAY 14, 2014

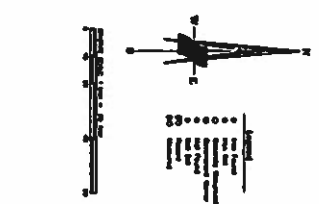
MANUEL C. GONZALEZ, PROFESSIONAL SURVEYOR  
 STATE LICENSE NO. 10000  
 2000 WEST WASHINGTON AVENUE, SUITE 100  
 TRAVERSE CITY, MICHIGAN 49781-1000  
 TEL: 616-933-1122



DISCONTINUED AS SHOWN BY COMMISSIONER FOR THE RECORDS REGISTRATION DEPARTMENT, TRAVERSE CITY, MICHIGAN, ON MAY 14, 2014. THE DISCONTINUED AS SHOWN BY COMMISSIONER FOR THE RECORDS REGISTRATION DEPARTMENT, TRAVERSE CITY, MICHIGAN, ON MAY 14, 2014. THE DISCONTINUED AS SHOWN BY COMMISSIONER FOR THE RECORDS REGISTRATION DEPARTMENT, TRAVERSE CITY, MICHIGAN, ON MAY 14, 2014.

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<b>ALTA / NSPS Land Title Survey</b> Part of Block 1 of the Original Plat of Traverse City Traverse City, Grand Traverse County, Michigan	PD No. 4815 800 Congress Dr., Ste. 200 Traverse City, MI 49781 Tel: 616-933-1122 Fax: 616-933-1123 www.mansfield.com info@mansfield.com
	<b>Mansfield</b> Land Use Consultants Planners - Civil Engineers - Surveyors



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jean@downtowntc.com  
231-922-2050

## Memorandum

---

To: Downtown Development Authority  
From: Jean Derenzy, DDA CEO  
For Meeting Date: October 19, 2018  
Re: Acceptance of Coastal Zone Management Grant Agreement

Attached is the Grant Agreement between the Michigan Department of Natural Resources and the DDA for the water trail project. The total grant award was what we applied for being \$10,000. Grant was applied for in April for the water trail implementation components. The award of the grant was just announced; however, the timing of release was a bit late, therefore the work will start a bit later than originally designed, however I do believe we can make this work within the timeline identified ending in June 2019.

As the budget identified, the DDA will contribute \$4,000 in in-kind contribution and a \$6,000 match to meet the requirements. The dollar match is contained and available within the TIF 97 account.

Agreement has been reviewed by DDA Attorney, Lauren Tribble-Laucht, with no changes required.

**RECOMMENDATION:** Approval of Michigan Coastal Zone Management Grant Agreement between Michigan Department of Natural Resources and the DDA. Further, authorization to have Jean Derenzy, CEO, execute agreement on behalf of the DDA.



**MICHIGAN COASTAL ZONE MANAGEMENT GRANT AGREEMENT  
BETWEEN THE  
MICHIGAN DEPARTMENT OF NATURAL RESOURCES  
AND THE TRAVERSE CITY DOWNTOWN DEVELOPMENT AUTHORITY**

This Grant Agreement ("Agreement") is made between the Michigan Department of Natural Resources, (DNR), Office of the Great Lakes ("State"), and the Traverse City Downtown Development Authority ("Grantee").

The purpose of this Agreement is to provide funding in exchange for work to be performed for the project named below. The State is authorized to provide grant assistance pursuant to the Coastal Zone Management Act of 1972, as amended, P.L. 109-58 (16 U.S.C. 1451-1465 "Federal Act"). Legislative appropriation of funds for grant assistance is set forth in Public Act number **268 of 2016**. This Agreement is subject to the terms and conditions specified herein.

Project Name: Boardman River Water Trail Signage and Interpretive Development Project #: 17-WT-003  
 Amount of grant: \$10,000 % of grant state \$0 / % of grant federal 100  
 Amount of match: \$10,000 = 50% PROJECT TOTAL: \$20,000 (grant plus match)  
 Start Date: October 1, 2018 End Date: June 30, 2019

**GRANTEE CONTACT:**

Jean Derenzy, CEO  
 Name/Title  
Traverse City Downtown Development Authority  
 Organization  
303 East State Street, Suite C, PO Box 42  
 Address  
Traverse City, Michigan 49685  
 Address  
231-922-2050  
 Telephone number  
CV0026820  
 Vendor ID Address ID  
jean@downtowntc.com  
 E-mail address  
38-2289035  
 Federal ID number  
963579938  
 Grantee DUNS number

**STATE'S CONTACT:**

Weston Hillier, Public Access Coordinator  
 Name/Title  
DNR, Office of the Great Lakes  
 Division/Bureau/Office  
525 West Allegan, P.O. Box 30028  
 Address  
Lansing, Michigan 48909-7528  
 Address  
517-284-5038  
 Telephone number  
517-335-4053  
 Telephone number  
 Fax number  
hillierw@mi.gov  
 E-mail address

The individuals signing below certify by their signatures that they are authorized to sign this Agreement on behalf of their agencies and that the parties will fulfill the terms of this Agreement, including any attached appendices, as set forth herein.

**FOR THE GRANTEE:**

\_\_\_\_\_  
 Signature  
Jean Derenzy, CEO  
Traverse City Downtown Development Authority  
 Name/Title

\_\_\_\_\_  
 Date

**FOR THE STATE:**

\_\_\_\_\_  
 Signature  
Jon W. Allan, Director, Office of the Great Lakes  
 Name/Title

\_\_\_\_\_  
 Date

## **I. PROJECT SCOPE**

This Agreement and its appendices constitute the entire Agreement between the State and the Grantee and may be modified only by written agreement between the State and the Grantee.

(A) The scope of this project is limited to the activities specified in Appendix A and such activities as are authorized by the State under this Agreement. Any change in project scope requires prior written approval in accordance with Section III, Changes, in this Agreement.

(B) By acceptance of this Agreement, the Grantee commits to complete the project identified in Appendix A within the time period allowed for in this Agreement and in accordance with the terms and conditions of this Agreement.

## **II. AGREEMENT PERIOD**

Upon signature by the State, the Agreement shall be effective from the Start Date until the End Date on page 1. The State shall have no responsibility to provide funding to the Grantee for project work performed except between the Start Date and the End Date specified on page 1. Expenditures made by the Grantee prior to the Start Date or after the End Date of this Agreement are not eligible for payment under this Agreement.

## **III. CHANGES**

Any changes to this Agreement other than budget line item revisions less than 10 percent of the budget line item shall be requested by the Grantee or the State in writing and implemented only upon approval in writing by the State. The State reserves the right to deny requests for changes to the Agreement or to the appendices. No changes can be implemented without approval by the State.

## **IV. GRANTEE DELIVERABLES AND REPORTING REQUIREMENTS**

The Grantee shall submit deliverables and follow reporting requirements specified in Appendix A of this Agreement.

(A) The Grantee must complete and submit quarterly financial and progress reports according to a form and format prescribed by the State and must include supporting documentation of eligible project expenses. These reports shall be due according to the following:

<b>Reporting Period</b>	<b>Due Date</b>
October 1 – December 31, 2018	January 31, 2019
January 1 – March 31, 2019	April 30, 2019
April 1 – June 30, 2019	July 31, 2019

The forms provided by the State, and also available on website at [www.michigan.gov/coastalmanagement](http://www.michigan.gov/coastalmanagement), shall be submitted to the State's contact at the address on page 1. The financial report shall specify total expenditures for the quarterly period and the cumulative totals to date. All required supporting documentation (invoices, proof of payment, etc.) for grant and match expenses incurred must be included with the reports.

(B) The Grantee shall provide a final project report in a format prescribed by the State.



(C) The Grantee must provide two copies of all products and deliverables in accordance with Appendix A.

(D) All products shall acknowledge that the project was supported in whole or in part by the Coastal Zone Management Program, OGL, DNR, per the guidelines provided by the program.

#### **V. GRANTEE RESPONSIBILITIES**

(A) The Grantee agrees to abide by all applicable local, state, and federal laws, rules, ordinances, and regulations in the performance of this grant.

(B) All local, state, and federal permits, if required, are the responsibility of the Grantee. Award of this grant is not a guarantee of permit approval by the State.

(C) The Grantee shall be solely responsible to pay all applicable taxes and fees, if any, that arise from the Grantee's receipt or execution of this grant.

(D) The Grantee is responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services submitted to the State under this Agreement. The Grantee shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in drawings, designs, specifications, reports, or other services.

(E) The State's approval of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve the Grantee of responsibility for the technical adequacy of the work. The State's review, approval, acceptance, or payment for any of the services shall not be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

(F) The Grantee acknowledges that it is a crime to knowingly and willingly file false information with the State for the purpose of obtaining this Agreement or any payment under the Agreement, and that any such filing may subject the Grantee, its agents, and/or employees to criminal and civil prosecution and/or termination of the grant.

#### **VI. USE OF MATERIAL**

Unless otherwise specified in this Agreement, the Grantee may release information or material developed under this Agreement, provided it is acknowledged that the State funded all or a portion of its development.

The State, and federal awarding agency, if applicable, retains a royalty-free, nonexclusive and irrevocable right to reproduce, publish, and use in whole or in part, and authorize others to do so, any copyrightable material or research data submitted under this grant whether or not the material is copyrighted by the Grantee or another person. The Grantee will only submit materials that the State can use in accordance with this paragraph.

#### **VII. ASSIGNABILITY**

The Grantee shall not assign this Agreement or assign or delegate any of its duties or obligations under this Agreement to any other party without the prior written consent of the State. The State

does not assume responsibility regarding the contractual relationships between the Grantee and any subcontractor.

### **VIII. SUBCONTRACTS**

The State reserves the right to deny the use of any consultant, contractor, associate, or other personnel to perform any portion of the project. The Grantee is solely responsible for all contractual activities performed under this Agreement. Further, the State will consider the Grantee to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the anticipated Grant. All subcontractors used by the Grantee in performing the project shall be subject to the provisions of this Agreement and shall be qualified to perform the duties required.

### **IX. NON-DISCRIMINATION**

The Grantee shall comply with the Elliott Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 *et seq.*, and all other federal, state, and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The Grantee agrees to include in every subcontract entered into for the performance of this Agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of this Agreement.

### **X. UNFAIR LABOR PRACTICES**

The Grantee shall comply with the Employers Engaging in Unfair Labor Practices Act, 1980 PA 278, as amended, MCL 423.321 *et seq.*

### **XI. LIABILITY**

(A) The Grantee, not the State, is responsible for all liabilities as a result of claims, judgments, or costs arising out of activities to be carried out by the Grantee under this Agreement, if the liability is caused by the Grantee, or any employee or agent of the Grantee acting within the scope of their employment or agency.

(B) Nothing in this Agreement should be construed as a waiver of any governmental immunity by the Grantee, the State, its agencies, or their employees as provided by statute or court decisions.

### **XII. CONFLICT OF INTEREST**

No government employee, or member of the legislative, judicial, or executive branches, or member of the Grantee's Board of Directors, its employees, partner agencies, or their families shall benefit financially from any part of this Agreement.

### **XIII. ANTI-LOBBYING**

If all or a portion of this Agreement is funded with federal funds, then in accordance with OMB Circular A-21, A-87, or A-122, as appropriate, the Grantee shall comply with the Anti-Lobbying Act, which prohibits the use of all project funds regardless of source, to engage in lobbying the state or federal government or in litigation against the State. Further, the Grantee shall require that the language of this assurance be included in the award documents of all subawards at all tiers.

If all or a portion of this Agreement is funded with state funds, then the Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of lobbying as defined in the State of Michigan's lobbying statute, MCL 4.415(2). "Lobbying" means communicating directly with an official of the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action." The Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of litigation against the State. Further, the Grantee shall require that language of this assurance be included in the award documents of all subawards at all tiers.

### **XIV. DEBARMENT AND SUSPENSION**

By signing this Agreement, the Grantee certifies that it has checked the federal debarment/suspension list at [www.SAM.gov](http://www.SAM.gov) to verify that its agents, and its subcontractors:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or the state.
- (2) Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- (3) Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in subsection (2).
- (4) Have not within a three-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.
- (5) Will comply with all applicable requirements of all other state or federal laws, executive orders, regulations, and policies governing this program.

### **XV. AUDIT AND ACCESS TO RECORDS**

The State reserves the right to conduct a programmatic and financial audit of the project, and the State may withhold payment until the audit is satisfactorily completed. The Grantee will be required to maintain all pertinent records and evidence pertaining to this Agreement, including grant and any required matching funds, in accordance with generally accepted accounting principles and other procedures specified by the State. The State or any of its duly authorized

representatives must have access, upon reasonable notice, to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The Grantee will provide proper facilities for such access and inspection. All records must be maintained for a minimum of five years after the final payment has been issued to the Grantee by the State.

#### **XVI. INSURANCE**

(A) The Grantee must maintain insurance or self-insurance that will protect it from claims that may arise from the Grantee's actions under this Agreement.

(B) The Grantee must comply with applicable workers' compensation laws while engaging in activities authorized under this Agreement.

#### **XVII. OTHER SOURCES OF FUNDING**

The Grantee guarantees that any claims for reimbursement made to the State under this Agreement must not be financed by any source other than the State under the terms of this Agreement. If funding is received through any other source, the Grantee agrees to delete from Grantee's billings, or to immediately refund to the State, the total amount representing such duplication of funding.

#### **XVIII. COMPENSATION**

(A) A breakdown of costs allowed under this Agreement is identified in Appendix A. The State will pay the Grantee a total amount not to exceed the amount on page 1 of this Agreement, in accordance with Appendix A, and only for expenses incurred and paid. All other costs necessary to complete the project are the sole responsibility of the Grantee.

(B) Expenses incurred by the Grantee prior to the Start Date or after the End Date of this Agreement are not allowed under the Agreement.

(C) The State will approve payment requests after approval of reports and related documentation as required under this Agreement.

(D) The State reserves the right to request additional information necessary to substantiate payment requests.

(E) Payments under this Agreement may be processed by Electronic Funds Transfer (EFT). The Grantee may register to receive payments by EFT at the Contract & Payment Express Web Site (<http://www.cpexpress.state.mi.us>).

(F) An amount equal to 25 percent of the grant award will be withheld by the State until the project is completed in accordance with Section XIX, Closeout, and Appendix A.

(G) The Grantee is committed to the match percentage on page 1 of the Agreement, in accordance with Appendix A. The Grantee shall expend all local match committed to the project by the End Date on page 1 of the Agreement.

#### **XIX. CLOSEOUT**

(A) A determination of project completion, which may include a site inspection and an audit, shall

be made by the State after the Grantee has met any match obligations, satisfactorily completed the activities, and provided products and deliverables described in Appendix A.

(B) Upon issuance of final payment from the State, the Grantee releases the State of all claims against the State arising under this Agreement. Unless otherwise provided in this Agreement or by State law, final payment under this Agreement shall not constitute a waiver of the State's claims against the Grantee.

(C) The Grantee shall immediately refund to the State any payments in excess of the costs allowed by this Agreement.

## **XX. CANCELLATION**

This Agreement may be canceled by the State, upon 30 days written notice, due to Executive Order, budgetary reduction, other lack of funding, upon request by the Grantee, or upon mutual agreement by the State and Grantee. The State may honor requests for just and equitable compensation to the Grantee for all satisfactory and eligible work completed under this Agreement up until 30 days after written notice, upon which time all outstanding reports and documents are due to the State and the State will no longer be liable to pay the grantee for any further charges to the grant.

## **XXI. TERMINATION**

(A) This Agreement may be terminated by the State as follows.

(1) Upon 30 days written notice to the Grantee:

- a. If the Grantee fails to comply with the terms and conditions of the Agreement, or with the requirements of the authorizing legislation cited on page 1, or the rules promulgated thereunder, or other applicable law or rules.
- b. If the Grantee knowingly and willingly presents false information to the State for the purpose of obtaining this Agreement or any payment under this Agreement.
- c. If the State finds that the Grantee, or any of the Grantee's agents or representatives, offered or gave gratuities, favors, or gifts of monetary value to any official, employee, or agent of the State in an attempt to secure a subcontract or favorable treatment in awarding, amending, or making any determinations related to the performance of this Agreement.
- d. If the Grantee or any subcontractor, manufacturer, or supplier of the Grantee appears in the register of persons engaging in unfair labor practices that is compiled by the Michigan Department of Licensing and Regulatory Affairs or its successor.
- e. During the 30-day written notice period, the State shall withhold payment for any findings under subparagraphs a through d, above and the Grantee will immediately cease charging to the grant and stop earning match for the project (if applicable).

(2) Immediately and without further liability to the State if the Grantee, or any agent of the Grantee, or any agent of any subcontract is:

- a. Convicted of a criminal offense incident to the application for or performance of a State, public, or private contract or subcontract.
- b. Convicted of a criminal offense, including but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving

- stolen property, or attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees.
- c. Convicted under State or federal antitrust statutes.
  - d. Convicted of any other criminal offense that, in the sole discretion of the State, reflects on the Grantee's business integrity.
  - e. Added to the federal or state Suspension and Debarment list.

(B) If a grant is terminated, the State reserves the right to require the Grantee to repay all or a portion of funds received under this Agreement.

## **XXII. IRAN SANCTIONS ACT**

By signing this Agreement the Grantee is certifying that it is not an Iran linked business, and that its contractors are not Iran linked businesses, as defined in MCL 129.312.

## **XXIII. QUALITY ASSURANCE/QUALITY CONTROL**

A project-specific Quality Assurance Project Plan (QAPP) must be submitted to the State in accordance with guidance provided by the DNR project administrator. Monitoring conducted prior to final DNR approval of the QAPP will not be reimbursed.

## **XXIV. FEDERAL FUNDING REQUIREMENTS**

A maximum of 100 % of total disbursements is funded with Federal Funding. The Catalog of Federal Domestic Assistance (CFDA) title is Coastal Zone Management Administration Awards and the CFDA number is 11.419. The federal grant number is NA16NOS4190158, and this grant is funded with Federal funds from the National Oceanic and Atmospheric Administration, United States Department of Commerce. By accepting this contract, the grantee agrees to comply with all applicable Federal statutes and regulations in effect with respect to the period during which it receives grant funding. These regulations include, but are not limited to the following:

(A) Grantees expending \$750,000 or more in federal funds in their fiscal year shall have a single audit performed in compliance with 2 CFR 200.501(a) This audit must be performed and copies provided to the appropriate agencies within nine months from the end of the grantee's fiscal year. The Grantee must submit a copy of the Audit Report to the Michigan Department of Natural Resources, at the following address:

Michigan Department of Natural Resources  
Finance and Operations  
P.O. Box 30028  
Lansing, Michigan 48909

Or, the grantee may also submit the single audit report electronically to the Michigan Department of Treasury website ([http://www.michigan.gov/treasury/0,1607,7-121-1751\\_31038--\\_00.html](http://www.michigan.gov/treasury/0,1607,7-121-1751_31038--_00.html).)

It is the responsibility of the Grantee to report the expenditures related to this grant on the Grantee's annual Schedule of Expenditures of Federal Awards.

(B) The Grantee will comply with the Hatch Political Activity Act, as amended, 5 USC §§ 1501-1508, and the Intergovernmental Personnel Act of 1970 as amended by Title (6) of the Civil Service Reform Act, 42 USC § 4728, which states that employees working in programs financed with federal grants may not be a candidate for elective public office in a partisan election, use official authority or influence to affect the result of an election, or influence a state or local officer to provide financial support for a political purpose.

(C) Historic Preservation

Any project directed toward historic preservation will include timely consultation with the State Historic Preservation Office (SHPO), Department of History, Arts, and Libraries. Agreements will

not be awarded before adequate consultation with this agency. No construction or repair work will be performed prior to obtaining clearance from SHPO concerning possible effects to archeological or historic resources.

For projects not primarily aimed at historic preservation, federal and state agencies, principally the State Historic Preservation Officer, may make recommendations pursuant to federal and state requirements for minimizing possible adverse effects on historic and archaeological resources. In consultation with the Project Manager, the Grantee for such a project will consider such recommendations and will take steps to avoid or mitigate possible damage as appropriate and feasible.

(D) Availability to Users

Projects developed for public use with assistance from this Agreement shall be open to entry and use by all persons, regardless of race, color, religion, sex or national origin, who are otherwise eligible. Discrimination on the basis of residence, including preferential reservation or membership systems is prohibited, except to the extent that differences in admission or other fees may be maintained on the basis of residence where local contributions to the project make such differences reasonable.

(E) Obligation of Grant Funds

Grant funds may not, without advance written approval of the Project Manager, be obligated prior to the effective date or subsequent to the end date of this Agreement. Obligations outstanding as of the end date shall be liquidated within 45 days. Such obligations must be related to goods or services provided and utilized within the Agreement period, except that reasonable costs associated with the Agreement closeout, e.g., final reports, may be incurred within a short time after the end date.

(F) Bonds

Contractors/subcontractors performing construction work costing \$1000 (one thousand dollars) or more shall furnish, in acceptable form, surety bonds in the amount of 100 percent of their respective contract sums under this agreement. These bonds will be security for faithful performance of this contract or subcontracts there under, and for payment of all persons performing labor and furnishing material in connection with this contract or subcontract there under. The agency receiving a subgrant under this agreement will secure evidence (e.g., a letter of certification from a reputable bonding company) that its construction contractors/subcontractors have obtained such bonds which will remain in effect for the duration of the project or will otherwise arranged for an equally effective performance bond. The State will not pay any charge for such bonds additional to the face value of this contract/subgrant agreement.

**(G) Guarantee**

The public/nonprofit agency responsible for this project shall require each construction contractor/ subcontractor to furnish a written guarantee to remedy any defects due to faulty materials or workmanship which appear in the work within one year from the date of final acceptance by the public/nonpublic agency responsible. Construction contractors and subcontractors shall provide such guarantees.

**(H) Inspection**

Construction contractors and subcontractors shall at all times permit and facilitate inspection of the work by appropriate representatives of the public/nonprofit agency responsible for the project and the State. Agencies responsible for projects shall include this requirement in all construction contracts and subcontracts.

**(I) Operation and Maintenance**

The subgrantee assures that property developed with assistance from this agreement will be kept reasonably safe, clean and sanitary. Structures and improvements (trails, boardwalks, etc.) shall be kept in reasonable repair throughout their estimated lifetime.

**(J) Unemployment Claims**

The Grantee is liable for any valid unemployment compensation claims. No unemployment compensations claims will be paid from this Agreement. This provision does not prohibit standard allocations to unemployment compensation funds as part of the approved indirect cost/fringe benefit arrangements.

**(K) Flood Insurance Requirements**

Funds from this Agreement will not be used to assist the construction or acquisition in identified flood hazard areas for which the appropriate governmental unit has failed to comply with flood insurance purchase requirements under Sections 102(2) of the Flood Disaster Protection Act of 1973 (public Law 93-234), approved December 31, 1976.

**XXV. PROGRAM GENERAL PROVISIONS**

**(A) Grant Acknowledgement**

All project deliverables must acknowledge financial assistance of the Michigan Coastal Zone Management Program and the NOAA.

(1) This grant acknowledgement will include the OGL, DNR, and the NOAA logos to be provided by the State and the following (or other mutually agreed upon) language: "Financial assistance for this project was provided, in part, by the Michigan Coastal Zone Management Program, Office of the Great Lakes, Department of Natural Resources, under the National Coastal Zone Management Program, through a grant from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce."

(2) A view disclaimer is required for reports/videos in addition to the DNR and the NOAA logos and financial acknowledgment language listed in the above paragraph. The view disclaimer shall include the following language: "The statements, findings, conclusions, and recommendation in this (report/video) are those of the (Grantee) and do not necessarily reflect the views of the Department of Natural Resources and the National Oceanic and Atmospheric Administration."



(3) For press releases, newsletters, newspaper articles, graphic displays meant for public presentations and in other public forums, the DNR and the NOAA logos are not required; however, the funding source will be listed as the "Michigan Coastal Zone Management Program, Office of the Great Lakes, Department of Natural Resources and the National Oceanic and Atmospheric Administration."

(4) The cover of the title page of, or other prominent place within, all reports, studies, or other documents, published or distributed electronically or hard copy, and acknowledgement pages of websites/web pages, that are supported in whole or in part by this award or any subawards shall acknowledge the financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office for Coastal Management, National Oceanic and Atmospheric Administration.

#### (B) Extensions

In accordance with Section III - Changes, page 2 of this agreement, the Grantee shall submit to the State, for review and approval, written extension requests no less than 45 days prior to the end date of the Agreement. The Grantee shall provide justification for the extension and the requested new end date of the Agreement.

#### (C) Geospatial Data

All geospatial data collected and/or produced for the purposes of this grant and put into a GIS layer must be provided, along with associated metadata (requirements described below), to the Coastal Zone Management Program on a CD, DVD, or portable hard drive in ESRI's ArcGIS format (shapefile including appropriate projection file or geodatabase).

Grantee shall provide relevant information (e.g. expected dates of data collection, type of collection, flight lines, etc.) on the collection or production of geospatial data (e.g., information for GIS data layers, acquisition of topographic or bathymetric data or other remotely sensed data), to the State Contact as early as practicable and before data collection commences.

Grantee shall ensure the data and the planned acquisition activities are registered in Geospatial Platform (geodata.gov) and comply with OMB Circular A-16, Coordination of Geographic Information and Related Spatial Data Activities at:

[http://www.whitehouse.gov/omb/circulars/a016/a016\\_rev.html](http://www.whitehouse.gov/omb/circulars/a016/a016_rev.html). The grantee shall document all new geospatial data it collects or produces using the metadata standards developed by the Federal Geospatial Data Committee (FGDC), and make that standardized documentation electronically accessible to NOAA, if requested. Current FGDC standards can be found at: <http://www.fgdc.gov/metadata/csdgm/>. Metadata that conforms to the proposed North American Profile of the ISO (International Organization for Standardization) 19115, which may be adopted by the FGDC, is also acceptable. To the greatest extent practicable, the recipient shall also, prior to the conclusion of the award, make the data collected publicly accessible online, except where limited by law, regulation, policy, or security requirements.

In accordance with the NOAA Data Sharing Policy, the Grantee shall ensure the geospatial data and information collected and or created under this contract will be made visible, accessible and independently to users, free of charge or at minimal cost. Information shall be made available in a timely manner and typically no later than two years after the data or information is collected or created except when limited by law, regulation, policy, or by security requirements.

**(D) Prevent Spread of Invasive Species**

The Grantee shall ensure that any field work conducted for this project, including construction activities, survey(s), educational, training or volunteer programs/activities will be conducted in accordance with appropriate, federal, state, and local laws and will follow recognized best practices and take the necessary steps to minimize the risk of spreading terrestrial and aquatic invasive species and to minimize the impact to the human environment during this project. The Grantee's selection of project-appropriate measures is required to take into consideration the type of work being conducted and the specific site situation, including the changes in risk level according to season and weather.

**(E) Compensation**

Grant payments will be made quarterly on a costs-incurred only basis. Estimates of costs will not be accepted. The following is required when requesting a grant payment for incurred costs:

- A cover letter specifying the dollar amount
- Corresponding progress and financial reports for that quarter
- Copies of supporting documentation for grant and match expenses (invoices and receipts or other supporting documentation) for that quarter.

**(F) Final Quarter Report Requirements:**

Grantee shall submit to the State the Final Quarter Report no later than 30 days past the end date of the Contract.

The Final Quarter Report shall include:

- COVER letter from the Grantee requesting final payment, and specify the dollar amount.
- ONE copy of a detailed narrative that describes all project tasks performed, including any special considerations or problems encountered according to a form and format prescribed by the state.
- ONE progress report showing completion of all project tasks.
- ONE financial report showing all grant and match expenditures.
- ONE copy of invoices, receipts, or other documentation for grant and match expenditures incurred on the project.

All final products and deliverables shall be submitted to the state as hard copy and digitally on two CD/DVDs. E-mail submissions will not be accepted.

**APPENDIX A**

**SECTION I: PROJECT DESCRIPTION**

To support coastal tourism and regional trails, the Traverse City Downtown Development Authority will develop a comprehensive signage and interpretation plan for the Boardman River Water Trail. The signage and interpretation plan will address wayfinding and access site signage. Thematic, aesthetic, and dimensional templates for all signage content will be developed. Content will address public safety, local recreational routes, interpretive descriptions, and trail town connections. In addition, a plan for a portage around one of the primary obstacles on the water trail will be developed.

**SECTION II: PROJECT TASKS AND SCHEDULE**

Tasks	Oct-Dec 2018	Jan-Mar 2019	April-June 2019	Work Products / Performance Metrics
1) Request bids for contractual services for signage/interpretive and site portage plans. Select contractor.	X			Award letter; Contractor Qualification Form.
2) Develop a wayfinding and interpretive signage plan.	X	X		Final wayfinding and interpretive plan.
3) Develop a site plan for water trail portage.	X	X	X	Final portage site plan.
4) Submit quarterly progress and financial reports to State Contact no later than 30-days past end of each quarter date.	X	X	X	Quarterly reports and reimbursement requests.
5) Submit final project deliverables to State Contact no later than 30-days past the contract end date.			X	All work products listed above; Final Quarter Report with narrative.

Be advised that in the event that no activity occurs on the tasks of the project 90 days from the date of Grant Contract execution, the State may take Termination actions in accordance with Section XXI.

**SECTION III: PROJECT BUDGET**

See Attached Project Budget form.







**Downtown Development Authority**  
303 E. State Street  
Traverse City, MI 49684  
jean@downtowntc.com  
231-922-2050

## **Memorandum**

---

**To:** Downtown Development Authority  
**From:** Jean Derenzy, DDA CEO  
**For Meeting Date:** October 19, 2018  
**Re:** TIF Budgets

Attached are the TIF budgets identifying the capital improvement projects. There has been no change from September. However, I will add in \$6,000 for the Coastal Zone water trail into the budget for the November report.

City of Traverse City, Michigan  
Downtown Development Authority  
Tax Increment Financing 97 Fund  
Income Statement Projections

	FY 17/18 Projected	FY 18/19 Budget	Projected Costs	Difference in Budget	FY 19/20 Projection	FY 20/21 Projection	FY 21/22 Projection	FY 22/23 Projection	FY 23/24 Projection
<b>REVENUES</b>									
Property Taxes	\$ 1,985,166	\$ 2,194,975			\$ 2,214,142	\$ 2,141,594	\$ 2,160,047	\$ 2,178,550	\$ 2,197,104
New to Rolls									
Grants	-	-			-	-	-	-	1,000,000
Reimbursements	130,000	130,000			130,000	130,000	130,000	130,000	130,000
Interest Revenue	3,300	4,500			4,500	4,500	4,500	4,500	4,500
<b>TOTAL REVENUES</b>	<b>2,118,466</b>	<b>2,329,475</b>			<b>2,348,642</b>	<b>2,276,094</b>	<b>2,294,547</b>	<b>2,313,050</b>	<b>3,331,604</b>
<b>EXPENDITURES</b>									
Professional Services	380,000	469,750			487,467	430,891	516,050	589,444	541,372
Printing and Publishing/Other	-	1,000			200	200	200	200	200
<b>Contribution to District Construction Projects:</b>									
West Front Street Bridge Replacement	8,867	209,453	220,000	(10,547)	-	-	-	-	-
Garland Street Repair	27,020	27,020			-	-	-	-	-
West Front Reconstruction - Signals	-	49,895			-	-	-	-	-
South Cass Bridge Repair	-	44,275	66,000	(21,725)	-	-	-	-	-
Park Street Bridge Repair	-	148,500	150,000	(1,500)	-	-	-	-	-
Uptown Riverwalk from Union St Dam	35,650	454,350			-	-	-	-	-
Wellington Plaza Erosion	-	50,000			-	-	-	-	-
Farmers Market	-	-			600,000	-	-	-	-
Traffic Signal Arm Mast	-	-			140,000	-	-	-	-
East Front Reconstruction (Park to Grandview)	-	-			-	-	252,700	-	-
200 Block Alley Enhanced Improvements	-	-			-	-	817,000	-	-
South Union Street Bridge	-	-			-	-	63,000	-	-
North Cass Street Bridge	-	-			-	-	-	100,000	-
Lower Boardman River Access	-	-			-	-	-	700,000	-
Lot O Redevelopment	-	402,228			-	-	-	316,000	-
Grandview Pedestrian Crossing	-	-			-	-	-	500,000	-
Civic Square	-	-			-	-	-	-	1,000,000
Property Purchase - 215 Union	-	-	120,000	(120,000)	-	-	-	-	-
<b>Total Contribution to District Construction Projects</b>	<b>71,537</b>	<b>1,385,721</b>		<b>(153,772)</b>	<b>740,000</b>	<b>431,091</b>	<b>1,648,950</b>	<b>1,616,000</b>	<b>1,000,000</b>
Contribution to City - Debt service	799,000	829,400			859,500	893,600	931,500	973,200	953,400
<b>TOTAL EXPENDITURES</b>	<b>1,250,537</b>	<b>2,685,871</b>			<b>2,087,167</b>	<b>1,755,783</b>	<b>3,096,700</b>	<b>3,178,844</b>	<b>2,494,972</b>
<b>ADDED COSTS</b>		<b>153,772</b>							
<b>EXCESS OF REVENUES OVER/ (UNDER) EXPENDITURES</b>	<b>867,929</b>	<b>(510,167.54)</b>			<b>261,476</b>	<b>520,311</b>	<b>(802,154)</b>	<b>(865,794)</b>	<b>836,631</b>
<b>OTHER FINANCING SOURCES (USES)</b>									
Operating transfer/interfund loan	-	-			-	-	-	-	-
<b>NET CHANGE IN FUND BALANCE</b>	<b>867,929</b>	<b>(510,168)</b>			<b>261,476</b>	<b>520,311</b>	<b>(802,154)</b>	<b>(865,794)</b>	<b>836,631</b>
Beginning Fund Balance	317,651	1,185,580			675,412	936,888	1,457,199	655,046	(210,748)
<b>Ending Fund Balance</b>	<b>\$ 1,185,580</b>	<b>\$ 675,412</b>			<b>\$ 936,888</b>	<b>\$ 1,457,199</b>	<b>\$ 655,046</b>	<b>\$ (210,748)</b>	<b>\$ 625,883</b>

**City of Traverse City, Michigan  
Downtown Development Authority  
Tax Increment financings Old Town Fund  
Income Statement Projections**

	FY 17/18 Projected	FY 18/19 Budget	Project Costs	Difference in Budget
<b>REVENUES</b>				
Property Taxes	\$ 186,827	\$ 260,509		
Reimbursements	-	-		
Interest Revenue	-	-		
<b>TOTAL REVENUES</b>	<b>186,827</b>	<b>260,509</b>		
<b>EXPENDITURES</b>				
Professional Services	16,500	166,284		
Printing and Publishing/Other	-	-		
<b>Contribution to District Construction Projects:</b>				
Lake Avenue Streetscape	675	470,000	449,794	20,206
Eighth Street Bridge Repair	-	147,520	150,000	(2,480)
South Cass Bridge Repair	-	44,275	66,000	(21,725)
Eighth Street Lake Avenue to Woodmere	-	-		
Union Street Streetscape	-	-		
South Union Street Bridge	-	-		
Rivers Edge Riverwalk Decking	-	-		
<b>Total Contribution to District Construction Projects:</b>	<b>675</b>	<b>661,795</b>		<b>(3,999)</b>
<b>TOTAL EXPENDITURES</b>	<b>17,175</b>	<b>828,079</b>		
ADDED COSTS		3,999		
<b>EXCESS OF REVENUES OVER/ (UNDER) EXPENDITURES</b>	<b>169,652</b>	<b>(571,569.30)</b>		
<b>OTHER FINANCING SOURCES (USES)</b>				
Operating transfer/interfund loan	-	600,000		
<b>NET CHANGE IN FUND BALANCE</b>	<b>169,652</b>	<b>28,431</b>		
Beginning Fund Balance (Deficit)	1,000	170,652		
<b>Ending Fund Balance (Deficit)</b>	<b>\$ 170,652</b>	<b>\$ 199,083</b>		





Downtown Development Authority  
303 E. State Street  
Traverse City, MI 49684  
jean@downtowntc.com  
231-922-2050

## Memorandum

---

To: Downtown Development Authority  
From: Jean Derenzy, DDA CEO  
For Meeting Date: October 19, 2018  
Re: Project Updates

**8<sup>th</sup> Street:** I am working with a team to work on a health and wellness corridor for the 8<sup>th</sup> street DDA District expansion. Part of the team is the Community Foundation, specifically Jesse Wolff, to help formulate into public consumption what is a Health and Wellness Corridor and how to implement.

In the past I have stated that the Plan would come before you by the end of the year. However, I would like to take a bit more time to formulate more of what the Health and Wellness District is and bring in the partners to begin framing the communication plan.

Attached you will find the proposed schedule for the District expansion with many meetings and outreach occurring throughout the process. Also attached is a report prepared by Jesse Wolff on Health and Wellness District Models for your information.

**Uptown Riverwalk:** From our last September meeting, the Board authorized me to work on safety issues for the Riverwalk, specifically lighting components, not having the Riverwalk dead-end, and working with cleaning up and looking long-term at the bridge under-pass. I will be working with Traverse City Light and Power and City on the lighting plan and the City Housing Commission to determine if the boardwalk can continue up to their property to get people up to the sidewalk on Pine Street. Further updates will be provided when information is received.

**Shop Your Community Day:** In your packet is a flyer of Shop your community day on Saturday, November 10<sup>th</sup>.

**Light Parade and Santa Arrival:** Mark your calendar for Saturday, November 17<sup>th</sup> for the Light Parade and Santa's arrival.

# Schedule

## DDA Extention into Eighth Street Corridor

<u>Date</u>	<u>Event/Milestone</u>
October 9, 2018	North Boardman Lake District Association (NBLDA) meeting
Early November 2018	<ul style="list-style-type: none"><li>- review feedback from stakeholder meetings</li><li>- develop communication plan</li></ul>
Late November 2018	NBLDA Leadership/Grand Traverse Regional Foundation meeting <ul style="list-style-type: none"><li>- review and seek feedback on communication plan</li></ul>
Early January 2019	Finalize slide deck presentation/draft strategic plan
January 18, 2019	DDA Board Meeting <ul style="list-style-type: none"><li>- present Eighth Street proposal</li></ul>
January - February 2019	Neighborhood representative meetings
February 15, 2019	DDA Board Meeting <ul style="list-style-type: none"><li>- consider approving Eighth Street strategic plan</li></ul>
February 2019	Taxing Authorities meeting
March 2019	City Commission Study Session <ul style="list-style-type: none"><li>- present Eighth Street proposal</li></ul>
April 1, 2019	City Commission meeting <ul style="list-style-type: none"><li>- considers setting public hearing for expansion on May 6, 2019</li></ul>
May 6, 2019	City Commission meeting <ul style="list-style-type: none"><li>- public hearing</li><li>- consideration of approving ordinance expanding the DDA District</li></ul>

# Health and Wellness District Models

October 15, 2018

**Submitted to:**

Jean Derenzy  
CEO  
Downtown Development Authority

**Submitted by:**

Jesse Wolff  
Senior Advisor, Healthy Communities  
Grand Traverse Regional Community Foundation

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## EXECUTIVE SUMMARY

This report is meant to outline the various health and wellness district models that have been deployed in communities around the country. It includes surface best practices and strategies from the projects most aligned with creating a health and wellness (H&W) district integrated into the Envision 8<sup>3</sup> master plan. The creation of an officially designated H&W district is fairly unique. Nationally, models vary from health corridors along a specific route (i.e. 8<sup>th</sup> street) to driving health and SDOH equity in low income neighborhoods to large campus type districts with large hospitals and medical centers as the anchors. Capital stacks vary and are usually a combination from several sources. Some states use Health Enterprise Zones (varied approaches) to incentivize locating medical professionals, improved access to care and health services, affordable housing, and new jobs to disadvantaged neighborhoods

### The Envision 8 – Health and Wellness District

The development of the district will tie nicely to the community wide *healthy lifestyle public awareness campaign* to be launched in 2019. It will be a showcase wellness project as the Traverse area becomes a true Culture of Health. The district will be a vibrant, health-themed residential and commercial district approximately 8 minutes (1.5 miles) from Munson Health Systems and surrounding health services. District geography is typically 4-6 blocks and close to a major hospital. Designs create mixed income housing communities, health and medical services, thriving health oriented businesses, healthy lifestyle classes, access to healthy food, recreation and well-being focused common workplace sites (WELL building certification). The 8<sup>th</sup> street location will help families adjoining neighborhoods to get and stay healthy, including access to medical care, recreation, and preventative programs. It could be a major attractor of young, knowledge economy workforce driving rapid innovation in related areas like health technology.

Cross-sector partnerships will propel district success. Controlled and safe car traffic with public transportation connections to downtown and to Munson Health Systems. It is a non-smoking environment with walkability, bike-ability, and Boardman river access as the recreation centric features. Includes streetscapes with tree canopies, parks and green space. Other components might include: CSA's, community gardens and day care. A neighborhood association (North Boardman Lake District) that meets regularly to help shape the neighborhood to the benefit of all. Access to walk-in clinical (primary and behavioral) care, a wellness center, and a fitness center are important to at least partially deploy.

Unique district projects like the Commonplace Cooperative will create a showcase built environment with an embedded health and wellness culture and community. In addition, the potential termination point of the proposed Ann Arbor to TC rail line would be at the Depot Station in the Health District and would be a HUGE opportunity to leverage for the H&W District.

**A model most aligned to our 8<sup>th</sup> street corridor redevelopment is the “Vita” Health and Wellness District in Stamford, CT<sup>2</sup>. The BRANDING of Vita ([www.vitastamford.com](http://www.vitastamford.com)) is the most comprehensive and could serve as a good template for the 8<sup>th</sup> Street Corridor Redevelopment H&W district brand.**

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<sup>1</sup> See Appendix A: 8<sup>th</sup> Street Corridor Redevelopment

<sup>2</sup> See Vita Health District on P. 6

## High-level Health District Goals.

- (1) Civic connection and civic engagement
- (2) Improved population health and well-being outcomes
- (3) Environmental sustainability
- (4) Economic value / job creation

## Example H&W District Elements

- ✓ Economic Opportunity: New jobs. New businesses. A wellness hub. Health tech, B-Corps.
- ✓ Affordable Housing: Below market rate units are part of current planning.
- ✓ Well Built Enviro: A WELL / LEED certified built environment is essential.
- ✓ Social Cohesion: Commonplace, the Box, NBLD, open spaces, pop density, etc.
- ✓ Green Space: See master plan; concrete surfaces dominate.
- ✓ Environmental: Boardman River reclamation; storm water drainage.
- ✓ Recreation: Boardman Lake, Trail, TART, Boardman River Access, Bike rentals,
- ✓ Health Access: A few medical services; need fit/wellness center, health clinic, etc.
- ✓ Healthy Food: Oryana, nursery, farmer's market, F2T, CSA, community garden.
- ✓ Technology: Online tools for residents/workers to track healthy lifestyles.
- ✓ Governance: Health District collaborative, DDA,?

## Issue:

Not technically designated as a low-income neighborhood to deploy state or other tax incentives. However, the poverty rate (<=\$24,600 a year) ranges widely from approximately 8-18% along the 8<sup>th</sup> street corridor. The average national community poverty rate is 12.3% of population. Adults making less than \$30,000 a year rely heavily on the emergency room to attend to their health needs.

## Key Lessons from other projects.

*Neighborhood transformation:* (1) having long-standing relationships and positive reputations in the community is critical to any sustainable partnership, and (2) aligning visions and mapping out the mutual benefit at the outset of the partnership secures buy-in as well as dedicated stakeholders.

*Anchor institution involvement.* Having the financial and social capital of anchor institutions is fundamental to the development and evolution of Health & Wellness Districts. In addition to their own investments, anchor institutions convene a large set of actors who can apply for joint funding opportunities. Like other place-based initiatives, the district also shows the value of being a good neighbor to residents and local businesses by making local investments in one concentrated area.

*Strategic leadership.* A neighborhood-wide approach to health and wellness requires multiple systems of support. Leadership from the housing authority, hospital, city, nonprofits, and other community stakeholders is integral to gaining the buy-in and trust of residents. At the same time, these leaders' continual investment increases the visibility of complex issues such as the social determinants of health, especially for local policymakers.

### **Additional Partners to Consider.**

- ❑ *Grand Traverse Regional Land Conservancy* – Possibly fund acquisition of certain strategic properties near the Boardman river. GTRLC has a special relationship with the owners of property from 8<sup>th</sup> street to Oryana. Place conservation easements on those properties with reserved use rights appropriate to health district commitment to recreation and access to green space.
- ❑ *MSU College of Human Medicine and/or Extension* – Having a physical presence for some of the MSU personnel in Traverse City would be a real boon. Partnering with researchers, the primary care residency program, etc. could be very valuable to the H&W District.
- ❑ *Greater Flint Health Coalition* – A district to district learning community relationship with Flint's Health Coalition (managers of the Farmer's Market among other roles). Important for funders to see.

### **Funding Sources.**

The following are all sources of funding that have been used in various H&W District or Health Enterprise Zone projects. In addition, the creation of Health Enterprise Zones in Michigan via legislative action would be helpful. Sources: CDFI's, HUD, CDC, HRSA, LISC, Low-Income Housing Tax Credits (LIHTC), traditional mortgages, state grants, Federal grants (HOPE VI, Sustainable Communities Grant, Community Challenge Grant, etc.), local loans and city obligation grants, housing authority, private equity, grants and donations

### **Health District Measurable Results.**

Examples: Annual well-being score, reduced use of ED, greater access to nutritious food, increased access to behavioral health or integrated care, jobs created, new businesses created, dollars spent on retail, etc.

### **Example Resources to Deploy.**

- Perkins Will – Design firm with health district expertise. (Fitwel).
- Urban Land Institute – Healthy Communities
- Vita Health District – Vin Tufo at VTufo@CharterOakCommunities.org
- BUILD Health Challenge – Joint foundation health corridor effort. 37 sites.

## HEALTH AND WELLNESS DISTRICT EXAMPLES

### (1) Vita Health and Wellness District in Stamford, CT

*Tag Line: We grow health here!*

#### Project participant expertise.

Architecture and Urban Design  
Healthy Community + Economic Development  
Economic Impact  
Landscape Architecture  
Best Practices  
Community Outreach + Content

#### Project Summary.

Each aspect of Vita addresses the social determinants of health, including healthy housing, economic stability, education and attainment, public health and access to medical care, physical activity and improved social cohesion. The core of Vita includes hundreds of new mixed-income, townhouse-style communities (with more under construction). Vita's unique volunteer-powered urban farm (hosts numerous community-building programs such as nutrition education, cooking classes, food waste composting, and food security).

Residents of the Vita community are afforded access to non-emergent medical care with two federally qualified health centers (FQHCs) serving patients on Medicaid and Medicare along with the underinsured, and the Americares Free Clinic, which provides primary care for uninsured patients who do not qualify for any government funded programs. Stamford Hospital supports the entire Vita initiative by contributing to its operating budget and providing dedicated in-kind staff support.

#### Focus Areas.

- 1. HEALTH + WELLNESS IN THE COMMUNITY**  
Opportunities to enhance quality of life and well-being
- 2. HEALTHY EATING: URBAN AGRICULTURE + NUTRITION**  
Community engagement, opportunities for improved nutrition, and access to healthy food
- 3. ACTIVE LIVING: FITNESS + PHYSICAL ENVIRONMENT**  
Safe, healthy environment with access to recreation and exercise
- 4. PROMOTING GOOD JOBS AND LOCAL BUSINESSES**  
Showcase destination and developing jobs with a health and well-being focus
- 5. CLINICAL SERVICES + COMMUNITY CONNECTION**  
Integrated clinical care with access, communal space, and volunteer opportunities.



**Vita Brand.**



Health &  
Wellness District  
in Stamford, CT



**Governance.**

The Community Collaborative is a joint initiative of Charter Oak Communities (housing authority), Stamford Hospital and the City of Stamford. The Vita Health & Wellness District Collaborative is a network of affiliated, cross-sector agencies working to improve the health of the community.

**Measurable Results.**

Community level, reduced use of ED, greater access to food, increased exercise, safety

**Funding.**

Low-Income Housing Tax Credits, traditional mortgages, State grants, Federal grants (HOPE VI, Sustainable Communities Grant, Community Challenge Grant, etc.), Local loans and city obligation grants, housing authority, private equity, grants and donations

**Vita Health District Development Process.**

**VITA PROCESS**



## (2) Flint Health and Wellness District

The District is in a 4 block area in downtown. It is managed by the Greater Flint Health Coalition. Visit in process. Target – 10/22

### Elements.

- New medical school location for MSU (public health).
- Mott Foundation is a major funder for health and wellness efforts in Flint.
- Includes apartments with a portion of units offering affordable rent.
- Farmer's market, covered, spaces for 50 vendors, expecting hundreds of thousands of visitors annually, open year round, affordable healthy food. Marketplace will be open for community events and provide incubation support for start-up food related businesses.
- A \$2m Hurley Children's Center (culture of health) – pediatric residency at the center. 10,000 SF at the Market and located on the 2<sup>nd</sup> floor. Pediatricians write prescriptions for farmer's market!
- YMCA + Hurley Children's Center + Farmers Market = Wellness Hub in the Market. Staffed kiosk providing services like health screenings and flu shots.

### Financing.

\$14 million allocation from Dakotas America, Uptown Reinvestment Corp, and URC-FJ, LLC

### Leadership Support.

Ridgeway White, President Mott Foundation *"The Flint health and wellness district is laying the groundwork for a diverse economy that combines the "Med's, Ed's, and market to revitalize four city blocks. Anchored by MSU College of human medicine and the Flint famer's market, the project's end goal is to attract health and medical related business to the downtown area. "*

## (3) Philadelphia Digital Health Enterprise Zones

See separate write up.

## (4) Tampa Bay WELL District

The philosophy of WELL and its application to the Tampa project is straightforward: Better air and water, greener construction, and more healthful options for food and fitness—presented in the framework of a connected community—intend to help improve the physical and emotional health of the people living there. Research shows that people who live in walkable, connected neighborhoods have lower rates of obesity, diabetes, high blood pressure, and heart disease. The city district of Tampa, Florida, will be the first urban district-wide application of the WELL Building Standard in the built environment, the world's first building standard focused exclusively on human health and wellness. This

The 40-acre development, due to break ground in Tampa's downtown waterfront area in 2018, will be a walkable, sustainable, healthy environment for residents, workers, and visitors. Developers have spent the last two year redesigning and rebuilding the street grid, instituting roadworks to create walkable and bikeable streets and sidewalks and landscaping waterfront paths along with nearly 13 acres of new parks.

#### **(4) Maryland Health Enterprise Zones (State Policy)**

Jointly administered by the Community Health Resources Commission (CHRC) and Maryland Department of Health and Mental Hygiene (DHMH), the HEZ Initiative is a four-year pilot program with a budget of \$4 million per year. The purposes of the HEZ Initiative are to:

- Reduce health disparities among racial and ethnic minority populations and among geographic areas;
- Improve health care access and health outcomes in underserved communities; and
- Reduce health care costs and hospital admissions and re-admissions.

To receive designation as an HEZ, community coalitions identified contiguous geographic areas with measurable and documented economic disadvantage and poor health outcomes and proposed a creative plan for targeted investments in community health.

State created HEZ created to attract new practitioners to underserved areas. One tax credit is the personal income tax credit. 100% of state income tax = mental health, substance abuse, dental for Medicaid and uninsured. \$10,000 hiring tax credit for each qualified employee hired. HCP = primary, behavioral health, dental, or community health worker. Provides direct service to the practitioner AND expands access to services in the HEZ. Also uses a HCP Loan Assistance Repayment Program as incentive to participate in a HEZ.

#### **(5) Rhode Island Health Equity Zone (State Policy)**

Rhode Island's Health Equity Zone initiative is an innovative, place-based approach that brings communities together to build the infrastructure needed to achieve healthy, systemic changes at the local level. Health Equity Zones are geographic areas where existing opportunities emerge and investments are made to address differences in health outcomes. Through a collaborative, community-led process, each Health Equity Zone conducts a needs assessment and implements a data-driven plan of action to address the unique social, economic, and environmental factors that are preventing people from being as healthy as possible.

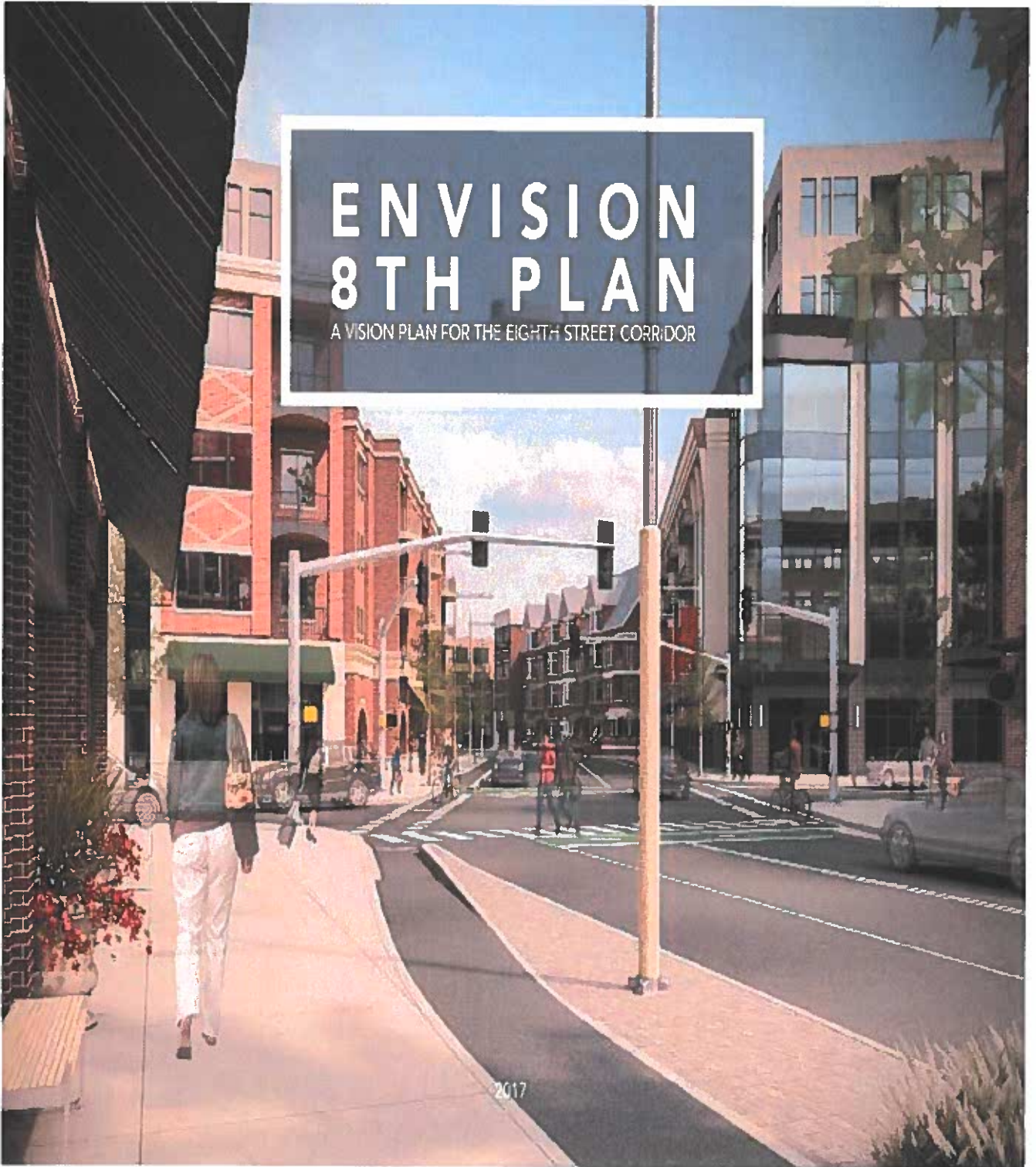
Traditionally, public health departments have provided communities with separate sources of funding to implement specific programs or address specific health concerns, such as diabetes or cancer. Rhode Island's Health Equity Zone initiative braids together funds from several sources, so that communities can work together to achieve shared goals for sustained community health and economic well-being.

Rhode Island is the first in the nation to adopt this innovative funding approach at the statewide level, which could serve as a national model for transforming public health by scaling up from the community level. There are currently 11 HEZ's in Rhode Island.



## APPENDIX A

### ENVISION 8 NARRATIVE



**2017 –**

A proposed new \$10 million development could bring 60,000 square feet of retail, office and residential space, three new public kayak launches and a second Higher Grounds café location to Eighth Street in Traverse City.

Developer Joe Sarafa will present a brownfield application for the project to the Grand Traverse County Brownfield Redevelopment Authority (BRA). Sarafa has a purchase agreement on 400, 408, 414 and 416 East Eighth Street – currently home to a commercial office building and adjacent parking lot – on the south side of the Eighth Street and Boardman Avenue intersection.



West side of 8<sup>th</sup> Street Corridor



East Side of 8<sup>th</sup> Street Corridor

The project plans call for a two-phase development.

Phase one includes construction of a 24,000 square-foot, three-story building in the vacant parking lot, featuring retail on the ground floor, commercial on the second floor, and residential on the third floor. A proposed lease agreement with HomeStretch would commit all 12 residential units to workforce housing. The building – serviced by 19 underground parking spaces – could be completed by mid-2018.

A second phase of development is proposed to break ground in 2020, with an estimated summer 2021 completion date. That project involves demolishing the existing office building and constructing a new 36,000 square-foot, three-story building in its place. As with phase one, the building would offer retail, commercial and residential space, with a total of 18 planned apartments to be rented “at market rate or less, with a focus on smaller affordable units.” The project would be serviced by 28 underground parking spaces.

Envision Eighth Street LLC also plans to build two “north-south pathways between Eighth Street and the Boardman River...to provide direct public access to the river,” as well as three public kayak/canoe launches on the property. The Watershed Center and SEEDS are listed as collaborative partners to “ensure that thoughtful, sustainable design solutions are included in the development,” including a low-impact storm water management system and energy-efficient building designs.

Higher Grounds Trading Company Director Chris Treter hopes to open a second café and relocate his roasting operations to the new development. "We're willing to be the anchor tenant for this vision," says Treter, who has an option to buy into the LLC. "We're excited about the opportunity, as long as the community and partners can come together to ensure it's a sustainable development for the future of Traverse City that cares for our workforce, the natural environment and the public stakeholders."

The development is contingent on a public-private partnership that includes a requested \$2.7 million in brownfield reimbursement, with eligible activities including lead and asbestos abatement, demolition, site preparation and infrastructure. Approximately \$705,000 of reimbursement would cover underground parking costs at the site.

Jean Derenzy says both state brownfield laws and local BRA rules were recently amended to include multi-level and underground parking as an eligible brownfield expense. The inclusion was made to reduce surface parking lots and maximize community tax base by ensuring properties are "developed to (their) highest and best use," according to Derenzy.

"In this project, providing underground parking provides 60 percent more future tax revenues," says Derenzy. "If surface parking was only available, the development space would be limited to approximately 30,000 square feet" – half of the project's proposed size.

Derenzy says BRA members must weigh the public benefits of a proposed project and its compatibility with the city's master plan against requested brownfield incentives. In a memo to the BRA board, Derenzy cited components of the project including "workforce housing, increased access and reduced storm water discharge to the Boardman River, and providing for Eighth Street improvements" in her recommendation of support for the application, saying the project meets the city's master, corridors and Eighth Street reconstruction plans.

"The proposed project is located at a strategic and highly visible intersection of this important corridor....that will provide the anchor for future Eighth Street development," Derenzy wrote. According to Derenzy, Sarafa has agreed to provide the city with an easement for the future extension of the Boardman River walk, as well as 600 square feet of easement along Eighth Street to accommodate the corridor's new streetscape design. Project plans also call for closing two of the property's three curb cuts, an identified priority along Eighth Street.

Captured taxes through the brownfield plan will also fund two public improvement projects, including \$600,000 for future river walk construction and a portion of Eighth Street's reconstruction costs. The exact figure for reconstruction costs "is still being worked on" by staff but will be included in the final brownfield plan, says Derenzy.

BRA members will consider approving Sarafa's application Wednesday – a conceptual first step that does not guarantee project approval or brownfield funding. The meeting allows for "comments and suggestions," says Derenzy, before developers return with an official brownfield plan detailing finalized financial figures for approval. That brownfield plan must go through the BRA, city and county commissions, and state in order for funding to be approved and the project to proceed.

#### **2017-**

Plans for what one developer hopes to be the foundation of a revitalized Eighth Street corridor are moving forward.

Traverse City commissioners unanimously approved a resolution Monday affirming the city's support for a brownfield plan for developer Joe Sarafa's mixed-use project.

Sarafa wants to build two, three-story buildings south of the Boardman Avenue and Eighth Street intersection. He's seeking \$4 million in reimbursement for the \$10 million project, including \$846,000 for underground parking for each building.

The city also would recoup more than \$5 million for public infrastructure costs, said Jean Derenzy, Grand Traverse County Brownfield Redevelopment Authority deputy director. Both the city and developer would be reimbursed over 30 years.

The building, with its retail, commercial and residential space, could be the "anchor store" for redevelopment along the Eighth Street corridor, Otwell Mawby Project Manager Mac McClelland said. "This sets the stage for Eighth Street development and, over time, will significantly increase tax values as well," he said.

Small business incubator Commonplace and local coffee roaster Higher Grounds are on board, and Revitalize LLC will help provide 12 below-market-rate housing units in the project's first phase.

The Commongrounds Cooperative. Showcase within the district. Access for locally sourced food, child and family care center, calm family friendly space. Evening parenting classes, networking and evening activities for kids. Community innovation hub with wo-working space. Create connection between uses on all floors. Rental units. Issue: 60 feet high except 45 feet within 100 feet. Change to 25 feet so it can all be 60. Co-op ownership structure unique. Rain gardens and retention ponds would be used to combat storm water runoff. The project would include a kayak and canoe launch, plus easements for a river-walk.

Revitalize LLC owner Bruce Johnston said apartments would rent for as low as \$750 per month for the first 10 years. He responded to a question from Gary Howe saying that 10-year period allows Sarafa to evaluate if charging less than market rate for rents is feasible.

Construction on the first phase is expected to start in spring 2018, and work on the second phase should start in early 2020, McClelland said.

Richard Lewis, a commissioner who also sits on the brownfield authority, said the city expects developers to meet the city's goals and objectives, including environmentally conscious buildings.

#### **June 2018 –**

Eighth Street corridor business owners want to be a part of something more than "the pothole capital of the world." They sought an expansion of the DDA district. Four people connected to businesses in the North Boardman Lake District spoke Friday morning at the Traverse City Downtown Development Authority's monthly meeting. The request directed to DDA Chief Executive Officer Jean Derenzy: Add Lake Street businesses like McGough's and Oryana Community Co-op, as well as those along Eighth Street to Barlow to the authority.

Oryana General Manager Steve Nance said the North Boardman Lake area is a "hidden jewel" and should be known for more than the physical condition of the streets. "Do something so we're not the pothole capital of the world," Nance said. Nance said expanding the district "makes the most sense" for the businesses, the city and the DDA. "It just makes sense to expand this and support Eighth Street, which has been kind of neglected," said Richard Kuschell, representing Riverine Condominiums. Janene Silverman of Raduno said infrastructure improvements and marketing expansion will lead to additional businesses.

The request from North Boardman Lake District does "not propose an expansion of the DDA TIF (Tax Increment Finance District) and would instead consider an addition of a millage to our district's property owners and other funding tool(s) to finance NBLD corridor improvements."

The DDA board of directors unanimously authorized Derenzy to investigate expanding the DDA's reach. Derenzy said she will do "due diligence" and identify the pros and cons — including funding — of the expansion.

"All options need to be identified and brought back," she said.

Board Secretary Steve Constantin said expansion of the DDA was something both former board member Charles Judson and former DDA executive director Bryan Crough long had envisioned.

— Announced that the DDA received more than \$92,000 of a requested \$100,000 grant from the United States Department of Agriculture for the 20Fathoms tech incubator.

Grand Traverse County Brownfield Authority members already approved the plan, and county commissioners still have to approve it, city Manager Marty Colburn said.

#### **August 2018 –**

An effort by Traverse City property owners along Eighth and Hall streets to relax development rules for their properties could instead spur more restrictive zoning changes – though owners may get at least one win when it comes to proposed building heights and parking.

A proposed four-story, mixed-use development at the corner of Eighth Street and Boardman Avenue called Commongrounds Cooperative is one of several project sites that have prompted city planning commissioners to review development rules for the city's D (development) districts. Those districts include the Ironworks/Midtown area (D-1) along Eight Street, Lake Avenue, and Cass Street, the "Depot" section of Eighth Street on the road's south side between Boardman Avenue and Railroad Avenue (D-2), and the so-called "Red Mill" area along Hall Street bordered by Front Street, Gillis Street, and Grandview Parkway (D-3).

On south Eighth Street, where Commonplace will be built, buildings can only be 45 feet tall unless they're at least 100 feet from the road. Further back, they can go up to 60-75 feet, depending on if 25 percent of the building contains residential units and a special land use permit is obtained (and in the case of buildings over 60 feet tall, city voter approval is given). Developers are hoping to reduce that road distance requirement, allowing them to build taller closer to Eighth Street – potentially within 15 feet of the road. For Commonplace, that would allow the entire development to be built to 60 feet, instead of just the back half of the building, boosting the number of residential units from 16 to 23-26, project documents show.

Planning commissioners have wrestled with that and other potential rule changes for the Eighth and Hall corridors since early summer. After building heights proved to be a contentious discussion point, the board temporarily set that issue aside and approved a package of other rule changes earlier this month. Those changes, which now head to the city commission for approval, affect driveways, parking, and front yard and water setbacks for the districts. Chief among the changes is banning any new driveways from being built on Eighth Street between Woodmere Avenue and Union Street – unless properties have no other access through alleys or side streets.

"Controlling and restricting driveways is a critical step in making the development districts pedestrian-friendly, and essential if [the Eighth Street concept with cycle tracks](#) can be implemented with safety in mind," City Planning Director Russ Soyring wrote in a memo to City Manager Marty Colburn this month. Soyring tells The Ticker eliminating multiple driveways along a busy road like Eighth Street will ensure "traffic will flow better with less conflict points" along the road.

Other changes headed for city commission approval include increasing front-yard setbacks from three feet to five feet – providing more space in front of buildings for things like wider public sidewalks, tree lawns, benches, bike racks, and drinking fountains – and requiring buildings to be 25 feet from the water. That requirement, which was supported by The Watershed Center Grand Traverse Bay, will particularly impact Commonplace, which is located directly next to the Boardman River and will lose some of its potential development space to the new setback requirement.

Soyring acknowledges that while planning staff and commissioners sought to balance "some wins and losses" for developers when it came to rule changes, the first package of amendments primarily restricts their rights, rather than expands them. There are a handful of benefits for property owners in the changes: A first-floor minimum height requirement was reduced from 15 feet to 14 feet to help reduce construction costs, while off-street parking requirements



were eliminated for properties within 500 feet of a transit center (the entire Red Mill district is located next to BATA's transit center).

But it was the ability to build taller closer to the road that primarily interested property owners when they first approached the city – and on that front, they may still emerge with a win. Planning commissioners agreed this week to schedule a public hearing for September 18 on changing the setback requirements for D districts, potentially allowing property owners to build up to 60-75 feet close to the road on Eighth Street. Those changes would also apply to the Red Mill district, though buildings could not be taller than 45 feet within 100 feet of Grandview Parkway – protecting views of the bay – and within 100 feet of Gillis Street, protecting the character of the surrounding residential neighborhood.

Some planning commissioners expressed concerns about changing the building height requirements and wanted to discuss fine-tuning the language – for instance, limiting the building height next to the road on Eighth Street to 60 feet, instead of the possible 75 – but agreed to a public hearing to get more input. Planning commissioner David Hassing said that generally speaking, changing the zoning rules for Eighth Street was “overdue” and called the proposed overhaul a “move in a positive direction.” Multiple property owners along the corridor agreed.

“Eighth Street has a wonderful opportunity to present a community purpose...something that serves the community and the residents in that area,” said Don Coe, a resident of Midtown. He continued that changing the zoning rules would allow property owners to add more mass to buildings in the corridor, increasing the number of mixed-use and residential units that can be built along Eighth Street.

“It has to be affordable,” Coe said. “Affordable can only be achieved in these kinds of districts if there’s mass. You can’t have affordable – either commercial or residential properties – unless there’s enough mass to pay for the high land costs in the downtown Traverse City.”

#### **August 2018 –**

Discussions about expanding the DDA’s boundaries to include the Eighth Street corridor are gaining traction with business owners along the street – momentum that could lead to an official proposal coming to DDA board members and city commissioners for approval this fall and Eighth Street becoming part of the DDA by the new year.

DDA CEO Jean Derenzy tells *The Ticker* conversations have shifted from expanding the DDA’s tax increment financing (TIF) 2 district to include Eighth Street to strictly expanding the physical boundaries of downtown. That means there would not be TIF capture on Eighth Street properties, though they would be subject to the 2 mills DDA tax that helps pay for the organization’s operations. That approach aligns with the wishes of the North Boardman Lake District (NBLD), a group of business owners, employees, and residents along Eighth Street and north Boardman Lake who petitioned the DDA to expand its boundaries.

“We do not propose an expansion of the DDA TIF district and would instead consider an addition of a millage to our district’s property owners and other funding tools to finance NBLD corridor improvements,” [the group wrote in its proposal earlier this year](#).

Expanding downtown’s boundaries would allow Eighth Street businesses to receive marketing and branding support from the DDA, become eligible for redevelopment liquor licenses and downtown-specific loans and grants, and be promoted as an official part of downtown on the DDA’s website and other communication outlets.

One branding approach being discussed with business owners is marketing Eighth Street/the NBLD as a health and wellness corridor; Derenzy points out the stretch is home to the Boardman Lake Trail, the TART Trail, Oryana Natural Foods Market, two bicycle shops, a new summer farmers market, and multiple new medical

services businesses including family practitioners, optometrists, and chiropractors. The planned reconstruction of Eighth Street is also intended to promote more walkability and bikability along the road.

"It always felt to me it could be a corridor where you could get your professional services and promote that health and wellness lifestyle: mind, body, and soul," Derenzy says.

In order to focus her planning efforts on a proposed West Front Street parking deck (see below), Derenzy will seek DDA board approval to hire a planning consultant in the coming weeks to help prepare a proposed plan for expanding downtown's boundaries. The official adoption of that plan will require a public hearing and approval from the DDA board and city commissioners, a process Derenzy says could take place by October. If the plan is approved, Eighth Street/NBLD could officially become part of downtown by the end of 2018.

### **Traverse City Form Based Code Project:**

Unlike conventional codes that utilize use as a framework, FBCs use the intended form and character of a place (or context) as the organizing principle of the code and regulate a series of important elements not just to create good individual buildings, but rather a high-quality urban place. The naming conventions in FBCs reflect the intended physical form and hierarchy of different places, so instead of a zone being labeled "single-family residential," it might be called "Neighborhood Edge," and instead of a zone being called "commercial" or "mixed use," it might be called "Main Street." The terms "neighborhood" and "main street" tie back to the intended physical form or place. Both of these Context Areas likely include a mix of uses and different building types that create vibrant walkable urbanism.

It is also important to note that while FBCs primarily regulate an intended physical form, they also regulate use secondarily. FBCs often allow a range of uses that are carefully chosen to maximize compatibility between use and the intended physical form. The use tables are simplified and categorized by use type, and clearly defined, to allow a greater degree of administrative decision-making related to particular uses.



Downtown Development Authority  
303 E. State Street  
Traverse City, MI 49684  
jean@downtowntc.com  
231-922-2050

## Memorandum

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To: Downtown Development Authority  
From: Harry Burkholder, DDA Board Member  
For Meeting Date: October 19, 2018  
Re: RFP and Value Statements – Lower Boardman River Leadership Team

The Lower Boardman River Leadership Team has met since August 14, 2018 with great public engagement, fantastic board interaction and steps taken to complete the Request for Qualifications (RFQ) to seek a consultant to complete, through public engagement guided by a project leadership team, use existing plans and strategies and new input to identify, plan and design a system of policies programs and projects to be implemented on the lower Boardman River.

Grant has been submitted to the Great Lakes Fishery Trust Grant which is anticipated to cover the cost of the work under this RFQ.

As part of the process for the Lower Boardman, the DDA is the authorizing Board to issue and receive proposals. In addition, it is important for the Board to be aware of the process the approve the steps taken. The attached RFQ meets what the DDA approved within the Unified Plan and I am recommending that the Board approve sending out the RFQ.

**RECOMMENDATION:** Authorization to send out the RFQ.

### Value Statements

The attached statements will change as the process moves forward, however it was important to identify the values of the Team and put into the RFQ. These statements will be shared with the City Commission, City Planning and City Parks for their input, comments, suggestions etc.

Currently, the Leadership Team is asking for the DDA's input into the value statements.

# **REQUEST FOR QUALIFICATIONS**

**Traverse City Downtown Development Association (TCDDA)**  
*In Partnership With*  
**Lower Boardman Project Leadership Team**

**TCDDA Strategic Plan Area of Focus: Boardman River**

October 2018

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## 1) The TCDDA Strategic Plan

Concurrent with the appointment of Ms. Jean Derenzy, Chief Executive Officer of the Traverse City Downtown Development Authority (TCDDA), the Board of Directors for the TCDDA developed a Strategic Plan for the period 2017 – 2020. That strategy recognizes that *“Traverse City’s downtown is unlike all others. It is at the center of the Great Lakes that hold 1/5<sup>th</sup> of the World’s fresh water.”*

The TCDDA’s Vision established by the Board also reflects the water dependency of the community:

*“Traverse City is America’s most inclusive, family friendly fresh water destination – featuring world class dining and shopping, a growing economy, entrepreneurial opportunity and all-season recreation.”*

The Strategy established that the Mission of the TCDDA is to:

*“Collaborate with all stakeholders to provide a world class downtown that is active, thriving and inclusive. Through investments in sound, sustainable infrastructure and civic amenities, the DDA corrects and prevents deterioration in the Downtown District to encourage historic preservation, to create and implement development plans and to promote economic growth.”*

The Strategic Plan established three areas of focus: (1) Real Estate Development; (2) Parking and Transportation; and (3) Business Recruitment and Retention.

## 2) Relevant TCDDA Strategic Goals

Under Real Estate Development, the Strategic Plan has a goal: *“to optimize economic sustainability and growth through the development of real estate in keeping with the needs, opportunities and character of downtown.”* In keeping with this goal an objective of the Strategic Plan calls for the TCDDA to:

*“Complete and begin implementation of a definitive plan involving protection and restoration of the River corridor and various forms of access and amenities for the lower Boardman River that complement the Union Street dam modifications and include but not be limited to:*

- ***Access for people of all ages, needs and abilities to use and enjoy the River; and***
- ***reduction/elimination of nonpoint sources of pollution within the downtown district and overall restoration and rehabilitation of the River, including review and development of appropriate policies, programs and projects.”***

This goal and objectives are the focus of this RFQ.

### 3) Plan Assumptions

There are several assumptions and values that should be reflected by and included in the Plan. The Plan should:

- Reflect the City's commitment to the River as a public resource and asset to be passed to residents and visitors in perpetuity.
- Contain public goals for the River and City, in keeping with the community's visions about what the River is and can become as a centerpiece for downtown identity and ethos.
- Use the natural and cultural values of the River as a guide for decisions about the commercial, economic or utilitarian values to be leveraged for the public good.
- Be explicit to the commitment to improve, restore and protect the health and integrity of the Riparian ecosystem of the lower River.
- Provide that the recommended initiatives contained in the Plan will account for the impact of those initiatives on residents, habitats and the ecological status of the River.
- Serve to foster and sustain partnerships with shared responsibilities among public and private stakeholders who share the value that the Boardman is a "common resource" that connects everyone.
- Identify/prioritize opportunities for multi-modal access to the River.
- Enhance ecological and aesthetic River conditions, take advantage of and integrate iconic structures and identify new sites and structures that serve as destination or centers of programming to attract year-round access.
- Integrate existing river walks and pathways with new connections between sites and destinations that link the River to the city in ways that are physical, visual, aesthetic and psychological.
- Be consistent with best riparian and aquatic science, best water and land management practices and must be harmonious with the River.
- Make nature-based stormwater best management practices (BMP's) a priority.
- Help ensure that new or rehabilitated developments along the River are compatible with the City's renewable energy goals.
- Establish that development sites, destinations and structures must protect the health, aesthetics, accessibility and health of the relationship between the river and residents/visitors.
- Manage invasive vegetation and protect and retain existing native vegetation and add native vegetation where possible.
- Prohibit further hardening of the shorelines that are inconsistent with the Plan.
- Ensure that the natural flow of the River is enhanced and not curtailed or impeded by any element of the Plan.

### 4) Working Vision Statements

Following are working vision statements that reflect the **ideal future state** of the River:

- a. The natural essence and environmental integrity of the Lower Boardman River is actively celebrated, recognized and respected.

- b. The Lower Boardman is an ecologically health, functional and naturalized River throughout its entire traverse through the City.
- c. The Lower Boardman continuously balances development along the River with environmental conservation and restoration efforts.
- d. The Lowe Boardman continuously balances sustainable paddling boating fishing and other recreational uses along the River with environmental conservation and restoration efforts.
- e. The public has interesting and accessible points to access and interact with the River.
- f. Downtown Traverse City embraces, connects with and has turned its face to the River and works to eliminate hard surface edges along the River corridor.
- g. The Lower Boardman actively connects and binds downtown Traverse City and its surrounding neighborhoods and districts.
- h. Development and conservation efforts along the Lower Boardman are driven and managed through citizen engagement and public, private and nonprofit partnerships.
- i. Traverse City actively celebrates the River.
- j. The Lower Boardman River and the way it is used, developed and protected will continue to evolve over time.
- k. The historic qualities, values and uses of the River are understood and the River returns to its original name.

#### **5) Project Phases**

In keeping with the goals of this strategy, this initiative consists of two phases.

**Phase 1:** Through public engagement guided by a project leadership team, use existing plans and strategies and new input to identify, plan and design a system of policies programs and projects to be implemented on the lower Boardman River to: 1) support the health, well-being and restoration of the River and River Corridor; 2) support universal access, including access to the River's robust fishery, to protect the river ecosystem and to recognize and acknowledge the diverse array of perspectives in how the river is valued; 3) develop policies, standards and programs to restore and provide for the long term improvement and vitality of the River corridor.

**Phase 2:** Using the results of Phase 1, develop the system of policies, programs and projects that are identified, planned and designed during Phase 1, involving River protection and rehabilitation and access for a variety of purposes with ongoing public engagement and participation.

Phase 1 is the focus of this RFQ.

#### **6) Recent Initiatives – Boardman River**

The Boardman River and its watershed have been the focus of restoration and planning initiatives for over a decade that have gained national and even international attention that should be consulted by respondents to this RFQ. They include:



- **Public Process – Fate of the Dams.** A public process to determine the fate of four aging dams on the River.
- **Dam Removal.** One of the largest dam removals of its kind in the nation to address safety threats and harness the full potential of the River within its carrying capacity.
- **Restoration/Reclaiming the River.** Restoration of the newly “reclaimed” river following dam removals and the elimination of aging, warm water ponds.
- **Tributary Restoration.** A major emphasis upon the restoration of Kids Creek, a critically important tributary to the Lower Boardman.
- **FishPass Project.** An innovative solution to the lower most barrier (dam) question related to fish species selection and bio-directional passage with strong ties to City Parks, this Plan and public use with a significant educational component.

#### 7) Specific Plan and Strategies – Development, Access and Protection of the River

There are eight plans in particular that should be reviewed by respondents and reflected in their responses to this RFQ. They include:

- 200 Block Alley Plan
- “Your Bay, Your Say”
- Boardman River Water Trail Development Plan (Adopted by City Commission, TCDDA, City Parks & Recreation Commission, City Planning and County Parks)
- University of Michigan Boardman River Plan (Adopted by the DDA and City Planning Commission)
- Boardman River Prosperity Plan (recently approved by MDEQ and submitted to USEPA for approval.
- FishPass Project. The development of a Fish Pass initiative led by the Great Lakes Fisheries Commission in partnership with others at Union Street Dam in Traverse City which will ultimately be used to manage and control access to the Upper Boardman by a variety of fish species. FishPass has completed approximately 65% of the design, incorporating public-desired infrastructure and movement of fish through and across the site.
- Grand Traverse Band of Ottawa and Chippewa Indians Natural Resource and Environment Department Strategic Plan – Draft 2014
- City of Traverse City Master Plan and Recreation Plan
- “How to Transform a Waterfront,” Project for Public Spaces

Links to all plans may be found at the TCDDA Web Site at [www.downtowntc.com](http://www.downtowntc.com).

## **8) Engagement**

Public engagement is imperative to this process. The TCDDA is accountable for the results of this project. This project will follow the "Traverse City Public Participation Strategy" that provides "policies, procedures and methods to apply across a wide range of City initiatives." Respondents to this RFQ should read this document that is available online at:

[http://www.traversecitymi.gov/downloads/traverse city strategy document final with new cover photo.pdf](http://www.traversecitymi.gov/downloads/traverse%20city%20strategy%20document%20final%20with%20new%20cover%20photo.pdf). To support engagement and public input, the TCDDA has formed a Project Team consisting of diverse interests that includes:

Harry Burkholder, Executive Director, Land Information Access Association and Board Member, TCDDDA  
Elise Crafts, Land Planning and Zoning Consultant and City Resident

Christine Crissman, Executive Director, Watershed Center Grand Traverse Bay

Jean Derenzy, CEO, TCDDA

Frank Dituri, Director of Public Works, City of Traverse City, Co-Chair, Boardman River Dams Implementation Team

Brett Fessell, River Restoration Ecologist, Grand Traverse Band of Ottawa & Chippewa Indians and Co-Chair, Boardman River Dams Implementation Team

Michele Howard, Commissioner, City of Traverse City

Jennifer Jay, Director of Communications and Engagement, Grand Traverse Regional Land Conservancy

Rick Korndorfer, City Resident

Deni Scrudato, City Resident, former City Commissioner

Mike Vickery, City Resident

Russ Soyring, City of Traverse City Planning Director

The Project Leadership Team:

- Establishes processes and participates in direct outreach to engage interests in the project.
- Recommends values for the project that are consistent with the long-term welfare of the river and the goal of the project.
- Will screen and interview RFQ respondents and recommended a lead consultant for the project.
- Provides and supports input and outreach throughout Phase 1, including the identification of policies, programs and projects and the plans and designs for the system of projects.

## **9) Submissions**

All submissions to this RFQ must be received at the TCDDA office on or before 5 p.m. on November 14 2018. The TCDDA office address is:

**Traverse City Downtown Development Authority  
303 E. State Street  
Traverse City, Michigan 49684**

Submissions must not exceed 20 pages in length (12pt font?), single sided, not including attachments which may be an additional 20 pages in length. Submissions must include four hard copies and one copy on disc. Submissions must include:

- Cover letter describing why the qualifications of the respondent make them the ideal candidate for the project.
- Contact information for the respondent and for individuals who would have key roles with the project.
- Website URL
- A review of the qualifications of the organization and key individuals to perform the project and attain the goals and objectives for Phase 1 of the project.
- Qualifications of the respondent and key individuals to work with project leadership teams and community stakeholders, including tribal governments and communities, general public and residents to engage them with projects and use their input to attain desired goals.
- Qualifications of the respondent to identify, plan and design policies programs and projects, including systems of access and river ecosystem projects using community engagement and best practices.
- Qualifications of the respondent to develop such a system of projects that are financially and practically feasible.
- Qualifications of the respondent regarding universal access strategies, concepts and designs for special populations.
- Examples of at least three projects that demonstrate the qualifications of the respondent to successfully carry out Phase 1 of this project.

Submissions are also to include a preliminary scope of work, schedule and budget for the project and specifically address the following elements:

- Methods, processes and strategies for community engagement and ongoing community education, learning and two-way communication.
- How the respondent will integrate, use and apply assumptions, visions, core values and principles for the project which have been defined by the Leadership Team and include outreach and partnership with relevant local, tribal, state, federal and international groups and organizations.
- Consideration of prior and existing policies, projects, plans and strategies in identifying recommendations for a system of policies, programs and projects.
- How additional plans and strategies may be developed and, specifically, how a system of interrelated projects will be identified, planned and designed for the lower Boardman River, including:

- River and River corridor protection and restoration which may include bioengineering to stabilize shorelines; restoration of stream habitat; building code or zoning changes; erosion control BMP's and others.
- universal access so that people of all ages, needs and abilities can enjoy and benefit from a full range of opportunities, including but not limited to family recreation; stewardship education; recreational fishing and others.
- Methods and means for obtaining input and recommendations on scenarios or options for the system of projects.
- The content of deliverables which, among other factors, are shall be presented in sufficient detail to enable implementation and development of funding requests through such programs as the Michigan Department of Natural Resources Trust Fund and others.

**It is important that submissions reflect a budget of approximately \$40,000 and the availability of project staff to assist with various elements of the project. That will be discussed in more detail with the selected consultant in developing a definitive scope of work and budget for the project.**

**10) Schedule**

The schedule for this RFQ is as follows:

<b>Milestone</b>	<b>Date</b>
RFQ Dissemination	October 19, 2018
Pre-Application Meeting/Teleconference	October 31, 2018 10 a.m., Government Center, 400 Boardman Avenue, Traverse City, MI 49684 OR CALL: 231-794-0089
Submissions Due	November 14, 2018 5 P.M.
Approximate Interview Dates	December 3-4, 2018
Approximate Consultant Selection Date	December 10, 2018
Development of Definitive Scope of Work and Budget	December 11-21, 2018

**NOTE: it is important for respondents to recognize that this is a RFQ and that, after a consultant is recommended by the Leadership Team and selected by the TCDDA Board, work with proceed to develop a definitive scope of work and budget for this project. If the parties cannot reach agreement on an acceptable scope of work and/or budget, it is possible that the Leadership Team and TCDDA**

**Board will select another respondent. Accordingly, we will not inform respondents of the results of this process until the definitive scope and budget are completed.**

### **11) Questions**

Questions about this RFQ may be directed to:

Tim Ervin

Ph: 231-794-0089

Email: [timervinassoc@gmail.com](mailto:timervinassoc@gmail.com)

### **12) Limitations**

Nothing in this RFQ shall convey any responsibilities, liabilities, costs or expenses to any party. The TCDDA is under no obligations to select a project consultant as a result of this project or process. This RFQ may be withdrawn or terminated by the TCDDA at any time for any reason without notice. The TCDDA is under no obligation to inform respondents of the status or disposition of their proposal until such time as the TCDDA is able to do so.

## **Lower Boardman River Draft Assumptions**

The following assumptions summarize the principle goals and expectations for the Lower Boardman River moving forward, and ultimately establish the future benchmark for the “successful development” of the river. These assumptions will continue to be discussed and refined by citizens, community stakeholders, public officials, and property owners throughout the comprehensive civic engagement and planning process.

1. The natural essence and environmental integrity of the Lower Boardman River is actively celebrated, recognized and respected.
2. The Lower Boardman River is an ecologically healthy and natural river throughout its entire traverse through the city.
3. The Lower Boardman River continuously balances development along the river with environmental conservation and restoration efforts,
4. The Lower Boardman River continuously balances sustainable paddling, boating, fishing and other recreational uses along the river with environmental conservation and restoration efforts.
5. The public has interesting and accessible points to access and interact with the river.
6. Downtown Traverse City embraces, connects with and has turned its face to the river and works to eliminate hard surfaces edges along the river corridor.
7. The Lower Boardman River actively connects and binds downtown Traverse City and its surrounding neighborhoods and districts.
8. Development and conservation efforts along the Lower Boardman River are driven and managed through citizen engagement and public, private and non-profit partnerships.
9. Traverse City actively celebrates the river.
10. The Lower Boardman River and the way it is used, developed and protected will continue to evolve over time.



## Memorandum

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To: Jean Derenzy  
From: Colleen Paveglio  
Re: Communication Update  
Date: October 15, 2018

### **Additional Communication Channels**

**Website:** DDA staff will be meeting with our web vendor this week to discuss the development of a DDA website. With nearly 1,000,000 page views on the downtown site, the DDA site will still live on [downtowntc.com](http://downtowntc.com). However, it is anticipated that it will have a separate url. Essentially a site within a site will be developed, but we will have the ability to have a direct path when needed. We will also be researching the same scenario with parking. With the abundance of public information that we want to convey for projects associated with the DDA as well as parking, we are working toward better messaging and easier navigation. Stay tuned!

**Facebook:** The Traverse City DDA Facebook page was launched in August. Incorporating social media into our communications is an important channel to connect with another audience. Please "like" the page and feel free to share any posts that you find will help the community be better versed on our endeavors. Together, we can help our local social network of friends become more engaged and up to date on the latest happenings on public projects and how to get involved.

### **8th Street**

The North Boardman Lake District hosted a membership meeting on October 6, 2018 to seek support for the association as well as answer questions regarding the DDA expansion. The group will continue to discuss with the neighbors the potential for expansion. I have included a rack card that we provided answering very basic questions on the expansion and how that may affect a property owner.

### **Lower Boardman River Leadership Team**

We continue to keep the stakeholders informed on the LBR meetings and the RFQ process. Each meeting has had attendance from the public and we are pleased that they continue to stay engaged in the process. We look forward to the RFQ being issued and the inclusion of a public engagement component.

### **Destination Downtown & Bayline Launch**

Nicole and I are working on the continuation of Destination Downtown and launching a full program on March 1, 2019. Ridership continues steady with approximately 1,000 rides since the launch on June 25, 2018. We issued just over 200 cards and 47 cards have been used since launch.





## PROPOSED DDA EXPANSION IN THE NORTH BOARDMAN LAKE DISTRICT

The North Boardman Lake District (NBLD) has approached the Traverse City Downtown Development Authority (DDA) to consider an expansion of the district.

### DDA ACT 197 of 1975

An Act to provide for the establishment of a downtown development authority;  
to prescribe its powers and duties;  
to correct and prevent deterioration in business districts;  
to encourage historic preservation;  
to authorize the acquisition and disposal of interests in real and personal property;  
to authorize the creation and implementation of development plans in the districts;  
to promote the economic growth of the districts;  
to create a board; to prescribe its powers and duties;  
to authorize the levy and collection of taxes;  
to authorize the issuance of bonds and other evidences of indebtedness;  
to authorize the use of tax increment financing;  
to reimburse downtown development authorities for certain losses of tax increment revenues;  
and to prescribe the powers and duties of certain state officials.

## WHAT DOES IT MEAN IF THE DDA EXPANDS? FREQUENTLY ASKED QUESTIONS

### WHAT IS THE DDA?

The Downtown Development Authority is a component unit of the City of Traverse City that oversees the management and planning for the downtown area, a defined district. The DDA Act of 1975, established by the State of Michigan, can be reviewed on the front of this card.

### HOW IS THE DDA FUNDED AND HOW WILL THAT AFFECT ME?

The operations for the DDA are funded through a 2 mill tax levy on parcels within the district.  
Should the DDA expand, the 2 mills would be applied to the property owners in the NBLD.

Currently, public improvements in the DDA District are funded through two TIF plans; Old Town TIF and TIF 97.  
Should the DDA expand, there are no plans to develop a new TIF. However, if the NBLD is included in the district other funding tools are available to support the strategic vision.

### DOES THE RECONSTRUCTION OF 8TH STREET DEPEND ON A DDA EXPANSION?

No, the City of Traverse City has committed to the 8th Street project and anticipates construction in 2019.

### HOW WILL A DDA EXPANSION BENEFIT THE DISTRICT?

Purposeful and strategic vision for the district by preparing a development plan and process for implementation

Promote economic growth and encourage private investment

Professional staff dedicated to organize and advocate for the district

### LEARN MORE?

Call Jean Derenzy, DDA CEO, at 231.922.2050  
or email [jean@downtowntc.com](mailto:jean@downtowntc.com)



## Memorandum

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To: Jean Derenzy, DDA CEO  
From: Nicole VanNess, Parking Administrator *NVN*  
Re: October 12, 2018  
Date: Parking Services Updates – October 2018

### ***Destination Downtown – Update***

Now that we are 3 months into the program, we have reviewed and revised the model that we use to determine regular ridership. This method required a change to how we receive reporting from BATA and provide more detail for riders and regular riders. Our regular ridership while down from the summer is remaining consistent as we head into the autumn.

### ***Lot P Construction – Update***

Elmer's began construction activities earlier this month, but we do not have a timeframe for the completion of the project. Elmer's crews are busy trying to complete multiple projects throughout the Traverse City area before mid-November. We understand this is a major delay and inconvenience for our parkers and will continue to push for an updated schedule.

### ***Garage Restoration – Update***

RAM is roughly 30% complete with the restoration activities. We have still have a couple major repairs that will cause a disruption in the flow of vehicles through the Hardy Garage that are scheduled to be completed later this month, and will try to communicate this information to our parkers.

### ***Reminders – Upcoming Dates***

All in-street bike racks and in-street pedestrian signs will be removed and stored no later than November 15<sup>th</sup>. The date fluctuation in the date will depend on weather.

Downtown Development Authority  
Traverse City Parking Services  
303 E State Street  
Traverse City MI, 49684  
(231) 922-0241  
nicole@downtowntc.com

# DOWNTOWN TRAVERSE CITY ASSOCIATION

## BOARD MEETING

THURSDAY, SEPTEMBER 13, 2018  
8:30AM • DOWNTOWN OFFICE

### MINUTES

1. Call to order (*Neidorfler*)
2. Approval of Minutes of the Board Meeting of August 9, 2018 (*Neidorfler*) *Minutes from the August 10, 2018 board meeting were approved as amended upon motion by McMillen and seconded by McGee. Motion carried unanimously.*
3. New Business
  - a. Arts Commission, Then & Now Proposal & Tour (*Elkins*)
    - i. *Motion to approve \$760 to the proposed cost estimate for the "Then & Now Project" with the caveat of having a DDA/DTCA representative as a non-voting stakeholder and seeking visible recognition on the sign for our organization. Motion by McGee. Seconded by Libman. Motion carried unanimously.*
4. Event Report (*Viox*)
  - a. Art Fairs Feedback
    - i. *Motion to approve the fee changes from the Old Town Arts & Crafts Fair and the National Cherry Festival Arts & Crafts Fair to \$100 and \$200, respectively. Motion by Gildersleeve. Seconded by Bazemore. Motion carried unanimously.*
  - b. Street Sale Feedback
  - c. FNL Feedback
  - d. Art Walk
    - i. Subcommittee created of Libman, McMillen, & Bazemore
      1. Recommendations to be brought to next meeting
  - e. Fall Sale/Happy Apple Days
  - f. Shop Your Community Day
  - g. Holidays (Small Business Saturday, Cocoa Crawl, Window Wonderland)
  - h. Light Parade & Santa's Arrival
5. Financial & Marketing Report (*Paveglio*)
  - a. Financial Reports
    - i. Add late fees for late payments

- b. Marketing
  - i. Social Media
    - 1. Website - can no longer do Instagram videos
  - ii. Newsletter Report
- 6. Committee Report (*Neidorfler*)
  - a. Review & Search Committee
    - i. 3% increase per year, new contract to be submitted by Jean after DDA approval
      - 1. This will make payment retroactive
- 7. President's Report (*Neidorfler*)
  - a. *Thank you all for signing up:*
    - i. **Sep 5** | Jake, Kim, John
    - ii. **Oct 3** | Dawn, Misha, Todd
    - iii. **Nov 7** | Jake, Kim, Susan
    - iv. **Dec 5** | Dawn, Misha, Liz
    - v. **Jan 2** | Todd, Liz, Jeff\*
    - vi. **Feb 6** | John, Susan, Misha
    - vii. **Mar 6** | John, Susan, Dawn
    - viii. **Apr 3** | Kim, Jeff\*, Todd
    - ix. **May 1** | Jake, Jeff\*, Liz
      - 1. \*tentative based on work schedule
- 8. DDA Report (*Paveglio*)
  - a. *Lake Avenue Reconstruction - to be completed by Nov. 15th*
  - b. *Parking Advisory Committee*
  - c. *Lower Boardman Leadership Team*
  - d. *Rotary Legacy Project - Civic Square*
  - e. *Expansion of the DDA District down Eighth Street*
- 9. Adjourn

# **FARMERS MARKET ADVISORY BOARD**

## **REGULAR MEETING MINUTES**

Monday, August 20, 2018, 9:00 am  
Committee Room, Second Floor  
Governmental Center, 400 Boardman Avenue, Traverse City  
[www.downtowntc.com](http://www.downtowntc.com)

1. Roll Call
  - a. Present: Lori Buchan, Sue Kurta, Linda Grigg, Jeff Joubran, Tim Werner, Meghan McDermott, Courtney Lorenz, Nic Welty (9:09am)
  - b. Absent: Gary Jonas, Chuck Korson, Tricia Phelps, Brenin Wertz-Roth, Nic Welty
  
2. Approval of Minutes
  - a. Motion to Approve: Jeff Joubran, McDermott seconded
  
3. Monthly Financials
  - a. No longer paying for Norte, Parking Services is parking for Norte
  - b. Windows were replaced at the birdhouse
  - c. Towing is up because they just started billing
  
4. Vendor Audits
  - a. Guest: Third Party Verifier, Kevin Query
  - b. Cherry Beach Orchards
    - i. Went well, a bit chaotic as wife had farming accident just as we arrived. Garden was verified
  - c. Redheads
  - d. Raduno
    - i. All good
  - e. Lakeview Hill
    - i. Excellent
  - f. Dover Farm & Craft (Ann Dover- Ann's Chutney)
    - i. Utilizes same garden as Ralph Schaub
    - ii. Question of whether her garden is able to produce the volume of produce she would need to produce jam and chutney
    - iii. Nick will call local vendors to verify Ann's purchases

- 
- iv. Nick will provide a clear list of next steps and farmers market rules to remind Ann, ask for list of vendors and receipts, and clarify that if these rules are not followed, she is risking ejection from market
    - g. Ralph Schaub
      - i. Zucchini and cucumbers at market but plants looked extremely wilted, were present at market 1.5 weeks following audit
      - ii. No cherries observed, minimal peaches
      - iii. Not Allowed: Beets, carrots, onions, pumpkins, scallions, swiss chard, apples, apricots, pears, plums
      - iv. Allowed: Cucumbers, rhubarb, raspberries, cherries, tomatoes, cherry tomatoes, zucchini
      - v. Will monitor volume as well as type of product (particularly concerned about tomatoes)
  - 5. Birdhouse Update
    - a. Birdhouse windows were replaced
  - 6. Banner Update
    - a. Working with TentCraft
  - 7. Brunch at Market Update
    - a. August- Glendale Ave
      - i. Not seeing as much volume at market as they would like
    - b. Wednesday markets
      - i. 4 new vendors have all dropped out in the past month due to low volume
      - ii. Evening markets on Eighth:
        - 1. Currently on week three of four, 15 vendors
        - 2. Most vendors have come close to meeting wednesday morning market sales in just three hours
        - 3. Nick proposes we bring some of these vendors to the November advisory board meeting
  - 8. Public Comment
    - a. Elizabeth- assistant market manager
      - i. Dogs at market has been an issue- can we get more "no dogs allowed" signs?
    - b. Could Norte or someone else provide vegetable pickup or wagons

## 9. Adjournment

- a. Motion: Lori Buchan Second: Courtney Lorenz

The Traverse City Downtown Development Authority does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The DDA Director 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 DDA office.



**DOWNTOWN DEVELOPMENT AUTHORITY  
LOWER BOARDMAN RIVER LEADERSHIP TEAM  
Wednesday, October 10, 2018, 5:30 p.m.  
400 Boardman Avenue, Lower Level Cafeteria  
Traverse City, MI 49684  
[www.downtowntc.com](http://www.downtowntc.com)**

Co-Chair Burkholder called the meeting to order at 3:30 p.m.

**Present:** Harry Burkholder, Elise Crafts, Christine Crissman, Jean Derenzy, Frank Dituri, Tim Ervin, Brett Fessell, Jennifer Jay, Rick Korndorfer, Christine Crissman, Deni Scudato, Russ Soyring

**Absent:** Jennifer Jay, Mike Vickery, Michele Howard

**DDA Staff:** Colleen Paveglio

1. Meeting Minutes: **The meeting minutes from September 26, 2018 were approved as presented upon motion by Korndorfer, seconded by Soyring. Motion carried unanimously.**

2. Requests for Qualifications

- a. Burkholder reviewed and members provided feedback
  - i. Discussion focused on projects, policy and programming
  - ii. Addition of sustainability
  - iii. Include Value Statements
  - iv. Include City Public Participation Plan link in reference to public engagement
  - v. Grammatical errors were reviewed
  - vi. Addition of manage invasive species
  - vii. Required reading additional: City Master Plan and How to Transform a Waterfront
- b. Timeline and Process
  - i. Pending approval by DDA Board of Directors, the RFQ will be issued on October 19, 2018 with a pre-qualification meeting on October 31, 2018 and due November 15, 2018.
  - ii. Ervin will provide a rating system to the Leadership Team for selection
- c. **Motion by Crissman, seconded by Scudato that the a Request for Qualifications is approved as amended. Motion carried unanimously**
  - i. Ervin to provide changes to be reviewed by Co-Chairs and DDA CEO

3. Review of Value Statements

- a. City Planning, DDA, City Commission, and Parks and Recreation
  - a. Dituri to present to Parks and Recreation
  - b. Burkholder to present to City Commission
- b. Leadership Team feedback

- i. Discussion on natural river, working vision statements, inclusion of a introductory paragraph regarding future vision
  - ii. Acknowledge the history and namesake of the river. Fessell to provide information to Ervin
4. Paddle Tour Schedule
  - a. Leadership Team to tour and provide a requirement of the consultant to offer a tour to the general public
    - i. Dituri to organize for the Leadership Team and focus on a Friday and send a doodle
5. Information/Learning Areas
  - a. Fish Pass Discussion: November 20, 12:30 - 2 pm
  - b. Universal Access Discussion/Speaker,
    - i. Partnering with the Conservancy
  - c. River restoration 101 and naturalization of rivers in other urban areas
    - i. Dituri and Fessell
    - ii. Ervin to discuss with Jay to participate with introductory to the river
  - d. Building community stewardship around water
    - i. Mary Whitmore
    - ii. Fessell to contact Dr. White, MSU, bring together communities around water
6. Public Comment
  - a. John Nelson, 4022 Incochee, suggested Karl Ganter, Circle of Blue, regarding stewardship around the issue of water
  - b. Sue Torgerson, 967 Lake Ridge Drive, had inquiries regarding the RFQ
7. Adjournment. The meeting officially adjourned at 4:45 p.m.

Respectfully submitted,

Colleen Paveglio

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# SHOP YOUR COMMUNITY DAY

NOVEMBER 10 • ALL DAY



## 40 LOCAL NON-PROFITS:

*AC PAW • Bay Area Recycling for Charities • Big Brothers Big Sisters of Northwestern Michigan • Boots For Kids  
Boy Scouts of Northern Michigan • BrickWays/Grand Traverse Community Living • Catholic Human Services- Foster Grandparent & Senior Companion Programs  
Cherryland Humane Society • Child and Family Services of Northwestern MI • The Children's House • City Opera House  
Disability Network Northern Michigan • The Father Fred Foundation • FLOW (For Love of Water) • FOR ANIMALS • Friends of Traverse Area District Library  
Grand Traverse Area Catholic Schools • The Great Lakes Children's Museum • Groundwork Center - Farm to School Program  
Habitat for Humanity-Grand Traverse Region • Inland Seas Education Association • Justice For Our Neighbors Michigan • Meals on Wheels of NMCAA  
Michael's Place • Munson Hospice • NAMI Grand Traverse (National Alliance on Mental Illness) • National Writers Series • Norte • Old Town Playhouse  
The Pathfinder School • PEACE Ranch • Planned Parenthood of Michigan • Pregnancy Care Center • Silver Muzzle Cottage Rescue & Hospice • TART Trails  
TCAPS' Students in Transition Empowerment Program • Traverse Bay Children's Advocacy Center  
Traverse Health Clinic • Traverse Symphony Orchestra • Up North Pride*

## OVER 60 LOCAL BUSINESSES:

*Acoustic Tap Room • American Spoon • amical\* • Backcountry North • Becky Thatcher Designs  
Bookie Joint • Brilliant Books • Cali's • Captain's Quarters • The Cheese Lady\* • Cherry Hill Boutique • Cherry Republic • Children's World  
Critters • Daisy Jane • Diversions • Eleven • Ella's • Espresso Bay • The Exchange • Flea • Fustini's • Glitz & Spurs • Golden Shoes  
Great Lakes Bath & Body, Inc • Green House Cafe • Green Island • Haystacks • Higher Art Gallery • James C. Smith Fine Jewelry • Kilwin's • Liana's  
Lularoe • Catherine Schripsema • Mama Lu's\* • Mary's Kitchen Port • McMillens Custom Framing • Metal Arts & Home Decor • MI Happy Place (Tee See Tee)  
Miners North Jewelers • Morsels Espresso • Edibles • My Secret Stash • Nifty Things! • Northern Lights Home Decor • On The Rocks • Peppercorn  
Pink Anchor • Plamondon Shoes • Red Ginger\* • Robert Frost • Roth Shirt Co • Sincerely Betty • Sorellina\* • Suga Suga • Suhmthing • Sunglass Shoppe  
Sweet Pea • Toy Harbor • Unparalleled Apparel • Votruba Leather Goods Co • What To Wear • Yen Yoga & Fitness*



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DOWNTOWN TRAVERSE CITY  
**LIGHT PARADE**  
SANTA'S ARRIVAL & TREE LIGHTING

**SATURDAY • NOVEMBER 17 • 5:30 TO 9 PM**

***SCHEDULE OF EVENTS***

*HOLIDAY MUSIC, CASS AND FRONT: 5:30 PM*

*TREE LIGHTING, CASS AND FRONT: 6 PM*

*LIGHT PARADE, FRONT STREET (FRANKLIN TO UNION): 7 PM*

*SANTA VISITS AT CHERRY REPUBLIC: POST PARADE*

**DOWNTOWNTC.COM**

