

1. Packet

Documents: [WM 2-17-16.PDF](#)

2. Resolution 16

Documents: [RESOLUTION KEJARAS BRIDGE - RES 16-16.PDF](#)

3. Handouts

Documents: [HANDOUTS FEBRUARY 17, 2016.PDF](#)

GRAND TRAVERSE COUNTY
WAYS & MEANS COMMITTEE

Wednesday, February 17, 2016 @ 6:00 p.m.
Commission Chambers, 2nd Floor, Governmental Center
400 Boardman, Traverse City, MI 49684

***Grand Traverse County provides mandated and necessary services
that ensure safety and add value to our community.***

General Meetings Policies:

- Please turn off all cell phones or switch them to silent mode,
- Any person may make a video, audio or other record of this meeting. Standing equipment, cords, or portable microphones must be located so as not to block audience view.

CALL TO ORDER – Motion to appoint Chair until Commissioner Johnson arrives to assume that duty.

1. OPENING CEREMONIES OR EXERCISES

2. ROLL CALL

3. APPROVAL OF MINUTES:

- a. January 20, 2016 (regular session) 3

4. FIRST PUBLIC COMMENT

Any person shall be permitted to address a meeting of the Board of Commissioners which is required to be open to the public under the provision of the Michigan Open Meetings Act. Public Comment shall be carried out in accordance with the following Board Rules and Procedures:

Any person wishing to address the Board shall state his or her name and address.

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions, if any. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, extend the amount of time any person is allowed to speak.

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. However, public comment will generally be received at any time during the meeting regarding a specific topic currently under discussion by the board. Members of the public wishing to comment should raise their hand or pass a note to the clerk in order to be recognized, and shall not address the board until called upon by the chairperson.

5. APPROVAL OF AGENDA

6. CONSENT CALENDAR:

The purpose of the Consent Calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the Consent Calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

If any item is not removed from the consent calendar, the action noted (receive & file or approval) is approved by a single Committee action adopting the consent calendar.

****All information identified on the Consent Calendar can be viewed in it's entirety @ www.grandtraverse.org.*

- a. Receive and File:
- b. Approval:
- 1) GTSO – Property Room Surplus..... 7
- c. Action on Consent Calendar

7. SPECIAL ORDERS OF BUSINESS:

A Public Hearing is scheduled for 7:30 p.m. regarding hearing regarding combining the offices of County Clerk and County Register of Deeds into one office of "Clerk Register" as allowed under Michigan Election Law, MCL 168.1, et seq.

Information regarding this proposed change is included in the packet 14

8. ITEMS REMOVED FROM CONSENT CALENDAR

9. DEPARTMENT ACTION ITEMS:

a. PLANNING & DEVELOPMENT:

- 1) RLF Subrecipient Agreement Extension **(IMMEDIATE APPROVAL)** 20
- 2) Regional Revolving Loan Fund Application –
Kejara's Bridge **(IMMEDIATE APPROVAL)** 22

b. FINANCE:

- 1) Budget Adjustments..... 24

10. UNFINISHED BUSINESS:

11. NEW BUSINESS:

- a. Resolution of Support to Stop the Transportation of Oil Under the Great Lakes (Maxbauer) ... 28

12. SECOND PUBLIC COMMENT (Refer to Rules under Public Comment above)

13. COMMISSIONER COMMITTEE REPORTS

14. NOTICES/ANNOUNCEMENTS

(This concludes the regular business of the evening. The Public Hearing was scheduled for 7:30 p.m. to allow sufficient time for Commissioner Johnson to return from his meeting this afternoon in Lansing. We will recess the meeting at this time and reconvene for the Public Hearing.)

15. CLOSED SESSION:

16. ADJOURNMENT

Please note: Although this Committee includes all members of the Grand Traverse County Board of Commissioners, unless approval is identified as immediately effective, recommendations are made for final action to be taken at the end of the month.

2016 Ways & Means Committee

Dan Lathrop, Chairman

Bob Johnson, Vice Chair

Carol Crawford

Alisa Kroupa

Ron Clous

Christine Maxbauer

Sonny Wheelock

If you need auxiliary aid assistance, contact 231-922-4760.

GRAND TRAVERSE COUNTY
WAYS AND MEANS COMMITTEE

January 20, 2016

Chairman Lathrop called the meeting to order at 6:00 p.m. at the Governmental Center.

OPENING CEREMONIES AND EXERCISES

The Pledge of Allegiance to the Flag of the United States of America was recited.

PRESENT: Bob Johnson, Carol Crawford, Ron Clous, Addison Wheelock, Jr., Alisa Kroupa, Christine Maxbauer, and Dan Lathrop

APPROVAL OF MINUTES

There being no corrections to the December 16, 2015 Ways and Means minutes, they were approved as presented.

PUBLIC COMMENT

Lori Wells, Senior Center Network Manager, encouraged senior citizens to make appointments to get help filing their income taxes and she also warned about the telephone scams directed at people stating they are the IRS.

APPROVAL OF AGENDA

There being no changes to the agenda, it was approved as presented.

CONSENT CALENDAR

- A. RECEIVE AND FILE
None
- B. APPROVAL
 - 1. Environmental Systems Research Institute (ESRI) GIS Software Maintenance/Support Renewal
 - 2. 2016 Hauler Licenses
 - 3. Confirmation of Appointments (Traverse City Commission) to Boards
- C. ACTION ON CONSENT CALENDAR
The County Clerk read the Consent Calendar for the record.

Moved by Maxbauer, seconded by Johnson to approve the Consent Calendar as presented. Motion carried.

SPECIAL ORDERS OF BUSINESS

None

ITEMS REMOVED FROM CONSENT CALENDAR

None

DEPARTMENT ACTION ITEMS**A. IT**

1. Document Imaging Maintenance Contract Renewal Discussion
Don Sheehan, IT Director, explained the imaging software provided by ImageSoft.

Bob Cooney, Prosecuting Attorney, asked Mr. Sheehan questions regarding the software contract renewal.

The following people spoke about using the software in their departments:

Dawn Rogers, Friend of the Court
Judge Tom Power, 13th Circuit Court
Carol Stocking, 86th District Court Administrator
Cheryl Wolf, Deputy Finance Director

B. Boardman River Dams Update:

1. Kim Balke (CRA) and Jim Cooke (Road Commission) Boardman River Dams status updates
Kim Balke, Jim Cooke, and Frank Dituri gave updates on the Boardman River Dams project and answered Commissioners' questions.

C. Finance

1. Budget Adjustments
Cheryl Wolf, Deputy Finance Director, explained the budget adjustments.

Moved by Crawford, seconded by Clous to recommend approval of the budget adjustments. Motion carried.

D. Parks and Recreation – (IMMEDIATE APPROVAL)

1. Approval of Parks and Recreation Commission's Governing Documents
Kristine Erickson, Parks and Recreation Director, indicated that the Senior Center Network was moved under the Parks and Recreation Department and the governing documents needed to be amended to reflect this change.

Moved by Kroupa, seconded by Maxbauer to amend the Parks and Recreation Rules and Regulations as presented **effective immediately**.
Roll Call Vote: Yes 7

2. Amendment to the Proposed 2016 Election Year Senior Center Network Millage Language and Adoption of Resolution of oversight of Senior Center Network by Parks and Recreation
 - a. Amended Senior Center Millage Language
The agenda packet contained the amended Senior Center millage proposal submitted by Chris Forsyth, Deputy Civil Counsel. This amended millage

proposal will replace the Senior Center millage proposal previously submitted on November 24, 2015 under Resolution 147-2015.

a. Senior Center Network Resolution

RESOLUTION

3-2016

**Grand Traverse County Parks and Recreation
To Have Oversight of the
Grand Traverse County Senior Center Network**

RESOLVED, that the Grand Traverse County Board of Commissioners authorizes the Grand Traverse county Parks and Recreation Commission to have oversight of the Grand Traverse County Senior Center Network, and

BE IT FURTHER RESOLVED, that the Grand Traverse County Board of Commissioners approves and authorizes the amendments to the Parks and Recreation Commission rules and regulations, as proposed by the Parks and Recreation Director and drafted by Deputy Civil Counsel.

Moved by Maxbauer, seconded by Wheelock to approve the revised millage language provided by the Prosecuting Attorney's office for the Senior Center and Resolution 3-2016 **effective immediately**.

Roll Call Vote: Yes 7

UNFINISHED BUSINESS

A. Commissioner's Defined Contribution Plan Discussion

Moved by Kroupa, seconded by Crawford to recommend elimination of Grand Traverse County's contribution to the County Commissioners' Defined Contribution Plan.

Roll Call Vote: Yes 7

NEW BUSINESS

B. Conflict of Interest Disclosure – Wheelock - IMMEDIATE APPROVAL

Moved by Maxbauer, seconded by Crawford to acknowledge conflict of interest for Commissioner Wheelock and authorize Wheelock and Sons to complete the work on the stairway at the Law Enforcement Center **effective immediately**.

Roll Call Vote: Yes 6, Abstain 1

Abstain: Wheelock

PUBLIC COMMENT

None

COMMISSIONER COMMITTEE REPORTS

Commissioners gave updates on meetings and events they attended.

NOTICES/ANNOUNCEMENTS

None

CLOSED SESSION – Attorney Client Privileged Communication Related to Duck Lake
Moved by Kroupa, seconded by Maxbauer to go into Closed Session to discuss the Attorney
Client Privileged Communication Related to Duck Lake at 7:38 p.m.

Roll Call Vote: Yes 7

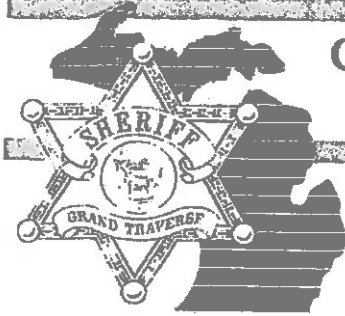
Commissioners returned to regular session at 8:08 p.m.

Meeting adjourned at 8:09 p.m.

Bonnie Scheele, County Clerk

Dan Lathrop, Chairman

APPROVED: _____
 (Date) (Initials)



GRAND TRAVERSE COUNTY SHERIFF'S OFFICE

Thomas J. Bensley, Sheriff • Nathan Alger, Undersheriff

Administration

851 Woodmere Avenue, Traverse City, MI 49686-3349 • (231) 995-5000 • FAX (231) 995-5010

Corrections

320 Washington Street, Traverse City, MI 49684-2583 • (231) 922-4530 • FAX (231) 922-4415

Board of Commissioners Committee Agenda Item

Committee: Ways & Means
From: Undersheriff Nathan Alger
RE: **PROPERTY ROOM SURPLUS**
Meeting Date: February 17, 2016

Information

The Grand Traverse County Sheriff's Office Evidence Control Officer has identified several items in the evidence and property room that may be declared surplus for disposal. Attached with this agenda item is a list of jewelry which, if declared surplus, Deputy Kirkpatrick would take to local jewelers/pawn shops for appraisal and sale to the highest bidder; a list of bicycles which would be part of the City Police Department's annual bike auction; and a list of items associated with case 128-11904-15 all of which have remained unclaimed and have been identified for disposal/donation except for a 32" Vizio TV which we would like to keep for department use.

Disposition:

The Grand Traverse County Sheriff's Office is requesting that the Grand Traverse County Board of Commissioners declare the attached lists of items surplus so that they may be auctioned and/or donated as stated above.

/mdf



THOMAS J. BENSLEY, SHERIFF

Grand Traverse County Sheriff's Office Memorandum

851 Woodmere Avenue
Traverse City, Michigan, 49686



TO: UNDERSHERIFF ALGER

FROM: RENE' HOXIE-PAPINEAU

RE: EVIDENCE JEWELRY DISPOSAL

DATE: JANUARY 27, 2016

ATTACHED BELOW IS A LIST OF THE JEWELRY FROM THE EVIDENCE SAFE THAT IS SET FOR DISPOSAL.

- 1) 06-42664: 2 FOUND CLASS RINGS
- 2) 10-27621: FOUND WATCH AND WEDDING BAND
- 3) 11-8694: 3 RECOVERED GOLD NECKLACES
- 4) 12-4534: 1 RECOVERED SILVER TIFFANY BRACELET
- 5) 12-9250: 1 FOUND 14K WHITE GOLD WITH STONES RING
- 6) 12-21668: 2 RECOVERED GOLD PLATED \$20 COINS
- 7) 13-8642: 1 FOUND SILVER TITANIUM MENS RINGS
- 8) 14-2163: 1 FOUND GOLD RING WITH DIAMONDS
- 9) 14-3115: 1 RECOVERED/UNCLAIMED GOLD RING WITH EMERALD
- 10) 14-19350 1 RECOVERED/UNCLAIMED GOLD RING WITH DIAMOND
- 11) 14-20669: 1 FOUND GOLD RING WITH SINGLE DIAMOND

WITH YOUR APPROVAL, PLEASE GIVE AUTHORIZATION FOR DEPUTY BRAD KIRKPATRICK TO TRANSPORT THESE ITEMS TO ALL LOCAL JEWELRY SALE/PAWN SHOPS FOR APPRAISAL AND SALE. THIS SALE WOULD GO TO THE LOCATION WITH THE HIGHEST BID AND ESTIMATE.

Respectfully submitted by,

Rene Hoxie-Papineau

Rene' Hoxie-Papineau

GRAND GRAVERSE COUNTY

PROPERTY ROOM SURPLUS LIST February 11, 2016

<u>COMPLAINT #</u>	<u>PROPERTY DESCRIPTION</u>
128-22371-14	Shimano Roadmaster Bike
128-2298-15	Mongoose Mt Bike
128-2298-15	Roadmaster Mens Bike
128-2298-15	Roadmaster Womens Bike
128-6370-15	Sierra Mt Bike
128-7724-15	Trek Mt Bike
128-9978-15	Mongoose Bike
128-10099-15	Sun Bicycles Bike
128-10712-15	Hdro 20 Bike
128-12864-15	BMX Bike
128-13532-15	Index 2.0 Bike
128-13608-15	Huffy Mt Bike
128-15759-15	Mongoose Bike
128-16267-15	Trek Bike
128-16886-15	Huffy Bike
128-16906-15	Fuji Bike
128-18448-15	Next Bike
128-19394-15	Red Line BMX Bike
128-20674-15	Northwoods Bike

GRAND TRAVERSE COUNTY

UNCLAIMED PROPERTY

Auction/Donation/Consignment

December 2015

See attached list

Page 1 & 2

128-11904-13

GRAND TRAVERSE LAW ENFORCEMENT SERVICES

"LIKE ITEMS"

Date: 8/13/15
Complaint # 186-11904-13

Received of the Grand Traverse Law Enforcement Services:

QUANTITY	DESCRIPTION
1	DOLCE & GABBANA Cologne
1	1-PAIR GUCI Heaven Deck shoes BLU/TAN
1	1-PAIR ALBERTO FELLINI - BLACK dress shoes
1	1-PAIR FULINKEN - BLACK Leather shoes -
1-BOX	32- MISC PACKAGES OF CLOTHING - 1 white purse
1	1-PAIR women's FLAT shoes white w/ BLACK shoes
1	1-PAIR Michael Jordan tennis shoes - BLUE
1	ANDIS Outliner Hair clippers
1	ANDIS ultra Hair clipper set
1	Hat - Blue tan - Basket weave
1	Fortino LANDI white shirt size M
1	white T-shirt "FC BAYERN MUNCHEN" size M
1	Jeans & STRAUSS & CO. Blue Jeans size 31
1	JINDUNLU - Black Leather pants
1	Remington 360° Shaver
3	- Spots Ties - white, Blue, yellow - with names

Releasing Officer: _____

Received by: _____

Address: _____

LE0017

GRAND TRAVERSE LAW ENFORCEMENT SERVICES

"LIKE ITEMS"

Date: 8/13/15
Complaint # 128-11904-15

Received of the Grand Traverse Law Enforcement Services:

QUANTITY	DESCRIPTION
7	MISC clothes - pink / Brown / white / black
1	Blue suit jacket / pants / tie
2	2-PAIR Timberland leather boots - sz 9/12
1	4 in 1 Camelous Recharger and cream
1	1 AERO Pro 12V Battery Jump starter
1	1- Light green mens Button shirt
1	1- Sport FLIP Flops - Brown
1	1- Grinder clear
1-	1- make up -
1	1- miniature Soccer Ball
1	1- adult Timberland Boots - sz 7.5
1	1- Play station 3 game - "Hit man" absolutely
A 18	MISC clothes and shoes in box
1	1 32" E Series Vizio TV

Releasing Officer: _____

Received by: _____
Address: _____

LE0017

GRAND TRAVERSE COUNTY

UNCLAIMED PROPERTY

Department Use

December 2015

128-11904-13

Vizio TV – 32” E Series



Memorandum

Grand Traverse County
County Administration
400 Boardman Avenue
Traverse City, Michigan 49684
(231) 922-4780 Fax (231) 922-4636

TO: Board of Commissioners

FROM: Tom Menzel, Administrator
Jennifer DeHaan, Deputy Administrator

DATE: February 5, 2016

SUBJECT: Consolidation of the Offices of the County Clerk and Register of Deeds

As the County continues to look for opportunities to provide programs and services in a fiscally challenged environment, State statute provides the Board of Commissioners with the ability to consolidate two separate functions managed by two-elected officials. In order to complete this consolidation, the Board of Commissioners must take formal action no later than March 8 with a required public hearing at least 10-days prior.

This document provides the background and rationale for the Board to consider the consolidation of the Offices of the Register of Deeds and the County Clerk. The proposed consolidation is estimated to save up to \$80,000 in the first year (2017) and for each year thereafter.

The final estimated cost-savings will be determined following the completion of a staffing study and realignment of department functions. Any changes to the structure may require reclassifying positions, changes to collective bargaining agreements, and other changes which will promote efficiency within the department. Due to the statutorily limited time frame, this work would be completed following the Board vote to consolidate the two functions.

Background

Currently, the County Clerk and the Register of Deeds operate adjacent but separate offices in the Government Services Building. Both the County Clerk and Register of Deeds perform functions which are mandated to be performed pursuant to State statute. The following is a brief summary of the functions which are performed by each department.

The County Clerk has four major functions which include:

- Keeping vital records
- Administering election functions as required by law
- Serving as the Clerk to the Board of Commissioners and other Boards/Commissions
- Serving as the Clerk of the 13th Circuit Court

The Register of Deeds is the official recording office for all land records and is responsible for receiving, recording, scanning, and delivering of the following:

- Deeds
- Mortgages
- Satisfactions/Discharges
- Assignment
- Sheriff deeds
- Tax Liens
- UCC/Financing Statements

In FY 2016, the Board appropriated \$541,376 to fund the salary and benefits of the existing staff in the Register of Deeds Office and the County Clerk (excludes Court Clerk)¹.

Over the past several years, both the Offices of the County Clerk and the Register of Deeds have implemented service improvements that have set the stage for continued changes in the service delivery model. Several examples include:

- Utilization of online access to reduce counter-traffic at the Government Center and to make records accessible off-site, accepting e-recordings and discharges of mortgages.
- Accepting credit cards for ease of customer use.
- Completion of scanning and indexing projects to support online research and viewing.
- Integrating the property records system with GIS to make information more accessible.
- Acquisition of a finger-print system to expedite the processing of concealed weapons permit applications.

While these changes have been implemented, the County continues to face a fiscal climate that requires the Board of Commissioners to look for additional ways to streamline services and reduce costs.

In 1954 State statutes were amended to allow for the consolidation of the functions of the County Clerk and the Register of Deeds. Since that time, at least 34 counties in Michigan have consolidated these functions. These counties include:

- | | | |
|-------------|-------------|---------------|
| • Alger | • Genesee | • Oakland |
| • Allegan | • Gogebic | • Ontonagon |
| • Baraga | • Houghton | • Oscoda |
| • Calhoun | • Jackson | • Otsego |
| • Cass | • Kalamazoo | • Ottawa |
| • Cheboygan | • Kent | • Roscommon |
| • Clinton | • Keweenaw | • Schoolcraft |
| • Clare | • Lake | • St. Clair |
| • Crawford | • Macomb | • St. Joseph |
| • Delta | • Menominee | • Washtenaw |
| • Dickinson | • Missaukee | • Monroe |
| • Eaton | | |

It should be noted, that over the past several years, several counties have attempted to consolidate the functions of the County Clerk and Register of Deeds but have been unable due to opposition and extensive lobbying from special interest groups and political supporters. However, County staff has concluded that the benefits associated with consolidation outweigh the perspectives of the opposition.

¹ The total salary and benefits for the Clerk's office and the Register of Deeds budgeted in 2016 for all services (including the Court Clerk and legacy costs allocated to the department) is \$1,055,306. Costs have been excluded which are not subject to the efforts of consolidating the two functions discussed herein.

Opposing Perspectives and County Response

Since the topic of consolidation arose, the County Board and County Administrator have received communication from a number of groups lobbying to stop the consolidation. More specifically, the following opposing perspectives have been expressed and the County remains committed to ensuring essential services as noted below:

- **Opposing Perspective:** The Register of Deeds is a unique function, different from the functions of the County Clerk.
 - **County Response:** Both departments are responsible for Vital Records and thus attention to detail, document retention, document research, and document accessibility are primary functions of all vital records, no matter the department.
- **Opposing Perspective:** Staff requires specific training for the Register of Deeds function.
 - **County Response:** The County will complete an organizational redesign process that includes looking at the existing staffing structure, job descriptions, and training requirements to ensure a smooth transition.
- **Opposing Perspective:** Register of Deeds laws change and staff must stay up-to-date.
 - **County Response:** No matter the model in which the service is provided, the County consistently monitors changes to State statutes. The Clerk is also a member of the United County Officers Association (UCOA) which provides training and guidance for Clerks and Register of Deeds.
- **Opposing Perspective:** Workload increases will impact staffing and can cause employee frustration and result in staff turn-over and additional costs.
 - **County Response:** Staff will be involved in the transition and will increase in their capabilities, training, and the services that they can provide. While any change can be challenging, this change will preserve services in the department while the county faces a continually challenging fiscal climate.
 - **County Response:** During busy times, more staff will be able to respond to serve customer needs by improving processes and systems for improved efficiency.
 - **County Response:** The combined office of the County Clerk/Register of Deeds, in coordination with the Administrator's Office will monitor workload to ensure services meet customer needs.
- **Opposing Perspective:** Quality of work will suffer.
 - **County Response:** The existing departments have established processes and procedures which have been developed over many years. In evaluating these processes and procedures, we will maintain the quality by streamlining the steps which will save money in staff time and improve our service delivery at the customer interface.
- **Opposing Perspective:** The records of Grand Traverse County are unique and precious and should be cared for by someone solely dedicated to their protection and preservation.
 - **County Response:** The County Clerk is statutorily responsible for vital records of the County. The consolidated office will expand that expertise and continue to manage the vital records of the County. The argument that keeping the offices separate is the only way to protect and preserve records is not an accurate statement in today's world.

Benefits with Consolidation

- Estimated cost-savings in the first year (2017) is up to \$80,000 and for each year thereafter.
- Under the consolidated model, more staff will have the knowledge and understanding to perform duties associated with the County Clerk's Office and the Register of Deeds Office.
- Through redesigning the staffing functions, the County will be able to better serve the customers and demonstrate its commitment to sound fiscal stewardship.

- The Offices of the Register of Deeds and the County Clerk have implemented service changes which will be further enhanced through consolidation.
- Better utilization of the Automation Fund to support efficient and effective services.
- The services are provided on the 1st Floor of the Government Building and are adjacent to one another, which will provide customers with a seamless transition under the consolidated model.
- State statute allows for a consolidation vote once every four years. Approval in March 2016 establishes that the offices will be consolidated January 1, 2017. If approval is delayed, the offices could not be consolidated until January 1, 2021; thereby delaying any potential cost-savings until 2021 that could begin in 2017.
- This effort continues to support the Board's desire to streamline government services, realizes service improvements, and maximizes the County's limited financial resources.
- The County Clerk's office will continue to maintain the existing services in the Circuit Court, which will not be affected by this consolidation.

Implementation Process

In order to meet the required timelines established by State statute, the following order of actions is proposed to be taken by the Board of Commissioners.

- **February 10:** Board Motion to Conduct Public Hearing on February 17 and post Public Notice
- **February 17:** Public Hearing
- **March 2:** Consideration of Resolution to approve consolidation (Immediate Effect)
- **March 8:** Board action must be completed pursuant to State statute

County Commitment to Quality Services

It is recognized that any efforts to change County services are often met with resistance and opposition. The County Administrator's Office is committed to ensuring high-quality services and over the coming year, the Administrator's Office will work with the incumbent Register of Deeds and County Clerk to establish baseline measures to evaluate the consolidated services in the coming years.

Staff Recommendation

Based upon the County's existing fiscal challenges, staff is recommending that the County Board approve a Resolution to combine the offices of the County Clerk and the Register of Deeds effective January 1, 2017 which will result in estimated savings of up to \$80,000 in 2017 and for each year thereafter. In addition, the organizational redesign of the departments will find additional cost savings while improving the efficiency and effectiveness of our service delivery at the customer interface.

The arguments that you will hear against the consolidation is consistent with those that fight any kind of change in any kind of organization. The recommendations for change are based on the fact, that change is inevitable and no one can stop it, but growth is optional and can be stopped like General Motors and Chrysler did in the private sector and too many public entities who are now run by an emergency manager did with terrible results.

Therefore, we want to take control over our destiny by moving forward, knowing that changes will take place, and that we as a County are not afraid of it, and will, through positive change, take charge of our future and return our County to fiscal stability.



Memorandum

Grand Traverse County
County Administration
400 Boardman Avenue
Traverse City, Michigan 49684
(231) 922-4780 Fax (231) 922-4636

TO: Board of Commissioners

FROM: Tom Menzel, Administrator
Jennifer DeHaan, Deputy Administrator

DATE: February 12, 2016

SUBJECT: Follow-Up: Consolidation of the Offices of the County Clerk and Register of Deeds

On February 5, 2016, the Board received a memo requesting a Public Hearing on February 17 and to formally consider a request to merge the Offices of the County Clerk and the Register of Deeds at a regularly scheduled meeting on March 2, 2016. Since that time, a number of individuals spoke at public comment on February 10, 2016 and staff wanted to provide you with some additional follow-up information to assist as you deliberate this question.

The most extensive report and research that could be located and which related to the merging of these two offices was completed by Ottawa County in March 2010¹. The report concluded, based upon numerous surveys, that the combination of the offices are successful when the following criteria are met:

1. The offices are located adjacent to one another.
2. Either one or both of the elected officials is eligible to retire or one of the offices is vacant due to resignation, etc.
3. Knowledgeable deputies and staff are in place at the time of transition.
4. Staff can be cross-trained as much as possible.

As it relates to the criteria noted above the County has and will meet three of the four criteria.

Unfortunately, given the fiscal instability that the County is facing, the County does not have an opportunity to wait for a more politically feasible time when an incumbent may retire. In short, the savings from this office and others is necessary to help maintain other programs and services in the County. The 2010 report cites surveys which have been completed in each decade since the 1980's and is available via the link below.

The surveys and analysis consistently demonstrate the conclusion that this is a politically charged issue and in a survey completed in 1992 by Midland County, the findings were supportive of consolidation, but consolidation has still not occurred. The 1992 survey concluded the following:

- 12 of 20 existing clerks would not support changing their office back into separate clerk, and register of deeds offices

¹ Ottawa County. "Review of the Consolidation of the Offices of County Clerk and Register of Deeds." March 9, 2010.
http://www.mioitawa.org/Departments/BOC/pdf/2010/Clerk_Deeds_Combination_Report03082010.pdf

- 9 of 10 Administrators from counties operating under a Clerk/Register system would not support changing back to the two separate offices.
- In total 7 of the 30 respondents indicated a yes answer when asked if they would support changing their existing clerk/register system into two separate offices.

Following the study and review of the research completed, Ottawa County did approve the consolidation, and has been able to realize approximately \$100,0000 in savings per year. This is less than originally expected due to a reduction in negotiated health insurance costs.

If the Board approves the consolidation of these offices at the March 2nd meeting, staff will immediately begin the following in coordination with the incumbent officials:

- Define a plan for the transition of services and communicate the proposed plan to staff.
- Analyze the workload and work processes for both departments.
- Review existing job descriptions and develop any revisions necessary.
- Regularly communicate with the incumbent officials and staff regarding proposed work-flows and training needs.
- Regularly communicate with the Board regarding the transition plan, expectations, and any challenges associated with the transition.

Last but not least, as the Administrator of the County, it would not behoove me to recommend something that will not be successful. The levels of service following the consolidation will be both maintained and enhanced. The Administrator's Office is committed to the success of our community, businesses, and residents. We intend to work collaboratively with the incumbent office holders to redesign the services and to make this a successful and seamless transition.

WAYS & MEANS COMMITTEE

SUBJECT: RLF Subrecipient Agreement Extension

FROM: John Sych, AICP, Director, Planning & Development

FOR MEETING DATE: February 17, 2016

The County's CDBG revolving loan fund for local businesses was transferred to the Chamber Foundation in 2014. An agreement between the County, the Chamber Foundation, and the Michigan Economic Development Corporation outlines the administration of the CDBG revolving loan fund which is managed by Venture North (part of Traverse Connect/the Chamber). The agreement expired last year. The Michigan Strategic Fund board approved the agreement to be extended for three years. The proposed extension would go until October 31, 2018.

Since the transfer of the RLF, Venture North has closed one loan to Creekside Clinic in the amount of \$490,000 that created 14 jobs. In the pipeline are the following projects:

• Kejara's Bridge	\$175,000	5 jobs
• TentCraft	\$600,000	20 jobs
• Hotel Indigo	\$200,000	6 jobs
• Grandview Place	\$600,000	20 jobs
Total	\$1,575,000	51 jobs

Venture North continues to administer the fund in conformance with the agreement. If all of the above projects are approved, application can be made for additional CDBG funding.

RECOMMENDATION/MOTION: Approval of the Amendment to Subrecipient Agreement between Grand Traverse County and Venture North Funding & Development. Further, authorize Chairman of the County Board to sign the Agreement.

FIRST AMENDMENT TO
SUBRECIPIENT AGREEMENT
BETWEEN
VENTURE NORTH FUNDING & DEVELOPMENT
AND
GRAND TRAVERSE COUNTY
FOR
MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

This Amendment is to the Subrecipient Agreement ("Agreement") between the Venture North Funding & Development ("Subrecipient") and Grand Traverse County ("UGLG"). Per the MSF Resolution 2012-142 and Section II of the Agreement, the parties agree to extend the end date identified in Section II, Paragraph 1, "Time of Performance" to October 31, 2018.

All other terms and conditions of the Agreement shall remain unchanged and in full effect.

The Subrecipient and the UGLG have caused this Amendment to be executed by the respective representatives duly authorized to do so. This Amendment may be executed in one or more counterparts and by facsimile, each of which shall constitute an original, and all of which together constitute the entire Amendment.

VENTURE NORTH FUNDING & DEVELOPMENT

Dated: _____

By: _____
Name: _____
Title: _____

GRAND TRAVERSE COUNTY

Dated: _____

By: _____
Name: Christine Maxbauer
Title: Chair

ACKNOWLEDGED BY:

MICHIGAN STRATEGIC FUND
An agency of the State of Michigan

Dated: _____

By: _____
Mark Morante
Fund Manager

Counterparts; Facsimile, Electronic and PDF Signatures; Copies – This Agreement may be executed in any number of counterparts, each of which, when executed shall be deemed an original, and all of which together, shall constitute one and the same agreement. This agreement may be delivered by facsimile, or PDF or other electronic format and in such circumstances, may be relied upon to the same extent as though such copy was an original.

WAYS & MEANS COMMITTEE

SUBJECT: Regional Revolving Loan Fund Application – Kejara's Bridge

FROM: John Sych, AICP, Director, Planning & Development

FOR MEETING DATE: February 17, 2016

Kejara's Bridge is making an application for a loan from the Regional Revolving Loan Fund. A public hearing for the loan application was held by Grand Traverse County on January 27, 2016. Subject to the Agreement between the Michigan Strategic Fund and Grand Traverse County and the Subrecipient Agreement between Grand Traverse County and the Traverse City Chamber Foundation for the Michigan Community Development Block Grant (CDBG) program, Grand Traverse County must pass a resolution after completion of the public participation requirements. Those requirements have been satisfied and the following resolution is being provided for your consideration.

RECOMMENDATION/MOTION: Approval of the Resolution to authorize submittal of the Revolving Loan Fund application for Kejara's Bridge.

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT LOAN FUND APPLICATION – KEJARA’S BRIDGE

WHEREAS, Kejara’s Bridge is requesting a permanent working capital loan from the Community Development Block Grant Loan Fund in the amount of \$175,000 to be used to hire five (5) full-time positions over the course of two years; and

WHEREAS, at least 51% of these positions will be available to low to moderate income individuals; and

WHEREAS, the project is consistent with Grand Traverse County’s community development plans; and

WHEREAS, no project costs (CDBG or non-CDBG) will be incurred prior to a formal grant award, completion of the environmental review procedures and formal, written authorization to incur costs has been provided by the CDBG project manager; and

WHEREAS, all requirements of the Grand Traverse County Citizen Participation Plan (CPP) have been met.

THEREFORE, BE IT RESOLVED, that the Grand Traverse County Board of Commissioners authorizes submittal of the application. Furthermore, that Christine Maxbauer, Chair of the Grand Traverse County Board of Commissioners, is authorized to sign the Part 1 Application and all attachments; Part 2 Application and all attachments; Environmental Review; and, Loan Disbursement Request.

BOARD OF COMMISSIONERS COMMITTEE AGENDA ITEM

TO: WAYS & MEANS

FROM: Cheryl Wolf, Deputy Finance Director

FOR MEETING DATE: February 17, 2016

SUBJECT: Budget Adjustments

SUMMARY OF ITEM TO BE PRESENTED:

Budget adjustments for 2016 are attached.

RECOMMENDATION:

Discussion and approval of budget adjustments presented.

GRAND TRAVERSE COUNTY
BUDGET ADJUSTMENTS
YEAR 2016

101 GENERAL FUND

402 G.I.S

Increase Revenue

101-402-582.03	Local Grants	15,421.00
----------------	--------------	-----------

Increase Expenditure

101-402-818.00	Contract Services	15,421.00
----------------	-------------------	-----------

NOTES: Grand Traverse Band of Ottawa & Chippewa Indians donation for Digital Lidar aquired through State of Michigan MiSAil Program. Donation received at the end of 2014 and deferred until the purchase in 2016.

314 Sheriff - County Patrol

Increase Revenue

101-314-675.00	Contributions	10,000.00
----------------	---------------	-----------

Increase Expenditures

101-314-977.00	Machinery & Equipment	6,350.00
101-314-743.03	K-9 Supplies	3,650.00

NOTES: Les & Anne Biederman Foundation donation for K-9 purchase

136 86TH DISTRICT COURT FUND

140 Mental Health Court

Increase Revenue

136-140-543.00	State Grant	4,344.00
----------------	-------------	----------

Increase Expenditures

136-140-727.00	Office Supplies	1,809.00
136-140-860.01	Conference & Conventions	1,035.00
136-140-818.00	Contract Services	1,500.00

NOTES: SCAO Mental Health Court Grant for 2016 - no budget entered - \$656 used in 1st quarter end 12/31/2015

222 HEALTH DEPARTMENT**436 Health Innovation Grant****429 Emergency Preparedness Planning**Increase Expenditures

222-436-702.00	Full Time & Reg	5,850.00
222-436-716.00	Health, Dental & Optical	530.00
222-436-727.00	Office Supplies	665.00
222-436-729.00	Printing & Binding	500.00
222-436-730.00	Postage	500.00
222-436-740.00	Food	1,000.00
222-436-743.00	Other Supplies	20,205.00
222-436-812.00	MIS Charges	3,750.00
222-436-860.00	Travel	2,000.00

Decrease Expenditures

222-429-702.00	Full Time & Reg	(5,850.00)
222-429-716.00	Health, Dental & Optical	(530.00)
222-429-727.00	Office Supplies	(665.00)
222-429-729.00	Printing & Binding	(500.00)
222-429-730.00	Postage	(500.00)
222-429-740.00	Food	(1,000.00)
222-429-743.00	Other Supplies	(20,205.00)
222-429-812.00	MIS Charges	(3,750.00)
222-429-860.00	Travel	(2,000.00)

NOTES: To move Health Innovation Grant budget to separate cost center

436 Health Innovation Grant**429 Emergency Preparedness Planning**Increase Revenue

222-429-543.00	State Grant	35,000.00
----------------	-------------	-----------

Decrease Revenue

222-436-543.00	State Grant	(35,000.00)
----------------	-------------	-------------

NOTES: To move Health Innovation Grant budget to separate cost center

295 ANIMAL CONTROL**430 Animal Control**Increase Revenue

295-430-477.00	Dog Licenses	39,750.00
----------------	--------------	-----------

Increase Expenditures

295-430-730.00	Postage	2,700.00
295-430-729.00	Printing & Binding	400.00
295-430-818.00	Contract Services	9,000.00
295-430-743.00	Other Supplies	500.00
295-430-811.00	Service Contracts	27,150.00

NOTES: To set up Revenue and Expenditure budget for Animal Control - to track separately

472 CAPITAL IMPROVEMENT FUND**000 Non-Departmental**Increase Revenue

472-000-401.00	Fund Balance Forward	75,000.00
----------------	----------------------	-----------

Increase Expenditures

472-000-976.01	Improvements	75,000.00
----------------	--------------	-----------

NOTES: Governmental Center Generator was budgeted in 2015 and money was transferred in during 2015 to cover. The Generator work was not performed until 2016. The two Purchase Orders that were created for 2015 were closed and recreated in 2016. Fund Balance Forward amount is amount transferred in 2015 to cover the Purchase Orders.

RESOLUTION OF SUPPORT TO STOP THE TRANSPORTATION OF OIL UNDER THE GREAT LAKES

Whereas, Line 5 is a set of twin, 62-year-old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

Whereas, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the “worst possible place” for an oil spill in the Great Lakes; and

Whereas, the Great Lakes contain 20 percent of the world’s fresh, available, surface water and are a drinking water source for over 25 million people; and

Whereas, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

Whereas, tourism is one of Michigan’s largest income industries bringing in billions of travelers dollars spent each year; and

Whereas, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

Whereas, in 2009, the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and

Whereas, Enbridge has a shaky track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

Whereas, Enbridge was in violation for their spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

Whereas, Enbridge was responsible for one of the worst and most expensive oil spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

Whereas, corrosion is the number one reason that pipelines fail; and

Whereas, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn’t have to obtain a permit and ensure that the pipeline wouldn’t pose a threat to the waters or the public’s use of the waters’ and

Whereas, Michigan Attorney General Bill Schuette has stated (in regards to Line 5) that the “pipeline wouldn’t be built today” and that “the pipeline’s days are numbered;” and

Whereas, the Coast Guard Commandant testified before congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

Whereas, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

Whereas, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

Whereas, protection of Michigan’s water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact.

Therefore, be it Resolved by this Board of Commissioners, that Grand Traverse County supports stopping the transportation of oil under the Great Lakes and supports shutting down Line 5 and the flow of oil under the Great Lakes; and

Be It Further Resolved, that Grand Traverse County supports H.R. 182 and C.R. 15 introduced by State Representative Sarah Roberts and Jeff Irwin calling on Governor Rick Snyder and Attorney General Bill Schuette to shut down Line 5; and

Be It Further Resolved, that Grand Traverse County will send letters to Governor Rick Snyder, Attorney General Bill Schuette, our State Representatives, and State Senators calling on them to take swift action to shut down Line 5.

APPROVED: February 17, 2016

RESOLUTION

16-2016

**COMMUNITY DEVELOPMENT BLOCK GRANT
LOAN FUND APPLICATION – KEJARA’S BRIDGE**

WHEREAS, Kejara’s Bridge is requesting a permanent working capital loan from the Community Development Block Grant Loan Fund in the amount of \$175,000 to be used to hire five (5) full-time positions over the course of two years; and

WHEREAS, at least 51% of these positions will be available to low to moderate income individuals; and

WHEREAS, the project is consistent with Grand Traverse County’s community development plans; and

WHEREAS, no project costs (CDBG or non-CDBG) will be incurred prior to a formal grant award, completion of the environmental review procedures and formal, written authorization to incur costs has been provided by the CDBG project manager; and

WHEREAS, all requirements of the Grand Traverse County Citizen Participation Plan (CPP) have been met.

THEREFORE, BE IT RESOLVED, that the Grand Traverse County Board of Commissioners authorizes submittal of the application. Furthermore, that Christine Maxbauer, Chair of the Grand Traverse County Board of Commissioners, is authorized to sign the Part 1 Application and all attachments; Part 2 Application and all attachments; Environmental Review; and, Loan Disbursement Request.

Approved: February 17, 2016

TO: Grand Traverse County Board of Commissioners

400 Boardman Avenue; Traverse City MI (commissioners@grandtraverse.org)

Re: Overnight Bell Tolling at Courthouse

We are writing to request that the County Commissioners respectfully reconsider and immediately reverse the recent decision to expand the Courthouse bell tolling to "24 hours a day/ 7 days a week."

We all have a responsibility to be good neighbors and responsible property owners. That includes the government. Good neighbors do not make unnecessary noise every night. Good neighbors do not continue to make unnecessary noise every night, in the face of reasonable requests for less overnight noise from their neighbors and from parents who are unhappy about noise awakening their babies. Responsible property owners do not respond to requests for overnight peace and quiet by rudely/defiantly expanding their nighttime noisemaking. Is this how the Commissioners would respond to a request for less unnecessary noise overnight, in the neighborhoods where they live? We hope not. That same standard of common sense and responsible property ownership should apply here.

The County should set a good example of neighborliness and act like responsible property owners. Responsible property owners avoid disturbing their neighbors with unnecessary overnight noise. This is not a necessary government activity like operating a police car, fire truck or snow plows. It is gratuitous and unnecessary overnight sound-making (like playing drums, the radio or live band music overnight) that is needlessly disruptive to neighbors. Some people may like them; others are disrupted by them. But this is a good neighbor and responsible property owner issue, not a popularity contest amongst unaffected people. A good neighbor turns-off the radio and stops their teenager's garage band at a reasonable hour, rather than arguing that they (or others) "like the music."

The government should set a good example and be a good, responsible neighbor. The recent decision is a bad precedent for the neighborhood, and the city. Please reconsider and limit bell tolling in the overnight hours. The bells should not toll 10:00pm – 7:00 a.m., which is consistent with the dictates of good, common sense neighborliness, as well as also consistent with the Traverse City Noise Ordinance's many references limiting unnecessary sound during the 10:00pm – 7:00 a.m. overnight period to keep the peace and quiet of our neighborhoods.

Thank you for your consideration,

Jay Zelenock
255 Midtown Drive
Traverse City MI 49684

Sarah Lucas
222 Midtown Drive
Traverse city MI 49684

Tom Finelli
259 Midtown Drive
Traverse City MI 49684

Dawn Ferran
253 Midtown Drive
Traverse City MI 49684

Elisa Julien
200-2 Cass Road
Traverse City MI 49684

Melissa Kilbourn
214 Midtown Drive
Traverse City MI 49684

Sharon Tipton Andringa
285 Midtown Drive
Traverse City MI 49684

Tracy Schwimmer
205 Midtown Drive
Traverse City MI 49684

Marc Schwimmer
205 Midtown Drive
Traverse City MI 49684

Charlie Kerndt M.D.
283 Midtown Drive
Traverse City MI 49684

Suzy Kerndt
283 Midtown Drive
Traverse City MI 49684

Connor Kerndt
283 Midtown Drive
Traverse City MI 49684

John Zeiger
257 Midtown Drive
Traverse City MI 49684

Lynn Zeiger
257 Midtown Drive
Traverse City MI 49684

Chanida Siripraparat, M.D.
261 Midtown drive

Traverse City 49684

Chuck Cady
309 Cass Road
Traverse City MI 49684

Sue Cady
309 Cass Road
Traverse City MI 49684

Patty Ditta
241 Midtown Drive
Traverse City 49684

Ben Ditta
241 Midtown Drive
Traverse City 49684

Linda Koebert
319 Washington
Traverse City MI

Mike Vickery, PhD
319 Washington
Traverse City MI

Jim Hutchinson
317 Washington
Traverse City 49684

Richard Tuxbury
410 Washington St.
Traverse City, MI 49686

Dale Neumann
401 Washington St.,
Traverse City, MI 49686

Sharon Neumann
401 Washington St.,
Traverse City, MI 49686

Paul Olson
417 Webster Street
Traverse City, MI

Barbara Olson
417 Webster Street

Traverse City, MI

Sandra Applegate
207 Midtown Drive
Traverse City MI

Jeffrey Knebl
410 Washington Street
Traverse Ctiy, MI 49686

Richard Fulmer
413 Washington St.
Traverse City

Jane Fulmer
413 Washington St.
Traverse City

John Horton
410 East State Street
Traverse City 49686

Robert Rowland
210 Railroad Ave.
Traverse City, MI

Lisa Rowland
210 Railroad Ave.
Traverse City, MI

Eric Gerstner
413 Webster Street
Traverse City

Rose Hollander,
413 Webster Street
Traverse City

Michael Ullman
261 Midtown Drive
Traverse City MI

CHAPTER 652

Noise Control

652.01 Findings; application of chapter.

652.02 Definitions.

652.03 Authority of noise control officer.

652.04 Prohibitions.

652.05 Exceptions and variances.

652.06 Continuous and impulsive sound levels threatening health and welfare; orders to abate.

652.07 Civil actions.

652.08 Tampering with measuring devices

652.09 Retaliation.

652.10 Appearance tickets.

652.99 Penalty.

CROSS REFERENCES

Disorderly persons - see MCLA Sec. 750.167

Disturbing meetings - see MCLA Secs. 750.169; 750.170

Noise from watercraft - see SU & PS 1062.04(f), (g)

Muffler noise - see MCLA Sec. 257.707(a) through (e)

652.01 FINDINGS; APPLICATION OF CHAPTER.

Excessive sound and vibration are a serious hazard to the public health, welfare, safety and quality of life, and a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated. The people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, welfare or safety or degrade the quality of life. The damage and discomfort caused to the people arises both from stationary and from non-stationary sound and vibration and this chapter shall apply to both. (Ord. 505. Passed 8-7-00.)

652.02 DEFINITIONS.

All terminology used in this chapter and not defined in this section shall be in conformity with applicable publications of the American National Standards Institute (ANSI) or its successor body. In addition, as used in this chapter:

- A. **Commercial area** means land primarily being used as office, governmental, retail, or other commercial type uses.
- B. **Decibel (dB)** means a unit of measuring the volume of sound, equal to twenty times the logarithm of the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).
- C. **Industrial area** means land primarily being used as a manufacturing or industrial site, including airports.
- D. **Multi-Family area** means land primarily being used for structures housing three or more families. If a multiple family use occurs as a mixed use with commercial uses, the primary use of the property will be determined by the ground floor.
- E. **Noise Control Officer** means the Chief of Police and his or her agents who have lead responsibility for the enforcement of this chapter.
- F. **Noise disturbance** means any sound which either exceeds the maximum permissible sound levels of this chapter or which endangers or injures the safety or health of humans

NOISE CONTROL

or animals, annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

- G. **Noise sensitive zone** means areas in the City which contain noise sensitive activities, such as schools, libraries, churches, hospitals and nursing homes, as designated by resolution of the City Commission.
- H. **Pure Tone** means a single or compact range of frequency that may be perceived as a whine, hum, squeal, or buzz. The measured sound levels must not fluctuate by more than plus or minus 3 dB. Such sound sources include, but are not limited to: heating, ventilating or air-conditioning units; refrigeration units; and transformers.
- I. **Real property boundary** means the imaginary line which represents the legal limits of property (including an apartment, condominium, room, or other dwelling unit) owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right of way, the "real property boundary" shall be the nearest boundary of the public right-of-way.
- J. **Residential area** means land primarily being used as a one or two family dwelling and located adjacent to or near other such residentially used land.
- K. **Sound level meter means** an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels and that meets the standards of ANSI S-14 1983 or its successor.
- L. **Weighted sound level** means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(Ord. 505. Passed 8-7-00. Ord. 582. Passed 10-21-02.)

652.03 AUTHORITY OF NOISE CONTROL OFFICER.

- (a) **Powers.** This chapter shall be administered and enforced by the Noise Control Officer. In order to implement and enforce this chapter, and for the general purpose of noise abatement and control, the Noise Control Officer shall have, in addition to any other authority vested in him or her, the power to:
 - 1. Conduct or cause to be conducted research, monitoring and other studies related to sound and vibration; and
 - 2. Upon presentation of proper credentials, enter and inspect any private property or place and inspect any report or record at any reasonable time when granted permission by the owner or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon a showing of probable cause to believe that a violation of this chapter may exist. Such inspection may include the administration of any necessary tests.
 - 3. Promulgate rules and procedures to establish techniques for measuring noise, and to provide for clarification, interpretation, and implementation of this chapter; and
 - 4. Review at least every three (3) years the provisions of this chapter and recommend revisions consistent with technology to reduce noise, or to address new sound sources within the City.
- (b) **Duties.** In order to implement and enforce this chapter effectively, the Noise Control Officer shall, within a reasonable time after the effective date of this chapter:
 - 1. Investigate and pursue possible violations of this chapter;

NOISE CONTROL

2. Delegate functions, where appropriate, under this chapter, to personnel within the Police Department and to other agencies or departments, subject to the approval of the City Manager; and
 3. Prepare recommendations, to be approved by the City Commission, for the designation of noise sensitive zones.
- (c) **Enforcement.** The administration and enforcement of noise control shall be controlled by the following standards:
1. The primary means of detection of a noise disturbance shall be by means of the Noise Control Officer's and other properly delegated enforcement officials' ordinary auditory senses of hearing not enhanced by any mechanical device, such as a microphone or hearing aid.
 2. An enforcing officer or other witness need not determine the particular words or phrases being produced or the name of any song or artist producing the sound.
 3. The detection of any rhythmic base or reverberating type of sound is sufficient to constitute a plainly audible sound which may constitute a noise disturbance.

(Ord. 505. Passed 8-7-00.)

652.04 PROHIBITIONS.

- (a) Generally. No person shall unreasonably make or continue, or cause to be made or continued, any noise disturbance.
- (b) Radios, Musical Instruments and Similar Devices. No person shall operate or play, or permit the operation or playing of, any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to:
1. Create a noise disturbance on public property or streets, across a real property boundary, or within a noise sensitive zone. If such a device is plainly audible on the property of another or within a building other than that within which the device is located, and if a complaint is made to the Noise Control Officer regarding annoyance or disturbance as a result of such device, this shall serve as prima-facie evidence of a violation.
 2. Create a noise disturbance when operated in or on a motor vehicle on a public right of way, public space or space open to the general public, or in a boat on public waters. If such a device is plainly audible at a distance of 50 feet in any direction, between the hours of 10 p.m. and 7 a.m. or 100 feet in any direction between the hours of 7 a.m. and 10 p.m., this shall serve as prima facie evidence of a violation.
- (c) **Loudspeakers.** No person shall use or operate for any noncommercial purpose any loudspeaker, public address system or similar device between 10:00 p.m. and 7:00 a.m. of the following day so that the sound there from creates a noise disturbance across a residential area or multi-family area boundary or within a noise sensitive zone. No person shall use or operate for any commercial purpose any loudspeaker, public address system or similar device so that the sound there from creates a noise disturbance across a real property boundary or within a noise sensitive zone, or between 10:00 p.m. and 7:00 a.m. of the following day on a public right of way or public space.
- (d) **Sound Amplifiers.** No person shall operate any sound amplifying device for the purpose of advertising announcing an event, or attracting the attention of the public. However, a school, governmental unit, or bona fide nonprofit organization may secure a permit from the Noise Control Officer to use such a device. No permit will be granted for such use on

*Good
Sensitive
Student
Res. vehicle*

NOISE CONTROL

- a Sunday or at any other time or duration or under any other conditions which, in the opinion of the Noise Control Officer will constitute a nuisance.
- (e) Heavy Equipment. Except for work on essential services, no person shall use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other construction apparatus between 10:00 p.m. and 7:00 a.m. of the following day, within 600 feet of a residential area, multi-family area, or noise sensitive zone.
 - (f) Loading and Unloading. No person shall load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage trucks, garbage cans or similar objects between 11:00 p.m. and 6:00 a.m. of the following day in such a manner as to cause a noise disturbance across the boundary of a residential area or multi-family area, or within a noise sensitive zone.
 - (g) Stationary Non-emergency Signaling Devices. No person shall permit the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes. Such devices, when used in conjunction with places of religious worship, shall be exempt from this subsection.
 - (h) Maximum Permissible Sound Levels by Receiving Land Use. No person on private property shall create a continuous sound which exceeds the limits set forth for the receiving land category in the following table when measured at or within the property boundary of the receiving land which source of sound shall be deemed prima-facie to be a noise disturbance. "Continuous sound" means any sound having a duration of one second or more. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the following table shall be reduced by five dBA.

MAXIMUM SOUND LEVELS TABLE

<u>Receiving Land Category</u>	<u>Sound Level Limit (dBA)</u>	<u>A-weighted Time</u>
→ Residential area	10:00 p.m. to 7:00 a.m.	60 ←
Multi-Family area	7:00 a.m. to 10:00 p.m.	65
Commercial area	10:00 p.m. to 7:00 a.m.	65
	7:00 a.m. to 10:00 p.m.	70
Industrial area	10:00 p.m. to 7:00 a.m.	70
	7:00 a.m. to 10:00 p.m.	75
Noise sensitive areas	10:00 p.m. to 7:00 a.m.	Established by
Noise sensitive areas	7:00 a.m. to 10:00 p.m.	Resolution

- (i) Impulsive Sound. Impulse sounds may exceed the permissible limits in the above Table by ten decibels if they occur less than ten times in any hour between 7 a.m. and 10 p.m., or less than four times in any hour between 10 p.m. and 7 a.m. If any impulsive sound exceeds these frequencies, then the permissible limits in the Table apply. "Impulsive sound" means any sound having a duration of less than one second.
- (Ord. 505. Passed 8-7-00. Ord. 581. 10-21-02.))

652.05 EXCEPTIONS AND VARIANCES.

- (a) Emergencies. This chapter shall not apply to creating sound for the purpose of alerting persons to the existence of an emergency or to creating sound in the performance of emergency work.

NOISE CONTROL

- (b) Lawn Maintenance Equipment. Customary lawn maintenance equipment for residential use, such as lawn mowers, leaf blowers and chain saws, from 8:00 a.m. to 9:00 p.m., if in good working order and if used only as needed, may exceed the maximum sound levels established above.
- (c) Residential Snow Removal. Snowblowers for residential use if in good working order and if used only as needed may exceed the maximum sound levels established above.
- (d) Commercial Snow Removal. Snow removal from commercial or industrial property by any internal combustion device is permitted at all times if the snow removal equipment has a properly functioning muffler. However, commercial or industrial property within 600 feet of a residential area or multi-family area shall not have snow removal undertaken by commercial equipment in excess of 15,000 GVW prior to 6:00 a.m., unless permission is granted by the owners of that residential or multi-family area.
- (e) Municipal, School District and Hospital Equipment. This chapter shall not apply to sound made by municipal street and sidewalk maintenance equipment or snow removal equipment used by the City, a school district, a hospital or their agents.
- (f) Special Variances.
 - 1. The Noise Control Officer may, consistent with this section, grant special variances which may be requested.
 - 2. Any person seeking a special variance pursuant to this section shall file an application with the Noise Control Officer. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. Any individual who claims to be adversely affected by the allowance of the special variance may file a statement to that effect with the Noise Control Officer containing any information to support his or her claim. If the Noise Control Officer finds that a sufficient controversy exists regarding an application, a public hearing may be held.
 - 3. In determining whether to grant or deny an application, the Noise Control Officer shall balance the hardships of the applicant, the community and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impacts of granting the special variance. Applicants for a special variance and persons contesting the special variance may be required to submit any information the Noise Control Officer may reasonably require. In granting or denying an application, the Noise Control Officer shall place on public file a copy of the decision and the reasons for denying or granting the special variance.
 - 4. Special variances shall be granted by notice to the applicant containing all necessary conditions, including the time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to the provisions of this chapter regulating the source of sound or activity for which the special variance was granted.

(Ord. 505. Passed 8-7-00. Ord. 583. Passed 10-21-02.)

652.05.1 CONTINUOUS AND IMPULSIVE SOUND LEVELS THREATENING HEALTH AND WELFARE; ORDERS TO ABATE.

NOISE CONTROL

- (a) The Noise Control Officer shall order an immediate halt to any sound which exposes any person, except those excluded pursuant to subsection (b) hereof, to continuous sound levels or to impulsive sound levels which endanger or injures a person's health or safety. Following the issuance of such an order, the Noise Control Officer may remove or modify the source of the noise.
- (b) No order pursuant to subsection (a) hereof shall be issued if the only person exposed to dangerous sound levels is exposed as a result of trespass, invitation upon private property by persons causing or permitting the sound or employment met by the person or by a contractor of the person causing or permitting the sound.
- (c) Any person subject to an order issued pursuant to subsection (a) hereof shall comply with such order until the sound is brought into compliance with the order, as determined by the Noise Control Officer, or until a judicial order has suspended the Noise Control Officer's order. No person shall violate an order issued pursuant to this section.

(Ord. 505. Passed 8-7-00.)

652.07 CIVIL ACTIONS.

Any person aggrieved by a violation of this chapter may commence a civil action on his or her own behalf against any person who is alleged to be in violation of Section 652.04. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

(Ord. 505. Passed 8-7-00.)

652.08 TAMPERING WITH MEASURING DEVICES.

No person shall damage, interfere with or tamper with any sound measuring device used to enforce this chapter.

(Ord. 505. Passed 8-7-00.)

652.09 RETALIATION.

If there is any evidence of retaliation by any offender against any complainant or witness, such evidence shall be communicated to the District Court. When sentencing any violator, the District Court shall first examine the evidence of retaliation, and if such is shown, shall consider such acts and sentence the violator accordingly.

(Ord. 505. Passed 8-7-00.)

652.10 APPEARANCE TICKETS.

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

(Ord. 505. Passed 8-7-00.)

652.99 PENALTY.

- (a) A person found in violation of this chapter shall be guilty of a civil infraction and shall be fined not less than \$100 nor more than \$500.
- (b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

NOISE CONTROL

- (c) The minimum fine shall be doubled for a second violation and tripled for a third violation within any 90 day period.
(Ord. 505. Passed 8-7-00.)

Resolution 42-82
Ordinance No. 9

GRAND TRAVERSE COUNTY

DISTURBANCE OF THE PEACE ORDINANCE

PREAMBLE

It is hereby determined by the Board of Commissioners of the County of Grand Traverse that the making, creating, and maintaining or permitting of any loud, unnecessary, unnatural or noises of such character, intensity, duration, either steadily or intermittently, or by reason of the hour of the day or night, place or use which annoys, disturbs, impairs or is detrimental to the public health, comfort, convenience, safety, welfare, enjoyment and peace and quiet of the inhabitants of this County is hereby declared to be a nuisance within the limits of Grand Traverse County. It is hereby determined and declared to be necessary and in the public interest for the prohibitions, as set forth herein, with penalties, all of which are in pursuance of and for the purpose of serving and promoting public health, comfort, convenience, safety, welfare, and enjoyment for the peace and quiet of the inhabitants of Grand Traverse County.

I NAME

This ordinance shall be known and cited as the "Disturbance of the Peace Ordinance."

II PROHIBITED ACTS

It shall be unlawful for any person to make, create, maintain or permit any loud, unnecessary, unnatural or unusual noise of such character, intensity, duration, either steadily or intermittently, or by reason of the hour of the day or night, place or use which annoys, disturbs, injures, endangers, or impairs the comfort, health, convenience, safety, welfare, enjoyment, and peace and quiet of other persons in the vicinity.

III BARKING DOGS

Any person who keeps, regardless of ownership, any dog which by barking, causes a disturbance as defined in Section II above shall be liable for prosecution and the penalties of Section VII.

IV EXEMPTION

Any activity that is a "farm operation" within the Michigan Right to Farm Act, 1980 P. A. No. 93, MCLA 286.471 et seq, shall be exempt from the application of this ordinance.

V PREEMPTION

This ordinance shall not apply to any activity which generates noise or sound if that activity is specifically regulated or controlled, in whole or in part, as to allowable noise or sound levels, or allowed during certain hours of operation or use, by State law or regulation, city, village or township ordinance. To the extent that there is partial regulation of noise or sound generation, then this ordinance may be applied to that activity but not in conflict with State law, regulation or ordinance of

VI SAVING CLAUSE

The provisions of the ordinance are hereby declared to be severable and if any cost, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

VII PENALTIES

It is a misdemeanor for any person to violate any provision of the ordinance and upon conviction shall be subject to a fine not to exceed \$100 (One hundred dollars) or by imprisonment in the County jail for not more than 90 (ninety) days or both such fine and imprisonment plus costs of prosecution. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.

VIII EFFECTIVE DATE

This ordinance shall not take effect until 30 days following submission to and approval by the Governor and publication thereof as required by law.

Arthur C. Elsenheimer (S)

Arthur C. Elsenheimer, Chairman
Board of Commissioners,
County of Grand Traverse

I, Virginia A. Watson, County Clerk of Grand Traverse County, hereby certify that this "Disturbance of the Peace Ordinance" was adopted at a regular session of the Grand Traverse County Board of Commissioners on March 9, 1982, convened in Traverse City. Roll Call Vote: Yes 13 Nay 2

Virginia A. Watson (S)

Virginia A. Watson,
County Clerk

Effective Date: September 14, 1982