



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF AUGUST 8, 2016

DATE: AUGUST 8, 2016

FROM: MARTY COLBURN, CITY MANAGER

SUBJECT: CHARTER AMENDMENT INITIATORY PETITION

Attached is a memo from City Clerk Benjamin Marentette certifying petitions from SOD Campaign Committee. As explained, the City Commission needs to adopt the attached Resolutions.

The following motion would be appropriate:

that the Certification of Petitions from the City Clerk attesting to the sufficiency of initiatory petitions submitted by SOD Campaign Committee requesting a charter amendment be received and filed; and

that a Resolution Approving Ballot Language for the Taller Building Proposed Charter Amendment for the City Clerk's submittal to the electorate at the General Election to be held November 8, 2016, be adopted; and

that a Charter Text Resolution for the Taller Building Proposed Charter Amendment, be adopted.

Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager

CC: Lauren Tribble-Laucht, City Attorney
File

FROM: Benjamin Marentette, City Clerk

A handwritten signature in blue ink, appearing to read "Benjamin Marentette", written over the "FROM:" line.

DATE: Monday, August 8, 2016

SUBJECT: Charter Amendment Initiatory Petition

On Monday, August 1, 2016, a total of 117 petitions asking that a proposed amendment to the Charter be submitted to the electorate was filed with my office on Monday, August 1, 2016. Attached is a copy of one of the petitions.

As you know, the City Attorney has prepared a confidential attorney-client communication in connection with this matter.

Today, I certified the petitions contained a sufficient number of signatures of the qualified and registered electors of the City of Traverse City, in accordance with the provisions of PA 279 of 1909, as amended, to place the proposed charter amendment on the general City election to be held November 8, 2016. Six hundred one (601) signatures were required (5% of the registered voters on March 3, 2016). We certified seven hundred sixteen (716) signatures, although the petitions contained a greater number of signatures than that.

The City Attorney has drafted the appropriate resolutions for the City Commission's adoption which would establish the language that would appear on the ballot as well as the language that would be inserted into the City Charter should the proposal be adopted by a majority of the electorate participating in the November 8, 2016, election

Attachment

K:\tcclerk\elect\charteramendment_initiative

The City of Traverse City

Office of the City Clerk

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



Certification of Petitions

To the City Commission:

On this day, Monday, August 8, 2016, I, Benjamin Marentette, City Clerk for the City of Traverse City, counties of Grand Traverse and Leelanau, State of Michigan, certify that the attached petitions, 117 in number, which were filed with the City Clerk by Brenda Jones Quick on behalf of SOD Campaign Committee, on August 1, 2016, contain a sufficient number of signatures of qualified and registered electors of the City of Traverse City, in accordance with the provisions of PA 279 of 1909, as amended, to place the petitioned-for Charter amendment on the ballot of the General Election to be held November 8, 2016.


Benjamin Marentette, MMC
City Clerk

INITIATORY PETITION TO AMEND THE CHARTER OF THE CITY OF TRAVERSE CITY

INITIATORY PETITION TO AMEND THE CHARTER OF THE CITY OF TRAVERSE CITY BY ADDING A NEW PARAGRAPH TO SECTION 28

To the City of Traverse City: We, the undersigned qualified and registered electors, residents in the City of Traverse City, in the County of Grand Traverse, State of Michigan, respectfully petition for Section 28 of the Charter of the City of Traverse City be amended by adding a paragraph to read: "It is hereby declared that buildings over 60 feet in height are generally inconsistent with the residential and historical character of Traverse City. Therefore, any proposal for construction of a building with a height above 60 feet, shall not be approved by the City or City Commission, until after the proposal is submitted to and approved by a majority of the City electors at a regular election, or at a special election."

WARNING – A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed is violating the provisions of the Michigan election law.

Signature	Printed Name	Street Address	Zip Code	Date of Signing		
				Month	Date	Year
	Scottie S. Harper	2157 Kewaukee Dr	49686	07	12	2016
	KEVIN KEENAN	2102 KEWAUWEE	49686	07	12	2016
	Robert Rice	2150 KEWAUWEE	49686	07	12	16
	Kristyn Howle	2130 Coventry Trail	49686	07	12	16
	Genevieve K. Lyon	727 Alcorn Ct	49686	07	12	16
	Kelly Stratton	2209 Kewaukee Ct.	49686	7	12	16
	William A. Steuber	2214 KEWAUWEE DR	49686	7	12	16
	JAN WHITE	710 Birchwood Ave.	49686	7	12	16
	DANIEL J. HENDRIX	2214 BIRCHWOOD CT.	49686	7	12	16
	Marilyn A. Flaherty	2216 Birchwood Ct	49686	7	12	16
	Robert J. Bigelow	2202 Birchwood Ct.	49686	7	12	16
	Almee M. Carroll	2126 Birchwood Ct.	49686	7	12	16

CIRCULATOR- Do not sign or date certificate until after circulating petition.

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City of Traverse City, and the elector was qualified to sign the petition.

Warning: A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as a circulator is guilty of a misdemeanor.

FLORIAN F. RUNDIS JR 7 13 2016
(Printed Name of Circulator) (Date)

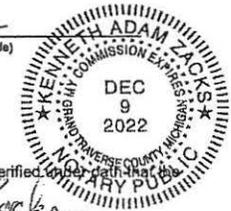
TRAVERSE CITY, MI 49686
(City or Township Where Qualified to be Registered)

2049 ARROWHEAD DR
Complete Residence Address (Street and Number, Zip Code)

STATE OF MICHIGAN)
)
 COUNTY OF GRAND TRAVERSE)

On this 13 day of July, 2016, personally appeared the above-named circulator, who verified under oath that the statements in the certificate of circulator are true.

Notary Public, Grand Traverse County, Michigan
 Acting In Grand Traverse County, Michigan
 My Commission Expires: DEC 9, 2022



Paid for by SOD Campaign Committee, 1749 Indian Woods Drive, Traverse City, MI 49686. The body, organization, or person primarily interested in and responsible for the circulation of this petition and the securing of the amendment is the organization SOD Campaign Committee.



CITY OF TRAVERSE CITY

RESOLUTION APPROVING BALLOT LANGUAGE
FOR THE TALLER BUILDING
PROPOSED CHARTER AMENDMENT

WHEREAS, an initiatory petition has been filed with the City Clerk of the City of Traverse City on the 1st day of August 2016; and

WHEREAS, the City Clerk has canvassed the petition and has certified the sufficiency of the number of signatures in the petition; and

WHEREAS, the initiatory petition does not provide a Statement of Purpose; and

WHEREAS, MCL 117.21(2) provides:

“Proposed charter amendments and other questions to be submitted to the electors shall be published in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment or other question. The purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed. In addition, the proposed charter amendment in full shall be posted in a conspicuous place in each polling place. The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption.”

NOW, THEREFORE, BE IT RESOLVED, that the initiatory petition to amend the City Charter filed with the City Clerk on the 1st day of August, 2016, shall be submitted to the electors of the City at the next general state election to be held on November 8, 2016;

BE IT FURTHER RESOLVED that the form in which the proposed charter amendment question shall appear on the ballot is hereby determined to be as follows:

PROPOSED AMENDMENT TO ADD A REQUIREMENT TO SECTION 28 OF THE CITY CHARTER OF TRAVERSE CITY THAT APPROVAL BY A MAJORITY OF THE ELECTORS AT A REGULAR OR SPECIAL ELECTION MUST OCCUR PRIOR TO

APPROVAL BY THE CITY OR CITY COMMISSION OF THE CONSTRUCTION OF A BUILDING WITH A HEIGHT ABOVE 60 FEET

Shall the Charter of the City of Traverse City be amended to add the following paragraph to Section 28: "It is hereby declared that buildings over 60 feet in height are generally inconsistent with the residential and historical character of Traverse City. Therefore, any proposal for construction of a building with a height above 60 feet, shall not be approved by the City or City Commission, until after the proposal is submitted to and approved by a majority of the City electors at a regular election, or at a special election?"

BE IT FURTHER RESOLVED that the City Clerk submit this Resolution to the Governor and the Attorney General and take all necessary or advisable actions in connection with this proposed Charter Amendment.

I hereby certify that the foregoing Resolution was adopted by the City Commission of the City of Traverse City at a meeting held on August ____, 2016, at the Governmental Center, 400 Boardman Avenue, Traverse City, Michigan 49684.

Benjamin C. Marentette, City Clerk



CITY OF TRAVERSE CITY
CHARTER TEXT RESOLUTION
FOR THE TALLER BUILDING
PROPOSED CHARTER AMENDMENT

WHEREAS, an initiatory petition sponsored by SOD Campaign Committee has been filed with the City Clerk of the City of Traverse City and certified as sufficient; and

WHEREAS, the City Commission has adopted a Resolution Approving the Ballot Language to be placed before the voters on November 8, 2016; and

WHEREAS, the initiatory petition does not publish in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment, should the proposed amendment be approved by the voters; and

WHEREAS, it is necessary that exact language be established to prevent confusion and to establish certainty in the proposal;

NOW, THEREFORE, BE IT RESOLVED, that in the event the voters approve the amendment, Chapter IV of the Charter of the City of Traverse City will be amended in its entirety as indicated below (with the language to be added underlined for highlighting purposes only.):

“CHAPTER IV

LEGISLATION, POWERS AND PROCEDURE

Section 24. Regular Meetings.

(EDITOR'S NOTE: This section was superseded by Ordinance 121, passed April 6, 1981. See Section 220.04 of the Codified Ordinances.)

Section 25. Special Meetings. Special meetings shall be called by the City Clerk on the written request of the Mayor or Manager or any three (3) Commissioners to at least six (6) hours written notice to each Commissioner served personally or left at his usual place of residence; but any special meeting shall be a legal meeting for all purposes without such notice if all Commissioners are present thereat or have waived notice thereof in writing.

Section 26. Mayor and Mayor Pro Tem. The Mayor shall preside at all meetings of the City Commission and may speak and vote as any other member of the City Commission. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor, and, if a

vacancy occurs, shall act as Mayor until the next annual organizational meeting or until an elected Mayor takes office, whichever first occurs. At such an organizational meeting, a City Commissioner shall be appointed interim Mayor until the next organizational meeting or until an elected Mayor takes office, whichever first occurs. The City Commission seat vacated by the Mayor shall be filled pursuant to Section 19 of the Charter. In the absence or disability of both the Mayor and Mayor Pro Tem, the City Commission shall appoint one of its members to preside. (Amended 11-2-04.)

Section 27. Quorum; Voting. A majority of the Commissioners shall be a quorum for the transaction of business. The City Commission may, by a majority vote of those present, compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein. On all votes which are not unanimous, the yea or nay vote of each member shall be recorded by roll call, but where the vote is unanimous, it shall be necessary to so state; provided, however, that all members of the City Commission who are absent shall be so listed in either case.

Section 28. Limitations on the Power of the City Commission. No office shall be created or abolished, no taxes or assessment imposed, nor any contract approved, nor franchise granted, nor any street, alley or public grounds vacated, nor any real estate or interest therein acquired, sold or disposed of, nor private property taken for public use, unless five (5) members of the City Commission shall vote in favor of the same; nor shall any vote of the City Commission be rescinded or reconsidered at a special meeting, unless there be present as many members as were present when such vote was taken. Provided that no plan for urban renewal, rehabilitation or redevelopment pursuant to Act 344 of the Public Acts of 1945, as amended, of any blighted area (as defined in the Act) of the City, or pursuant to the National Housing Act of 1949, as amended, or any other plan utilizing public funds and/or controls for the same purpose, shall be adopted until submitted to and passed by a majority of the electors of the City at a regular municipal or at a special election to be held for that purpose.

It is hereby declared that buildings over 60 feet in height are generally inconsistent with the residential and historical character of Traverse City. Therefore, any proposal for construction of a building with a height above 60 feet, shall not be approved by the City or City Commission, until after the proposal is submitted to and approved by a majority of the City electors at a regular election, or at a special election.

Section 29. Actions of the City Commission. No money shall be appropriated, nor the expenditure thereof authorized, except by ordinance, resolution or vote of the City Commission, and no such vote, resolution or ordinance shall be passed or become of any effect except by an affirmative vote of five (5) members of the City Commission. Except as otherwise provided in this Charter, no resolution or motion shall be passed except by affirmative vote of four (4) members of the City Commission.

Section 30. Rules of the City Commission. The City Commission shall determine its own rules, and shall keep a journal of its proceedings in the English language which shall be signed by the City Clerk. All regular and special meetings of the City Commission shall be open

to the public. The rules of the Commission shall provide for an opportunity for the public to be heard on any question under consideration of the Commission.

A summary of the Commission proceedings at each meeting shall be prepared by the City Clerk and published in the official newspaper.

There shall not be standing committees of the City Commission, except as provided by law and this Charter. The City Commission upon request of the City Manager may establish citizen advisory committees. Not more than one City Commissioner may sit on any such advisory committee. The City Manager, or the designee of the City Manager, shall be a member of such an advisory committee with full authority of vote. The advisory committee may be advisory to the City Commission, the City Manager, or any other City official or body, as designated by the City Commission. The function of such an advisory committee is advisory only, and the committee shall not have authority other than to study and recommend. The City Commission shall determine the number and terms of the members of the advisory committee and may set a date on which the committee will be dissolved unless expressly renewed by the City Commission.

Section 31. Ordinances. Legislation shall be by ordinance. Each ordinance shall be identified by a number and short title. The style of all ordinances shall be "The City of Traverse City Ordains." The effective date of an ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and enactment of an ordinance. Enactment shall require the affirmative vote of not less than four (4) Commissioners and the effective date shall be not earlier than ten (10) days after enactment; except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than six (6) Commissioners. No ordinance shall be amended by reference to its title only, but the section or sections amended shall be enacted in full. An ordinance may be repealed by reference to its number and title only.

Provided that no ordinance respecting standards, for the construction, repair, maintenance, improvement, occupancy, lease or sale of housing, (other than hotels, motels or that designed, built or leased to be occupied by three or more families) shall be adopted until submitted to and passed by a majority of the electors of the City at a regular municipal election or at a special election which may be called for that purpose.

Section 32. Ordinance Record. All ordinances, and the dates of introduction and enactment and the vote thereon, shall be recorded by the City Clerk in a book to be called the "Ordinance Book," and it shall be the duty of the Mayor and the City Clerk to authenticate such record by their official signatures.

Section 33. Publication; Adoption of Technical Codes. Except as otherwise provided in this Charter, all ordinances, when enacted, shall be published forthwith by the City Clerk in the manner provided by this Charter for the publication of notices, and the City Clerk shall enter his certificate as to the manner and date of publication under each ordinance in the ordinance book; provided that, if the City Commission shall direct the Clerk to make a digest of any ordinance or amendment which, in its opinion, is not of general public application and is more than one thousand (1,000) words in length, and when the City Commission shall approve such digest and shall order its publication, such publication shall be deemed to be sufficient publication of such

ordinance. The City Commission may adopt any detailed technical regulation (e.g., building code, electric wiring code, food inspection ordinance, etc.) as a City ordinance by reference to any recognized standard code, official or unofficial, or if such code be written in detail for the City and adopted as an ordinance, the publication of not less than fifty (50) copies in booklet form, available for distribution at cost, shall be sufficient publication of such ordinance, and any amendment to, or revision of, such adopted code or detailed technical ordinance, may be published in the same manner.

Section 34. Compilation and Revision. The City Commission shall, by resolution, order a general revision and compilation of ordinances within two (2) years from the date this Charter is adopted by the electors and every ten (10) years thereafter. Such revision and compilation, when completed, shall be adopted by appropriate ordinance which shall also designate when such revised and compiled ordinances shall become effective. Such revised and compiled ordinances need not be recorded in "The Ordinance Book" or the proceedings of the City Commission. The printing and binding of not less than one hundred (100) copies in book form, available for public distribution at cost, shall be deemed sufficient publication."

I hereby certify that the foregoing
Resolution was adopted by the City
Commission of the City of Traverse City at
a meeting held on August ____, 2016, at
the Governmental Center, 400 Boardman
Avenue, Traverse City, Michigan 49684.

Benjamin C. Marentette, City Clerk