

BAY CITY CITY COMMISSION

Synopsis of Regular Meeting

May 15, 2023

The meeting was called to order by Mayor Kathleen L. Newsham at 5:30 PM.

Commissioners Present: Jesse Dockett, Joseph Rivet, Andrea Burney, Brentt Brunner, Rachele Hilliker, Christopher Girard, Shelley Niedzwiecki, Ed Clements, Cordal Morris, 9; Mayor Kathleen L. Newsham.

Absent: None.

Presentations on the 1st Quarter Report for Hey Bay City and FY 23/24 Budget were given.

Proclamation for National Gun Violence Awareness Day - June 2, 2023, was presented.

The following items were approved:

- City Commission Minutes (5/1/23)
- Accounts and Claims in the \$1,082,175.50 and Investments and Wire Transfers in the amount of \$726,292.81 (5/8/23), and Accounts and Claims in the amount of \$1,261,592.89 and Investments and Wire Transfers in the amount of \$471,823.31 (5/15/23)
- Payroll in the amount of \$1,103,568.81 (5/11/23)
- Changes to the Obsolete Property Rehabilitation Act policy
- Budget amendments in the amount of \$289,459 for the Fiscal Year 2022/2023 budget
- Traffic Control Order #2023.004 to prohibit parking on both sides of Midland Street, between Euclid Avenue and Wenona Avenue
- Contract with AJ Rehms & Son, Bay City, for the 2023 CDBG Concrete Replacement Project, in the amount not to exceed \$225,000
- Contract with Professional Building Services, LLC, Frankenmuth, MI, for cleaning services at City Hall, in the amount of \$44,200 for year one, with two one-year renewals at \$45,084 for year two and \$45,968 for year three
- Professional services agreement with Yeo and Yeo, Saginaw, MI, for annual financial audit services for fiscal years ending June 30, 2023, 2024 and 2025, in the amount of \$68,000 FY23, \$71,500 FY24, and \$75,000 FY25
- Change Order No. 1 to the contract with Rost Cleaning Services, Essexville, MI, to discontinue cleaning and sanitizing services at the Department of Public Works Marquette building effective May 16, 2023, decreasing the contract in the amount of \$714.99
- Change Order No. 2 to the contract with Champagne & Marx Excavating, Saginaw, MI, in the increased amount of \$1,124.27 for balancing the 6th Street and Washington Avenue intersection Emergency Construction project
- Change Order No. 3 to the contract with Rohde Brothers Excavating, Saginaw, MI, in the decreased amount of \$310
- Transfer of Provisional Adult Use Marihuana and Medical Marihuana Licenses from MJC Development, LLC, dba Cannabis King to Stunner Roots, LLC, dba Top Cannibas Outlet, to operate a Marihuana Retail and a Provisioning Center facility at 108 Lafayette Avenue, contingent upon final inspection
- Reappointment of Nick Staudacher and Scott Holman, both of Bay City, to the James Clements Airport Advisory Committee, terms to expire January 1, 2026
- Appointment of Wayne Hofmann, Mitzi Dimitroff, Michael Debo, Todd Clements, Bruce Falcon and Patrick Winingham, all of Bay City, to the Brownfield Redevelopment Authority, terms to expire April 1, 2029

Brownfield Redevelopment Authority minutes (4/19/22, 1/24/23), and amended Bylaws (5/2/23), and Economic Development Corporation minutes (7/17/18), and amended Bylaws (5/2/23), were received.

Brian Krause spoke during public input.

Public Hearing was held on Establishment of a Neighborhood Enterprise Zone District bounded by Carroll Road, Park Avenue, Livingston Street, and Groveland Road. No one came forward.

Public Hearing was held on Establishment of a Neighborhood Enterprise Zone District bounded by South McLellan, 14th Street, South Hampton Street, and 16th Street. No one came forward.

Public Hearing was held on ordinance amendment to the Code of Ordinances, Chapter 102 – Traffic and Vehicles, Article III – Parking, Stopping and Standing, Section 102-88 Major snow event – parking prohibitions, regarding wording changes. No one came forward.

SPECIAL ORDER

Ordinance No. 2023-19

Be It Ordained by the City of Bay City: that the Code of Ordinances of the City of Bay City, Chapter 102 – Traffic and Vehicles, Article III – Parking, Stopping and Standing, Section 102-88 Major snow event – parking prohibitions, be amended as follows.

Sec. 102-88. Major weather event—Parking prohibitions.

(a) *Parking prohibition.* No person shall park or allow to remain parked any vehicle on any portion of any roadway within any area designated within the city during a major weather event, or park or allow to remain parked any vehicle in violation of any parking restriction instituted as part of a declared major weather event as provided in this section. The registered owner of any such vehicle shall be responsible for the cost of removal.

(b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

City manager means the city manager for Bay City, or in their absence, their duly authorized representative.

Roadway means that portion of a street or highway improved, designed, or ordinarily

used for vehicular traffic, including portions designated or used for the parking of motor vehicles.

Street or highway means the entire width between the boundary lines of every way publicly maintained.

Vehicle means every device by which any person or property is or may be transported or moved upon a roadway.

(c) *Procedure for declaration of a major weather event:*

(1) When the city manager determines the presence of inclement weather, or on the basis of a forecast by the U.S. Weather Bureau or other weather service that weather conditions will make it necessary that motor traffic will be prohibited or restricted, the city manager shall put into effect on parts or all of city streets by declaring a major weather event in the manner prescribed in this section.

(2) When considering the issuance of a declaration of a major weather event under subsection (1), the city manager shall take into consideration the recommendations of the director of public safety and the director of public works or their duly authorized representatives.

(d) *Notice of major weather event.* The city manager, upon declaring a major weather event, shall request public announcement of such parking prohibitions and/or in the form of a press release that is to be sent to local TV, radio, and news channels serving the city. The press release will be further distributed on the city website and social media when feasible.

(e) *Record of major weather event.* The city manager shall prepare such declaration of major weather event and cause it to be posted in the city hall for such period as the major weather event regulations are in effect.

(f) *Removal of parked vehicles.* After the initial notice of a major weather event has been given as provided in this section, a motor vehicle parked on any roadway within any area designated shall be removed in accordance with the following schedule:

(1) Within two hours for any motor vehicle parked on state trunk lines and streets designated as major streets by the city's street plan; and

(2) Within eight hours for any motor vehicle parked on streets designated as local streets by the city's street plan.

(g) *Enforcement procedures:*

(1) Members of the department of public safety are hereby authorized to remove or cause the removal and/or impounding of any vehicle that obstructs or otherwise impedes traffic on any street in the city. Such vehicle may be removed and conveyed by or under the direction of a member of the department of public safety by means of towing to a vehicle pound. The director of public safety is authorized to engage the services of any private vehicle towing operator to remove vehicles under the direction of a member of the department of public safety where the same are found in violation of this section.

(2) Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the department of public safety, they shall furnish evidence of identity and ownership; they shall sign a receipt for the vehicle and shall pay a fee to cover the cost of removal plus the cost of storage; and shall pay an additional storage fee for each day the vehicle is stored in the vehicle pound in excess of the first 24 hours the vehicle is impounded.

(h) *Termination of major weather event.* Once in effect, a prohibition under this section shall remain in effect until terminated by notice given substantially in the same manner it was declared; provided, however, that any street area which has been cleared from curb to curb for the length of the entire block shall be automatically excluded from any parking restriction imposed by this section.

(i) *Travel advisory.* The city manager may also issue a travel advisory during the period of the major weather event. The travel advisory shall urge extreme caution to those finding it necessary to travel during a major weather event, so as not to interfere with roadway clearing or emergency services.

(j) *Relationship to other laws.* Any provision of this section which becomes effective by declaration of the director or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over conflicting provisions of law normally in effect, except that it shall not take precedent over law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer. Nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

(k) *Penalty.* In addition to liability for towing, storage, and any other impound fees related to the removal of a vehicle from a roadway during a declared major weather event, a person who violates a provision of this article shall be responsible for a municipal civil infraction punishable by a fine as a Class F violation, plus costs. Under this article, a repeat or subsequent offense is an offense that occurs within 12 months of a prior offense. These penalty provisions do not apply to subsection (i).

A motion was made by Commissioner Dockett, seconded by Commissioner Girard to adopt Ordinance No. 2023-19.

Motion approved by the following vote:

Yes, Commissioners Dockett, Rivet, Burney, Brunner, Hilliker, Girard, Niedzwiecki, Clements, Morris, 9.

No, None.

The meeting adjourned at 8:10 PM.

Kathleen L. Newsham, Mayor
Tema J. Lucero, City Clerk