

BAY CITY CITY COMMISSION
Synopsis of Regular Meeting
June 19, 2023

The meeting was called to order by Mayor Kathleen L. Newsham at 6:00 PM.

Commissioners Present: Jesse Dockett, Joseph Rivet, Andrea Burney, Brentt Brunner, Christopher Girard, Shelley Niedzwiecki, Ed Clements, Cordal Morris, 8; Mayor Kathleen L. Newsham.

Excused: Commissioner Rachel Hilliker, 1.

Absent: None.

Proclamation - Tim Marciniak Day - June 19, 2023, was presented.

Residents of Breaker Cove presented information for declaring Breaker Cove Drive as a Public Street.

The following items were approved:

- Accounts and Claims in the amount of \$920,884.74 and Investments and Wire Transfers in the amount of \$532,567.88 (6/12/23), and Accounts and Claims in the amount of \$670,850.21 and Investments and Wire Transfers in the amount of \$342,932.88, less adjustments of \$545.77 (6/20/23)
- Payroll in the amount of \$1,111,435.37 (6/8/23).
- Ratification of the Softball Field Maintenance and Programming Agreement with the Bay County Softball Association, for the use and Programming of the fields located in Veterans Park, May 1, 2023, through April 20, 2024, with two one-year renewal options
- Ratification of Lease Agreement with Bay County Softball Association, Bay City, for use of the south concession building located in Veteran's Park, in the amount of \$2,000 per year, May 1, 2023 through April 30, 2024, with two one-year renewal options
- Change Order No. 1 to the contract with Super Construction, Bay City, MI, in the decreased amount of \$2.90 for balancing the CDBG/ARPA Lead Service Line Replacement project
- Traffic Control Order #2023.008 to prohibit parking on the east side of N. Van Buren Street, between McKinley Avenue and 6th Street, and allow parking on the west side of the street
- Collective Bargaining Agreement for Teamsters 214 Non-Supervisory, effective July 1, 2023, through June 30, 2027
- Budget amendments in the amount of \$1,109,285 for the Fiscal Year 2022/2023 budget
- Adult Use Class B Grower Marihuana Facilities License to 1709 Marquette, LLC, at 1709 Marquette Avenue, contingent upon final inspection
- Exchange of an Excess Grower License to a Recreational Adult-Use Retailer License, for Golden Harvests, LLC, at 333 Morton Street, contingent upon final inspection
- Adult Use Class C Grower Marihuana Facilities License to Oteal2 LLC, at 1401 N Johnson Street, contingent upon final inspection
- Resolution supporting grant application to the Michigan Economic Development Corporation Revitalization and Placemaking Program 2.0, for Public Space Place-Based Revitalization Project in Carroll Park, in the amount of \$1,000,000
- Resolution recommending Contract No. 2023-0526 with Michigan Department of Transportation to acquire easement for the approach of Runway 23 at James Clements Airport, at the estimated City's portion of \$7,729
- Resolution recommending approval of the Bay City Area 2023 Transportation Action Plan
- Resolution recommending the submittal of the Safe Streets and Roads for All Grant submission
- Resolution changing the July 3, 2023, regular city commission meeting

Zachery Seebeck, David Hohenstein, Alan Golden and Lynn Stamiris spoke during public input.

Public Hearing was held on Ordinance amendment to the Code of Ordinances, Chapter 122 - Zoning, Article III, VIII and X - Recreational Marihuana Uses and Facilities. No one came forward.

SPECIAL ORDER

Ordinance No. 2023-20

Be It Ordained by the City of Bay City:

1. That the Code of Ordinances of the City of Bay City, Section 122-74(a) of Chapter 122 of the City of Bay City Zoning Ordinance, is amended to read as follows:

Sec. 122-74 Recreational Marihuana Facilities

(a) The following types of marihuana facilities, pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq., (hereafter the "Act" or "MRTMA"), shall be allowed as permitted uses only in the following zoning districts:

(1) Marihuana Grower, which is a "person" (used throughout this ordinance as that term is defined in the MRTMA) licensed to cultivate marihuana and sell or otherwise transfer

marihuana to marihuana establishments, shall be a permitted use in the M-1, Light Industrial District, and the M-2, General Industrial District;

(2) Marihuana Microbusiness, which is a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments, shall be a permitted use in the C-1, Neighborhood Business District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial District, and M-2, General Industrial District;

(3) Marihuana Processor, which is a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments, shall be a permitted use in the C-1, neighborhood district, C-2-A, general business district, C-2-B, highway business district, C-3, central business district, M-1, light industrial district and M-2, general industrial district;

(4) Marihuana Retailer, which is a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older, shall be a permitted use in the C-1, Neighborhood District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial Business District, and M-2, General Industrial District;

(5) Marihuana Secure Transporter, which is a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments, shall be a permitted use in the C-1, Neighborhood Business District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial District, and M-2 General Industrial District;

(6) Marihuana Safety Compliance Facility, which is a person licensed to test marihuana, including certification for potency and the presence of contaminants, shall be a permitted use in the C-1, Neighborhood Business District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial District, and M-2, General Industrial District.

(7) Designated consumption establishment is a commercial space that is licensed and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license shall be a permitted use in the C-1, neighborhood business district, C-2-A, general business district, C-2-B, highway business district, C-3, central business district.

(8) Class A marihuana microbusiness license authorizes the following: cultivate not more than 300 plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from a licensed marihuana processor; sell or transfer marihuana and marihuana products to an individual 21 years of age or older only; transfer marihuana to a marihuana safety compliance facility for testing shall be a permitted use in the C-1, neighborhood business district, C-2-A, general business district, C-2-B, highway business district, C-3, central business district, M-1, light industrial district, and M-2, general industrial district.

2. That the Code of Ordinances of the City of Bay City, the table in Section 122-152 of Chapter 122 of the City of Bay City Zoning Ordinance, is amended to indicate that a Class A marihuana microbusiness and a Processor are permitted uses in the C-1, C-2-A, C-2-B, and C-3 Districts.

3. That the Code of Ordinances of the City of Bay City, the table in Section 122-192 of Chapter 122 of the City of Bay City Zoning Ordinance, is amended to indicate that a Class A marihuana microbusiness is a permitted use in the M-1 and M-2 districts.

A motion was made by Commissioner Girard, seconded by Commissioner Clements to adopt Ordinance No. 2023-20.

Motion approved by the following vote:

Yes, Commissioners Dockett, Burney, Brunner, Hilliker, Girard, Niedzwiecki, Clements, Morris, 7.

No, Commissioner Rivet, 1.

The meeting adjourned at 7:46 PM.

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