

# BAY CITY CITY COMMISSION

## Synopsis of Regular Meeting

August 7, 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, Rachelle Hilliker, Shelley Niedzwiecki and Ed Clements 8; Mayor Kathleen L. Newsham.

The following items were approved:

- City Commission Minutes (7/17/23)
- Accounts and Claims in the amount of \$1,308,255.92 and Investments and Wire Transfers in the amount of \$1,684,145.16, less adjustments of \$16,879.57 (7/24/23), Accounts and Claims in the amount of \$668,228.75 and Investments and Wire Transfers in the amount of \$1,888,666.11 (7/31/23), and Accounts and Claims in the amount of \$1,819,255.00 and Investments and Wire Transfers in the amount of \$1,108,249.45 (8/7/23)
- Payroll in the amounts of \$1,238,310.34 (7/20/23) and \$1,173,104.66 (8/3/23)
- Budget amendments in the amount of \$0 for the Fiscal Year 2023/2024 budget
- District Health Department No. 2, 2022, Homeland Security Grant Program Subrecipient Funding Agreement
- Land contract with Newton Properties, LLC, Bay City, for the unused City-owned vacant property located at 916 Sibley Street, in the amount of \$5,000
- Contract with Serenus Johnson Construction, Bay City, for the North Concession Building Roof Project at Vet's Park in the amount of \$91,911
- Contract with Pyramid Paving Company, Bay City, for the 2023 Street Resurfacing Construction Project, in the amount of \$1,124,026.35
- Resolution appointing Matt Nemode, Jason Clements, Kerice Basmadjian, Kevin Novellino, all of Bay City, and Melissa Alex, Freeland, to the Midland Street Management Board, terms to expire June 30, 2027
- Resolution re-appointing Jan Rise, Bay City, to the Zoning Board of Appeals, term to expire July 1, 2026
- Resolution resolution appointing Commissioner Shelley Niedzwiecki to the Bay County Land Bank as Commission Representative
- Resolution accepting a portion of Uptown Drive within the Uptown Development into the City's street system
- Resolution recommending Contract No. 23-5303 with the Michigan Department of Transportation, for construction on McKinley Street, at the estimated City's portion of \$279,811
- Resolution supporting the substantial amendment to the 2018 & 2019 Annual Action Plans to include park development and equipment installation
- Resolution approving the 2023-2024 Annual Action Plan and submitting it to the Department of Housing and Urban Development
- Collective Bargaining Agreement for Police Officers Association of Michigan, effective July 1, 2023, through June 30, 2027
- Collective Bargaining Agreement for Command Officers Association of Michigan, effective July 1, 2023, through June 30, 2027
- Implementation of Deferred Retirement Option Plan for the Police Department
- Change to Public Safety Employees annuity withdrawal option to a flat rate of 2.5%
- Actuarial study for the Police Officers Association of Michigan's pension multiplier

Alex Dewitt and Andrew Thibodeau spoke during public input.

Midland Street Management Board amended Bylaws (6/27/23) were received.

Public Hearing was held on Ordinance amendment to the Code of Ordinances, Chapter 102 - Traffic and Vehicles, Sections 102-81 through 102-86 regarding parking on city right-of-way. No one came forward.

### SPECIAL ORDER

#### Ordinance No. 2023-22

##### Be it Ordained by the City of Bay City:

1. That the Code of Ordinances of the City of Bay City, Chapter 102 - Traffic and Vehicles, Sections 102-81 and 102-82 be amended to read as follows:

##### Sec. 102-81. General parking prohibitions.

- (a) No person shall stop, stand or park a vehicle on a lawn extension, except at the direction of a police officer.
- (b) No person shall stop, stand or park on a city street or other public property any vehicle unless the vehicle bears a valid registration plate issued to the vehicle.
- (c) No person shall leave upon any street, alley or other public property any vehicle with the engine running unless the vehicle is attended by a competent person.
- (d) No person shall park a vehicle upon any perceptible grade without effectively setting the parking brake and turning the front wheels to the curb or side of the roadway, if applicable.
- (e) No person shall park upon any street or other public property any vehicle that is being used primarily for

Excused: Commissioner Cordal Morris, 1.  
Absent: None.

Proclamation - Ovarian Cancer Awareness Month - September 2023, was presented.

Presentation was given on Vacant Building Fees.

the storage of property. The provisions of this subsection shall not prohibit the temporary parking of a vehicle for delivery purposes.

(f) A person who violates this section is responsible for a civil infraction.

##### Sec. 102-82. Restricted areas.

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

(1) Restricted parking area means the area between the curb and sidewalk, on an unpaved street between the edge of the roadway and sidewalk, or if there is no sidewalk, the area between the curb or roadway and the edge of the right-of-way.

(b) Parking in restricted parking areas shall be in such paved parking areas which were lawfully in existence on November 20, 1978, or for which a "lawn extension parking construction permit" had been issued prior to the adoption of this section, and providing that such paved area does not violate any state law or city ordinance.

(c) Restricted parking areas correctly permitted in residentially zoned districts shall in addition to any other requirements of this chapter be as follows:

(1) Only cars, pickup trucks, vans and motorcycles may be parked in any such restricted parking area.

(2) None of the expenses of the creation and maintenance of such parking area shall be borne by the city and the city shall not be responsible to anyone suffering injuries as a result thereof.

(d) Upon voluntary discontinuances or involuntary termination by the city, the lawn extension restricted parking area shall be restored to the specification of the traffic engineer.

2. That the Code of Ordinances of the City of Bay City, Chapter 102, Traffic and Vehicles, Sections 102-83, is repealed.

3. That the Code of Ordinances of the City of Bay City, Chapter 102, Traffic and Vehicles, Sections 102-84, be amended to read as follows:

##### Sec. 102-84. Prohibition or limiting parking on specific streets.

The traffic engineer may, subject to the approval of the city commission, specify certain streets or portions thereof on which parking shall be prohibited at all times and may also specify streets or portions thereof on which parking shall be permitted only at certain times and under certain conditions and regulations or limited to certain periods of time or lengths of time. If a sign shall be placed in each block in any named area, calling attention to such prohibition or regulation, parking contrary to the warning of any such sign shall be a violation of this chapter. The word "sign" as used herein shall include lines marked on the pavement, provided that they shall be legible to the operator, and if marked on the pavement to show parking limitations, they shall, in themselves, be sufficient warning without any lettering accompanying the same.

4. That the Code of Ordinances of the City of Bay City, Chapter 102, Traffic and Vehicles, Sections 102-86, be amended to read as follows:

##### Sec. 102-86. Parking on city-owned property generally.

(a) No person shall stop, stand, or park any vehicle upon city-owned property except where and when expressly authorized. No person shall stop, stand, or park any vehicle in such areas in violation of the rules and regulations governing the same.

(b) The city manager shall designate such portions of city-owned property which may be used for public parking areas and shall establish rules and regulations governing the same, which shall be posted in the parking area governed. In areas controlled by parking meters, such rules and regulations shall be posted on the meters.

(c) The city commission may, by resolution, designate such portion of city-owned property which may be used for limited parking and the rules and regulations governing the same. Such areas may be limited to the use of such persons or for such purposes as shall be established by the resolution of the city commission. The city manager shall cause the rules and regulations to be posted in the limited parking area governed.

A motion was made by Commissioner Dockett, seconded by Commissioner Hilliker, to adopt Ordinance No. 2023-22.

Motion approved by the following vote:

Yes, Commissioners Dockett, Rivet, Burney, Brunner, Hilliker, Girard, Niedzwiecki, Clements, 8.

No, None.

The meeting adjourned at 7:41 PM.

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