

BAY CITY CITY COMMISSION

Synopsis of Regular Meeting

December 18, 2023

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

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

Excused: Commissioner Cordal Morris (arrived 6:11), 1.

A moment of silence was held in memory of patrolman Frank Kowalkowski.

The following items were approved:

- City Commission Minutes (11/20/23 and 12/4/23) and Closed Session Minutes (12/4/23)
- Accounts and Claims in the amount of \$692,602.35 and Investments and Wire Transfers in the amount of \$514,058.81 (12/11/23), and Accounts and Claims in the amount of \$806,151.25 and Investments and Wire Transfers in the amount of \$299,359.17 (12/18/23)
- Payroll in the amount of \$1,205,448.23 (12/7/23)
- Change Order #5 to the contract with J. Ranck Electric, Mt. Pleasant MI, for the increased amount of \$5,000 for the WWTP Emergency Generator Project
- ARPA Contract with Michigan Works for Youth Work Experience program, in the amount of \$500,000
- ARPA Contract with Knights of Columbus for Food Pantry and Coats for Kids programs, in the amount of \$13,500
- Allocation of remaining ARPA funds in the amount of \$1,683,934, to the Sewer Fund for Replacement of Tricking Filters, to assist in increase cost of the project
- ARPA Program Budget Amendment in the amount of \$0 for the fiscal year 2023/2024 budget
- Resolution recommending Contract No. 23-5432 with the Michigan Department of Transportation, for construction on Midland Street, in the estimated City's portion of \$316,135
- Resolution approving opening a bank account specifically for the Downtown Development Authority (DDA)
- Resolution taking a stance against vandalism and initiating a Neighborhood Watch Program in the 7th and 8th Wards

Alex Dewitt, Andrew Thibodeau, Stacy Klump, and Kevin Novellino spoke during public input.

A Public Hearing was held on Ordinance Amendment to the Code of Ordinances, Chapter 2 - Administration, Article II - Commission, Section 2-26, regarding Rules of Commission.

Alex Dewitt spoke in support.

A Public Hearing was held on Ordinance amendment to the Code of Ordinances, Chapter 26 - Buildings and Building Regulations, adding Article XVI - Short-Term Rentals, Sections 26-601 through 26-616.

Alex Dewitt spoke.

SPECIAL ORDER

Ordinance No. 2023-26

Be it Ordained by the City of Bay City: that the Code of Ordinances of the City of Bay City, Chapter 2, Administration, Article II, Section 2-26, be amended to read as follows:

Sec. 2-26. Rules of commission.

The following rules shall govern the meetings and organization of the city commission:

(1) *Rule 1.* The regular meeting of the commission shall be held on the first and third Monday of each month with the exception of observed holidays at 6:00 p.m. If the regular scheduled meeting falls on a holiday, the meeting will be scheduled for the next business day. The commission may hold special meetings set in accordance with the Open Meetings Act, MCL 15.261 et seq.

(2) *Rule 2.* The commission shall elect a president, vice president and sergeant-at-arms during the first meeting in January of each year. These roles are defined as:

President - assumes mayoral duties in the event of the mayor's absence.

Vice-president - assumes the president's duties in the absence of the president, or if the president vacates the role.

Sergeant-at-arms - maintains order and serves as the official timekeeper.

(3) *Rule 3.* The presiding officer shall be responsible for enforcing the rules of the city commission, contained herein, as well as code of conduct. In absence of the mayor, the responsibility shall fall upon the highest-ranking officer present at the meeting.

(4) *Rule 4.*

a. The city administration shall have the authority to pay all bills, invoices and accounts which have been specifically approved or authorized by the city commission through the adoption of the city budget, such as those amounts due or billed on contracts, purchase orders, wages and fringe benefits, utilities, and for other goods and services required for the day-to-day operations of the city and the provision of essential city services. These expenses will be presented at the regularly scheduled city commission meeting for approval with a listing of checks attached to the agenda item. Requests for additional billing information must be received prior to the city commission meeting.

b. The city commission shall approve the annual budget effective July 1 of each year. The approved annual city budget shall identify a spending plan for all city departments and operations. All expenses incurred by the city's departments shall be identified as the total expenditures by each department on a bi-monthly agenda. Once approved all expenses shall be paid by the city's accounting department. Expenditures and accounting for expenditures shall be in full compliance with state requirements and no additional review or approval shall be required.

(5) *Rule 5.* Working committees on the city commission may be appointed from time to time, when necessary for purposes of study and recommendation concerning a specific subject. Members of such committees are to be appointed jointly by the mayor and commission president,

with approval of city commission.

(6) *Rule 6.* All items to be presented on the formal agenda must be received by the city clerk before 5:00 p.m. on Thursday prior to the Wednesday disbursement of the agenda. The agenda packet is available the preceding Wednesday before the meeting.

(7) *Rule 7.* The order of business at every legislative meeting of the commission shall be as follows:

- Invocation and Pledge of Allegiance;
- Calling of the roll;
- Closed session;
- Presentations, proclamations, awards and recognitions;
- Adoption of agenda;
- Consent agenda;
- Remarks of mayor and commission;
- Manager's report;
- Public input;
- Public hearing;
- Special orders;
- Unfinished business;
- Regular agenda;
- Adjournment.

(8) *Rule 8.* A motion to reconsider may be made at the same or next succeeding meeting and the procedure shall be governed by Robert's Rules of Order, Newly Revised. A motion to reconsider must be made by a commissioner who voted with the majority and was on the prevailing side of the agenda item.

(9) *Rule 9.* All actions of the commission shall be taken by roll call, except for a motion to adjourn, receive or refer, unless objected to by a commission member.

(10) *Rule 10.* These rules may be suspended or amended by an affirmative vote of six or more commissioners.

(11) *Rule 11.* Upon a receipt of a veto from the mayor, the question before the commission at the next commission meeting shall be:

Shall the ordinance, resolution, motion or order of the commission vetoed by the mayor, be passed notwithstanding such veto?

(12) *Rule 12.* For the purpose of public participation during public input or public hearings, every speaker must provide his or her name and address on the register provided. Each speaker will be allowed to speak for no more than five minutes at a meeting, except that a speaker's time may be extended by a majority vote of the commission for no more than two additional minutes. The sergeant at arms, or an acting sergeant at arms designated by a majority vote of the commission, shall act as official timekeeper for the commission for purposes of this rule and for other purposes. During public input the speaker may address any topic.

(13) *Rule 13.* No resolution, motion or order or other action of the commission shall take effect or become operative until five days after its passage, unless the mayor shall, within the five days, have signified his/her approval in writing, filed with the city clerk. No ordinance shall take effect or become operative until the publication requirements of the Charter have been complied with.

(14) *Rule 14.* Additional meetings may be called at the request of five members by giving, through the clerk's office, adequate prior notice in writing, verbally, email or by phone. Additional meetings may be called of the commission during the regular Monday meetings by a vote of the majority of the commissioners present if they deem it necessary. Notice to the public shall be given as required by the Open Meetings Act. No business shall be transacted at any special meeting of the commission unless the same has been stated in the required notice of such meeting.

(15) *Rule 15.* Closed sessions of the commission shall be governed by the applicable laws of the state. Information provided during closed session shall be confidential and shall not be discussed outside of the closed session.

(16) *Rule 16.* Use of consent agenda. Those items on the city commission agenda which are considered routine by the city manager, i.e., deeds, easements, accounts payable, payroll, standard agreements, reports of administrative actions, leases and agreements previously approved in principal, etc., may be placed on the consent agenda; and, unless the mayor, city commissioner or public, specifically requests that such item be considered separately and removed therefrom and city commission action be taken separately on said item in the order appearing on the agenda, items on the consent agenda shall be approved, adopted, accepted, referred, etc., by motion of the city commission and roll call vote. Those items so approved under the heading "Consent Agenda" will appear in the city commission minutes in their proper form, i.e. resolution accepting grant deed or easement, approval of reports of officers, etc.

(17) *Rule 17.* The mayor, president, acting mayor or acting president may call to order any person or member of the commission who is being disorderly by speaking out of order or otherwise disrupting the proceeding, failing to be relevant to the current topic of the meeting or public hearing, speaking longer than the allotted time, or by making personal attacks or insults directed at another person or group of people and unrelated to the topic of discussion or public hearing. Such person or member of the commission shall be seated until the chair determines the person is in order. If the person engaged in the presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the commission. If a person shall continue to be disorderly and disrupt the meeting, the chair may order the sergeant at arms to remove the person from the meeting with the assistance of a public safety officer, if necessary. It shall not be a violation of this rule to use impassioned, offensive, critical, or profane language that is otherwise relevant to the topic of discussion. No person shall be removed from a public meeting of the city commission under this rule except for an actual violation of this rule committed at the meeting.

(18) *Rule 18.* A request for information or documentation made by a city commissioner during the course of a

Proclamation – Dave and Sally Clements Day - December 25, 2023, was read and presented.

Proclamation – Sue Grzegorzczuk Day - December 19, 2023, was read and presented.

Commissioners announced the residential and business winners of the Mayor's Christmas Lighting Contest.

commission meeting, a verbal request or a written request, compliance which is estimated to take in excess of three hours of city staff time, as determined by the City Manager, shall require the affirmative vote of a majority of city commission members. Nothing contained in this rule shall prohibit a city commissioner from requesting information or documentation pursuant to the provisions of the Freedom of Information Act, MCL 15.231, et seq.

(19) *Rule 19.* City commissioners will abide by all rules set forth in 1976 PA 267, MCL 15.261 through 15.275, also known as the Open Meetings Act or (OMA).

(20) *Rule 20.* Subject to the foregoing rules, the proceedings of the city commission shall be governed by the parliamentary rules contained in the current edition of Robert's Rules of Order, Newly Revised.

A motion was made by Commissioner Girard, seconded by Commissioner Dockett, to adopt Ordinance No. 2023-26.

Motion approved by the following vote:
Yes, Commissioners Dockett, Rivet, Brunner, Hilliker, Girard, Niedzwiecki, Clements, Morris, 8.
No, Commissioner Burney, 1.

SPECIAL ORDER

Ordinance No. 2023-27

Ordinance, Article XVI of Chapter 26 of the Bay City Code of Ordinances, has been adopted by action of the City Commission of the City of Bay City. A summary of the Ordinance is as follows:

Sec. 26-601. This section sets forth the purpose of the ordinance which is the regulation of short-term rental units, commonly known as "Airbnb".

Sec. 26-602. This section provides definitions relevant to the ordinance.

Sec. 26-603. This section authorizes enforcement of the Article by Code Officials. The City Manager or Code Official may request the assistance of other public authorities.

Sec. 26-604. This section authorizes the issuance of civil infraction citations and/or ordinance violation notices for violation of the Article.

Sec. 26-605. This section provides for a civil infraction penalty, fines, for violations of the Article.

Sec. 26-606. This section requires all short-term rentals to be registered with the City and sets forth the requirements of the application information required for a registration. This section also requires the applicant to consent to inspections by the City of Bay City and further indicates that a registration is not transferrable.

Sec. 26-607. This section sets forth the fees for registration, licensing, inspection, administration and all other actions authorized under the Article. This section also calls for an initial registration fee and annual licensing fee.

Sec. 26-608. This section sets forth the standards for use of all short-term rentals. It requires compliance with the International Property Maintenance Code and Chapter 122 of the Bay City Code of Ordinances regarding Zoning. This section also sets forth standards applicable to short-term rentals and the property on which a short-term rental is located.

Sec. 26-609. This section sets forth the requirement for an annual inspection by the City and inspections on a complaint basis, recurrent violation basis and necessary follow-up inspections. This section also sets forth the requirements for revocation of a license for a short-term rental and provides for an appeal of a revocation to the City Manager.

Sec. 26-610. This section requires the Code Official to make available to the public a checklist of commonly re-occurring violations found during an inspection.

Sec. 26-611. This section requires the Code Official to issue a certificate of compliance upon an inspection and approval of any regulated structure. Failure to obtain a certificate of compliance shall result in an issuance of a violation notice and/or a civil infraction citation.

Sec. 26-612. This section allows a Code Official to immediately suspend a certificate of compliance when conditions are found which constitute an imminent hazard to health or safety.

Sec. 26-613. This section allows a Code Official to order a structure vacated where a notice of violation and order to comply has been issued and upon reinspection it is found that the violation has not been corrected.

Sec. 26-614. This section allows the Code Official to bring an action before a court of competent jurisdiction to abate or enjoin a violation of the Article. The court may enjoin the maintenance of any unsafe, unhealthy, or unsanitary condition, or any violation of the Article and may order repairs or corrections necessary to abate the conditions. The court may authorize the code official to make repairs at the expense of the property owner.

Sec. 26-615. This section provides for a lien upon the premises if the owner fails to pay the registration fee, annual license fee and any other designated fees or costs.

Sec. 26-616. This section contains a disclaimer of liability and indicates that the City does not assume any responsibility or liability for the short-term rental property, or for any enforcement action, inspection or other activity taken by the City.

A motion was made by Commissioner Girard, seconded by Commissioner Dockett, to adopt Ordinance No. 2023-27.

Motion approved by the following vote:
Yes, Commissioners Dockett, Rivet, Burney, Brunner, Hilliker, Girard, Niedzwiecki, Clements, Morris, 9.
No, None.

The meeting adjourned at 7:16 PM.

Kathleen L. Newsham, Mayor
Jamie C. McFarland, Deputy City Clerk