

**BAY CITY CITY COMMISSION**  
**Synopsis of Regular Meeting**  
**March 6, 2023**

The meeting was called to order by Commission President Jesse Dockett at 6:00 PM.

Employee of the Year award was presented to Michael MacDougall.

Commissioners Present: Jesse Dockett, Joseph Rivet, Andrea Burney, Brentt Brunner, Rachelle Hilliker, Christopher Girard, Shelley Niedzwiecki, Ed Clements and Cordal Morris, 9.

A proclamation proclaiming Irish Week - March 13-19, 2023, was read and presented to members of the St. Patrick's Day Parade Association committee, the Queens, Princesses and Parade Marshal were introduced.

2022 Year in Review and James Clements Airport Update were presented.

Excused: Mayor Kathleen Newsham.  
Absent: None.

The following items were approved:

Public Hearing was held on ordinance amendment to the Code of Ordinances, Chapter 2 - Administration, Article II - Commission, Section 2-28 - regarding Disorderly Conduct at City Commission meetings.

Alex Dewitt, 1309 S. Erie Street, spoke in opposition.

Public Hearing was held on ordinance amendment to the Code of Ordinances, Chapter 2 - Administration, Article VI - Finance, Section 2-281 - When bids are required - regarding increasing thresholds. No one came forward.

Public Hearing was held on ordinance amendment to the Code of Ordinances, Chapter 30 - Businesses, Article XV - Medical Marihuana Facilities, Sections 30-502 through 30-529, regarding marihuana facilities. No one came forward.

Public Hearing was held on ordinance amendment to the Code of Ordinances, Chapter 30 - Businesses, Article XVII - Recreational Marihuana, Sections 30-702 through 30-730, regarding recreational marihuana facilities. No one came forward.

**SPECIAL ORDER**

**Ordinance No. 2023-6**

**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 - Commission, Section 2-26 - Rules of Commission, Rules (17) and (18), be amended to read as follows:

**Sec. 2-26. Rules of commission.**

(17) Rule 17. The mayor, president, acting mayor or acting president may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceeding, failing to be germane, speaking longer than the allotted time, using vulgarities, or by demeaning city officials, officers, or employees. Such person 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. 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 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.

All other rules remain unchanged.

A motion was made by Commissioner Clements, seconded by Commissioner Brunner to adopt Ordinance No. 2023-6.

Motion approved by the following vote:

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

No, None.

**Ordinance 2023-7**

**Be It Ordained by the City of Bay City:** that the Code of Ordinances, Chapter 2 - Administration, Article II - Commission, Section 2-28 be added to read as follows:

**Sec. 2-28. Commission meeting – disorderly conduct.**

Any person, including elected officials, officers, employees and those in attendance at a meeting of the commission who persists in disturbing the peace and orderly conduct of a meeting of the city commission by any conduct or communication which by its very existence inflicts injury, incites an immediate breach of the peace or which prevents the peaceful and orderly conduct of such meeting, after having been clearly informed that he or she is in fact unreasonable causing such disturbance, commits the crime of disorderly conduct.

A motion was made by Commissioner Brunner, seconded by Commissioner Girard to adopt Ordinance No. 2023-7.

Motion defeated by the following vote:

Yes, Commissioners Dockett, Brunner, Girard, Niedzwiecki, 4.

No, Commissioners Rivet, Burney, Hilliker, Clements, Morris, 5.

**Ordinance No. 2023-8**

**Be it Ordained by the City of Bay City:** that the Code of Ordinances of the City of Bay City, Chapter 2 - Administration, Article VI - Finance, Section 2-281 - When bids are required, be amended to read as follows:

**Sec. 2-281. - When bids are required.**

Whenever it is practical to do so, the purchasing agent shall purchase all materials, supplies, equipment and services required by the city with purchases:

- (1) Between \$2,500.00 and \$9,999.00 requiring a minimum of two or more phone quotes;
- (2) Between \$10,000.00 and \$49,999.00 requiring a minimum of two or more written quotes;
- (3) \$50,000.00 or more requiring sealed bids.

This section shall not apply to professional services agreements. Any other exceptions shall require written justification by the requesting department and prior written approval of the city manager or designee.

A motion was made by Commissioner Girard, seconded by Commissioner Brunner to adopt Ordinance No. 2023-8.

Motion approved by the following vote:

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

No, Commissioner Clements, 1.

**Ordinance No. 2023-9**

**Be It Ordained by the City of Bay City:** that the Article regulating Medical Marihuana Facilities, Article XV, of Chapter 30, of the Bay City Code of Ordinances, has been amended by action of the City Commission of the City of Bay City. A summary of the Amendments is as follows:

**Sec. 30-502. Definitions.** Additional definitions relating to medical marihuana facilities.

**Sec. 30-506. General license application requirements.** Revisions to the application requirements to better clarify information being submitted, and revisions to the workman's compensation requirements based on variations of establishments and insurance. The City Attorney developed a revision change.

**Sec. 30-507. Denial of application.** Clarification for denial of an application.

**Sec. 30-511. License renewal.** To allow more time for processing of renewal applications. The recommendation is to change to 60 days.

**Sec. 30-519. Provisioning center license.** The Administrative Rules developed by the regulatory agency allow contactless transactions. Contactless transactions include curbside service and a drive-through window. Some marihuana dispensaries are located in former bank buildings and there have been requests to utilize the existing drive-through space.

**Sec. 30-524. Security requirements.** Provides clearer language for the security plan requirement.

**Sec. 30-525. Visibility of activities; control of emissions.** - contactless reference.

**Sec. 30-529. Prohibited acts.** - contactless reference.

A copy of this ordinance may be inspected at the Office of the Bay City Clerk, 301 Washington Avenue, Bay City, Michigan, 48708 between the hours of 8:00 a.m. and 5:00 p.m. on all business days, excluding holidays. Once adopted, a copy of the full ordinance may also be viewed on the City's website, at www.baycitymi.org.

A motion was made by Commissioner Clements, seconded by Commissioner Girard to adopt Ordinance No. 2023-9.

Motion approved by the following vote:

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

No, None.

**Ordinance No. 2023-10**

**Be It Ordained by the City of Bay City:** that the Article regulating Recreational Marihuana Facilities, Article XVII, of Chapter 30, of the Bay City Code of Ordinances, has been amended by action of the City Commission of the City of Bay City. A summary of the Amendments is as follows:

**Sec. 30-702. Definitions.** Additional definitions relating to recreational marihuana facilities.

**Sec. 30-703. Number of permitted establishments.** Added new Microbusiness Class A

**Sec. 30-705. License required.** Revision for spelling.

**Sec. 30-706. General license application requirements.** Revisions to the application requirements to better clarify information being submitted and revisions to the workman's compensation requirements based on variations of establishments and insurance. City Attorney developed the revision change.

**Sec. 30-707. Denial of application.** Clarification for denial of an application.

**Sec. 30-711. License renewal.** To allow more time for processing renewal applications. The recommendation is to change to 60 days.

**Sec. 30-712. Transfer, sale or purchase of license.** - deletion.

**Sec. 30-718. Marihuana retailer license.** Added contactless transaction.

**Sec. 30-720. Microbusiness license.** Added contactless transaction.

**Sec. 30-721. Class A Microbusiness license.** Added new license type.

**Sec. 30-721 thru Sec. 30-29 new numbering**

**Sec. 30-726. Visibility of activities; control of emissions.** - contactless reference.

**Sec. 30-730. Prohibited acts.** - contactless reference.

A copy of this ordinance may be inspected at the Office of the Bay City Clerk, 301 Washington Avenue, Bay City, Michigan, 48708 between the hours of 8:00 a.m. and 5:00 p.m. on all business days, excluding holidays. Once adopted, a copy of the full ordinance may also be viewed on the City's website, at www.baycitymi.org.

A motion was made by Commissioner Clements, seconded by Commissioner Brunner to adopt Ordinance No. 2023-10.

Motion approved by the following vote:

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

No, None.

The meeting adjourned at 8:18 PM.

Jesse Dockett, Commission President  
Tema J. Lucero, City Clerk

Alex Dewitt, Charles Binder, Melissa Burgey, Matt Nemode, Wendy Burleigh and Marc Owczarzak spoke during public input.

Ordinance amendment to the Code of Ordinances, Chapter 26 - Buildings and Building Regulations, Article XIII - Wrecking Buildings, Division 2 - Wrecker's License, Sections 26-546 through 26-550, regarding Wrecker's licenses be repealed in its entirety; ordinance amendment to the Code of Ordinances, Chapter 30 - Businesses, Article VI - Pest Control, Sections 30-186 through 30-231, regarding Pest Control be repealed in its entirety; Ordinance amendment to the Code of Ordinances, Chapter 30 - Businesses, Article XII - Fortunetelling, Sections 30-460 through 30-464, regarding fortunetelling be repealed in its entirety and Ordinance amendment to the Code of Ordinances, Chapter 30 - Businesses, Article XIII - Sign Hangers, Sections 30-470 through 30-472, regarding Sign Hanger licenses be repealed in its entirety, were received for first reading and referred to next meeting for second reading and adoption.

Planning Department Annual Report was received.

Public Hearing was held on resolution supporting the MDNR Waterways Grant application for Liberty Harbor 'C' Dock Replacement. No one came forward.

Public Hearing was held on resolution supporting the MDNR Trust Fund Grant application for renaturalization and enhancements to city owned property at 75 Niagara Street. No one came forward.

Public Hearing was held on ordinance amendment to the Code of Ordinances, Chapter 2 - Administration, Article II - Commission, Section 2-26 - Rules of Commission, regarding Disorderly Conduct and Information Requests.

Alex Dewitt, 1309 S. Erie Street, spoke in opposition.