

**BAY CITY
CITY COMMISSION
Synopsis of Regular Meeting
November 18, 2019**

The meeting was called to order by Mayor Kathleen L. Newsham at 7:35 PM.

Commissioner Kerice Basmadjian – Vice President
Commissioner Christopher Girard – Sgt-at-Arms

City Clerk Tema J. Lucero administered the Oath of Office to Mayor Kathleen L. Newsham, Commissioner Kristen McDonald Rivet, Commissioner Brentt Brunner, Commissioner Christopher Girard and Commissioner Ed Clements.

Suzanne Maxwell presented information on the Downtown Management Board Special Assessment.

Commissioners Present: Jesse Dockett, Kristen McDonald Rivet, Andrew Niedzinski, Brentt Brunner, Rachelle Hilliker, Christopher Girard, Kerice Basmadjian, Ed Clements and Cordal Morris, 9.

Public hearing was held on Ordinance Amendment to the Code of Ordinances, Chapter 30, Businesses, Article XVII, Sections 30701 through 30737, recreational marijuana facilities.

Absent: None.

David Pleitner, 333 Morton Street, spoke on concerns with some licenses not being offered and limit of licenses available.

The following Commissioners were elected Officers:
Commissioner Jesse Dockett – President

Alex Dewitt and Celina Harrell-Christopher spoke during public input.

SPECIAL ORDER

The following Ordinance was presented at the November 4, 2019, City Commission meeting and is herewith presented for possible adoption.

Of Commission as a Whole:

Ordinance No. 2019-16

Be It Ordained By The City Of Bay City: that the Article regulating Recreational Marijuana Establishments, 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. This section has been amended to incorporate “Marijuana Regulatory Agency (MRA)” into the definition of “Department” in addition to adding “Emergency Rules means the emergency rules for adult-use marijuana establishments issued by LARA on July 3, 2019”; “Michigan Regulation and Taxation of Marijuana Act means Initiated Law 1 of 2018, MCL 333.27951 et seq.” as newly defined terms to the list of definitions.

Sec. 30-703. This section has been amended to increase the maximum number of Marijuana Retailer commercial entities permitted in the City from “25” to “50”; subsection (b) was added which prohibits the licensing and operation of Special Licenses within the City boundaries.

Marihuana Retailer	50
Marihuana Safety Compliance Facility	25
Marihuana Secure Transporter	25
Marihuana Processor	25
Marihuana Microbusiness	25
Class A Marihuana Grower	25
Class B Marihuana Grower	25
Class C Marihuana Grower	25

(b) Special Licenses Prohibited. Pursuant to the MRTMA, Section 6(1), the City elects to prohibit the licensing and operation of Special Licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit:

1. Designated consumption establishment license.
2. Excess marijuana grower licenses.
3. Marijuana event organizer license.
4. Temporary marijuana event license.
5. Supplemental Applicant

Sec. 30-706. This section has been amended to include subsection (b)5:

(5) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MRTMA to include documents submitted for prequalification.

Subsection (b)8 was amended to eliminate phrases “A comprehensive establishment operation plan for the” and “which shall contain, at a minimum”. Subsection (b) was also amended to eliminate 8(a) which contained redundant language referring to a security plan in General License Application Requirements; language requiring a copy of the security plan was incorporated into Sect. 30-724 Security Requirements. Language was also added to 8(g) of subsection (b) to

include the term “microbusiness”.

Sec. 30-713. License as revocable privilege and Sec. 30-714. Nonrenewal, suspension or revocation of license. Each entirely unchanged section was moved from Division III, Applicable Standards for License Type Permitted, to Division II, Licensing of Marijuana Establishments.

Division III was amended to incorporate the phrase “Applicable standards for license type permitted”.

Sec. 30-724. This section has been amended to modify subsection (b) to eliminate the phrase “description of the security plan” and add the language “copy of the security plan submitted to MRA as part of the Marijuana Establishment License Application, Step 2”, which requires a security plan as part of the Marijuana Establishment License Application”.

Sec. 30-729. This section has been amended to add language that prohibits the sale or consumption of marijuana in any public spaces:

(f) In conformance with the Michigan Regulation and Taxation of Marijuana Act, the sale or consumption of marijuana in any form and the sale or display of marijuana accessories, as defined by the Michigan Regulation and Taxation of marijuana Act, is prohibited in any public places owned, occupied, or managed by the City of Bay City.

(g) Any person who violated any of the provisions of this section shall be responsible for a civil fine as prescribed by MCL 333.27965.

(h) This section does not supersede rights and obligations with respect to the transfer and consumption of marijuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided and authorized by the Michigan Regulation and Taxation of Marijuana Act, and does not supersede rights and obligations with respect to the use of marijuana for medicinal purposes as provided by any law of the State of Michigan allowing for or regulating marijuana for medical use.

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. Commissioner Niedzinski moved adoption of Ordinance No. 2019-16.

Adopted by the following vote:
Yes, Commissioners Dockett, Niedzinski, Brunner, Girard, Basmadjian, Clements, Morris, 7.
No, Commissioners Rivet, Hilliker, 2.

The following items were approved:

- City Commission Minutes (11/4/19)
- Accounts and Claims in the amount of \$487,502.63 and Investments and Wire Transfers in the amount of \$210,644.75 (11/11/19) and Accounts and Claims in the amount of \$802,037.55 and Investments and Wire Transfers in the amount of \$417,825.63 (11/18/19)
- Payroll in the amount of \$963,651.91 (11/14/19)
- Appointment of Celina HarrellChristopher, Bay City, to the Compensation Commission, term to expire

May 1, 2020

- Appointment of Celina HarrellChristopher, Bay City, to the Board of Review, term to expire January 1, 2021
- Contract with MacAllister Rentals, Midland, MI, for equipment rental services for all city departments based upon rental rates established in the Mid-eal Cooperative purchasing program through the State of Michigan
- Electric Service Agreement for the Electric Department
- Mutual Confidentiality and NonDisclosure Agreement between the City of Bay City and Michigan Electric Transmission Company, LLC
- Oneyear contract with Shaw Contracting, Bay City, and Green Tech, Kawkawlin, MI, for Miscellaneous Directional Boring and Trenching Service for the Electric Department, with a oneyear renewal option
- Change Order No. 4 to the contract with Shaw Contracting, Bay City, in the decreased amount of \$86,284.44, for the balancing of the Priority Road Improvement Program Misc. Concrete Replacement project
- Purchase of a 2020 Freightliner with an Aerial Device from Terex Utilities Inc, Watertown, SD, through the Sourcwell Cooperative Contract, in the amount of \$169,649, for the Electric Department
- Purchase of a 2020 Freightliner with a Lightning Loader from Bell Equipment Company, Lake Orion, MI through the Sourcwell Cooperative Contract, in the amount of \$158,000, for the Electric, Parks and Sanitation Departments
- Ratification of Amendment No. 1 to the professional services agreement with The Nyhart Company, Indianapolis, IN, in the increased amount of \$2,000, for completion of the required interim actuarial reports of Retiree Healthcare Benefits
- Ratification of contract with Lake State Railway Company, Saginaw, MI, for the reconstruction of the asphalt portion of the railroad spur at 34th Street, in the amount not to exceed \$63,394.50
- Provisional Medical Marijuana Facilities License to One Green Acre, LLC to operate a Grower facility (Class C) at 2709 E Euclid Avenue, contingent upon final inspection
- Provisional Medical Marijuana Facilities License to Seneca River, LLC, to operate a Provisioning Center at 616 Garfield Avenue, contingent upon final inspection
- Finance Policy Committee Minutes (11/4/19)
- Resolution establishing the 2020 City Commission meeting dates
- Resolution Adopting Downtown Management Board 20202024 Plan and Directing the City Assessor to Prepare the Certified Special Assessment Roll
- Resolution acknowledging that the Bay Area Community Foundation will be treated differently as a subordinate debt holder than the City of Bay City
- Resolution appointing Patty Dollinger, Bay City, to the Historic District Commission, term to expire May 1, 2020

Summons and Complaint, Zachary BermejoLee v. Bay City Department of Public Safety was received and referred to Michigan Municipal Risk Management Authority.

The meeting adjourned at 8:26 PM.

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