

**BAY CITY
CITY COMMISSION
Synopsis of Regular Meeting
January 3, 2017**

The meeting was called to order by Mayor Kathleen L. Newsham at 7:32 PM.

Commissioners Present:, Lynn Stamiris, David Terrasi, Andrew Niedzinski, Brentt Brunner, Jim Irving, John Davidson, Kerice Basmadjian, Ed Clements, and Larry Elliott, 9.

Jesse Dockett spoke during public input.

SPECIAL ORDER

The following Ordinance was presented at the December 19, 2016, City Commission meeting and is herewith presented for possible adoption.

Of Commission as a Whole:

ORDINANCE NO. 2017-1

Be It Ordained by the City of Bay City:

DIVISION 2. - IMPOUNDMENT OF VEHICLES

1. That the Code of Ordinances of the City of Bay City, Chapter 102, Traffic and Vehicles, Section 102-106, be amended to read as follows:

Sec. 102-106. - Pound created.

There is hereby created a vehicle pound to which vehicles may be removed by the department of public safety, as provided in this division. Such pound may be located and operated at a place designated by the director of public safety, or the director of public safety may designate approved storage garages or impound yards as vehicle pounds, as provided for in section 102-107.

2. That the Code of Ordinances of the City of Bay City, Chapter 102, Traffic and Vehicles, Section 102-107, be amended to read as follows:

Sec. 102-107. - Designation of garages or impound yards as pounds; bond and insurance.

(a) The director of public safety is authorized to designate in writing, filed with the city clerk, storage garages or impound yards approved as vehicle pounds to which vehicles may be removed under the provisions of this division. Each garage or impound yard designated as a vehicle pound shall file with the city clerk evidence of compliance with the insurance requirements as are set forth in section 30-58.

(b) Each garage or impound yard owner, whose facilities serve as a vehicle pound to which vehicles may be removed under provisions of this section, shall defend, save, keep, hold harmless, and indemnify the city, its officers, agents, and employees from and against all claims, damages, losses, and expenses, including attorney fees, arising out of, resulting from, or caused by owners' performances set forth in this Code, or otherwise performed or to be performed; provided that such claim, damages, loss, or expense is caused, in whole or in part, by any act or omission of the owner or anyone directly or indirectly retained, consulted, or employed by it or in privity with it, or anyone for whose acts it may be liable.

3. That the Code of Ordinances of the City of Bay City, Chapter 102, Traffic and Vehicles, Section 102-108, be added to read as follows:

Sec. 102-108. – Immediate removal of vehicles.

(a) A department of public safety officer may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the last-titled owner of the vehicle in any of the following circumstances:

- (1) If the vehicle is in such a condition that the continued operation of the vehicle on a street or other place open to travel by the public would constitute an immediate hazard to the public.
- (2) If the vehicle is parked or standing in such a manner as to create an immediate public hazard or an obstruction of traffic.
- (3) If the vehicle is parked in a posted tow away zone.
- (4) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
- (5) If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime.
- (6) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
- (7) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner that impedes the movement of another vehicle.
- (8) If the vehicle is stopped, standing, or parked in a space designated as parking for persons with disabilities and is not permitted by law to be stopped, standing, or parked in a space designated as parking for a person with disabilities.
- (9) If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.
- (10) If the vehicle is interfering with the use of a ramp or a curb-cut by persons with disabilities.
- (11) If a vehicle is parked in violation of a major snow event declaration contrary to section 102-88.
- (12) If removal is necessary to permit ordinary snow removal, street construction, clean up, or repair, tree work, or other public utility work, after at least 24 hours' notice thereof has been posted on the vehicle.

(13) If a vehicle is parked on a street for the principal purpose of storage, after at least 48 hours' notice thereof has been posted on the vehicle.

(b) Unless the vehicle is ordered to be towed by a public safety department officer under subsection (a)(1), (4), or (5), if the owner or other person who is legally entitled to possess a vehicle to be towed or removed arrives at the location where the vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of a reasonable service fee, for which a receipt shall be provided.

(c) A public safety department officer that authorizes the removal of a vehicle under subsection (a) shall do all of the following:

- (1) Check to determine if the vehicle has been reported stolen prior to authorizing the removal of the vehicle.
- (2) Except for vehicles impounded under subsection (a)(4) or (5), a department of public safety officer shall enter the vehicle into the Law Enforcement Information Network as abandoned not less than 7 days after authorizing the removal, and follow the procedures set forth in MCL 257.252(a).
- (3) Not less than 20 days but not more than 30 days after a vehicle has been released by the department of public safety, the towing agency or custodian shall notify the department of public safety to enter the vehicle as abandoned, and the department of public safety shall follow the procedures set forth in MCL 257.252(s) if the impounded vehicle has not been redeemed.

4. That the Code of Ordinances of the City of Bay City, Chapter 102, Traffic and Vehicles, Section 102-109, be added to read as follows:

Sec. 102-109. – Vehicle impound fee.

All vehicles impounded by the Bay City Department of Public Safety pursuant to the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, or the Bay City Code of Ordinances shall be subject to an administrative fee. The fee shall be the fee on file with the city clerk which has been approved and filed by the city manager and of which the city commission has been notified for at least 30 days in compliance with section 2-1 of the Bay City Code of Ordinances.

Commissioner Elliott moved to allow public input. There was no objection. No one came forward.

Commissioner Niedzinski moved adoption of Ordinance No. 2017-1.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

The following items were approved:

- Accounts and Claims in the amount of \$179,576.24 and Investments and Wire Transfers in the amount of \$848,929.00 (12/26/16) and Accounts and Claims in the amount of \$65,432.00 and Investments and Wire Transfers in the amount of \$2,647,175.11 (1/2/17)
- City Manager presenting Payroll in the amount of \$822,676.05 (12/29/16)
- Rescission of Temporary Traffic Control Order # 2015.0003 and establishing Permanent Traffic Control Order # 2016.0015 to place a four-way red flashing signal at the intersection of Washington Avenue and Center Avenue
- Traffic Control Order #2016.0016 for No Parking signs along both sides of Patterson Avenue from Marquette Avenue to Smith Street
- Consent of restrictive covenants at 740 N. Euclid Avenue as an easement holder
- Final Change Order No. 8 to the Development Agreement with Bay Riverfront, LLC/SSP Associates, Inc., Saginaw, MI, for Uptown at River's Edge Riverwalk Phase 1A in the decreased amount of \$150,400.29
- Appointment of Doug Sommer, Bay City, to the Building Code Board of Appeals, term to expire August 1, 2019
- Contract with Shaw Contracting, Bay City, MI, for Removal and Disposal of Repair Spoils, in an amount not to exceed \$78,000 for years 1 & 2, and not to exceed amount of \$79,600 in year 3
- Rejection of all bids received November 16, 2016, for the Disposal of Solid Waste Materials
- One year extension to the current collective bargaining agreement with Teamsters Local 214 Supervisory Union expiring December 31, 2017, with no modification or change in wages or benefits
- Finance Policy Committee Minutes (12/12/16 & 12/19/16)
- Resolution of support for the ratification of a submittal of a grant application to the United States Environmental Protection Agency (USEPA), seeking authorization to apply for a \$150,000 cleanup grant to assist with environmental cleanup activities at the former Surath Scrap Yard property at 1001 E Ohio Street and Marina Park Drive
- Resolution of support for the ratification of the submittal of a grant application to the United States Environmental Protection Agency (USEPA) granting authorization to apply for a \$400,000 community-wide assessment grant to assist with inventory, characterization, assessment and to conduct planning and community involvement related to city-wide Brownfield properties

Traffic Control Order #2016.0014 revising center lane of the northbound leg to Straight only (remove left turn option in this lane) on Madison Avenue at the intersection of Woodside Avenue, was referred back to staff.

Planning Commission minutes (7/20/16, 8/17/16, 8/30/16 and 9/21/16) were received.

The meeting adjourned at 7:48 PM.

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