



**CITY OF GARDEN CITY
REGULAR COUNCIL MEETING MINUTES
January 25, 2021**

The Mayor and Council of the City of Garden City met in Regular Session **Monday, January 25, 2021**, at 7:00p.m. viz a Zoom Teleconference

REGULAR MEETING

Present were Mayor Walker (remotely from Garden City), Councilmembers Kerwin (remotely from Garden City), Squires (remotely from Garden City), DiMichele (remotely from Garden City), Earle (remotely from Garden City), Jacobs (remotely from Garden City), & Lynch (remotely from Garden City) .

Also present were City Manager Dougherty, City Treasurer Marciniak, Fire Chief Harman, Police Chief Gibbons, Recreation Director Chiasson, DDA Director Dold, and Minutes Clerk Smith.

❖ **Item #21-1-005 - Moved by Lynch; supported by Squires:**

RESOLVED: To approve the meeting agenda as presented

The agenda consisted of the following:

1. City Ordinance Amendments: Phase 1
2. Call For Public Hearing City Ordinances: Phase 3
3. 2012 Library Fiscal Agency Agreement
4. Microsoft Office 365
5. Western Wayne County Mobile Field Force Agreement
6. Sidewalk Improvements to Helen Park Amendments

AYES: Unanimous

ABSENT: None

Motion Passes

Recognition, Presentations, Community Announcements, Comments from State & County Officials, and Petitions & Communications

- Glenn Anderson, Wayne County Commissioner, spoke regarding 2020-2021 parks milage allocation and Covid-19 vaccinations in Wayne County.
- LaGina Washington, Office of State Senator Betty Jean Alexander, informed council of upcoming State of the State address and stated that Office of State Senator Alexander is working on assisting public with filing unemployment claims.
- Kimberly Dold, DDA Executive Director gave a DDA status report including new businesses coming in, lighting at Garden City Commons, planning for downtown park/farmer's market, scheduled lucky squirrel events, DIA Inside Out program, and electricity issues with streetlights on Eastside of Middlebelt North of Ford Road.

Mayor Walker announced it was time to hear public comment on the proposed Updates to City Ordinances

- Phase One

Hearing no public comment the public hearing was closed by Mayor Walker.

❖ **Item #21-01-006 - Moved by Lynch; supported by Jacobs:**

- RESOLVED: To approve the consent agenda as presented.
1. Approve Council Meeting Minutes of 1/11/21
 2. Receive and File: Planning Commission Minutes of 12/10/20
 3. Receive, note, and file: Invoices Paid December 2020
 4. Receive, note, and file: City Financial Report for December 2020

AYES: Unanimous

ABSENT: None

Motion Passes

❖ **Item #21-01-007 - Moved by DiMichele; supported by Earle:**

RESOLVED: Motion to approve the proposed changes to Garden City Ordinances as attached.

ORDINANCE NO: 21-001

ORDINANCE

AN ORDINANCE OF THE CITY OF GARDEN CITY PROVIDING FOR AMENDMENTS TO CHAPTER 31: MUNICIPAL OFFICES AND DEPARTMENTS; CHAPTER 35: PURCHASES, CONTRACTS AND SALES; CHAPTER 38: PERSONNEL RULES, AFFIRMATIVE ACTION PLAN; CHAPTER 50: WATER; CHAPTER 51: SEWERS; CHAPTER 52: WASTEWATER DISCHARGE CONTROL; CHAPTER 53: WATER AND SEWER RATES; & CHAPTER 54: SOLID WASTE; PROVIDING FOR REPEAL OR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

THE CITY OF GARDEN CITY ORDAINS: THE FOLLOWING SECTIONS OF THE CITY OF GARDEN CITY CODE OF ORDINANCES BE AMENDED AS FOLLOWS TO READ:

CHAPTER 31: MUNICIPAL OFFICES AND DEPARTMENTS

DEPARTMENT OF FIRE

§ 31.025 FIRE DEPARTMENT.

(A) The city Fire Department shall be known as the Garden City Fire Department. It shall consist of a Fire Chief and firefighters, the number to be set by the Council from time to time as conditions and circumstances shall in its discretion require. ('83 Code, § 31.20)

(B) The members and officers of the Fire Department shall receive compensation as approved by resolution of the Council. ('83 Code, § 31.28)

§ 31.026 FIRE CHIEF; POWERS AND DUTIES.

(A) The Fire Chief shall be appointed by the City Council. The other firefighters will be appointed by the Chief, subject to meeting the requirements of the Civil Service Commission of the city. ('83 Code, § 31.22)

(B) The Fire Chief shall have control over all firefighting apparatus and shall be solely responsible for its care and condition. They shall report to the Council as to the condition of the equipment and the needs of the Fire Department. They may submit additional reports and recommendations at any meeting of the Council. They shall be responsible for the proper training and discipline of the members of the Fire Department and may suspend any member for refusal or neglect to obey orders, pending final action by the Civil Service Commission on his dismissal or retention. The Fire Chief shall have the authority to use all police officers for firefighting duties whenever he feels they are so required. ('83 Code, § 31.24) *

(C) The Fire Chief shall keep, in convenient form, a complete record of all fires. The reports shall include the time of the alarm, location of the fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as he may deem advisable or as may be required from time to time by the Council or State Insurance Department. They will also keep all necessary records in accordance with the regulations of the *National Fire Incident Reporting System*. ('83 Code, § 31.25)

(D) It shall be the duty of the Fire Chief to hold practice drills for the firefighters with instruction on approved methods of firefighting, fire prevention, and emergency medical services. He shall also be prepared, on request of the Council, to present a status report of the current training program. ('83 Code, § 31.26)

(E) In the absence of the Fire Chief, a person designated by the Chief with full authority shall perform all the functions and exercise all the authority of the Chief. ('83 Code, § 31.27)

(F) The Fire Chief shall have the power to command any bystanders at a fire to give any assistance necessary in performing the duties of a firefighter.

§ 31.027 OFFICE OF FIRE MARSHAL.

The Fire Marshal shall have the authority, with approval by the Fire Chief, to deputize any member or members of the Fire Department and shall be charged with the enforcement of all provisions of this code aimed at fire prevention. He shall have full authority to inspect all premises, in accordance with the International Fire Code and National Fire Codes and Standards and to cause the removal or abatement of all fire hazards.

('83 Code, § 31.23) (Ord. 72-033, passed 12-4-72)

§ 31.028 PERSONNEL; AGE AND PHYSICAL REQUIREMENTS.

(A) No person shall be accepted into the Fire Department prior to attaining the age of 21 years at the time of his acceptance. Retirement age requirements shall be subject to Chapter 36 of this code, the Employees Retirement System.

(B) All members of the Fire Department must pass a complete physical examination, psychological examination, and written and physical ability testing (CPAT) prior to their acceptance into either of the above-mentioned departments. ('83 Code, § 31.29)

DEPARTMENT OF PUBLIC WORKS

§ 31.055 DIRECTOR.

The Department of Public Works shall be headed by the Director. They shall be responsible for all matters except those dealing with engineering, relative to the construction, management, maintenance and operation of all physical properties of the city, except as provided elsewhere in this code.

('83 Code, § 31.60)

Cross-reference:

Department of Public Works , see Charter, Sec. 4.06

§ 31.056 FUNCTION OF DEPARTMENT.

(A) The Department of Public Works shall have the following specific functions.

(2) It shall have charge of the maintenance of all improved and unimproved street surfaces, the cleaning of improved streets, the removal of snow, the maintenance of sidewalks and the operation of the garbage and rubbish collection and disposal service of the city.

(7) The Department of Public Works shall be responsible for the issuance of all permits and the inspection of all work involved in the construction of all sewer and water lines, sewer and water services, streets, alleys, sidewalks, curb cuts, street openings, and commercial building grades. This Department shall also be responsible for planning in connection with such changes or improvements to the physical properties of the city as are consistent with and necessary to the future growth and development of the city. This Department shall perform such other engineering services as the various departments of the city may require. ('83 Code, § 31.62)

CHAPTER 35: PURCHASES, CONTRACTS AND SALES

§ 35.10 PREVAILING WAGE AND BENEFIT REQUIREMENTS FOR CERTAIN CITY PROJECTS.

(SECTION SHALL BE REMOVED IN ITS ENTIRETY)

CHAPTER 38: PERSONNEL RULES; AFFIRMATIVE ACTION PLAN

(CHAPTER SHALL BE REMOVED IN ITS ENTIRETY)

CHAPTER 50: WATER

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT. The Department of Public Works of the city.

DIRECTOR. The Director of Public Works.

§ 50.05 HYDRANT USE.

(A) No person, except an employee of the city in the performance of his/her duties, shall open or use any fire hydrant, except in the case of extreme emergency, without first securing a written permit from the Director of the Department of Public Works Any person

found to be in violation of this mandate may upon being found guilty of a misdemeanor violation, be jailed for a term not to exceed 30 days or fined not to exceed \$300, or both, in the discretion of the court.

CROSS CONNECTIONS

§ 50.10 CROSS CONNECTIONS.

This section regulates cross connections with the public water supply system, i.e., a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

(A) The city adopts by reference the Water Supply Cross Connection Rules of the Department of Environment, Great Lakes and Energy being R325.11401 to R325.11407 of the Michigan Administrative Code.

(B) It shall be the duty of the city to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Garden City Water Department and as approved by the Department of Environment, Great Lakes and Energy.

(E) All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the city and in accordance with Department of Environment, Great Lakes and Energy requirements. Only individuals approved by the city shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

WATER METERS

§ 50.20 METERS REQUIRED.

(A) All premises using water shall be metered, except as otherwise provided by this code. All meters shall be installed by the Department. No person, unless authorized by the Department of Public Works shall break or injure the seal or change the location of, alter, or interfere in any way with any water meter

CHAPTER 51: SEWERS

GENERAL PROVISIONS

§ 51.001 DEFINITIONS.

DEPARTMENT. The Department of Public Works of the city.

USE OF THE PUBLIC SEWERS

§ 51.021 DECLARATION OF NUISANCE.

The construction of drainage contrary to the provisions of § 51.020 is a public nuisance to be abated in the manner hereinbefore set forth. It shall be the duty of the Department of Public Works to enforce the changes throughout the city that are made necessary by §§ 51.019 and 51.020.

(Ord. 99-007, passed 8-2-99) Penalty, see § 51.999

PERMITS; FEES

§ 51.050 BUILDING SEWER PERMITS AND FEES.

(A) All connections into a public sewer of the city shall be made only on written authorization and permits issued by the Director or his designee. The application for a permit shall be made on a form furnished by the city. A permit and inspection fee shall be in the amount specified as passed by resolution of the city and posted in the Department of Public Works of the city.

STORMWATER MANAGEMENT

§ 51.062 DEFINITIONS.

AUTHORIZED ENFORCEMENT AGENCY. The city of Garden City, through its Public Works Department by its Director of Public Works and his/her authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the City Manager of the City of Garden City to enforce this Ordinance. Where applicable the terms may also mean the director of the Department of Environment, Great Lakes and Energy or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

§ 51.064 ENFORCEMENT; RESPONSIBILITY FOR ADMINISTRATION.

This subchapter shall be enforceable by the City Code Enforcement Officer at the direction of the Director of Public Works or other authorized enforcement agency.

(Ord. 19-010, passed 9-9-19)

§ 51.066 DISCHARGE PROHIBITIONS.

(A) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drain system or watercourses, any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited; however, the following discharges are exempt from prohibition as described:

(1) The discharges and flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state.

(2) Discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.

(3) Dye testing, when there has been verbal notification to the Director of Public Works and Department of Environment, Great Lakes and Energy procedures have been followed.

§ 51.067 RIGHT OF ENTRY.

The Director of Public Works and the City's Code Enforcement Officer, or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of suspected non-stormwater discharges in accordance with the provisions of this article. Refusal of reasonable access to the Director of Public Works the city's Code Enforcement Officer, and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this section.

(Ord. 19-010, passed 9-9-19)

§ 51.068 SUSPENSION OF STORM SEWER SYSTEM ACCESS.

(A) *Suspension due to illicit discharges in emergency situations.* The Code Enforcement Officer at the direction of the Director of Public Works or other authorized enforcement agency may seek immediate injunctive relief to suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or the Waters of the United States or this state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the United States or this state, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the storm sewer system in violation of this article may have their storm sewer system access terminated by order of the District Court, or other court of competent jurisdiction, if such termination would abate or reduce an illicit discharge. The Code Enforcement Officer or the Director of Public Works will notify a violator of the proposed termination of its storm sewer system access. The violator may petition the city engineer for reconsideration and hearing.

(Ord. 19-010, passed 9-9-19)

§ 51.070 MONITORING OF DISCHARGES.

The Director of Public Works has the right to require non-residential dischargers to install monitoring equipment as necessary, in accordance with Court Order, if a non-stormwater discharge is suspected. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(Ord. 19-010, passed 9-9-19)

§ 51.071 REQUIREMENTS TO PREVENT CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Director of Public Works or his designee will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. 19-010, passed 9-9-19)

§ 51.072 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 19-010, passed 9-9-19)

§ 51.073 ENFORCEMENT.

(A) *Notice of violation.* Whenever the Director of Public Works or his designee determines that a person has violated a prohibition or failed to meet a requirement of this subchapter, the City of Garden City may issue a notice of violation to the responsible person and

the owner of the property where the violation is occurring requiring compliance within a period set forth within the notice. Such notice may require without limitation:

CHAPTER 52: WASTEWATER DISCHARGE CONTROL

WASTEWATER DISCHARGE

§ 52.35 DISCHARGE PROHIBITIONS.

(B) *Specific pollutant prohibitions.* No industrial user shall discharge wastewater containing in excess of the following limitations.

(2) *Non-compatible pollutants.* No industrial user shall discharge wastewater containing in excess of the following.

Pollutant	Discharge Limit
Total Arsenic (As)	1.0 mg/l
Total Cadmium (Cd)	2.0 mg/l
Total Copper (Cu)	3.0 mg/l
Total Cyanide (Cn)	1.5 mg/l
Total Lead (Pb)	1.0 mg/l
Total Mercury (Hg)	0.0005 mg/l
Total Nickel (Ni)	5.0 mg/l
Total Silver (Ag)	1.0 mg/l
Total Chromium (Cr)	25.0 mg/l
Total Zinc (Zn)	12.0 mg/l
Aroclor 1260 Polychlorinated Biphenyl (PCB)	0.0005 mg/l
Total Polychlorinated Biphenyl (PCB)	0.001 mg/l
Phenolic (4AAP) compounds which cannot be removed by the POTW treatment Plant as determined by the EPA approved method or amendments thereto	0.5 mg/l

CHAPTER 53: WATER AND SEWER RATES

§ 53.01 DEFINITIONS.

DEPARTMENT. The City Department of Public Works.

§ 53.02 BASIS OF CHARGES AND RATES; WATER AND SEWAGE DISPOSAL SERVICE.

(B) Rates and charges for the use of the sewage disposal system of the city shall be based upon the methodology in the User Charges System approved by the Department of Environmental, Great Lakes and Energy. Revisions to the rates and charges for water service and sewage disposal service shall be established by resolution of the City Council which shall be enacted apart from the published ordinances as necessary to ensure sufficiency of revenue in meeting operation, to meet operational, maintenance and replacement costs, as well as debt service.

CHAPTER 54: SOLID WASTE

DIRECTOR. The Director of Public Works.

SECTION II. SEVERABILITY

If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

SECTION III. REPEAL.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION IV. SAVINGS CLAUSE.

All rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION V. PUBLICATION.

The Clerk for the City of Garden City shall cause this Ordinance to be published in the manner required by law.

SECTION VI. EFFECTIVE DATE.

This Ordinance, as amended, shall take full force and effect upon publication as required by law.

AYES: Unanimous
ABSENT: None

Motion Passes

❖ **Item #21-01-008 - Moved by Kerwin ; supported by Lynch :**

RESOLVED: Motion to consider proposed changes to Garden City Ordinances - Phase 3 and to call for a public hearing for Monday, February 22, 2021.

AYES: Unanimous
ABSENT: None

Motion Passes

❖ **Item #21-01-009 - Moved by Jacobs ; supported by Squires :**

RESOLVED: Motion to terminate the 2012 Library Fiscal Agency Agreement, allowing for up to a 12-month termination period.

AYES: Unanimous
ABSENT: None

Motion Passes

❖ **Item #21-01-010 - Moved by Lynch ; supported by DiMichele :**

RESOLVED: Motion to approve the purchase to continue the annual subscription for Microsoft Office 365 for the city-wide computer system with Softchoice, with no increase in cost over the last year.

AYES: Unanimous
ABSENT: None

Motion Passes

❖ **Item #21-01-011 - Moved by Earle ; supported by Kerwin :**

RESOLVED: Motion to authorize the Chief of Police and Mayor to sign the attached memorandum of understanding between the City of Garden City and the Western Wayne County Mobile Field Force.

AYES: Unanimous
ABSENT: None

Motion Passes

❖ **Item #21-01-012 - Moved by Squires ; supported by Kerwin:**

RESOLVED: Motion to approve the Agreement Amendments between Wayne County and Garden City for improvements to Helen Park with funding derived from Wayne County.

AYES: Unanimous
ABSENT: None

Motion Passes

Mayor Walker announced it was time for public comment.

- Lauren, Garden City, stated that actions speak louder than words and that Council doesn't support the library.
- John Murray, Garden City, asked to have a meeting with Mayor Walker.

There being no further business before Council, the meeting was then adjourned at 8:08 p.m.

Matthew K. Miller
City Clerk