



**CITY OF GARDEN CITY  
REGULAR COUNCIL MEETING MINUTES  
February 22, 2021**

The Mayor and Council of the City of Garden City met in Regular Session **Monday, February 22, 2021**, at 7:00p.m. via 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 Estero Island, Florida), Earle (remotely from Garden City), Jacobs (remotely from Garden City), and Lynch (remotely from Garden City).

Also present were City Manager Dougherty, City Clerk Miller, City Treasurer Marciniak, Fire Chief Harman, and McKenna Consultant Ortega.

❖ **Item #21-02-026 - 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 3
2. Construction Manager RFP
3. Resolution Authorizing Issuance of Bonds for Road Improvements
4. Toshiba Business Solutions – Copiers
5. Special Land Use 211-217 Inkster Road

AYES: Unanimous

ABSENT: None

**Motion Passes**

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

- Wayne County Commissioner Glenn Anderson gave an update on COVID vaccine distribution from county health department. Garden City is on the schedule for a future vaccination site date.
- LaGina Washington, Office of State Senator Betty Jean Alexander provided a legislative update regarding future COVID vaccine distribution site in Garden City.
- City Treasurer Brian Marciniak gave an update on 2021 road bond timeline.

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

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

❖ **Item #21-02-027 - Moved by Lynch; supported by DiMichele :**

RESOLVED: To approve the consent agenda as presented.

1. Approve Council Meeting Minutes of 2/8/21
2. Boards and Commissions –
  - a. Board of Review - appointment of Carol Hines – term expires 12-31-23
  - b. DDA – appointment of Stacy Karafotis – term expires 12-31-25

AYES: Unanimous

ABSENT: None

**Motion Passes**

❖ **Item #21-02-028 - Moved by Squires ; supported by Lynch :**

RESOLVED: Motion to approve the proposed changes to Garden City Ordinances as attached with the removal of the elimination of Section 33.017 Library Fund.

ORDINANCE NO: 21-005

ORDINANCE

AN ORDINANCE OF THE CITY OF GARDEN CITY PROVIDING FOR AMENDMENTS TO CHAPTER 31: MUNICIPAL OFFICES AND DEPARTMENTS; CHAPTER 33: BOARDS AND COMMISSIONS; CHAPTER 132: OFFENSES AGAINST PROPERTY; CHAPTER 133: OFFENSES AGAINST MORALS; CHAPTER 137: WEAPONS CONTROL; CHAPTER 151: BUILDING REGULATIONS; AND CHAPTER 153: INSPECTIONS; PROVIDING FOR REPEAL OR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; 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 THE LIBRARY**

~~§ 31.085 DIRECTOR.~~

(Section shall be removed in its entirety)

**CHAPTER 33: BOARDS AND COMMISSIONS**

**LIBRARY COMMISSION**

~~§ 33.015 ESTABLISHMENT.~~

(Section shall be removed in its entirety)

~~§ 33.016 BOARD OF DIRECTORS.~~

(Section shall be removed in its entirety)

**CHAPTER 132: OFFENSES AGAINST PROPERTY**

**GENERAL PROPERTY OFFENSES**

**§ 132.15 UNLAWFUL ENTRY OF MOTOR VEHICLES.**

A) Definitions

(1) As used in this section, "Enter" includes, but is not limited to, opening a door, trunk or hood of a vehicle, or inserting any part of one's body, or any object connected with the body, into a vehicle, which act shall include breaking the plane of an opened door, window, trunk or engine area.

(2) "Motor Vehicle" means any vehicle that falls within the definition of "motor vehicle" in the state's Michigan Vehicle Code.

B) It shall be unlawful for any person to enter a motor vehicle unless the person:

(1) Is the owner or lessee of the vehicle or has some other contractual interest in the vehicle that would entitle the person to enter the vehicle.

(2) Is the owner or lessee of the real property upon which the vehicle is located; or

(3) Has permission to enter from an owner, a lessee, or an authorized operator of the motor vehicle, or the owner or lessee of the real property upon which the vehicle is located.

(B) This section shall not apply to:

(1) A law enforcement officer acting within the scope of the officer's duties.

(2) A motor vehicle that is lawfully being moved because it is abandoned, inoperable, or improperly parked.

(3) An employee or agent of an entity that possesses a valid lien on a motor vehicle and who is expressly authorized by the lien holder to repossess the motor vehicle based upon the failure of the owner or lessee of the motor vehicle to abide by the terms and conditions of the loan or lease agreement.

**CHAPTER 133: OFFENSES AGAINST MORALS**

**GENERAL OFFENSES AGAINST MORALS**

**§ 133.01 INDECENT LANGUAGE.**

No person shall use any indecent, immoral, obscene, vulgar, or insulting language on any public street, or other public place, or in any place of business open to public patronage.

('83 Code, § 133.01) Penalty, see § 130.99

**§ 133.02 LEWDNESS AND INDECENT EXPOSURE.**

No person or persons, shall be guilty of open and gross lewdness and lascivious behavior, or designedly make any open or indecent, or obscene exposure of his or her person, or of the person of another.

('83 Code, § 133.02) Penalty, see § 130.99

**§ 133.06 HOTEL/MOTEL PROHIBITIONS.**

(A) No proprietor, manager, or other person in charge of any place where transients are accommodated for lodging or sleeping, shall let any room more than once between the hours of 6:00 p.m. and 6:00 a.m. the next day except to bona fide travelers with luggage. ('83 Code, § 133.08)

(B) No person shall write or cause or permit to be written in any register any other or different name or designation than the true name of the person so registered. ('83 Code, § 133.10)

Penalty, see § 130.99

**CHAPTER 137: WEAPONS CONTROL**

**FIREARMS**

**§ 137.05 REPLICA OR FACSIMILE OF FIREARM.**

*(A) Definitions*

(1) "Replica or facsimile of firearm" means any device or object made of plastic, wood, metal or any other material which is a replica, facsimile, imitation or toy version of any firearm including but not limited to, a replica, facsimile or toy version of a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, assault weapon, starter pistol, machine gun, rocket launcher, air gun, BB gun inoperative firearms, or other firearm. As used in this article, "replica or facsimile firearm" shall include, but is not limited to toy guns, theatrical production props models, or any other device or object which might reasonably be perceived to be real firearms.

*(B) Unlawful use of replica or facsimile of firearm.*

(1) *Unlawful display of replica, toy or imitation gun.* It shall be unlawful for any person to carry, possess, brandish, aim, point, exhibit or display to any other person a replica or facsimile of a firearm in such a manner as to frighten, threaten, harass, panic or annoy any other person.

(2) *Unlawful to carry or possess imitation gun in motor vehicle.* It shall be unlawful for any person to carry or possess, whether concealed or displayed, in a motor vehicle in an area of the vehicle accessible to the occupants thereof, a replica or a facsimile of a firearm with intent to brandish, use, aim or point such firearm to frighten, panic, threaten, harass or annoy any other person. Carrying or concealing of any such replica or facsimile firearm under or near the driver's seat, glove box or dashboard shall be a prima facie rebuttable inference of such intent.

(3) *Unlawful to brandish replica or facsimile of firearm in presence of police officer, firefighter or emergency medical technician.* No person shall draw, exhibit or brandish a replica or facsimile of a firearm in the presence of a police officer, firefighter, medical emergency technician or paramedic who is engaged in the performance of his duties and the person committing such brandishing knows or has reason to know that such police officer, firefighter, medical emergency technician or paramedic is engaged in the performance of his duties.

**CHAPTER 151: BUILDING REGULATIONS**

Section

**Codes Adopted**

151.01 Adoption of Building Code by reference

*Qualifications*

151.02 Qualifications of Applicants

**Building Fees**

151.15 Building Department fee; inspection schedule

151.99 Penalty

§ 151.02 QUALIFICATIONS OF APPLICANTS.

The general standards herein as to the qualifications of every applicant for a City building permit shall be considered and applied by the City's Building Department. In making such a determination, the City's Building Department shall consider the following.

(A) *Non-default.* The applicant shall not be in default under the provisions of this chapter or indebted or obligated in any manner to the city except for current taxes. Such debt includes the late payment of City property taxes, personal property taxes, water bills, code enforcement tickets, Building Department permits, and other such debts. Only upon a successful review that there are no outstanding payments due, and the applicant is in compliance with all other applicable laws and policies as relevant to the permit, then a building permit may be issued.

**CHAPTER 153: INSPECTIONS**

***Inspection of Rental Dwellings***

153.01 Definitions

153.02 Registration for rental or lease of dwellings

153.03 Application for registration

153.04 Inspection required for registration

153.05 Issuance of registration certificate

153.06 Maintenance of registered dwellings

153.07 Appeal of denial, suspension, or revocation of registration certificate

153.08 Rental or lease time limit

INSPECTION OF RENTAL DWELLINGS

§ 153.08 RENTAL OR LEASE TIME LIMIT.

It shall be unlawful for an owner to rent or lease a dwelling for a time period of less than 90 days at a time.

**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 #21-02-029 - Moved by Jacobs ; supported by Kerwin:**

RESOLVED: Motion to contract with **C&S Construction Management** of Lincoln Park, Michigan, in the amount of **\$13,150**, for the design/build management portion of the next phase of the reconstruction of City Hall, with funds derived from the Court Building Fund.

AYES: Unanimous  
ABSENT: None

**Motion Passes**

❖ **Item #21-02-030 - Moved by DiMichele ; supported by Lynch:**

RESOLVED: Motion to approve resolution authorizing the award of the sale of bonds to the bidder whose bid produces the lowest true interest cost to the City, and to take all steps necessary to accomplish the sale, issuance and delivery of the bonds.

AYES: Unanimous

ABSENT: None

**Motion Passes**

❖ **Item #21-02-031 - Moved by Squires; supported by DiMichele:**

RESOLVED: Motion to approve a 60-month lease with **Toshiba Business Solutions**, Southfield, Michigan in an amount not to exceed **\$37,688.00** to be paid quarterly for City-wide copiers.

AYES: Unanimous

ABSENT: None

**Motion Passes**

❖ **Item #21-02-032 - Moved by Earle; supported by Jacobs:**

RESOLVED: Motion to elect to **not** take the application for the carry-out restaurant Special Land Use at 211-217 Inkster Road under consideration. The Planning Commission's recommended **approval** then becomes final for the proposed carry-out restaurant.

AYES: Unanimous

ABSENT: None

**Motion Passes**

**Mayor Walker announced it was time for public comment.**

- There was no public comment

There being no further business before Council, the meeting was then adjourned at 8:04 p.m.

Matthew K. Miller  
City Clerk