



**CITY OF GARDEN CITY  
REGULAR COUNCIL MEETING MINUTES  
April 11, 2022**

The Mayor and Council of the City of Garden City met in Regular Session Monday, April 11, 2022, at 7:00 p.m. in the Council Chambers of the Civic Center, 6000 Middlebelt Road, Garden City, Michigan.

**REGULAR MEETING**

Present were Mayor Walker, Mayor Pro-Tem Squires, Councilmembers Jacobs, Earle, Lynch and Karafotis.

Members absent and excused: DiMichele

Also present were City Manager Dougherty, City Clerk Miller, Treasurer Marciniak, and DPW Director Ohman.

❖ **Item #22-04-043 - Moved by Lynch; supported by Squires :**

RESOLVED: To approve the meeting agenda as printed for April 11, 2022.

The agenda consisted of the following:

1. Post Construction Storm Water Management Ordinance
2. Contract Extension for the 2022 Concrete Sectioning Program
3. Contract Extension for the 2022 HMA Mill & Fill Resurfacing Program
4. Contract Extension for the 2022 Cape Seal Program
5. 2022 Pavement Projects Inspection Services
6. 2021 Transportation Asset Management Plan
7. 2022 Sidewalk Program
8. FY 2022-23 General Appropriations and Tax Levy Ordinance Call For Public Hearing
9. FY 2022-23 Water and Sewer Rates Ordinance Call For Public Hearing

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

**Presentations**

- DPW Director Ohman gave a presentation about the Lead Water Line Replacement Program.

**Community Events**

- Hank Cable, Garden City Lions Club, thanked the community for their support of the Lions 30<sup>th</sup> Annual Pancake Breakfast on March 27.

**Public Hearings**

- The City Council held a public hearing regarding the Post Construction Storm Water Management Ordinance Chapter 55 of the City of Garden City Ordinances
  - *Alan Cruz, Hennessey Engineering, gave an overview of the proposed ordinance.*
  - *John Murray, Lathers Street, spoke about residents raising the elevation of their yards and city enforcement.*

❖ **Item #22-04-044 - Moved by Lynch; supported by Squires:**

RESOLVED: To approve the consent agenda as presented.

1. Approve Regular Council Meeting Minutes of March 21, 2022, April 4, 2022, and Closed Session Meeting Minutes of March 21, 2022
2. Receive and File Parks and Recreation Commission Minutes: Meeting of 2/22/22
3. Receive and File City Invoice Report: Invoices Paid March 2022
4. Receive and File City Financial Report for March 2022
5. Boards and Commissions
  - a. Commission on Aging – Appointment of Dianna Mifsud to fill the unexpired term of Barbara Sandberg (term expiring 12/31/24)
6. Receive FY 2022-2023 Proposed Budget

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

❖ **Item #22-04-045 - Moved by Squires; supported by Lynch:**

RESOLVED: Motion to approve the Post Construction Storm Water Management Ordinance - Chapter 55 of the City of Garden City Ordinances.

STATE OF MICHIGAN

COUNTY OF WAYNE

CITY OF GARDEN CITY

ORDINANCE NO. 22-002

CHAPTER 55 OF THE CITY OF GARDEN CITY ORDINANCES

ADOPTION BY REFERENCE OF POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF GARDEN CITY, MICHIGAN CODIFIED ORDINANCES BY ADDING A NEW CHAPTER 55 TO BE ENTITLED 'POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE'; TO STATE THE FINDINGS AND PURPOSE; TO DEFINE TERMS; TO ESTABLISH PROCEDURES FOR SUBMISSION AND CRITERIA FOR APPROVAL OF PLANS AND PROJECTS; TO DESIGNATE THOSE RESPONSIBLE FOR PLAN REVIEW, PROCESSING AND APPROVALS; TO REQUIRE PERFORMANCE AND MAINTENANCE GUARANTEES AND AGREEMENTS; TO PROVIDE FOR MUNICIPAL CIVIL INFRACTIONS, FINES, EQUITABLE REMEDIES AND CRIMINAL SANCTIONS AND COSTS FOR VIOLATION OF THIS ORDINANCE, NUISANCE ABATEMENT, COST REIMBURSEMENT TO THE CITY AND ESTABLISHMENT OF LIENS; and PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING FOR PUBLICATION; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.**

THE CITY OF GARDEN CITY ORDAINS:

SECTION 1.

TITLE: CHAPTER 55. - POST-CONSTRUCTION STORMWATER MANAGEMENT

#### 55.01 - PURPOSE

(A) The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the City of Garden City and the watersheds to which it drains and to comply with the City's National Pollution Discharge Elimination System (NPDES) permit and other applicable federal and State regulations.

(B) This ordinance seeks to meet that purpose by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment through the following objectives:

1. To minimize increased stormwater runoff rates and volumes from identified land development and redevelopment.
2. To minimize nonpoint source pollution.
3. To minimize the deterioration of existing watercourses, culverts and bridges, and other structures.
4. To encourage water recharge where geologically favorable conditions exist.
5. To maintain the ecological integrity of stream channels.
6. To minimize the negative impacts of development on downstream channel stability.
7. To preserve and protect water supply facilities and water resources by controlling increased flood discharges, stream erosion, and runoff pollution.
8. To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where stormwater management controls are insufficient to meet water quantity and quality goals.
9. To ensure that storm drains and stormwater BMP's are adequate to address stormwater management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures, standards, and recommendations set forth in this ordinance and the current Wayne County Stormwater Control Program are designed for these purposes.
10. To ensure that all stormwater facilities necessary for a proposed development will have an appropriate governmental unit responsible in perpetuity for performing maintenance or for overseeing the performance of maintenance by a private entity.
11. To facilitate the integration of stormwater management and pollution control with other ordinances, programs, policies, and the comprehensive plans of the City of Garden City.
12. To establish legal authority to carry out all of the inspection and monitoring procedures necessary to ensure compliance with this ordinance.

#### 55.02 - DEFINITIONS

**APPLICANT:** any person proposing or implementing the development or redevelopment of land.

**BMP OR BEST MANAGEMENT PRACTICE:** any practice, or combination of practices and design criteria that comply with the current Wayne County Stormwater Control Program or equivalent practices and design criteria that accomplish the purposes of this ordinance (including, but not limited to minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the City Engineer and/or, where appropriate, the standards of Wayne County.

**CHANNEL:** a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**CONVEYANCE FACILITY:** a storm drain, pipe, swale, or channel.

**DESIGN ENGINEER:** registered professional engineer responsible for the design of the stormwater management plan.

**DETENTION:** a system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate. The goals of this BMP are to control peak discharge rates and provide gravity settling of pollutants.

**DEVELOPED OR DEVELOPMENT:** the installation or construction of impervious surfaces on a development site that require, pursuant to State law or local ordinance, City of Garden City approval of a site plan, site condominium, special land use, planned unit development, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for the purposes of this article only, developed or development shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling that disturbs less than one acre.

**EGLE:** Environment, Great Lakes & Energy, State of Michigan

**ENGINEERED SITE GRADING PLAN:** a signed/sealed drawing or plan and accompanying text prepared by a registered engineer in the State of Michigan which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this ordinance are met.

**EROSION AND SEDIMENT CONTROL PLAN:** a plan that is designed to minimize the accelerated erosion and sedimentation runoff at a site during construction.

**GRADING:** any stripping, excavating, filling, or stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

**IMPERVIOUS SURFACE:** surface that does not allow stormwater runoff to slowly percolate into the soil.

**INFILTRATION:** the percolation of water into the ground, expressed in inches per hour.

**LAND DISTURBING ACTIVITY:** any activity that changes the volume or peak flow discharge of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**MAINTENANCE AGREEMENT:** a binding agreement that establishes the terms, measures, and conditions for the maintenance of stormwater systems and facilities.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** the permit issued to the City of Garden City by EGLE for point source discharges of stormwater from municipal separate storm sewer systems.

**NON-STRUCTURAL MEASURE:** a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site.

**OFFSITE FACILITY:** all or part of a drainage system that is located partially or completely off the development site which it serves.

**PEAK RATE OF DISCHARGE:** the maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (CFS).

**PERMANENT STORMWATER BMP:** a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

**PLAN:** written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this ordinance.

**POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN):** drawings and written information prepared by a registered engineer in the State of Michigan, which describe the way in which accelerated soil erosion and/or stormwater flows from a particular site are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this ordinance are met.

**RECEIVING STREAM OR CHANNEL:** the body of water or conveyance into which stormwater runoff is discharged.

**RECHARGE:** the replenishment of underground water reserves through percolation.

**REDEVELOPMENT:** a change to a previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings that involves demolition or changes to the exterior site footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

**RESPONSIBLE PARTY:** any individual, partnership, co-partnership, firm, company, corporation, association, joint stock, company, trust, estate, governmental entity, or any other legal entity; or their representatives, agents, or assigns that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMP's.

**RETENTION:** a holding system for stormwater, either natural or man-made, which does not have a direct outlet to adjoining watercourses or wetlands.

**RUNOFF:** that part of precipitation, which flows over the land.

**SEDIMENT:** mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

**STORMWATER BMP:** any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this ordinance.

**STORMWATER MANAGEMENT DESIGN MANUAL:** the current Wayne County Standards document that provides a detailed explanation of the design criteria and specific constructed approaches for achieving compliance with the City's POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE.

**STREAM BUFFER:** an area of land at or near a streambank, wetland, or waterbody that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may otherwise result in significant degradation to water quality.

**WATERCOURSE:** any natural or man-made waterway or other body of water having reasonably well-defined banks, rivers, streams, creeks, brooks, and channels, whether continually or intermittently flowing, as well as lakes and ponds are watercourses for purposes of stormwater management.

**WATERSHED:** an area of land draining to a common outlet otherwise known as a drainage or catchment area.

**WETLANDS:** as defined by MICHIGAN'S WETLAND STATUTE, PART 303, WETLANDS PROTECTION, OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, as amended.

### 55.03 - APPLICABILITY

(A) This ordinance shall be applicable to all land development, including but not limited to, site plan, plot plan and plat applications as well as any grading applications. In addition, this ordinance shall be applicable to public improvement projects that disturb one (1) acre or more.

The City Engineer may waive the channel protection requirements, water quality requirements and/or flood control requirements of section 55.08 (D) of this ordinance for:

- Projects that are within areas of the City of Garden City's sewer collection system that are served by combined sewers; or

- Projects that disturb less than one (1) acre and are not part of a larger common plan of development or sale that would disturb one (1) acre or more.

(B) The procedures and standards set forth in this POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE, and the policies, procedures, and design data specified in the current Wayne County Stormwater Control Program provide the minimum standards to be adhered to by developers and in no way limits the authority of the City of Garden City to adopt or publish and/or enforce higher standards as a condition of approval of developments.

(C) No site plan, plot plan, or plat shall be approved until approval by the City Engineer that said development or redevelopment meets all:

- Soil erosion and sedimentation control measures consistent with the requirements of Garden City.
- Requirements for an approved post-construction stormwater management plan (stormwater plan) as outlined in section 55.07 of this ordinance; and
- Related land development regulations.

(D) In order to ensure completion of construction of the permanent stormwater BMP's specified in the applicant's stormwater plan as outlined in section 55.07 and 55.08 of this ordinance, a completion bond must be provided to the City of Garden City in conjunction with the site plan or plot plan submitted consistent with the City code. The value of the completion bond must be in an amount equivalent to the value of the permanent stormwater BMP's specified in the approved stormwater plan. Consistent with section 55.10 (G) of this ordinance, the completion bond will be released by the City of Garden City following final verification of the construction by a registered professional engineer in the State of Michigan.

(E) For an existing stormwater basin constructed prior to the effective date of this ordinance, an approved stormwater plan must be secured prior to any significant expansion, repair, or maintenance of said stormwater basin.

#### **55.04 - EXEMPTIONS**

(A) Notwithstanding the requirements of section 55.03, a stormwater plan shall not be required for activities protected by the Right To Farm Act 93 of 1981.

(B) The installation or removal of individual manufactured homes within a manufactured home park is exempted from the requirements of this ordinance. This exemption shall not be construed to apply to the construction, expansion, or modification of a manufactured home park.

(C) Plats that have received preliminary plat approval and other developments with final land use approval prior to the effective date of this ordinance are exempted from the requirements of this ordinance, where such approvals remain in effect.

(D) Any emergency projects that are immediately necessary for the protection of life, property, or natural resources, are exempted from the requirements of this ordinance.

(E) Linear construction projects, such as pipeline or utility line installation, which do not result in the installation of any impervious cover, as determined by the City Engineer, are exempted from the requirements of this ordinance.

#### **55.05 LIABILITY**

Any person who undertakes or causes to be undertaken any land development shall ensure that soil erosion, sedimentation, increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this ordinance and other applicable City of Garden City ordinances are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters to the maximum extent practicable.

#### **55.06 - DESIGNATION OF STORMWATER AUTHORITY; POWERS AND DUTIES**

(A) The City Engineer shall administer and enforce this ordinance, and may furnish additional policy, criteria and information including specifications and standards and/or establishment of a permitting program, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a stormwater management policies and procedures manual and/or Stormwater Management Program Standards.

(B) In addition to the requirements specified in the current Wayne County's Stormwater Control Program, the City Engineer may require more restrictive stormwater design measures and additional BMP's as long as the minimum current County standards are met.

(C) Representatives of the City Engineer shall have the right to enter upon any land for the purposes of making an inspection or acquiring information to determine whether or not the property conforms to the requirements of this ordinance.

#### **55.07 - CONTENTS OF POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN**

(A) The stormwater management plan (stormwater plan) shall utilize to the maximum extent practicable site planning and design techniques that reduce runoff rates, volumes, and pollutant loads. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and distributed practices that intercept and treat runoff from developed areas.

(B) The stormwater plan shall be presented as follows:

1. Through plans, illustrations, reports, and calculations, the stormwater plan shall display the required information specified in the current Wayne County Stormwater Control Program.
2. The stormwater plan must be sufficiently detailed to specify the type, location, and size of stormwater management facilities.
3. If it is proposed to develop a parcel in two or more phases, the stormwater plan shall be prepared and submitted for the total project.
4. The stormwater plan shall be prepared in accordance with the requirements outlined in the design manual. All plans shall be signed and sealed by a registered civil engineer in the State of Michigan.

#### **55.08 - STANDARDS FOR POST CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) APPROVAL**

(A) All developments requiring a stormwater plan shall be designed, constructed, and maintained to prevent flooding, minimize stream channel impacts, protect water quality, and achieve the purposes of this ordinance, as stated above. The City of Garden City has adopted performance standards to meet the objectives of managing the quantity and quality of stormwater runoff from a site as described below and in the current Wayne County Stormwater Control Program.

(B) Designers may select any combination of stormwater BMPs which meet the performance standards provided the selections:

1. Comply with the requirements identified in this ordinance and the current Wayne County Stormwater Control Program.
2. Comply with all other local, County, State, or federal requirements; and
3. Do not conflict with the existing local stormwater management and watershed plans.

(C) The particular facilities and measures required on-site shall take into consideration the natural features, upland areas, wetlands, and watercourses on the site; the potential for on-site and offsite adverse stormwater impacts, water pollution, and erosion; and the size of the site.

(D) The following on-site stormwater management concepts must be followed:

1. Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.
2. The preferred conveyance strategy is to transport, wherever possible, untreated and treated runoff in conveyance facilities open to the atmosphere (e.g. swales, vegetated buffer strips, energy-dissipating structures, etc.), rather than through enclosed pipes, so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
3. Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the City Engineer, relevant County agencies and the applicable State of Michigan department(s).
4. The stormwater plan and associated BMPs must demonstrate compliance with required channel protection/volume criteria by providing retention as necessary to meet volume and peak flow limits consistent with the requirements of the design manual. Specific details for achieving compliance with the volume/channel protection criteria are outlined in the design manual.
5. The stormwater plan and associated BMPs must demonstrate compliance with required water quality criteria by providing treatment of total suspended solids (TSS) or by providing retention to achieve the same criteria for maximum TSS concentrations in the stormwater discharge from the site with either approach being consistent with the requirements of the design manual. Specific details for achieving compliance with the water quality criteria are outlined in the design manual.
6. The stormwater plan and associated BMPs must demonstrate compliance with required peak flowrate and flood control criteria by providing stormwater detention and/or retention consistent with the requirements of the design manual. Specific details for achieving compliance with the peak flowrate and flood control criteria are outlined in the design manual.
7. Under certain conditions, the City of Garden City, upon recommendation by the City Engineer, may impose the following additional restrictions on stormwater discharges.
  - Peak discharge may be further restricted when it can be shown that a probable risk to downstream structures or unique natural areas exists, or that existing severe flooding problems could be further aggravated.
  - Measures shall be imposed to protect against ground or surface water pollution where the nature of the soils or bedrock underlying a stormwater management structure constitutes substantial risk of contamination, such as might be the case in limestone formations. Special provisions to be followed in these cases will be provided by the City Engineer.

(E) Stormwater offsets may be considered in accordance with the provisions provided in the current Wayne County Stormwater Control Program, where water quantity or water quality BMPs required by this ordinance cannot be fully accommodated on-site.

#### **55.09 STORMWATER MANAGEMENT PLAN AND BMP CONSTRUCTION PLANS SUBMISSION**

(A) The stormwater management plan (stormwater plan) and the associated, proposed BMP construction plans and specifications shall be submitted for review in accordance with the site plan submittal requirements of the City code.

(B) The BMP construction plans and specifications shall be prepared in accordance with the requirements of this ordinance and the current Wayne County Stormwater Control Program.

(C) The BMP construction plans and specifications shall be prepared, signed and sealed by a licensed professional engineer in the State of Michigan, who shall certify that the design of all stormwater BMPs meet the requirements of this ordinance.

(D) No substantive changes shall be made to an approved stormwater plan without review and written approval by the City Engineer. Additional supporting data and a formal plan resubmittal will be required for a thorough review of the stormwater plan and BMP construction plans and specifications to ensure that changes to the plan will comply with the requirements of this ordinance. No site construction changes shall be made from the approved plan until the City Engineer approves the changes and issues a formal plan amendment.

(E) Compliance with the requirements of this ordinance does not eliminate the need for the proprietor to obtain required permits and approvals from County and State agencies.

(F) For site condominiums, complete master deed documents (including "exhibits" drawings) must be submitted for the City's review and approval prior to recording.

#### **55.10 - REVIEW PROCEDURES**

(A) All stormwater management plans and BMP construction plans and specifications shall be subject to review and approval by the City Engineer in order to ensure conformance with the requirements of this ordinance and the associated current Wayne County Stormwater Control Program.

(B) Upon submission of a stormwater management plan (stormwater plan) and BMP construction plans and specifications, as provided herein, such plan shall be reviewed by the City Engineer and a written response prepared and submitted to the City of Garden City planning office. If the proposed plan is not sufficient as originally submitted, the City Engineer will notify the applicant in writing, setting forth the reasons for withholding a recommendation for approval, and will state the changes necessary to obtain approval. Failure of the owner to ultimately demonstrate that the project meets requirements, as determined by the City of Garden City, shall be reason to deny approval of the stormwater plan and BMP construction plans and specifications.

(C) Before approval of the final stormwater BMP construction plans, copies of all necessary wetland, floodplain, inland lakes and streams, erosion control or other needed State, federal, or local permits relating to stormwater management have been provided by the applicant for the City of Garden City's files.

(D) A satisfactory maintenance agreement in accordance with section 55.18 of this ordinance that assures long-term maintenance of all drainage improvements will be in place before approval of the stormwater plan and BMP construction plans and specifications. Documentation of the maintenance agreement will be submitted and approved by the City Engineer.

(E) A soil erosion and sedimentation control permit shall not be issued under the City code unless the detailed stormwater plan and BMP construction plans and specifications meet the standards of this ordinance and the associated current Wayne County Stormwater Control Program.

(F) For developments that will result in disturbance of five or more acres of land, a complete notice of coverage for construction-phase stormwater must be submitted to EGLE Water Resources Division, to have the discharge authorized under a National Pollutant Discharge Elimination system permit.

(G) The applicant will make arrangements acceptable to the City Engineer for inspection during construction and for final verification of the construction of all permanent stormwater BMPs by a registered professional engineer in the State of Michigan. Following final verification of the construction by a registered professional engineer, the completion bond required consistent with section 55.03 (D) of this ordinance will be released by the City of Garden City.

(H) Electronic files of the as-built storm drains and stormwater BMPs will be submitted by the applicant or his/her engineer to the City Engineer along with the final plan for existing systems, or upon completion of system construction for new systems.

(I) Complete development agreements (including deed restrictions) must be submitted for the City of Garden City review and approval prior to recording.

#### **55.11 - REVIEW FEES**

The City of Garden City Council shall establish application fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City including the costs of on-site inspections.

#### **55.12 - OFF-SITE STORMWATER MANAGEMENT**

Requirements for off-site stormwater management may be considered in accordance with the provisions provided in the current Wayne County Stormwater Control Program.

#### **55.13 - REVISION OF PLAN**

If it becomes necessary to alter a development or earth change proposal after the stormwater plan has been approved, a revised stormwater plan must be submitted, reviewed, and approved in accordance with the procedure set forth above. The revised plan must be signed/sealed by a registered professional engineer in the State of Michigan. All requirements and standards for stormwater plans shall apply.

#### **55.14 - DRAINS UNDER THE JURISDICTION OF THE DRAIN COMMISSIONER**

(A) Drainage districts will not be altered when designing development drainage, except as provided under Section 433 of Act 40, Public Act 1956, as amended.

(B) Existing County drain easements will be indicated on the stormwater plan as well as the final stormwater BMP construction plans and will be designated as "Wayne County Drain" or the appropriate inter-County drain as applicable. County drain easements prior to 1956 were not required by statute to be recorded immediately; therefore, it may be necessary to check the permanent records of the drain office to see if a drain easement is in existence on the subject property.

(C) A permit will be obtained from the appropriate County drain office prior to discharging into, tapping or crossing any County or inter-County drain. The permit must be obtained prior to final plan approval.

(D) Proposed relocations of County drains will be processed through the office of the Wayne County Drain permit office.

#### **55.15 - AS-BUILT CERTIFICATION**

An as-built certification for stormwater BMPs must be provided to the City Engineer prior to final approval of the development. The certification should include all of the requirements noted in the design manual.

#### **55.16 - NOTICE OF CONSTRUCTION COMMENCEMENT**

The applicant must notify the City of Garden City Engineer before the commencement of construction. In addition, the applicant must notify the City of Garden City Engineer in advance of construction of critical components of the stormwater practices shown on the approved stormwater BMP construction plans and specifications. The City may, at its discretion, issue verbal or written authorization to proceed with critical construction steps, such as installation of permanent stormwater BMPs based on stabilization of the drainage area and other factors.

#### **55.17 - CONSTRUCTION INSPECTIONS BY CITY OF GARDEN CITY OR ITS REPRESENTATIVES**

The City of Garden City Engineer or its representatives may conduct periodic inspections of the stormwater practices shown on the approved stormwater BMP construction plans and specifications, and especially during critical installation and stabilization steps. All inspections shall be documented in writing. The inspection shall document any variations or discrepancies from the approved plan, and the resolution of such issues.

#### **55.18 - MAINTENANCE AGREEMENT**

(A) Purpose of Maintenance Agreement - the purpose of the Maintenance Agreement is to provide the means and assurance that perpetual, long-term maintenance of stormwater BMPs shall be provided for and undertaken. A maintenance agreement shall be submitted to the City of Garden City, for review by the City Engineer and his/her designee and shall be subject to approval in consistent with the approved stormwater management plan and BMP construction plans and specifications.

(B) Responsible Party

1. The responsible party named in the recorded stormwater maintenance agreement shall maintain in good condition and promptly repair and restore all structural and non-structural stormwater BMPs and all necessary access routes and appurtenances. Such repairs or restoration and maintenance shall be in accordance with the approved stormwater BMP construction plans and specifications and the stormwater maintenance agreement.
2. The responsible party shall make records of installation and of all maintenance and repairs and shall retain the records for at least five (5) years. These records shall be made available to the City of Garden City during inspection of the practice and at other reasonable times upon request.

(C) Maintenance Agreement Provisions

1. The maintenance agreement shall provide for routine, emergency, and long-term maintenance of all stormwater BMPs.
2. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater BMPs and shall be recorded in the office of the appropriate County Register of Deeds prior to the effectiveness of the approval of the City of Garden City.
3. If it has been found by the City of Garden City, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this ordinance and/or as required in the approved maintenance agreement as required hereunder, the City Engineer shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance as so required, in which event the property owner shall be obligated to advance or reimburse payment (as determined by the City of



Garden City) for all costs and expenses associated with such monitoring and maintenance, together with a reasonable administrative fee. The maintenance agreement required under this ordinance shall contain a provision spelling out this requirement and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development on the property.

#### **55.19 - MAINTENANCE INSPECTIONS**

The City of Garden City Engineer or its representatives may conduct periodic inspections for all stormwater practices constructed as part of the approved BMP construction plans and specifications. All inspections will be documented in writing. The inspection shall document any maintenance and repair needs and any discrepancies from the Stormwater Maintenance Agreement.

#### **55.20 - STORMWATER MANAGEMENT EASEMENTS**

(A) Necessity of easements for on-site stormwater BMPs - stormwater management easements shall be provided in a form required by the City of Garden City Engineer, and recorded as directed as part of the approval of the City of Garden City to assure:

- Access for inspections.
- Access to stormwater BMPs for maintenance purposes.
- Preservation of primary and secondary drainageways which are needed to serve stormwater management needs of other properties.

(B) Easements for off-site stormwater BMPs - the owner shall obtain easements assuring access to all areas used for off-site stormwater management, including undeveloped or undisturbed lands.

(C) Recording of easements - easements shall be recorded with the appropriate County Register of Deeds based on jurisdiction and according to County requirements.

(D) Recording prior to building permit issuance - the applicant must provide the City Engineer with evidence of the recording of the easement prior to final subdivision plat or condominium approval or other applicable final construction approval.

(E) Right-of-entry - the easements must contain a provision granting the City of Garden City and its representatives the right of entry for the purposes of inspecting all stormwater BMPs at reasonable times and in a reasonable manner. This includes the right to enter a property when the City of Garden City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

#### **55.21 - STOP WORK ORDER**

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this ordinance, the City of Garden City is authorized to issue a stop work order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The City of Garden City may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

#### **55.22 - SANCTIONS FOR VIOLATIONS**

(A) Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction, plus costs, damages, expenses, and other sanctions as authorized under chapter 87 of the revised judicature act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation of Section 55.22 stated in this ordinance shall be a misdemeanor. The City of Garden City is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this ordinance. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance.

(B) Any person who neglects or fails to comply with a stop work order issued under this ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment in the County jail for not more than 90 days, or both, such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

(C) Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

#### **55.23 - FAILURE TO COMPLY, COMPLETION**

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the City of Garden City may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work.

#### **55.24 - EMERGENCY MEASURES**

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the City of Garden City is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this ordinance and shall promptly reimburse the City for all such costs.

#### **55.25 - COST RECOVERY FOR DAMAGE TO STORM DRAIN SYSTEM**

A discharger shall be liable for all costs incurred by the City of Garden City as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain or receiving waters, or violates any of the provisions of this ordinance. Costs include, but are not limited to, those penalties levied by the environmental protection agency or EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

#### **55.26 - COLLECTION OF COSTS; LIEN**

Costs incurred by the City of Garden City and/or Wayne County pursuant to this ordinance shall be a lien on the premises which shall be enforceable in accordance with ACT NO. 94 OF THE PUBLIC ACTS OF 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the City of Garden City treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City or the appropriate drain commissioner shall have all remedies authorized by ACT NO. 94 OF THE PUBLIC ACTS OF 1933, as amended.

#### **55.27 - EFFECT OF APPROVAL ON REMEDIES**

The approval or disapproval of any post-construction stormwater management plan shall not have any effect on any remedy of any person at law or in equity.

### **SECTION 2. VIOLATION AND PENALTY**

Except as otherwise provided herein, any person, corporation, partnership or other legal entity who violates the provisions of this Ordinance shall be responsible for a fine of not more than \$500.00 per Section 55.22. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

### **SECTION 3. SAVINGS CLAUSE**

The 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 4. SEVERABILITY**

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

### **SECTION 5. REPEAL OF INCONSISTENT ORDINANCES**

All ordinances or parts of ordinances in conflict herewith, including but not limited to Ordinance 19-010, as amended, codified in Title V, Section 51.06–51.999, are hereby repealed only to the extent necessary to give this ordinance full force and effect.

### **SECTION 6. PUBLICATION**

The Clerk of the City of Garden City shall cause this Ordinance to be published in the manner required by law. The publication shall contain a notice stating that a complete copy of the Code is made available to the public at the office of the City Clerk in compliance with state law requiring that records of public bodies be made available to the general public.

### **SECTION 7. EFFECTIVE DATE**

This ordinance shall take full force and effect upon publication thereof.

AYES: Unanimous  
ABSENT: DiMichele  
**Motion Passes 6-0**

❖ **Item #22-04-046 - Moved by Lynch; supported by Jacobs:**

RESOLVED: Motion to approve a one-year contract extension for the 2022 Concrete Sectioning Program with **Hardrock Concrete** of Westland, MI; in an amount not to exceed **\$220,000.00**.

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

❖ **Item #22-04-047 - Moved by Jacobs; supported by Lynch:**

RESOLVED: Motion to approve a one-year contract extension for the 2022 HMA Mill & Fill Resurfacing Program with **AI's Asphalt Paving Company** of Taylor, MI; in an amount not to exceed **\$400,000.00**.

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

❖ **Item #22-04-048 - Moved by Lynch; supported by Squires:**

RESOLVED: To approve a one-year contract extension for the 2022 Cape Seal Program with **Highway Maintenance and Construction** of Romulus, MI; in an amount not to exceed **\$305,000.00**.

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

❖ **Item #22-04-049 - Moved by Jacobs; supported by Earle:**

RESOLVED: To approve the contract for Inspection and Projects Management Services for the 2022 Concrete Reconstruction Project, the 2022 HMA Mill and Fill Resurfacing Project and the 2022 Cape Seal Project with the **Buccilli Group** of Livonia, MI; in an amount not to exceed **\$78,120.00**.

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

❖ **Item #22-04-050 - Moved by Lynch; supported by Squires:**

RESOLVED: Motion to approve the Submission of the Revised Updated Transportation Asset Management Plan to the State of Michigan Transportation Asset Management Council.

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

❖ **Item #22-04-051 - Moved by Squires; supported by Lynch:**

RESOLVED: Motion to approve the attached Resolution Receiving the Report and Calling for a Public Hearing of Necessity for the 2022 Sidewalk Program on Monday, **May 23, 2022**

at 7:00 p.m.

CITY OF GARDEN CITY  
 COUNTY OF WAYNE, MICHIGAN

SPECIAL ASSESSMENT RESOLUTION (#2) DETERMINATION OF NECESSITY

**Sidewalk Program (2022)**

WHEREAS, a report has been received from the City Manager on a city-wide sidewalk program for the 2022 construction season, and

WHEREAS, the City Council wishes to hear the views of property owners in the proposed district.

NOW THEREFORE, BE IT RESOLVED, to call a Public Hearing for **Monday, May 23, 2022 at 7:00 p.m.**, in the Council Chambers, 6000 Middlebelt, Garden City, MI 48135 to solicit public comments on the necessity of the 2022 Sidewalk Program.

BE IT FURTHER RESOLVED, that notice of the hearing shall be given to each owner of or party in interest in property in the special assessment district to be assessed, whose name appears on the last local tax assessment record of the municipality, by mailing a notice by first class mail addressed to each owner or party in interest at the address shown on the tax records at least ten days before the date of the hearing; and by publication at least once in a newspaper of general circulation in the municipality, to be designated by the Council, or by posting notice thereof in three places within the municipality, the publication or posting to be not less than ten days prior to the date of hearing pursuant to the Garden City Code of Ordinances Chapter 40, Section 40.04(A).

AYES: Unanimous

ABSENT: DiMichele

**Motion Passes 6-0**

❖ **Item #22-04-052 - Moved by Jacobs; supported by Squires:**

RESOLVED: Motion to introduce the FY 2022-23 General Appropriations and Tax Levy Ordinance and call for a Public Hearing on **Monday, May 9, 2022 at 7:00 p.m.**

**AN ORDINANCE TO PROVIDE FOR THE ANNUAL APPROPRIATIONS FOR THE CITY OF GARDEN CITY, WAYNE COUNTY, MICHIGAN, FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2022, AND ENDING ON JUNE 30, 2023.**

**THE CITY OF GARDEN CITY ORDAINS:**

SECTION 1: MILLAGE LEVIES AUTHORIZED.

In order to defray expenditures and meet the liabilities for the City of Garden City for Fiscal Year 2022-2023, the following millage levies are hereby adopted: **14.9208** mills for general operating purposes; **1.2500** mills for garbage and rubbish collection and disposal; **3.1988** mills for Police and Fire; **4.8325** mills for Road Bonds. The total millage levy shall be **24.2021** mills per \$1,000 of taxable valuation within the City.

SECTION 2: BUDGETARY APPROPRIATIONS ADOPTED.

The following appropriations, representing the various budgetary centers of the Fiscal Year 2022/2023 Budget as defined by Public Act 621 of 1978, as amended, are hereby adopted for the City of Garden City, Wayne County, Michigan, for the Fiscal Year 2022/2023 as shown below in the estimated revenue and expenditures summaries of the Fiscal Year 2022/2023 budget document:

GENERAL FUND SUMMARY (FUND 101)			
REVENUES		EXPENDITURES	
Public Safety	718,000	Mayor & Council	217,600
Street Lighting	350,500	21 <sup>st</sup> District Court	1,133,400
Communications	154,500	City Admin	505,100
Building	708,000	Clerk/Treasurer	1,225,800

Police	415,000	Street Lighting	477,700
Tax Revenue	12,510,800	Communications	482,900
Business Licenses/ Permits	23,200	Building	642,300
Non-Business License/ Permits	10,200	General Services	3,793,500
State Shared Revenue	4,588,200	Police	8,111,300
Grants-Local Units	2,476,700	Fire	4,442,000
Charges for Services	655,700	Dept. of Public Services	2,132,100
Fines and Forfeits	901,400	Planning	88,800
Miscellaneous Revenue	871,500	Parks and Recreation	1,036,500
Contributions/ Public	425,000	Community Resources	980,900
Contributions/ Other	91,100	Boards & Commissions	17,100
Planning	7,600	Debt Service	595,500
<b>TOTAL REVENUES:</b>	<b>24,807,400</b>	<b>TOTAL EXPENDITURES:</b>	<b>25,882,500</b>

**WORKERS' COMPENSATION FUND SUMMARY (FUND 122)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Revenue	260,000	Expenditures	277,000
Interest on Investments	500		
<b>TOTAL REVENUES:</b>	<b>260,500</b>	<b>TOTAL EXPENDITURES:</b>	<b>277,000</b>

**INSURANCE FUND SUMMARY (FUND 123)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Revenue	100,000	Expenditures	100,000
Interest on Investments	300		
<b>TOTAL REVENUES:</b>	<b>100,300</b>	<b>TOTAL EXPENDITURES:</b>	<b>100,000</b>

**MAJOR STREETS FUND SUMMARY (FUND 202)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Gas & Weight Tax	2,321,600	Expenditures	820,800
Transfer in-Spec. Assess.	38,000	Transfer to Local Streets	1,160,800
Interest on Investments	200		
<b>TOTAL REVENUES:</b>	<b>2,288,200</b>	<b>TOTAL EXPENDITURES:</b>	<b>1,981,600</b>

**LOCAL STREETS FUND SUMMARY (FUND 203)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Gas & Weight Tax	939,500	Expenditures	2,458,800
Transfer in-Major Streets	1,160,800		
Transfer in-Spec. Assess.	70,000		
METRO Act Revenue	96,500		
Interest on Investments	200		
<b>TOTAL REVENUES:</b>	<b>2,267,000</b>	<b>TOTAL EXPENDITURES</b>	<b>2,458,800</b>

**POLICE DRUG FORFEITURE FUND SUMMARY (FUND 264)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Confiscations	35,000	Expenditures	25,000
Interest on Investments	100		
<b>TOTAL REVENUES:</b>	<b>35,100</b>	<b>TOTAL EXPENDITURES:</b>	<b>25,000</b>

**DEBT SERVICE FUND SUMMARY (FUND 301)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	

Tax Revenue	2,905,500	Debt Service	2,962,900
Interest on Investments	500		
<b>TOTAL REVENUES:</b>	<b>2,905,500</b>	<b>TOTAL EXPENDITURES:</b>	<b>2,962,900</b>

**CAPITAL IMPROVEMENT PROJECTS FUND SUMMARY (FUND 401)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Trf from General Fund	2,854,000	City Administration	710,000
		Police Administration	629,000
		Fire Administration	1,310,000
		Parks Administration	186,000
		Communications Admin	19,000
<b>TOTAL REVENUES:</b>	<b>2,854,000</b>	<b>TOTAL EXPENDITURES:</b>	<b>2,854,000</b>

**WATER/SEWER FUND SUMMARY (FUND 592)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Water/Sewer Revenue	9,645,800	Water Distribution	3,060,500
Other Revenue	122,000	Sewage Disposal	4,151,300
Interest on Investments	1,500	Billing and Accounting	532,800
		General Expenses	1,027,300
		Full Time Maintenance	1,758,600
<b>TOTAL REVENUES:</b>	<b>9,970,600</b>	<b>TOTAL EXPENDITURES:</b>	<b>10,536,500</b>

**RUBBISH COLLECTION FUND SUMMARY (FUND 596)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Revenues	1,437,100	Expenditures	1,545,000
Interest on Investments	500		
<b>TOTAL REVENUES:</b>	<b>1,437,600</b>	<b>TOTAL EXPENDITURES:</b>	<b>1,545,000</b>

**ALL FUNDS SUMMARY**

REVENUES – ALL FUNDS: \$

EXPENDITURES – ALL FUNDS: \$

Note: Total of all funds includes transfers between funds.

AYES: Unanimous

ABSENT: DiMichele

Motion Passes 6-0

❖ **Item #22-04-053 - Moved by Squires ; supported by Jacobs :**

RESOLVED: Motion to introduce and call for a Public Hearing on the 2022-23 Water & Sewer Rate Ordinance to be held on **Monday, May 9, 2022 at 7:00 p.m.**

**STATE OF MICHIGAN, COUNTY OF WAYNE  
 CITY OF GARDEN CITY**

**ORDINANCE 22-xxx**

**ORDINANCE AMENDING THE WATER AND SEWER RATES  
 SECTIONS 53.03 THROUGH 53.04 OF CHAPTER 53**

**AN ORDINANCE AMENDING THE WATER AND SEWER RATES AND CHARGES, SECTIONS 53.03 THROUGH 53.04 OF CHAPTER 53 OF TITLE V OF THE CODE OF THE CITY OF GARDEN CITY; PROVIDING FOR RATES AND CHARGES FOR**

**WATER AND SEWER SERVICE; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**THE CITY OF GARDEN CITY ORDAINS:**

**SECTION 1. AMENDMENT TO THE CODE.**

Sections 53.03 through 53.04, of the City Code are hereby amended to read as follows:

**53.03. WATER SUPPLY RATES.**

- (A) Consumption base rate ~~\$29.44~~ **\$30.44** per 1,000 cubic feet of water.
- (B) Annual fixed user charges, in addition to those in division (A) above: ~~\$66.56~~ **\$68.89**
- (C) Service outside City. Water service rates charged for water service outside the City shall be **100%** of the rates and charges set forth in division (A) and (B) above, or as may hereafter be established for City water service by City Council Resolution.

**53.04. SEWAGE DISPOSAL RATES.**

- (A) Consumption base rate, including excess sewage: **\$60.51** per 1,000 cubic feet.
- (B) Annual fixed user charges: ~~\$66.56~~ **\$68.89**
- (C) RV Annual fixed construction charges: **\$17.51**
- (D) Sewage disposal rates outside the City. Charges for sewage disposal service to premises outside the city shall be **100%** of the rates and charges set forth in division (A) and (B) above or as may hereafter be established for sewage disposal service by City Council Resolution.

**SECTION 2. VIOLATION AND PENALTY.**

Any person or entity that violates any provision of this Ordinance may, upon conviction, be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than Ninety (90) days, or both, in the discretion of the court.

**SECTION 3. 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 4. REPEAL OF CONFLICTING ORDINANCES.**

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 5. 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 6. PUBLICATION.**

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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance, as amended, shall take full force and effect on **July 1, 2022** after publication as required by law

AYES: Unanimous  
ABSENT: DiMichele  
**Motion Passes 6-0**

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

- Denise Stabley, Alvin Street, spoke regarding the condition of sidewalks near Lathers Elementary.
- Justin Mullins, Deering Street, spoke regarding the conditions of the concrete on the 6600-6900 blocks of Deering.
- Trisha Cole, Barton Street, spoke regarding the distribution of information regarding lead service lines and if there could be a communication sent to the school.
- John Murray, Lathers Street, spoke regarding new streetlights with LED lights and stated the city should drop the pending litigation against the library.
- Lauren Anthony, Sheridan Street, offered condolences to the family of Kelly Brang.
- Laura O'Conner, Birchlawn Street, spoke in opposition to lawsuit against the library.
- Opal Fearon, Barton Street, spoke regarding sidewalks heaving caused by trees.

There being no further business before Council, the meeting was then adjourned at 7:52 p.m.

Matthew K. Miller  
City Clerk