



**CITY OF GARDEN CITY  
REGULAR COUNCIL MEETING MINUTES  
April 19, 2021**

The Mayor and Council of the City of Garden City met in Regular Session **Monday, April 19, 2021**, at 7:00p.m. in the Council Chambers of the Civic Center, 6000 Middlebelt Road, Garden City, Michigan.

**REGULAR MEETING**

Present were Mayor Walker, Councilmembers Kerwin, Squires, DiMichele, Jacobs, and Lynch. Councilmember Earle was absent and excused.

Also present were City Manager Dougherty, City Clerk Miller, City Treasurer Marciniak, and Police Chief Gibbons.

❖ **Item #21-04-059 - Moved by Lynch; supported by Squires :**

RESOLVED: To approve the meeting agenda as presented.

The agenda consisted of the following:

1. Special Land Use 6332 Middlebelt Road
2. 2021 Sidewalk Program Design Stage Services
3. 21<sup>st</sup> District Court Office Furniture Purchase
4. Approval of Purchase Tricaster Elite 2
5. Mobile Food Vendors – Food Trucks
6. FY 2021-22 General Appropriations and Tax Levy Ordinance Call For Public Hearing
7. FY 2021-22 Water and Sewer Rates Ordinance Call For Public Hearing

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

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

- *City Clerk Miller provided information on upcoming Community Shred Day Event.*
- *Mayor Walker read a communication regarding prospect of sled hill/amphitheater and tree removal in City Park*

❖ **Item #21-04-060 - Moved by Lynch; supported by Squires :**

RESOLVED: To approve the consent agenda as presented.

1. Approve Council Meeting Minutes of 4/5/21 and 4/12/21 and Closed Session Minutes of 4/5/21
2. Receive and file Local Officers Compensation Commission Minutes of 3/19/19
3. Receive and file Determination of Elected Officers Compensation Commission
4. Receive and file Planning Commission Minutes of 2/11/21
5. Receive, note, and file Planning Commission 2020 Report and 2021 Action Plan
6. Receive, note, and file Invoices Paid: Month of March 2021

7. Receive, note, and file City Financial Report: Month of February 2021

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

❖ **Item #21-04-061 - Moved by Jacobs ; supported by DiMichele :**

RESOLVED: Motion to elect to **not** take the application for the open-air business Special Land Use at 6332 Middlebelt under consideration. The recommended approval by the Planning Commission then becomes final for the proposed open-air business.

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

❖ **Item #21-04-062 - Moved by Lynch ; supported by Kerwin :**

RESOLVED: Motion to approve the contract for the 2021 Sidewalk Program Design Stage Services with The Buccilli Group of Livonia, MI.; in an amount not to exceed \$16,925.00.

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

❖ **Item #21-04-063 - Moved by Kerwin ; supported by Jacobs :**

RESOLVED: Motion to approve the attached furniture purchase from National Business Furniture. Funds to be derived from the Court Building Fund.

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

❖ **Item #21-04-064 - Moved by Squires ; supported by Kerwin :**

RESOLVED: Motion to award the purchase of a Tricaster Elite 2 with 2 stripe controller to the lowest responsible bidder, KC Enterprises (dba Digital Arts) of Bloomington, Indiana in the amount of \$34,590.00.

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

❖ **Item #21-04-65 - Moved by Kerwin ; supported by DiMichele :**

RESOLVED: Motion to introduce an amendment to Chapter 111: Food & Drink Regulations of the Garden City Code of Ordinances and to call for a public hearing to be held Monday, May 17, 2021 at 7:00 p.m. to consider the proposed amendment.

ORDINANCE NO: 21-xxxx

ORDINANCE

AN ORDINANCE OF THE CITY OF GARDEN CITY PROVIDING FOR AMENDMENTS TO CHAPTER 111: BUSINESS REGULATIONS; 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 111.079: MOBILE FOOD VENDING**

**§ 111.080 INTENT**

In the interest of permitting mobile food vendors in the City and also to provide a framework under which such businesses operate, this chapter is established.

**§ 111.081 DEFINITIONS**

The following words and terms shall be defined for the purposes of this chapter. As used in this chapter, the following terms shall have the meaning indicated:

**MOBILE FOOD VENDING** means vending, serving, of offering for sale food or beverages from a mobile food vending unit, along with ancillary sales of branded items consistent with the food or mobile food vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.

**MOBILE FOOD VENDING UNIT** means a vehicle with a self-contained kitchen, equipped to create, prepare or package food for the purpose of vending, service or offering for sale.

**MOBILE FOOD VENDOR** means any individual, company, restaurant or organization operating a mobile food vending unit.

**OPERATES** means engaging in activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

**§ 111.082 PERMIT REQUIRED**

- (A) No mobile food vendor shall operate a mobile food vending unit without a permit issued by the City authorizing such operation. The City Clerk shall prescribe the form of available permits and the application for such permits. The City Council shall, by resolution, establish appropriate fees for the available permit.
- (B) All permits shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food or other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this chapter.
- (C) No permit shall be required for a mobile food vending unit which is operated in conjunction with a community event but separate approval may be required from the hosting organization. The requirements of Chapters 111.086 shall still apply.
- (D) Applications for permits must be approved 15 calendar days prior to the date in which the mobile food truck shall operate.

**§ 111.083 DURATION OF PERMIT; NONTRANSFERABILITY**

Permits issued by the City Clerk shall be valid only for the event applied for and for the mobile food vending unit identified on the permit. Any permit issued under Chapter is not transferable.

**§ 111.084 APPLICATION FOR PERMIT**

Any mobile food vendor desiring to engage in mobile food vending in the City shall submit a completed application to the City Clerk for a permit under this chapter. The application must include all required information and all required documentation, such as insurance, as required by the City.

The applicant shall truthfully state, in full, all information requested on the application for a permit issued by the City Clerk's Office. Additionally, the application shall provide all documentation, such as proof of insurance, as required by the chapter or by resolution of the City Council. The application for a permit shall be accompanied by a fee as adopted by City Council.

#### **§ 111.085 FEES**

The application fee, in an amount established by resolution of the City Council, shall be required upon submission of the application. Regardless of when the application is submitted during the calendar year, the fee shall be required in full and the fee shall not be prorated. The application fee shall be non-refundable.

#### **§ 111.086 REQUIREMENTS**

- (A) Mobile food vending units may operate on private property on parcels zoned O-1, C-1, C-2, C-3, M-1, PD, CBD, VP, PR, HS if in compliance with the applicable provisions of the Zoning Ordinance.
- (B) Mobile food vendors shall not operate on city-owned property or on public streets or right-of-ways unless approval is obtained for street closure and except as such times and in such locations permitted by resolution of the City Council. When mobile food vendors are permitted to operate on public streets, no food service shall be allowed on the driving lane side of the mobile food vending unit.
- (C) No food shall be sold, prepared or displayed outside of the mobile food vending unit while on the location noted on the permit.
- (D) Mobile food vendors shall provide appropriate waste and recycling receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the mobile food vendor or customers on a daily basis.
- (E) Mobile food vendors shall not use any flashing, blinking or strobe lights, or similar effects to draw attention to the mobile food vending unit: all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- (F) Mobile food vendors shall not use loud music, amplification devices, video/LED screens or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- (G) There shall be no signage used by mobile food vendors except for what is on the mobile vending unit itself and one 2 x 3 foot A-frame sign not placed in the right-of-way.
- (H) When operating the mobile food vendor shall not place personal property outside of the unit including but not limited to dining furniture, fixtures and equipment.
- (I) No mobile food vendor or unit shall utilize any electricity or power without the prior written authorization of the power customer; no power cable shall or similar device shall be extended across any street, sidewalk or parking lot except in a safe manner as approved by the Building Official.
- (J) No mobile food vendor or unit shall utilize any power from utility poles or directly from the power company.
- (K) Mobile food vendors shall comply with all applicable City, County and State laws, regulations and ordinances, including those regulating noise, signage and loitering.
- (L) Mobile food vendors shall have written authorization of the property owner that must accompany the application.
- (M) Only one mobile food vendor shall operate per zoning lot at any one time unless permitted by City.
- (N) Mobile food vendors shall comply with the established business buffer requiring that the location shall not be within 500 linear feet from all other businesses which provide the same category of product or service. The buffer shall be measured from the nearest point on the lot line of the lot in which the mobile food vendor is located to the nearest point on the lot line of the established business's lot.
- (O) The location of the mobile food vendor on the lot shall not create any unsafe access to the business or vendor.
- (P) Mobile food vendors must comply with the site frequency of not more than 14 total days in every 12 month period anywhere in the City either consecutively or throughout the year at any one location or lot.
- (Q) No mobile food vendors can be hosted at any one location for more than 14 days.
- (R) Mobile food vendors shall operate between the hours of 6:00 a.m. and 10:00 p.m. The vehicle must leave the lot and no overnight parking of the vehicle is permitted.
- (S) Mobile food vendors shall include in the application a copy of the local health department permit for safe food handling and any other permit provided by the health department and the State of Michigan.
- (T) Mobile food vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.

#### **§ 111.087 REVOCATION OF PERMIT**

The City Clerk shall revoke the permit of any mobile food vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates federal, state, county or local law, ordinance or regulation; makes a false statement on the permit application; or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare. Any revocation shall have immediate effect and remain in effect unless and until reversed by the City Clerk.

**§ 111.081 PENALTY**

Any person who violates this chapter shall be responsible for a municipal civil infraction subject to a fine not to exceed \$500.00. Each day that a violation continues shall be a separate violation.

**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: Councilmember Earle

**Motion Passes**

❖ **Item #21-04-66 - Moved by Lynch; supported by Squires:**

RESOLVED: Motion to introduce the FY 2021-22 General Appropriations and Tax Levy Ordinance and call for a public hearing to be held Monday, May 17, 2021 at 7:00 p.m.

**ORDINANCE NO. A21-xxx**

**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, 2021, AND ENDING ON JUNE 30, 2022.**

**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 2020-2021, the following millage levies are hereby adopted: **14.9208** mills for general operating purposes; **1.2500** mills for garbage and rubbish collection and disposal; **3.2741** mills for Police and Fire; **5.1455** mills for Road Bonds. The total millage levy shall be **24.5904** 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 2021/2022 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 2021/2022 as shown below in the estimated revenue and expenditures summaries of the Fiscal Year 2021/2022 budget document:

**GENERAL FUND SUMMARY (FUND 101)**

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Public Safety	718,200	Mayor & Council	184,500
Street Lighting	350,500	21 <sup>st</sup> District Court	1,156,700
Communications	190,000	City Admin	494,100
Building	643,000	Clerk/Treasurer	1,228,100
Police	210,000	Street Lighting	477,700
Tax Revenue	11,611,400	Communications	378,100
Business Licenses/ Permits	30,000	Building	657,200
Non- Business License/ Permits	12,500	General Services	1,536,500
State Shared Revenue	4,261,200	Police	7,914,800
Grants-Local Units	615,600	Fire	4,272,500
Charges for Services	688,400	Dept. of Public Services	2,073,400
Fines and Forfeits	1,067,800	Planning	88,700
Miscellaneous Revenue	939,800	Parks and Recreation	990,400
Contributions/ Public	425,000	Community Resources	785,600
Contributions/ Other	502,200	Boards & Commissions	17,100
Planning	9,100	Debt Service	603,000
<b>TOTAL REVENUES:</b>	<b>22,274,700</b>	<b>TOTAL EXPENDITURES:</b>	<b>22,858,400</b>

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

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Revenue	215,000	Expenditures	265,000
Interest on Investments	500	Transfers to Other Funds	250,000
<b>TOTAL REVENUES:</b>	<b>215,500</b>	<b>TOTAL EXPENDITURES:</b>	<b>515,000</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	2,235,800	Expenditures	1,159,700
Transfer in-Spec. Assess.	52,200	Transfer to Local Streets	1,117,900
Interest on Investments	200		
<b>TOTAL REVENUES:</b>	<b>2,288,200</b>	<b>TOTAL EXPENDITURES:</b>	<b>2,277,600</b>

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

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Gas & Weight Tax	905,100	Expenditures	2,200,800
Transfer in-Major Streets	1,117,900		

Transfer in-Spec. Assess.	104,500		
METRO Act Revenue	96,500		
Interest on Investments	200		
<b>TOTAL REVENUES:</b>	<b>2,224,200</b>	<b>TOTAL EXPENDITURES</b>	<b>2,200,800</b>

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

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Confiscations	60,000	Expenditures	25,000
Interest on Investments	100	Transfer to Cap Projects	80,000
<b>TOTAL REVENUES:</b>	<b>60,100</b>	<b>TOTAL EXPENDITURES:</b>	<b>105,000</b>

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

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Tax Revenue	2,995,700	Debt Service	2,983,300
Interest on Investments	500		
<b>TOTAL REVENUES:</b>	<b>2,998,200</b>	<b>TOTAL EXPENDITURES:</b>	<b>2,983,300</b>

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

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Trf from General Fund	123,000	City Technology Admin	30,000
Trf from Police Drug Forf	80,000	Police Admin	80,000
		Fire Admin	25,500
		Parks Administration	35,500
		Communications Admin	32,000
<b>TOTAL REVENUES:</b>	<b>203,000</b>	<b>TOTAL EXPENDITURES:</b>	<b>203,000</b>

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

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Water/Sewer Revenue	9,654,200	Water Distribution	3,386,800
Other Revenue	132,700	Sewage Disposal	4,166,700
Interest on Investments	1,500	Billing and Accounting	512,200
		General Expenses	1,039,300
		Full Time Maintenance	1,642,100
<b>TOTAL REVENUES:</b>	<b>9,788,400</b>	<b>TOTAL EXPENDITURES:</b>	<b>10,747,100</b>

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

<b>REVENUES</b>		<b>EXPENDITURES</b>	
Revenues	1,421,000	Expenditures	1,540,000
Interest on Investments	2,500		
<b>TOTAL REVENUES:</b>	<b>1,423,500</b>	<b>TOTAL EXPENDITURES:</b>	<b>1,540,000</b>

**ALL FUNDS SUMMARY**

REVENUES – ALL FUNDS: \$

EXPENDITURES – ALL FUNDS: \$

AYES: Unanimous  
 ABSENT: Councilmember Earle

Motion Passes

❖ **Item #21-04-67 - Moved by DiMichele ; supported by Lynch:**

RESOLVED: Motion to introduce and call for a public hearing on the 2021-22 Water & Sewer Rate Ordinance to be held Monday, May 17, 2021 at 7:00 p.m.

**ORDINANCE 21-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 ~~\$28.85~~ **\$29.44** per 1,000 cubic feet of water.
- (B) Annual fixed user charges, in addition to those in division (A) above: ~~\$64.31~~ **\$66.56**
- (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: : ~~\$64.31~~ **\$66.56**
- (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, 2021** after publication as required by law.

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

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

- ❖ Stacy Karafotis, Garden City, spoke in opposition to the possibility of tree removal in Garden City Park and potential sled hill/ *amphitheater in Garden City Park*.
- ❖ Robert Smith, Parks and Recreation Commissioner, spoke regarding the possibility of sled hill/ *amphitheater in Garden City Park*
- ❖ Kathy Kopchek, Garden City, stated she'd like to see public included in meetings regarding the possibility of sled hill/ *amphitheater in Garden City Park*

❖ **Item #21-04-68 - Moved by Lynch; supported by Kerwin:**

RESOLVED: Motion to join HGACBUY government procurement service at the request of Garden City Fire Department.

AYES: Unanimous  
ABSENT: Councilmember Earle

**Motion Passes**

There being no further business before Council, the meeting was then adjourned at 7:51 p.m.

Matthew K. Miller  
City Clerk