

**CITY OF WYANDOTTE**  
**REGULAR CITY COUNCIL MEETING**

A Regular Session of the Wyandotte City Council was held in Council Chambers and via Virtual Telecommunication methods, due to COVID-19 in accordance with Wayne County Local Public Health Department “Guidance for Meetings of Governmental Bodies” and PA228 of 2020, using the Zoom Audio platform, on Monday, February 7, 2022, and was called to order at 7:00pm with Honorable Mayor Robert A. DeSana presiding.

The meeting began with the Pledge of Allegiance, followed by roll call.

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Present: Mayor Robert A. DeSana, Councilpersons Robert Alderman, Christopher Calvin, Kaylyn Crayne, Todd Hanna, Rosemary Shuryan, Kelly Stec

ABSENT: None

Also Present: Theodore Galeski, City Assessor; Todd Browning, City Treasurer; Look, City Attorney; Greg Mayhew, City Engineer; and Lawrence Stec, City Clerk

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**PRESENTATIONS**

**PRESENTATION OF PETITIONS**

**PUBLIC HEARINGS**

- Show Cause Hearing – 614 6<sup>th</sup> Street
  - *Dan Cervantes, owner of 614 6<sup>th</sup> Street, present at hearing*

**UNFINISHED BUSINESS**

**2022-24 RESPONSE TO MR. STEINKE REGARDING 1571 OAK STREET**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED BY COUNCIL that Council receives and places on file the February 7, 2022 communication from the City Engineer regarding 1571 Oak Street, and further,

Council denies the request from the property owner to grind the sidewalks identified as requiring replacement and complete correction of the violations noted on the Certificate of Compliance Inspection Report, CR18-0419, as updated by the reinspection letter dated October 22, 2020, and that the property owner shall obtain an approved final inspection in order to receive a Certificate of Compliance in accordance with Chapter 181 Rental Dwellings and Units, of the Wyandotte Code of Ordinances. Motion unanimously carried.

**CALL TO THE PUBLIC**

**CONSENT AGENDA**

**2022-25 MINUTES**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED that the minutes of the meetings held under the date of January 24, 2022, be approved as recorded, without objection.

Motion unanimously carried.

**2022-26 LICENSE AGMT RENEWAL – BLUE WATER EXP./DIAMOND JACK’S**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED BY THE MAYOR AND COUNCIL that Council has received communication from the City Engineer and Superintendent of Recreation, Leisure & Culture regarding the Renewal of License Agreement with Blue Water Explorations Ltd., DBA Diamond Jack's River Tour and concurs with same; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Renewal of License for the period from May 23, 2022 to October 3, 2022.

Motion unanimously carried.

**2022-27 2022 HOT MIX ASPHALT RESURFACING PROGRAM**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED by City Council that Council concurs with the recommendation of the City Engineer and approves the contract extensions for Bid File #4800 to Al's Asphalt Paving Co. in the amount of \$2,601,343 which shall be paid from the following accounts:

202-440-825-460	Major Street Fund	\$733,877
203-440-825-460	Local Street Fund	\$460,641
492-200-825-460	TIFA Streets	\$1,001,859
492-200-850-524	TIFA Parks	\$126,752
492-200-850-543	TIFA Parking Lots	\$48,523
530-440-825-420	City Hall Maintenance	\$59,535
281-000-257-050	Program Income	\$57,484
249-450-825-462	Special Assess	\$112,672

Motion unanimously carried.

**NEW BUSINESS**

**2022-28 SAD REQUEST – SILVER SHORES BANQUET & CATERING**

By Councilperson Alderman, supported by Councilperson Crayne

BE IT RESOLVED that the communication from Ziad Nakad, owner of Silver Shores Banquet and Catering, in regards to the establishment of an SAD to improve parking around the business is hereby referred to the City Engineer for review and report back at the February 28, 2022, meeting of the City Council.

Motion unanimously carried.

**2022-29 ACCEPTANCE OF GRANT: DCACA & TWO SEVEN OH INC.**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED that Council concurs with the recommendation of the City Administrator as set forth in his communication dated February 7, 2022 relative to the acceptance of the grant from Two Seven Oh Inc for replacement of the dog kennel doors/gates at the Southgate facility of the Downriver Central Animal Control Agency; AND

FURTHER RESOLVED that Council approves the acceptance of the grant and authorizes the procurement of the work and equipment as outlined in the grant application at a non-to-exceed amount of \$66,500 which will be funded from the grant.

Motion unanimously carried.

**2022-30 SHOW CAUSE HEARING: 614 6<sup>TH</sup> STREET**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED by the City Council that a show cause hearing was held this 7th day of February, 2022, having been set forth as the time and place fixed for a hearing of objections to show cause why the structure(s) at 614 6th Street should not be demolished or made safe and whereas the opportunity having been provided for all written and verbal comments now;

AND WHEREAS, this Council has considered the reports and recommendations of the Hearing Officer and City Engineer's Office and all other facts and considerations which were brought to their attention at said hearing;

NOW, THEREFORE, BE IT RESOLVED that this City Council directs that said structure(s) at 614 6th Street, City of Wyandotte, should be demolished. The owner or person in control of the premises shall comply with the order of demolition within twenty-one (21) days after the date of the hearing.

BE IT FURTHER RESOLVED that the parties of interest shall be forwarded a copy of this resolution forthwith so they may appeal this decision to the Circuit Court within twenty-one (21) days of the date of the resolution if they so desire.

RESOLVED FURTHER that the City Engineer is hereby directed to demolish the structure(s) at 614 6th Street, if the owner or persons in control of the property does not comply with the order of demolition within twenty-one (21) days or appeals to the Circuit Court within twenty-one (21) days.

RESOLVED FURTHER that all costs of the demolition incurred by the City shall be reimbursed to the City by the owner or party in interest in whose name the property appears. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Assessor of the amount of the cost of the demolition by first class mail at the address shown on the records. If the owner or party interest fails to pay the cost within thirty (30) days after mailing, by the Assessor, the notice of the amount of the cost, the City shall have a lien for the cost incurred by the City. In addition to other remedies under this section, the City may bring action against the owner of the building or structure for the full cost of the demolition.

Motion unanimously carried.

### **2022-31 SALE OF FORMER 1757 8<sup>TH</sup> STREET**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED BY THE CITY COUNCIL that the communication from the City Engineer regarding the City-owned property located at former 1757 8th Street is hereby received and placed on file; AND BE IT FURTHER RESOLVED that Council concurs with the recommendation to sell the property known as the former 1757 8th Street to Mr. Frank Pizzo in the amount of \$10,000 and in accordance with the presented Purchase Agreement; AND

BE IT FURTHER RESOLVED that if the Purchaser(s), Frank Pizzo, does not undertake development within six (6) months from time of closing and complete construction within one (1) year, this will result in the Seller's right to repurchase property including any improvements for Eight Thousand (\$8,000) Dollars. A condition will be placed on the Deed that will include this contingency;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute the Offer to Purchase Real Estate for the property known as the former 1757 8th Street for \$10,000 as presented to Council.

Motion unanimously carried.

### **2022-32 SALE OF FORMER 569 ORANGE**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED BY THE MAYOR AND COUNCIL that the communication from the City Engineer regarding the City-owned property located at former 569 Orange is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that the Council concurs with the recommendation to sell the property known as former 569 Orange to Mr. and Mrs. Moore in the amount of \$10,000.00; AND

BE IT FURTHER RESOLVED that if the Purchaser(s), Mr. and Mrs. Moore, does not undertake development within six (6) months from the time of closing and complete construction within one (1) year will result in the seller's right to repurchase property including any improvements for One (\$1.00) Dollar. A condition will be placed on the Deed that will include this contingency;

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute the Offer to Purchase Real Estate for the property known as former 569 Orange, between Mr. and Mrs. Moore and the City of Wyandotte for \$10,000 as presented to Council; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Release of the Purchase Agreement between the City and Mr. Montes and Ms. Konopka.

Motion unanimously carried.

### **2022-33 NEZ APPLICATION – 567 ORANGE**

By Councilperson Alderman, supported by Councilperson Crayne

WHEREAS, per a resolution adopted by the Wyandotte City Council on December 7, 1992, it is the policy of the City of Wyandotte to offer 12-year tax abatements for new single-family construction in Neighborhood Enterprise Zones within the City of Wyandotte; and

WHEREAS, the former 569 Orange is within the City of Wyandotte's Neighborhood Enterprise Zone #1 adopted on December 7, 1992;

NOW THEREFORE BE IT RESOLVED by the City Council that Council CONCURS with the recommendation of City Engineer as set forth in his communication of February 7, 2022, that the City of Wyandotte will approve a 12-year Neighborhood Enterprise Zone Exemption Certificate for the proposed redevelopment at former 569 Orange, now known as 567 Orange, subject to the proper application materials being submitted to the City and the project's compliance with the Neighborhood Enterprise Zone Act, Act 147 of 1992, as amended; AND

WHEREAS, the City Clerk and the City Assessor are hereby authorized to execute said application for a 12-year Neighborhood Enterprise Zone Certificate.

Motion unanimously carried.

**2022-34 FILE #4823 BID AWARD: POLICE STATION & COURT ROOF – LUTZ ROOFING**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED that Council concurs with the recommendation of the City Engineer and approves the award of "FILE #4823 – Police Station and Court Roof Replacement at 2015 Biddle Avenue" to Lutz Roofing Company, Inc., Shelby Township, Michigan, in the amount of \$989,200.00,

FURTHER RESOLVED, the project will be funded from TIFA Account 492-200-850-548 Roof/Building Repairs for which a budget amendment from TIFA is required.

Motion unanimously carried.

**2022-35 FIRST & FINAL READING #1521: POST CONSTRUCTION STORMWATER RUNOFF**

By Councilperson Alderman, supported by Councilperson Crayne

FIRST & FINAL READING #1521

**AN ORDINANCE ENTITLED**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY ADOPTING**

**SEC 52.050 THROUGH 52.063 TO CHAPTER 52: WATERS AND SEWERS**

**TO BE TITLED "POST CONSTRUCTION STORMWATER RUNOFF CONTROLS"**

THE CITY OF WYANDOTTE ORDAINS:

Section 1. Adoption of "Post Construction Stormwater Runoff Controls".

Chapter 52: Water and Sewers

Post Construction Stormwater Runoff Controls

52.050 Findings of Fact

It is hereby determined that land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase; stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. Stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

Therefore, the City of Wyandotte establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

52.051 Purpose

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 watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

- (A) Minimize increases in stormwater runoff from any development located in separated sewer areas and discharging stormwater to a watercourse in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.
- (B) Minimize increases in nonpoint source pollution caused by stormwater runoff from any development located in separated sewer areas and discharging stormwater to a watercourse which would otherwise degrade local water quality
- (C) Minimize the total annual volume of surface water runoff which flows from any specific site during and following any development located in separated sewer areas and discharging stormwater to a watercourse to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- (D) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

#### 52.052 Applicability

This ordinance shall be applicable to all development located in separated sewer areas and discharging stormwater to a watercourse, unless eligible for an exemption or granted a waiver by the City of Wyandotte under the specifications of Section 52.057 of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.

To prevent the adverse impacts of stormwater runoff, the City of Wyandotte has developed a set of performance standards that must be met at all development sites. These standards apply to any construction activity disturbing one (1) or more acres of land. The following activities may be exempt from these stormwater performance criteria:

1. Construction of, and additions or modifications to, existing single family and two-family residential structures.
2. Construction of, and additions or modifications to, existing multiple unit residential structures that do not disturb more than one (1) acre of land, provided they are not part of a larger common development plan.
3. Developments that do not disturb more than one (1) acre of land, provided they are not part of a larger common development plan.
4. Repairs to any stormwater treatment practice deemed necessary by the City of Wyandotte Department of Engineering and Building.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 52.055 of this ordinance, unless the site development is exempt as described above, or receives a waiver in accordance with Section 52.057 of this ordinance, decisions on permitting and on-site stormwater requirements shall be governed by the Wayne County Stormwater Management Ordinance, Chapter 95 Stormwater Management of the Code of Ordinances of the Charter County of Wayne as amended (Enrolled Ordinance No. 2021-526a (August 19, 2021)); and the Wayne County Stormwater Management Administrative Rules, as amended, (Resolution No. 2021-526b (August 19, 2021)); and, the most recent version of the Wayne County Stormwater Standards Manual, which will be collectively referred to as the Wayne County Stormwater Program.

#### 52.053 Compatibility with Other Permit and Ordinance Requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

### 52.054 Development of a Stormwater Design Manual

The Wayne County Stormwater Program contains specifications and standards, including best management practices (BMP) which may be utilized by any development required to implement this ordinance. The Wayne County Stormwater Program may be updated and expanded from time to time, at the discretion of the County of Wayne, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

### 52.055 Definitions

“Accelerated Erosion” means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

“Applicant” means a property owner or agent of a property owner who has filed an application for a stormwater management permit.

“Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“Dedication” means the deliberate appropriation of property by its owner for general public use.

“Detention” means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

“Detention Facility” means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

“Developer” means a person who undertakes land disturbance activities.

“Erosion and Sediment Control Plan” means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

“Hotspot” means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

“Hydrologic Soil Group (HSG)” means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

“Impervious Cover” means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

“Industrial Stormwater Permit” means a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

“Infiltration” means the process of percolating stormwater into the subsoil.

“Infiltration Facility” means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

“Jurisdictional Wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Land Disturbance Activity” means any activity which changes the volume or peak flow discharge rate 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 which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

“Landowner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

“Maintenance Agreement” means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

“Nonpoint Source Pollution” means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“On-Site Facility” means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

“Recharge” means the replenishment of underground water reserves.

“Redevelopment” means any construction, alteration or improvement exceeding one (1) acre in area where existing land use is high density commercial, industrial, institutional or multi-family residential, and including projects less than one (1) acre that are part of a larger common plan of development or sale and discharge to the permittee’s MS4.

“Stop Work Order” means an order issued which requires that all construction activity on a site be stopped.

“Storm Water Management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

“Storm Water Retrofit” means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

“Stormwater Runoff” means flow on the surface of the ground, resulting from precipitation.

“Stormwater Treatment Practices (STPs)” means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

“Water Quality Volume (WQv)” means the storage needed to capture and treat the first one (1.0) inch per the Wayne County Stormwater Standards Manual and current MS4 permit requirements.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

#### 52.056 Permit Procedures and Requirements

##### (A) Permit Required.

No land owner or developer shall receive any of the building, grading or other permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Site development plans shall be submitted to the City of Wyandotte Department of Engineering and Building (City Engineer) for site plan review. The City Engineer shall determine if the project meets the criteria of 52.052 Applicability, and if so, the land owner or developer shall be directed to obtain a permit for stormwater construction from the Wayne County Construction Permit Office.

##### (B) Application Requirements.

Unless specifically excluded by this ordinance, any land owner or developer desiring a permit for a land disturbance activity shall submit to the Wayne County Construction Permit Office a permit application for stormwater construction on a form provided for that purpose. The permit application must be accompanied by the following, at a minimum, in order that the permit application be considered: a stormwater management plan; a maintenance agreement; and a non-refundable permit review fee as set by Wayne County.

The stormwater management plan shall be prepared to meet the requirements of Wayne County Stormwater Program and Section 52.058 of this ordinance. The maintenance agreement, entered into with Wayne County by the City of Wyandotte and the land owner or developer, shall be prepared to meet the requirements of Section 52.062 of this ordinance.

##### (C) Application Review Fees.

The fee for review of any stormwater construction permit application shall be as set forth by the County of Wayne.

##### (D) Application Procedure.

Applications shall be made in accordance with the Wayne County Stormwater Program.

A copy of this permit application shall be forwarded to the City Engineer.

If the permit application, final stormwater management plan and maintenance agreement are approved by the County of Wayne, all appropriate land disturbance activity permits shall be issued.

(E) Permit Duration.

Permits issued under this section shall be valid from the date of issuance through the date the County of Wayne notifies the permit holder that all stormwater management practices have passed the final inspection required under permit condition.

#### 52.057 Waivers to Stormwater Management Requirements

(A) Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for approval.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. Provisions are made to manage stormwater by discharging all stormwater runoff that is generated, from the new or expanded impervious surfaces, to the City of Wyandotte's combined sewer system. The land owner or developer shall provide a sealed engineering study that demonstrates that the capacity of the existing combined sewer system will not be exceeded by the calculated discharge from the new or expanded impervious areas by a 100-year storm event.
2. The City Engineer finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site in accordance with the Wayne County Stormwater Program.

#### 52.058 General Performance Criteria for Stormwater Management

Unless judged by the City Engineer to be exempt or granted a waiver as outlined in sections 52.052 and 52.057, the following performance criteria shall be addressed for stormwater management at all sites:

(A) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce stormwater runoff. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(B) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the County of Wayne. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACE) or the Michigan Department of Environment, Great Lakes, and Energy.

(C) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.

(D) For all development, structural stormwater treatment practices shall be designed to remove 80% of the average annual post development total suspended solids load (TSS). It is presumed that a STP complies with this performance standard if it is:

1. Sized to capture the prescribed water quality volume (WQv), and designed according to the specific performance criteria required by the Wayne County Stormwater Program,
2. Constructed properly, and
3. Maintained regularly.

(E). For all development, to protect stream channels from degradation, stormwater management practices shall be designed to meet the specific channel protection criterion required by the Wayne County Stormwater Program.

(F). Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.



(G). Certain industrial sites are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.

(H). Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as “hotspots”, may require the use of specific structural STPs and pollution prevention practices.

(I). Prior to design, applicants are required to consult with the Wayne County Construction Permits office to determine if they are subject to additional stormwater design requirements.

(J). The calculations for determining peak flows as found in the Wayne County Stormwater Program shall be used for sizing all stormwater management practices.

#### 52.059 Basic Stormwater Management Design Criteria

##### (A) Minimum Control Requirements.

All stormwater management practices will be designed so that the specific storm frequency storage volumes as identified in the Wayne County Stormwater Program are met, unless the City Engineer grants the applicant a waiver or the applicant is exempt from such requirements as outlined in sections 52.052 and 52.057.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Wyandotte reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

##### (B) Site Design Feasibility.

Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

1. Topography
2. Maximum Drainage Area
3. Depth to Water Table
4. Soils
5. Slopes
6. Terrain
7. Head
8. Location in relation to environmentally sensitive features or ultra-urban areas

Applicants shall consult the Wayne County Stormwater Program for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

##### (C) Conveyance Issues.

All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

1. Maximizing of flow paths from inflow points to outflow points
2. Protection of inlet and outfall structures
3. Elimination of erosive flow velocities
4. Providing of underdrain systems, where applicable

The Wayne County Stormwater Program shall provide detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

##### (D) Pretreatment Requirements.

Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in Wayne County Stormwater Program. Certain stormwater treatment

practices, as specified in the Wayne County Stormwater Program, are prohibited even with pretreatment, in the following circumstances:

1. Stormwater is generated from highly contaminated source areas known as “hotspots”
2. Stormwater is carried in a conveyance system that also carries contaminated, non- stormwater discharges
3. Stormwater is being managed in a designated groundwater recharge area.
4. Certain geologic conditions exist (e.g., karst) that prohibit the proper pretreatment of stormwater.

(E) Treatment/Geometry Conditions.

All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Wayne County Stormwater Standards Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.

(F) Landscaping Plans Required.

All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the plan and how and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect or soil conservation professional.

(G) Maintenance Agreements.

All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.

52.060 Requirements for Stormwater Management Plan Approval

(A) Stormwater Management Plan Required for All Developments.

No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a registered design professional, and include the general location and type of practices.

The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices will meet the submittal requirements set forth in the Wayne County Stormwater Program. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the City Engineer after determining that the plan or waiver is consistent with the requirements of this ordinance.

(B) Stormwater Management Concept Plan Requirements.

A stormwater management concept plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

1. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; a written description of the site plan and justification of proposed changes in natural conditions may also be required.
2. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications of the Wayne County Stormwater Program.
3. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography,

wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

4. A written description of the required maintenance burden for any proposed stormwater management facility.

5. The City Engineer may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this Ordinance to the maximum extent practicable.

#### (C) Final Stormwater Management Plan Requirements.

After review of the stormwater management concept plan, and modifications to that plan as deemed necessary by the City Engineer, a final stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the concept plan, shall include all of the information required in the Wayne County Stormwater Program, and the following:

1. Contact Information

The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

2. Topographic Base Map

A 1" = 200' topographic base map of the site which extends a minimum of feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

3. Calculations Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the design storms referenced in the Wayne County Stormwater Program. Documentation of sources for all computation methods and field test results.

4. Soils Information

If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

5. Maintenance and Repair Plan

The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

6. Landscaping plan

The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation professional.

7. Maintenance Easements

The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These

easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

#### 8. Maintenance Agreement

The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by the on-site stormwater management measure in accordance with the specifications of this ordinance.

#### 9. Erosion and Sediment Control Plans for Construction of Stormwater Management Measures

The applicant must prepare a soil erosion and sediment control (SESC) plan for all construction activities related to implementing any on-site stormwater management practices. The plan shall be submitted to the City of Wyandotte Engineering and Building Department along with a SESC Permit application provided by the City of Wyandotte. SESC Permit will be approved and issued by the City of Wyandotte Department of Engineering and Building.

#### 10. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

##### (D) Performance Bond/Security.

The City Engineer may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City Engineer will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the City Engineer.

#### 52.061 Construction Inspection

##### (A) Notice of Construction Commencement.

The applicant must notify the City Engineer in advance before the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the staff of the Engineering and Building Department or certified by a professional engineer or their designee. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan
3. Variations from the approved construction specifications
4. Any violations that exist

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the City Engineer.

##### (B) As Built Plans.

All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the

City of Wyandotte Engineering and Building Department is required before the release of any performance securities can occur.

##### (C) Landscaping and Stabilization Requirements.

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within five (5) days from the substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts: Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation professional, and must be approved prior to receiving a permit.

#### 52.062 Maintenance and Repair of Stormwater Facilities

##### (A) Maintenance Easement.

Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City Engineer, or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the land owner with the Wayne County Register of Deeds.

##### (B) Maintenance Covenants.

Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of Wyandotte and recorded by the land owner with the Wayne County Register of Deeds prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

##### (C) Requirements for Maintenance Covenants.

All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City Engineer, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

##### (D) Inspection of Stormwater Facilities.

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental

or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(E) Right-of-Entry for Inspection.

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City Engineer the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it 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.

(F) Records of Installation and Maintenance Activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records, and pass them on to succeeding property owners. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.

(G) Failure to Maintain Practices.

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Wyandotte, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City Engineer shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. After proper notice, the City of Wyandotte may assess the owner(s) of the facility for the cost of repair work and any penalties, and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

52.063 Enforcement and Penalties

(A) Violations.

Any development activity that is commenced or is conducted contrary to this ordinance, may be restrained by injunction or otherwise abated in a manner provided by law.

(B) Notice of Violation.

When the City Engineer determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property.

The notice of violation shall contain:

- (1) the name and address of the owner or applicant;
- (2) the address when available or a description of the building, structure or land upon which the violation is occurring;
- (3) a statement specifying the nature of the violation;
- (4) a description of the remedial measures necessary to bring the development activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;
- (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

(C) Stop Work Orders.

Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the City Engineer confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

**(D) Civil and Criminal Penalties.**

In addition to, or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this ordinance shall be responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than five hundred (\$500.00). Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

**(E) Restoration of lands.**

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City Engineer may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**(F) Holds on Occupation Permits.**

Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted by the City Engineer.

**Section 2. Severability.**

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 3. Effective Date.**

This Ordinance shall take immediate effect. This Ordinance is deemed necessary for the immediate preservation of the public peace, property, health, safety and for providing for the usual daily operation of the City Engineer's Office. This Ordinance or a summary of this Ordinance shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. A copy of this Ordinance may be inspected or obtained at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan.

Motion unanimously carried.

**2022-36 BILLS & ACCOUNTS**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED that the total bills and accounts of \$1,774,137.67 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

**REPORTS & MINUTES**

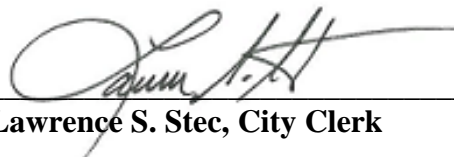
Cultural & Historical Commission	12/9/2021
Fire Commission	12/14/2021
WMS Commission	1/26/2022

**REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS****ADJOURNMENT****2022-37 ADJOURNMENT**

By Councilperson Alderman, supported by Councilperson Crayne

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 7:40 p.m.

Motion unanimously carried.



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Lawrence S. Stec, City Clerk