

MINUTES OF THE ONE THOUSAND NINE HUNDRED EIGHTH**REGULAR MEETING OF NOVEMBER 4, 2020**

On November 4, 2020, the above meeting was called to order via remote Zoom technology by President Kathleen McIntyre at 7:00 p.m. Councilmember Cathy White led the meeting in the Invocation.

Roll was called with the following result: Cathy White (Livonia, Michigan), Brandon McCullough (Livonia, Michigan) , Rob Donovic (Deployed), Laura Toy (Livonia, Michigan), Jim Jolly (Livonia, Michigan), Scott Bahr (Livonia, Michigan), and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Denis Maier, Director of Human Resources; LaShawn Thomas, Director of Legislative Affairs; Sara Kasprowicz, Administrator of Council Office; Casey O'Neil, Director of Information Systems; Dave Varga, Director of Administrative Services; and Mayor Maureen Miller Brosnan.

On a motion by Bahr, supported by Jolly, it was:

#311-20 RESOLVED, that the minutes of the 1,907th Regular Meeting of Council held October 19, 2020 are approved as presented.

A roll call vote was taken on the foregoing resolution with the following result:

AYES: White, McCullough, Donovic, Jolly, Bahr and McIntyre

NAYS: None

PRESENT: Toy

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Councilmember Jolly announced one retiree for the month of October, that being Keith Bessenen, who served 21 years with the DPW.

President McIntyre announced there is New Data on Agenda Item 13 and that Agenda Item 16 is removed from the Agenda.

She then announced one (1) Public Hearing being held on Monday, November 23, 2020 at 7:00 p.m. via Zoom remote technology on the following matter:

To consider the adoption of a resolution approving a Brownfield Plan and Development and Reimbursement Agreement of the City of Livonia Brownfield Redevelopment Authority and interlocal agreement with the Plymouth Road Development Authority (PRDA) for the development of a new industrial building located on the east side of Eckles Road between Amrhein Road and the CSX Railroad (12950 and 13100 Eckles Road) in the northwest ¼ of section 30, as requested by SME on behalf of Ashley Capital and Livonia West Commerce Center 2, pursuant to and in accordance with Act No. 381 of Public Acts of 1996, as amended.

President McIntyre thanked Clerk Susan Nash and her staff for their hard work on the November 3, 2020 General Election. She also thanked the other departments for coming in to help the Clerk's Department during this busy time.

City Clerk Nash reported on the historical turnout of Tuesday's General Election. She thanked everyone for their hard work in helping the election run smoothly.

Councilmember Toy asked for clarification on the opening of the absentee ballots and Nash explained that each state has the right to determine when they can begin the process, and that currently Michigan law allows them to start at the opening of the polls. Toy then asked about using Sharpies at the precinct to vote the ballots and asked Clerk Nash to expound on that.

Nash replied that Sharpies and Flairs are the tool that was provided by the State and recommended by the equipment manufacturer to avoid the jamming of the tabulators.

Councilmember White, as Parliamentarian of Council, reviewed the rules for Audience Communication.

There was no Audience Communication at the beginning of the meeting.

A communication from the Department of Finance, dated October 9, 2020, re: forwarding various financial statements of the City of Livonia for

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the month ending August 31, 2020, was received and placed on file for the information of the Council.

A communication from the Department of Finance, dated October 9, 2020, re: forwarding Quarterly Investment Report for the City of Livonia as of August 31, 2020, was received and placed on file for the information of the Council.

On a motion by Jolly, supported by Toy, it was:

#312-20 RESOLVED, that having considered a communication from the Mayor, dated October 9, 2020, in accordance with the provisions of Section 4.01 of the Interlocal Agreement between the City of Livonia and the City of Grand Rapids that established the Municipal Services Authority (MSA), the Council does hereby appoint Kathleen Lomako to the Authority Board for the Michigan Municipal Services Authority (MSA).

#313-20 RESOLVED, that having considered a communication from the Mayor, dated October 9, 2020, in accordance with the provisions of Section 4.01 of the Interlocal Agreement between the City of Livonia and the City of Grand Rapids that established the Municipal Services Authority (MSA), the Council does hereby appoint Councilmember Brandon McCullough to the Authority Board for the Michigan Municipal Services Authority (MSA).

#314-20 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated October 7, 2020, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 2021 Ford F150 4X4 Super Cab XLT Pick-Up Truck, with plow, safety lighting, secure toolbox, and spray in bed liner, from Signature Ford, 1960 E. Main Street, Owosso, Michigan 48867, in an amount not to exceed \$32,192.00; and the upfitting of said vehicle by Versalift Midwest, 51761 Danview Technology Ct., Shelby Township, MI 48315, in an amount not to exceed \$12,369.00; for a total amount not to exceed \$44,561.00, to replace a vehicle for the primary use of the Roads Section, the same to be expended from funds already budgeted for this purpose in the Capital Projects Fund (Account No. 401-000-985-010); FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan bid price under Contract No. 071B7700180 and Macomb County Contract Number 21-18 for the new vehicle purchase; and through the State of Michigan bid price under Contract No. 071B7700166 for the

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upfitting of said vehicle; and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced vehicle at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicle.

#315-20 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated October 7, 2020, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the emergency installation of city-wide Covid screening and shields within all City-owned facilities, to satisfy the safety concerns with the reopening of city buildings, by Wolverine Commercial Furnishings, 3755 Varsity Drive, Ann Arbor, Michigan 48108, for an amount not to exceed \$25,400.00, the same having been in fact the lowest bid received which meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$25,400.00 from funds in Account No. 101-447-739-000 (Building Maintenance COVID-19) for this purpose.

A letter from the Director of the Livonia Housing Commission, dated October 7, 2020, re: transmitting the LHC Audit Report for the Fiscal Year Ending December 31, 2019, was received and placed on file for the information of the Council.

#316-20 WHEREAS, the U.S. Department of Housing and Urban Development (HUD) awards an annual formula allocation of funds to Wayne County as an Urban County through the HOME Investment Partnership Program (HOME): and

WHEREAS, Wayne County's strategic plan for the expenditure of HUD funds is included in the 2016-2021 Consolidated Plan, which has been approved by HUD: and

WHEREAS, HUD provides for the establishment of a "Consortia" with non-participating jurisdictions to allow for the expenditure of the HOME funds in those communities, thereby increasing the formula allocation of HOME funds to Wayne County: and

WHEREAS, in 2012, Wayne County established a HOME Consortia that includes the non- participating jurisdictions of Livonia, Taylor, Lincoln

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Park, Dearborn, and Dearborn Heights, through an Interlocal Agreement that expires on June 30, 2021; and

WHEREAS, HUD requires that the members of the Consortia notify HUD in writing of their intent to continue the Consortia beyond the termination date; and

WHEREAS; The Interlocal Agreement requires that upon the approval of any renewal by the governing body, that each Consortia member authorize the chief official to execute and documents necessary to implement the renewal; and

WHEREAS; the termination of the Interlocal Agreement, and thereby the Consortia, would eliminate the allocation of Wayne County HOME funds to the City of Livonia;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LIVONIA that this 4th day of November, 2020 the Council supports the renewal of the Interlocal Agreement for the duration of the Wayne County 2016-2021 Consolidated Plan and the Mayor and City Clerk are authorized to execute the Interlocal Agreement in the form attached, subject to approval of the Housing Director and City Attorney. Further, the Council authorizes the Director of Housing to execute the 2021 through 2023 annual funding Contracts with the County of Wayne subject to approval of the Housing Director and City Attorney.

#317-20 RESOLVED, that having considered a communication from the Director of Housing, dated October 7, 2020, which bears the signatures of the Director of Finance, the City Attorney and the Mayor, and to which is attached a proposed Funding Agreement between the Suburban Mobility Authority for Regional Transportation (SMART) and the City of Livonia for Fiscal Year 2019 and 2020, for the Federal Transportation Administration (FTA) 5310: Enhanced Mobility of Seniors and Individuals with Disabilities grant, through SMART for the Livonia Community Transit Program, in the amount of \$42,522.00, with \$24,261.00 required in local matching funds, the Council does for and on behalf of the City of Livonia, authorize the Mayor and City Clerk to execute the said agreement upon approval as to form and substance by the Department of Law.

#318-20 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 8, 2020, submitted pursuant to Council Resolution No. 106-20, adopted on March 23, 2020, which bears the signature of the Director of Finance, is approved by the Director of Public Works and approved for submission by the Mayor,

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requesting an additional expenditure from budgeted funds and to authorize a transfer of funds from Contract 20-A, 2020 Asphalt Repair Program to Contract 20-J, 2020 Concrete Road Repair Maintenance/Selective Slab Program to close out the 2020 Concrete Road Repair Maintenance/Selective Slab Program (Contract 20-J), and other miscellaneous items; the Council does hereby authorize an additional expenditure in an amount not to exceed \$75,020.00 to close out the 2020 Concrete Road Repair Maintenance/Selective Slab Program (Contract 20-J), increasing the final contract amount from \$825,000.00 to \$900,020.00, payable to L. Anthony Construction Inc., 11085 Lisa Lane, Shelby Township, Michigan 48316-3790; FURTHER, the Council does hereby authorize a transfer of budgeted funds in an amount not to exceed \$75,020.00 from Account No. 204-463-818-112 (Rehabilitation) from Contract 20-A, 2020 Asphalt Repair Program to Account No. 204-463-818-119 for Contract 20-J, 2020 Concrete Road Repair Maintenance/Selective Slab Program for this purpose.

#319-20 RESOLVED, that having considered a communication from the City Planning Commission, dated October 7, 2020, approved for submission by the Mayor, which transmits its resolution #10-52-20, adopted on October 6, 2020, with regard to Petition 2020-08-02-08 submitted by GMRI, Inc., to utilize an SDM liquor license (sale of packaged beer and wine) in connection with the operations of an existing full-service restaurant (Olive Garden) located on the east side of Middlebelt Road between Schoolcraft Road and Lyndon Avenue (14000 Middlebelt Road) in the Southwest $\frac{1}{4}$ of Section 24, The Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2020-08-02-08 is hereby approved and granted, subject to the following conditions:

1. That City Council waive the five hundred-foot (500') separation requirement between SDM-licensed establishments; and
2. That the Petitioner shall enter into a Conditional Agreement limiting this waiver use to this user only, with the provision to extend this waiver use approval to a new user only upon approval of the new user by the City Council.

#320-20 RESOLVED, that having considered a communication from the City Planning Commission, dated October 7, 2020, approved for submission by the Mayor, which transmits its resolution #10-52-20, adopted on October 6, 2020, with regard to Petition 2020-08-02-08 submitted by GMRI, Inc., to utilize an SDM liquor license (sale of packaged beer and wine) in connection with the operations of an existing full-service restaurant (Olive Garden) located on the east side of Middlebelt Road between Schoolcraft Road and Lyndon Avenue (14000

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Middlebelt Road) in the Southwest ¼ of Section 24, the Council does hereby waive the 500-foot separation requirement as set forth in Sections 10.03(g)(1) and 19.06(1) of Zoning Ordinance 543.

A roll call vote was taken on the foregoing resolutions with the following result:

AYES: White, McCullough, Donovic, Jolly, Toy, Bahr and McIntyre

NAYS: None

The President declared the resolutions adopted.

President McIntyre, as Chair of the Committee of the Whole, reported out on the meeting of October 12, 2020.

- a. Subject matter of organizational restructuring of the City of the Council Office. (CR 280-20)

On a motion by Bahr, supported by White, and unanimously adopted, it was:

#321-20 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated October 12, 2020, submitted pursuant to Council Resolution No. 280-20, regarding the subject matter of organizational restructuring of the City Council Office, the Council does hereby refer this matter to the Law Department for preparation of an ordinance creating a new Department of Governmental Affairs with a Governmental Affairs Director appointed by and to report to the Mayor.

On a motion by Bahr, supported by White, and unanimously adopted, it was:

#322-20 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated October 12, 2020, submitted pursuant to Council Resolution No. 280-20, regarding the subject matter of organizational restructuring of the City Council Office, the Council does hereby refer this matter to the Law Department for preparation of an ordinance creating the Department of the Office of the City Council to be managed by a Civil Service Council Administrator to be hired by and to report to the City Council.

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On a motion by Bahr, supported by White, and unanimously adopted, it was:

#323-20 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated October 12, 2020, submitted pursuant to Council Resolution No. 280-20, regarding the subject matter of organizational restructuring of the City Council Office, the Council does hereby refer to the Law Department the subject of modifying the current City Council Office ordinance to create (a) a new Department of Governmental Affairs with a Governmental Affairs Director appointed by and to report to the Mayor; and (b) a new Department of the Office of the City Council to be managed by a Civil Service Council Administrator to be hired by and to report to the City Council.

b. Subject of the Legislative Affairs Director (CR 342-11)

On a motion by Bahr, supported by White, and unanimously adopted, it was:

#324-20 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated October 12, 2020, submitted pursuant to Council Resolution No. 342-11, regarding the subject matter of the Legislative Affairs Director, the Council does hereby determine to take no further action with regard to this matter.

Bahr gave first reading to the following Ordinance:

AN ORDINANCE ADDING CHAPTER 09 (DEPARTMENT OF GOVERNMENTAL AFFAIRS) OF TITLE 2 OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

The foregoing Ordinance, when adopted, is filed in the Journal of Ordinances in the Office of the City Clerk and is the same as if word for word repeated herein. The above Ordinance was placed on the table for consideration at an upcoming Regular meeting.

Bahr gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTIONS 010, 020 AND 030 OF CHAPTER 2.10 (DEPARTMENT OF THE OFFICE OF THE CITY COUNCIL) TO TITLE 2 OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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The foregoing Ordinance, when adopted, is filed in the Journal of Ordinances in the Office of the City Clerk and is the same as if word for word repeated herein. The above Ordinance was placed on the table for consideration at an upcoming Regular meeting.

Bahr gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTIONS 020 AND 030 OF CHAPTER 2.10 (DEPARTMENT OF LEGISLATIVE AFFAIRS) TO TITLE 2 OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

The foregoing Ordinance, when adopted, is filed in the Journal of Ordinances in the Office of the City Clerk and is the same as if word for word repeated herein. The above Ordinance was placed on the table for consideration at an upcoming Regular meeting.

A communication from Stuart Michaelson, Adams Park Development LLC, dated October 27, 2020, re: Petition 2020-07-01-04, was received and placed on file for the information of the Council.

On a motion by Jolly, supported by Bahr, and unanimously adopted, it was:

#325-20 RESOLVED, that having considered a communication from the City Planning Commission, dated September 2, 2020, which transmits its resolution 09-42-2020, adopted on September 1, 2020, with regard to Petition 2020-07-01-04, submitted by Adams Park Development, L.L.C., to rezone the properties at 14416 Harrison Avenue and 28201 Lyndon Avenue (former Adams Elementary School site) located on the south side of Lyndon Avenue between Inkster and Middlebelt Roads in the Southeast ¼ of Section 24 from PL (Public Lands) to R-1 (One Family Residential), and the Council having conducted a public hearing with regard to this matter on Wednesday, October 7, 2020, the Council does hereby approve Petition 2020-07-01-04 for preparation of the ordinance for submission to COUNCIL; and the City Planner is hereby instructed to cause the

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necessary map for publication to be prepared indicating the zoning changes herein approved and to furnish the same to the Department of Law and, upon receipt of such map, the Department of Law is requested to prepare an ordinance amending Ordinance 543, as amended, in accordance with this resolution.

Jolly gave first reading to the following Ordinance:

AN ORDINANCE VACATING THE USE OF PORTIONS
OF STREET, ALLEY OR PUBLIC GROUND.

The foregoing Ordinance, when adopted, is filed in the Journal of Ordinances in the Office of the City Clerk and is the same as if word for word repeated herein.

The above Ordinance was placed on the table for consideration at an upcoming Regular meeting.

On a motion by Jolly, supported by Toy, and unanimously adopted, it was:

#326-20 RESOLVED, to move the request for application for block party from Katie Adams dated September 30, 2020, to be held on Saturday, November 21, 2020, to the next scheduled Regular Meeting of Council, in order to get clarification on street closures.

On a motion by Toy, supported by White, and unanimously adopted, it was:

#327-20 RESOLVED, that having considered a communication from the Human Resources Director, dated October 19, 2020, approved for submission by the Mayor, and a communication from Gregory T. Schultz, Attorney, dated October 18, 2020, to which is attached a proposed Letter of Agreement between the City of Livonia and Livonia Command Officers Association, formally known as the Livonia Police Lieutenants and Sergeants Association ("LCOA"), to modify the union membership to include three (3) Police Captains and to amend the union name to Livonia Command Officers Association, the Council does hereby approve and concur in the aforesaid action; and the Mayor and Human Resources Director are hereby requested to affix their signatures to said Letter of Agreement, for and on behalf of the City of Livonia, and to do all other things necessary or incidental to the full performance of this resolution.

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On a motion by Jolly, supported by Donovic, it was:

#328-20 RESOLVED, that having considered a communication from the Human Resources Director, dated October 16, 2020, which bears the signature of the Director of Finance and is approved for submission by the Mayor, and which sets forth Resolution No. 20-101, adopted by the Civil Service Commission on September 30, 2020, wherein it is recommended that the attached proposed Tentative Agreement between the City of Livonia and Livonia Fire Fighters Union be approved for the period December 1, 2018 through November 30, 2021; the Council does hereby determine to approve of and concur in the aforesaid action; and the Mayor and City Clerk are hereby requested to affix their signatures to the aforesaid agreement, for and on behalf of the City of Livonia, and to do all other things necessary or incidental to the full performance of this resolution.

A roll call vote was taken on the foregoing resolution with the following result:

AYES: White, McCullough, Donovic, Jolly, Toy and McIntyre

NAYS: Bahr

The President declared the resolution adopted.

On a motion by Toy, supported by McCullough, and unanimously adopted, it was:

#329-20 RESOLVED, that having considered a communication from the Department of Law, dated October 1, 2020, approved for submission by the Mayor, transmitting for Council acceptance of a Grant of Easement executed by Hamza Sikander, Managing Director of 34020 Plymouth Road, LLC, a Michigan limited liability company, for a public utility easement in connection with the construction of a water main at the subject location in the Southeast 1/4 of Section 28, more particularly described as:

Twenty-Foot Wide Water Main Easement

A twenty (20) foot easement for water main being described as part of the Southeast 1/4, Section 28, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan. Further being described as an easement 10' each side of the following described centerline; Commencing at a point on the south line of said Section 28, said point being N 88°20'34" W, 2062.10' from the southeast corner of said

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Section 28; thence parallel with the westerly property line, N 02°51'36" W, 60.0' to the northern right-of-way of Plymouth Road and the Point of Beginning; thence continuing N 02°51'36" W, 355.0'; thence S 88°20'34" E, 20.0' to the Point of Ending. (Reference PIN: 1129900023004)

The Council does hereby, for and in behalf of the City of Livonia, accept the aforesaid Grant of Easement and the City Clerk is hereby requested to have the same recorded in the Office of the Register of Deeds and to do all other things necessary or incidental to fulfill the purpose of this resolution.

During Audience Communication several residents commented on the Planned Parenthood issues.

On a motion by Toy, supported by Bahr unanimously adopted, this 1,908th Regular Meeting of the Council of the City of Livonia was adjourned at 8:30 p.m. on November 4, 2020.

Susan M. Nash, City Clerk