

MINUTES OF THE ONE THOUSAND NINE HUNDRED THIRTY-FOURTH
REGULAR MEETING OF DECEMBER 1, 2021

On December 1, 2021, the above meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, by President Kathleen McIntyre at 7:00 p.m. Councilmember Brandon McCullough led the meeting in the Pledge of Allegiance.

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

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Lori Miller, Deputy City Clerk; LaShawn Thomas, Director of Governmental Affairs; and Sara Kasprowicz, Manager of Council Office.

On a motion by Vice President Bahr, supported by McCullough, and unanimously adopted, it was:

#346-21 RESOLVED, that the minutes of the 1933rd Regular Meeting of the Council held November 22, 2021, are approved as presented.

Councilmember White requested a moment of silence to honor the victims of the tragedy that occurred earlier in the week at Oxford High School.

Councilmember Jolly wished a Happy Birthday to Lori Miller, Deputy City Clerk.

Councilmember Toy announced the Merry & Bright parade will be held this Sunday, December 5th.

President McIntyre announced there is new data on Agenda Item #11.

President McIntyre also extended Happy Birthday wishes to Lori Miller, Deputy City Clerk and thanked her for spending her birthday tonight with Council.

President McIntyre congratulated the University of Michigan football team on their win against Ohio State. She also congratulated Michigan State on their win against Penn State.

President McIntyre expressed support and concern for the victims of the tragedy that occurred at Oxford High School and indicated there are no words to describe this horrific event. President McIntyre inquired if the Administration could publish a link to the Livonia Public Schools website regarding specific safety measures and steps taken in our district.

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

#347-21 RESOLVED, that upon a motion by Councilmember Toy, seconded by Councilmember Jim Jolly, at the Regular Meeting held December 1, 2021, the Council does hereby refer the subject matter of security issues in City-owned and public school buildings as well as a Liaison between the City and the School Districts to the Education and Law Committee.

During Audience Communication, Kevin Denha, 700 N. Old Woodward Avenue, Suite 300, Birmingham, Michigan, addressed Council to thank City Council, Mark Taormina, Director of Planning and Economic Development and the entire City for their support and cooperation as he works to redevelop the property he owns at the corner of Seven Mile and Middlebelt Roads in Livonia. Mr. Denha expressed typically the Council may only be addressed when there are problems, but he felt compelled to thank them and the City for being proactive and so cooperative and supportive.

A communication from the Office of the City Clerk, dated November 15, 2021, re: salaries of elected officials for calendar years 2022 and 2023, was received and placed on file for the information of the Council.

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

#348-21 RESOLVED, that having considered a communication received from the City Clerk, dated November 15, 2021, which transmits Resolution #06-21 adopted by the Local Officers Compensation Commission at its meeting of November 9, 2021, with respect to a Heroes' Pay Stipend for City Council members who served for the current year of 2021, pursuant to Code of Ordinances Section 2.48.030, the Council does hereby reject the proposed Heroes' Pay Stipend for the City Council and City Council President.

#349-21 RESOLVED, that having considered the report and recommendation from the Superintendent of Parks and Recreation, dated November 23, 2021, which bears the signatures of the Finance Director and the City Attorney, and is approved for submission by the Mayor, requesting approval to enter into a contract with Peerfit, Inc., 1060 Woodcock Road, Suite 128 #96128, Orlando, FL 32803-3607, to provide senior memberships at the Jack E. Kirksey Recreation Center for eligible participants of the City of Livonia senior community, said agreement would give Peerfit participants the "base" Matinee membership with all amenities provided at the current price of \$19.00/month or \$190.00/year for Livonia residents and allows for a reimbursement

of \$26.95/month per resident senior member to the Jack E. Kirksey Recreation Center, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the proposed contract with Peerfit, Inc. in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#350-21 RESOLVED, that having considered a communication from the City Engineer, dated November 2, 2021, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, the Council does hereby, for and on behalf of the City of Livonia, accept an \$87,750.00 grant from the Detroit Edison Company (DTE); FURTHER, the Council does hereby appropriate and authorize an additional expenditure in an amount not to exceed \$288,800.00 from funds in the unexpended fund balance of the Special Assessment Streetlighting Fund (219) for contribution-in-aid of construction to be paid to DTE Electric Company, Community Lighting Group, 8001 Haggerty Road, Belleville, Michigan 48111, and included with the agreement with DTE, with the understanding that the Energy Optimization (EO) Rebate in the amount of \$23,690.00 will be reimbursed to the City upon completion of the work; FURTHER, the Council does hereby authorize the use of these grant funds and City funds to retrofit 1,570 Mercury Vapor and High Pressure Sodium Streetlights to LED along the major roads, which is estimated to produce an energy cost savings of \$215,143.80 annually, with a payback of 1.23 years, and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the agreement with DTE, subject to approval as to form by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#351-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated November 5, 2021, submitted pursuant to Council Resolution 365-16, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and OHM Advisors in connection with the 2022 Asphalt Road Program (Contract 22-A), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, to provide design engineering services in connection with the 2022 Asphalt Road Program (Contract 22-A) in an amount not to exceed \$163,400.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$163,400.00 from funds budgeted in Account No. 204-441-818-102 (Road, Sidewalk and Tree Fund) for this purpose, and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this

authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#352-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated November 5, 2021, submitted pursuant to Council Resolution 365-16, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 for the 2022 Concrete Road Program (Contract 22-C), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315, to provide design engineering services for the 2022 Concrete Road Repair Program (Contract 22-C) in an amount not to exceed \$215,000.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Code of Ordinances Section 3.04.140.D.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$215,000.00 from funds budgeted in Account No. 204-441-818-102 (Roads, Sidewalk and Tree Fund) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#353-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated November 5, 2021, submitted pursuant to Council Resolution 365-16, adopted on September 19, 2016, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 for design engineering services for the 2022 Concrete Road Maintenance/Selective Slab Program (Contract 22-J), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 to provide design engineering services for the 2022 Concrete Road Maintenance/Selective Slab Program (Contract 22-J), in an amount not to exceed \$42,400.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Code of Ordinances Section 3.04.140.D.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$42,400.00 from funds budgeted in Account No. 204-441-818-102 (Roads, Sidewalk and Tree Fund) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#354-21 RESOLVED, that having considered a communication from the City Planning Commission, dated November 12, 2021, approved for submission by the Mayor, which transmits its resolution #11-61-2021, adopted on November 9, 2021, with regard to Petition 2021-10-02-20 submitted by BBS Distilleries, L.L.C., requesting to utilize a Small Distiller license (manufacturer of no more than 60,000 gallons of spirits per year) in connection with the operation of a distillery and tasting room at 27600 Schoolcraft Road, located on the north side of Schoolcraft Road between Inkster Road and Cardwell Avenue in the Southeast ¼ of Section 24, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-10-02-20 is hereby approved and granted, subject to the following conditions:

1. That the use of a Small Distiller license at this location shall be permitted only under the circumstances that the Zoning Ordinance standard set forth in Section 6.09(2)(A) requiring that there be at least one thousand feet (1,000') separation between any other licensed establishments is waived by the City Council;
2. That the aerial site plan submitted on October 12, 2021, is hereby approved and shall be adhered to;
3. That the maximum customer seating count for the tasting room shall not exceed a total of forty (40) seats;
4. That the hours of operation for public entry into the facility, including the tasting room and any other retail operations, shall be limited from noon to 10:00 p.m. Sunday thru Thursday, and from noon to 11:00 p.m. Friday and Saturday;
5. That the facility shall adhere to the International Fire Code (IFC), Michigan Building Code (MBC) and National Fire Protection Administration, Fire Code (NFPA) for all inspections, enforcements and project plan reviews;
6. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
7. That no LED light band or exposed neon shall be permitted on the site including, but not limited to, the building or around the windows;
8. That the specific plan referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and
9. Pursuant to Section 13.13 of Livonia Vision 21 Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

#355-21 RESOLVED, that having considered a communication from the City Planning Commission, dated November 12, 2021, approved for submission by the Mayor, which transmits its resolution #11-61-2021, adopted on November 9, 2021, with regard to Petition 2021-10-02-20 submitted by BBS Distilleries, L.L.C., requesting to utilize a Small Distiller license (manufacturer of no more than 60,000 gallons of spirits per year) in connection with the operation of a distillery and tasting room at 27600 Schoolcraft Road, located on the north side of Schoolcraft Road between Inkster Road and Cardwell Avenue in the Southeast ¼ of Section 24, the Council does hereby waive the 1,000-foot separation requirement as set forth in Section 6.09(2)(a) of the Livonia Vision 21 Zoning Ordinance.

#356-11 RESOLVED, that having considered a communication from the City Planning Commission, dated November 23, 2021, which transmits its resolution #11-64-2021, adopted on November 9, 2021, with regard to Petition 2021-07-08-04, requesting to amend site plan and conditions previously approved by the City Council on September 20, 2021, to redevelop portions of the commercial shopping center (Northridge Commons), including demolishing approximately 22,000 square feet of existing retail space, constructing an addition to the Kroger store measuring approximately 28,500 square feet, as well as other façade and parking lot improvements, at 33523-33751 Eight Mile Road, located on the south side of Eight Mile Road between Farmington and Gill Roads in the Northeast ¼ of Section 4, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2021-07-08-04 is hereby approved and granted, subject to the following conditions:

1. That the Site Lease Plan identified as Sheet SP-1, dated September 30, 2021, as revised, prepared by Rogvov Architects, is hereby approved, and shall be adhered to;
2. That the building materials of the addition shall match the building materials of the existing building; and
3. That all other conditions imposed by Council Resolution #289-21, which granted approval to re-develop portions of the commercial shopping center (Northridge Commons), shall remain in effect to the extent that they are not in conflict with the foregoing conditions.

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

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

NAYS: None.

Councilmember Bahr gave first reading to the following proposed Ordinance:

AN ORDINANCE AMENDING SECTION 080 (CITY CLERK DUTIES) OF CHAPTER 04 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) 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.

Councilmember Bahr gave first reading to the following proposed Ordinance:

AN ORDINANCE AMENDING SECTION 010 OF TITLE 5, CHAPTER 42 (HOTELS, MOTOR COURTS, LODGINGHOUSES, ROOMING-HOUSES, ONE-FAMILY RENTAL DWELLINGS, TWO-FAMILY RENTAL DWELLINGS AND MULTIPLE-FAMILY RENTAL DWELLINGS) 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.

An itemized invoice received from the Department of Public Works on November 30, 2021, as requested by Council at the Study Meeting held November 22, 2021, regarding emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), was received and placed on file for the information of the Council.

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

RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated November 3, 2021, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby appropriate and authorize an expenditure in an amount not to exceed \$85,740.00, payable to RCI Electric, 32733 Folsom Road, Farmington Hills, MI 48336, for materials, equipment and labor necessary to perform the emergency repair and restoration of the underground electrical service to Fire Station #1 (Headquarters); FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140.D.1 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the expenditure of an amount not to exceed \$85,740.00 from funds already budgeted in Account No: 101-523-818-020 (Contractual Services–Building Maintenance) for this purpose.

Following discussion by Council, Toy and Jolly withdrew their motions on the previous resolution.

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

#357-21 RESOLVED, that the Council does hereby remove the item concerning a request to authorize appropriation and expenditure submitted by the Department of Public Works, re: for the emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), from budgeted funds, from the Regular Agenda of December 1, 2021, and the matter shall be discussed at a future Regular meeting.

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

On a motion by Toy, supported by Vice President Bahr, and unanimously adopted, this 1,934th Regular Meeting of the Council of the City of Livonia was adjourned at 7:42 p.m. on December 1, 2021.

M. Nash, City Clerk

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