

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD NOVEMBER 22, 2021**

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:00 p.m. by President Kathleen McIntyre. Present: Scott Bahr, Cathy White, Brandon McCullough, Rob Donovic, Jim Jolly. Laura Toy 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; Susan M. Nash, City Clerk; LaShawn Thomas, Director of Governmental Affairs; Curtis Caid, Chief of Police; Mike Slater, Director of Finance, Don Rohraff, Director of Public Works; Denise Maier, Director of Human Resources; Michelle Koppin, Parks and Recreation; and Sara Kasproicz, Manager of Council Office.

1. REQUEST FOR DESIGNATION AS A NON-PROFIT ORGANIZATION: Chief Curtis Caid, President, Livonia First Responder Foundation, re: as required by the State of Michigan to obtain a Charitable Gaming License to allow a raffle fundraiser in the future.

Curtis Caid, Chief of Police, presented this request to Council. He stated before I get started with this brief presentation, I'd just like to take a moment and thank all of you, especially Councilperson White for your service, as you move on, and congratulate incoming President Jim Jolly and Vice President Laura Toy and congratulations as well to Councilman Donovic and upcoming Councilman Scott Morgan. And to you, Madam President and Vice President, thank you for your leadership over the years and your commitment to the City has been both on a professional/personal note, so thank you very much. This item before you is, as you indicated, a request for your designation, Council's designation, a local, according to the Gaming Board, a local government designation of a 501(c)(3) charitable organization. That recognition will allow us, the Livonia First Responder Foundation, to conduct fundraising efforts whether they're raffles, etc., with that license. Up to this point, we had our first raffle you may remember it started about a year ago, a little bit less, and we had the drawing over at Nehasil Park and that was for a motorcycle that was donated to the Foundation, that was our seed money to get the Foundation up and running. Very briefly, this Foundation was created through a number of very interested and supportive individuals. I sit as the President, the Vice-President is our Fire Chief, Dave Heavener, our secretary and our attorney is Brandon Grysko, Treasurer is Dan West, Steve Seattle from Roush Industries, Chuck Dardas from Alpha USA, Veronica Cruise from Alpha USA, Linda Nehasil and Antoinette Johnson, both surviving spouses of fallen Livonia Police Officers. So, we've got a very dynamic board that is committed to supporting this community through these charitable events and our First Responders and their families. So, once again, this is a request for your designation in this matter, I believe the form should be part of your packet that we will end up submitting to the State of Michigan for future consideration.

Councilmember Donovic congratulated Chief Caid on his upcoming retirement and the event held last week, that everyone was talking so highly of you and it was pretty impressive to see so many esteemed individuals up there talking so good about you, you must have paid them a lot of money. Congratulations, sir, you've done great work for the community and this is just another, another indication of what you have been dedicated to for so long to the First Responders of our community, leading them for a very long time, being a mentor to many of them. So, I am super excited about this organization and I heard rumors about it way back in the day and to see it come to light and already impacting the lives of First Responders and their families in such a short period of time, especially going through Covid and the uncertainties of just what's going on. And it's awesome to see different people come together to make this all possible, so if it's okay I'd love to offer an approving for Consent if there's no objection from my colleagues.

Councilmember Jolly stated I just want to congratulate the Chief again and wish him well and thank you.

Councilmember Toy thanked Chief Caid for all of his many, many, many years of service and it's just outstanding. Your insights and your forward thinking has really placed our department as one of the numbers, if not the number one department, I'm sure, in the State and certainly among the country and it's because of your leadership and all that you've done for us and all of us in our community, thank you for keeping us safe, thank you for all you're done and you're going to be very sorely, sorely missed.

President McIntyre thanked the Chief and welcomed acting Chief Goralski who will follow Chief Caid as Police Chief.

Chief Caid said if anyone is interested in making contributions to the Foundation, they use the credit union at Eight and Farmington, Michigan Schools and Government Credit Union, you can stop in there and indicate to the clerk that you'd like to make a contribution to the Foundation and they have that all set up. We'll be holding another raffle later on this year and there will be more to follow with that and we can always use the support. We had our first disbursement of a young lad that is fighting a very serious, serious illness and we were able to pay him a visit and help out the family a little bit with their plight. So thank you very much, appreciate it, Council.

Councilmember Donovic stated he and Councilmember McCullough are donating 50 bucks each to the Foundation to participate in No Shave November. I know you can't really see it, but it's coming in. Just wanted to do that little plug because I know the Livonia Police Officers are participating in No Shave November and donating money, it's awesome to see so many people coming together for that and I was hoping Chief Caid would have a beard today but I guess not.

DIRECTION:

APPROVING (12/13 meeting)

CONSENT

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2. DETERMINATION OF THE LOCAL OFFICERS COMPENSATION COMMISSION: Office of the City Clerk, re: the salaries of elected officials for the calendar years 2022 and 2023, in accordance with Section 2.48.030 of Chapter 2.48 of the Livonia Code of Ordinances, as amended.

Susan Nash, City Clerk, presented this request to Council. She stated the Local Officers Compensation Commission met on November 9th on the third floor, I know you were present, so was the Mayor, we had a few other members, myself, the Treasurer, Lynda Scheel, and the Observer was there as well as six of the seven members. And as you're aware in your packets they discussed all of the salaries for the elected officials for the City of Livonia. And they also brought up Hero Pay for the elected officials and I believe they have it all done under separate resolutions that can be looked at individually.

Councilmember Jolly offered an approving resolution for the suggested compensation rates for the Mayor, the Clerk and the Treasurer and I'll offer those for Consent if there are no objections.

City Attorney Bernier stated under our ordinance you don't need to do anything for them to take effect. They take effect automatically after thirty days, after the Clerk has filed them. The only thing Council does is the Council rejects something, then you would have to have a resolution rejecting a portion and I just wanted to make that correction.

Councilmember Jolly withdrew his motion.

Councilmember Donovic stated I don't have an issue with increases for elected officials, they're a few hundred dollars, what I do not support is hero pay for individual elected officials. So, is there a something that I could do to offer a denying on just a specific Hero Pay for elected officials?

Bernier replied it was specifically broken down at the Compensation meeting at the suggestion of Council President, that we break down the difference between the pay structure, the percentage raises for all of the elected officials and the Hero Pay. So, there would be separate issues, they're all separate, in other words. So, there's Council, there's Council President, Treasurer, Clerk, and their salary adjustments, and then there are Hero Pays for all five of them. So, if you wanted to reject something, just using as an example and not suggesting it should be done, if Council wanted to reject the Hero Pay for themselves, the resolution would be to reject the Hero Pay as to Council. And then that would be the vote.

Donovic then offered a denying resolution for Hero Pay for City Council members.

Attorney Bernier stated that the Council President is separate from Council in the LOCC suggestions.

Donovic then amended his resolution to include the Council President as well as all members of Council.

Councilmember Toy stated I have no problem with that motion, I do believe, though, that the Clerk and the Treasurer were here, as well as the Mayor, on duty, and I think that was very important, particularly because we had an election going on for some of that time as well, as well as their other duties, the monies and the financing of the City, as well as birth and death certificates and official record keeping that the Clerk does. So, I have no problem with them receiving that pay, and of course, the Mayor in her role and her duties. I guess it would be if we vote this down and there's seven of us and if my math is correct, that leaves some money. It would be interesting to take that money that was set aside for the Council in a Hero Pay and maybe donate it to a family that had maybe a loved one or someone that has had some kind of issue, and I don't know you find that out, so maybe it's a little stretch. But I don't know, I'd almost like to see that we could do something possibly with those dollars if we're not going to take them which I don't think is appropriate, at least from my standpoint. But I also think that rather than leave it in the budget for somebody else to spend somewhere in this City, not that they don't do a good job, but that it would behoove the Council to kind of designate those dollars to something worthwhile. I'm not sure what that would be, just a suggestion.

President McIntyre replied I don't believe we have any authority or vehicle for doing that. We're acting on a recommendation of the LOCC, and it's strictly whether we accept their recommendations or whether we don't. And this is not, and we discussed this I think at length, these are not dollars out of the City General Fund, correct, these are American Rescue dollars. The only way to do that, I believe, Councilmember Toy, and someone please correct me if I'm wrong, would be for the Council to accept each one of us, or for the six members of Council and the President, to accept the Hero Pay and then to turn around and donate the Hero Pay.

Councilmember McCullough stated I just want to be on record, I definitely agree with my colleagues about Council getting the \$500 stipend. I don't think it's warranted, we

were virtual, and I know there was a note in there about how we had elected to volunteer at some of the clinics for vaccinations, that was purely volunteer based and that was something that we did. The Administration had everything set up, we were virtual and even if we had to come in, so I just want to be on record to say that I'm happy that Councilman Donovic did offer a denying on the \$500.

Vice President Bahr said I think it's important for Council to know as we think about this, and I also would concur with Councilman Donovic's comments, I believe the only reason that the Commission felt a need to recommend this is because we had taken the action of offering it to our employees. And I made it very clear at the time what my feeling on that was, I just think that the only reason it was offered to any of the elected officials is because we had done that and we felt it was fair then to do it to the elected officials. And while I appreciate the work of the Commission, I appreciate the sentiment. As an elected official, knowing how many people lost their jobs during this pandemic, knowing how many people would have loved to have been working during this pandemic, to be honest, I am embarrassed by the notion of taking this Hero Pay as an elected official. So I definitely would join Councilman Donovic and saying once again, I appreciate the sentiment but I definitely don't think it's necessary and I'm glad that we've got a denying on the table.

President McIntyre stated I would like to offer a comment. One of the other things that was done and the LLOC and I attended because I think it's important to understand what the LLOC is doing and what they're thinking and they have a difficult job. I don't think it's easy to sit in front of people and talk about what you think they should be paid or not paid. But one of the reasons I had for attending was the Council President has traditionally been in the differential, I don't know how far this goes back, of about 6.5% from the rest of the Council. And after my initial term of being President, it was the first time I'd been on Council and I certainly didn't have a full appreciation for everything that the job entailed, it wasn't during a pandemic. But after the second time, really having a much better feel for the job and understanding what the expectations of the job are, and what the job requires if you do it as I think it's intended that it be done, I did recommend that the pay differential between the Council and the President be 10%. And so that was offered, the Council had a --- I can't remember what the percentage increase was but it was a larger percentage for the President. And so the intention, my intention of going forward as I pointed out to the Commission, I am no longer the President after December 31st and I cannot run again, so in no way is this feathering my own nest. But I thought it was important, certainly knowing that Mr. Jolly is coming into the job and the way he'll do the job and I would expect every future Council President will do the job, I thought it was important that that position be --- that the differential and the work be recognized and codified.

Councilmember Toy stated after being President of this Council on numerous occasions, three to be exact, you're absolutely right, it's long overdue. You have faced a lot of exceptional situations as a President of this Council in the last couple years, and you've done it with the best of your ability and with the City in mind and we appreciate that, and I think I can speak for all of us on that. But it is long overdue. The

President does do a lot of extra work, the office can be a little bit challenging at times, not that the people are, but just the whole process thereof, But I want to thank you as well for all you've done for us these last couple years, I appreciate that and I know what that's like to sit in that chair and do that gavel. It looks real easy but there are times it's not exactly the easiest job in the world, thank you.

President McIntyre thanked Toy and stated it's a team effort and the one other thanks that I want to give is to Sara Kasprowicz who Sara came into the job about a year and a half ago, and Judy was phenomenal, Judy Priebe was longstanding Director of Legislative Affairs and Judy was my lifeline and my Sherpa and everything else during my first term. And when someone who is so much a resource to everyone leaves, I think you always think we're never going to be able to find our way. And the nice thing is when the City does a great job recruiting and hiring people, when you lose one phenomenal person, you turn around and then somehow you have a new phenomenal person and I know that the Council and President Jolly are going to be very, very well served. And just one final note, we talked in the LLOC about, especially for the Council, no one does these jobs for money. And one of the things that I think people are going to have to be cognizant of going forward is as the Observer did an article on this and we've all seen it. Certainly not in our City but some other places, but the hate that elected officials are sometimes subject to, we're seeing it at school boards, we're seeing it everywhere, I think in my opinion it's going to be harder and harder to get people to step up to do these jobs. I mean as I said to the LLOC, if you wanted to pay Council \$100,000 a year, I can guarantee you'd have a primary every year. But you don't do it, that's not the motivation for doing these jobs and I just think it's something to be cognizant of as a City and as a community and really as a citizen as you look at people and you expect them to step up and serve as elected officials. And I wouldn't trade this experience, I don't think any of my colleagues would for anything in the world, but they're changing times, so thank you. Thank you for your indulgence on that subject.

President McIntyre reiterated there was a denial of the recommendation of the LLOC for the Hero Pay for City Council members and the President.

DIRECTION: DENYING (12/1 meeting)

CONSENT

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3. REQUEST TO APPROVE LOYALTY PAY STIPEND & RECOGNITION: Department of Civil Service, re: loyalty pay for temporary, part-time employees and recognition for CERT.

Denise Maier, Director of Human Resources, presented this request to Council. She stated I am back before you at the request of the Administration and the support of the Civil Service Commission, looking for a loyalty pay stipend for part-time temporary employees. In addition, a recognition gift, if you will, for the Community Emergency Response Team, better known as CERT, for the work that they did during the vaccination clinic that was held over at the Senior Center where over 18,000 vaccinations were administered to City residents. The loyalty pay for the temporary part-time employees is a \$500 stipend for any current part-time employee at least 500 hours from April 2020 through March 2021. And this includes employees that are part of our Livonia Transit Bus Drivers and dispatchers who transport our seniors and disabled to doctor's appointments, to the grocery store, and they kept these services going throughout the pandemic. And they were creative on their buses as to how they would keep everybody safe and they really stepped up at a difficult time. It also includes Livonia Police Reserve Officers who serve as security here in City Hall; 16th District Court Probation Work Program supervisors, who coordinate probation and are serving the community, and several other classifications. This was approved at a Special Service Commission meeting on November 4th and we move it to the Council in the hopes that you'll support it as well.

Councilmember Toy offered an approving resolution for the Consent Agenda. Thank you to you and the Administration for considering that, I know there was a lot of concern about it.

DIRECTION:	APPROVING (12/13 meeting)	CONSENT
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4. REQUEST TO ENTER INTO AN AGREEMENT BETWEEN MICHIGAN ECONOMIC DEVELOPMENT CORPORATION AND CITY OF LIVONIA: Department of Parks and Recreation, re: for installation of a senior playground at Ben Celani Park with additional monies contributed by Healthy Livonia.

Michelle Koppin, Parks & Recreation, presented this request to Council. She stated this is a request for an agreement to enter into with MEDC or the Michigan Economic Development Corporation. They would match the \$100,000 that is coming from Healthy Livonia and then our City, an additional \$50,000 would be the rest of the matching funds. This is for what sometimes is referred to as a senior playground but otherwise known as a fitness area. So this would go in the Ben Celani play area on the southeast corner of the Bicentennial Park.

Councilmember Toy asked if this is part of the money that was donated or going to be donated and Koppin replied we are developing that whole Ben Celani area and this senior playground or senior fitness component is one piece of it. We'll be issuing bids for the universal playgrounds within the next couple of weeks.

Toy asked if the bars would be lower and that kind of stuff and Koppin replied this is more of a fitness phase, yes.

Toy then stated I wasn't trying to be insulting but I am a senior so I've got to make sure.

Councilmember Jolly said he'd be happy to take Ms. Toy out there any time she wants.

President McIntyre asked if the City has renamed the part of McNamara Park as Ben Celani Park and Koppin replied this has been named this but I don't know the exact year, but it has been for some time, I believe over 15 years.

Bernier replied it's in the ordinance that way.

Koppin stated just on the southeast corner there is a sign that you can see off of Seven Mile regarding that name.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING (12/13 meeting) CONSENT

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5. AWARD OF CONTRACT: Department of Parks and Recreation; re: to provide senior memberships at the Jack E. Kirksey Recreation Center to eligible participants in our senior community.

Michelle Koppin, Parks & Recreation Department, presented this request to Council. She stated this is a similar program to the Silver Sneakers where you are eligible based on your insurance. The compensation for this program is a little bit different than the Silver Sneakers, if one member comes just one time a month, then we are compensated \$26.95 for that one visit. Silver Sneakers has a combination per visit or max and this is you come one time; we receive that in compensation which is higher than our regular membership so this would be an advantageous membership option for us.

Toy asked if it was cheaper and President McIntyre replied it's a higher reimbursement to us so it's more beneficial and don't have exposure as we can potentially with Silver Sneakers, is that a correct way to put it?

Koppin replied correct. For Silver Sneakers if somebody only comes one time, then we just get money for that one visit on a much smaller rate. If they come a maximum time, then we get a maximum amount so this is one time or more, we get the same rate at a higher rate. And there is a demand, once we started Silver Sneakers we've had many community members ask for this program.

Councilmember Toy offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING (12/1 meeting) CONSENT

6. REQUEST FOR AUTHORIZATION TO PURCHASE FOUR (4) EXMARK LAZER S-SERIES 749 MOWERS THROUGH THE STATE OF MICHIGAN BID PROCESS; Public Service Division, re: to replace comparable units that have exceeded their life expectancy, from budgeted funds.

Doug Moore, Assistant Director of Public Works, presented this request to Council. He stated the first item I have tonight is the four zero-turn mowers, they're 60-inch decks, gas powered, used by the mowing crews in the park. We're purchasing them through Sourcewell, it's one of the bid discounts that's available for us. The servicing dealer is going to be Weingartz down on Plymouth Road. The mowers that are being replaced will be auctioned off or sent to auction. Each mower is \$10,799.00 for a total purchase price of \$43,196.00.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING (12/13 meeting) CONSENT

7. REQUEST TO AUTHORIZE APPROPRIATION AND EXPENDITURE; Department of Public Works, re: for the emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), from budgeted funds.

Doug Moore, Assistant Director of Public Works, presented this request to Council. He stated back on August 25th our City electrician responded to a power problem at LFD Headquarters. He found an area of turf near the building that was smoking and burning. The building was running on about half power. The lines are buried and are the responsibility of the City. DTE was called and responded later in the day. It was found that one of the two service lines to the building had failed. Both lines were original to the construction of the original building. RCI, the City's contractor for electrical services was called, the repair was made as an emergency repair because of the building only able to run on half power. The building ran on half power while RCI gathered the parts for the repair and it was completed shortly after Labor Day. The repair consisted of a new conduit and electrical service lines. The Department is asking Council to approve the emergency repair that RCI made, the cost for that was \$85,740.00; it was paid for out of the Building Maintenance Contracted Services Account and the Departmental budget.

Councilmember Jolly stated I don't recall anything like this coming before us, is this a typical cost that you would expect for such work to be done or is there a factor of the emergency kind of put into this as well. I think just initially, not knowing that, looking at that, I know when houses have buried lines, the cost is not anywhere near \$85,000.00. Can you give us some detail as to why that might be so much more? Obviously it's a commercial type building, probably receiving more energy but \$85,000.00 is a lot, not knowing exactly what we're looking at.

Moore said RCI is our electrical contractor that is under contract so when we have large scale issues, we call them to come in. They did have to directional bore a new line, a new sleeve, and a new service line to go through it. To say, I mean we couldn't go out for bids on this because we had to get it fixed. The station was running on half power and it was not a very good long term solution. So to say that they overcharged us, I don't know, but I do know that when we call RCI and they have these instances, they respond quickly and take care of it for us. We've had issues with the lights here in the complex since about January of 2020 and they've come and done the work and those costs are in line with this.

Jolly said the work is done and I understand it at this point; do you have any idea how long they were out there to complete this job and how many? I mean it lists 371 hours at \$75.00 an hour for almost \$28,000.00 in labor alone, how long were they out there until they were able to restore to full?

Moore replied I don't know, it was running on half power, I don't know how long they were out there to get it back to full power.

Jolly said I'm going to offer an approving at this point for Consent, if you could provide a little bit more information in regard to this and again, to be quite honest with you I don't know what I'm looking at here but \$85,000.00 seems like a lot without those additional details. The hours alone, 271, what's that, ten days of labor.

Moore said yes, and I don't know how any people were on the crew. It's possible they would have had more to do the manual labor kind of stuff with the machine coming in and drilling the line in.

President McIntyre asked for clarification from Jolly as to which Agenda the item should be placed on and Jolly replied the Regular.

Councilmember McCullough asked if the City goes out to bid on the electrical service contract, is that like a three-year?

Moore replied yes, I don't know how long the contract is but it is a multi-year contract.

McCullough asked if it was possible to include that current contract in the packet and the only reason I say that is when you look at the invoice, the materials provided, there's no breakdown, there's no times or dates, receipts. And I think going to my colleague Mr. Jolly, we usually get a breakdown, there's a material mark-up and a percentage and all of these dots should kind of dot themselves and cross the T's on this and it's just very vague. Obviously there's overhead and profits on materials, that's pretty straightforward, but the materials and the labor, it would usually be recommended that you have time and date forms and a much more thorough breakdown on the materials and the \$50,000.00 rather than Quantity 1. I'm not refuting materials right now when you deal with the copper lines on some of these main feeds, it's going to be up there. But at least going forward it might be an opportunity to spiff up the electrical services contract to leverage some better pricing overall.

Councilmember Donovic said I'm not disputing anything, I know you're just doing your job but you're looking at this and you're talking about spending \$85,000.00 on electrical work and I'm not an electrician, I just know that I want to make sure that when we're spending taxpayer dollars we're doing it in a mindful way and you talk about \$27,000.00 in labor and \$50,000.00 in material, those numbers are pretty big, so I, too, to my colleague's point, I just want to make sure that we have the details, how long of a run was this, was it 30-feet of wire, was it 100-foot of wire, just some

more information because it's kind of vague what we have, so, when somebody asks me why we spend \$85,000.00 on an electrician, I'd like to just be able to provide them information. Thank you for your due diligence, I appreciate it and thank you, Mr. Moore.

Councilmember Jolly stated math is not my strong point, so taking the 371 and dividing that by 8, it gives you 46 and change, 8 hour days of work, if it was an emergency I find it difficult that they would have had that many people out there for that many hours and that many days to charge us that kind of money.

Moore replied I don't know how many people they had out there, it's possible they had four or five, especially when they're doing the directional drilling and that kind of thing.

Jolly said it would still be ten days, though, just we need some context.

DIRECTION:

APPROVING (12/1 meeting)

REGULAR

8. REQUEST APPROVAL TO ACCEPT A GRANT FROM THE DETROIT EDISON COMPANY (DTE): Engineering Division, re: 2021 LED Retrofit of Mercury Vapor Streetlights throughout the City, for a total cost of \$376,550, with the City's contribution to be \$288,800 from the Unexpended Fund Balance of the Special Assessment Streetlighting Fund.

Todd Zilincik, City Engineer, presented this request to Council. He said speaking on that electrical theme tonight, we'll continue on something that we all enjoy and that's getting the LED retrofits out there in the City. As you know we've done this in the past several times, it's been a couple years since we've done this but I think this is the last scope of getting the big mercury vapor lights, the 175 watts out there. So, we're looking for your assistance to basically replace 1,570 lights, of which 217 are fed overhead, and just over 1,340 from underground where DTE would come out next year to do that. We're asking again your approval in the amount of \$288,800.00, of which we'll get a rebate from DTE in the amount of \$23,690.00. So, the total cost would be \$265,110.00, so basically about \$168.00 a light to replace these. The payback period will be 1.23 years. It will reduce the emission to the lights. Again, it will help save costs. The big thing I think is the savings in costs, about \$215,000.00 per year that we'll see. So, I just wanted to applaud DTE's involvement for us, again, do the retrofits and hopefully this is probably the biggest one we have left, the rest are kind of miniscule but if we want to attack them again, we can come back to City Council and do those but I don't think the energy savings will be there but there's always the opportunity in the future. If you have any questions, I'll be happy to answer those. But thank you for your help in getting the approval for the LED retrofits as we continue on.

Councilmember McCullough offered an approving resolution for the Consent Agenda. I must say in a return on investment of 1.23 years and our commitment to sustainability, not only that, everything we touched one, but even the maintenance,

these LED lights usually last from ten to potentially fifteen years and then those are on warranty. But this is a great thing. I know our Sustainability Commission will absolutely love to see this. We have the Michigan Municipal Green Community Challenge that we could add this as a topic of discussion for, so awesome work, 1.23, can't beat that.

President McIntyre stated the light in front of my house, there's a little covering plate that has fallen off, and Zilincik replied give me the information, we'll be happy to input that for DTE to come out and fix the shield if it's falling off.

DIRECTION: APPROVING (12/1 meeting) CONSENT

9. REQUEST TO AMEND THE ENGINEERING CONTRACT THROUGH THE QUALIFICATION BASED SELECTION (QBS) PROCESS WITH OHM ADVISORS FOR DESIGN ENGINEERING SERVICES FOR THE 2022 ASPHALT ROAD PROGRAM (CONTRACT 22-A): Engineering Division, re: same (CR 365-16).

Todd Zilincik, City Engineer, presented this request to Council. He stated you just approved the 2022 Road Program; we appreciate your assistance again in improving our infrastructure throughout the City. We use OHM Advisors, they've been with us since day one on the millage, since 2002. We have Rhett Gronevelt, the principal from OHM Advisors in the audience to help represent the company, but as you know, they've been a staple in making sure that we do replace those asphalt roads, we've been involved with the concrete previously. But looking at 3.8 million dollars' worth of improvements in 2022, asking for your assistance for the design portion in the amount of \$163,400.00 based on the QBS contract and that's based on that 3.8 million dollars for construction, and again, we'll take, in the spring of 2022 for the final contract amount, we're looking for your assistance for that approval on design. Again, myself or Rhett's here in the audience to answer any questions if you may have them. This has been a working form that's been great for the last twenty years and look forward to again continuing the last year of the millage and hopefully renew it in 2022.

Councilmember White offered an approving resolution for the Consent Agenda.

President McIntyre commented on the dedication of the firms the City utilizes in their various projects who take the time to attend the Council meetings.

DIRECTION: APPROVING (12/1 meeting) CONSENT

10. REQUEST TO AMEND THE ENGINEERING CONTRACT THROUGH THE QUALIFICATION BASED SELECTION (QBS) PROCESS WITH ANDERSON, ECKSTEIN AND WESTRICK, INC. (AEW) FOR DESIGN ENGINEERING SERVICES FOR THE 2022 CONCRETE ROAD PROGRAM (CONTRACT 22-C); Engineering Division, re: same (CR 365-16).

Todd Zilincik, City Engineer, presented this request to Council. He stated, again, this is the contract portion of it, it involved five million dollars. We have Ross Wilberding here from AEW, unfortunately Scott Lockwood was not able to attend because he is

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. He stated this is a request to renovate the gas station that has been at the southeast corner of Plymouth and Merriman Roads since the 1950s. This is the first major renovation to this structure in over sixty years. They are proposing to convert the existing service bays which are on the east side of the gas station to the convenience mart within the existing building. And then the addition on the south side would be for servicing vehicles. Currently most of the space is used for as a service center, that would be reduced in size but would still be providing service with the

construction of that addition, it's about 1,000 square feet again on the south side where they have room available on the property, in fact, there's additional green space on the south side of the property. Parking is being met on the site. New dumpsters are being added to the southeast corner. The exterior of the building is being completely renovated with brick to match the existing brick and the Planning Commission is recommending approval of the Petition, the only issue is they would like to see a landscape plan submitted within sixty days of Council's action.

Sue, NAS Management, came to the podium. Councilmember Toy asked if she was the owner and she replied no, she's the office manager. Toy asked if they repaired vehicles as well and she replied yes, we do mechanic and oil change and we will continue to do so, we're just trying to make it more pretty and serve the community and make it more convenient for the community and for our senior citizens.

Toy said you do a nice job and we appreciate everything you do for that part of our community as well. She then offered an approving resolution for the Consent Agenda.

Councilmember Donovic asked Taormina if this new plan included an enclosed trash dumpster and Taormina replied yes, the enclosed dumpster is shown in the southeast corner, I'm not sure if this orientation is the best, we might have to move that around a little bit to make it easier for the pick-up service, but yes, that will be an added element to the site plan.

Donovic asked if the dumpster enclosure will be consistent with the new material on the building and Taormina replied that is called out in the approving resolution.

The Petitioner said I would like to add one more thing. Regarding the storage, as presented in the plans, we didn't present them in the plan but it was suggested in the previous meeting that we had here, that if we need to add storage or build a shed, we will submit plans according to that to get that approved, because currently we don't have any storage, that's why we have some tires and some stuff out there. So if that's a recommendation, we are willing to do and go with it if they approve it, as well as the landscaping plans, we will submit them. What we're trying to ask if you can approve it for us within 90 days instead of 60 days because everything we're trying to do is taking a lot of time because everyone tells us it's Covid, it's Covid, everybody is backed up, so that's the only thing I would like to add on.

Councilmember Toy stated if the Petitioner needs an amendment to that resolution, I would be happy to give them 90 days because I know what you're saying, supplies are hard to get, blah, blah, blah, and people are hard to get, so that's great.

Taormina stated what she's referring to is the landscape plans, this has to be submitted to us within 60 days, it doesn't have to be approved and installed within those 60 days, it's just getting the process done and to review it. So, there really isn't that added pressure of having to complete it within that timeframe. And then the storage issue is something that was brought up in addition to the landscaping. The Planning Commission noticed that there were some items being stored outside and

they felt that if it was the desire of the Petitioner to add some type of storage shed on the property that they would consider reviewing that together with the landscape plan. They're not sure whether or not that's needed with their changing business model, it may be something that they don't do, but that's something that would have to come back for review as well.

Councilmember Toy confirmed they have to come back again for the storage part of it as well and Taormina replied yes, there's a storage part and landscaping plans, we would review that together, the Planning Commission would.

Toy said then that would be Phase II then and Taormina replied yes. The Petitioner asked when they submit the landscaping plans, we can submit the storage with it and Taormina replied that's correct.

Councilmember Jolly stated you're investing a lot of money in this property and we're thankful for that, by all accounts it's going to look better, until you say storage shed on a highly visible corner on the main drag in Livonia, we don't, and Mr. Taormina would know better than I would, but we don't typically allow storage sheds at facilities like this, do we?

Taormina replied we're referring to it as a shed, it will more than likely be a small building on the property and it may not even be something that they seek to pursue, the question came up because of some of the items being stored outside so they would rather see those enclosed somehow. We don't know what that would look like, it was merely a suggestion by the Planning Commission that we would take a look at that as a separate element to this callback for the landscape item.

Jolly said when we're looking at a site plan such as this, I'm of the opinion that I would like it addressed all at once. Whether you call it a shed or an ancillary building on the property, that's kind of a deviation from how we normally have done things like that. And to be honest with you, having a secondary building on there is not something that's appealing to me. If you're putting on an addition here, I would personally like to see it considered at the time of the new addition so we can look at it as one package. I mean, honestly having a secondary building on a site that's as small as this for a gas station on Plymouth and Merriman, as far as I'm concerned with my personal opinion, that's a no go, I'll just put it out there. It's such a deviation from how we've done things in the past, I just want to put you on notice there that that's not something that I would be excited for, it's not something that I would be prone to vote in favor for.

The Petitioner stated we will cooperate with what the City requires.

DIRECTION:

APPROVING (12/13 meeting)

CONSENT

13. WAIVER PETITION: Planning Commission, re: 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.

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. He stated this is a request for a distiller, the operation of a distiller's license as the Buckingham Village Shopping Center, this is at the northwest corner of Schoolcraft and Inkster Road. This is somewhat of a unique shopping complex, it's essentially made up of several ownership units and businesses spread out over about 7.5 acres, altogether it's about 78,000 square feet. But on this parcel what this operator is looking at is a single space of about 2,800 square feet, it's a 28-foot wide unit, it lays immediately adjacent to Snooker's Pool and Pub. This is a former Subway sandwich shop and what they'd be operating is a distiller's license, they're a current Livonia operation. They have to move out of their facility which is on Schoolcraft Road within the Industrial District. As part of the move and transition, what they'd like to do is operate a tasting room as part of this, so the space would actually be divided into three different components. The front part of the building would be the tasting room with a maximum of about 40 seats. The middle section would be devoted to the prep and assembly area, bottling, as well as cold storage and restrooms. And then the rear portion would be the manufacturing operations or the distilling. Access and parking are shared between all of the businesses in this area. The Subway previously operated with about 30 seats, this is more customer seats than what they had but parking at the center is adequate or should be adequate. There is the separation requirement of 1,000 feet between on premise liquor license, because the Snooker's is located adjacent to this business, proposed business, that is something that would have to be waived by City Council. There are no churches or schools or other sensitive land uses within the 400-foot radius. There are no other exterior modifications proposed to the building other than signage. The Planning Commission is recommending approval. The one stipulation they've added was the limitation on the hours of operation, Sundays through Thursdays between noon and 10:00 p.m. and then on the weekend, Friday and Saturday evenings, they would have to close by 11:00 p.m.

Councilmember Jolly said I think this is the kind of --- I hate to say it --- niche business that we'd like to see this kind of turning over some of these properties, it's unique, it's something that's going to attract a different type of person to come into that strip mall. I know the Subway well from my high school days, we used to walk over there, so in my mind I'm thinking of it as a smaller location but if you think you can do what's described, I think that's great. I'm a little surprised to hear that you are an existing Livonia business. I wasn't aware that we had a business like this in Livonia; can you tell us what specific products you make/what are the brand names that we might see, where we could get the products; can you give us a little bit of information with regard to that?

Jason Mitchell, Petitioner, 9199 Merriman Road, came to the podium and stated right now we're producing mostly it's like corn whiskey, specialty spirit we call Moonshine,

that seems to be popular right now, so that's what we're doing. We are also developing a few vodka spirits, we've got whiskey aging, we're also working on some gin as well to help round out what we're doing. And we've actually been manufacturing since last January, we've got all approvals and everything. At that time we were in an industrial building to seek City Council approval. But yes, we've grown quite a bit and it's kind of a two-fold thing, we're a little bit growing out of our current facility, it's only 1,000 square feet and we're also getting pushed out for other businesses that are willing to pay a little more in rent than we are. So, that's why we're kind of seeking this, we want to stay in Livonia, been working with a lot of Livonia businesses, we currently developed a couple of different vodkas with like Chap's Feed and Awrey's Bakery. And then we've got a couple other ones that we're trying to get, some more established businesses that are well known to be part of this as well so we can actually come up with a brand we are looking at calling the "Spirits of Livonia". And it might only be a local thing right now; locally there are nine liquor stores in Livonia, we're a little over 200 in the State of Michigan.

Jolly asked what the brand names are again and Mitchell replied Leaky Still and then we have a Monte Vista vodka coming out at the end of January.

Jolly wished the Petitioner the best and offered an approving resolution for the Consent Agenda.

Councilmember Donovic said this is pretty exciting and it's cool to see this space re-used as opposed to sitting vacant. I'm a little concerned, not with you, but that complex, the parking lot is driving me, I've never seen a parking lot with holes, my Dodge Ram almost falls inside of those holes. So, I'm hoping that you can work with the tenants nearby and the landlord, and I know, this property is interesting because they're sort of parceled out, or not parceled out, but multiple owners, I guess, or maybe it is parceled out. But I mean that parking lot is horrible and to see such an amazing development come through there and the repurposing of a Subway that was really convenient because I used to go there a lot when it shut down, so hats off to you. I do have a couple questions, though. Mr. Taormina, you mentioned the hours of operation, are those hours of operation consistent with Snooker's next door or are they limited hours compared to Snookers?

Taormina replied, don't hold me to this, but I believe their hours run later than theirs. Donovic asked was that okay with the Petitioner, were they asked to narrow their hours and Taormina replied yes, we discussed it at the Study and the Regular Meeting and he's perfectly happy with those limited hours of operation.

Donovic then asked to the north, if my orientation is correct, is that like an outdoor patio for the Petitioner? It seems like an outdoor patio of some sort of maybe an enclosed patio and Taormina replied the windows are, it's kind of got like a 4-foot little atrium area, you can probably sit people in there but it's real tight.

Donovic then stated so then you'll actually have people directionally walking along the side of the building to get into that little dining area and Mitchell replied well, they'll be

Donovic said it's kind of confusing because you have a lot in the middle there, I was trying to get an idea and Mitchell replied that's the prep area with all approval from Subway, and then behind that we'll have a bottling area, so that way it's sectioned off from everything. That's really the only place that we have the alcohol open exposed to air, that way we can control fire and have proper ventilation there without doing the whole building.

DIRECTION: APPROVING (12/1 meeting) CONSENT

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. He stated this is a site plan amendment that's in connection with the recently approved expansion of the Kroger grocery store at the Northridge Commons Shopping Center. It involves the relocation of one of the tenants, Scrappy Chic, and just to cut through the chase, actually Scrappy Chic is located in a part of the building that is being demolished so the owners of the complex are trying to accommodate Scrappy Chic by providing a space for them, there is one space available a little bit further to the east, unfortunately this space is a little bit smaller than what they would like to operate with and to make up some of the difference, they're proposing a small expansion off the back of the shopping complex. That addition measures, I believe, 20-feet by roughly 50-feet, it would extend into the drive aisle and in order to accommodate traffic at the rear of the property, some of the parking spaces would be removed. This was discussed at the Planning Commission Meeting; it's been analyzed by the architect in terms of the turning dimensions and radius. The Planning Commission is recommending approval and it would keep Scrappy Chic at Northridge Commons which is the objective here.

Councilmember Toy stated this site is in need of some help, that Kroger store is a nice store but it just needs to be updated and I applaud the Petitioner for bringing this forward and investing in our community, this looks like it's going to be a great place to shop and attract great business over that way and with what is it, a nursing center going over there I think in that one lot, so you'll have a lot of various things going on and hopefully that will fill up some of that empty space as well. So, I'm going to ask for

an approving because I think they've done a terrific job and I applaud them and wish them success.

President McIntyre thanked the Petitioner and stated we're very excited about this project and as a customer, I haven't been there for a while, but Scrappy Chic did a really nice job and so it's great that we could find a way to keep them in that space, so thank you.

DIRECTION: APPROVING (12/1 meeting) CONSENT

15. PROPOSED AMENDMENT TO THE LIVONIA CODE OF ORDINANCES, AS AMENDED: Department of Law, re: to repeal Chapter 10 (Department of the Office of the City Council) of Title 2 (Administration and Personnel) and amend Section 080 (City Clerk Duties) of Chapter 04 (City Council) of Title 2 (Administration and Personnel), to abolish the current administrator position in a stand-alone department and create an identical administrative position under the direction and supervision of the City Clerk.

Paul Bernier, City Attorney, presented this request to Council. He stated this was brought to Council because Council asked the question before and wanted to --- there was some conversation about changing responsibilities of what is currently the position held by Sara Kasproicz, to put it under the direction and leadership of the City Clerk as opposed to the City Council President. We are suggesting this as a way to do it if Council wants to do it that way. Currently it's under its own, Ms. Kasproicz is her own department, it's a one person department that is under the direction and leadership of the City Council President. There was a question about whether or not it could be switched under the City Clerk. We looked at it and took a look at the existing ordinance, which was under Section 2.10, and it just didn't make any sense to keep it as an independent department, but have that department under the City Clerk. So, the suggestion that we had was abolishing Section 2.10 altogether, repealing it altogether, just getting rid of the department as it sits, and then under the duties of the City Clerk, under the section dealing with City Council, we created a position of Council Office Administrator. It is clear that under this position as we drafted it, it would be a Civil Service position that goes through the process of Civil Service hiring as any other Civil Service position would, and at the time when the decision is made on who to hire, that that decision would be made by whoever the Council President is if that position is open at that time. So, the unusual twist in that is although it goes through the Civil Service process, the selection, usually they give you three names, you interview them and you pick one, that wouldn't be picked by the Clerk, it would be picked by the City Council President, that position, but that position will remain a Civil Service position. I think the thought also was that if we accomplish it that way, Ms. Kasproicz from the City Clerk's Office should and when she needs help or if she takes a vacation or takes a day off, there's actually people who could support her and help her under the direction of that. It would also give the person somebody who could review their work and take care of things like that. So, that's the proposal we made based upon the suggestion of Council wanting to put it under the Clerk.

Councilmember Jolly said I agree for the need for this to not be a stand-alone department or a one person shop. When I read the proposed language here, though, the part that I have questions about is where it says, the third sentence of 2.04.080 City Clerk responsibilities, the position of Council Administrator is hereby created in the City Clerk's Office, the Council Administrator is assigned to the City Council Office and shall be subject to the direction and supervision of the City Clerk. I think that also has to say and the City Council President. Because the way it reads, it specifically says the Clerk can just say don't listen to that person, I mean, to be quite honest with you. And it's not about me going into the position, and this is a change that hopefully is codified and works and lasts going forward, it has to be in the ordinance that the person is to take direction from the City Council President, otherwise to be quite honest with you, there doesn't need to be a person there at all, it can be someone borrowed from the Clerk's Office.

Bernier replied I understand and I don't disagree with you, the thought that we had or I had when I drafted this, was the very last sentence which is "and functions as required by the City Council within the Council Office." That put it under the orders of the City Council when performing the duties. That was my thought. I have no issue if Council wants to add that language in there.

Jolly stated I would feel more comfortable with this. And again, it's specifically not because I have concerns in regard to current personnel or the current Clerk or anybody who might hold those positions later on, I just think it needs to be clearly directed that this is, you know, this is a person who is residing under the Clerk's Office administratively but is still taking direction from the City Council Office through the President most likely.

Bernier asked if the wording would be that you'd like to see maybe "shall be subject to the supervision of the City Clerk and under the direction of the Council President" and Jolly replied that would be perfect.

President McIntyre stated that's what I was going to suggest because the intent here was to not have the City Council President as a part-time person responsible for the administrative portion of supervisory work but at the direction of the Council President, so to me that achieves what we were trying to do here.

Councilmember Donovic said I absolutely agree with this language. I'm a little torn on this issue, however, I understand the need for our Council President, I understand there have been some changes over the course of the last year, I'm just trying to iron out the details here, so I think this move does make sense but there are some concerns. So, for the record, if this was to pass, the Clerk would not have or could not reprimand the Council Administrator, that would have to go through the Council President.

Bernier replied no, under the supervision of the Clerk, so it would be as if she were a clerk employee, an employee of the City Clerk's Office, but the direction that the person would take on what to do would come from the Council President. But if there

was a problem and there needed to be discipline or supervision or a congratulations and possible promotion and raise, that would go through the Clerk Office at the request of the Council President. The Council President would for instance say this person is doing a marvelous job, we want to have a raise for that person, we think they're worthy of a raise. And then the Clerk's Office, it would still go through the Clerk's Office through Civil Service. If, for instance, the Council President thought the person was doing a job that was substandard and needed to be disciplined or retrained, the Council President would contact the Clerk who would be responsible for that, for that issue. But it would be kind of a split hybrid situation, which is an unusual situation.

Donovic stated as long as the language is clear because years from now this Council will be gone and this Clerk will be gone and Mr. Bernier, you may still be here, who knows, but I want to make sure that the language is precise. Because I don't want an issue 15 years from now where, for example, you have a Clerk and a Council President that may be at odds and they hold for lack of a better term, the Council Administrator hostage so to speak. So, I just want to make sure that that doesn't happen because speaking to some of my colleagues, we are worried about giving away power, so to speak, so my intention is to make sure that the Council President holds all the authority because they are the Council President, they were elected by the people.

Bernier said one of our thought processes in making this very clear, that is was a Civil Service position, was the fact that even if we had a Clerk that wasn't as nice as the current Clerk, is that person would still have to go through discipline through the Civil Service process anyway, which obviously you can't just randomly discipline people because of it. So, the thought was by putting it exclusively under the Civil Service, you eliminate some of those issues.

Councilmember Jolly said for the record, too, with the change in language that we just discussed, and I think this really is to the Council President, congratulations on this move. This does leave the office in a better position, it realistically does, and I appreciate that. The thing that scares me and the reason why I bring this up, we've heard from the Council President in regard to the extra workload of being Council President, the premise of not having someone to direct/assist in that process, is why I asked the language be clarified, so thank you. I think it's an absolutely great move, I'm looking forward to working with Sara, have her teach me the job and the ways that I need to accomplish it and the lessons learned.

Councilmember Toy stated it's no big secret, I'm not real thrilled on this whole process that we're now talking about, particularly as it relates to hiring somebody else, if I'm hearing this correctly. I think that's a sad thing. We do have Marilyn in the Zoning Board, she was always part of the Council Office, and was supposed to be part of the Council Office as well, but obviously it sounds like there's just too much work for anybody to handle, poor Sara here. And I don't want to get personal or anything, but in all honesty what is so hard about it, that's what I don't get. And if we had a problem in the legislature, it went to the Law Department. For even discipline or any

corrections that needed to go on under that. I have a real problem with the Clerk, an elected Clerk, supervising over the Council Office or a person in the Council Office, I really do. I beg of that on transparency and accountability and we never know what we're going to get as the future rolls on. Somebody had said tonight we're going to have a hard time finding people to run for these offices and with some of the issues we face, and I just think we better be careful what we're doing here. Once you give something up, an elected service, whether it's positions or people or salaries or whatever, you can never get it back. People will think you can, but I really will caution this Council on anything that they're doing in regard to this. I think the Council President is perfectly capable, we're going to pay them a bit more, to call the office, make sure what's going on, Sara has been doing a great job in many respects, and if she has a problem, I think she'll reach out. But to put another body into the Council Office again, that's just silly.

Vice President Bahr said I'm just going to be candid, I'm not even sure how to unpack all of that. There's nobody being hired here. There's no change in numbers. Councilmember Toy, I'm sorry, I'm a little bit flabbergasted at whatever you just said because I can't make sense of it. And let me just say this: I'm as concerned as anybody about the checks and balances that Councilman Toy is talking about. Some history here. The history of the City of Livonia, this office, was appointed by the Mayor's Office. It was a year ago and you said we can never get it back; it was a year ago that we made an ordinance change in order to create this situation. In the twelve months of practicing this out, Sara is doing an excellent job, it has nothing to do with anybody trying to handle Sara, it simply comes to the fact that the supervisory duties of any job are part, as Councilman Jolly alluded to, are part or full-time work. We are not a full-time body and while a year ago we thought it was important and I think this gets to your concern, Councilman Toy, while a year ago while we thought it was important that the Mayor not be appointing that position for a number of reasons. Forget names and all that. Going forward, there were a number of reasons why it didn't make sense for the Mayor to be appointing that position and so we reorganized some things. One of the things we ran into in practice was the fact that we had a part-time position trying to do elements of a full-time job. I think the solution that's been put forth here, comes out of a year of learning, still accomplishes our original objectives from a year ago but is actually a very --- and I thank Councilman Jolly for starting this conversation -- because I think the language change that's coming out of this is a really positive change. And I think we have here actually a very elegant solution in order to meet the objectives that we set out a year ago, and keep the very sense of checks and balances that Councilman Toy is advocating for. This has nothing to do with performance problems, none of that. This has to do with structuring and organization so it works for the long terms, that's it, and I totally support this.

Councilman McCullough stated I'm in agreeance with Councilwoman Toy. I look at this and we might be in a part-time role, but we also have great responsibility to the citizens and overall an elected body. I don't think the answer is to give this position up to an elected body, whether it be the Clerk, or even the Treasurer, or even the Mayor's Office, I think it should stay with the Council and I think it should be the accountability of the Council President to manage this position. And it should stay

within the City Council Office. I have nothing against the City Clerk's Office, but going forward this is a permanent position and obviously elections happen and things go. And I'm not saying that there's anything or that there's any collusion or any of that kind of jazz, I just think that Council is a legislative branch of this City, there's an executive, and we should leave that full-time position under the control of the Council President that's elected by the people, so I will not be in support of this.

Councilmember Jolly stated in response to the concerns that have been raised here, listen, how are we supposed to effectively provide a good workplace for somebody who does not have the ability to have coverage, whether for a lunch hour or vacation time. If there's an increase in workload where assistance is requested, there will be an administrative support structure to request additional work. And you know what, if there's a point in time when this particular person has nothing to do in theory, they can assist in other activities in City Hall when necessary. I think it's an efficient, well-crafted response to be quite honest with you and I guess from my perspective, being used to the very capable Judy filling this role, she was not at the direction of the Council President before. She worked closely with the Council President, but was directly appointed by the Mayor and to be quite honest with you, I don't want to speak for Judy, but when somebody appoints you, your loyalties would naturally lay with that person. So, I mean this is a very delicate response to a problem and I think it sufficiently meets the need and I'm happy to support it. I don't think it's a dereliction of duties, of responsibility, or anything like that, I think it's quite the opposite. I think it's humane and it works well to create a workplace where someone would want this job and they'll be able to reach out for assistance and be treated appropriately like other employees within City Hall. And I guess just to point this out as well, if the person was on vacation for two weeks, the Clerk's Office will be able to and I suspect that they would put somebody in the seat to answer the phone and make sure the Council Office was functioning in the meantime as well. Absent this change, I don't see that that happens. So, thank you, very much, I support it.

Councilmember Donovic asked Bernier if the Council President will still have full power and control over the Council Administrator and have full autonomy to do with the Council Administrator as they please and Bernier replied the direction of the work, absolutely. That's why we were very specific in trying to put in there what the duties of the position actually are so it couldn't be said later that the Clerk said okay, well, the duties are that you're working on the election, for instance, if the duties are in the Council's Office for that position. So, that's the reason we tried to put in specific duties, to answer the question that you're asking right now. That that person, that position would be assigned, it's a position by ordinance that is assigned to the Council's Office, selected by the Council President, but under the supervision of the Clerk.

Councilmember Toy said I always thought, and correct me if I'm wrong, that Marilyn would take and come up to the office if Sara or whoever was in that position was absent. That's the way it was always explained to me regardless if Judy was there or not or if Sara is there or not, it would be Marilyn coming in from our Zoning Board because she falls under the Council Office, unless that's been changed and I'm

unaware of that, and therefore there would be a body when Sara would have other duties or something where she was absent, etc. Maybe that's changed but that's the way I always understood it. Perhaps it hasn't been used, quite frankly, I don't know, but I'm remembering from past times. Maybe I'm being old school here but in all seriousness that's what I recall so that we didn't have to hire anyone else because at one time we had Tony, if you recall, who was part-time. And then when Tony left, we didn't replace her. I was President then and we felt there wasn't a need, there wasn't that much work anymore with the advent of the computer and all the paperwork that didn't need to be done anymore, we made those changes then. So, I'm just recalling some of that history as to how we got to this point, Madam Chair.

President McIntyre stated I'd like to address a number of things that have been said this evening.

Councilmember Toy said you might want to pass the gavel then. McIntyre replied it's a Study Meeting and then passed the gavel.

(President McIntyre passed the gavel at 7:50 p.m. to speak on this issue.)

She stated I appreciate everyone's comments and everyone's concern on this. The overriding – first of all, let's back up. The points have been made for as long as anyone can remember and if somebody remembers longer, then tell me how it works. This was an appointment of the Mayor's Office. And we recognized there was an inherent conflict between having the person that worked for the City Council report to the Mayor. And there were sometimes that last year we saw conflicts and Judy was put in a difficult position and it wasn't fair to Judy to be working for the Council President but expect to have loyalty to the Mayor because it was an appointed position. And we worked extremely hard, and I worked, I got a lot of help from Vice President Bahr on this, and Cathy White as a former City Attorney helped us. And it was a tremendous amount of work for a number of months to figure out how to split those off. We were lucky enough to have LaShawn hired by the Mayor as the Director of Governmental Affairs. We were able to set that Governmental Affairs Department up and we figured out a way to split off the Council Office so you didn't have a person in that position having one boss but expecting to have loyalties to a person who appointed them. When we did that and Marilyn, the Mayor wanted Marilyn's job moved over to the Council Office and that's what we did. We have half of Marilyn's head and Inspection has half of Marilyn's head, I hate to talk about people that way, but in the budget. Marilyn sits in the Council Office full-time and is available to Sara as available. Marilyn has Zoning Board responsibilities; we've had personnel situations this year due to health issues that have revealed how difficult it is to have this office as a stand alone office with no back-up and no full-time department head. The Council President does not, and the Mayor can make a change to this, has not for the last two years functioned as a member of the leadership staff. So, Sara has been working without having access to someone who is part of the leadership staff and they're to provide day to day direction and when there's issues with other departments, to get involved as necessary to sort out how things work out between the Council and other departments. We asked the Law Department to figure out a way

to move this position and we try not to use names, sorry, but to move this position administratively to the Clerk's Office so that you wouldn't have a City Council President who by definition has a part-time job that is extremely busy with substantive legislative Council business issues dealing with the administrative burden of personnel administration. And the Clerk was amenable to taking this on, this is additional work for the Clerk but it gives the person in the position of the manager of the City Council Office support of a full-time, full-fledged department head, someone who is a member of the leadership team, but the position remains fully under the direction of the City Council and the City Council President. And there's no giving away of power, and remember, this is an ordinance change. So, if a future City Council says --- I mean, we did an ordinance change a year and a half ago to get a solution. We got a solution and 80% of it worked. And we said this needs some fine tuning. So, we have another ordinance. Anything that is done by an ordinance, can be undone by an ordinance. So, if a future City Council or the next City Council beginning on January 1st doesn't like this, it's an ordinance change, they can ask Law. Law is happy, I know, to spend another 100 hours to try to figure out how to do this but they can change it. So, there is no seating of power, there is no lack of transparency from my perspective, what's here reflects what we learned and quite frankly that I and Mr. Bahr have been in -- I don't want to say the crosshairs because that sounds dramatic, but what we've worked through trying to fine tune this and that's what this represents.

Councilmember White stated I just want to go on record that I fully support this change. Having worked in the background of the process here, to try to accomplish this change, I mean it makes a lot of sense for the City and when you look at the duties of the Council Office Administrator and you're thinking about this person having to be away from the office for whatever reason, for vacation or illness or whatever, the duties that are listed here gel much more with the duties of the Clerk's Office than they do with a person from the Zoning Board of Appeals. It just makes a lot of sense from an administrative standpoint, personnel standpoint and I agree with the statements that have been made, that this is not giving away any power that lays with the City Council and the Council President, to me it makes a lot of sense.

President McIntyre stated and I neglected to say, no one could have come into this job following someone who had been there for a very, very long time and had ways of doing things that were outstanding but it was a very certain way of doing things, could have come in and performed I don't think as Sara had, took on an employee, we moved the Zoning Board Administrator over, there's been tremendous amounts of challenges in the last year and a half that Sara has risen to. And not only that, Sara is an absolute joy to work with. I know we're not supposed to talk about names. But it's not fair when Sara has a full-time demanding job, covering all sorts of real estate, and she needs to get ahold of her administrative boss, which is the Council President, and again, by definition we have full-time jobs and I do my best, I do my level best to get back to Sara as quickly as I can. But there are times that she is disadvantaged and the Council Office is disadvantaged by not having an administrative manager available on a full-time basis, so that's the intent here. And that's the entire intent of this.

DIRECTION: FIRST READ (12/1 meeting)

REGULAR

(Vice-President Bahr maintained possession of the gavel for the duration of the meeting.)

16. PROPOSED AMENDMENT TO THE LIVONIA CODE OF ORDINANCES, AS AMENDED: Department of Law, re: to amend Chapter 5.42 Section 010 (Definitions) to comport with Livonia Vision 21 Zoning Ordinance.

Paul Bernier, City Attorney, presented this request to Council. He stated this is the never ending short term rental issue that we have. As Council is aware, Council changed the Zoning Ordinance in the Livonia Vision 21 Zoning Ordinance recently. When we took a look at the Zoning Ordinance and compared it to the Code of Ordinances as it pertains to short term rentals, we saw that some of the definitions and some of the issues did not mesh up properly and there may have been consummate conflicts. And Council Vice President Bahr, I think it was, suggest that we take a look at it and amend the Code of Ordinances so that it's consistent with the Zoning Ordinance. As Council is aware, it's much more tedious to change the Zoning Ordinance than it is the Code of Ordinance. So the purpose behind this was to try to have the definitional sections correspond in the Code of Ordinances and the Zoning Ordinance as it pertains to short term rentals without changing the substantive law of what is and isn't allowed in Livonia as of today and I say it that way because we don't know what the State Senate is going to do. But this Council is aware that the House passed a bill which would probably make most of this moot and it's in front of the Senate and nobody knows when and if the Senate is going to do anything. So, we're in that kind of Catch 22, they could come tomorrow night in the middle of the night and do it or they may not do it at all. We simply don't know what the Senate is going to do. But this is designed to try to make our Code of Ordinance correspond to the Livonia Vision 21.

DIRECTION: FIRST READ (12/1 meeting)

REGULAR

17. REQUEST TO AMEND COUNCIL RESOLUTION 224-21 – BOARD OF TRUSTEES OF THE LIVONIA EMPLOYEES RETIREMENT SYSTEM: Kathleen E. McIntyre, President, re: to replace Councilmember Laura Toy with Council President, Kathleen McIntyre, as the Council Representative.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING (12/13 meeting)

CONSENT

AUDIENCE COMMUNICATION None heard.

As there were no further questions or comments, Vice President Bahr adjourned the Study Session at 9:51 p.m. on Monday, November 22, 2021.

For the 1934th Regular Meeting of December 1, 2021

DATED: November 29, 2021

SUSAN M. NASH, City Clerk