

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD OCTOBER 19, 2020**

Meeting was called to order via Zoom remote technology at 8:45 p.m. by President Kathleen McIntyre. Present: Laura Toy, Scott Bahr, Cathy White, Brandon McCullough, Rob Donovic, Jim Jolly, Scott Bahr and Kathleen McIntyre. Absent: Laura Toy.

Councilmember White led the meeting in the Pledge of Allegiance.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Casey O'Neil, Director of Information Systems; Brandie Isaacson, Director of Housing; and Don Rohraff, Director of Public Works

1. BLOCK PARTY: Katie Adams, re: to be held Saturday, November 21, 2020, from 8:30 a.m. to 10:30 a.m. on Dover Street, between Parent and Hees, with no rain date requested.

The Petitioner not being present, Councilmember Jolly offered an approving resolution for the Regular Agenda to allow the Petitioner to appear before Council.

DIRECTION:

APPROVING

REGULAR

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2. REQUEST TO SELECT AND APPROVE TWO REPRESENTATIVES TO MICHIGAN MUNICIPAL SERVICES AUTHORITY (MMSA): Office of the Mayor, re: from the nominations of Kathleen Lomako and Councilmembers Jim Jolly and Brandon McCullough to serve as Livonia's representatives on the Authority's Board.

President McIntyre presented the resume of Kathleen Lomako as the New Data for this item.

Councilmember Jolly offered an approving resolution for Kathleen Lomako and Brandon McCullough for the Consent Agenda but declined acceptance of his nomination.

DIRECTION:

APPROVING

CONSENT

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3. REQUEST FOR AUTHORIZATION TO PURCHASE ONE (1) 2021 FORD F-150 4 X 4 SUPER CAB XLT PICK-UP TRUCK THROUGH THE STATE OF MICHIGAN BID PROCESS: Public Service Division, re: to replace vehicle used by Roads Section, from budgeted funds.

Don Rohraff, Director of Public Works, presented this request to Council. He stated his Department is looking to purchase a pick-up truck from the State Bid Process from budgeted funds. The State Bid does meet the City's purchasing ordinance. The State bid was awarded to Signature Ford and the upfitting was awarded to Versalift Midwest. This truck will not be increasing our fleet, it will be replacing a truck that will be disposed of through the MITN auction process and it is the recommendation of the Department that Council authorize the purchase of the pick-up truck totaling \$32,192.00 from Signature Ford and also authorize the upfitting of the truck from Versalift in the amount of \$12,369.00.

Councilmember White offered an approving resolution for the Consent Agenda.

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4. REQUEST TO AUTHORIZE EXPENDITURE: Public Service Division, re: to enable payment to Wolverine Commercial Furnishings for the emergency installation of City-wide COVID Screening and shields within all City-owned facilities to complete the safety concerns with reopening of City buildings.

Don Rohraff, Director of Public Works, presented this request to Council. He stated this is the final payment for the emergency installation of the screen shields and barriers that were installed throughout all of the City buildings as required by the State of Michigan to reopen. We did solicit bids on MITN in May for this work. We received five bids and we accepted the low bidder Wolverine Commercial Furnishings to perform all of the work that's associated with the installation of all that I mentioned. As you recall earlier we came to you with the glass partitions for the Clerk's Office, Treasurer's Office and the Assessor's Office, but is the recommendation of the Department that Council authorize payment to Wolverine Commercial Furnishings in a total of \$25,400.00 for the screens, shields and barriers that were installed.

Councilmember McCullough offered an approving resolution for the Consent Agenda.

Vice President Bahr asked why the Director of Finance and the Mayor's signature don't appear on the letter in the packet and Rohraff replied that is copy is signed. Bahr then asked what account the funds will be coming from and Rohraff replied Building Maintenance.

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5. AUDIT REPORT: Livonia Housing Commission, re: for the fiscal year ending December 31, 2019, excluding Silver Village, Newburgh Village, the Community Development Block Grant Program, and single-family City-Owned properties.

Brandie Isaacson, Director of Housing, presented this item to Council. She stated she is presenting Livonia Housing Commission's Audit Report for 2019. As you mentioned, this does not include Silver Village, Newburgh Village, or the Community Development Block Grant Program. Those programs are covered under the City's Plante Moran Audit. We had no findings and that's really all that I have to present.

Councilmember Donovic asked how many single-family homes does the City of Livonia own and what are we doing with those exactly.

Isaacson replied that the City of Livonia owns thirteen houses and the Livonia Housing Commission owns fifteen, so a total of twenty-eight houses. And the fifteen that are operated under the Livonia Housing Commission are public housing which means that the occupants only pay 30% of the market rent and the balance is subsidized by HUD. And the thirteen that are operated under the Community Development Program, their rents are just a low flat rent. And to give you an example, the three-bedroom is \$110.00 and we rent those to low income families. Typically some families don't necessarily need a subsidy, they're at what we call more of a moderate income limit, so requiring them to pay 30% of their income might be \$800.00 a month when market rent might be \$1,200.00 so this makes it more affordable to them.

Donovic asked who's responsible for the property taxes for those twenty-eight properties?

Isaacson replied they don't pay property taxes; we participate in the program or we pay service fee in lieu of property taxes. So we actually pay a percentage from the rents that are collected.

Donovic asked how are these homes identified, are we as a City finding blighted homes that are foreclosed, why not just sell them and try to capitalize on those property taxes.

Isaacson replied that the public housing houses, that has been a conversation that we have talked about the last couple years because the physical needs of the properties are very difficult to maintain. I would say on average every time we turn a house around as somebody vacates, it could cost us anywhere between 10 and \$15,000.00 just to make it ready for a new occupant. So we are looking at other options to provide affordable housing to families that takes us out of the landlord business.

Donovic said that's what he was getting at, the City is on the hook for these homes not only from a liability standpoint but now we're talking about being on the hook for the cost of these homes and those costs that incur during having a resident and then after getting a new tenant, so just a few things I was curious about.

DIRECTION:

RECEIVE & FILE

CONSENT

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6. REQUEST TO EXECUTE A NEW THREE YEAR CONTRACT BETWEEN THE CITY OF LIVONIA AND THE COUNTY OF WAYNE FOR HOUSING REHABILITATION PROGRAM FUNDING AND HOMEBUYER ASSISTANCE FUNDING; AND REQUEST TO AUTHORIZE THE DIRECTOR OF HOUSING TO APPROVE THE 2021 THROUGH 2023 HOME CONTRACT FUNDING: Livonia Housing Commission, re: to extend the City's participation in the Wayne County Home Investment Partnership Consortia from July 1, 2021 through June 30, 2024, with an average annual allocation of \$100,000.00 to the City of Livonia. (CR 168-18, CR 08-15, CR 397-12, CR 323-12, CR 196-11, and CR 213-09)

Brandie Isaacson, Director of Housing, presented this request to Council. She stated she is requesting approval to enter into a new three-year contract with the Wayne County Consortium. Back in 2012 the Wayne County Consortium was created to allow communities such as Livonia who are not normally eligible to receive HOME funds because we receive our direct allocation from CDBG to form a group with a county to apply for these additional funds. So the City of Taylor and Lincoln Park, Dearborn, Dearborn Heights, have entered into an agreement for about the past ten years to apply for these additional funds to supplement our home rehabilitation program. And last year we started the home buyer program with these funds. So typically annually we get around \$100,000.

Councilmember Donovic offered an approving resolution for the Consent Agenda.

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APPROVING

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7. REQUEST TO EXECUTE AGREEMENT BETWEEN THE CITY OF LIVONIA AND THE SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION (SMART): Livonia Housing Commission, re: to allow Livonia Community Transit Program to receive the FTA 5310: Enhanced Mobility of Seniors and Individuals with Disabilities grant in the amount of \$48,522.00 and to authorize the City of Livonia to provide matching funds of \$24,261.00, from budgeted funds.

Brandie Isaacson, Director of Housing, presented this request to Council. She stated she is before Council to request approval to receive the grant through the SMART program. This will supplement our expenses, specifically for the Route Match. And Route Match, for those who are not familiar with Route Match, is a software program that we utilize in the transportation department to track and maintain riders on our busses. So typically it's about \$42,000 to \$45,000 annually to maintain the software. We have about eighteen busses on our Livonia Community Transit. We are going to be adding our scan busses and the medical busses to this software so the costs are going to increase a little bit. So, this grant would be going towards operations.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

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8. REQUEST FOR ADDITIONAL EXPENDITURE: Engineering Division; re: to authorize a budget transfer of \$75,020 from Contract 20-A, 2020 Asphalt Repair Program to Contract 20-J, Concrete Road Program – Maintenance, for the additional work necessary in Section 19 and to close out the contract with L. Anthony Construction, Inc. (CR 106-20)

Todd Zilincik, City Engineer, presented this request to Council. He stated as Council is aware, they've been doing work the past couple years south of Five Mile, west of Newburgh Road, in order to repair some of the concrete slabs in that area. Last year we entered into a contract for \$825,000.00 and when he was doing the roadwork this year, he identified some areas in his location where he had set up off of Lyndon to address recently planted trees where some of the slabs have been tilted up, to remove those for snow plowing. In addition at the corners where catch basins have issues, so we can get the water to those corners. That work along with 24 locations where we did some removal of the trees to accommodate those repairs, amount of just over \$75,000.00 and we're asking for your approval to take money that was a surplus from the 20-J contract to pay for these additional items. We originally had \$900,000.00 budgeted for 20-J and came in under the asphalt program and asking for your assistance to reallocate that money for transfer in the amount of \$75,020.00.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

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9. WAIVER PETITION: Planning Commission, re: Petition 2020-08-02-08 submitted by GMRI, Inc., to utilize an SDM liquor license (sale of packaged beer and wine) in connection with the operations of an existing full-service restaurant (Olive Garden) located on the east side of Middlebelt Road between Schoolcraft Road and Lyndon Avenue (14000 Middlebelt Road) in the Southwest ¼ of Section 24.

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. He stated GMRI on behalf of Olive Garden is requesting an SDM license, that is a special designated merchant's license which would allow the restaurant to sell packaged beer and wine products. These products would be sold either as a pick-up, take-out order or by delivery. There are a couple of special requirements that apply. One is that the location of the new SDM license not be within 500 feet of an existing SDM licensed establishment. There are two such licensed establishments within that distance. Aldi, which is located immediately to the south of Olive Garden and then the Wine Palace, which is located across Middlebelt Road, which also carries both an SDD as well as an SDM license. The other requirement is that the establishment not be within 400 feet of a school or church which is not the case here. The Planning Commission reviewed this and is recommending approval of the SDM license. J. Patrick Howe, from J.P. Howe, PLLC is here representing the Olive Garden and he can provide additional information.

J. Patrick Howe on behalf of Olive Garden stated they are requesting a waiver use to add the beer and wine sales. This is simply to complement the changing circumstances we have here with increased take-out and to-go orders. Beer and wine offered for sale with take-out orders, it will not be a separate market or anything. We went over a great deal of detail with the Planning Commission, it's a very low percentage of sales, we have an excellent operating record as it pertains to the adjacent uses, ALDI and Wine Palace, we fit a different niche, serving to-go meals with specialty wines and beers. We'd appreciate your support, we have no

complaints from any neighbors, we have the full support of the Planning Commission and I'm happy to answer any questions you have.

Councilmember Donovic asked if this is the first Olive Garden location that is offering this service or do you have other locations doing this, and if so, how has it been received so far?

Howe replied this is a national program. He's obtained SDM licenses for all of their Michigan locations and Livonia, interestingly, is the only municipality that has a local process that requires local approval. So all of their other stores are operating with beer and wine take-out, it's been very well received and it's a growing demand. All of my clients that obtain on-premise restaurant licenses, they always get a beer and wine license to go, it's the norm and I think it's just going to grow as we have more and more delivery services such as Grub Hub, Shipt, etc., and I think this is a growing trend.

Donovic stated that although he is one for less regulation, he is proud to say that the City of Livonia does do their due diligence with certain matters like this. I would say with today's times and businesses being open minded and innovative to new ideas, I think this is something that does make sense. I do have one more question for Mr. Taormina, with this SDM license, is there going to be a certain limitation on how many licenses the City will allow within the City limits?

Taormina replied that's a great question. SDM licenses allow quota restrictions and it's based on population and so Livonia by quota is allowed a total of 97 licenses, that's based on a ratio of one license for every 1,000 population. The City currently has about 81 or 82 active licenses, but here's the catch: a restaurant like this, a carry over Class C license like the Olive Garden, if they obtain an SDM, it doesn't count against the quota. So we have about 81 active licenses as I indicated, however, of the quota limit there are only about 62 that have been issued. So our quota limit is well below the quota limit, there's about 35 out there that could be issued. When we look at the number of active licenses, there are probably about 20 of them that fall into this category of nonretail, so there are many restaurants here in the City of Livonia that have obtained or acquired a license from the Michigan Liquor Control Commission. They are classified as active by the MLCC; however, they don't have rezoning approval. There's only a small handful of restaurants that have bothered to go through this process to obtain zoning approval. So both the Law Department, the Detective Bureau, and the Police Department as well as myself, we notify, whenever we see these things being issued by the MLCC, we notify the restaurant to advise them that they have to go through waiver approval process. Olive Garden is the only one in recent months that has done that so I hope that answers your question. It's kind of a long answer.

Donovic then asked if the Petitioner has to go through some additional processes within the MLCC?

Taormina replied they've already done that; they've obtained their license as many restaurants have. Now, whether or not they're actually SDM products to go, we don't know. We advise them that they have to go through this process because it is a zoning requirement. But they can obtain that license from the MLCC without local legislative approval.

Howe stated they have approval but this approval like all state approvals we can have the proviso that says this approval is subject to full compliance with any local laws and ordinances. And in so far as we don't have local approval, we are not utilizing that SDM license at this location yet.

Councilmember McCullough asked if the City has durable restaurants that have went this approach that it's currently zoned using this license and Taormina replied the ones that have actually received our approval – you know some of these have had them for decades like the Wintergarden Tavern has carried an SDM license for as long as I have been here. I believe there's only maybe one or two more and how much they actually conduct in sales related to this, I don't know. Apparently Olive Garden and Mr. Howe can verify this, it amounts to less than 2% of their gross sales. So, no, I'm not aware of any restaurant that actively sells beer and wine products to go.

McCullough then asked Howe if his approach to this is more from a take-out, obviously, pairing some of the dishes to say a wine or a beer, is that correct?

Howe replied it's strictly a take-out addition. So you call up or go online and order a salmon meal or something, it can come with a bottle of wine. Or if you enjoy a meal onsite and say I'd like to take one of those home for tomorrow night, you'd have the ability to do that. It's really just take-out offerings and then the ability to sell the beer and wine that they're offering on premises to go. So it's less than 1% of their sales and very, very low volume.

Councilmember White offered an approving resolution for the Consent Agenda, stating we really need to help these restaurants survive and if it's 1% of their sales, especially going into the winter season.

DIRECTION:

APPROVING

CONSENT