

MINUTES OF THE ONE THOUSAND NINE HUNDRED FORTY SECOND**REGULAR MEETING APRIL 4, 2022**

On April 4, 2022, the above meeting was held at the City Hall, 33000 Civic Center Drive, Livonia, Michigan, and was called to order by the President of the Council at 7:00 p.m. Councilmember Bahr led the meeting with an invocation.

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

Elected and appointed officials present: Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Sara Kasprowicz, Manager of Council Office; Mark Taormina, Director of Planning and Economic Development; and Todd Zilincik, City Engineer.

On a motion by Bahr, seconded by McIntyre, and unanimously adopted, it was:

#113-22 RESOLVED, that the Minutes of the 1,941st Regular Meeting of the Council held March 23, 2022 are approved as presented.

During Audience Communication, Brent Sabo, 14587 Blue Skies, addressed Council to express his concern and disappointment regarding the Road Repair Program and the removal of trees in the right-of-way.

James Crowley, 16186 Blue Skies, addressed Council to express his disappointment with the trees removed in the right-of-way throughout the Castle Gardens subdivision and the lack of follow-up by the City to the concerns he has raised.

Councilmember McIntyre announced one retiree for the month of February, Monica Pollard, who worked 39 years at the Livonia District Court, and wished her well in retirement.

President Jolly announced there would be two (2) Public Hearings on Monday, April 11, 2022, in the Auditorium of City Hall, 33000 Civic Center Drive, starting at 7:00 p.m. as follows:

Petition 2003-08-SN-08 submitted by Aver Sign Company requesting to amend Council Resolution #549-03, adopted by the Livonia City Council on

October 22, 2003, to allow the illumination of tubing around the pump island canopy of the BP gas station at 27428 Schoolcraft Road, located on the northwest corner of Schoolcraft and Inkster Roads in the southeast ¼ of Section 24;

and

Appeal of the denial of the Planning Commission regarding Petition 2021-11-08-06 submitted by Jeffery Scott Architects, requesting waiver use approval to remodel the exterior facade and modify the approved landscape plan of the commercial shopping center (Concord Plaza) at 16112 thru 16184 Middlebelt Road, located on the east side of Middlebelt Road between Five Mile Road and Terrence Avenue in the Northwest ¼ of Section 13.

On a motion by McCullough, seconded by Donovic, it was:

#114-22 RESOLVED, that having considered a communication from Ian Edgar, Anastasia & Katie's Coffee Shop, dated March 4, 2022, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to host a car show with a DJ providing music in the parking lot of Anastasia and Katie's Coffee Shop, located at 19215 Merriman, on Saturday, May 14, 2022, from 10:00 a.m. to 2:00 p.m., the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances between the hours of 10:00 a.m. and 2:00 p.m. in connection with this event to be held on Saturday, May 14, 2022.

#115-22 RESOLVED, that having considered a communication from the Human Resources Director, dated March 24, 2022, which bears the signatures of the Director of Finance and the City Attorney and is approved for submission by the Mayor, transmitting a resolution adopted by the Civil Service Commission at its Special Meeting of February 28, 2022, recommending approval of the Police and Fire Revised Retirement Plan Retirement Ordinance, as drafted by the Retirement System's legal counsel, VanOverbeke, Michaud & Timmony, P.C., the Council does hereby refer this item to the Department of Law for preparation of a proposed ordinance amendment in connection with the Police and Fire Revised Retirement Plan.

#116-22 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated March 7, 2022, which bears the signatures of the Director of Finance and the City Attorney and is approved for submission by the Mayor, to which is attached an Intergovernmental Agreement between the County of Wayne and the City of Livonia in connection with utilizing grant funds in the amount of \$158,973.00 to be used for improvements at Botsford Pool and Clements

Circle Pool, with the City's participation estimated to be \$1,027.00, for a total amount estimated at \$160,000.00, the Council does hereby approve the proposed Intergovernmental Agreement between the County of Wayne and the City of Livonia and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the Intergovernmental Agreement in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#117-22 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated March 3, 2022, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the bid of Scooby's Lawn Care LLC, 2018 Helen, Garden City, MI 48135, for completing all work required in connection with the City's 2022-2025 Municipal Park Mowing Program, for a total amount not to exceed \$37,114.00 per year, the same having been in fact the lowest bid received and meets all specifications; FURTHER, in the event the lowest bidder is unable to perform the services, the Council does hereby accept the bid of United Lawnscape, 12240 Merriman, Livonia, MI 48150 as alternate for completing all work required for the City's 2022-2025 Municipal Park Mowing Program at a cost not to exceed \$109,186.00 per year; FURTHER, the Council does hereby authorize the expenditure of the foregoing amounts from funds budgeted in Account No. 101-524-818-015 (Parks Maintenance Fund) for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract, which is approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with the aforesaid bidder(s) and to do all other things necessary or incidental to the full performance of this resolution.

#118-22 RESOLVED, that having considered a communication from the City Engineer, dated March 16, 2022, submitted pursuant to Council Resolution 67-22, adopted on February 28, 2022, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a list of prices for various items needed for the 2022 round of sidewalk repairs, the Council does hereby authorize and accept the unit price bid of Rotondo Construction Corporation, 38807 Ann Arbor Road, Suite 2, Livonia, Michigan 48150, for completing all work required in connection with the 2022 Sidewalk Replacement Program (Contract 22-G) and agreed upon inspector days of 60 based upon the Engineering Division's estimate of units involved and subject to a final payment based upon the actual units completed in accordance with the unit prices accepted herein, for a total amount not to exceed \$706,228.50, which includes a 10% administrative fee (\$63,293.50), the contract amount of \$632,935.00, and the saw cutting portion of the project (\$10,000.00), which

will be handled by and paid to Precision Concrete Inc., 1896 Goldeneye Drive, Holland, MI 49424, said estimated cost and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize payment in an amount not to exceed \$632,935.00 payable to Rotondo Construction Corporation, 38807 Ann Arbor Road, Suite 2, Livonia, Michigan 48150, based upon the bid unit prices and said amount to be adjusted based upon the quantities of work completed; FURTHER, the Council does hereby authorize payment in an amount not to exceed \$10,000.00 payable to Precision Concrete Inc., 1896 Goldeneye Drive, Holland, Michigan 49424 for the saw cutting portion of the contract; FURTHER, the Council does hereby authorize an advance in the amount of \$132,257.84 (single lot assessments portion of the program) from the Road, Sidewalk and Tree Fund with the provision that this fund be reimbursed from that portion of the project which is to be financed by special assessment at such time as funds are subsequently received from the payment of bills as assessments by affected property owners; FURTHER, the Council does hereby authorize an expenditure in the amount of \$6,500.00 from funds budgeted in Account No. 202-451-977-010 (Major Road – Distributed Sidewalk Cost) and \$99,270.66 from funds budgeted in Account No. 203-451-977-010 (Local Road- Distributed Sidewalk Cost) to cover the costs related to the construction or reconstruction of handicap ramps at major and local roads; FURTHER, the Council does hereby authorize an expenditure in the amount of \$18,200.00 from the Unexpended Fund Balance of the Water and Sewer Fund for sidewalk work adjacent to and including water and storm and sanitary sewer structure repairs; FURTHER, the Council does hereby authorize an expenditure in the amount of \$450,000.00 to repair sidewalks heaved by tree roots from funds budgeted in the Road, Sidewalk and Tree Fund (Account No. 204-441-977-010 Contractual Service Sidewalk) for the 2022 Sidewalk Repairs; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

#119-22 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 9, 2022, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby accept the unit price bid of P.K. Contracting, LLC, 1965 Barrett Dr., Troy, Michigan 48084 for completing all work required in connection with the 2022 Lane Line Marking Program (Contract 22-H) for the not to exceed amount of \$93,367.50, based on the Engineering Division's estimate of units involved, and subject to a final payment based

upon the actual units completed in accordance with the unit prices accepted herein, said estimated cost and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$93,367.50 from funds already budgeted in Account No. 202-463-818-118 for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute a contract, approved as to form and substance by the Department of Law, with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

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

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

NAYS: None

Bahr gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 36 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF THE LIVONIA VISION 21 ZONING ORDINANCE KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3.____ THERETO. (Pet. 2020-08-01-06)

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

The following residents spoke in opposition to the proposed rezoning Ordinance for property located at 29707 & 30273 Plymouth Road (Pet. 2020-08-01-06):

Merlin Smith, 30039 Richland;
Stephen Weldon, 29912 Orangelawn;
Ted Switatlowksi, 30116 Richland;
Jeanie Sullivan, 29944 Orangelawn;
Victoria Kowaleski, 29960 Orangelawn;
Tina Sabbadin, 9971 Oporto;
Cheryl McNall, 29961 Orangelawn;
Barbara Brown, 29721 Orangelawn;

Cheryl Lupu, 29864 Orangelawn; and
David Sevanovic, 30080 Richland

McIntyre gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 36 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF THE LIVONIA VISION 21 ZONING ORDINANCE KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3.____ THERETO. (Pet. 2021-12-01-11)

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

McCullough gave first reading to the following Ordinance:

AN ORDINANCE AMENDING THE LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED, IN ACCORDANCE WITH PUBLIC ACT 110 OF 2006 (MICHIGAN ZONING ENABLING ACT), AS AMENDED. (Pet. 2022-01-06-01)

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

On a motion by Vice President Toy, seconded by Donovic, and unanimously adopted, it was:

#120-22 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated November 3, 2021, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby appropriate and authorize an expenditure in an amount not to exceed \$85,740.00, payable to RCI Electric, 32733 Folsom Road, Farmington Hills, MI 48336, for materials, equipment and labor necessary to perform the emergency repair and restoration of the underground electrical service to Fire Station #1 (Headquarters); FURTHER, the Council

does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140.D.1 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed \$85,740.00 from funds already budgeted in Account No: 101-523-818-020 (Contractual Services–Building Maintenance) for this purpose.

On a motion by McCullough, seconded by Donovic, and unanimously adopted, it was:

#121-22 WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving up paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planting, are a source of joy and spiritual renewal; and

WHEREAS, Livonia has been recognized as a Tree City USA by The National Arbor Day Foundation for the last seventeen years and desires to continue its tree-planting practices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and members of the City Council of the City of Livonia hereby proclaim Friday, April 29, 2022 as Arbor Day in the City of Livonia, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, we urge all citizens to plant trees to promote the well-being of this and future generations, and we invite citizens to join in the commemoration of Arbor Day planned by the Tree City Committee at Coolidge Elementary, 30500 Curtis at 2:30 pm on Friday, April 29, 2022.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Gretchen Whitmer, State Senator Dayna Polehanki, State Representative Jewell Jones, and Laurie Pohutsky, the Michigan Municipal League State and Federal Affairs Division, and the Conference of Western Wayne.

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

On a motion by McIntyre, seconded by McCullough, and unanimously adopted, this 1,942nd Regular Meeting of the Council of the City of Livonia was adjourned at 7:53 p.m.

Susan M. Nash, City Clerk